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ENVIRONMENT CONSERVATION ACT 73 OF 1989

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GENERAL POLICY IN TERMS OF THE ENVIRONMENT CONSERVATION ACT 73 OF 1989

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Under section 2(1) of the Environment Conservation Act, 1989, (Act No. 73 of 1989) I, Jacob Albertus van Wyk, Minister of Environment Affairs, after consultation with each Minister who is charged with any law which in my opinion relates to a matter affecting the environment, the Minister of State Expenditure, the Administrator of each province and the Council for the Environment, hereby determine the general policy as set out in the Schedule to this notice.

J. A. VAN WYK

Minister of Environment Affairs.

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PREAMBLE

The environmental policy is based on the following premises and principles:

- Every inhabitant of the Republic of South Africa has the right to live, work and relax in a safe, productive, healthy and aesthetically and culturally acceptable environment and therefore also has a personal responsibility to respect the same right of his fellowman.
- Every generation has an obligation to act as a trustee of its natural environment and cultural heritage in the interest of succeeding generations. In this respect, sobriety, moderation and discipline are necessary to restrict the demand for fulfilment of needs to sustainable levels.
- Every inhabitant of the Republic of South Africa has the responsibility to regulate the size of his family to such an extent as to ensure that the population growth be kept within the confines of available resources so as to make possible a meaningful life for his descendants.
- The State, every person and every legal entity has a responsibility to consider all activities that may have an influence on the environment duly and to take all reasonable steps to promote the protection, maintenance and improvement of both the natural environment and the human living environment.
- The maintenance of natural systems and ecological processes and the protection of all species, diverse habitats and land forms is essential for the survival of all life on earth.
- Renewable resources are part of complex and interlinked ecosystems and must through proper planning and judicious management be maintained for sustainability. Non-renewable natural resources are limited and their utilisation must be extended through judicious use and maximum reuse of materials with the object of combating further over-exploitation of these resources.
- The concept of sustainable development is accepted as the guiding principle for environmental management. Development and educational programmes are necessary to promote economic growth, social welfare and environmental awareness, to improve standards of living and to curtail the growth in the human population. Such programmes must be formulated and applied with due regard for environmental considerations.
- A partnership must be established between the State and the community as a whole, the private sector, developers, commerce and industry, agriculture, local community organisations, non-Governmental organisations (representing other relevant players), and the international community so as to pursue environmental goals collectively.

Environmental Management System

Each Minister, Administrator, local authority and government institution upon which any power has been conferred or to which any duty which may have an influence on the environment has been assigned by or

under any act shall exercise such power and perform such duty with a view to promoting the objectives stated in section 2 of the Environment Conservation Act, 1989 (Act No.73 of 1989).

Every Government department and institution will accept full accountability for the consequences that the activities within its field of responsibility may have on the environment.

The Department of Environment Affairs must conduct a continuous process of consultation, co-ordination, policy formulation, planning, legislation, monitoring and evaluation that is designed to direct and influence the activities of all Government institutions, non-Governmental organisations, private entrepreneurs and other participants in such a way that policy objectives are pursued.

Although environmental matters are primarily the responsibility of the Central Government, executive responsibilities should, as far as possible, be devolved to regional and provincial governments and local authorities according to national norms, standards and guidelines established by the Central Government. Regional governments will be responsible for all regional environmental matters. Regional governments must, however have the financial means and proven expertise to perform such functions.

Organisations, companies and other players whose activities may have an impact on the environment must be encouraged to establish and implement formal environmental management systems based on acceptable standards and guidelines so as to enable them to exercise self-control over any of their activities that may influence the environment.

POLICY

Environmental education

Since environmental awareness, knowledge and understanding are prerequisites for establishing a responsible national environmental ethos, measures must be taken to promote environmental education in formal education, and also by means of informal instruction, museums and the media. Furthermore, where possible, an awareness must be cultivated of the negative impact of excessive population growth, excessive economic development and the other-exploitation or pollution of resources.

Land use

Judicious use of land is an important foundation of environmental management. All government institutions, and also private owners and developers, must therefore plan all physical activities, for example forestry, mining, road building, water storage and supply, agriculture, industrial activities and urban development in such a way as to minimise the harmful impact on the environment and on man and, where necessary, to facilitate rehabilitation. A balance must be maintained between environmental conservation and essential development. Before embarking on any large-scale or high-impact development project, a planned analysis must be undertaken in which all interested and affected parties must be involved. In order to attain the

sustainable utilisation of resources, the principles of integrated environmental management are accepted as one of the management mechanisms.

Particular efforts must be made to conserve valuable high-potential agricultural land for agricultural purposes, to protect water resources and sites and objects of significant cultural interest; to combat deforestation of indigenous forests, soil erosion, desertification; and to prevent the destruction of wetlands and other environmentally sensitive areas. Among the main attractions South Africa has to offer as a tourist destination are its aesthetic qualities and the scenic beauty of the environment, assets that must also be considered. Scientific conservation principles must be applied in all land-use planning.

Nature conservation

A national nature conservation plan, including the compilation of a complete inventory of and a classification system for protected areas will be developed by the Department of Environment Affairs to ensure the maintenance of South Africa's biodiversity. The objective is the establishment of a representative system of protected areas with a rational coverage and distribution to include the various veld types, biomes and land forms. The interests and wishes of local populations must be considered in the establishment of each new protected area. Effective management and control should be established to make possible the sustainable use of economically viable natural resources, for example game, marine resources, veld and natural forests.

The maintenance of the ecological integrity and natural attractiveness of protected areas must be pursued as a primary objective.

All responsible government institutions must apply appropriate measures, based on sound scientific knowledge, to ensure the protection of designated ecologically sensitive and unique areas, for example wilderness areas, fynbos, grasslands, wetlands, islands, mountain catchment areas, indigenous forests, deserts, Antarctica and the coastal zone.

Cultural heritage

South Africa has a wide variety of cultural groups, each attaching certain values to their cultural heritage. Cultural assets such as rock art, archaeological sites and implements, historical equipment, transport, weapons and artwork; ancestral graves; sites of religious significance; geological sites and aesthetic and culturally significant man-made landscapes are also to be found in close relationship with the natural environment.

The conservation of these rich cultural assets, be they proclaimed historical buildings of national importance or simply elements of local significance, must be integrated into the process of environmental management. In particular, it must be ensured that the maintenance of cultural assets is taken into account in all development projects and that the needs of the local communities are honoured in this respect.

The urban environment

Urban development and management must as far as possible be guided in such a manner that all the inhabitants can live a healthy, safe and dignified life in an aesthetically and culturally acceptable environment. This would include the following:

- A holistic environmental approach will form an integral part of all facets of urban planning and development. This includes the built environment and natural environmental elements taking into account the socio-economic factors. Consultation with all interested and affected parties is a fundamental element of this policy.
- A compact and functionally more efficient city structure will be pursued with a continued emphasis on orderly spatial development to make the maximum use of available land possible. Buffer zones should be established between residential and industrial areas.
- All development will be planned and managed in such a way that all forms of pollution are, where possible, eliminated.
- Environmental expertise and the involvement of local communities will be promoted in order to ensure acceptable standards and living conditions.

Pollution control

In the first instance pollution, of whatever nature, should be prevented by formulating an effective comprehensive policy, the promulgation of appropriate legislation, the establishment and maintenance of norms and standards, the application of the best practicable environmental options based on the most suitable available technology, the fostering of positive attitudes among industrialists and the public, and participation in international co-operation.

A national strategy for integrated waste management and integrated pollution control will be developed in which the elements of responsibility, accountability, minimising, treatment and reuse will enjoy priority. No hazardous waste will be imported into South Africa for disposal unless it is in accordance with international agreements. Disposal into the atmosphere, land and water environments should be limited to acceptable levels and standards. Protection against hazardous waste, the control of environmentally detrimental agricultural, trade or industrial practices and the promotion of recycling will be included in the strategy.

The safe management of hazardous materials will be arranged in accordance with internationally accepted standards and practices.

Conservation of natural resources

The needs of the entire development spectrum must be considered in the generation and supply of electricity. Therefore, for practical and realistic reasons methods directed, on the one hand, at the more

effective and cleaner use of fossil fuels and, on the other hand, at cost-effective utilisation of independent, renewable energy-based systems must be promoted. The electrification of urban and rural areas will be promoted as far as is economically affordable. Appropriate funding for rural electrification for the benefit of the whole community should be found and applied.

The use of nuclear energy will be considered, provided that it can be justified and is used in a safe and responsible manner. The increased use of solar energy must also be pursued.

Water resources will be used judiciously and measures will be taken to ensure that South Africa's available water resources are utilised to the optimum for household, agricultural, forestry, industrial, recreational and nature conservation purposes and for the maintenance of ecosystems. Water schemes should be developed in such a way that they also meet the needs of rural and local communities.

Resources protection, reuse and the judicious utilisation of all renewable and nonrenewable natural resources are critical environmental issues.

Economic measures

Where appropriate, environmental resource economic measures should be employed to:

- support economic growth and social welfare without overstraining or irreversibly damaging the environment and natural resources in the process;
- ensure equitable access to resources for all 1 communities without jeopardising the interests of future generations;
- internalise external environmental costs as part of exploitation and production costs, having due regard to the economic implications;
- promote the reduction of the waste stream and pollution to levels that can be naturally absorbed without deleterious effect; and
- promote the use of appropriate innovative technologies that can make a specific contribution towards sustainable development.

Research

Purposeful environmental research, including research on aspects that have an influence on the environment and that may result in external or social costs, will be initiated, encouraged and supported so that priority fields enjoy preference, manpower and financial resources are used to the optimum and unnecessary duplication is avoided. The active application of useful results will be ensured.

International co-operation

International and regional co-operation in environmental matters will be maintained and extended. The maintenance and extension of international protocols and conventions and the international treaties to which South Africa is already a party will be purposefully pursued. South Africa will enter into multilateral and bilateral agreements when it is to the benefit of the country and/or the international environmental cause.