



NATIONAL ENVIRONMENTAL ADVISORY FORUM (NEAF)

Annual Report 2006/07



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA



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Photographs: Guy Stubbs, Emmarie Otto







FOREWORD

MINISTER,

As required in terms of Section 6 of the National Environmental Management Act (Act 107 of 1998), you have to submit a NEAF Annual Report.

This report, which we hereby submit, is NEAF's second Annual Report since its establishment in February 2005. The functioning of the NEAF's second year has probably been more challenging than the first. We devoted much of our time to finalising our work plan and the implementation of the projects, as set out in the work plan, which we discussed with you. In many ways the year provided a test to the foundations we started building in the first year. Implementing the work plan, required the sourcing of additional experts to support NEAF in the formulation of recommendations to the Minister, and based on the identified priority areas. However, during this period while every effort has been made to implement the work plan, the NEAF has faced considerable barriers and obstacles. These include, and can be linked to the following issues: lack of understanding of the role of the NEAF at various levels; lack of clarity as to how the roles and responsibilities are shared with the Department; the fact that NEAF members devote their time to its activities only on a part-time basis; and that they were not supported by a strong and dedicated secretariat to NEAF.

Despite all of this, some progress has been made and the NEAF is pleased to present its key achievements for its second year of operation (2006/2007). These include the work done by the Subcommittee on Pollution and Waste on the implementation of the National Environmental Management: Air Quality Act as well as the initial work done in respect of Mainstreaming of the Environment into Development: Issues and Opportunities relating to AsgiSA, to highlight a few.

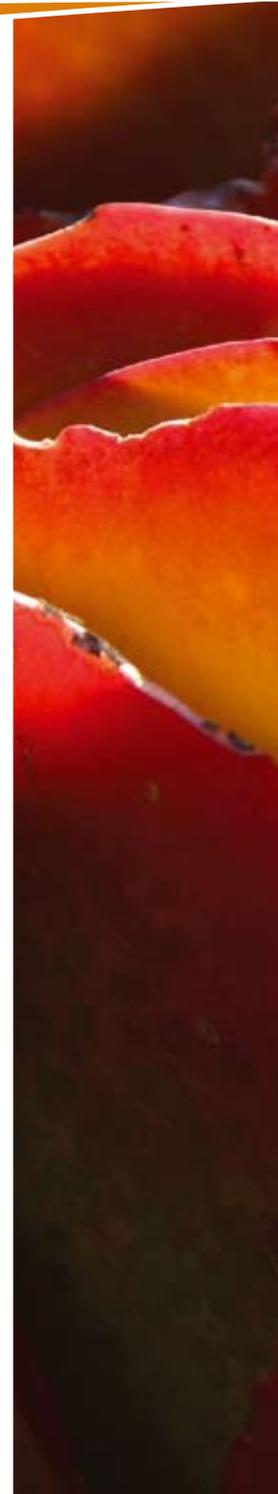
As we conclude the 2006/2007 year, I have to once again salute the dedication and commitment of the members of the NEAF, which made the achievements thus far possible. Their willingness to serve for yet another year, additional to the term they were appointed for, is testimony to this as well their professionalism. The Director-General and her senior team members have been consistent in their interactions with NEAF and we thank them for their willingness to do this as well as their general support. Lastly Minister, we wish to thank you and the Deputy Minister for guidance given when we interacted with you. We do trust indeed that the NEAF can be an instrument that delivers greater value to both of you and to the national environmental governance system in general.

Minister, the NEAF Annual Report for the year 2006/2007 is hereby formally submitted to you as required for reporting to Parliament.

Ms Khungeka Njobe

CHAIR: NATIONAL ENVIRONMENTAL ADVISORY FORUM





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AsgiSA	Accelerated and Shared Growth Initiative South Africa	NCCC	National Committee on Climate Change
CBD	Convention on Biological Diversity	NEAF	National Environmental Advisory Forum
CEC	Committee for Environmental Coordination	NEMA	National Environmental Management Act (Act 107 of 1998)
DEAT	Department of Environmental Affairs and Tourism	NEM:AQA	National Environmental Management: Air Quality Act
DWAF	Department of Water Affairs and Forestry	NEPAD	New Partnership for Africa Development
DST	Department of Science and Technology	NGO	Non-Governmental Organisation
DDG	Deputy Director-General: Department of Environmental Affairs and Tourism	NFSD	National Framework for Sustainable Development
DG	Director-General: Department of Environmental Affairs and Tourism	NSSD	National Strategy for Sustainable Development
DTI	Department of Trade and Industry	PGDS	Provincial Growth and Development Strategy
EIA	Environmental Impact Assessment	PBMR	Pebble Bed Modular Reactor
ERA	Ecological Risk Assessment	SANBI	South African National Botanical Institute
GEAR	Growth, Employment and Redistribution	SDF	Strategic Development Framework
GMOs	Genetically Modified Organisms	SADC	Southern African Development Community
JIPSA	Joint Initiative on Priority Skills Acquisition	SANBI	South African National Biodiversity Institute
MPAs	Marine Protected Areas	SEA	Strategic Environmental Assessment
NAP	National Action Programme for the UNCCD	SD	Sustainable Development (Sustainability)
NDA	National Development Agency	UNEP	United Nations Environment Programme
NBI	National Business Initiative	UNFCCC	United Nations Framework Convention on Climate Change
NEMBA	National Environmental Management Biodiversity Act	WSSD	World Summit on Sustainable Development (Johannesburg 2002)
NBSAP	National Biodiversity Strategy and Action Plan	WESSA	Wildlife and Environment Society of South Africa



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CHAPTER ONE

NEAF OVERVIEW



THE NATIONAL ENVIRONMENTAL MANAGEMENT FORUM (NEAF) MANDATE

The establishment, composition and functioning of the National Environmental Advisory Forum (NEAF) is a requirement in terms of Chapter 2, Institutions of the National Environmental Management Act (NEMA), 107 of 1998.

NEMA recognises the establishment of NEAF as the Forum that is established to advise the Minister on any matter concerning environmental management and governance, specifically the setting and achievement of objectives and priorities for environmental governance, and appropriate methods of monitoring compliance with the principles as set out in Section 2 of the Act. The Forum will also inform the Minister of the views of the stakeholders regarding the application of the principles set out in Section 2 of the Act.

Part of NEAF's work entails responding to ad hoc requests by the Minister on issues he may from time to time require NEAF's response on. NEMA requires under Section 6(1)(a) the development of a Constitution defining the work of the NEAF, which has been developed and gazetted. It is also annually a requirement according to NEMA, Section 6(3), that the NEAF submit its work plan for the next year.

COMPOSITION OF THE NATIONAL ENVIRONMENTAL MANAGEMENT FORUM (NEAF)

Stakeholder Group

NEAF is composed in terms of Sections 4 and 5 of NEMA. This requires no more than 15 and no less than 12 members who should be appointed by the Minister. The Forum currently consists of 14 members including a Chair (Ms Khungeka Njobe) and Deputy Chair (Dr John Ledger), who were appointed by the Minister through nominations called for in the Government Gazette and public media. The MECs of the nine provinces, as well as the committees of the National Assembly and National Council of Provinces were then offered the opportunity to comment on the list of nominees for NEAF members. The nominees represent the stakeholders from organised labour, organised business, NGOs and community-based organisations, youth and persons that have specialised expertise and skills and experience necessary to enable the Forum to carry out its functions. Consideration was also given to the appointment of women and youth, and ensuring representation of vulnerable and disadvantaged persons. The members of NEAF hold office for a period of two years and each member should in concurrence with the Minister nominate an alternate member to take his or her place, if unable to attend a meeting of the Forum. The following members are currently represented on NEAF. In July 2006 in a letter to the Minister, Mr Bobby Peak, then Chairperson of the Pollution and Waste Subcommittee resigned as a member of the NEAF, due to the demanding environmental justice commitments he deals with as director of an NGO, which limits his available time.

NEAF Overview

Sector	Member and Alternate member
Business	Mr Max Sisulu (Alternate member Ms Kate Farina)
	Mr Andre Fourie (Alternate member Mr Pancho Ndebele)
NGO	Mr Malcolm Powell (Alternate member Mr Bryan Havemann)
	Mr Tony Frost (Alternate member Mr Andrew Muir)
	Mr Ari Seirlis (Alternate member Ms Amor Malan)
CBO	Mr Thabo Madihlaba (Alternate member Ms Jessica Wilson)
	Ms Josephine Makelefane (Alternate member Ms Lindiwe Mthimkulu)
Labour	Mr Bheki Ntshalintshali (Alternate member Mr David Morake)
Specialised Skills and expertise	Dr John Ledger (Alternate members Dr Nick King and Ms Yolán Friedmann)
	Dr Zarina Patel (Alternate member Professor Mary Scholes)
	Ms Mariam Mayet (Alternate member Professor Melodie Mcgeoch)
	Ms Khungeka Njobe (Alternate members Dr Joy Learner and Ms Carmel Mbizvo)
Youth	Ms Angela Andrews (Alternate member Ms Louise Du Plessis)
	Ms Vuyiswa Tulelo (Alternate member Ms Patronella Linders)



Term of Office

Section 5 of NEMA Act 107 of 1998, stipulates in the Conditions of Appointment of the Forum that a member of the Forum holds office for a period of two years and at the expiry of his or her term of office a member may be appointed for one further term. Since the NEAF was established in 2005, there have been progressive developments on the activities of the Forum which includes the development of the NEAF work plan 2006/2007. It has been decided that the current NEAF term of office (2005-2007) will be extended for an additional year to include the term 2007/2008 in order to complete the activities members began as part of the original work plan.

Functioning of the NEAF

The rules for the functioning of the Forum are contained in the Gazette and a Constitution containing provisions. The draft NEAF constitution has been developed as part of the previous year's work and will be gazetted in 2007. The NEAF Constitution addresses the following:

- Membership, which addresses the issues of appointment, term of office, alternate or replacement members, termination, remuneration and conflict of interest
- Meetings and procedures of the Forum, which includes issues such as frequency of meetings, matters to be discussed at the meetings, Chairperson/Vice-Chairperson, quorum, decision making and support and consultation with the Director-General.
- Committees
- Reporting and publications
- Finance
- Amendments to the Constitution and Operational Guidelines

Additionally the NEAF's Operational Guidelines include the following

- Introduction
- NEAF meetings (Convening of NEAF Meetings, Decision making Procedures, Documentation for NEAF meetings, Minutes of NEAF meetings, Access of NEAF meetings by the public)
- Reports of NEAF and Committees
- NEAF Communication
- Secretariat Support
- Use of consultant services
- Remuneration of NEAF members
- Travel and subsistence
- Submission of work plan and draft budget to Minister
- Amendments to operational guidelines

NEAF Meetings

NEAF conducts quarterly meetings and, if and when required, subcommittee meetings in between the quarterly meetings. NEAF members, according to NEMA, may not be absent from more than two consecutive meetings of the Forum. The NEAF held six meetings during the 2006/2007 term of office, which included two national level expert workshops:

NEAF Overview

Date	Description	Key focus of meeting
12 June 2006 River Meadows, Irene	NEAF Special Meeting of the Chairpersons	Discussions of the Draft Work plan and Annual Report by Subcommittee Chairpersons
27 June 2006 River Meadows, Irene	NEAF Main Quarterly meeting	To obtain inputs and comments from the Deputy Minister and Minister and DEAT Senior Management on the Work Plan for 2006/2007
3 October 2006 River Meadows, Irene	Think Tank Workshop, Mainstreaming Environment into AsgiSA Subcommittee	Expert workshop to formulate advice to the Minister on the Mainstreaming of Environmental considerations into the AsgiSA programme
23 October 2006 O.R Tambo International Airport	Brainstorm Workshop, Pollution and Waste Subcommittee	Brainstorming session on strategies for the implementation of the Atmospheric Pollution Prevention Act and an update and briefing on the Waste Management Bill to provide the Minister with recommendations in this regard.
7 November 2006 CSIR Convention Centre	NEAF Main Quarterly meeting	Progress update with regards to the implementation of the work plan and the related procurement issues and feedback on the outcomes of the expert workshops held with regards to Pollution and Waste and the AsgiSA
26 February 2007 DEAT Offices, Pretoria	NEAF Special meeting of the Chairpersons	Discussions on the progress and procurement of the work plan and the collaboration between DEAT and NEAF

A summary of the discussion and outcomes of each of the above-mentioned meetings is attached as *Annexure 2*.

Key Elements of the NEAF work plan 2007/2008 - Process of developing the work plan

NEAF is obliged (according to NEMA) to provide a work plan to Parliament for the next year (2007/2008). The development of such a work plan forms part of a larger process of consultation and includes inputs from the various sectors.

The current work plan for 2007/2008 builds on the projects contained in the work plan for 2006/2007 which was formulated based on the areas of focus as influenced by the Minister's priorities and key focus areas: (1) Biodiversity and Biosafety (2) Marine and Coastal (3) Energy and Climate Change (4) Pollution and Waste and, as an additional, strategic level, responsive issue (embracing all the initiatives of NEAF) it was proposed that

NEAF support the Minister in terms of the Accelerated and Shared Growth Initiative for South Africa (AsgiSA) to ensure the mainstreaming of the environment into the AsgiSA process, to shape the outcomes towards sustainable development. The projects of these focus areas have been further refined taking cognisance of:

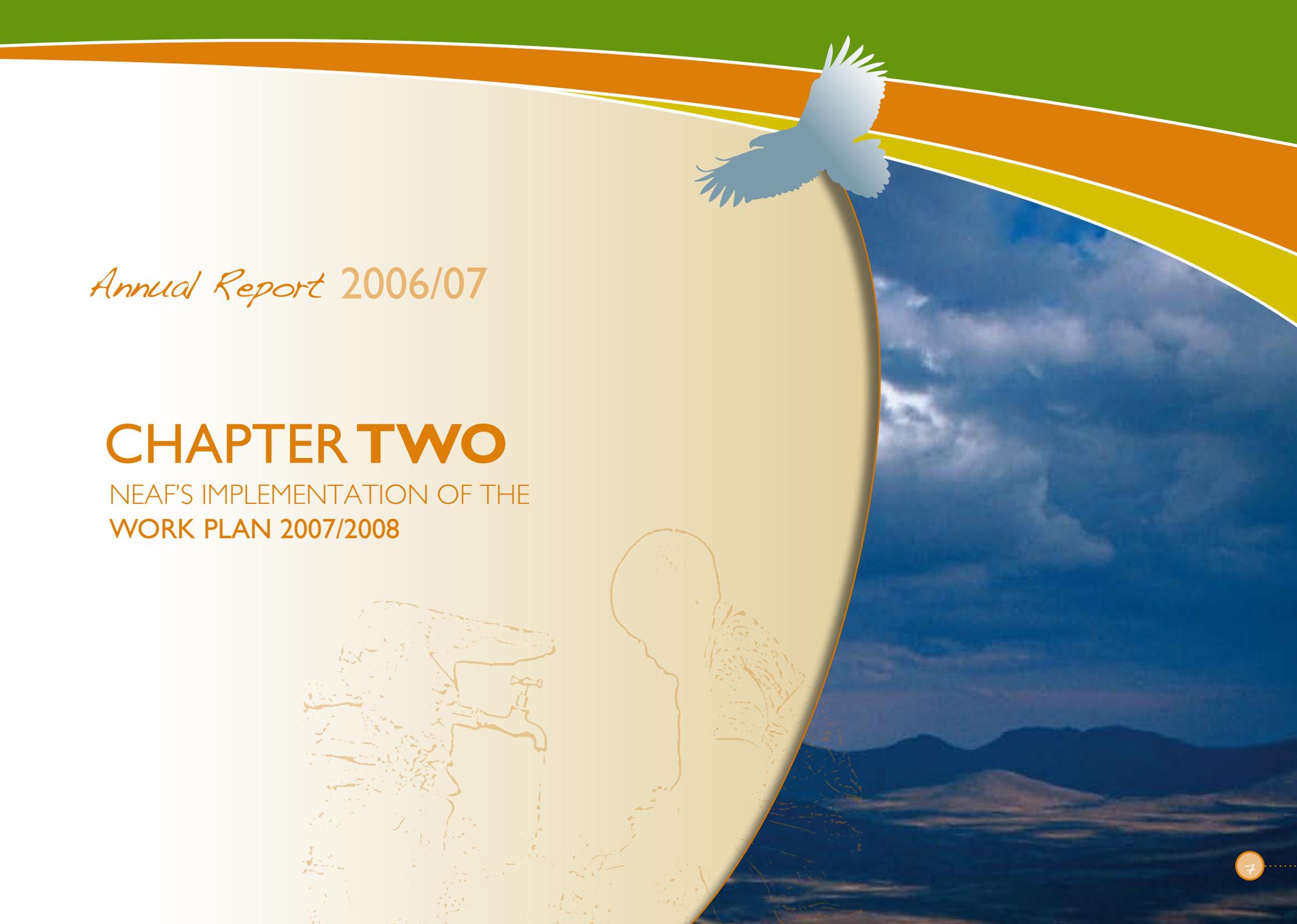
- Inputs from the Minister, Deputy Minister and Senior DEAT Officials at the NEAF meeting on 27 June 2006, where the work plan for 2006/2007 was discussed in detail, commented on and refined. Based on these comments, various Terms of References (TOR) for the projects of the subcommittees were then developed and circulated to consultants for consideration.
- These TORs and responses from the various consultants were circulated to each of the DDGs in the Department to ensure that no duplication exists.

A meeting between DEAT and NEAF was held in February 2007 where the NEAF work plan, and procurement and progress thereof was discussed and amendments with regards to certain projects implemented.

The NEAF work plan has been developed in accordance to its strategic agenda which includes the situational analysis which focuses on key environmental sectors in the realm of sustainable development, including the NEMA principles and the National Framework for Sustainable Development (NFSD), environmental governance, legislative review on environment, international agreements and the building of environmental capacity.

In summary the NEAF subcommittees' work during 2006/2007 concentrated on refining the focus of the projects in the work plan, the development of TOR for required consultants and the hosting of stakeholder workshops to assist with recommendations to the Minister.



The cover features a large, light-colored curved shape on the left side, containing text and a faint illustration of a person at a water tap. The background is a landscape with mountains and a blue sky with clouds. A stylized bird is flying in the upper right. A thick orange and yellow curved band runs across the top. The page number '7' is in a small circle at the bottom right.

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CHAPTER TWO

NEAF'S IMPLEMENTATION OF THE
WORK PLAN 2007/2008

SUBCOMMITTEE: BIODIVERSITY AND BIOSAFETY*Biosafety*

The context of the Biosafety work in this work plan has been identified as:

The Genetically Modified Organisms Act, 1997,¹ ("GMO Act") and the Regulations dated 1 December 1999 made under the Act, are the principal legal instruments used to regulate the import, export, contained use, field trials and commercial releases of genetically modified organisms (GMOs) in South Africa. The decision-making authority, established by the GMO Act, is the Executive Council. Administrative action on the part of the EC, more particularly, decisions taken by it approving applications for the import, release into the environment, and marketing of GMOs affect the fundamental human rights of the public. These rights include inter alia, the right to nutritious, safe and culturally acceptable food, the right to informed choice, the right to fair administrative decision-making, the right to democratic participation, the right to save and exchange seeds, and the right to a safe and healthy environment. It also raises far-reaching ethical concerns for those that adhere to a value system that opposes industrial, highly mechanised agriculture, based on "owned" seeds, and the genetic engineering of life. The engagement of the public, public consultation and public participation in the context of the regulation of GMOs have been singled out as requiring urgent attention by different sectors of the South African society, including, civil society groups opposed to GMOs, the academic fraternity, farmer groups, parliamentarians, officials within the South African government, and the private sector.

To date, the central mechanism used to engage the public has been regulation 6 of the Regulations dated 1 December 1999 made under the GMO Act, which is generally viewed by the National Department of Agriculture as being a fair procedure, as contemplated by the objections and provisions of Section 3(5) the Promotion of Access to Justice Act (PAJA). Regulation 6 deals with an

¹ The GMO Act is about to be amended. These TORs apply to both GMO Act 1997 as well as to the amendment Bill, which has been passed by the Select Committee but not by Parliament (at the time of writing).

invitation by an applicant to members of the public in the area where a release is intended to take place, and to submit comments within 30 days of the notice (a notice and comment procedure).

The National Environmental Biodiversity Management Act ("the Biodiversity Act") creates several functions, duties and responsibilities for the Minister of Environmental Affairs and Tourism regarding GMOs. Processes are underway within the Department of Environmental Affairs and Tourism (DEAT) to implement Sections 78 and 11(1)(b) of the Biodiversity Act, read together with the relevant provisions of NEMA. None of these (except in circumstance when a full environmental impact assessment is called for in terms of the new Regulations under NEMA), deals with public participation mechanisms/issues.

NEAF established in terms of NEMA, is desirous of and has taken a decision to provide the Minister of Environmental Affairs with recommendations regarding the possible promulgation of regulations in terms of the Biodiversity Act/NEMA regarding the participation of the public, taking into account the South African Constitution and legislation and jurisprudence dealing with administrative justice, having regard also to the international discourse, in particular, the Aarhus Convention.

Now therefore, NEAF is desirous of hiring the services of an expert to develop recommendations with regard to Public Participation in the Context of the Regulation of Genetically Modified Organisms in South Africa, Phase 1 to include:

- a) Provide a brief description of the extent and nature of public engagement (public participation, consultation, input) in the course of administrative decision-making concerning GMOs in South Africa;
- b) Provide a succinct legal opinion on the legal status of such public engagement, against the backdrop of South Africa's Constitution, administrative justice legislation, jurisprudence and international precedent;
- c) Set out a number of recommendations for legal reform; and
- d) Consult with stakeholders telephonically and/or by email (interested and affected parties). A list of stakeholders will be provided to the consultant to facilitate his work.

NEAF's implementation of the Work Plan

Phase 2 to include:

- a) A national stakeholder consultation with NEAF on the outcome of Phase I of the study and to provide the following additional services:
- b) Present study and findings to stakeholders at the NEAF consultation;
- c) Conduct follow-up consultations with NEAF and government officials as may be required;
- d) Incorporate the inputs from stakeholders;
- e) Finalise the study.

Biodiversity

The priority project identified to be addressed as part of the Biodiversity focus area, 'The systematic overview of the five problem areas in terms of biodiversity through compiling a synthesised report to identify and give examples of undesirable activities (Intimidation by Developers, Power Disparities – Developers vs Local Government, Irregularities in Approval Process, Loss of Agricultural Land, Deficiencies in EIA Reports) and proposed remedies, for the information and guidance to the Minister', was decided to be placed on hold in March 2007, due to duplication issues identified in terms of the ongoing work of DEAT.

SUBCOMMITTEE: COASTAL AND MARINE MANAGEMENT

The context of Coastal and Marine Management in this work plan is as follows:

Based on the NEAF 2006/2007 work plan and discussions with MCM Section at DEAT, the following four areas were identified as issues to be addressed by NEAF and formed the basis of the TORs for the research to be conducted in this regard:

- 1) South Africa has committed itself to managing its fisheries according to an Ecosystem Approach to Fisheries (EAF) by 2010. However, there appears to be inconsistent or little understanding of what is meant by this new approach among key stakeholders and politicians. NEAF required



the services of a consultant to develop a series of resources that can assist in developing a common and practical understanding of this concept.

- 2) The Marine Living Resources Act No 18, of 1998, gives the Minister the right to call for an EIA for any application for fishing rights (Section 18 (3)). The NEAF required the services of a consultant to prepare advice to the Minister on the broader use of this section of the MLRA with specific reference to its application to mariculture operations in South Africa.
- 3) The granting of long-term fishing rights has recently been concluded. In most cases the number of applications greatly exceeded the number of possible rights allocations. This has left many applicants without a source of income. Compounding this is the fact that of all our living marine resources, our inshore stocks are in the poorest shape. Previous attempts at providing alternative livelihood options have not matched the scale of the problem. The recent allocation of long-term rights provides the Government with an opportunity to look afresh at potential ways in which we can improve the livelihoods of coastal communities previously dependent on harvesting marine resources in a programmatic way, and one in which the scale of the solution matches the scale of the problem.
- 4) South Africa's coastal areas are coming under unprecedented pressure for coastal development. This is having a significant impact on coastal and marine ecosystems. It has been proposed that coastal developers are required to contribute to a national fund that will underpin the management of this zone, much in the way that fisheries rights holders contribute to the Marine Living Resources Fund (MLRF). The NEAF required the services of a consultant to investigate the development of such a fund.

TORs were compiled and after discussions with DEAT in February 2007 duplications and overlaps were identified between work already done by MCM and so it was decided to remove two of the projects from the NEAF work plan and to continue with the two remaining projects for implementation in 2007/2008, as follows:

- 1) To conduct research on the implications of Environmental Impact Assessments (EIAs) in respect of mariculture

NEAF's implementation of the Work Plan

- 2) To conduct research on effective alternatives for small scale fishers, focusing on sites in the following three specific areas: West Coast, Southern Cape and Wild Coast, to serve as case studies for the development of recommendations for the rest of the coastline.

SUBCOMMITTEE: ENERGY AND CLIMATE CHANGE

The context of the Energy and Climate Change work in this work plan has been identified as:

The Rio de Janeiro Earth Summit of 1992 formulated the United Nations Framework Convention on Climate Change (UNFCCC) which aims to stabilise the concentrations of GHGs in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. South Africa ratified the Convention in 1997 and acceded to the Kyoto Protocol in March 2002. Under the Kyoto Protocol, industrialised countries (Annex 1 countries) will reduce their combined greenhouse gas emissions by at least 5% compared to 1990 levels by 2012. The Kyoto Protocol does not commit the non-Annex 1 (developing) countries, including South Africa, to any quantified emission targets in the first commitment period (2008 to 2012).

The importance of climate change in South Africa is likely to be significant in terms of implications on society, particularly those who are dependent on natural resources for their livelihoods, the economy which depends on natural resources and the environment e.g. water, soil, biodiversity etc. Climate Change impact studies have been done on technical levels and numerous scenarios exist in terms of the potential implications of climate change and recently the rate at which climate change is likely to take place.

Economic growth is an important component of sustainable development. South Africa is a developing nation with an energy intensive economy and relatively high per capita GHG emissions. The recent Meeting of the Parties to the Kyoto Protocol agreed to initiate discussion on post 2012 commitments.

Based on the NEAF 2006/2007 work plan and the priority areas identified, the following two projects' TORs were formulated and sent to various selected experts respectively on Renewable and Nuclear Energy. They include:

NEAF's implementation of the Work Plan

- 1) Formulate Short Concept Document on the State of Nuclear Energy in South Africa to Facilitate Stakeholder Dialogue.
- 2) Develop a Framework to Promote Renewable Energy in South Africa and Address the Barriers and Obstacles to Renewable Energy in South Africa.

After consultation with the Department in March 2007, it was decided that the Nuclear Energy initiative would not be taken forward immediately and only the Renewable Energy project will proceed for the moment.

PROJECT 1: Develop a Framework to Promote Renewable Energy in South Africa and Address the Barriers and Obstacles to Renewable Energy in South Africa.

The Energy Efficiency Strategy of the Republic of South Africa, March 2005 sets specific targets for renewable energy and one of these is that approximately 5% of renewable energy should be included in total energy consumption by 2013. It envisages achieving this through different renewable energy resources and technologies while applying the least-cost principle in a phased approach between 2004 and 2013. A number of projects are currently being proposed for South Africa, including biogas projects at several landfill sites countrywide; a commercial wind farm near the Western Cape town of Darling; and a mini-hydro plant in Bethlehem, in the Free State. While these projects are being developed, a general installation of solar water heating in industrial and commercial settings as well as households will substantially reduce energy consumption. The fact that this strategy can assist in reducing peak load demand could therefore reduce the necessity for building new power plants, or at least delay the need for such plants for some time. The Department of Minerals and Energy (DME) has estimated that the scope for energy saving through residential and industrial solar water heaters is equivalent to three standard power plants.

Challenges

The Government's Energy Efficiency Strategy states that "The main constraint on implementing a national solar water heating programme in the Residential Sector relates to cost, which is a function



of the current small market and lack of economies of scale. This lack of demand in itself is due to low public awareness of the technology or its economic benefits. Currently the cost of a domestic solar water heater would take in excess of five years to pay back².

In the commercial sector, the economic logic of recouping investment costs over time has resulted in a larger adoption of solar water heaters. Another key factor is the variable electricity tariff at peak times. The key challenge in this sector appears to be lack of general awareness of the options and benefits.

Energy efficient housing (thermally efficient) together with measures such as passive solar design, heat insulation and solar water heaters could ensure that low income housing could make a contribution to energy efficiency and the utilisation of renewable energy sources.

The country is also exploring the potential of biofuels as a renewable form of energy. There is much potential for introducing biofuels in the fuel mix used for road transport, thereby also mitigating the risk of high oil prices. Government envisages positive spin-offs in the potential of processing energy crops into biofuels, and particularly the potential for job creation. A wide range of alternative crops could be considered, such as sugar cane, soya and Jatropha trees. In each case, the social, economic and environmental impact must be considered.

It is proposed that NEAF develops a proposal to understand the status of renewables in SA, ideas on how to promote renewable energy and how to address the key obstacles and barriers to renewable energy.

The aim of this project is to provide advice and recommendations to the Minister on Obstacles and Barriers to Renewable Energy and a Framework to Promote Renewable Energy². The selected study will be done in two Phases:

Phase I will comprise the compiling of a base document on the preliminary assessment of Renewable Energy in South Africa; this will also consider the current national strategy and policy considerations.

2 Renewable energy *inter alia* includes biofuel systems; hybrid systems; hydro systems; solar energy systems, wind energy systems and other natural phenomena which are cyclical and non depletable

NEAF's implementation of the Work Plan

Phase 2 will include the hosting of a small national workshop to obtain comments on the base document to be put forward for recommendation to the Minister by NEAF.

SUBCOMMITTEE: POLLUTION AND WASTE MANAGEMENT

The context of the Pollution and Waste management in this work plan was identified as follows:

Initially the NEAF 2006/2007 work plan indicated the development of two projects:

- 1) Review of the implementation of certain aspects of the National Environmental Management Air Quality Act
- 2) The review of hazardous waste in South Africa in the context of the proposed Hazardous Waste Bill

At a NEAF meeting 26 February 2007, it was confirmed that the latter would not be undertaken due to capacity limitations

Based on the first project of the NEAF 2006/2007 work plan, a successful workshop discussion was held on Monday, 23 October 2006 at the Premier Conference Centre, O. R. Tambo International Airport, Johannesburg, which addressed:

- 1) Critical challenges and creative strategies in the implementation of the National Environmental Management Air Quality Act
- 2) Review of hazardous waste in South Africa in the context of the proposed Hazardous Waste Bill

The workshop was facilitated by, Angela Andrews (Chairperson Pollution and Waste Management: NEAF) and presentations were made by seven speakers, including experts and Government. The workshop was attended by 12 participants including four NEAF members.

Some of the issues which were highlighted in the workshop were put forward as recommendations to the Minister and included the following:

NEAF's implementation of the Work Plan

Methodology and criteria for decision-making in setting emission standards

It is recommended that the Minister should publish for comment the basis i.e. criteria and methodology, for setting emission standards in the current Atmospheric Pollution Prevention Act review. Further, that the basis for setting emission standards for any industry should include the mandatory consideration of the following two factors which are distinct but interrelated:

- a) the current technological possibilities for emission reductions and the cost and benefits associated with each different measure capable of achieving significant emission reductions;
- b) regional air quality objectives based on the protection of public health and how any proposed emission reduction will contribute to the attainment of such objectives by a reasonable margin of safety. This applies especially when there are numerous and possibly toxic air pollutants present in significant quantities in the same area;

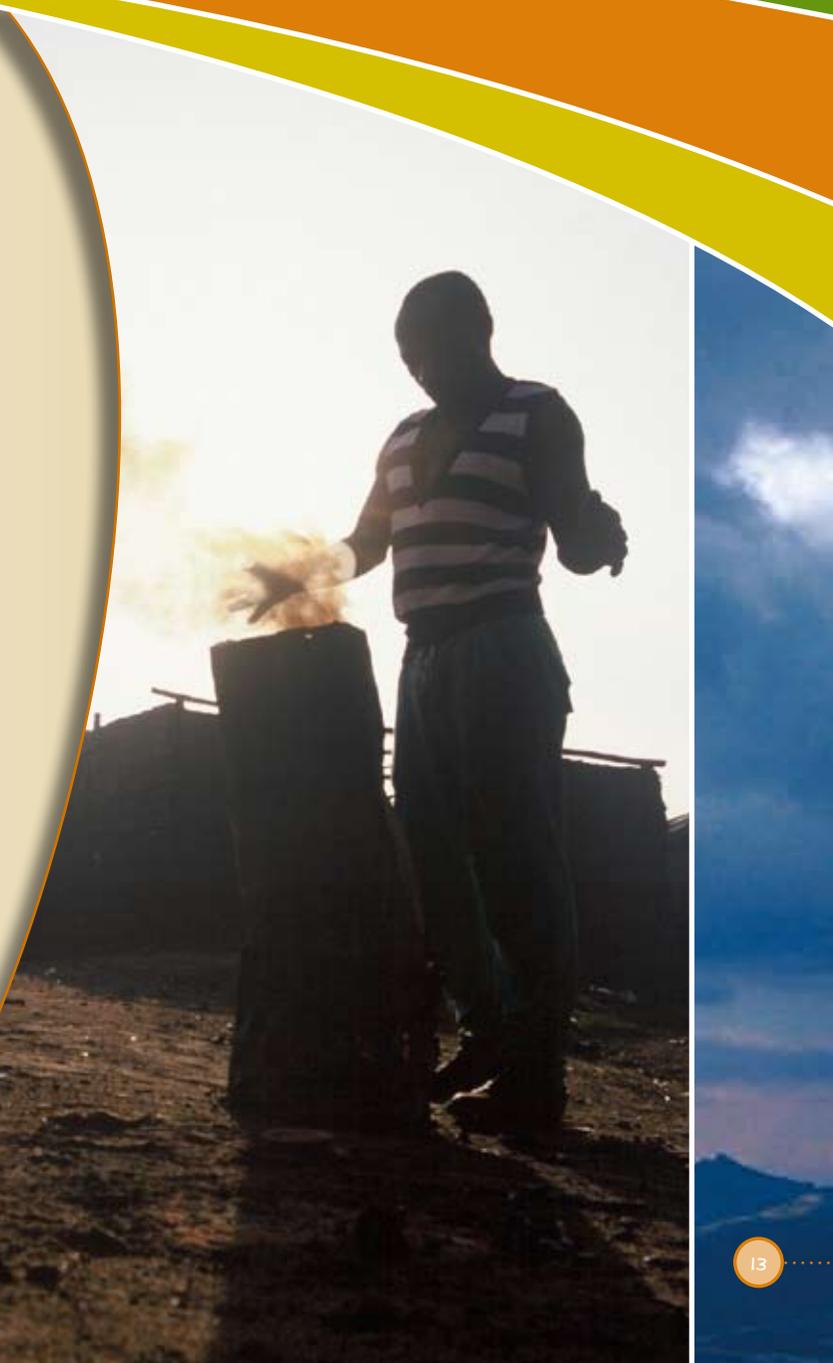
Public participation in the setting of emission standards

The public should be entitled to comment on the application of the above two criteria in the review of any permit. It is recommended that sufficient information to enable this to take place should be disclosed to the public in the review process.

Role of consideration of technology in the setting of emission standards

The appraisal of current technologies is critical to establishing the best practical environmental option in many instances of regulation in terms of the National Environmental Management Air Quality Act.³ In environmental impact assessments technology may be proposed by an applicant in order to attain statutory emission standards or controls necessary to prevent harmful emissions.

³ The "best practicable environmental option" in terms of the NEMA means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long-term as well as in the short-term. The "best practicable means" in terms of the Atmospheric Pollution Prevention Act 45 of 1965 also requires a consideration of the "extent of technical knowledge and the cost likely to be involved".



The appraisal of such technology needs to take place in a consistent and meaningful fashion by the authorising body. It also needs to be linked to air pollution permits in order to improve enforcement.

When generally setting emission standards for different industry sectors technology considerations are of the utmost relevance in deciding what emission standards are reasonable and attainable, and how much it will cost to attain such standards.

However concerns have been raised as to the appropriateness of Government specifying any specific technology in order to achieve emission controls. Doing so may have certain legal consequences depending on how technology is designated for example claims of unfair competition.

The subcommittee recommends that there should be formal additional debate within NEAF in conjunction with other interested and affected government departments order to canvass all the considerations set out above and in order to assist the Minister with proposals as to the role of technology in the setting of emission standards.

Use of domestic polluting fuels

A workshop to discuss innovative ways of addressing the pollution produced by domestic fuels engaging the Department of Mineral & Energy Affairs, the Department of Health and various experts and industries.

Climate change

Methods of increasing energy efficiency and reducing CO₂ emissions should be considered in any Atmospheric Pollution Prevention Act permit review.

NEAF's implementation of the Work Plan

National technical capacity building unit

It is suggested that the DEAT should form a national technical capacity building unit with the following functions:

- 1) providing technical support to local authorities in the formulation of air pollution management plans;
- 2) providing independent review of technology proposed in environmental impact assessments; and
- 3) providing technical assistance to the DEAT in the development of criteria and methodology for the setting of emission standards for the APPA review.
- 4) Other technical functions as and when necessary could be considered, for example
 - a) the review of an information system necessary for air quality management;
 - b) input into decision-making in environmental impact assessments in order to facilitate enforceable permits; and
 - c) guidance in defining the ambit of the concept of "grandfathering" in emission setting process instances

The committee can include members of government, NGOs and academics as well as industry representatives, selected for their technical expertise principally. In so far as a committee of such a nature is already under consideration it should include the above functions.

NEAF's implementation of the Work Plan

Amendments to provisions of NEMA

Sections 25, 26 and 28 should be amended as per above discussion (more details will be supplied after the committee has discussed it further)

SPECIAL OVERARCHING NEAF PROJECT: ASGISA ENVIRONMENTAL MAINSTREAMING

The context of the AsgiSA in this work plan has been identified as:

As an additional, strategic level, responsive issue (embracing all the initiatives of the NEAF) it was proposed that NEAF support the Minister in terms of AsgiSA to ensure the mainstreaming of the environment into the AsgiSA process, to shape the outcomes towards sustainable development.

AsgiSA is an important government initiative aimed at creating employment and increasing the economic growth rate in South Africa to a hoped-for 6% per annum. However, it is essential that the AsgiSA initiative results in outcomes consistent with sustainable development. NEAF therefore proposed at a meeting on 6 March 2006 that interaction with the AsgiSA process is necessary to ensure that mainstreaming of the environment takes place to further the outcomes of the AsgiSA initiative towards sustainable development. It is important that the Minister strategically makes inputs on environment in a way that is not perceived to be stalling development, but accelerating development towards a more responsible outcome. The National Framework for Sustainable Development (NFSD)'s priority areas for strategic intervention should serve as a guideline for such interactions.

According to the draft National Strategy for Sustainable Development (NSSD) dated May 2006, unsustainable consumption creates key risks in terms of sustainable development. For example, in the water sector where an increased consumption and the limited availability of fresh water results in water shortages, requiring the need to implement alternative water technologies, manage the loss of biodiversity in aquatic and terrestrial ecosystems, including the eradication of alien vegetation, and many other issues that require attention to address these risks. In this interaction it is important for NEAF to address the challenge of linking economic growth and poverty eradication to rising levels



of natural resource utilisation, waste generation, and the wide-scale, cumulative negative impacts on the environment.

In order to surface these issues in a workshop debate, NEAF hosted a workshop, titled the Mainstreaming of the Environment into Development: Issues & Opportunities Relating to AsgiSA (Accelerated and Shared Growth Initiative South Africa) on Tuesday, 3 October 2006, at the Twin Rivers Lodge in Irene. The workshop was facilitated by Saliem Fakir of Lereko Sustainability and attended by 34 participants, including NEAF members and sectors such as government (national and local) including the Office of the Deputy President, Treasury, Science and Technology, NGOs, private sector and several experts on sustainable development. The aim was to, identify issues and create a platform for strategic discussions on mainstreaming environmental issues into the country's development programmes, under the NEAF banner. Discussion on this topic was referenced mainly to AsgiSA, which is one of the major socio-economic development programmes currently in the country. As an outcome of this workshop, the following recommendations were compiled:

Specific recommendations include:

Following the engagement of the AsgiSA NEAF workshop, an invitation from the Deputy President's office was made for a second phase engagement. It is proposed that these discussions will form part of a partnership dialogue initiative between the Deputy President's Office, Department of Trade and Industry (DTI), DEAT, NEAF and a selected panel of sustainable development experts.

It is recommended that the discussions should be captured in terms of:

- The key environmental issues in relation to AsgiSA to include macro level linkages with the environment.
- Concrete interventions from an environmental perspective in each AsgiSA programme and project to enhance sustainable development.
- Requirements in terms of environmental skills development in the context of AsgiSA taking the JIPSA initiative into account.

NEAF's implementation of the Work Plan

- Macro level linkage to include AsgiSA, SEA, EIA, sustainable development and infrastructure and investment in natural capital.
- More detailed interventions will include the sectoral interventions linked to issues such as water, soils and biodiversity and should include concrete proposals on the sector plans and the projects.

This invitation for dialogue should also address the schism between economics and environment, a matter for concern and which dialogue is long overdue.

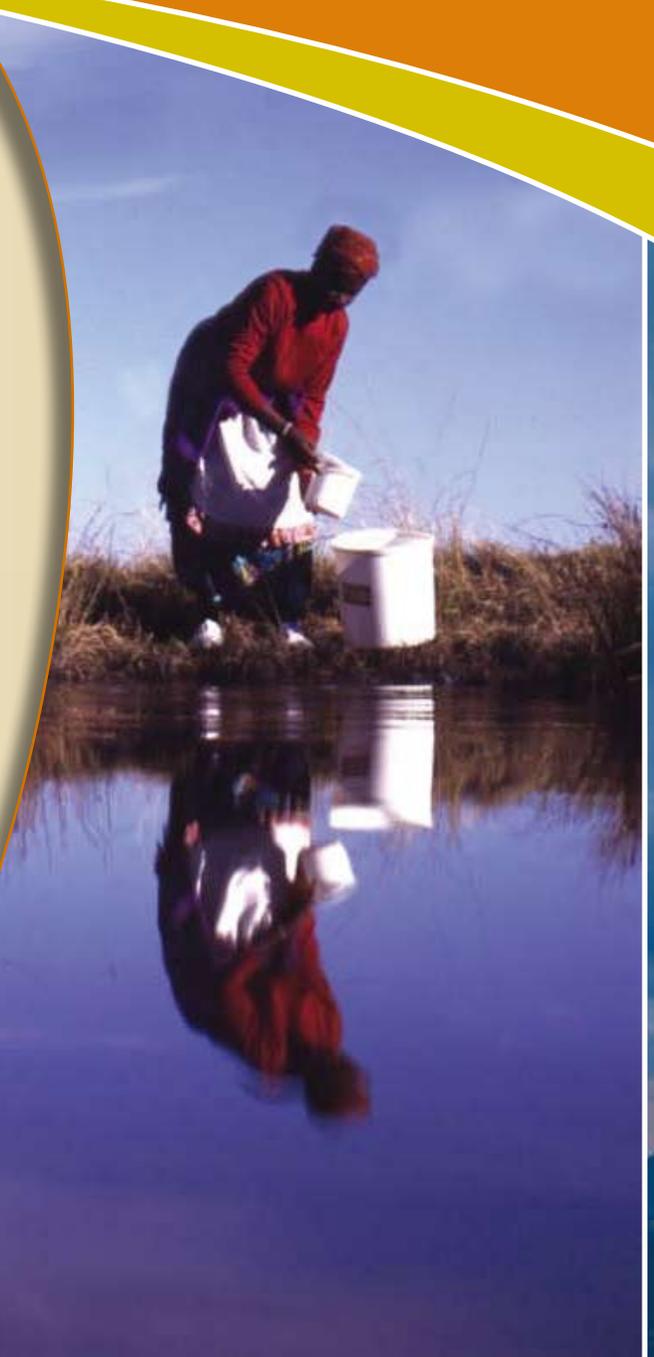
General recommendations include:

- 1) The recommendation to the Minister expressed the importance of the AsgiSA as a positive process, as its aim is to uplift all South Africans. However, there is a need for dialogue, and the environmental and scientific community is ready to assist with knowledge and technology so as to ensure that AsgiSA's long-term impact is positive and pursues a development path that protects the natural heritage for current and future generations.
- 2) All the infrastructure proposals within AsgiSA, in particular energy and agriculture investments, will be built on the existing natural resource base which is already facing constraints – these may have positive and negative impacts. It is recommended that in those areas where developments are reliant on already stretched resources, an environmental/economic risk analysis can be conducted so as to proactively identify ways to minimise negative impacts or apply more optimal strategies; this should include the employment of environmental and economic risk assessment tools.
- 3) It is recommended that Government also consider up-scaling investments in the natural capital in order to ensure productivity of economic sectors reliant on the natural resource base, such as water in the case of Agriculture, requiring healthy invasive-alien-free catchments and flood-mitigating wetlands. Further dialogue and research is required on investing in the natural capital with programmes quantifying economic benefit on resource management such as the National Land Care Programme. In addition to providing direct benefits to the first economy, these investments in natural capital can also serve as a stepping stone into the first

NEAF's implementation of the Work Plan

economy as participants in the second economy seek more sustainable and enduring links with the first economy.

- 4) There are a range of new environmental planning and sustainable project design tools, such as SEAs. Opportunities to test and pilot these in the AsgiSA process on already identified projects should be considered by AsgiSA with the intention of wider application – this will bring about long-term capacity development, and ensure the introduction and the rapid deployment of a new generation of cutting-edge tools to aid sustainable development.
- 5) Greater effort should be made by all parties to attract and retain specialised skills that are specifically tailored to deal with the management of environmental impacts arising from large infrastructure programmes like AsgiSA. Some of these specialised skills are mainly in the areas of restorative environmental science and planning, and resource economics. This will ensure more effective mainstreaming of environmental concerns in development processes, minimising both environmental and economic risk.



NEAF's implementation of the Work Plan

NEAF PROJECT PLAN 2007/2008

PROJECT PLAN: Biodiversity and Biosafety Project Plan

Project	Deliverable	NEAF actions	Timeframes	Milestones
Public participation in the context of the of the regulation of the Genetically Modified Organisms in SA	Effective, fair, transparent, practical and cost effective public participation mechanisms <i>Ensure linkage with DEAT's public participation process</i>	Commission and manage research – scan local and international processes with public policy issues and make recommendations to the Minister on what would work best in SA context on biosafety.	July 2007	
		1. Research findings to NEAF		End of Sep 2007
		2. Hosting national workshop		End of Oct 2007
		3. Report with recommendations to Minister		End of Nov 2007



NEAF's implementation of the Work Plan

PROJECT PLAN: Coastal and Marine Management Project Plan

Project	Deliverable	NEAF actions	Timeframes	Milestones
1 To conduct research on the implications of Environmental Impact Assessments (EIAs) in respect of mariculture	Require mariculture to conduct an EIA as required by NEMA	Research implications of EIAs in respect of mariculture and make recommendations on completion		
		1. Development of TOR		30 June 2007
		2. Appointment of consultant		30 July 2007
		3. Conduct project research		Aug/Sep 2007
		4. Supply results to NEAF		October 2007
		5. Supply results to Minister		December 2007
2 Establishment of appropriate structures to deal with the needs of bona fide subsistence fishers and small-scale commercial fisheries	Need to ensure that bona fide small-scale fishers are provided with commercially viable rights (perhaps through the provision of baskets of rights across different resources)	Research effective alternatives for small scale fishers and recommend as appropriate – through the research of identified case studies in order to make recommendations for wider application nationally.		
		1. Refinement of TOR		June 2007
		2. Appointment of consultant		July 2007
		3. Conduct project research		Aug/Sep/Oct 07
		4. Supply results to NEAF		Nov 2007
			5. Supply results to Minister	
	Support and smooth the way for the development of subsistence fisheries structures (similar to that in KZN) in other provinces (Eastern, Western and Northern Cape)	Encourage the replication of these initiatives around the country by ensuring that DEAT (MCM) agrees with this approach and by encouraging the development of a plan of action to facilitate replication		Interact with MCM by September 2005, agree action plan by Dec 2006

NEAF's implementation of the Work Plan

PROJECT PLAN: Energy and Climate Change Project Plan

Project	Deliverable	NEAF actions	Timeframes	Milestones
Priority projects				
1. Obstacles and barriers to renewable energy	Framework to prioritise renewable energy and address barriers	1. Appoint a team of 2 - 3 specialists to investigate barriers – drawing from existing projects		July 2007
		2. Draft paper	3 weeks	End of Aug 2007
		3. Stakeholder input to the paper through a national consultation workshop	2 weeks	End of Sep 2007
		4. Draft a paper with recommendations	3 weeks	Mid Oct 2007
		5. Submit paper to NEAF for comments	4 weeks	Oct 2007
		6. Submit paper with recommendations for adoption by the Minister		Mid Dec 2007

PROJECT PLAN: Pollution and Waste Management Project Plan

The projects for this work plan have yet to be determined; these will be based on inputs and feedback from the Minister, taking into account the recommendations put forward from the Pollution and Waste Management workshop held.



NEAF's implementation of the Work Plan

PROJECT PLAN: NEAF: AsgiSA interaction Project Plan

Project	Deliverable	NEAF actions	Timeframes	Milestones
Facilitating South Africa's sustainable development by mainstreaming environmental considerations into AsgiSA.	Compile a discussion document based on the outcomes of the workshop Addressing the Mainstreaming of the Environment into Development: Issues & Opportunities Relating to AsgiSA (Accelerated and Shared Growth Initiative South Africa) which was held on Tuesday, 3 October 2006, at the Twin Rivers Lodge in Irene, Pretoria, which will form the basis for engagement between key economic and environmental experts and stakeholders with respect to sustainable economic development can take place.	Table of contents: completed		Mid July 2007
		First draft: completed		End Aug 2007
		Second draft		End Sept 2007
		Final draft for printing		Sep/Oct 2007
	Meeting with the Deputy Presidents Office – Economic advisors and team	Provide input and workshop mainstreaming environment into the strategic processes of AsgiSA – include a panel of sustainable development experts		Nov 2007



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CHAPTER THREE

INFORMATION AND RECOMMENDATIONS

SUBMITTED BY NEAF DURING 2006/2007 TO THE MINISTER

Information and Recommendations Submitted by NEAF during 2006/2007 to the Minister

INFORMATION PROVIDED BY NEAF DURING 2006/2007

The following information was provided by NEAF:

- 1) NEAF Annual Report, 2005/2006, which was submitted to Parliament by the Minister in September 2006, in accordance with Section 6 of NEMA (Act 107 of 1998) which requires the Minister to submit a NEAF Annual Report.
- 2) Report on the Summary of the Proceedings for NEAF subcommittee on Pollution and Waste, held on 23 October 2006 'Critical Challenges in the Implementation of the NEM Air Quality Act'
- 3) Summary Report of the Proceedings of the subcommittee on AsgiSA, held on 3 October 2006 'Mainstreaming of the Environment into Development Issues and Opportunities relating to AsgiSA (Accelerated and Shared Growth Initiative South Africa)'

RECOMMENDATIONS SUBMITTED BY NEAF DURING 2006/2007

A memorandum was submitted to the Minister by the NEAF, dated 4 December 2006, where the following recommendations were put forward for the Minister to take the issues raised for consideration and noting:

- 1) It was recommended that the Minister takes note of the work currently under way with respect to the key focus areas of the Subcommittees: Energy and Climate Change, Biodiversity and Biosafety, Coastal and Marine Management.
- 2) The Subcommittee on Pollution and Waste Management submitted the following overarching issues containing recommendations to the Minister :
 - Methodology and criteria for decision-making in setting emission standards
 - Public participation in the setting of emission standards
 - Role and considerations regarding the technology in the setting of emission standards

- Use of domestic polluting fuels – exploring innovative ways to address this
 - Climate change – address issues of CO₂ and energy efficiency in APPA permits
 - National technical capacity building unit to be formed by Government
 - Amendments to provisions of NEMA Sections 25, 26 and 28
- 3) It was recommended that the Minister takes note of the work currently under way with respect to the special project on AsgiSA. It was also recommended that he endorses the process for a second engagement with the Economic Advisor of the Deputy President's office and provides support for the letter addressed to Ms Raisibe Morathi, Economic Advisor to the Deputy President with regard to the interaction on the Mainstreaming of the Environment into the AsgiSA process:

As the AsgiSA sector plans are currently being developed it is deemed that this would be an ideal opportunity to mainstream environment into these sector plans. It is envisaged that the discussions will be done as a partnership dialogue initiative between the Deputy President's Office, DTI, DEAT, NEAF and a selected panel of sustainable development experts. NEAF recommended that the second phase of discussions should capture and address the following:

- The key environmental issues in relation to AsgiSA to include macro level linkages with the environment.
- Concrete interventions from an environmental perspective in each AsgiSA programme and project to enhance sustainable development.
- Requirements in terms of environmental skills development in the context of AsgiSA, taking into consideration the JIPSA initiative.
- Macro level linkage to include AsgiSA SEA/EIA/sustainable development linkage and infrastructure and investment in natural capital.

Information and Recommendations

Submitted by NEAF during 2006/2007 to the Minister

- More detailed interventions should include the sectoral interventions linked to issues such as water, soils and biodiversity and should include concrete proposals on the sector plans and the projects.
- The schism between economics and environment, a matter of concern and about which dialogue is long overdue.

NEAF is developing a comprehensive discussion document which will serve as support to DEAT for further interaction with other sectors in relation to the AsgiSA, as well as with the follow-up interaction with the economic experts of the Deputy President's office that will be conducted as part of the 2007/2008 work plan.

- 4) The Minister was informed that the Gazetting of the NEAF Constitution, which is a requirement of NEMA Section 6, awaits implementation at the government printers.



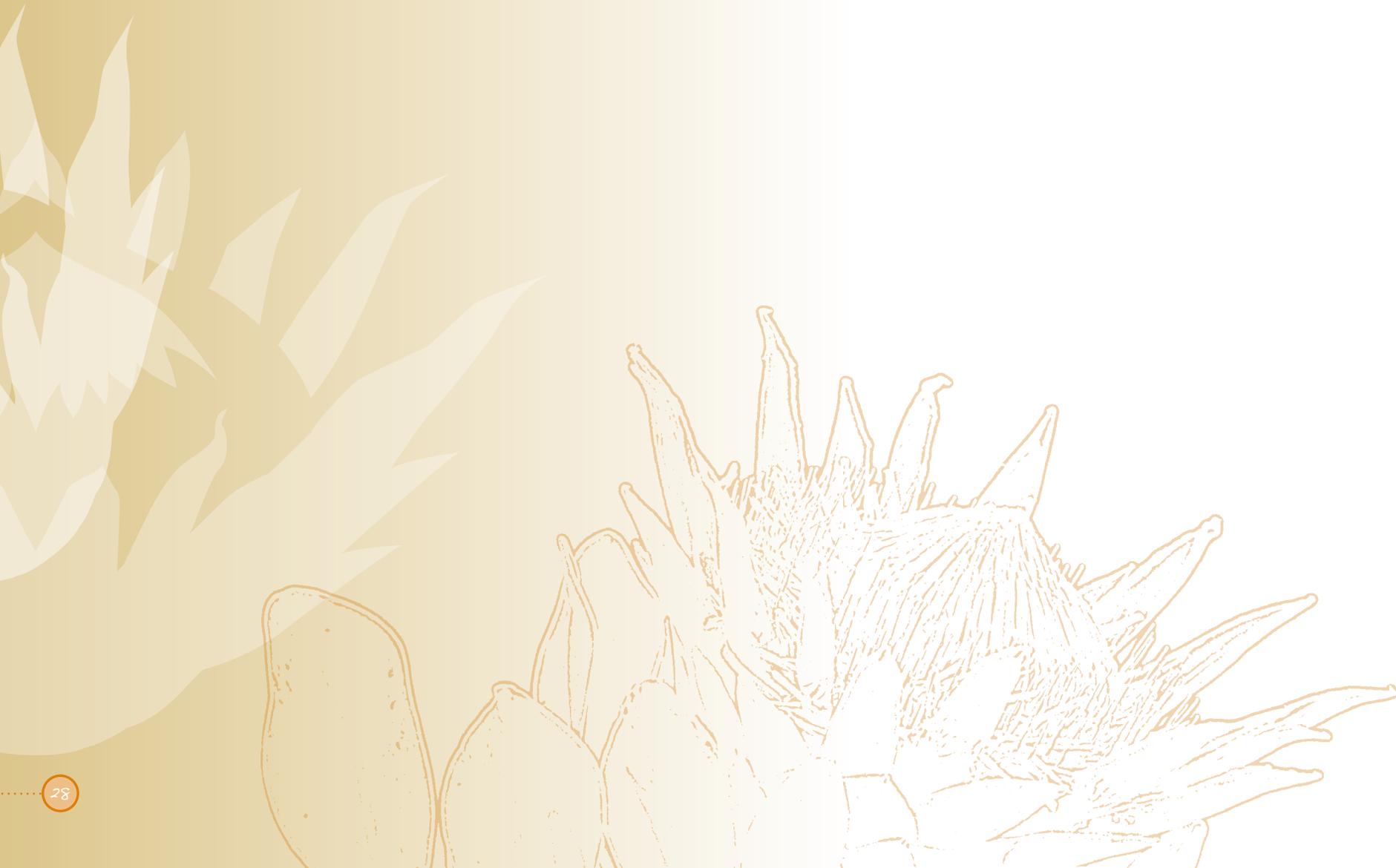


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CHAPTER FOUR

REPORT ON THE 2006/2007 BUDGET





Report on the 2006/2007 Budget

NEAF functions in terms of budget under Sections 5 and 6 of NEMA (Act 107 of 1998):

DEAT provides the financial support for the functioning of the NEAF. This includes the remuneration of members, additional task teams functioning and other support that may be required.

The NEAF total budget and expenditure for 2006/2007 financial year were:

Total Budget	Total Expenditure	Budget Not Allocated
R 1 200 000.00	R 310 307.00	R 889 693.00

The NEAF budget structure is made up of the following annual expenditures:

- Logistical support for meetings (including venue, flights, shuttle, etc) R 70 179.00
- Remuneration of the NEAF members R 69 454.00
- Further research and support that the NEAF may require (consultants) R 135 674.00
- Communication costs expenses (telephone conferencing, courier etc) R 35 000.00



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ANNEXURES



ANNEXURE 1: NEAF MEMBERS

Sector	Name	Organisation	Chairpersons	Subcommittee
Business	Mr Max Sisulu	Sasol	Member	Pollution & Waste Management Biodiversity & Biosafety
	Mr Andre Fourie	National Business Initiative (NBI)	Chair: Subcommittee Energy & Climate Change	AsgiSA Energy & Climate Change Coastal & Marine Management
NGO	Mr Malcolm Powell	WESSA	Member	Energy & Climate Change
	Mr Tony Frost	Worldwide Fund (WWF)	Chair: Subcommittee Coastal & Marine Management	AsgiSA Energy & Climate Change Coastal & Marine Management
	Mr Ari Seirlis	Quadriplegic Association of South Africa	Member	Pollution & Waste Management Coastal & Marine Management
CBO	Mr Thabo Madihlaba	EJNF	Member	Pollution & Waste Management Energy & Climate Change
	Ms Josephine Makelefané	Nqobile Women's Development Organisation	Member	Pollution & Waste Management Biodiversity & Biosafety
Labour	Mr Bheki Ntshalintshali	COSATU	Member	Pollution & Waste Management Energy & Climate Change

Annexure 1

Sector	Name	Organisation	Chairpersons	Subcommittee
Specialised Skills and expertise	Dr John Ledger	SADC Environmental Solutions	Deputy Chair: NEAF	Biodiversity & Biosafety Energy & Climate Change
	Dr Zarina Patel	University of the Witwatersrand	Member	Pollution & Waste Management Coastal & Marine Management
	Ms Mariam Mayet	African Centre for Biosafety	Chair: Subcommittee Biodiversity & Biosafety	Biodiversity & Biosafety Coastal & Marine Management
	Ms Angela Andrews	Legal Resource Centre	Chair: Subcommittee Pollution & Waste Management	Pollution & Waste Management Marine & Coastal Management Energy & Climate Change
	Ms Khungeka Njobe	CSIR Group Executive	Chair: NEAF	AsgiSA Pollution & Waste Management Energy & Climate Change Biodiversity & Biosafety Coastal & Marine Management
Youth	Ms Vuyiswa Tulelo	National Youth Commission	Member	Biodiversity & Biosafety

ANNEXURE 2 SUMMARY OF MEETINGS

Meeting	List for discussion	Actions / Outcomes
12 June 2006 NEAF Quarterly Meeting River Meadow Manor, Irene	<ul style="list-style-type: none"> • Completion of the 2006 NEAF Work Plan • NEAF Annual Report to Parliament • Comments on the NEAF agenda: NEAF meeting of 27 June 2006 	Inputs provided into the draft Work Plan and Annual Report with the NEAF Chairs in preparation for the June 27 Meeting 2007.
27 June 2006 NEAF Quarterly Meeting (Minister and Deputy Minister attended) River Meadow Manor, Irene	<p>Matters Arising from the Previous Meeting:</p> <ul style="list-style-type: none"> • NEAF Alternate members • Secretariat support to NEAF and its Committees. • Gazetting of the NEAF Constitution. • Finalisation of the Operational Guidelines. 	<ul style="list-style-type: none"> • Minister to approve alternate members. Notify members on the approval of alternates. • Documents to be sent to the Secretariat two weeks before meetings for Secretariat to circulate to members at least a week in advance. Contact details of new Secretariat to be sent to all NEAF members. • The constitution to be presented to the Minister for gazetting. • Members to send comments on the operational guidelines to the Chairperson who would collate all submissions and edit them before final presentation by 11 July 2006.
	<p>Discussion items with the Minister</p> <p>Work plan discussion</p> <ul style="list-style-type: none"> • Identity and profile of NEAF • Discussion of NEAF's workplan and projects • Annual report to Minister 	<ul style="list-style-type: none"> • Minister to engage the Deputy President on the role of NEAF in AsgiSA. • Annual report and work plan to be tabled in Parliament. • Provide advice on the choices and issues NEAF should concentrate on for the following year before the following year's plan is finalised • The Minister stressed that NEAF was not a Public Entity but a body that was appointed to advise the Minister on issues pertaining to environment. • The Minister and Deputy Minister supported the work plan subject to consultation with the Department

Annexure 2

Meeting	List for discussion	Actions / Outcomes
	Update and briefing on DEAT initiative	
	Implementation of NEAF Work Plan: Briefing on plan of action	
	<ul style="list-style-type: none"> Biodiversity & Biosafety Coastal & Marine Management Energy & Climate Change Pollution & Waste NSSD 	<ul style="list-style-type: none"> NEAF assisted by the Biodiversity and Conservation branch to decide on which research would be prioritised. DDG: Biodiversity and Conservation to check for overlaps and duplication DDG: MCM to check for overlaps and duplication To develop a proposal to understand the status of renewable energy in SA (ideas of how to prioritise renewable energy and how to address the key obstacle and barriers to renewable energy). NEAF to assist in developing a policy on how to deal with waste management in our country. Send invites to NEAF members for the NSSD stakeholders' workshop.
	Project plan discussion	
	<ul style="list-style-type: none"> Budget Energy & Climate Change Pollution & Waste Coastal & Marine Management: Biodiversity & Biosafety 	<ul style="list-style-type: none"> DEAT to look at the budget allocations and agree with NEAF on prioritised projects. The relevant subcommittee to manage and draft TOR for the consultant. Provide clear guidance on the supply chain process for the procurement of the consultant. DEAT to provide information to NEAF. The relevant subcommittee to manage and draft TOR for the consultant. The relevant subcommittee to manage and draft TOR for the consultant. Research to be done by end of the year. Discussion on the prioritisation between NEAF and DEAT. The relevant subcommittee to manage and draft TOR for the consultant. Subcommittee leader to discuss with the DDG on the public participation issue in biodiversity issues.
	General Matters	
		<ul style="list-style-type: none"> Mr Bobby Peek's resignation was announced and it was suggested that Ms Angela Andrews should take over the leadership of the Pollution and Waste subcommittee. Report-back mechanism to constituencies by members would be sorted out later NEAF should have access to information as and when required to enable them to play their role effectively.

Meeting	List for discussion	Actions / Outcomes
<p>3 October 2006 NEAF subcommittee workshop: Mainstreaming of the Environment into Development Issues and Opportunities relating to AsgiSA</p> <p>River Meadow Manor, Irene</p>	<ul style="list-style-type: none"> • AsgiSA: Context and Status • Sustainability orientated infrastructure: Enhancing sustainability in AsgiSA • The ASGISA infrastructure programme: inputs from macro level conservation planning practice and perspective with respect to land use impacts • Macro perspectives on water supply and demand: implications of the 6% economic growth rate • Improving the quality of life through reduction of poverty and unemployment: 'forecasting' positive and negative implications on environment • Lessons from the Millennium Ecosystem Assessment (ME) for AsgiSA: The value and contribution of our natural resources as the basis upon which economic and social development depends. 	<ul style="list-style-type: none"> • Following the engagement of the AsgiSA NEAF workshop, an invitation from the Deputy President's office has been made for a second phase engagement. As the AsgiSA Sector plans are currently being developed this would be an ideal opportunity to mainstream environment into the AsgiSA sector plans. It is envisaged that the discussions will be done as a partnership dialogue initiative between the Deputy President's Office, DTI, DEAT, NEAF and a selected panel of sustainable development experts. The second phase of discussions should be captured in terms of: <ul style="list-style-type: none"> • the key environmental issues in relation to AsgiSA to include macro level linkages with the environment; • concrete interventions from an environmental perspective in each AsgiSA programme and project to enhance sustainable development; • requirements in terms of environmental skills development in the context of AsgiSA – JIPSA initiative; • macro level linkage to include AsgiSA SEA/EIA/ sustainable development linkage and infrastructure and investment in natural capital; and • more detailed interventions will include the sectoral interventions linked to issues such as water, soils and biodiversity and should include concrete proposals on the sector plans and the projects. <p><i>This invitation for dialogue should be taken up and also address the schism between economics and environment, a matter for concern and which dialogue is long overdue.</i></p> • The development of a comprehensive discussion document which will serve as support to DEAT for further interaction with other sectors in relation to the AsgiSA as well as with the follow up interaction with the economic experts of the Deputy President's office.
<p>23 October 2006 NEAF subcommittee workshop: Critical Challenges in the Implementation of the NEM Air Quality Act and the Hazardous Waste Management Bill</p> <p>Johannesburg O.R. Tambo Airport Convention Center</p>	<ul style="list-style-type: none"> • Critical challenges and creative strategies in the implementation of the NEM Air Quality Act • Review of hazardous waste in South Africa in the context of the new Hazardous Waste Bill 	<p>Some of the issues which were highlighted in the workshop include:</p> <ul style="list-style-type: none"> • Methodology and criteria for decision-making in setting emission standards • Public participation in the setting of emission standards • Role of consideration of technology in the setting of emission standards • Use of domestic polluting fuels • Climate change • National technical capacity building unit • Amendments to provisions of NEMA

Annexure 2

Meeting	List for discussion	Actions / Outcomes
7 November 2006 NEAF Quarterly Meeting CSIR Convention Center, Pretoria	Matters arising from previous meetings	<ul style="list-style-type: none"> • NEAF alternate members: NEAF alternate members were approved by the Minister • Draft NEAF Constitution: The draft NEAF Constitution has been sent to the Minister for approval. It will be gazetted in due course. • NEAF Annual Report: NEAF Annual 2005/2006 report has been tabled in Parliament and there were no substantive comments. Secretariat to follow up and gazette
	DG Items	<ul style="list-style-type: none"> • AsgiSA workshop - AsgiSA Workshop recommendations to be presented to the Minister. • Greening 2010 - It was noted that discussions on sustainable transport should be brought into the next NEAF meeting in February. John Ledger agreed to arrange for the sharing of information on the Stuttgart and Johannesburg collaboration in terms of light rail, energy and cities, technology and waste management. • Marine Issues - NEAF to advise how they can add value on this issue in terms of the public domain. • Biodiversity Issues • National State of the Environment Report • Stern Report on Climate Change - Presented in the first two weeks of January 2007(17/18). • Legislation - The Department to engage NEAF in the public participation processes of the Waste and Coastal Zone Bill • Procurement for NEAF advisory work - A brief guideline with regard to procurement should be drawn up to help NEAF members with future procurement.
	Reports from NEAF Subcommittees	<ul style="list-style-type: none"> • Subcommittee: Pollution & Waste: Workshop Report to be send to secretariat and be uploaded on the website • Subcommittee NEAF AsgiSA Workshop: Presentations made at the NEAF AsgiSA workshop to be sent to all NEAF members. DTI to be invited at the next NEAF Meeting to present on the Industrial Policy. AsgiSA discussion document with clear recommendations to be sent to the Minister for further follow up with Deputy President's office. • Subcommittee Biodiversity & Biosafety • Subcommittee Marine & Coastal • Subcommittee Energy & Climate Change
	Public Participation and Environmental Decision Making	<ul style="list-style-type: none"> • A task team including Dr Zarina Patel to look at the recommendations and make proposals on NEAF's role in this regard
	Indalo Yethu Presentation	<ul style="list-style-type: none"> • NEAF members provided their input and comments on the campaign

Meeting	List for discussion	Actions / Outcomes
26 February 2007 NEAF Special Meeting NEAF chairs and DEAT Offices of the Department of Environmental Affairs and Tourism	DG items	
		Provide information on where will the ABS regulations be published. (DEAT)
	Recap on the NEAF work plan and progress thus far	
	<ul style="list-style-type: none"> • Energy & Climate change • Biodiversity & Biosafety • Coastal & Marine Management • Pollution & Waste 	<ul style="list-style-type: none"> • Duplications of work discussed and agreed upon by the NEAF and relevant feedback dates determined. • The communication between the Department and the subcommittee chairperson to be encouraged to clear out any hurdles soon. • The finalisation of the procurement process to be done quicker than is being done currently. • A commitment was made that the DDGs would prioritise communication with the relevant subcommittees.
	Progress with the appointment of consultants to subcommittees	
Issues of concern for DEAT		
	<ul style="list-style-type: none"> • DDGs to sensitise the relevant CDs on who NEAF is and advise on who NEAF anchor points should be and this information to be shared with NEAF for ease of follow up in future. • COO to facilitate that there is progress in all these areas. 	

Annexure 2

SCHEDULE OF ATTENDANCE OF NEAF MEETINGS AND NEAF SUBCOMMITTEE MEETINGS

	6 March 2006 NEAF Quarterly Meeting	12 June 2006 NEAF Special Meeting of NEAF chairs	27 June 2006 NEAF Quarterly Meeting	3 October 2006 NEAF subcommittee workshop: AsgiSA	23 October 2006 NEAF subcommittee workshop: Pollution and Waste	7 November 2006 NEAF Quarterly Meeting	26 February 2007 NEAF Special Meeting of NEAF chairs and DEAT
Mr Max Sisulu	a	n/a	✓	n/a	n/a	✓	n/a
Mr Andre Fourie	a	✓	✓	✓	n/a	✓	✓
Mr Malcolm Powell	✓	n/a	✓	n/a	n/a	✓	n/a
Mr Tony Frost	✓	✓	✓	✓	n/a	✓	✓
Mr Ari Seirlis	✓	n/a	✓	✓	n/a	✓	n/a
Mr Thabo Madihlaba	✓	n/a	✓	✓	n/a	✓	n/a
Ms Josephine Makelelane	✓	n/a	✓	✓	✓	✓	n/a
Mr Bheki Ntshahintshali	a	n/a	✓	n/a	n/a	am	n/a
Dr John Ledger	✓	✓	✓	n/a	n/a	✓	✓
Dr Zarina Patel	ml	n/a	✓	✓	✓	✓	n/a
Ms Mariam Mayet	✓	✓	a	n/a	n/a	am	✓
Ms Angela Andrews	✓	✓	a	n/a	✓	✓	✓
Ms Khungeka Njobe	✓	✓	✓	✓	n/a	✓	✓
Ms Vuyiswa Tulelo	sl	n/a	sl	n/a	ml	ml	n/a
n/a - not applicable ml - maternity leave a - apologies am - alternate member sl - sick leave							

ANNEXURE 3: NEAF MANDATE ACCORDING TO NEMA (ACT 107 OF 1998)

Section 3, stipulates the **Establishment**, objects and functions of the National Environmental Advisory Forum:

- 1) NEAF is hereby established
- 2) The object of the Forum is to:
 - a) inform the Minister of the views of stakeholders regarding the application of the principles set out in Section 2; and (b) advise the Minister on:
 - i) any matter concerning environmental management and governance and specifically the setting and achievement of objectives and priorities for environmental governance; and
 - ii) appropriate methods of monitoring compliance with the principles set out in Section 2
- 3) The Forum may on its own initiative and after consultation with the Director-General draw the Minister's attention to any matter concerning environmental management requiring attention, and the Minister may refer matters for consideration by the Forum.

Section 4, stipulates the **Composition** of the Forum:

- 1) The Forum consists of at least 12 but not more than 15 members, appointed by the Minister.
- 2) The Minister appoints persons who represent stakeholders, and persons who have experience, expertise or skills necessary to enable the Forum to carry out its functions: Provided that the Minister must take into account the desirability of appointing women, youth and persons disadvantaged by unfair discrimination and ensuring representation of vulnerable and disadvantaged persons.
- 3) Before persons contemplated in Sub-section (2) are appointed, the Minister must:

- a) Invite nominations from organised labour, organised business, NGOs and community-based organisations in a manner that he or she may consider appropriate and invite nominations from others by notice in the Gazette, at least two nationally distributed newspapers, appropriate local newspapers and on the radio, specifying a period within which nominations must be submitted;
- b) Stipulate in such notice, the procedure to be adopted regarding such nominations; and
- c) consult with:
 - i) the MECs; and
 - ii) the Committees of the National Assembly and the National Council of Provinces that scrutinise environmental affairs.
- 4) The Minister appoints the chairperson of the Forum
 - a) Each member of the Forum designates, with the concurrence of the Minister and the organisation or person who nominated him or her, an alternate to take his or her place, if unable to attend a meeting of the Forum.
 - b) The Minister may appoint a replacement for a member who vacates his or her office in terms of Section 5(3) and the Minister may invite nominations from the sector or organisation that nominated such member.
- 5) The replacement must serve for the balance of the term of the person he or she replaces.

Section 5, stipulate the **Conditions of Appointment** of the Forum:

- 1) A member of the Forum holds office for a period of two years.
- 2) At the expiry of his or her term of office a member may be appointed for one further term.
- 3) A member or replacement member of the Forum must vacate his or her office if:

Annexure 3

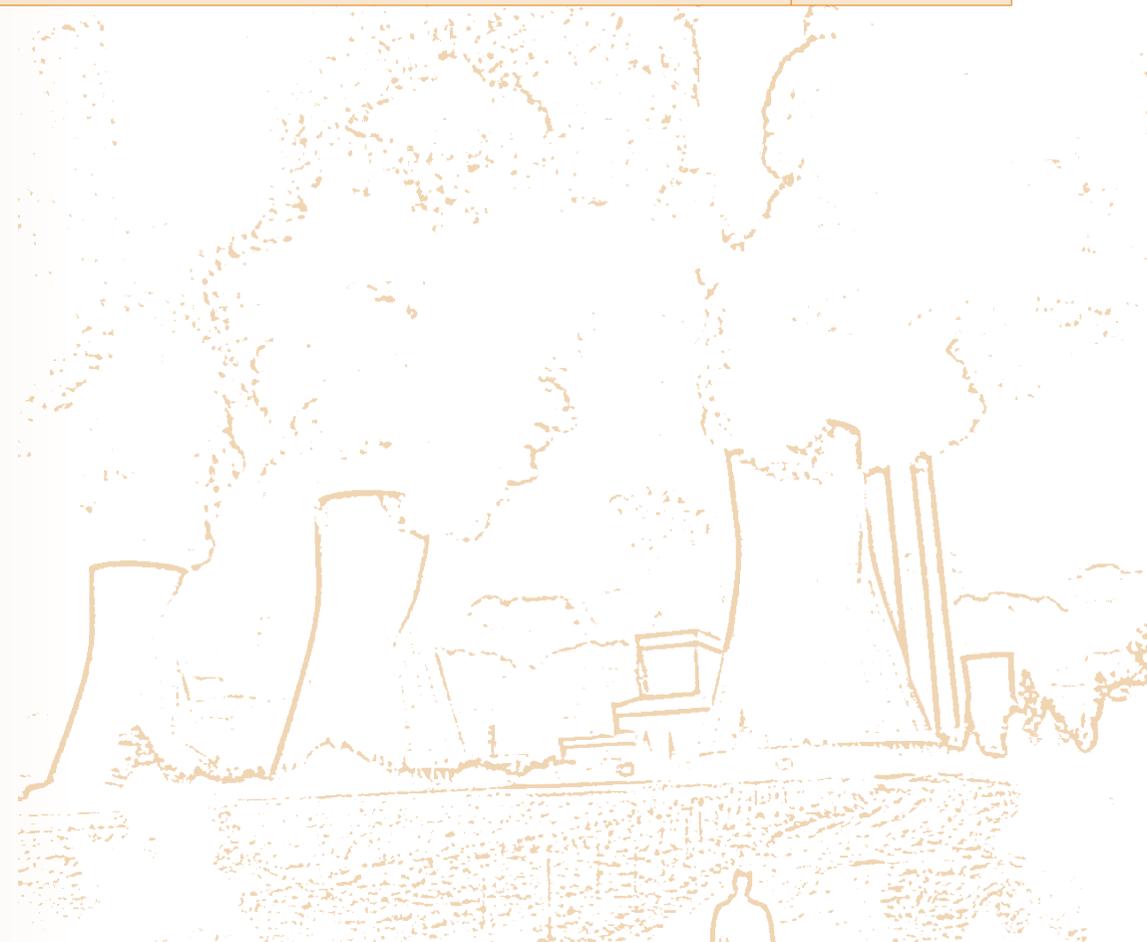
- a) the Minister at any time terminates such term of office for good reason;
 - b) he or she can no longer perform his or her duties on the Forum;
 - c) he or she is convicted of a criminal offence, involving dishonesty and is sentenced to imprisonment without the option of a fine;
 - d) he or she is absent from more than two consecutive meetings of the Forum; or
 - e) he or she resigns by way of written notice to the Minister.
- 4) Members of the Forum and members of a committee of the Forum may be paid such remuneration and allowances for their services as the Minister may determine with the concurrence of the Minister of Finance.
- 5) If any member of the Forum or his or her spouse has a direct or indirect financial interest in any matters before the Forum, he or she shall disclose such interest and may not take part in any discussion regarding such matter.

Section 6, stipulates the **Functioning** of the Forum:

- 1) The Minister must
 - a) Lay down rules for the functioning of the Forum, including:
 - i) by publication in the Gazette, a constitution for the Forum which may contain provisions relating to:
 - aa) advice on matters related to Chapter 6;
 - bb) participation in meetings relating to international environmental matters;
 - cc) subcommittees and working groups of the Forum;
 - ii) the manner and timing of reports by the Forum; and
 - iii) consultation with the Director-General
 - b) with the concurrence of the Minister of Finance make available funds for the functioning of the Forum for purposes other than the payment of remuneration referred to in Section 5) 4, from:
 - i) money appropriated by Parliament for this purpose; and
 - ii) funds obtained from donations or grants.
- 2) The Director-General may:
 - a) designate as many officers and employees as he or she may deem necessary to assist the Forum in the performance of its work; and
 - b) engage persons on contract to assist the Forum in the performance of its work.
- 3) The Minister must present an annual report to Parliament on the work of the Forum, including the following:
 - a) the work plan for the next year;
 - b) information and recommendations submitted; and
 - c) financial report and budget.

ANNEXURE 4: NEAF PROPOSED ESTIMATED BUDGET FOR 2007/2008

Overall operational budget	Remuneration for NEAF members for the annual meetings + logistic support for the meetings including flights and venues	R 192 920.00
Subcommittees budget (5)	Remuneration for NEAF members for the subcommittee meetings + logistic support for national workshops (if applicable) + including flights and venues + printing of publications + appointment of experts	R 846 820.00
Contingency		R 150 000.00
Total (excl vat)		R 1 189 740.00



NEAF Chairpersons



Ms Khungeka Njobe
Chairperson



Dr John Ledger
Deputy Chair



Subcommittee: Pollution and Waste Management, chaired by Ms Angela Andrews (previous chair: Bobby Peek)



Subcommittee: Biodiversity and Biosafety, chaired by Ms Mariam Mayet



Subcommittee: Marine and Coastal Management, chaired by Mr Tony Frost



Subcommittee: Climate Change and Energy, chaired by Mr Andre Fourie



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