

Spheres of SA Government, responsibilities and delivery.

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SA Government

The institutional framework for government in South Africa was established in 1996 with the adoption of the first democratic Constitution (DPLG, 2007). National, provincial and local government was established as three elected spheres of government, each with distinctive but interdependent and interrelated functional responsibilities (Du Plessis, 2005). The new local sphere of government was created by amalgamating over 800 municipalities into 283 municipalities (DPLG, 2007). Local government is subdivided into three categories of municipalities (RSA, 1996). These are Metropolitan municipalities (Category A), Local municipalities (Category B) and District municipalities (Category C). Metropolitan municipalities have exclusive executive and legislative authority in their area while Local and District municipalities share the authority (RSA, 1996). The three spheres of government are required to function as a single system of cooperative government for the country as a whole, while responsibility for refuse removal, refuse dumps and solid waste disposal are assigned to local government (Metropolitan, District and Local municipalities). (RSA, 1996). The Constitution does not provide guidance on the division of functions between district and local municipalities. An underlying principle in allocating governance functions is the devolution to the most appropriate sphere of government.

Responsibilities

The Department of Environmental Affairs (DEA) is the national Department responsible for waste management. As such, DEA provides leadership and guidance to enable other national departments, provincial environmental departments and municipalities to meet their executive obligations in respect of waste management. Specific functions assigned to DEA in the White Paper on Integrated Pollution and Waste Management include the development of policy, strategy and legislation; coordination; and enforcement. Furthermore, DEA should establish guidelines, mechanisms and structures to ensure that activities undertaken by other media and sector managers are coordinated, uniform and effective.

The Department of Water Affairs (DWA) is responsible for the protection of the water resources and is therefore concerned about possible impacts from waste management practices. Disposal of waste is listed as a water use in Section 21(g) of the National Water Act, 1998 (RSA, 1998). As such DWA has the mandate (Section 26(h) and 26 (i)) to make regulations on waste disposal and treatment to protect the water resource (RSA, 1998).

Other National Departments with waste-related responsibilities are the Department of Mineral Resources being responsible for mining waste; Department of Health being responsible for medical waste; and the Department of Agriculture being responsible for agricultural waste.

The Department of Cooperative Governance and Traditional Affairs was established to oversee intergovernmental relationships in the implementation of cooperative governance.

The Constitution (RSA, 1996) created provincial government, but did not specify distinct objectives for this sphere of government within the overall system. The White Paper on integrated pollution and waste management (DEAT, 2000) assigns the following waste-related functions to provinces:

- Reviewing the first –generation integrated waste management plans of the municipalities;
- Development of provincial guidelines and standards;
- Development and enforcement of provincial regulations for general waste collections and supporting local government in the implementation of the waste collection services;
- Ensuring that all industries have access to appropriate waste disposal facilities;
- Quality assurance of the Waste Information System;
- Implementing and enforcing waste minimisation and recycling initiatives and in particular, promoting the development of voluntary partnerships with industry;

- Registration and certification of hazardous waste transporters, the waste manifest system and the establishment and control of hazardous waste collection facilities; and
- Supporting DEA in planning for a system of medical waste treatment facilities and investigating the feasibility of centralised (regional) waste treatment facilities.

Local governments are given functions and powers either by assignment and delegation. Assignment refers to the complete authority being handed over when the function is transferred to the local government. This can happen as a “general assignment,” where a function is given to all local governments in the country or as a “specific assignment,” where a function is given only to specific municipalities. Delegation refers to the responsibility to provide a particular function being transferred to local governments, but authority over that function is still held by a different level of government. Certain responsibilities such as policy making, legislation and the regulation and distribution of funds always remain within the authority of the national and provincial governments, despite the functions given to local governments.

Local authorities are responsible for providing waste management services and management of waste disposal facilities. Specific functions include the compilation and implementation of general waste management plans; implementation of public awareness campaigns; collection of data for the Waste Information System; provision of waste collection services and the management of waste disposal facilities within their area of jurisdiction; implementation and enforcement of appropriate waste minimisation and recycling initiatives, i.e. voluntary partnerships with industry and waste minimisation clubs; planning for the establishment and management of regional waste disposal facilities i.e. regional general waste landfills (DEAT, 2000).

The Municipal Structures Act, 1998 (Act No 117 of 1998) as amended assigns powers and functions relating to integrated development planning, sustainable and equitable social and economic development to District municipalities. Section 84 (1)(e) Solid waste disposal sites, in so far as it relates to the determination of a waste disposal strategy; the regulation of waste disposal; the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district (RSA, 1998a).

Where the allocated sphere of government does not have the resources or capability, the next sphere of government must execute the function. Furthermore, DEA and the provincial environmental departments must assist where resources and capabilities are lacking and promote capacity building. The lessons of Project Consolidate show that providing hands-on support to municipalities has had a direct benefit to local service delivery in a very short period of time. However, the long term capacity requirements of this sphere of government, mirroring the scarcity of skills in the country, will require an institutional response (DPLG, 2007).

Delivery

Tensions, challenges and shortcomings in waste service delivery and legislative compliance is common to most municipalities in South Africa. Problems faced by the waste sector in South Africa are universal and relates to global population growth, funding, resource and land scarcity factors (DEAT, 2007; Godfrey and Oelofse, 2008; Oelofse and Godfrey, 2008; Nhamo et al, 2009) that directly influence the level of and need for waste minimisation as part of waste management. At an integrated level, these challenges also increase the need for improved environmental management and resource protection. Collectively, this requires constant innovation in terms of waste management technology, waste minimisation approaches and resource management to keep costs to society, to service providers and the impacts on the environment in balance with the need for sustainable development (Coetzee, 2006). One key aspect to the success of waste service delivery at municipal level is community involvement and participation in the planning and design of the waste service. This approach will contribute towards waste management services to the community by the community including creating much needed job opportunities, raising awareness and meeting the demands of the community (Oelofse et al, 2008).

Implications for future waste management in SA

The implementation of the National Environmental Management: Waste Act, 2008, requires of waste managers to push waste higher up the waste hierarchy, i.e. towards waste minimization, reuse and recycling. While municipalities struggle with basic waste management and addressing backlogs in service delivery, they are unlikely to achieve the objectives of the Waste Act. General public

perceptions that waste “disappear” once collected needs to change as well as the associated human behaviour. Waste service provision is the responsibility of local government, but waste management should be every citizen’s responsibility irrespective of who you are and where you stay. The role of industry and communities in waste management must therefore be strengthened. Understanding the drivers of human behaviour will assist municipalities to provide communities with the necessary incentives to act more responsibly, generate less waste, and reuse and recycle unavoidable waste.

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