

Werner Scholtz:

### **Co-Operative Approaches To Environmental Governance**

International environmental governance is not institutionalized in one international organization as various institutions and agencies deal with regulatory issues pertaining to the environment. The differentiation between the various organizations results in a fragmentation in relation to the international governance of the environment. One may attribute the institutional fragmentation to *inter alia* the fact that an international environmental organization is absent to regulate international law. Further fragmentation is evident as an integrative approach is not followed in relation to the governance of relevant media, such as air and water. The existing international fragmentation cascades down to national environmental governance. The regulation of the environment is dealt with by various national departments which also do not govern the various media in an integrated manner. This situation is not different in South Africa which is characterized by a federal system and three spheres of government. The *Constitution of the Republic of South Africa, 1996* as well as the *National Environmental Management Act No. 107 of 1998* makes provision for co-operative governance in order to promote co-operation between all spheres of government as well as organs of state. It may be assumed that international and national fragmentation of environmental governance impedes the promotion of sustainable development. It is accordingly the purpose of the proposed presentation to investigate the mechanism of co-operative governance as a possible solution to fragmentation on the national level. Relevant principles of international environmental law will furthermore be assessed as to ascertain in which manner these principles may provide guidance in finding a solution to the problem. It is accordingly the objective of the proposed paper to investigate possible solutions to the problem of international fragmentation as international law impacts on the municipal law of a country. In order to dilute answers to the problem the relevance of an international environmental organization will also be discussed. The implementation of co-operative governance in South Africa will furthermore be used as an example of the pursuit of a coordinated approach on the national level. The usage of co-operative governance will, however, provide valuable lessons that may also be of use on the international plane.