

**DEVELOPMENTAL MANDATE OF DISTRICT MUNICIPALITIES
IN THE FREE STATE: CHALLENGES IN PROMOTING
ENVIRONMENTAL RIGHTS**

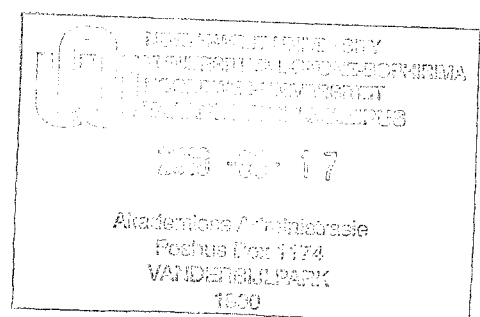
by

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DECLARATION

I, Lehlohonolo Kennedy Mahlatsi, hereby declare that this work is original and the result of my own labour. It has never, on any previous occasion, been presented in part or whole to any institution or Board for the award of any Degree.

I further declare that all information used and quoted has been duly acknowledged by complete reference. I am responsible for any error, whatever the nature, in this work.

Student
Signed

Date.....

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ABSTRACT

Promotion and existence of a clean environment is a *sine qua non* for sustained life expectancy. The ushering in of the 1996 Constitution introduced a developmental local government in terms of which the objects of local government include the provision of services to communities in a sustainable manner, the promotion of social and economic development, and a safe and healthy environment. These objects, together with the provisions of Bill of Rights enjoin municipalities to promote socio-economic rights on, amongst others, the environment. Realization of these rights, however, depends on the extent to which local government co-operates with other spheres of government in mutual trust and good faith.

The scope of the study involved a theoretical exposition of Development Economics and environment; an analysis of the relationship between "environment" and sustainable development; a discourse on the relevance of local government in promoting environmental rights; an evaluation of the capacity and preparedness of District Municipalities in the Free State in promoting environmental rights as enshrined in the Constitution; and co-operative governance as a function in promoting environmental rights.

For the purpose of the study the hypothesis was formulated that: *the concurrency of jurisdiction and devolution between local government and other spheres of government on environmental issues are not properly managed and resourced to enable district municipalities in the Free State to discharge their environmental development mandate in a manner that is efficient, effective and economical.*

The study cuts across literature review on primary and secondary sources to an empirical survey that involved a study of IDP content of district municipalities, and a qualitative study with questionnaires on a significant sample population, together with a comparative study on two district municipalities outside the Free State. It was established, amongst others that:

- The exclusion of environmental management as a function of district municipalities unnecessarily limits the scope of district municipalities to promote environmental rights;
- Local government system puts district municipalities at the cutting edge of delivery of basic services on environmental issues;
- There seems to be no direction as to how district municipalities can deal with environmental issues other than municipal health component;
- A general lack of capacity and resources from national and provincial governments negatively impacts on the propensity of district municipalities to realize developmental mandate of promoting environmental rights.

The study concludes with a set of recommendations for legislative overhaul and for management action in improving the state of environmental care. In addition, it unlocks opportunities for further research on the matter.

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List of acronyms and abbreviations

ANC	African National Congress
CEG	Cooperative Environmental Governance
CEMR	Council of European Municipalities and Regions
COSATU	Congress of South African Trade Union
CSD	Commission on Sustainable Development
DBSA	Development Bank of Southern Africa
DEAT	Department of Environment & Tourism
DETEA	Department of Economic development, Tourism & Environmental Affairs
DIF	District Intergovernmental Forum
DLA	Department of Land Affairs
DME	Department of Mineral & Energy
DOA	Department of Agriculture
DOH	Department of Health
DTEA	Department of Tourism & Environment
DTEEA	Department of Tourism, Environment & Economic Affairs
DWAF	Department of Water Affairs and Forestry
EHP	Environmental Health Practitioner
EIA	Environmental Impact Assessment
EIP	Environmental Implementation Plan
EKC	Environmental Kuznets Curve
EMF	Environmental Management Framework
EMS	Environmental Management Systems
EU	European Union

FAO	Food & Agriculture Organization
GATT	General Agreement on Tariffs and Trade
GEAR	Growth, Employment and Redistribution
GHG	Greenhouse Gas
GNP	Gross National Product
IDP	Integrated Development Plan
IEM	Integrated Environmental Management
IGR	Intergovernmental Relations
IRFA	Intergovernmental Relations Framework Act
ILO	International Labour Union
IULA	International Union of Local Authorities
IUPN	International Union for the Protection of Nature
JPOI	Johannesburg Plan of Implementation
LED	Local Economic Development
MARPOL	Marine Pollution
MDGs	Millennium Development Goals
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MHS	Municipal Health Services
MPRDA	Minerals and Petroleum Resources Development Act
NGO	Non-Governmental Organization
NCOP	National Council of Provinces
NEMA	National Environmental Management Act
SACP	South African Communist Party
SALGA	South African Local Government Association

SAVE	Safe the Vaal Environment
SDBIP	Service Delivery and Budget Implementation Plan
SDF	Spatial Development Framework
SEA	Strategic Environmental Assessment
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UCLG	United Cities and Local Government
UN	United Nations
UNCCUR	United Nations Conference on the Conservation and Utilization of Resources
UNCED	United Nations Conference on Environment and Development
UNEP	United Nations Environmental Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
WCED	World Commission on Environment and Development
WED	Women, Environment & Development
WHS	World heritage Site
WTO	World Trade Organizations