

# STRATEGIES TO INTEGRATE ENVIRONMENTAL POLICY AT THE OPERATIONAL LEVEL: TOWARDS AN INTEGRATED FRAMEWORK FOR ENVIRONMENTAL AUTHORISATIONS\*

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## 1. Introduction

During the past decade, South Africa undertook a number of initiatives to reform environmental policy, governance<sup>4</sup> and legislation.<sup>5</sup> Reformed policy and legislation provide for, amongst other provisions, important tools, structures and processes to facilitate sustainable environmental governance. Whilst these legislative and policy measures provide for a modern and comprehensive framework within which environmental governance may be executed, structural fragmentation of government into separate, disjointed line functions at all three spheres of government and within the nine provinces remain.

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<sup>4</sup> See the Intergovernmental Relations Framework Bill 2004, approved by cabinet on 2004-11-15.

<sup>5</sup> The *National Environmental Management Act* 107 of 1998 serves as environmental framework legislation. Various sectoral acts have also been promulgated. These include, *inter alia*, the *National Water Act* 36 of 1998, the *Water Services Act* 108 of 1997, the *Marine Living Resources Act* 18 of 1998, the *National Forests Act* 84 of 1998, the *National Heritage Resources Act* 25 of 1999, the *National Nuclear Regulator Act* 47 of 1999, the *National Veld and Forest Fire Act* 101 of 1998, the *Nuclear Energy Act* 46 of 1999 and the *Mineral and Petroleum Resources Development Act* 28 of 2002.

Structural fragmentation results in disjointed policy processes and legislation at the strategic level and the uncoordinated deployment of policy tools at the operational level. At policy level, there are interesting initiatives<sup>6</sup> to address the challenges posed by disjointed and fragmented governance processes. One of these initiatives is the strategy of co-operative governance, which is explored in more detail below. It is argued in this paper that despite attempts to co-ordinate fragmented governance, governance processes at the operational level are still disjointed and incremental. One policy implementation instrument, governmental authorisations, are explored to illustrate to what extent governance at the operational level remains fragmented. Proposals are made to implement co-operative governance at the operational level by means of aligned authorisation processes, as possible scenarios are explored to introduce the principles of co-operative governance to operational level authorisation processes

## **2. The legacy of fragmented and disjointed environmental governance in South Africa**

The environmental governance system in South Africa is fundamentally fragmented. Fragmentation includes disjointed governance structures along separate, autonomous line functioning organs of state that operate at national, provincial and local spheres of government. Fragmented governance structures result in fragmented governance processes that culminate in fragmented policies as well as implementation of policies. Disjointed legislation emanates from separate policy processes. The autonomous line functioning organs of state are organised to either focus on specific environmental media,<sup>7</sup> or to address pertinent issues.<sup>8</sup> Fragmented governance structures result in disjointed and incremental governance processes that are fundamentally inefficient, with

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<sup>6</sup> See the Intergovernmental Relations Framework Bill 2004, approved by cabinet on 2004-11-15

<sup>7</sup> Environmental media in this context include land, air and water.

<sup>8</sup> These issues include, *inter alia*, mining, radio-activity, water affairs, air quality control, development planning, bio-diversity and heritage resources.

significant duplication and overlap of both governance mandates, including the adoption and use of governance tools. Inefficiencies at the operational level may include:

- Duplication and overlap of the governance effort, with all organs of state focusing on environmental authorisation processes, without having resources available to do post-authorisation follow-up;
- Costly delays in decision-making;
- Inefficient arrangements between organs of state that control similar activities or proposals;
- Significant gaps in control arrangements, whilst some significant issues are not controlled at all;
- Inconsistent behaviour by government officials;
- Conflicting conditions in authorisations;
- Ineffective governance; and
- Externalisation of governmental inefficiencies to development costs, resulting in negative impacts on development in South Africa.

Fragmentation may be ascribed to South Africa's colonial and Apartheid past.<sup>9</sup> Developing countries, like South Africa, inherited fragmented and uncoordinated legislation, that paid little thought to sustainable development and an integrated ecosystem-orientated legal and governance regime that permits a holistic view of the ecosystem and of the inter-relationships and interactions within it.<sup>10</sup> Rather than advocating sustainable development and an integrated approach to environmental governance, past practices, legislation and policies were essentially concerned with the facilitation of resource allocation and resource

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<sup>9</sup> Du Plessis and Nel 2001 *South African Journal of Environmental Law and Policy* 2. For a comprehensive discussion on the historical development of environmental law and environmental management in South Africa, see Steyn 2001 *Historia* 25-55.

<sup>10</sup> Du Plessis and Nel 2001 *South African Journal of Environmental Law and Policy* 2.

exploitation.<sup>11</sup> Former colonies furthermore tended to replicate the judicial, executive, legislative and administrative structures of the colonising country.<sup>12</sup> An imbalance is accordingly created, as these imposed structures often "... create a wide gulf between formal procedures and actual practices...", hence resulting in fragmented governance processes and outcomes.<sup>13</sup>

Structural fragmentation of the South African environmental governance regime includes governance at three spheres (national, provincial and local), each with several autonomous line functionaries.<sup>14</sup> This delineation creates a matrix framework of horizontal fragmentation between the different spheres, as well as vertical fragmentation between the various line functionaries in each sphere.<sup>15</sup> The line functionaries of the national and provincial executives do not only function independently from one another, but governance across the spherical divides is also to a large extent discontinuous.

The lead environmental agent at the national sphere, the Department of Environmental Affairs and Tourism (hereafter the DEAT), furthermore does not assume the role of a strong, centralised lead agent that has total control over all environmental governance matters.<sup>16</sup> The DEAT rather acts as a co-ordinator and custodian of the environment by providing framework guidance to the

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<sup>11</sup> Du Plessis and Nel 2001 *South African Journal of Environmental Law and Policy* 2.

<sup>12</sup> Sharkansky *Public Administration* 32.

<sup>13</sup> Sharkansky *Public Administration* 32.

<sup>14</sup> These line functionaries include amongst others, the Department of Environmental Affairs and Tourism (DEAT), the Department of Minerals and Energy (DME), the Department of Water Affairs and Forestry (DWAFF) and the South African Heritage Resources Agency (SAHRA).

<sup>15</sup> Kotzé "Co-operative Environmental Governance" 167, Nel and Du Plessis "Unpacking Integrated Environmental Management" 89-90, Hatting *et al* "Obstacles to Successful Implementation of Governance Tools" 133-135, Claassen "Does Long-term Planning Play a Role in the Search for the Holy Grail?" 45 and Couzens 1999 *South African Journal of Environmental Law and Policy* 17. See also Adlem *Urban Politics* 118-119 for a discussion on inter-governmental and intra-governmental relationships in this vertical and horizontal delineation.

<sup>16</sup> Kotzé "Co-operative Environmental Governance" 167 and Du Plessis and Nel *South African Journal of Environmental Law and Policy* 2.

various decentralised<sup>17</sup> environmental governance mandates. Fragmentation is exacerbated by the *Constitution of the Republic of South Africa* 108 of 1996 (hereafter the 1996 Constitution) that established nine provinces.<sup>18</sup> Glazewski<sup>19</sup> observes in this regard that the various provincial departments of environmental affairs that function under the co-ordination of DEAT "...have no consistent or logical home in the new provinces and in each case environmental affairs finds itself with some odd bed-fellows". This geographical fragmentation also add to the confusion with regard to jurisdictions and mandate issues.

It has been demonstrated above that South Africa has a fragmented and disjointed environmental governance structure that results in fragmented governance processes at both the policy and operational levels. It is argued in subsequent paragraphs that co-operative governance, as a governance strategy, may be employed to address some of the inefficiencies of fragmented policy processes while fragmentation at the operational level may be introduced by means of phased in matrix governance framework.

### **3. Co-operative governance**

#### **3.1 Co-operative governance as a governance strategy to address governance fragmentation**

In South Africa, co-operative governance is an acknowledged governance model to align fragmented governance processes. This is evident from the provisions of the 1996 Constitution and the *National Environmental Management Act* 107 of 1998 (hereafter the NEMA). Whilst the 1996 Constitution provides for the foundation and constitutional obligation to execute co-operative governance, certain principles, tools, procedures and structures are provided for by the NEMA to facilitate co-operative environmental governance.

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<sup>17</sup> Glazewski *Environmental Law* 129-132.

<sup>18</sup> Section 103 of the 1996 Constitution.

<sup>19</sup> Glazewski *Environmental Law* 130.

Chapter 3 of the 1996 Constitution provides for national, provincial and local spheres of government, which are required to perform different functions unique to that sphere of government.<sup>20</sup> The execution of these distinct governmental functions should however be based on the constitutionally entrenched principle of co-operative governance.<sup>21</sup> The principles of co-operative governance and inter-governmental relations are also established in Chapter 3 of the 1996 Constitution, which governs the relationship between national, provincial and local spheres of government as well as the different line functionaries. Section 41 states, *inter alia*, that:

All spheres of government and all organs of state within each sphere must: ... (e) respect the constitutional status, institutions, powers and functions of government in other spheres; (f) not assume any power or function except those conferred on them in terms of the Constitution; (g) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; (h) co-operate with one another in mutual trust and good faith by – (i) fostering friendly relations; (ii) assisting and supporting one another; (iii) informing one another of and consulting one another on matters of common interest; (iv) co-ordinating their actions and legislation with one another; (v) adhering to agreed procedures; and (vi) avoiding legal proceedings against one another.

De Waal *et al*<sup>22</sup> argue that these principles advocate a co-operative form of 'federalism', which pre-empts sharing of overlapping mandates by different spheres of government. The principles accordingly offer the impetus for governance based on participation and co-operation in mutual and reciprocal

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<sup>20</sup> General wording employed by the constitutional provisions that relate to the South African governmental structure, continually use 'spheres' rather than 'levels' of government. It is argued that this mainly attempts to move away from the past held notion, that there exists a distinct hierarchically order between the different spheres which is more, or less powerful than another tier. This is done in the spirit of co-operative governance which aims to establish a culture of co-operation, consultation and co-ordination.

<sup>21</sup> Chapter 3 of the 1996 Constitution.

<sup>22</sup> De Waal *et al Bill of Rights Handbook* 23.

relationships, within a matrix framework.<sup>23</sup> Hence, each sphere and line functionary of government exists as an autonomous body with its own unique character, but which functions on the basis of interdependence and interrelation with regard to other spheres and line functions.

The significance of the provisions on co-operative governance is furthermore evident from the need that this co-operative form of matrix government model should be co-ordinated. The provisions of Chapter 3 of the 1996 Constitution are not aimed to diminish the sovereignty of any organ of state at the expense of another. It rather presupposes and emphasises the willingness of all spheres of government to work together. For this to materialise, it is essential that conflict between laws and policies be avoided and the administration of the implementation of these laws are clearly defined in a matrix framework by way of co-ordination and alignment.<sup>24</sup>

Co-operative environmental governance furthermore does not only refer to co-operation between the various spheres and line functions of government in the execution of their duties. The ambit of co-operative governance is far greater than the aforementioned. It encompasses co-operation and co-ordination between, *inter alia*, the different spheres of government on an international and interregional level as well as on an intra-governmental level.<sup>25</sup> It furthermore refers to the alignment of policies, plans and programmes across the different spheres of government and the different line functionaries within each sphere.<sup>26</sup> It also entails procedures and processes for the empowerment of civil society to actively engage in environmental governance.<sup>27</sup> However, it is still observed that although initiatives are in place to address fragmented governance at policy

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<sup>23</sup> Bray 1999 *South African Journal of Environmental Law and Policy* 3.

<sup>24</sup> De Waal *et al Bill of Rights Handbook* 24.

<sup>25</sup> Nel and Du Plessis 2001 *South African Journal of Environmental Law and Policy* 8.

<sup>26</sup> Nel and Du Plessis 2001 *South African Journal of Environmental Law and Policy* 8.

<sup>27</sup> Nel and Du Plessis 2001 *South African Journal of Environmental Law and Policy* 8.

level, measures to align governance at the operational level have neither been designed, nor implemented.

Apart from the concept of co-operative governance as enumerated by the constitutional provisions, certain principles, procedures, tools and structures are furthermore established by the NEMA to give effect to co-operative governance. Chapter 1 of the NEMA contains a set of environmental management principles, which constitutes the foundation of all activities to be undertaken under the provisions of this framework act. It is argued that these principles may serve as a useful tool to establish integration and alignment at policy level, since the principles are cross-cutting and apply to all sectoral environmental policies and legislation. The principles furthermore recognise the need for inter-governmental co-ordination and harmonisation of policies, legislation and actions relating to the environment. In the case of actual or potential conflicts of interest between organs of state, such conflicts should also be resolved through appropriate conflict resolution procedures.<sup>28</sup>

### **3.2 Structures for co-operative governance**

Chapter 2 of the NEMA provides for the establishment of the National Environmental Advisory Forum (hereafter the Forum) which is representative of all relevant stakeholders in environmental governance.<sup>29</sup> The Forum has as its main objective to act as an advisory body for the Minister on matters pertaining to environmental management and governance by setting objectives and priorities for environmental governance.<sup>30</sup> Although not explicitly stated, these objectives and priorities may arguably include any matter pertaining to the achievement of co-operative governance.

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<sup>28</sup> Section 2(4)(l)-section 2(4)(m).

<sup>29</sup> Section 3.

<sup>30</sup> Section 3(1) to section 3(2).



Section 7 of the NEMA establishes the Committee for Environmental Co-ordination (hereafter the Committee). The Committee primarily strives to co-ordinate and integrate the implementation of all governmental policies pertaining to environmental management and governance. It is proposed that the establishment of the Committee is of significant importance for the practical and day-to-day establishment, execution, regulation and facilitation of co-operative governance at the policy level.

### **3.3 Tools and processes for co-operative governance**

Chapter 3 of the NEMA deals with procedures for co-operative governance. Section 11 provides for the preparation of environmental implementation and management plans by every national department listed in Schedule 1 of the NEMA. In its preparation of such plans, national departments must, in the spirit of co-operative governance, take into consideration all existing plans with a view to ultimately achieve consistency among such plans.<sup>31</sup> Environmental implementation plans and environmental management plans address core issues of co-operative governance by aiming to co-ordinate and harmonise environmental policies, plans, programmes and decisions of various national, provincial and local organs of state. The co-ordination and harmonisation responsibility specifically strives, *inter alia*, to minimise duplication of procedures and functions of organs of state; to promote consistency of functions and to give effect to the principles of co-operative governance set out in Chapter 3 of the NEMA.<sup>32</sup>

It is clear from the above that co-operative governance is an established management strategy that is employed by government to address fragmentation at policy level. It is furthermore clear that the idea is that all three spheres of government should strengthen capacity, supervised by way of supportive

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<sup>31</sup> Section 11(4).

<sup>32</sup> Section 12(a) - (b).

practices, employ assistance through legislative measures and enable one another to effectively facilitate governance by way of co-operation at policy level.<sup>33</sup>

However, notwithstanding the initiatives for alignment and integration that co-operative governance proposes at the policy level, it is argued that this governance strategy has neither been designed for, nor implemented at the operational level. Fragmentation at the operational level of government is accordingly still a reality.

#### **4. Inadequate co-operative governance at operational level**

It has been argued above that co-operative governance is an elegant strategy to overcome the divisions created by divided governance structures and arrangements. It has been demonstrated that arrangements have been made to facilitate increased co-operation and alignment of line function policy processes at the strategic level. Little evidence is however available to suggest that co-operation and alignment has been successfully introduced at the operational level.

Environmental authorisations are to date still the policy instrument of choice for most executive line functioning organs of state at national, provincial and local spheres of government. Environmental authorisations are therefore selected and used as an indicator policy instrument that is most frequently used at the executive level. The current fragmented and disjointed arrangements for environmental authorisations clearly illustrate the divisions amongst autonomous line functions of and amongst all three spheres of government.

There is a multitude of authorisation practices dealing with environmental matters in South Africa. Numerous acts were identified in terms of which a developer

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<sup>33</sup> Bray 1999 *South African Journal of Environmental Law and Policy* 4.

needs to obtain permission before he or she could proceed with developing activities and numerous authorisations are provided for in terms of this legislation.<sup>34</sup> The following characteristics define the nature and extent of fragmented authorisation processes:<sup>35</sup>

- Different standards are applied to guide approval of authorisations for similar activities;
- In some instances more than one department need to issue separate authorisations;
- Duplication of information required, while the format of information required may also differ;
- There are numerous interfaces with opportunities for improved co-operation between the different government line functions, but only a few are formalised and, or implemented;
- The conditions formulated in various authorisations issued by different departments sometimes differ which leads to confusion;
- There are differences in the interpretation and implementation of legislation and policies in the different provinces and over time within government departments that result in inconsistent behaviour.

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<sup>34</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase II* 82-83. These authorisations include *inter alia* the following: license in terms of the *National Nuclear Regulator Act* (NNRA) 47 of 1999; license in terms of the *Hazardous Substances Act* (HSA) 15 of 1973 – Group III and IV hazardous substances; permission for subdivision of agricultural land in terms of the *Subdivision of Agricultural Land Act* 70 of 1970; authorisation in terms of the *Conservation of Agricultural Resources Act* (CARA) 43 of 1983 – peat mining; water use authorisation in terms of the *National Water Act* (NWA) 36 of 1998; application for a development area in terms of the *Development Facilitation Act* (DFA) 67 of 1995; application for change of land use from agricultural to business in terms of the *Physical Planning Act* 88 of 1967; application for establishment of resorts in terms of the *Physical Planning Act*; application for township establishment in terms of the *Town Planning and Townships Ordinance* 15 of 1986; record of decision in terms of the *Environment Conservation Act* (ECA) 73 of 1989; registration in terms of the *Atmospheric Pollution Prevention Act* (APPA) 45 of 1965; prospecting permit and mining authorisation in terms of the *Minerals Act* 50 of 1991; permit in terms of the *National Heritage Resources Act* (NHRA) 25 of 1999; and waste disposal site permit in terms of the ECA.

<sup>35</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase II* 11-12.

Developers subsequently need to apply to various government departments at all levels of government to obtain these authorisations. Decision-making furthermore seems to be fragmented and disjointed. Individual acts also make provision for several authorisations. For example, in terms of the *Hazardous Substances Act* 15 of 1973, provision is made for fourteen licensing or registration processes and in terms of the NWA, three licensing procedures exist to control waste or landfill sites.<sup>36</sup>

Another possible example of duplication and overlap is authorisations required for establishment, management and operation of waste disposal sites. Section 21 of the *Environment Conservation Act* 73 of 1989 (hereafter the ECA), requires that an environmental impact assessment (hereafter EIA) be conducted under the authority of the provincial environmental competency, before a waste disposal site may be established. Despite the requirement to have the EIA approved at the provincial level, an additional authorisation is required from the national DWAF in terms of either section 20 of the ECA<sup>37</sup> or alternatively in terms of sections 21(f) en 21(g) of the NWA. Disposal of mine waste residue is however authorised by both the Department of Minerals and Energy (hereafter DME) and the DWAF. If any of the landfill facilities are located on communal land, the Department of Land Affairs also need to issue an authorisation. Additionally, land use rights also need to be granted by the local authority.

The following sections explore possible scenarios that may be selected, adopted and used by organs of state to embark on a journey of increased alignment and co-operation of the environmental governance function at the executive level in general and environmental authorisations in particular.

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<sup>36</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase II* 11. See also the discussion in paragraph 2 above.

<sup>37</sup> Draft arrangements have been published to transfers section 20 ECA competencies to the provinces. The net effect of this arrangement, is that applicants for establishment of waste disposal sites will then require three authorisations, the section 21 ECA authorisation, the section 20 ECA authorisation and the section 20 NWA authorisation.

It is, however, important to take cognisance of the challenges to increase co-operation amongst autonomous line functions and alignment of environmental authorisation processes.

## **5. Challenges to increase co-operation at the executive level**

Any attempt to increase alignment of and co-operation of environmental authorisation processes amongst line functionaries are challenged by the following factors:<sup>38</sup>

- Lack of high level political support and drive to ensure co-operation;
- Often co-operation arrangements are agreed between political leaders, without the support of the administrative leadership and in the absence of detailed logistical arrangements that result in failure of such agreements;
- Lack of administrative protocols and agreements to support political agreements;
- Absence of clear policy and direction on how to address uncertainties;
- Lack of human and financial capacity to address challenges posed by co-operation;
- Turf wars between competing line functions at any of the spheres of government;
- Political rivalry;
- Absence of a clear policy to direct co-operation; and
- Fragmented legislation.

Any solution designed to increase co-operative governance by means of aligned authorisation processes should take cognisance of the above mentioned challenges in order to increase the success. It is argued, given the complexity of the challenges that the following parameters may guide, development, adoption

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<sup>38</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase II 9*.

and use of any scenarios. The parameters include:

- Focus initially on an informal association of line functions that are willing to co-operate,
- Keep initial arrangements informal;
- Do not threaten existing mandates and competencies;
- Adopt a piecemeal and evolutionary process by picking the low hanging fruits first;
- Informal co-operation strategies may be supported by formal structures and procedures.

## **6. Integration scenarios for South Africa**

Four different scenarios that map the potential journey of South Africa towards an integrated framework for environmental authorisations are proposed. The scenarios imply a cumulative and progressive advancement of co-operation and integration arrangements from an initial informal, administrative arrangement, to a penultimate strategy that requires fundamental legal and structural reform. It is not argued that these scenarios should be stoically implemented in the sequence defined in the model, as solutions from any of the scenarios may be combined as circumstances and opportunities dictate. It is however strongly recommended that the general principle of a staged roll-out of an integrated framework for authorisations be adopted in order to increase the chances of success.<sup>39</sup>

It is important to note that these scenarios represent a gradual transition from inception, to ultimate achievement of integrated decision-making, or the so-called one stop authorisation shop. It is not suggested that these scenarios, or scenario elements, despite their sequential character, are cast in stone. It is indeed feasible and recommendable that some elements of some higher order scenarios, may be brought forward, implemented and used, should opportunities arise. Having argued that the scenarios and/or scenario elements are not cast in

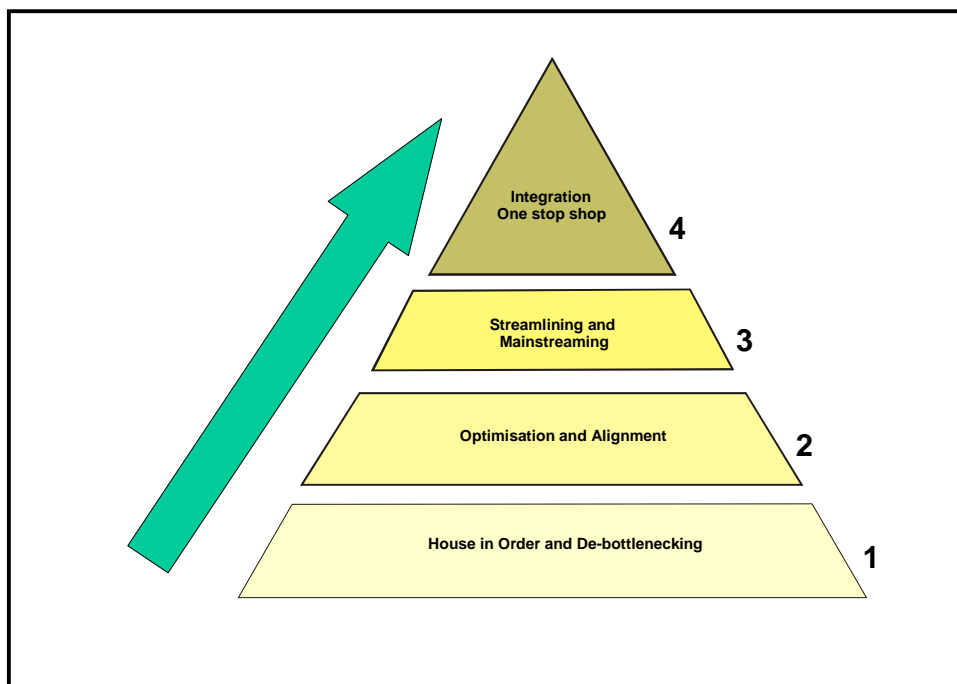
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<sup>39</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III 8*.

stone, it is however strongly recommended that an overall and phased, cumulative and sequential approach to implementation of an integrated authorisation framework be adopted. Higher order scenarios are designed to increase demand on participants, while arrangements may increasingly become invasive.<sup>40</sup>

The four scenarios identified are illustrated in Figure 1:<sup>41</sup>

**Figure 1: Integration scenarios**



These scenarios are discussed in further detail below. The discussion specifically focuses on practical arrangements that need to be undertaken by environmental authorities in South Africa to address fragmentation of authorisation process at the operational level of government.

### **6.1 De-bottlenecking and House in Order**

<sup>40</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III 9-10*.

<sup>41</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III 9*.

The scenario of de-bottlenecking has two very distinct elements. The first element addresses logistical, administrative, staff and procedural issues. The second element of this scenario includes an alignment of some of the decision-making competencies vested in environmental authorities in South Africa.<sup>42</sup>

The proposed solutions for co-operative house in order and de-bottlenecking for decision-making processes by environmental authorities, should kick-off as an informal and voluntary alignment of administrative processes only. The focus of this exercise should be to:<sup>43</sup>

- Establish administrative alliances between some decision-making organs of state;
- Improvement of service delivery to would-be investors;
- Improved understanding by commenting authorities of the decision processes of competent authorities;
- Improved guidance to and access to information to potential investors;
- Optimisation of governance efforts in South Africa; and
- Improvements in the consistency of governance in South Africa.

The process should be both informal and voluntary. It is informal as no arrangements are proposed that will threaten the independence and decision-making mandates of the various line functions and spheres of government. No changes to existing legal provisions are made. Collaboration is focused on aligned and co-ordinated administrative procedures. It is voluntary insofar as line functions collaborate out of their own will. In this sense, environmental authorities are not coerced to participate. This scenario may furthermore be combined with other elements of higher order scenarios should the need arise.<sup>44</sup>

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<sup>42</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III* 11.

<sup>43</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III* 11-12.

<sup>44</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III* 12.



## **6.2 Increased optimisation and improved alignment**

It is proposed that both the scope of and the process to give effect to this scenario should be designed inclusively with all the stakeholders. The proposals made here are therefore broad based, conceptual probabilities. A five-pronged strategy is proposed for Scenario 2. The main purpose of the first element of this scenario is to formalise the voluntary and informal co-operation relationships established in terms of Scenario 1. The second element would be to establish informal and voluntary relationships with those line functions in South Africa that have environmentally orientated mandates and that were not part of the initial Scenario 1 solution.<sup>45</sup>

The third element would be to establish and/or extend informal and voluntary relationships with line functions that operate at the national and local spheres of government. It is envisaged that not all such line functions would initially be willing to participate in the arrangements established in terms of Scenario 1. The fourth element entails review and improvement of relationships established in terms of Scenario 1. The fifth element of this scenario entails improvement in post-decision phase follow-up.<sup>46</sup>

## **6.3 Streamlining and mainstreaming**

The streamlining and mainstreaming scenario has four possible elements. The first element addresses structural and legal reform of the South African environmental authorities decision-making mandates into a streamlined legal and structural format. The second element addresses formalisation of relationships with environmentally orientated decision-making structures of the national and local spheres of government with mandates, while the third element focuses on improvement of existing relationships established in terms of scenarios 1 and 2.

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<sup>45</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III 20*.

<sup>46</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III 20*.

The fourth element entails formalisation of governance control over the entire project/development cycle.<sup>47</sup>

#### **6.4 The one-stop authorisation shop**

Scenario 4 describes the fully integrated, one-stop shop scenario. It entails a fully integrated one-stop shop that is based on integrated legislative and resultant administrative arrangements. It requires a fully integrated approach based on a holistic premise. This may be facilitated by way of a single act dealing with environmental authorisations pertaining to air, land and water in a holistic manner. It, furthermore, may entail standardised authorisation application forms and procedures as well as a centralised body that oversees authorisation procedures and decision-making.<sup>48</sup>

### **7. Conclusion**

This paper investigates the nature and extent of fragmentation in the ranks of South African environmental authorities at policy and operational levels. Arrangements have been made to align environmental governance by means of the co-operative governance model, creating a matrix of both independent and inter-dependent framework of all organs of state for co-operative governance at the policy level.

It is however also argued that almost no arrangements have been made to align and integrate governance processes at the operational level. The nature and extent of some fragmented authorisations are unpacked to illustrate the effect of duplication and overlap, while proposals are made to phase in a matrix network of co-operative authorisation processes.

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<sup>47</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III* 26.

<sup>48</sup> Snyman (ed) *An IEMS for the North West Province – Final Report Phase III* 29-30.