

UNIVERSITY OF THE WITWATERSRAND

**DEPARTMENT OF GEOGRAPHY AND ENVIRONMENTAL
STUDIES**

**CO-OPERATIVE GOVERNANCE – A SOUTH
AFRICAN PERSPECTIVE RELATING TO
STRATEGIC ENVIRONMENTAL PLANNING**

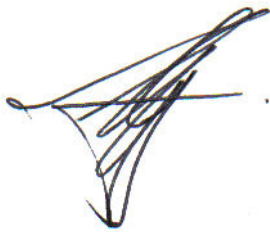
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A Research Report Submitted As Partial Fulfillment Of The Requirements For The
Masters Degree In Environmental Studies

Johannesburg, September 2009

DECLARATION

I declare that this thesis is my own, unaided work, except where otherwise acknowledged. It is being submitted for the Degree of Master of Science in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.



(Signature of candidate)

Date: _____

ABSTRACT

The purpose of this research report is to determine whether co-operative governance is successful in the formulation and implementation of a Strategic Environmental Plan at a local authority level.

An overview concerning co-operative governance and environmental co-operative governance, both locally and internationally, has been given. The findings were related to a case study, namely, *The formulation of an Environmental Management Framework for the Lesedi Local Municipality*. The case study was used as a means of highlighting some of the realities of co-operative governance within the environmental sector.

The study and findings depended largely on interviews with officials from the relevant government departments, who were specifically involved in the case study.

This research report has shown that, although there are several legislative documents that support the concept of co-operative governance, especially co-operative environmental governance, and that they are prescriptive regarding these principles; many issues still influence the success of co-operative governance. Within the context of the case study, it has been proven that greater emphasis needs to be placed on public involvement and decision-making at a local authority level. In turn, this would imply a greater capacity for both funding and human resources at the local authority level, empowering them to fulfil their roles.

DEDICATION

To my loving husband Johan and dear children Guido, Emma and
Cara for their continuous support, love and patience

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LIST OF ABBREVIATIONS

ANC	African National Congress
AD (EP&IA)	Assistant Director (Environmental Planning & Impact Assessment)
CBP	Community Based Planning
DA	Democratic Alliance
DEAT	Department of Environmental Affairs & Tourism
DWAF	Department of Water Affairs & Forestry
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EO	Environmental Officer
GDACE	Gauteng Department of Agriculture, Conservation & Environment
IDP	Integrated Development Plan
LLM	Lesedi Local Municipality
LUMP's	Land use management plans
MEC	Member of the Executive Council
NEMA	National Environmental Management Act
NGO	Non-governmental Organisation
RoD	Record of Decision
SDF	Spatial Development Framework
SoER	State of Environment Report
UNEP	United Nations Environmental Programme

CHAPTER 1: WHY CO-OPERATIVE GOVERNANCE?

1.1 INTRODUCTION

This study seeks to determine the extent of *co-operative governance* within the Environmental sector, across all spheres of government. The success of Strategic Environmental Planning and implementation at local government level is the focus area.

The Constitution of South Africa (1996) refers to co-operative governance and defines the principles thereof in Section 41(1) (Republic of South Africa, 1996). Aspects that form the core of co-operative governance are, among others, coherence, assistance, support, co-ordination and consultation between the various spheres of government. This is the Government's way of redressing the 'old school' method of 'silo' functioning, a system in which no integration or co-ordination between different sectors took place and where planning, implementation and decision-making were restricted to each line function. Environmental planning and management cuts across all sectors and is influenced by all the diverse sectors of government. Successful environmental planning and management is therefore dependent on the cooperation of the relevant sectors (Scholtz, 2004:2 & Hamann, Booth & O'Riordan, 2000:13).

As it is a constitutional requirement (Republic of South Africa, 1996), there is a need to determine whether co-operative governance is successful and such an investigation may prove valuable to all sections of government. After more than ten years of democratic governance and with the implementation of co-operative governance structures, the measurement of its successes and/or failures will yield key learning opportunities within the mentioned government structures. Rossouw and Wiseman (2004:131) state that, 'Up and till the first fully democratic national elections in 1994, the majority of South Africans were excluded from participation in government and confined to separate, racially

based residential areas. The first democratic elections in 1994 marked South Africa's peaceful transition to democracy and ushered in a new era of *accountability in policy systems* [emphasis added]'. However, Rossouw and Wiseman (2004:138) also state, '[that the] Department of Environment and Tourism (DEAT) admitted that environmental management was still highly fragmented across government departments. South Africa's third national democratic elections took place in 2004, and the challenge of the fragmentation of environmental management remains'.

In this research project, the term 'Strategic Environmental Planning' refers to the policies, strategies, systems, standards and management plans formulated from research, into environmental trends with the intention of promoting sustainability. In addition, Strategic Environmental Planning supports the co-ordination of environmental initiatives, guides decision-making and ensures the sustainable management, conservation and protection of natural resources within a specific geographical area.

Cooperative governance in the South African context refers to cooperation between all spheres of government, each being independent, as well as recognising the importance of the public and related role players as decision-makers with the main objective of adhering to the principles of sustainable development (Scholtz, 2004:2 and Hamann, Booth and O'Riordan, 2000:13). The notion of co-operative governance is essential to formulating and successfully implementing a Strategic Environmental Plan that integrates all disciplines (sectors) and spheres of government. Input from all these spheres and sectors is valuable and they all need to agree to the proposals made.

1.2 OBJECTIVE

The objective of this study is to analyze the existing situation in terms of governance (its opportunities and limitations) and relate it to the current legislation; the administration of environmental management and achievement of sustainable development; and, most importantly, the degree of accountability, dictated by the mandate of each governmental sphere. Governance is only one way of achieving sustainable development. Patel (2000:391) states that, 'The ingredients for the successful operationalization of sustainable development include notions of participation, partnerships and negotiation'. In addition, Patel (2000:392 - 394) refers to the challenges the local government sector face regarding sustainability, namely: the constraints on financial and human resources, political will and the challenge of integrated development.

This research report will focus on governance relative to the Department of Environment and Tourism (National level), the Gauteng Department of Agriculture, Conservation and Environment (Provincial level) and the Lesedi Local Municipality (Environmental Development). The aim of this research report is to determine the extent to which co-operative governance is instrumental in the successful formulation and implementation of a Strategic Environmental Plan at a local authority level.

This study will concentrate on Strategic Environmental Planning in an attempt to illustrate the realities of co-operative governance; particular emphasis will be placed on how such planning takes place at local authority level. The formulation of policies and strategies within environmental development departments will be investigated and special attention will be paid to the utilization and implementation of the principles of co-operative governance. Research will be based on an analysis of the identification, promotion and formulation of the 'Environmental Management Framework' (EMF), a strategic framework within Lesedi Local Municipality's area of jurisdiction.

According to the Gauteng Department of Agriculture, Conservation and Environment (GDACE) (2006), 'Environmental Management Frameworks (EMF's) form part of the process of improving co-operative governance with local authorities. EMF's are decision support tools. EMF's involve a structured process where the Department contributes finances and human resources to municipalities and work with the municipality in the development of an EMF. The EMF's are used to inform spatial planning to ensure that important environmental resources are considered in the planning as well as decision-making processes'.

1.3 RESEARCH QUESTIONS

The following questions were formulated to achieve the research objective:

- a) How do all three spheres of government, within the environmental line function, interpret co-operative governance?
- b) With regard to Strategic Environmental Planning at a local authority level, and with special reference to the formulation and implementation of a strategic environmental management plan, what are the opportunities and limitations of co-operative governance?

1.4 LESEDI LOCAL MUNICIPALITY – ENVIRONMENTAL MANAGEMENT FRAMEWORK

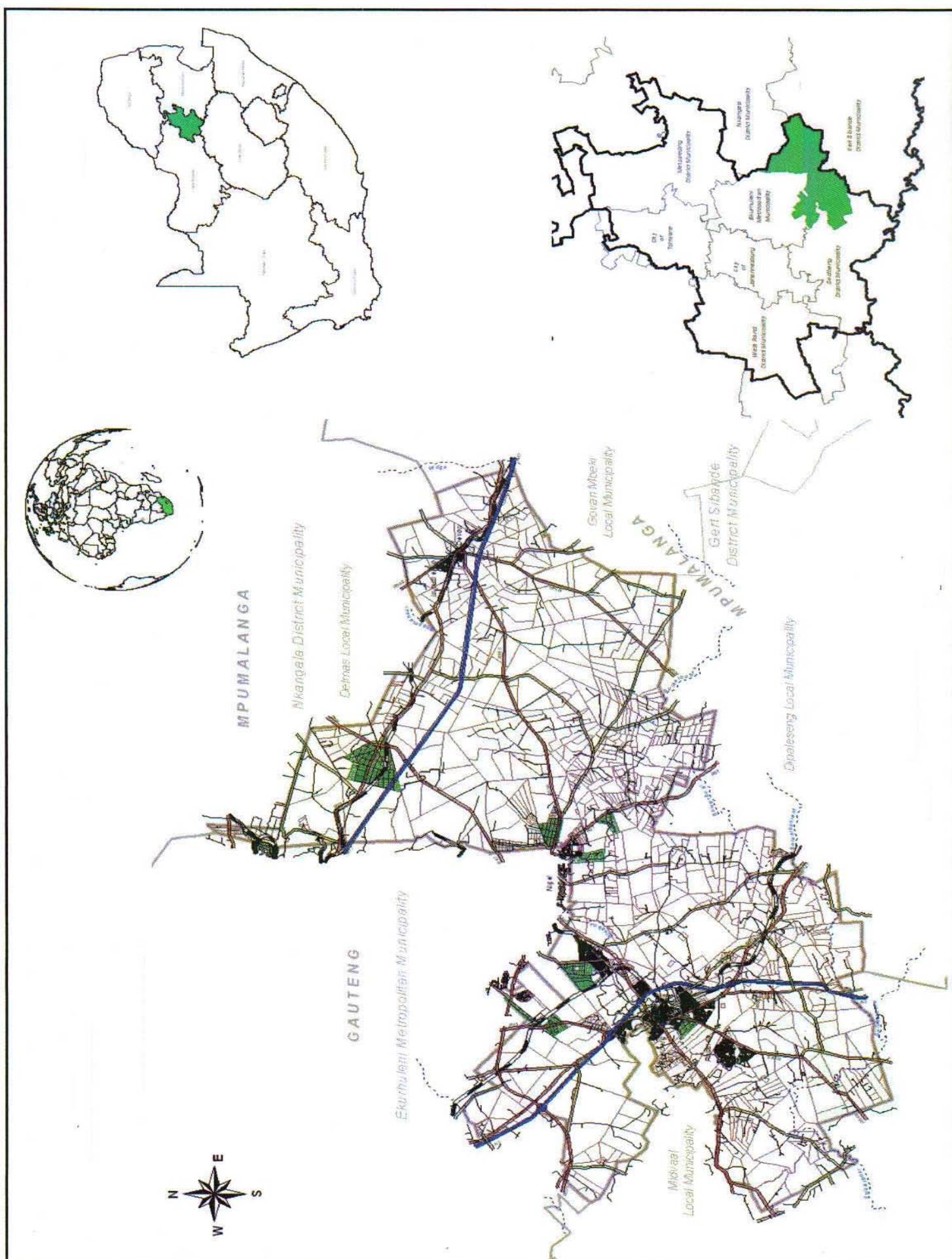
1.4.1 Introduction

The following paragraphs offer a background to the case study and include a short description of the contextual framework, the legislative background and the initiation and formulation of the Environmental Management Framework.

1.4.2 Context

Lesedi Local Municipality is located on the south-eastern edge of Gauteng and, together with the local municipalities of Midvaal and Emfuleni, falls under the jurisdiction of the Sedibeng District Council, as indicated on the locality plan (Figure 1).

FIGURE 1: LOCALITY AND CONTEXTUAL PLAN FOR LESEDI (Lesedi EMF. 2007)



Lesedi, which is largely rural, spans an area of $\pm 1430\text{km}^2$, with two towns: Heidelberg/Ratanda, located in the west, and Devon/Impumelelo, which lies on its eastern edge. The area is described as predominantly agricultural and Heidelberg and Devon are the primary service centres for the surrounding agricultural areas. Development within Lesedi Local Municipality is essential to economic, social and physical growth.

Politically, Lesedi Local Municipality is an African National Congress (ANC) stronghold and consists of fifteen ANC Councillors, four Democratic Alliance (DA) Councillors and one Freedom-Front (FF) Councillor. Lesedi forms part of the Sedibeng District Council together with Midvaal, a DA based Municipality and Emfuleni, an ANC based Municipality.

Lesedi is further characterized by two proclaimed nature reserves; namely, the Suikerbosrand Nature Reserve in Midvaal, which abuts Lesedi Local Municipality, and the Alice Glockner Nature Reserve towards the south-east, which lies within Lesedi's jurisdiction. Significant cultural and historic features form an important part of Heidelberg and most of these are situated in and around Heidelberg's CBD. Heidelberg developed as a typical rural Victorian town and served as the capital of the ZAR during the First Boer War (1880 - 1883). The town grew significantly when gold was discovered in 1885 (Lesedi Local Municipality IDP, 2006).

Today the town remains an attractive place and retains much of its original character. It has a number of significant historical buildings dating from the Victorian era, and several historic sites. The historic character and ambiance of the town is, in fact, one of its main strengths (Lesedi Local Municipality IDP, 2001-2006 & EMF, 2006). It is because of Lesedi's very sensitive nature, environmentally and historically, that the need for an Environmental Management Framework was identified and promoted.

The growing needs of the increasing population have resulted in a growing demand for development. However, due to the rapid growth and expansion taking place, development has put a great deal of strain on the environment. The judicious use of land is an important foundation of environmental management. A balance must be maintained between environmental conservation and essential development. Lesedi recognized the fact that, although development should be economically and socially acceptable, it was imperative that the development challenges facing them were addressed in an environmentally sustainable manner (Lesedi Local Municipality EMF, 2006).

South African legislation requires that development be guided from an environmental point of view if it is to take place in a sustainable and responsible manner. This suggests that strategic planning processes need to be implemented at a local authority level.

The National Environmental Management Act (NEMA) (Act 107 of 1998) makes provision for the formulation of Environmental Management Frameworks as strategic environmental management tools. In Chapter 1, Section 2 of NEMA, the following principles, which are of relevance to the Environmental Management Framework process, are stated:

‘(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably’.

Therefore, all authorities, including local Municipalities, are obliged to make decisions and to carry out all present and future development planning in an environmentally sound and responsible manner. To achieve these objectives, an environmental guideline document that can guide all decision makers and developers to make environmentally sound decisions is required. The purpose of

the Environmental Management Framework is to meet these requirements by serving as a decision-making tool and a development guideline for use by all spheres and sub-sectors of government.

The objectives of environmental management, of which the Environmental Management Framework is a decision-making and management tool, are listed under Section 23 of NEMA (Act 107 of 1998) as follows:

23. (1) The purpose of this Chapter is to promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities.

(2) The general objective of integrated environmental management is to—

(a) promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment;

(d) ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment;

(f) identify and employ the modes of environmental management best suited to ensuring that a particular activity is pursued in accordance with the principles of environmental management set out in section 2.

Since Lesedi Local Municipality forms part of the greater District Council of Sedibeng, the following extracts have been highlighted from the Sedibeng 'State of Environment Report', 2004. This document clearly argues the need for environmental management.

Management of the environment is critical to ensuring the conservation and preservation of natural resources. Management of the environment can take many different forms and can include multi-lateral environmental agreements, government capacity to fulfil their responsibilities, budgetary allocations to environmental management and environmental assessments.

Environmental management is what is done to oversee or govern the environment. Our environment includes the biophysical environment, and our economy, society and political system. Our Constitution gives the people of South Africa the right to live in an environment that is not harmful to their health or well-being. Governance is the way in which one manages the environment. Governance requires many sectors of society to participate, including government departments, the private sector, non-governmental organisations and community-based organisations. Good environmental management and governance are key factors in ensuring sustainable development. (Sedibeng State of Environment Report, 2004)

The State of Environment Report (2004) *inter alia* refers to the following points regarding sustainable development and environmental management:

Sustainable development requires the consideration of all relevant factors, including the following:

- That a risk-averse and cautious approach is applied.
- Environmental management be integrated.
- Continuous improvement of all aspects of environmental management.
- Community involvement.

In terms of the Inter Governmental Relations Framework Act (Act 13 of 2005), the purpose of this Act is, 'To establish a framework for the national government,

provincial governments and local governments to promote and facilitate intergovernmental relations; To provide for mechanisms and procedures to facilitate the settlement of intergovernmental disciplines; and to provide for matters connected therewith’.

Once again, because Lesedi Local Municipality forms part of the Sedibeng District Council, it must be noted that the Act makes provision under Section 24 for the formulation of district intergovernmental forums: ‘There is a district intergovernmental forum to promote and facilitate intergovernmental relations between the district municipality and the local municipalities in the district’. The role of the district forum is stipulated under Section 26 of the Act.

In the State of the District Address on 30 May 2007, the Mayor of the Sedibeng District Municipality, Clr. Hlongwane, made the following statement: ‘On 31 May 2006 we talked at length on political cohesion. Today we can report back that the District and all local municipalities have adopted an Intergovernmental Framework protocol, we have a fully functional Intergovernmental Relations Unit and Intergovernmental Structures of Municipal Managers, Mayoral Committees and senior officials are meeting regularly and fruitfully’ (www.sedibeng.gov.za).

1.5 THESIS OUTLINE

The following is an outline of the structure of this research document. This research report consists of five chapters. Chapter 1 contains the introduction, which outlines the background of the research report, states its objectives and provides a contextual backdrop.

Chapter 2 follows with the research methodology and an explanation of the choice of case study.

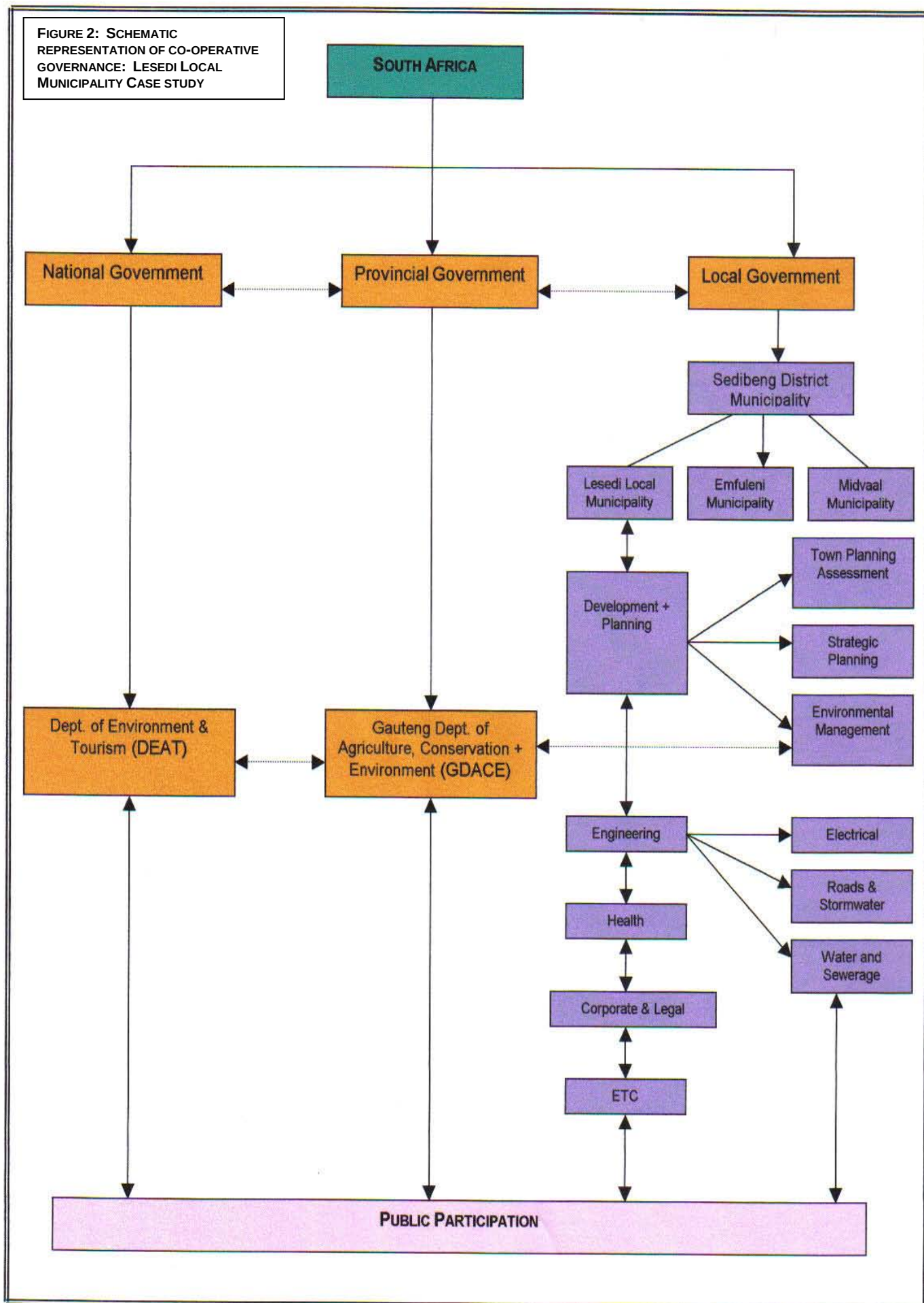
In Chapter 3, a theoretical framework is compiled using the literature review. The framework examines the discussions relating to co-operative governance and co-operative environmental governance, from both the South African and the international perspectives, and specific key issues are highlighted.

Chapter 4 contains the case study, which focuses on co-operative governance and strategic environmental management at Lesedi Local Municipality. The results and findings, based on the case study, are documented and discussed. The key themes and issues, based on the findings of the literature review, are highlighted. The research report is concluded in Chapter 5 by the key findings, gaps in the research and areas for future research.

1.6 SUMMARY

Evidence (Scholtz, 2004:2, Hamann, Booth and O’Riordan, 2000:13 and Du Plessis, 2005:19) suggests that conflicting opinions exist within the Environmental departments within the three spheres of government, cross-sectorally between departments and between the public and government regarding their roles and functions. This has an effect on planning and decision-making and inevitably results in inconsistency in management. Not only are there conflicting opinions about environmental planning and decision-making throughout the spheres, but there are also different facets to co-operative governance. Co-operative governance has four aspects namely, inter-governmentally between different countries, intra-governmentally within different spheres of government, between the different sectors (line functions) and between the government and the public. Figure 2 illustrates these four levels of co-operative governance:

FIGURE 2: SCHEMATIC REPRESENTATION OF CO-OPERATIVE GOVERNANCE: LESEDI LOCAL MUNICIPALITY CASE STUDY



A growing challenge Government faces is to control and manage development within set boundaries and to implement environmental management, within this context, as per the mandate stipulated in the constitution. Rossouw and Wiseman (2004:132), however, state that the institutional framework for environmental policy in South Africa is not clearly defined and that a wide range of Government departments at national and other levels have overlapping mandates and interests. The challenges Government has to deal with not only include those within the same disciplines, but also include cross-sectoral issues as well as community involvement. However, many opportunities and constraints exist within a single line function and, for this research exercise, the focus will concentrate only on one sector (line function); namely, Environmental Management and Planning across all spheres of government. The vertical line function is also of importance since it deals with one sector (Environmental Management and Planning) within all spheres of government.

The inclusion of public involvement as a form of co-operative governance in the formulation of these plans, policies, strategies, and decisions regarding environmental related applications, was investigated. At a local government level, local policies and strategies and their implementation and management directly affects the local residents. Through ward committees and resident's associations, public involvement at this level is often very successful. Public knowledge of the area and its history can be valuable and information, which is not always documented since no formal documents exist on personal observations and experiences, is made available in this way. Atkinson (2002:3) also highlights the role of local government in public participation, given that it is the level of government, which is 'closest to the people'. Atkinson (2002:3) refers specifically to the role of ward Councillors, and the ward system in general, as a means of managing the needs and interests of the people and representing them within government.

The intention of this research is to create awareness of the changes that have taken place throughout government with regard to governance, and to show that good governance should be based on the principles of transparency, accountability, civic engagement and equity and assist in creating a sustainable environment. The environmental sector is used as a means of illustration and to substantiate the statements and findings made in the research process.

CHAPTER 2 - RESEARCH METHODOLOGY

2.1 INTRODUCTION

The purpose of this research report is to highlight the advantages and/or limitations contributing to the success or failure of co-operative governance in the environmental sector.

This chapter outlines the research methodology and explains the motivation behind the methods used to carry out the research. The research includes a theoretical, legislative and policy analysis, as well as evaluation interviews with the appropriate government officials. The findings were then related to a specific case study.

2.2 METHODOLOGY APPROACH

Principally, this research study evaluated the role and function of co-operative governance within the environmental management departments at all levels of government. The findings were then related to Strategic Environmental Planning at the Lesedi Local Municipality. Included in the research and analysis were the project initiation process, the level of government involvement, the level of public involvement and the influence they had on policy formulation and development, guidance and approvals. The research also incorporates the successes and failures, as well as the related development pressures and concerns, of co-operative governance within the urban environment.

Officials within the different spheres of government (environmental departments) were consulted for their views, understanding and interpretation of co-operative governance, a conclusion was drawn and the implication for successful implementation was then determined.

2.2.1 Theoretical, Legislative and Policy Analysis

The research relied, to a large degree, on 'secondary data' as described by Flowerdew and Martin (1997:58,59). The secondary data included a review of the existing information on co-operative governance and strategic environmental management and planning. A theoretical study and evaluation, with reference to the South African context, was performed using the concept of co-operative governance; and, focussing on environmental planning, an analysis of legislative and policy frameworks was carried out. These included policies and guidelines used by the different spheres of government in their future planning, decision-making and advisory capacities. Examples of such documents are The National Environmental Management Act (Act 107 of 1998) (NEMA), Environmental Conservation Act (Act 73 of 1989), Integrated Development Plans (IDP's), Spatial Development Frameworks (SDF's), Environmental Management Frameworks (EMF's), Land Use Management Plans (LUMP's), State of Environment Report (SoER), to name a few. The National Environmental Management Act, on the national and provincial levels, and the Integrated Development Plans, Spatial Development Frameworks and Environmental Management Frameworks, on the local level, were investigated. The intention was to highlight the objectives of these plans, with specific reference to co-operative governance and environmental planning, and to determine, through the case study, whether these objectives were met.

Concentrating on the environmental departments, government structures were reviewed. These included legislation, policies and strategies--and the extent to which they relate to one another--as well as the resources (human and financial) available within these departments. In order to relate the research to the Lesedi situation, officials within the Department of Development Planning and Environment who were dealing with strategic planning within Lesedi Municipality (such as the IDP's) were consulted. When assessing secondary data, it is

important to determine the authenticity, credibility, meaning and representation of the data (Kitchin & Tate, 2000:227). In this case, this was achieved by obtaining the approved documents directly from the relevant departments, more specifically, from the officials who work with these documents on a daily basis.

Using the South African Constitution and other relevant legislation as a reference, government structures and their functions, in relation to environmental planning, were analysed to determine whether there is a correlation between the different spheres of government and the relevant legislation. This was accomplished using desktop research into South Africa's legislative standing on co-operative governance as it relates to environmental management.

2.2.2 Interviews

To gain a realistic perspective on success or failure within the research context, primary data was required. This data was obtained through open-ended interviews. Flowerdew and Martin (1997:99) refer to these interviews as 'unstructured interviews'. Officials in National, Provincial and Local Government, as well as Environmental Practitioners and professionals in disciplines affected by the governance of the Environmental Departments, were approached and interviewed. A list of the interviewees, 'Annexure A', is attached.

Kitchin and Tate (2000:215) state that this unstructured format allows respondents to discuss issues from their own 'frame of reference' and, in so doing, challenge the preconceptions of the researcher. The interviews make provision for the realistic experiences of these officials and practitioners. Flowerdew and Martin (1997:111) argue that, 'The advantage of this approach is that it is sensitive and people-orientated, allowing interviewees to construct their own accounts of their experiences by describing and explaining their lives in their own words'. These experiences strengthen the findings of the literature and other related documents

and assist in documenting the advantages and limitations of co-operative governance in relation to Strategic Environmental Planning within environmental departments. Flowerdew and Martin (1997:99) argue that, 'The analysis of interview transcripts can often give greater insights into certain types of research topics than use of quantitative techniques'. The interview medium (Kitchin & Tate, 2000:216) used was face-to-face meetings, which are more personal in nature and allow the interviewer to gauge the interviewee's response by observing body language and facial expressions. Government operation and governance is, for many interviewees, a sensitive topic since they are an integral part of the system. Consequently, very little is said, but facial expressions often give away personal feelings on a topic.

Open-ended interviews were conducted with government officials from the relevant environmental departments to determine their understanding of co-operative governance and to establish whether there are mechanisms and/or systems in place to accommodate the objective of co-operative governance. An attempt was made to determine if a platform exists where the different spheres of government can liaise and consult with one another and produce uniform decisions based on the same policies, plans and information.

The officials approached were those directly involved in Strategic Environmental Planning processes, project evaluators and, more specifically, those directly involved in or linked to the Lesedi Environmental Management Framework process. Officials from all spheres of Government were approached, but it was only those at a provincial and local level that participated and who were willing to be interviewed. The absence of DEAT in the interview process did not have an influence on the case study findings, since DEAT was not a stakeholder or interested party in the Environmental Management Framework process. The national legislation and policy on the topic can be viewed as DEAT's position on the matter.

Interviews were held by appointment at the office of the official being interviewed. Eight interviewees participated and consisted of officials covering all levels of government, from environmental officers to executive managers at the local, district and provincial level, as well as the project consultants who assisted in the formulation of the Environmental Management Framework. The interview took the form of an informal discussion that was determined by specific themes (Annexure B). The intention behind the interviews was to obtain a first-hand account of the interviewee's experiences and the actual procedures used in the departments, particularly the environmental departments.

2.2.3 Case Study

The researcher, as a town planner and environmental practitioner, has been closely involved in both development planning and related environmental issues, in particular strategic planning within the Lesedi Local Municipality. It was decided, therefore, to relate the findings in the research to the planning and management of the Development Planning and Environment Department, and to focus specifically on Strategic Environmental Planning within the Lesedi Local Municipality. Strategic Environmental Planning is still a relatively new concept in governance (NEMA, Act 107 of 1998) and one that is often neglected, even though the impact is felt across the entire range of departments/sectors.

Prior to the formulation of the government structures as defined in the Constitution, few environmental departments existed and hardly any strategic planning was done in this field. Decisions, particularly those relating to land use development, were taken without determining the possible impact they would have on the environment. Few Strategic Environmental Plans existed to guide policy implementers and decision makers in the successful fulfilment of their tasks. In the case of Lesedi Local Municipality, the environmental section still forms part of development planning. This study will illustrate, to a limited extent, the

differences between the government's views and its decision-making abilities and compare them to the principles of co-operative governance.

With the intention of emphasising the role and highlighting the principles of co-operative governance; the identification, planning and formulation of the Environmental Management Framework for Lesedi Local Municipality will be discussed. Interest in this strategic environmental management tool arose when it originated as a proposal from the Integrated Development Plan, 2001-2006, and became a priority because of the difficulties officials faced in the decision-making process especially decisions related to development and land use proposals. A typical example is that of the developer who approaches the local authority for advice on land for development purposes. Through the Spatial Development Framework, which has been approved and is being implemented, officials can make recommendations concerning the availability of land. However, because there is no Environmental Management Plan, no advice can be given about the environmental sensitivity of the land. This has led to developers buying land for development purposes, only to find out that there may be environmental concerns related to the site. Another, similar, example is the official confronted with a land use application, who, because of a shortage of guidance and information on environmental related issues, cannot make a decision on the appropriate use of the land.

2.3 Summary

This chapter provides a summary of the approach and methodology used in this research process. The study relied mainly on primary research data in the form of interviews and the close observation of interviewees. Secondary data, which included document analysis, desktop study and the use of a case study, was also used. The use of both primary and secondary data has allowed for the all the data obtained to be united in the analysis process and compared.

CHAPTER 3: LITERATURE REVIEW - KEY DEBATES FOR SETTING THE SCENE

3.1 INTRODUCTION

The literature review establishes the context in which co-operative governance and strategic environmental management can be understood, from both an international and South African perspective. A general reshaping of strategic environmental management has taken place worldwide, with greater emphasis being placed on integration (the linking of social, economic, environmental and political aspects) and growing support for sustainable development. Internationally, there is a growing interest in environmental issues and the achievement of a state of sustainability. Much of this success is attributed to the nature of governance. Rossouw and Wiseman (2004:139) state that there has been a shift from a highly centralized, technocratic, rules-based, mechanistic approach to a decentralized, participative and co-operative governance framework. The objective of this chapter is to outline some of the debates surrounding co-operative governance and to highlight the crucial features of environmental co-operative governance.

For the most part, this chapter describes strategic environmental management and planning and then defines and describes co-operative governance. A concise discussion of the key issues and debates, from both international and local experience, is then given and particular attention is paid to those that relate to environmental co-operative governance.

3.2 STRATEGIC ENVIRONMENTAL PLANNING

Strategic Environmental Planning can be described as an important decision-making tool for all levels of government associated with environmental concerns. El-Kholy in Barrow (2006:5) states that, 'Environmental management is a process concerned with human-environment interactions, and seeks to identify: what is environmentally desirable; what are the physical, economic, social and technological constraints to achieving that; and what are the most feasible options'. Barrow (2006:6) illustrates that environmental management displays, *inter alia*, the following characteristics:

- it supports sustainable development;
- it demands a multidisciplinary, interdisciplinary or even holistic approach; and
- it has to integrate and reconcile different development viewpoints.

Strategic Environmental Planning is an issue that involves all government sectors and is an approach that goes beyond the management of natural resources to encompass the political, social and natural environment; it is concerned with questions of value and distribution, the nature of regulatory mechanisms and interpersonal, geographic and intergenerational equity (Clarke in Barrow, 2006:6). Since environmental planning and management involves all the different sectors and spheres of government, it has a clear association with co-operative governance. Strategic Environmental Planning is one field where co-operative governance takes place. 'The environment cannot be sectoralized. It is a system of interacting relationships that extends through all areas of activity and to manage these relationships requires an integrative approach for which present structures were not designed' (Yencken, 2002:87).

Concern for the environment is a modern day phenomenon. Throughout the world, at all levels of society, people are demanding that planners and decision makers recognize the impact human action has on the environment (Fuggle & Rabie, 1994). Environmental Planning and Management is a relatively new concept in South Africa, as most pieces of legislation relating to environmental management date from the 1980's and 1990's. With the rise of democracy in South Africa, increase in environmental concern came about at a time of social and political transition, which made the implementation of environmental protocol difficult, as the lawmakers' focus was divided (Fuggle & Rabie, 1994). From experience, it appears that South Africa is, to a large degree, still in a growth phase. The management and implementation of legislation and policies is still extremely restricted within the different line functions, and limited cross-sectoral integration takes place. Not only is this 'silo' way of thinking evident across different disciplines, but it is also manifest throughout the different spheres of government.

Flowing from Strategic Environmental Management is the concept of Strategic Environmental Assessment (SEA). Strategic Environmental Assessment was introduced as a tool that could assist with integrating the concept of sustainability into strategic level decision-making (DEAT in Retief, 2006:103). The limitations of project specific Environmental Impact Assessment's (EIA's) and the need for environmental issues to be proactively addressed in policies and programmes, resulted in the introduction of Strategic Environmental Assessment's. Strategic Environmental Assessment does not attempt to replace or contradict existing planning and policy-making mechanisms; instead, it compliments these mechanisms by offering a tool that addresses issues of efficiency, sustainability and the use of resources (www.dwaf.gov.za/sfra/SEA). According to DEAT (2004:2),

Strategic Environmental Assessment can be used to assess a proposed plan, policy or programme that has already been developed; or it can be used to develop, evaluate and modify a policy, plan or programme during formulation. It therefore has the potential to promote an integrated system of planning that incorporates the objectives of sustainability into the planning process. Strategic Environmental Assessment is a tool that, used within the Strategic Environmental Management process, will assist with the assessment of sustainability in strategies and frameworks, such as the Environmental Management Framework, on an ongoing basis. 'The focus is not on an assessment at one point in time...but rather on expanding the information base for future decision-making over a period of time, to include issues of sustainability' (DEAT, 2004:11).

3.3 CO-OPERATIVE GOVERNANCE – A THEORETICAL REVIEW

3.3.1 Introduction

O'Riordan (2004:240) refers to the fact that there is a change in governance in that there is a change in the meaning of government. Governance has become a new process of governing, an adaptive learning process through partnerships and networks, including a nesting of institutional forms across various scales, from global to local. It is a steering or guidance process that is constantly adapting and learning and which seeks to manage through co-operative patterns of central strategic guidance and local self-organising communities of action (O'Riordan, 2004:240).

Karlsson (2007:104) illustrates that governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. UN-HABITAT (2002:13) stresses the fact that governance is not government, but a concept that recognizes that power exists inside and outside the formal authority and institutions of government. Governance includes government, the private

sector and civil society and emphasises 'process'. It recognises that decisions are based on complex relationships between many actors with different priorities.

In this section the debate concerning co-operative governance and, more specifically, environmental co-operative governance, is discussed. It is important to understand that there is an international struggle to achieve co-operative governance and, when evaluating the South African perspective, to realize that there are lessons to be learnt from international experiences. The international countries included in the research (Asia, Japan, parts of Africa), have all experienced the same growing pains as South Africa when it comes to the concepts of co-operative governance and environmental management. In many cases, their socio-economic structures are very similar to those in South Africa, as they have also had to deal with issues like poverty and related concerns, such as a lack of basic services. These case studies also focus on the public's role in co-operative governance and the ways in which it can assist local government in management and decision-making.

3.3.2 Co-operative governance and sustainability

Co-operative governance plays an important role in sustainability and Van Zijl-Rozema, Cörvers and Kemp (2007) state that, 'Sustainable development cannot be achieved without governance'. Porter (2002) demonstrates that the Local Government Declaration to the World Summit on Sustainable Development outlines four interconnected principles for local governments to underpin sustainability, of which the two main principles are good governance and co-operation. The principle of co-operation, or 'good neighbourliness', is perhaps the most important principle in international law, as all international environmental law stems from this concept (Scholtz, 2004). According to Van Zijl-Rozema, Cörvers and Kemp (2007) governance is seen as a means to steer the process of

sustainable development and can be defined as the collection of rules, stakeholder involvement and processes used to realize a common goal.

According to Kumar (2007), it can be agreed that sustainable development can only be achieved through the strengthening of democratic governance institutions and processes and to aim for minimal environmental change. The architecture of governance needs to be strengthened, not only at international, regional and national levels, but also at local levels, as these are all inextricably linked and mutually interdependent. Karlsson (2007:103) maintains that complexity is an important issue that the world must deal with in its response to environmental degradation, unsustainable development paths and the resulting human insecurity. Karlsson (2007:103) continues by stating that, in governance, this complexity has a horizontal component—across sectors and different groups of stakeholders—and a vertical component—across multiple governance levels, local, national, regional and global.

Griffin *et al* (2001) in Freire and Stren (2001:63), acknowledges the theory by stating that sustainable cities are, first and foremost, liveable, competitive, bankable, well managed and well governed. Griffin *et al* (2001) in Freire and Stren (2001:63), continue by arguing that, through globalization, urbanization and the re-form of government, it is these cities that place ever-increasing pressure on governments to perform new roles in their communities. Cordonier Segger (2004:61) reiterates this fact by stating that 'sustainable development law' is the body of legal principles, treaties, legislation and legal instruments, which govern the area of intersection between social, economic and environmental law for sustainable development; and that at least the minimum amount of coherence between these fields should be encouraged in the interest of future generations. Furthermore, Cordonier Segger (2004:64) highlight that one of the principles of sustainable environmental law is good governance: 'law is about more than rules – it is about governance'.

The challenge clearly lies in achieving successful governance at an international level. UN (1996), states that the single most important--and difficult—aspect of urban development is developing the institutional structure to manage it and that it requires *good governance*. Cloete (2002:276) comments that, ‘Although the World Bank places a strong emphasis on the development of a free market economy, it sees the elements of *good governance* as: predictable, open, transparent policy-making processes; a professional bureaucracy; an accountable executive; a strong, participative civil society; and a culture of acceptance of the rule of law’.

UN-HABITAT (2002:19) states that, ‘Good urban governance is characterized by the principles of sustainability, subsidiary, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security, and that these principles are interdependent and mutually reinforcing’.

3.4 CO-OPERATIVE ENVIRONMENTAL GOVERNANCE

3.4.1 Introduction

Forsyth (2000:1) broadly defines the concept of co-operative environmental governance as being the ‘evolution of devolved governance in environmental policy involving discussions, agreements and a blend of formal and informal regulation between industry, citizen groups, and, commonly, local state bodies’. Forsyth (2000:1) adds to this idea by stating that co-operative environmental governance focuses on two key components: local representation in the negotiation and implementation of environmental regulation and the adoption of public-private partnerships as forms of negotiation between investors and local inhabitants. Forsyth (2006:209) argues that the concept of co-operative environmental governance has been proposed as a means of increasing citizens’ participation in environmental policy and technological choice with the intention of making policy processes deliberative and socially inclusive. This is contrary to the systems that South Africa had under the Apartheid regime. Rossouw and

Wiseman (2004:131) state that, up until the first fully democratic national elections in 1994, the majority of South Africans were excluded from participation in government. Rossouw and Wiseman (2004:132) argue that the system prior to 1994 lacked decision-making legitimacy, accountability and transparency, the fundamental values of democracy and co-operative governance voted for by the people of South Africa.

The principle of co-operative governance, as it relates to the environment, is viewed in the international arena as having two key-components: local (sub-state) representation and public-private partnerships (Forsyth, 2000), clearly indicating that local citizen involvement plays an integral role in co-operative environmental governance. Nakazawa (2006:69) adds to this view by stating that environmental governance can be defined as a way of achieving better environmental management if the diverse role players, which include government, companies, NGO's and mass media, take unified decisions.

From the literature review and research, a few key themes were identified for analysis and have, accordingly, been addressed. These key themes include the role of public involvement and participation, co-operation between different spheres of government, the role of politics in co-operative governance and problems related to capacity (financial and human resources).

3.4.2 The role of public involvement in Co-operative Governance

An important aspect of environmental governance is participation, particularly the involvement of non-state citizens and interest groups (Fritsch & Newig, 2007). 'Governance refers to the creation, execution, and implementation of activities, backed by the shared goals of citizens and organizations, who may or may not have formal authority or policing power. 'As an activity, governance seeks to share power in decision-making, encourage citizen autonomy and

independence, and provide a process for developing the common good through civic engagement (public participation)' (Blomgren, Bingham, Nabatchi & O'Leary, 2005:548). This is why the principle of 'co-operative governance' forms an integral part of South Africa's constitution.

Governance, according to Jacquier (2005:364), seems to cover a wide range of issues: the participative enforcement of local democracy, the improvement of public-private partnerships, encouragement of co-operation between local authorities and the promotion of multi-level co-operation. Governance is a way of organizing co-operation between the various groups intent on sharing responsibilities (Jacquier, 2005:365).

Participation has become a means to achieve environmental goals in a more targeted, swift and effective way. Fritschand Newig (2007) argue that participatory governance relies on the expectation that participation improves the quality of decisions made by incorporating the knowledge of local actors. It also assumes that the involvement of non-state participants leads to a higher acceptance of decisions and thus improves implementation and compliance.

Porter (2002) defines governance as a concept that includes not only the government, but also the private sector, civil society and the systems, procedures and processes that are in place for management and decision-making purposes. Guimarães (2004:203) states that, expressed in its simplest terms, *governance* may be thought of as the sum of many individuals and institutions, public and private alike, managing their common affairs.

McEwan (2003: 469) states that decentralisation of governance is happening in large parts of the world, with community participation falling within the lower levels or spheres of government, with the emphasis on the importance of community participation.

Smith (2002:1) argues that much has been written about and done to ensure decentralization, but this has not always been extended to link decentralized institutions to citizens. Smith (2002:1) continues by stating that, based on experiences from Ghana, Uganda, South Africa and Zimbabwe, democratic decentralization is being widely promoted as one of the ways to improve service delivery. However, for this to be effective, a systematic process is needed to connect citizens to local government through community based planning, which must, in turn, connect to the local government planning system.

According to Smith (2002:30), in his research on Malawi, decentralization is part of the general goal of institutional development. Sustainable human settlements will depend increasingly on the capacity all levels of government have to reflect the priorities of the community and to guide local development. He continues by stating that citizen participation in local government is an important part of democracy; that a strong local government is better able to monitor both the needs of its citizens and the methods, implementation programmes, and projects it uses in identifying and achieving its goals.

‘The nature of the state, how government is organised and capacitated, and the extent to which this supports ordinary citizens engaged in reconstructing and developing their own lives is central to the vision of a better “life for all”’ (Patel and Powell in Van Donk et al, 2008). Public opinion is an integral and important part of sustainable development, which intends to create a better life for all.

3.4.3 Environmental Co-operation and Co-ordination – Integration versus Fragmentation

Environmental concerns and issues have increased and become a worldwide phenomenon. Combined with the serious nature of the problems are the vast

possibilities that exist in creating sustainable solutions. Evans, in Blowers and Evans (1997:6), demonstrates that the call for an integrated and holistic approach to environmental planning is a process that is specifically directed at securing environmental sustainability. Ivanova and Roy (2007) argue that environmental issues have changed over time from minor matters, such as emissions from the local factory, to global concerns. Contemporary environmental problems, therefore, require not only specialized knowledge, but also *co-ordination and co-operation* between countries. Internationally, the process of co-operation in environmental management is clearly focussed on dealing with global challenges in order to achieve sustainable development (Carter, 2001:225). Carter (2001:25) comments that, 'The distinguishing feature of an international environmental problem is that it does not respect boundaries'.

Consequently, international environmental problems require an international solution, which implies that individual nation states need to co-operate with each other to resolve environmental problems.

It is argued that the institutional architecture for the environment lacks clarity and coherence (Ivanova & Roy, 2007). Esty (2003) states that the 'current international environmental regime is weak, *fragmented*, lacking in resources and political support, and handicapped by a narrow mandate'. The institutional fragmentation, evident internationally, one may attribute to, *inter alia*, the absence of an international environmental organization to regulate international law (Scholtz, 2004).

Scholtz (2004) agrees with Esty (2003) by pointing out that there is a need for the international notion of co-operation to be extended to ensure a uniform approach to global environmental issues and to guarantee sustainable development. Brodhag and Talière (2006:136) state that a country's national strategy should be designed to help develop mainstream environmental

concerns into policy, co-ordinate local policy with global concern and integrate scientific knowledge into policy and development planning. Weber (1998:185), however, also argues that a debate has been raging over which level of government should have the principle authority to define and implement policy solutions. It is felt that by vesting political power within the localities effectively prevents national tyranny and that a purer form of democracy is promoted.

O’Riordan (2004:240) states that, ‘Governance...is therefore a term of art for a pattern of managing that is co-operative, interactive, accommodative and inclusive’. Nakazawa (2006:70) argues that environmental governance can be defined as a way of achieving better environmental management if the diverse role players, which include national governments, local governments, companies, NGO’s, international organizations, scholars and the mass media, all participate. ‘Today the core issue of environmental governance is the way societies deal with environmental problems. It concerns interactions among formal and informal institutions and actors within society that influence how environmental problems were identified and framed (Harashima, 2000:194)’. Hence, public participation plays an integral role in all environmental assessment processes, including the formulation of Strategic Environmental Management Plans.

Agrawal and Lemos (2007:36) confirm that there is a change in the responsibility of governing the environment and state that, ‘Our ways of governing the environment are undergoing a revolution. The most salient feature of this revolution is that the primary factor that had been responsible for governing the environment for much of post-World War II period—the state—is steadily becoming less important’. New participants, decision makers and partnerships have come to play increasingly important roles and this input has been taken in account by numerous international conservation organizations.

Many Asian countries began to put environmental problems on their policy agenda in the late 1960's and 1970's, however, most of these environmental problems remained unsolved because the environmental laws, policies and institutions were modelled after, or imported from, industrialized countries. According to Harashima (2000:197), environmental policy formulation still tends to be a 'top-down' approach although the involvement of local governments and civil society has steadily increased in each country. Harashima (2000:202) states that, although there is diversity in government structures, environmental governance has not fully developed in Asia because the central government remains the most important role player in environmental governance in developing Asian countries. IGES (2001:10) mentions that central governments have played, and continue to play, a key role in the environmental governance of Asian countries. The power of local governments is limited (Harashima 2000:203) and, according to IGES (2001:11), environmental policy still tends to be separated or isolated from the mainstream policies of economic planning and industrial or agricultural development.

3.4.4 Capacity problems

A common and serious problem Asian countries face in trying to achieve successful environmental management is the *ineffectiveness of environmental policy implementation*. The reasons, according to Harashima (2000:204), for this ineffective policy implementation are financial shortages, the overlapping of administrative authority, insufficient communication between the public and private sectors and a lack of economic incentives for firms. He also suggests that, in Asian countries, environmental policy still tends to be separated from the economic planning process and that integrated environmental thinking is clearly necessary. IGES (2001:4) confirms these arguments by stating that, 'Insufficient capacity in terms of technical, human and financial resources are among the

major obstacles for many developing countries to implement cooperative environmental programmes and action plans'.

Since the 1990's, the Japanese government has been eager to pursue the objective of sustainable development. Nakazawa (2006:75) states that the shift to international issues and inclusion into the global environmental regime had a great impact on the domestic context. The Environmental Agency encouraged local governments to formulate basic local environment plans and a number of them have established such plans. These plans address and emphasize concerns about global governmental problems and the participation of various role players in the process of policymaking and implementation. In several instances, contradictions were evident between the national and local governments; the case study of Kamakura City (1993 - 2001) is a good example.

Nakazawa (2006:76) states that, even though decentralization was promoted in Japan, two thirds of its municipalities' budgets still came from the national government, often with administrative guidance or incentives. For most local governments, there is an inclination to sacrifice environmental concerns in favour of housing developments, with the intention of encouraging increasing populations and, therefore, receiving more subsidies. This could easily have been a local scenario in an area like Lesedi, where delivering houses to the needy takes greater priority than environmental management and protection. Therefore, a higher financial allocation in the Integrated Development Plan budget was made to allow for infrastructure and housing delivery (Lesedi local Municipality IDP, 2001-2006).

Writing about government capacity in South Africa, Atkinson (2002:15) shows that several line departments, at national and provincial levels, are responsible for functions that also fall within the Constitution's definition of municipal functions; some of these are environmental management, economic development and

transport. Municipalities, due to a lack of capacity, deal with these functions on an ad hoc and piecemeal basis, without policy guidance, technical advice or training from their national or provincial departments. Atkinson (2002:18) argues that municipalities are expected to take on more functions and more responsibility. Environmental management is one such example: municipalities are expected to consider all the environmental implications in development proposals; attend to international programmes, such as Agenda 21; and draw up and implement environmental management plans. Currently, very few municipal staff have the expertise or experience to deal with all of these issues and, while provincial authorities should be supporting and assisting them, they, unfortunately, do not always have the capacity. According to Atkinson (2002:19), each sector's provincial line department should have a local government development branch, staffed with officials who have knowledge of municipal legislation and functioning.

Aspects concerning environmental governance, such as the greater importance and subsequent roles of local governments and the inclusion of the public in decision-making and policy formulation, are evident in most case studies throughout the world. It is also clear that developing countries deal with the same problems and issues, especially with regard to the formulation and implementation of environmental policies, such as budgets, capacity and integration constraints.

3.5 CO-OPERATIVE GOVERNANCE AND ENVIRONMENTAL MANAGEMENT IN SOUTH AFRICA

3.5.1 Introduction

Political decisions made pre-1994 in South Africa were characterized by rigid, centralized authoritarianism and bureaucracy was more attuned to management and control, instead of being development orientated (O'Riordan,

Preston-Whyte, Hamman & Manqele, 2000:4). Lund-Thomsen (2005:624) states that the environmental contribution of Apartheid was to ensure that environmental protection came to be identified as a first-world, white, middle-class concern, a priority that was ultimately a threat to economic growth, social stability and poverty alleviation. In terms of the South African situation, the following key issues have been addressed.

3.5.2Co-operation between spheres and sectors of government

Since 1994, the South African Government has been engaged in an intense series of complex, participative processes to renew, revitalize and reform the policy and legislative basis of Government, in order to eliminate past inequities and to ensure that all citizens enjoy equal access to basic human rights. Rossouw and Wiseman (2004:138) state that, 'There has been a paradigm shift that has occurred in South Africa over the last ten years, from denying access to information (in the Apartheid era), to the current understanding that information can provide a means to empower citizens'.

Nelana (2005:14) claims that the South African model of co-operative governance is a response to a past of Apartheid exclusion and global economic isolation resulting from the disinvestments movement of the late 1980's and the mid-1990's. Edigheji (2003) in Nelana (2005:14) is quoted: 'The major challenge confronting the new government was to reverse the apartheid inheritance by promoting co-operative governance and a shared growth'. These principles and sentiments are eloquently captured in the country's Constitution, which represents the 'highest' legal instrument in the country. 'These principles provide broad guidance for each of the relevant Government Departments to draw up sector-specific policies and laws within its area of mandate' (MacKay and Ashton, 2004). Therefore, it is important to realize that each level of government is issued with a specific mandate that they have to fulfil and which clearly demonstrates that, while each level of government is independent, it is still connected to the others.

As Mavuso (2005) states: 'The challenge to achieving the delivery of these rights relies on a good working relationship between the three spheres of government which are interdependent. Co-operative government accepts the integrity of each sphere of government, but it also recognises the complex nature of government in modern society. Today, South Africa cannot adequately meet its goals unless the components of government function as a cohesive goal'. Simeon and Murray (2001:71) add to this argument by stating that, 'The concept of co-operative governance requires the three spheres of government to function as a single, unified system, collaborating rather than competing'.

'The Constitution of the Republic of South Africa, 1996 provides for co-operative governance between the different line functions and spheres of government' (Du Plessis, 2005). Chapter 3 of the Constitution defines co-operative governance as 'national, provincial and local levels of government acting as "spheres of government, which are distinctive, interdependent and interrelated"' (Hamman, Booth & O'Riordan, 2000:13). All government spheres have the authority to legislate; however, the Constitution gives sweeping powers to the National Government to enable it to set national standards and norms and to override any provincial legislation that may threaten national unity or standards (Simeon & Murray, 2001:72).

Consequently, the National Environmental Management Act (Act 107 of 1998 states that, 'There must be intergovernmental co-ordination and harmonisation of policies, legislation and actions relating to the environment'. The National Environmental Management Act, however, identified the National Department of Environment and Tourism as the lead agency on environmental matters within the systems of co-operative governance. Its task is to co-ordinate environmental functions across various national departments and other levels of the South African government (Lund-Thomsen, 2005:625). According to Lund-Thomsen (2005:625), the fragmented nature of the environmental governance structure has brought about a situation in which significant discrepancies exists between the

ideal conditions for voluntary agreements to be effective and the conditions that, in fact, prevail in South Africa.

There is nevertheless a general misconception that we are still dealing with 'tiers' of government, where one level of government is accountable to another; and that specific challenges within the national environmental policy arena, such as integration within the government departments responsible for service delivery and local planning, are not being developed (Rossouw & Wiseman, 2004:139). The new dispensation also inherited a fragmented bureaucracy, which divides government departments amongst the different environmental media (water, soil, air, biota, minerals, etc.). 'The fragmentation of departments dealing with different elements of the environment within the South African situation resulted in a fragmented approach to the application and implementation of the environmental policies and legislation. These departments are still struggling to rid themselves of past practices on non co-operation and turf wars (Du Plessis, 2005)'. Consequently, it is clear that, in order for co-operative governance to succeed, these misconceptions have to be eradicated and government officials and decision makers alike must be informed of their mandate by the relevant government HOD's and MEC's and then be made to act accordingly. In Hamman, Booth & O'Riordan (2000:13) it is stated that the Constitution has offered a solution meant to deal with overlapping and *fragmentation*; that concept is *co-operative governance*. Its intention is to provide a more productive, efficient and accountable form of governance.

In MacKay and Ashton (2004:4) the line function problems are highlighted by the following argument: 'The clear separation of line functions between different Government departments (e.g. water, agriculture, housing, etc.), makes it difficult to attain proper levels of alignment and coherence between these different functions, as each Department operates independently within its area of

mandate. The core vision encapsulated in the Constitution becomes more “fuzzy” as the level of implementation is moved outwards from principles through policy, legislation and regulation to the lowest level of governance, making co-operation and alignment across sectors at the lower (local) levels that much more difficult’. A line function such as Environmental Management is a typical example since it influences so many other line functions, for instance, urban planning, engineering services and housing. Many environmental principles stretch over all of these line functions, making decision-making and policy implementation difficult.

With regard to environmental legislation, the following applies: ‘The National Environmental Management Act of 1998 provides for integrated environmental management and prescribes certain sustainability principles that government should take into account in decision-making. The Department of Environmental Affairs and Tourism (DEAT), the department responsible for the enforcement of the Act, is however not regarded as a lead agent’ (Du Plessis, 2005). NEMA provides for cooperation between government departments, with the institution of a committee for environmental co-operation between departments and spheres of government involved in environmental issues and so fulfils the requirements of the Constitution. Rossouw and Wiseman (2004:135) define NEMA as a framework law that applies to all activities of the state, provides overarching principles for sustainable development, co-operative governance structures and networks, as well as integrated environmental management. Scholtz (2004) highlights the fact that NEMA provides for co-operative management, acts as an important mechanism in achieving sustainable environmental management, and that Chapter 3 of the Act embodies extensive procedures for co-operative governance between the organs of state.

In terms of the Development Facilitation Act (67 of 1995), the following principles regarding environmental management need to be highlighted. They were taken into consideration when compiling the Lesedi Local Municipality Environmental Management Framework.

3. (1)(c) Policy, administrative practice and laws should promote efficient and integrated land development in that they-
(viii) encourage environmentally sustainable land development practices and processes.

- (1)(h) Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should –
(iii) promote sustained protection of the environment;
(v) ensure the safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined areas

Coetzee and Goss (2005:5) state that, 'The apparent inability of various government agencies to co-ordinate and integrate...is somehow surprising, since the concept of co-ordinated and inter-related government is enshrined in Chapter 3 of the Constitution of the Republic of South Africa, which deals in no uncertain terms, with the concept and duties of co-operative governance'. Chapter 3 of the Constitution lists all the principles of co-operative governance and urges all government departments to abide to these principles. Despite these mechanisms and clear guidance through the Constitution, *fragmentation* still occurs and departments are making their own decisions on matters concerning the environment. This tug of war is in contrast with the Constitutional mandate of co-operative governance. From a practical point of view, this influences

management and decision-making process and affects long-term strategic planning within the government spheres.

When different government departments work against each other, (for example environmental management and development planning making contradictory decisions), the interactive processes are defined as 'fragmentation' and are in disagreement 'co-operative governance'. Harrison (2003: 19) refers to this concept as 'institutional fragmentation'. This type of fragmentation makes it increasingly difficult to define the boundaries of power and responsibility between the spheres of government and the private and community sectors. According to MacKay & Ashton (2004), insufficient high-level co-ordination and agreement on shared priorities could have an effect when government agencies unknowingly work in direct opposition to one another. Conflicts could arise through the misinterpretation or misunderstanding of policy and legislation or from the actual intent of policy and legislation. Due to this fragmented situation, the Draft Intergovernmental Relations Framework Bill was approved on 15 November, 2004. This Bill was formulated with the following objectives in mind: the provision of an institutional framework for the different spheres of government to facilitate coherent government; collaboration in implementing policy and legislation; the effective provision of services; and the monitoring of the implementation of policy and legislation (Du Plessis, 2005).

3.5.3The role and impact of capacity

In South Africa where green consumerism is not a central force, the governance structure is weak and legally binding standards are rare or absent and few environmental watchdogs exist (Lund-Thomsen, 2005:626).

Government lacks the capacity to enforce governance and prosecutions are rare. Furthermore, environmental departments are under-resourced and lack independent authority. Paterson (2006:10) reiterates this comment by stating that the past ten years have seen the commencement of many new laws aimed at halting and managing the demise of South Africa's landscapes and natural resources. These laws, according to Paterson (2006:10), adopt the traditional 'command-and-control' approach to regulation. However, it has been recognized that this approach is unsatisfactory in many respects. Since the principles and policies derived from the Constitution are, to a large extent, complementary or supportive, there are several instances where specific legislative or regulatory components are, at worst, contradictory or, at best, do not complement each other. According to MacKay and Ashton (2004:4), this causes confusion amongst stakeholders and officials alike and hampers decision-making on key developments. Atkinson (2002:19) states that each sector's provincial line department should have a local government development branch staffed with officials who have knowledge of municipal legislation and functioning. Patel (2000:392, 393) states that part of addressing the capacity constraints of local government is the need to resolve the struggle between the three tiers of government (national, provincial and local).

Harrison (2003:20) demonstrates that, at local level, mechanisms are emerging to promote policy coherence. In South Africa, the Integrated Development Plan process is an example of such a mechanism (Harrison, 2003:20). The Integrated Development Plan is viewed as being the means, at a local government level, of achieving developmental and participative local government through co-operative governance, which requires that departments link their plans, objectives, budgets, resource auditing, performance monitoring and community consultation (McEwan, 2003:472).

Paterson (2006:10) lists the following shortcomings: firstly, the administration, compliance and enforcement of direct regulation is costly and undermined by capacity constraints; secondly, regulations are frequently inflexible in their application; thirdly, this approach does not promote voluntary initiatives and may restrict development; and, finally, it fails to remedy market accountability. These limitations, once again, stress the importance of strategic planning a local authority level (Paterson, 2006:10). By having a strategic plan available on a local level, formulated together with the other spheres of government and sectoral departments, such as an Environmental Management Framework (EMF), the implementation of this plan takes place on a local authority level, and is it no longer a 'command-and-control' approach, as is experienced currently with the EIA process.

3.5.4 Importance of public participation

In terms of the National Environmental Management Act (Act 107 of 1998), the public should be wholly involved in decisions that may affect the environment and government must look at all the possible effects a proposed development may have before it is implemented.

The Local Government Municipal System Act (Act 32 of 2000), states the following:

5.(1) Members of the local community have the right.....to...

- (i) contribute to the decision-making processes of the municipality.

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance.

‘At local level, it is critically important to ensure wide participation in, and transparency of, decision-making processes so that the potential beneficiaries or recipients fully understand the sequences and limitations of service delivery constraints. In turn this helps them to understand their own levels of responsibility and accountability for the operation, maintenance or payment for any services received’ (MacKay & Ashton, 2004:4). Du Plessis (2005:1) reiterates the importance of public involvement in governance by stating, ‘Although government departments do not always co-operate, applicants for development sometimes initiate informal gatherings to ensure cooperative governance in environmental matters creating new mechanisms to ensure the enforcement of environmental policies and legislation’.

3.5.5 Summary

South African legislation, policies and strategies make it clear that co-operative governance is the main objective in the implementation of these procedures throughout all spheres of government. It is clear from the limited research done, that even on a local (South African) scale, there are four main views with regard to cooperative governance, namely between the *different spheres of government*, secondly between *different line functions* throughout all spheres of government, for example the environmental department, thirdly between the *different sectors / departments* (environment, town planning, water, electricity, roads etc.) and then fourthly the cooperation and involvement between *government and the public* (Figure 1). Consequently, it is difficult to determine whether the objectives and intentions, as referred to in the Constitution, are being met and, if they are, to what extent this is being achieved.

CHAPTER 4: THE IDENTIFICATION, FORMULATION AND IMPLEMENTATION OF THE LESEDI LOCAL MUNICIPALITY'S ENVIRONMENTAL MANAGEMENT FRAMEWORK

4.1 INTRODUCTION

Prior to the formulation of government structures as defined in the Constitution (Chapter 3 of the SA Constitution), hardly any environmental departments existed and limited strategic planning was done in this field. The Environment Conservation Act (Act 73 of 1989) and the National Environmental Management Act (Act 107 of 1998) are both relatively 'new' pieces of legislation and it was during the drawing up of these documents that the importance of environmental management came to the fore. Decisions, particularly those relating to land use development were based on limited information regarding their impact on the environment. Limited Strategic Environmental Plans existed to guide policy implementers and decision makers in the successful fulfilment of their tasks.

The identification, planning, formulation, and approval of the Environmental Management Framework in Lesedi Local Municipality will be discussed as a means of addressing the problem concerning environmental management and decision-making in the area. This Environmental Management Framework is significant because it has been identified as an important decision-making tool for the Lesedi and Sedibeng Municipal areas, the GDACE and the adjacent local authorities. It was formulated as a joint project by Lesedi Local Municipality and the GDACE and is a good example of co-operative governance. It also originated from the Integrated Development Plan (IDP), 2003.

'These local plans developed by the local authorities, would have two functions. One is responsiveness, to ensure the effective implementation of national and local policies for sustainable development. Its other function is to stimulate innovation and local initiatives that contribute towards the goals of sustainability –

“as the level of governance closest to the people, local authorities play a vital role in educating, mobilizing and responding to the public to promote sustainable development’ (Blowers in Blowers and Evans, 1997).

4.2 BACKGROUND

The growing needs of an ever increasing population results in a rising demand for development, but unbridled development will compromise the environment and so a balance needs to be established. Development needs in Lesedi should be addressed in a way that the environment is not compromised. The aim of the Environmental Management Framework is to provide a policy framework for sustainable development in Lesedi Local Municipality (Lesedi EMF, 2006:2).

The main objectives of the Lesedi Environmental Management Framework are summarized as follows (Lesedi EMF, 2006:2):

- to assess and document the environmental attributes of Lesedi;
- to identify environmental management priorities and areas to be protected;
- to identify undesirable activities and land uses;
- to facilitate co-operative governance with regard to environmental management and development; and
- to establish land use and environmental management plans to ensure sustainable development and the use of natural resources within the Lesedi area.

The Environmental Management Framework provides the relevant authorities with a support system and a foundation on which to base their decisions, thereby informing development and environmental management policy and strategy (Lesedi EMF, 2006:2).

The Lesedi Local Municipality appointed Izwelisha Pty (Ltd) as the consulting entity to assist in compiling the Environmental Management Framework. Izwelisha provided Lesedi Local Municipality and GDACE with an Environmental Management Framework that is complementary to , *inter alia*, the Spatial Development Framework, Integrated Development Plan (IDP), policies and by-laws, and training and orientation programmes. As it was intended that Lesedi would use the Environmental Management Framework as a working document, the GDACE was involved compiling it from the outset. The Environmental Management Framework forms the foundation of Lesedi Local Municipality's environmental management strategy and is a decision-making tool/working document for all spheres of government and sectors dealing with related issues within Lesedi's jurisdiction. It also informs the adjacent local authorities of bordering proposals (future development proposals that are situated on the border of another local authority) and is a decision support system that assists the authorities execute their mandates in an informed, objective and co-ordinated manner. The Environmental Management Framework provides guidelines, principles and tools for environmental management.

4.3 BACKGROUND TO THE INITIATION, FORMULATION AND IMPLEMENTATION PROCESS OF THE ENVIRONMENTAL MANAGEMENT FRAMEWORK

In the Lesedi Integrated Development Plan (2003:74), the importance of a Strategic Environmental Plan was identified, highlighted and subsequently incorporated in the budget as a priority project. 'Each and every Local Authority should be compiling Environmental Management Plans (EMP's), as a matter of urgency...This is the only way in which environmental management will take priority at local authority level and will allow implementation to take place (Lesedi IDP, 2003)'. The intention, at that stage, was that the Environmental Management Plan (later the Environmental Management Framework) would assist in delegating most of the environmental decision-making to the local authority.

During 2004, a tender notice was placed in the press requesting assistance with the formulation of an Environmental Management Plan/Environmental Management Framework for Lesedi Local Municipality. Due to the lack of capacity within Lesedi Local Municipality (at that stage there was only one environmental control officer), consultants had to be appointed to assist in the compiling of such an extensive document. The use of consultants contributed to the objectivity of the project and independence of the research team. Furthermore, the formulation process of the Environmental Management Framework was not affected by the lack of capacity in GDACE and Lesedi Local Municipality, however, this shortage has had implications on the implementation of the Environmental Management Framework. An EMF was successfully formulated and completed, but because of insufficient resources and related problems, it has, up to date, not been implemented.

From the minutes of meetings held with the Steering Committee, it was clear, that GDACE contributed a substantial amount to the Environmental Management Framework project. 'The amount of R500 000.00 has been made available by GDACE and the amount has already been transferred into the account of Lesedi Local Municipality' (minutes of meeting, 20 April 2005, Annexure C). Lesedi had limited funding available and GDACE recognized the importance of the formulation of an Environmental Management Framework for all levels of government. Even though GDACE funded the project, it was decided that, 'Lesedi Local Municipality will act as the project managers and that officials of GDACE will form part of the Steering Committee' (minutes of meeting, 20 April 2005, Annexure C). It was determined at the Steering Committee meeting that the committee would consist of 'consultants, officials from GDACE, officials from Lesedi Local Municipality, officials from Sedibeng. No politicians will be included in the Steering Committee' (minutes of meeting, 20 April 2005, Annexure C). With the exception of the exclusion of the National Environmental and Tourism Department, politicians and community members, this project was an excellent

example of teamwork and a very good effort to ensure the success of co-operative governance. Politicians (Councillors) and the public were involved in public participation meetings, during which they work shopped different stages of the project and provided necessary input. A comprehensive site visit was also undertaken with the project team (consultants, officials from GDACE and Lesedi Local Municipality and Councillors) on 6 October 2005. The intention of the exercise was to give everybody a clear understanding of and an insight into the area, its problems and positive features (minutes of meeting, 21 September 2005, Annexure D).

The following diagram (Figure 3) is the initial project programme as submitted by Izwelisha Pty (Ltd) to, and approved by, Lesedi Local Municipality. Lesedi used it as a project management tool. The deadlines for delivery are clearly indicated and were agreed upon by the Steering Committee:

FIGURE 3 : LESEDI EMF : WORK PROGRAMME AND CASH FLOW

PROJECT PHASE AND ITEMS		TIME PERIOD (WEEKS)																												FEES AND DISBURSEMENTS (VAT INCLUSIVE)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
		12/9-15/9	17/9-23/9	24/9-30/9	1/10-7/10	8/10-14/10	15/10-21/10	22/10-28/10	29/10-4/11	5/11-11/11	12/11-18/11	19/11-25/11	26/11-2/12	3/12-9/12	10/12-16/12	CHRISTMAS BREAK							17/12-23/12	24/12-30/12	31/12-6/1	7/1-13/1	14/1-20/1	21/1-27/1	28/1-3/2		4/2-10/2	11/2-17/2	18/2-24/2	25/2-3/3	4/3-10/3	11/3-17/3	18/3-24/3	25/3-31/3	1/4-7/4	8/4-14/4	15/4-21/4	22/4-28/4																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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By November 2005, a status quo document had been submitted to Lesedi Local Municipality and GDACE for comments and input; several presentations had been made; meetings were held with Lesedi Local Municipality and GDACE (officials from the entire department – directorates of conservation, environment and agriculture); and public meetings were convened. The Lesedi Local Municipality Environmental Officer, who had assisted with the initiation of the project, had resigned by this stage and a new official was appointed. The same had occurred with the GDACE official and they were also replaced (monthly minutes of Steering Committee). GDACE only submitted comments in this regard on 17 March 2006 (see figure 3). This raised the question of whether GDACE is capable of handling projects such as this in a timely and professional manner. Comments from Lesedi Local Municipality were poor and only the engineering and municipal support services commented, providing six points. None of the other departments within Lesedi Local Municipality offered any input (undated memo from Lesedi Local Municipality).

The public participation meeting on 25 January 2006, was attended by politicians (Ward Councillors), members of the community, members of the nature reserve areas (Suikerbosrand and Alice Glockner Reserves), as well as officials from Lesedi Local Municipality (attendance register 25 January 2006, Annexure F). Representation of Sedibeng District Municipality, at all of the Steering Committee meetings and public participation meetings, was non-existent. The project team only received written contributions from Sedibeng regarding the status quo document and even this input was minimal and lacking quality (letter from Sedibeng, 14 December 2005, Annexure E). This general indifference has led to a lack of coordination and co-operation between the local authorities and poses the question: does this Environmental Management Framework relate to the strategic plans (SDF's and EMF's) of the other local authorities (both within Sedibeng and the surrounds), or was it done in total isolation? At a District level

there was no integration whatsoever with either of the bordering local authorities, Ekurhuleni and Gert Sibande.

By March 2006, the second portion of work (the Desired State of the Environment and the Strategic Environmental Management Plan) were completed, even though comments on the first part were only received on 17 March from GDACE and the meeting with GDACE's conservation directorate was only held at the end of March 2006. Once again, GDACE only submitted comments to Lesedi Local Municipality on 26 June 2006 (Figure 3) and this had long-term implications on the finalization and implementation of the Environmental Management Framework. A public meeting was held in August 2006 and the comments received were included in the Environmental Management Framework. An important factor, raised at the meeting, was that the Councillors required an analysis of their wards so that they could address environmental issues within these wards in a pro-active manner. An environmental ward analysis, highlighting the issues and concerns, was compiled for each ward within Lesedi.

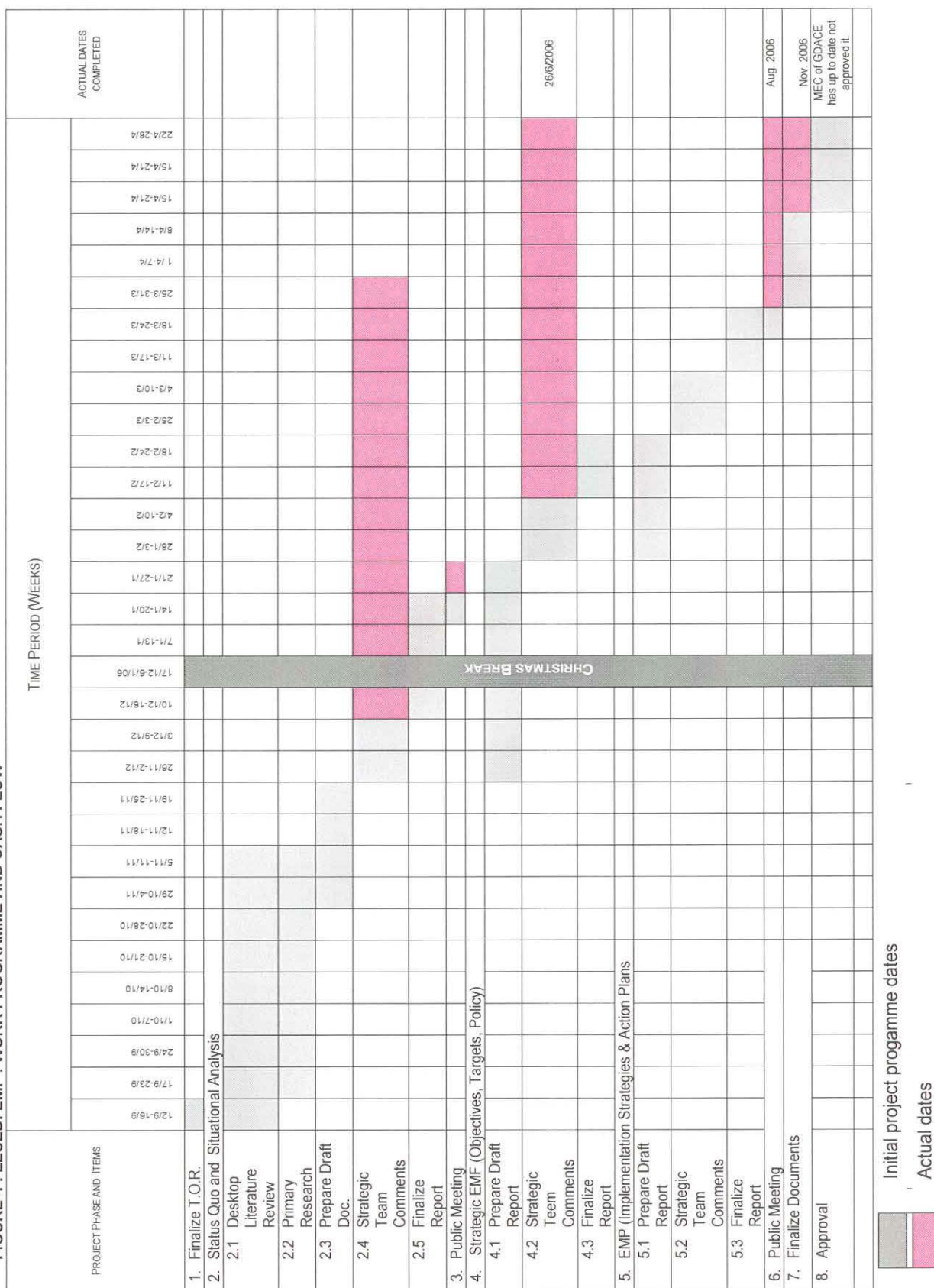
During the final stages of the Environmental Management Framework, GDACE, for the first time, made a few substantial comments, particularly regarding biodiversity issues in the area. These comments had an enormous impact on the work and proposals already completed at that stage. Extensive meetings and work sessions were held between the consultants and officials from Lesedi and GDACE. The proposals derived from this exercise, which consisted largely of bio-diverse buffer zones and corridors, were presented and work shopped with all the affected and relevant stakeholders on 29 September 2006. The importance of these buffers and corridors were brought to the stakeholder's attention and their buy-in and support for the conservation of these regions was secured. This also served as proof of successful interaction between the different levels of government and the public. In October 2006, a presentation of the final draft

document was made to GDACE for comment by the consultants and, by 1 November 2006, GDACE's final comments were received.

By this stage, another of GDACE's Environmental Officers had left and another official was appointed. The official from Lesedi Local Municipality had also left the Council and another appointment was made, but only once the Environmental Management Framework had been completed. This is proof that the capacity and efficiency issues that afflict both local and provincial governments need to be dealt with.

The following diagram (Figure 4) illustrates the project programme, indicates the dates on which certain actions took place and depicts how this influenced the finalization date of the project. The manner in which GDACE's delays impeded the finalization of the project is reflected in the programme.

FIGURE 4 : LESEDI EMF : WORK PROGRAMME AND CASH FLOW



Initial project programme dates
Actual dates

By the invitation of the MEC, the consultants made the final presentation to GDACE on 3 September 2007 (Annexure G), a year after the completion of the Environmental Management Framework. This, once again, had implications on

On invitation by the MEC, the consultants made the final presentation to GDACE on 3 September 2007 (Annexure G), a year after the completion of the EMF, once again having implications for the implementation. In terms of the NEMA Regulations, the MEC needs to approve the Environmental Management Framework before it can be implemented. Section 72.(1) of the NEMA Regulations states that, 'If the Minister or MEC adopts with or without amendments an environmental management framework initiated in terms of regulation 70, the environmental management framework must be taken into account in the consideration of applications for environmental authorisation in or affecting the geographical area to which the framework applies' (EIA Regulations, Government Notice No. R. 385 of 2006). Up to date (September 2009), this has not been done, raising the question: how much importance does the province place on Environmental Management Frameworks. This creates a major problem, from an implementation point of view, for all spheres of government wishing to use the Environmental Management Framework as a decision-making support tool. The fact that this Environmental Management Framework has not been approved by GDACE's MEC, means that this Environmental Management Framework cannot be quoted as the guideline document in environmental decisions made in Lesedi Local Municipality and that it has certainly failed as a co-operative governance strategy.

Clearly actions such as these pose a question with government officials and the public with regard to the actual seriousness of the matter and implementation of such a policy document. It also creates a *laissez faire* attitude amongst different government, public and interest/action groups. It brings about a situation whereby the concept of cooperative governance and all its positive attributes,

are doubted and positive inputs for future policies and strategies are ignored, public participation becomes less evident in developing processes and public monitoring becomes non-existent.

4.4 CASE STUDY: RESULTS AND FINDINGS BASED ON INTERVIEWS

During the formulation process of the Lesedi Environmental Management Framework, the consultants, on behalf of Lesedi Local Municipality, dealt with many roleplayers and stakeholders, some on a continuous basis and others on an *ad hoc* basis. Interaction took place during the Steering Committee meetings, but, in some instances, one-on-one meetings and discussions were held. For the purpose of the case study, opinions, experiences and general views on co-operative governance, especially in relation to the Environmental Management Framework formulation process, were captured. The intention was to obtain information from the different levels of government involved in this process, which, in this case, were officials from GDACE, Sedibeng District Municipality, Lesedi Local Municipality and Ekurhuleni Metropolitan Municipality.

It was evident from the interviews that the Lesedi Environmental Management Framework process was, to some extent, successful as a project on co-operative governance, but many concerns regarding governance were raised. These concerns have, to some extent, been discussed as they highlight some of the realities of governance; such as, capacity problems, lack of co-ordination and the role played by politics, especially within the Environmental sector and particularly in the Lesedi case.

The results and findings that follow have been grouped together in keeping with the issues raised by the interviewees. These interviews are also seen as an indication of the success or failure of the implementation of co-operative governance.

4.4.1 Lack of understanding of ‘Co-operative Governance’

It is imperative that a government official, working within a government context (National, Provincial or Local), is fully aware of the level of the governments’ mandate. They should know and understand the definition of ‘co-operative governance’ and they should be aware of how it must be interpreted in practice. In Scanlon and Burhenne-Guimin (2004), it is stated that, ‘Who is involved and how decisions are made affect the commitment and ability to follow through. Once decisions are taken, steps are needed at all levels to implement them. If the capacity for governance is weak at any level, this will undermine results’. All interviewees were asked to define, and give their opinion of, ‘co-operative governance’. This elicited a variety of replies.

For the most part, the interviewees were aware of the term ‘co-operative governance’, but most were unsure of its source and only a few knew that it is referred to in the Constitution. In general, the term was understood as ‘*an attempt of working together between the different spheres of government, and between different sectors of government*’ (Chief Director, GDACE, 2007). None of the officials acknowledged public participation and private intervention as forms of co-operative governance. This was unexpected, as these levels of intervention and cooperation form part of most project processes, legislation and the regulations and policies drafted in terms of legislation.

The Executive Manger (Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, Environmental Development Department, 2007) made it clear from the outset that government’s greatest obstacle to achieving co-operative governance lay in its understanding of the term. He went on to say that, the different spheres of government do not understand their respective mandates. ‘*Officials and departments do not understand the concept of*

“spheres” of government and still relate to and understand it as “tiers” of government, the one in authority over the other’ (Executive Manager, Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, 2007).

The Assistant Manager (Environmental Management, Sedibeng District Municipality, 2007) also acknowledged this fact and confirmed that the tiered approach is still being implemented and that the authorities and their officials still relate to governance in this way—one in power over the other, a top-down approach as cited by Harashima (2000:197) and the findings made in Asia. *‘It should in actual fact be a working together process to achieve the common goal of delivery to the people, without the silo-way of thinking – there should be a horizontal and vertical working coordination taking place throughout government’* (Chief Director, GDACE, 2007).

According to Assistant Manager (Environmental Management, Sedibeng District Municipality, 2007), the DEAT still has a superior attitude towards governance, which makes co-operation, budgeting, strategic planning, mandate formation and, ultimately, delivery problematic. The DEAT often obtains international funding and, without any consideration, makes it available to a local authority for a specific project. This, as in the Sedibeng case, effectively excludes the provincial authority from the decision-making process. *‘International funding was made available by DEAT to Sedibeng directly for the formulation of an Environmental Management Framework for Sedibeng. A situation was created whereby neither the local authorities within Sedibeng, nor the provincial authority was willing to co-operate with the formulation process, as they were excluded from the decision-making process from the outset, causing formulation, management and implementation to be unsuccessful’* (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007).

Mistrust is created among the community because it is not necessarily a priority project in terms of strategic planning at the given time either, engendering the idea that precious resources are being wasted. If DEAT was more involved at the ground level with planning, project identifying and budgetary processes, this type of situation, where funding is allocated without the local or provincial authority's input, will not have occurred (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007).

The Executive Manager in Ekurhuleni (Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, Environmental Development Department, 2006-2007), also highlighted the lack of knowledge and understanding that government officials have about the notions of co-operative governance and the mandates of each level of government. This leads to the 'fragmented' situation referred to by Esty (2003). *'This confusion and lack of knowledge often leads to misunderstandings and information not being shared correctly. Currently there are very restricted platforms for discussing policy and strategic related issues affecting all spheres of government. Committees and forums which do exist, are often targeted at high level involvement (heads of departments) and the officials who are dealing with the actual issues on a daily basis are not included in these meetings and workshops* (Executive Manager, Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, Environmental Development Department, 2006 - 2007)'. Because co-operation is restricted, information is also not always filtered through correctly.

Even South African legislation (NEMA) lacks a definition of co-operative governance. No mention is made in NEMA to the Environmental Management Framework and the fact that it is a decision and planning support tool for each sector, or the role of other departments. In Rossouw and Wiseman (2004:139) it is stated that, 'The lesson learned in South Africa....is that environmental issues need to be promoted within the context of a strategic framework. Such a framework

would link policy principles to responsibilities, actions and monitoring systems at national, regional and local levels. This strategic framework and linkages are necessary to promote institutional and democratic transformation'. The intention behind the formulation of Lesedi Local Municipality's Environmental Management Framework was to address and fulfil the need for such a strategic framework.

4.4.2 Mandate differences within different spheres of government and the subsequent lack of communication between the spheres of government

Each sphere of government has a mandate in terms of the Constitution; this becomes a problem when the mandates have to be implemented. In some instances, the mandates contradict one another: one promotes housing development and another protection of the environment. These inconsistencies bring about a situation in which the spheres are working against one another, with each department trying to promote its own mandate. For instance, a local government's mandate for economic growth and development is often in conflict with the environmental protection mandate. Economic growth and development means higher revenue for local authorities and, inevitably, financial growth whereas environmental protection does not necessarily generate income and may even be a liability to the local authority. *'In many instances, Local Authorities promote certain developments at all costs in their objective to address economic development, forgetting their environmental and sustainable responsibility, namely the protection of the environment for future generations'* (Executive Manager, Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, Environmental Development Department, 2007).

This also makes it difficult when the need to take responsibility and the demand for accountability arises. Governance has been described as being fundamentally about power, relationships and accountability: who has influence, who decides, and how decision makers are held accountable (Scanlon &

Burhenne-Guilmin, 2004). Scanlon and Burhenne-Guilmin (2004) continue by stating that, in order to achieve effective sustainability, governance at all levels—local, national, regional and global—should be mutually reinforcing.

Strategic planning proposals (SDF proposals), which relate to town planning at a local authority level, often contradict the mandate on environmental protection, which falls under the environmental sector. Land for development purposes that falls within protected areas, is often proposed in the Spatial Development Framework, but, due to political pressures, these contradictions are often overruled, meaning that development proposals are being supported at one level of government, but denied at another. For example, GDACE is an authority that only gives input into the Integrated Development Plan/Spatial Development Framework proposals of the Local Authorities, but, due to differences in mandates, these comments are not always included and are overlooked (Assistant Director, Directorate of Environment, GDACE, 2007). This indicates that co-operative governance is not always as transparent, interactive or informative as it is depicted.

‘Notwithstanding the environmental imperatives in the Constitution, and the many policies that require government at all levels to address environmental concerns, environmental issues are not being routinely integrated into local government planning processes...there is still very limited integration between the environmental assessment process and the deliberations, planning and design activities of the planners, engineers and urban managers responsible for project development and implementation’ (Sowman, M. 2002 in Parnell et al, 2002:187). This ‘separation’ is promoted when environmental professionals are located in one department (or consultants are working in a separate office) and are isolated from the day-to-day interactive and dynamic processes involved in generating and modifying planning scenarios (Sowman, M. 2002 in Parnell et al, 2002:187). ‘Thus efforts need to be focussed on strengthening environmental management capacity across the organization, amongst the public, consultants and facilitators

(who are playing a vital role as the interface between communities and government, or their consultants)' (Sowman, M. 2002 in Parnell et al, 2002:191).

Because of differing mandate policies among the various spheres of government, communication between them is, for the most part, limited and an attitude of 'to each his own' has been adopted. This attitude ensures that very little consultation takes place between the different levels of government and that each division only deals with its own interests. The Assistant Director (Directorate of Environment, GDACE, 2006 - 2007) reiterates the fact that, '*due to capacity constraints, communication is very poor*'. Government, at all levels, is extremely understaffed, but this is especially true within the environmental sector. Often, as in the case of Sedibeng, an area that is growing fast, there is only one environmental officer to deal with all EIA applications. It is obvious that one person cannot attend to all the applications and give the necessary comments. The Lesedi Local Municipality's formulation of an Environmental Management Framework is a good example of the effect capacity problems have; the project took much longer than anticipated to complete due to a lack of capacity at all levels of government.

Recently, with support of the Inter-Governmental Relations Act (Act 13 of 2005), an Inter-Governmental Relations Framework Forum was established so that all the local authorities in Sedibeng (Lesedi, Midvaal and Emfuleni) and the relevant GDACE officials could convene on a monthly basis to discuss the overlapping issues (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007). The Assistant Manager (Environmental Management, Sedibeng District Municipality, 2007) and the Director of GDACE were the only interviewees who actually referred to the Inter-Governmental Relations Framework Forum. The Assistant Manager (Environmental Management, Sedibeng District Municipality, 2007) advised that, '*An environmental technical task team is convened on a quarterly basis, which consists of GDACE officials, Sedibeng*

officials and the members of the relevant local authority. This is also once again a high profile meeting during which mainly strategic related projects and issues that influences the entire District Council area, are discussed, such as the EMF formulation'. Even at this level, the Department of Environment and Tourism is absent. The Assistant Manager (Environmental Management, Sedibeng District Municipality, 2007) said that, through experience, it has been noted that (limited) interaction with DEAT only takes place when DEAT has actually funded or initiated a project.

Co-operative governance focuses mainly on co-operation between the different spheres of government, and public and private contributions are often overlooked. Fritsch and Newig (2007), highlight the importance of public involvement. The Executive Manger (Environmental Planning and Co-ordination, Ekurhuleni Metropolitan Municipality, Environmental Development Department, 2007) raised the important, but often overlooked, issue of co-operation between neighbouring local authorities. The lack of such co-operation is evident throughout the Lesedi Local Municipality's Environmental Management Framework formulation process, specifically, Ekurhuleni Municipality was never asked for their comments or contributions. Interestingly, Ekurhuleni was also formulating an Environmental Management Framework at this time and Lesedi Local Municipality was not asked for comment or contribution either This implies that Local Authorities are working in isolation, creating a situation where proposals on borders of areas of jurisdiction, may conflict with one another.

'The lack of co-ordination within the Environmental Sector throughout government is due to a management problem and the fact that no structure exists which promotes and encourages co-ordination and co-operation between the different levels of government. This restricts sharing of information and cross-border alignment of planning and implementation' (Assistant Director, Environmental Planning and Impact Assessment, Sedibeng, GDACE, 2007). This is

problematic as good governance and co-operation play a vital role in sustainability, Van Zijl-Rozema, Corvers and Kemp (2007).

4.4.3 Capacity problems (human and financial resources)

In the case of the Lesedi Environmental Management Framework, project meetings with the Steering Committee were held on a monthly basis and, for the most part, consisted of consultants and officials from GDACE, Lesedi Local Municipality and Sedibeng. Input from these participants was an important part of the formulation process as all the parties had to agree to and accept the findings and proposals made. Although Lesedi Local Municipality was responsible for the Environmental Management Framework and funding was provided by both Lesedi Local Municipality and GDACE, most of the project management was carried out by Consultants. While this formed part of the approved Terms of Reference, Lesedi Local Municipality should have been more involved in the general overseeing and management of the project as they were supposed to direct the project. However, they were unable to fulfil this role due to capacity problems that included human resources and skills issues. Project management within local government is problematic and, as Atkinson (2002:6) confirms, there is a conspicuous lack of skills within municipalities.

The minutes of the meetings, specifically the attendance registers, make it clear that the Sedibeng District Municipality representative only attended one meeting (minutes from all Steering Committee meetings, 2005 - 2006). This is disturbing when one considers that the project took approximately a year to complete, from the time the Consultants were appointed to the completion of the Environmental Management Framework, and that monthly meetings were held.

As the project progressed, draft portions were submitted to all the relevant role players for comment. Sedibeng did not play an active role in this either, offering

only limited participation. When this lack of co-operation was investigated, it became clear that there was a shortage of *capacity*. '*Within the Sedibeng District Council, which is responsible for assisting three local authorities, there is only one environmental officer*' (Environmental Management, Sedibeng District Municipality, 2007).

It is acknowledged that it is impossible for one person to attend every meeting and to simultaneously address other day-to-day work related activities. This lack of capacity is cause for concern when the main function of the District Council is to assist Local Authorities, especially those experiencing capacity problems, with financing and human resources.

Goldman and Reynolds in Van Donk *et al* (2008:135) state that district municipalities are supposed to provide support to the local municipalities, as shown in Figure 1. However, in some instances, the local municipality has a higher capacity than the district municipality and in these circumstances strong local municipalities promote their own agendas without consulting with the district municipality, causing resentment, power struggles and even competition for available funding.

A lack of capacity within municipalities has often been identified, according to Atkinson (2002:15), as a *crucial blockage in delivery* (emphasis added). Very few line departments or sectors have taken the time to determine their actual functions, or to decide on those that need to be devolved to local government and even less apply themselves to building their municipalities' capacity. To gain a perspective on the problem, it is important to understand just how massive the shortage of capacity on the local authority level is, and, even more disturbing, the impact this has on the actual implementation and management of policies and projects that take place at the local authority level. Sedibeng only has one environmental official; Lesedi and Emfuleni also each have one dedicated

environmental officer; Midvaal does not have an environmental official and the town planners fulfil the function. With the limited resources available, it is understandable that implementation barely takes place.

This also poses another question regarding management and implementation: *'A comprehensive EMF may be available now to assist in decision-making and management of the environment, but without the capacity required to implement it, it will just become another "nice-to-have" document on a few professionals' bookcases'* (Assistant Director, Environmental Planning and Impact Assessment, Sedibeng, GDACE, 2007). Lesedi Local Municipality's Environmental Management Framework was finalized by the end of 2006 and, up to date, it has not been implemented by any of the relevant governmental authorities. Consultants led and managed the formulation process up to completion and then handed it over to Lesedi Local Municipality. Since then no further effort has been made to implement the Environmental Management Framework, and it has become a 'nice-to-have' document on a bookshelf.

A shortage of financial resources is, in many instances, responsible for insufficient capacity. Agrawal and Lemos (2007:38) mention that, in less developed countries, budgetary crises can be particularly detrimental to environmental protection because they affect state capacity. Problematic policy implementation, stemming from a deficit in capacity, is also stressed in the Asian situation (Harashima, 2000:204), where it is mentioned that financial shortage, among other things, is responsible for ineffective environmental policy. Drawing from the limited research and personal experience, it is evident that, from a budgetary point of view (Lesedi IDP, 2001-2006), government is prepared to spend far more on issues like infrastructure and housing than on environmental issues.

Scanlon and Burhenne-Guimin (2004) argue that: 'Who is involved and how decisions are made affect the commitment and ability to follow through. Once

decisions are taken, steps are needed at all levels to implement them. If the capacity for governance is weak at any level, this will undermine results'. In Chapter 7, Section 154 of the Constitution of South Africa, 1996, it is stated that: 'The National and Provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions'.

The Chief Director of GDACE also raised the issue of capacity, since, on a provincial level, similar problems are found. Environmental Officers working in specific areas, such as Sedibeng, are responsible for the environmental planning as well as the management of that area. The workload is high and the expertise is often limited. GDACE faces another capacity problem in the high turnover of human resources. Most Environmental Officers only work at GDACE for an average of two years, after which they move into the private sector (Chief Director, GDACE, 2007).

This continuous outflow of skills limits the expertise available and means that GDACE officials are constantly in training programmes. Corporate companies constantly lure experienced officials away, leaving government authorities without any skilled and experienced personnel (Assistant Director, Environmental Planning and Impact Assessment, 2006 - 2007).

During the formulation of the Lesedi Environmental Management Framework, four successive GDACE officials, who were overseeing the Environmental Management Framework project, were transferred to different departments and sections within GDACE. These upheavals disturb the continuity of the project and, according to the consultants, result in deadlines being missed and different opinions constantly being taken into account. Some form of stability needs to be achieved to ensure the success of the department. As Yencken (2002:88) states, there are three key requirements for effective environmental policy and practice,

of which the first is commitment, the second is the appointment of permanent environmental officers and the third, the commitment to environmental reporting.

The interviewees were all concerned that, because of poor capacity, the environmental function within government, especially local government, often lies within the development and town planning sections (Assistant Director, Environmental Planning and Impact Assessment, Ekurhuleni and Sedibeng, GDACE and Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007). This is the case in both Midvaal Local Municipality and Lesedi Local Municipality. 'This becomes problematic as "development planning" is often in contradiction to "environmental planning", the one promoting development and the other protection of the same environment. The motivation and mandate for the two sectors are inevitably different and by placing them together, the one (often Environment) is over-ruled by the other, especially in the decision-making process with regard to development proposals and applications' (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007).

Although environmental planning and development planning are interrelated and integrated, town planners do not have the expertise and knowledge to deal with environmental issues (Assistant Director, Environmental Planning and Impact Assessment, Ekurhuleni and Sedibeng, GDACE and Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007). In Lesedi Local Municipality the environmental line function lies within the Development Planning department, which, among other things, also includes town planning, housing, building inspectors, local economic development, tourism and Integrated Development Plan. This is proof that a function like environment will lose its importance if it forms part of a department consisting of eight different sectors. This also has budgetary implications, as the departmental budget has to be shared amongst these eight functions. 'Municipal governmental and governance

capacity will need to be the bedrock on which the rest of the developmental edifice is founded. At this stage the municipality's internal capacity is extremely limited, and often inappropriate to a broader developmental role' (Atkinson, 2002:21).

Within the local authorities, the executive positions, for example, the Executive Directors, of the different sectors/departments are appointed on a five-year performance based contract. Using this incentive, Executive Directors will promote their own projects at all costs to prove a high level of performance. *'This creates in many instances a problem once again for environmental related decisions, since environmental issues are in many cases pre-cautionary and may even inhibit or stop progress and development, but with reason. Due to the level of influence and decision-making powers on this level, the environmental issues are often overruled and development activities such as housing projects are promoted. Decisions are not made for the greater good of the environment, but for the purpose of a good bonus at the end of the financial year, and hopefully a renewal of the contract at the end of the year term'* (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007).

One opinion (Chief Director, GDACE, 2007) of capacity and its related was that, *'the most important level of government is the local level and that it is at this level where the highest level of incapacity lies'*. Atkinson (2002:3) confirms this fact by stating that, in terms of the Municipal Structures Act, and the Municipal Systems Act (White Paper on Local Government, 1998), municipal government has come to the fore as arguably the most important level of government in the overriding purpose of promoting development. *'Local government is the only sphere of government that has the mandate to bring together a variety of sectoral issues within one developmental policy, programme or project'* (Atkinson, 2002:3). The suggestion was made by the Chief Director, GDACE (2007) that, *'In an urbanized area, the provincial authorities as well as the District Councils, do not have a role*

to play. Local Authorities should be strengthened with capacity, resources, areas of responsibility and authority, which is currently “wasted” in areas and levels of government where not really required’. The Chief Director, GDACE (2007) implies that, by directing resources in the right direction and to the right levels, greater success can be achieved, especially at implementation level and, more importantly, in service delivery within all sectors of government.

As the governmental system currently stands, Atkinson (2002:21) proposes that a great deal of effort needs to be expended by national and provincial departments to build up municipal developmental capacity. In Chapter 3 of the Gauteng Development Strategy strategic objectives have been formulated and the fourth objective aims to ensure that all government departments and institutions have the necessary technical skills, human and financial capacity, improved productivity and efficient resource management to successfully implement the Gauteng Development Strategy (Gauteng Provincial Government, 2005).

IGES (2001:4) confirms the arguments against ‘insufficient capacity’, referring to it as one of the major obstacles developing countries face when trying to successfully implement co-operative environmental plans. ‘Good local governance requires opportunities for a deep and sustained level of public intervention and debate, and requires opportunities for deliberation. Openness and deliberation should be valued, but they lose their lustre in a system that *lacks the capacity* for effective action. Good local governance requires the capacity to act’ (Stoker, G in Parnell, S *et al*, 2002: 34,35).

4.4.4 The Role of politics

Politics had limited influence on the formulation of the Lesedi Local Municipality Environmental Management Framework. However, according to the Consultants and Lesedi Local Municipality's Environmental Officer, politics have had an impact on the actual implementation of the policy and the guideline document. Lesedi's Environmental Management Framework was finalized in November 2006, but, in order for the Environmental Management Framework to have statutory status, it has to be approved by the MEC or Minister, as prescribed in terms of the NEMA Regulations (NEMA Regulations, Government Notice 385, April 2006, Section 25). Once approved by these *political figures*, the Environmental Management Framework can be implemented and enforced by all spheres of government. Regrettably, Lesedi's Environmental Management Framework has not yet been approved--more than two years after finalisation of the project (Chief Director, GDACE, 2007 & Environmental Officer, Lesedi Local Municipality, 2007).

Politics can and should play a very important role in co-operative governance as it ensures that accurate delivery takes place and that specified political mandate are fulfilled; but it can also be extremely harmful. Forsyth (2006:209) demonstrates that 'co-operative governance needs to incorporate a greater political understanding of how and by whom technological debates are framed, using insights from discursive politics'. *'Political decisions are often made based on political and emotional criteria and not on the technical facts on the table. This is critical as it creates a feeling of mistrust and confusion amongst government officials, environmental practitioners, developers, community etc. and often, unsustainable precedents are created, which are problematic over the longer term'* (Chief Director, GDACE, 2007). The Assistant Director, EP & IA, Sedibeng, GDACE (2007) adds that, *'Politicians should be educated and empowered to understand the implications of certain decisions, and specifically how it influences*

the environment'. This was achieved through the formulation of Environmental Management Framework for Lesedi Local Municipality, which involved politicians. An analysis of each political ward was conducted and this informed the relevant Councillor about the environmental issues and concerns within their particular ward.

The interviewees raised an important concern: that politicians play a considerable role in our government departments and, more specifically, in the decision-making processes. Local officials constantly experience situations where the decisions they make on projects and development proposals, which they base on technical information, are overruled by politicians because of the political importance and support certain projects enjoy. Politics can bring about a set of circumstances in which there is little or no co-ordination. This was the case in Sedibeng District Municipality, politics did not contribute to co-operative governance, but it was, in reality, detrimental to it.

According to Assistant Manager, Environmental Management (2007), of Sedibeng District Municipality, co-ordination within Sedibeng, especially concerning environmental issues, is limited because of political agendas. As discussed, Sedibeng consists of the Midvaal, Lesedi, and Emfuleni Local Municipalities, most of which are predominantly ANC governed, except for Midvaal, which is governed by the DA. Consequently, Midvaal does not attend any of the meetings or forums arranged to discuss District-related issues and concerns, and Lesedi, Emfuleni and Sedibeng attend these meetings to a very limited degree. Another disadvantage of the situation is that one political party is always highlighting the other's incompetence, instead of co-operating. This means that each local authority functions independently, which is, obviously, counterproductive. Yencken (2002:82) states that environmental problems do not respect political boundaries and that co-ordination should take place.

Political agendas mean that the best environmental and socio-economic proposals are not always supported and that decisions are based on political will. The Assistant Director, Environmental Planning and Impact Assessment, Ekurhuleni and Sedibeng, GDACE 2006/2007 stated further that *'It is problematic that government departments have political figures heading the different Sector departments for they are influenced by other decision-making factors and pressures, such as political success'*.

'In summary, there is evidence that management and development at local government level could be made more efficient and effective if the roles of different spheres of government (including types of municipalities) were clearer and more formalised. There needs to be less bureaucracy and more effective co-operation and partnerships, as well as improved incentives for integrated and aligned planning and implementation, both horizontally and vertically. In addition, strong leadership is needed at local government level to prevent political infighting, which is common in many municipalities' (Goldman and Reynolds in Van Donk, *et al*, 2008:138).

4.4.5 Public participation

'The concept of co-operative environmental governance has been proposed as a means of increasing citizens' participation in environmental policy and technological choice in order to make policy processes more deliberative and socially inclusive' (Forsyth, 2006:209). Public participation can have a dual impact on delivery, according to Fritschand Newig (2007). Firstly, it influences the decision itself and, secondly, it can lead to a more complete implementation of decisions. Agrawal and Lemos (2007:40) mention that public involvement has two benefits: it may help solve complex environmental problems and it allows for a more equitable allocation of benefits from environmental resources. Atkinson (2002:3) also highlights the role of local government in public participation as it is the level

of government that closest to the people. In an international case study, Smith (2001:1) states that democratic decentralization is promoted as one way of improving service delivery. Atkinson (2002:3) refers to the role of Ward Councillors in particular and the ward system in general as a means of dealing with the needs and interests of the people and representing them within government.

In terms of the formulation of an Environmental Management Framework, the NEMA Regulations are clear as to what is expected in terms of public participation. In the case of the Lesedi Environmental Management Framework an extensive participation process was entered into, which included the public, officials, politicians and stakeholders, such as farmers, industries and businesses in the area. In this process the dual intention, as cited by Fritsch and Newig (2007), was apparent. First sufficient local input was obtained and then public approval, through participation, was sought.

During the formulation of the Lesedi Environmental Management Framework, information sessions for specific groups influenced by the management proposals were held. The purpose of these sessions was to make the groups aware of important environmental features that would be affected; in this instance, particular attention was paid to the Heidelberg Copper Butterfly, which is an endangered species.

The introduction of natural corridors and buffers, which influenced many farmers' land, was proposed. Once the farmers came to appreciate the importance of conserving the butterfly they bought into the concept and the proposals thereby, indirectly, approving them. In the long-term, this will support the implementation and management of these Environmental Management Framework proposals. As Fritsch and Newig (2007) state: 'An intense involvement of the concerned actors in a decision process that is perceived as fair and based on mutual communication, is expected to enhance the acceptance of the decision'.

A review of the attendance registers showed that attendance at public meetings was generally poor. The meetings were, however, well attended by political decision makers (Councillors of the Lesedi Local Municipality), placing them in a position to give feedback to each of their wards. The Lesedi Environmental Management Framework includes, *inter alia*, a ward analysis that highlights both the positive and negative environmental features for each political ward. The Councillors are empowered by the knowledge they have of issues within their wards and this indirectly assists in decision-making, budgeting and implementation, as the decision makers (Councillors) are more informed about environmental issues within their area.

Individual interest and participation was very limited, especially from the more affluent sector of the community. It may be, in this case, that their lack of participation was based on their assumption that their interests and concerns had been sufficiently represented in the process, rather than implying disinterest (Fritsch & Newig, 2007). GDACE and Sedibeng District Municipality were absent from the public participation meetings. According to them, their input at the Steering Committee meetings and their comments on the draft documentation sent to them was sufficient. 'Politics, education and the accessibility of related and updated information play an important role. If the empowering of the people is not sufficiently done, then cooperative governance has failed' (Assistant Director, EP&IA, Sedibeng, 2007).

Forsyth (2006:209) argues that, 'The concept of co-operative governance is still too optimistic in assuming that local people can shape environmental and technological decisions'. Experience and interviews, with both governmental officials and the project consultants, make it clear that politics and political pressure have an enormous role to play in governance. In many instances, decisions are made, based not on the true needs of the community, but on the political agenda of politicians.

4.4.6 Lack of co-ordination in strategic planning

In order for geographic areas to function and develop in a sustainable manner, strategic, long term planning is required. This includes the co-ordination of proposals between the different spheres of government and, more importantly, co-operation between neighbouring authorities. Yencken (2002:82) confirms this by stating that governance for sustainability requires strong intergovernmental arrangements.

In the case of the Lesedi Local Municipality, the formulation of the Environmental Management Framework was an attempt to approach environmental planning and management in a sustainable manner (see IDP etc.). Since Lesedi Local Municipality forms part of the Sedibeng District Councils' area of jurisdiction, the input from Sedibeng, although limited, was valued. It became evident through the research and the interviews that Midvaal Local Municipality was in the process of formulating an Environmental Management Framework, funded by GDACE, at the same time that Sedibeng was in a similar (EMF) formulation process with international funding from DEAT. Emfuleni is the only area that has no Environmental Management Framework, but because of its environmental issues, it is probably the one that needs it most (Assistant Manager, Environmental Management, Sedibeng District Municipality, 2007).

Interestingly, there was no interaction, co-ordination or co-operation between these Councils in the formulation of these Environmental Management Framework's. The Ekurhuleni Metropolitan Municipality also recently finalized an Environmental Management Framework for its entire area of jurisdiction. In neither process was input from the other council obtained.

Even though strategic planning takes place within local authorities, it does not always prepare for 'crisis management'. The Assistant Manager, Environmental

Management, Sedibeng District Municipality (2007) highlighted a scenario where specific projects and plans are taken up in a strategic plan and budget, but, due to a crisis situation (for example, squatters locating over night or flooding taking place), these plans and budgets were set aside in order to deal with the crisis at hand. Even though strategic plans, budgets, policies and legislation may be in place, capacity within authorities may be lacking.

The Assistant Manager, Environmental Management, Sedibeng District Municipality (2007) stated that, at the District Council level an Environmental Programme of Action (EPOA), which is a five year environmental strategic plan, has been compiled. This Environmental Programme of Action is similar to the Independent Development Plan in that it also consists of targets and objectives linked to budgets over a five-year period. The Environmental Programme of Action also links up with the Independent Development Plan and, more importantly, DWAF, GDACE and DEAT, *inter alia*, have given their support and consent to the matter. A certain degree of co-operative governance was reached through the Environmental Programme of Action.

‘Environmental policies and responses are strongly influenced by a government’s knowledge and understanding of environmental problems, its assessment of the severity, the expert opinions available to it on the size of the responses needed, its understanding of the driving forces leading to environmental deterioration and the influence of prevailing theories and paradigms’ (Yencken, 2002:78).

4.4.7 Level of information and technical expertise available

Decisions made at any level of authority are based on available information. Should information not be readily available or accessible, decisions may be based on inferior or outdated information. Officials are supported in their day-to-day functions if they are provided with the latest spatial information. In many

instances, information and the systems used to gain access to it are not readily available, especially in the smaller local authorities where the budgets are limited (Assistant Director, Environmental Planning and Impact Assessment, Ekurhuleni and Sedibeng, GDACE, 2006/7). In instances where the information and systems are available, there are often problems updating and maintaining them due to restrictions in capacity.

Prior to the Environmental Management Framework formulation in Lesedi Local Municipality, limited environmental information was available at a local authority level. Through the process of formulating the Environmental Management Framework, detailed Fauna, Flora, Geotechnical and Agricultural studies were undertaken and the relevant information was included in the Status Quo portion of the Environmental Management Framework Report. Furthermore, this information was reproduced as a map and in Geographic Information System (GIS) format. In Lesedi Local Municipality's case, basic GIS information, particularly data relating to cadastral, zoning and engineering services, is available. The information contained in the Environmental Management Framework can now be added to the Geographic Information System, making it readily available for use by all relevant officials, including engineers and town planners.

4.5 SUMMARY

Within the South African and, more specifically, the Gauteng, Sedibeng District Council and Lesedi Local Municipality context, an attempt at achieving co-operative governance has been made. However, through the interview process many other governance problems were highlighted, but they do not necessarily have any connection to the formulation process of the Lesedi Environmental Management Framework. Nevertheless, these indicators have proven that, unless issues such as negative political influence, capacity problems, inept

methodologies and the lack of public involvement are addressed, the concept of co-operative governance has failed dismally.

The Lesedi Local Municipality Environmental Management Framework formulation process would have been a good example of a project in which an attempt was made at achieving co-operative governance. It was a joint venture project between the local authority (Lesedi Local Municipality) and provincial government (GDACE) and both parties made financial contributions to the project. Furthermore, the project was managed and guided by a Steering Committee consisting of officials from different sectors within Lesedi Local Municipality, GDACE and Sedibeng. Input from all the stakeholders, including the public, businesses, local farmers and other role players were continuously fed into the Environmental Management Framework.

In terms of the NEMA Regulations, the MEC needs to approve the Environmental Management Framework and all levels of government must implement it. Even though the formulation of the Environmental Management Framework focussed on the local authority and was managed to a large degree by them, it will need to be implemented and used in decision-making and management at both the local authority and provincial level. This will ensure that decisions are based on the same information, leaving no room for contradictions between the local and provincial authorities. Due to the level of approval, all other policy documents such as the Integrated Development Plan and Spatial Development Framework will have to be in line with this document. Both authorities, therefore, need to approve Environmental Management Framework and use the same information in decision-making process.

However, it is clear that there are many weaknesses within the realms of co-operative governance. The intentions, legislation, policies, capacity structures and incentives may all be there, but this does not guarantee success.

For the most part, the different levels of government did not participate promptly or accurately as would have been expected. GDACE was especially guilty in this regard, as their comments were always received much later than anticipated which meant that issues and concerns, which should have been highlighted by them during the formulation process, were only brought to the attention of the Consultants at the finalization of the project, thereby influencing several of the initial proposals. Furthermore, information provided by GDACE was not always complete or up-to-date, which caused problems during the finalization stages, as it was then that outdated information was highlighted. Lesedi's Environmental Management Framework was formally finalized at the end of November 2006; however, by the end of 2007 no formal approval had been issued by GDACE. This was not because of any concerns or problems concerning the Environmental Management Framework, but was due to GDACE's incapacity to deal with formalized approval. The consultants made a final presentation to the MEC in September 2007, after which the MEC was in a position to approve Lesedi Local Municipality's Environmental Management Framework, but, to date, this has still not been realized (two years later). This has an obvious effect on the implementation and enforcement of the Environmental Management Framework. A great deal of time, money and effort was expended in formulating and finalizing the Environmental Management Framework with the intention that it be implemented, only to have the policy document sitting on a shelf two years later, unenforced and not applied.

Through the investigative process, it became evident that there are many local authorities formulating Environmental Management Frameworks, but the co-ordination and co-operation between these authorities and their neighbouring local authorities are non-existent. There was no co-ordination within the Sedibeng District Council where both Lesedi and Midvaal have recently been in the formulation phases of their Environmental Management Framework's and, at no stage did they compare notes, despite the fact that they border one another.

Moreover, because of interference from the National Authority, DEAT, money has been allocated and spent on strategic planning where it was not a District necessity or requirement. Clearly, this is evidence that there was no input, co-operation or co-ordination in this regard between the National, Provincial or District Authorities, because DEAT identified a project and funded it without input from the provincial and local authorities, and a situation has been created where neither GDACE nor Sedibeng are co-operating the way they should. Neighbouring local authorities, such as Ekurhuleni and Lesedi did not share or compare information on their Environmental Management Framework's, even though both these authorities were simultaneously formulating Environmental Management Frameworks. Draft documents were not even made available for comment purposes and this questions the reliability of the public participation process. Neighbouring local authorities are interested and affected parties and, due to an oversight within the formulation process and the inadequacy of GDACE and Sedibeng District Municipality, at no time was their input requested.

As highlighted: a lack of understanding of co-operative governance, described in the interviews, and the numerous constraints listed by the interviewees, such as capacity problems and the role politics plays in decision-making processes, have an enormous influence on the success or failure of co-operative governance and, ultimately, the implementation of the Environmental Management Framework.

CHAPTER 5: SYNTHESIS

5.1 Introduction

The aim of this study was to assess whether co-operative governance, throughout all spheres of government within the environmental management sector, is a success or a failure and to determine the extent of that success or failure. In the research process, the debates on co-operative governance, both international and local, have been recorded and related to the strategic environmental management situation in Lesedi Local Municipality. The research questions were not answered directly and independently, but they were addressed during the research process, as they are interrelated.

This chapter will highlight, reflect on and discuss a few of the key findings.

5.2 Key research findings

The research has verified, through the case study (Lesedi Local Municipality's formulation of an Environmental Management Framework) and the process of addressing the research questions, some of the problems evident in all spheres of government and a few concerns experienced by the relevant role players.

Locally and internationally, it has been proven that public involvement, especially the actual monitoring and implementation (policing) of environmental issues, should be encouraged and platforms created to accommodate these efforts. The importance of greater public involvement and decision-making is clear and the fact that there is a bigger role for them to play in governance processes is obvious. Meadowcroft (1997:431)

argues that it should be accepted that governments alone cannot bring about sustainable development, that a major reorientation of government activity is essential and that some form of public planning must be involved.

It must be demonstrated to communities and the public that their contributions and participation are taken seriously and that they are necessary as the 'eyes and ears' within their neighbourhoods. In this way, a complete sense of belonging can be created and governance at the local level can take place through the local communities, relieving governments of their capacity problems.

It is clear from the research undertaken and the formulation of the Environmental Management Framework that the local authority has a very small role to play in decision-making when it comes to environmental concerns. The formulation and adoption of Environmental Management Framework's by local authorities should have passed on large portions of environmental management to the local level, but most of the decision-making powers still lie within the provincial sphere. The formulation of an Environmental Management Framework for Lesedi Local Municipality is considered a waste of time and energy as GDACE has still not formally adopted the framework or, through the Environmental Management Framework, granted influence over environmental management to the local authority.

Another theme that was raised, was the role that politics played within the governance process. The research makes it clear that strategic environmental management, in the co-operative government environment, is not really achieved. All government departments are controlled by politicians who, for re-election purposes, need to perform for the public. In a country such as South Africa, a politician attends to job creation, infrastructure, the improvement of basic services, health care and housing delivery. This is all good and well, but may be achieved, in some instances, at a cost to the environment.

A situation that became apparent during the formulation of the Environmental Management Framework and that was commented on by all the interviewees is the problem of capacity. Capacity refers to the number of qualified government officials available, in all spheres of government, to deal with environmental issues that include planning, co-ordination, implementation and monitoring. South Africa has a major capacity problem, meaning that Consultants continuously play a bigger role. In the case of the Lesedi's Environmental Management Framework, the process was managed, conducted and implemented by Consultants, which means that government officials at all levels were only role players and not the actual custodians of the process or the end-product.

Cameron (2007:16) states that it remains disconcerting that, not only do many administrative officials appear not to be sufficiently *au fait* with the intricacies of the law they are administering, but that corporate entities, ranging from the very small to the very large, also routinely risk critical investments on unchecked advice from these very officials. Perhaps administrative departments are, in principle, not supposed to act as legal advisors to the public. These comments, once again, highlight the issue around capacity problems and the general incompetence within our environmental departments.

In conclusion, it can be argued that, within the South African context, there is more that can be done to ensure that the true concept of co-operative governance is realized and, more specifically, utilized as a means of achieving sustainable development. Through this research report, it is clear that governance relating to environmental processes, is taking place in an isolated environment and that very little is co-ordinated and incorporated.

Governmental spheres often operate independently and sectors function in isolation with very limited public participation, intervention, decision-making and management happening on a strategic level.

5.3 RECOMMENDATIONS AND AREAS FOR FUTURE RESEARCH

In view of the research objective and the research questions raised in Chapter 1, this research has shown that all relevant legislation recognizes the importance of co-operative governance and that there is a general attempt to adhere to the principles as laid down by these Acts. There is an attempt by government to make spheres work together, share information and interact, but, due to capacity constraints, this cannot always be carried out successfully and so it loses momentum and eventually credibility.

International research indicates that because of South Africa's political context and the fact that it is a developing country, future research should be focussed on co-operative governance within developing countries, as the dynamics are very different from those in developed countries. A much stronger political commitment is required from all levels of government, one that is not influenced by greed, corruption and other material demands, but which is truly focussed on responsible environmental management and, subsequently, sustainable development.

Local authorities, with assistance from the public (through organisations such as NGO's, ward committees and the formulation of public-private-partnerships), should play a bigger role in co-operative governance, especially in the South African context where aspects such as capacity (human and financial resources) have proven to be problematic. The research makes it clear that environmental decision-making, be it strategic or project specific, is based at the provincial level. The availability of Integrated Development Plans, Spatial Development Frameworks and Environmental Management Framework's place local authorities in a better position to manage the affairs within their borders. Future research should address the possibility of delegating more responsibility and decision-making powers to the local authorities.

5.4 CONCLUSION

This research study has attempted to highlight the importance of co-operative governance and, specifically, the significant role it plays in co-ordinating, managing and implementing strategic environmental management and planning. It has also tried to demonstrate the positive role co-operative governance plays in reaching the objectives of sustainable development.

The research study has been successful in proving and concluding that environmental issues need to be addressed within a strategic framework. However, the implementation and enforcement of such a framework is dependent on cross-sectoral linkages, levels of government with sufficient capacity, integration and co-ordination as well as participation. The fact that the EMF has still not been approved, adopted and implemented in the case of the Lesedi Local Municipality, is proof of this statement.

The intention of the strategic framework (in this case the Environmental Management Framework) is to link policy principles to responsibilities and monitoring systems in all spheres and levels of government (co-operative governance), promoting sustainable development. The study could have been extended to include a study of the level of success of sustainable development in the Lesedi Local Municipality scenario.

It is my honest expectation that this study will assist in highlighting the successes and failures of co-operative governance, especially within the environmental sector, and that government will build on the successes and turn the failures around, making a positive contribution to sustainable development.

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