



Zanele Masoek

Project Manager / Legal Practitioner

Tokiso Dispute Settlement (Pty) Ltd

By email: zanele@tokiso.com

9 June 2020

Dear Ms Masoek

RE: PRIORITY AREAS - MANAGEMENT OF MULTI-STAKEHOLDER REFERENCE GROUP MEETINGS AND IMPLEMENTATION TASK TEAM MEETINGS

1. We address you on behalf of groundWork (gW),¹ the Vaal Environmental Justice Alliance (VEJA),² and Vukani Environmental Movement (VEM).³
2. We refer to the on-boarding session for “Multi-Stakeholder Reference Group (MSRG) meetings in air quality management” to be hosted by Tokiso Dispute Settlement (Pty) Ltd (“Tokiso”). We note that this meeting was scheduled for Saturday 6 June 2020, but it has been postponed because an insufficient number of stakeholders confirmed their availability.
3. We remain deeply concerned, in the public interest, about the effective administration and implementation of priority areas in South Africa, declared in accordance with section 18 of the National Environmental Management: Air Quality Act 39 of 2004 (“AQA”). The above organisations, along with the Centre for Environmental Rights (CER),⁴ have been active participants in the priority area engagement structures – the Implementation Task Team (ITT) and MSRG meetings; as part of the implementation of Highveld Priority Area, in particular. In addition, we have submitted several letters to relevant government authorities regarding the management of MSRG and ITT meetings in priority areas, to ensure that these forums are not only transparent and accessible to affected parties,

¹ gW is a non-profit environmental justice service and developmental organisation working primarily in Southern Africa in the areas of Climate & Energy Justice, Coal, Environmental Health, Global Green and Healthy Hospitals, and Waste.

² VEJA is a non-profit organisation that advocates for environmental justice, through the promotion of environmental awareness; education; active engagement with role-players; assistance to vulnerable and previously disadvantaged communities; and through advocating for a healthy environment and sustainable development within the Vaal Triangle.

³ VEM is a non-profit organisation that seeks to create unity amongst environmental and social justice, faith, labour, youth and other relevant organisations based in the Highveld, in order to have a common voice on environmental justice issues.

⁴ The CER is a non-profit organisation, established to advance the realisation of environmental rights as guaranteed in the South African Constitution by providing support and legal representation to civil society organisations and communities who wish to protect their environmental rights, and by engaging in legal research, advocacy and litigation to achieve strategic change.

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but they are facilitated by government in a manner that promotes accountability, responsiveness and meaningful engagement.

4. The sole purpose of this letter is to bring your attention to relevant correspondence addressed to both the Department of Environment, Forestry and Fisheries (then Environmental Affairs) and the Department of Health. Although we acknowledge the various challenges during these unprecedented times, we reiterate the issues and suggested measures raised in these letters, which are attached as Annexures “A” to “D”:

4.1 **Annexure A:** “*OUTCOMES OF THE MEETING WITH NGOs ON THE IMPLEMENTATION OF THE HIGHVELD PRIORITY AREA HELD ON 12 DECEMBER 2017*” (dated 19 January 2018);

4.2 **Annexure B:** “*REQUEST FOR THE DEPARTMENT OF HEALTH TO PARTICIPATE AS A STAKEHOLDER IN THE HIGHVELD PRIORITY AREA MULTI-STAKEHOLDER GROUP MEETINGS*” (dated 8 September 2016);

4.3 **Annexure C:** “*CER COMMENTS ON THE UPDATED MULTI-STAKEHOLDER REFERENCE GROUP TERMS OF REFERENCE FOR THE IMPLEMENTATION OF THE HIGHVELD PRIORITY AREA AIR QUALITY MANAGEMENT PLAN*” (dated 11 December 2015); and

4.4 **Annexure D:** “*PRIORITY AREAS: MANAGEMENT OF MULTI-STAKEHOLDER REFERENCE GROUP MEETINGS AND IMPLEMENTATION TASK TEAM MEETINGS*” (dated 22 August 2014).

5. We also note the email on 4 June 2020 from VEJA’s Mr Samson Mokoena to you and your confirmation of receipt. The abovementioned organisations have a number of other concerns and queries at this stage; however they respectively reserve these issues for submission during the on-boarding meeting and / or subsequent engagements.

6. We await an update from Tokiso on the re-scheduling of the on-boarding meeting, as well as an explanation of the potential support measures to assist affected individuals and community representatives who do not have the means to access virtual platforms.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



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