

## **CHAPTER 6**

### **EVALUATION OF THE DISTRICT MUNICIPALITIES IN THE FREE STATE IN PROMOTING ENVIRONMENTAL RIGHTS: EMPIRICAL SURVEY**

#### **6.1 INTRODUCTION**

The previous chapter focused on the role of local government in promoting environmental rights. The concept of developmental local government helps to understand the strategic role municipalities must play in socio-economic development. Community participation is a constitutionally entrenched concept that municipalities must adhere to. The bottom line is that municipalities are better placed to promote right to environment. This also depends on how municipalities co-operate with other spheres of government in relation to environmental issues.

This chapter therefore seeks to evaluate the capacity and role of the District Municipalities in the Free State in promoting environmental rights. It is aimed at addressing issues raised in Chapter 1.

#### **6.2 METHODOLOGY**

The study mainly consisted of a literature review supported by an empirical study. A literature review was conducted to determine what research had been conducted on the role of municipalities in promoting environmental rights. A range of qualitative methods were used to gather and analyse data on policy process in the District Municipalities in the Free State. Selected District Municipalities outside Free State were also targeted for purposes of assessing the national trend. A second set of questions was distributed to 25 Environmental Health Practitioners to ascertain peculiar challenges they face in their daily dealings with the local municipalities and councillors.

Researchers examine data and their sources critically so that the basic research response to provocative statements is not to agree or disagree, but to ask: What is your evidence? Because research is a time-consuming process, non-researchers often become impatient while waiting for research results. Researchers go to great lengths to get systematic, valid and reliable data. Data can be in many forms, e.g. pictures, text and numerals. The aim of researchers is to interpret and understand what the data mean. Such interpretation and understanding is based on the researcher's knowledge of existing theory and the literature in the field, as well as the researcher's personal experience and perspectives (Struwig and Stead 2001: 3). According to Welman and Kruger (1999: 2), research involves the application of various methods and techniques in order to create scientifically obtained knowledge by using objective methods and procedures. It seems appropriate at this introductory stage to briefly explain how research methodology differs from research methods, such as opinion polls, and techniques, such as attitude scales. Different studies use different methods or techniques because they have different aims. The technique must be appropriate for the tasks.

A combination of qualitative and quantitative research methodologies was employed in this study to collect the primary source of data. For qualitative data collection methods unstructured face-to-face interviews, telephonic interviews and structured questionnaire were resorted to. Face-to-face interviews resulted in serendipities that increase the value of the data. Quantitative techniques were also employed to collect primary sources of data from the websites of the District Municipalities in the Free State, the National and Provincial Governments Websites. Secondary data collection methods through desktop research techniques supplemented the research study.

### **6.2.1 Qualitative and Quantitative Methods**

According to Flick (1998:4), the central ideas guiding qualitative research are different from those in quantitative research. The essential features of qualitative research are the correct choice of appropriate methods and theories; the recognition and analysis of

different perspectives; the researchers' reflections on their research as part of the process of knowledge production; and the variety of approaches and methods. Bryman (1988: 18) holds a view that qualitative research is often conceptualized by its practitioners as having a logical structure in which theories determine the problems to which researchers address themselves in the form of hypotheses derived from general theories. These hypotheses are invariably assumed to take the form of expectations about likely causal connections between the concepts which are the constituent elements of the hypotheses. Bryman (1988: 152) further submits that the researchers do not use a combination of qualitative and quantitative methods of data collection, which is the context in which the two research traditions are usually deemed to achieve a rapprochement; rather, they use qualitative methods of data collection within a research design typically associated with qualitative research.

## **6.2.2 Interviews**

According to Shnettler and Geldenhuys (1989: 138), the researcher has full control over the planning process up to the completion of planning for the fieldwork. After all, the researcher is the one who has chosen the data collection method, drawn the sample with the assistance of the statistician, compiled the questionnaire and done the planning and organisation. Dixon (1989: 167) is of the view that although some degree of skill can be acquired during training, competence depends mainly on the experience that an interviewer already has.

### **6.2.2.1 Telephonic Interview**

In case of telephonic interview, the interviewer asks the questions from the interview schedule over the telephone and records the respondent's responses. Telephonic interviews are mainly in survey research. Obviously, standardised tests and attitude scales cannot be administered telephonically. Because the respondents do not have the questions in front of them, telephonic interviews are less suited to complicated questions (Welman and Kruger 1999:165). According to Collis and Hussey (2003:167),

interviews are a method of collecting data in which selected participants are asked questions in order to find out what they do, think or feel. Interviews make it easy to compare answers and may be face-to-face, voice-to-voice or screen-to-screen; combined with individuals or a group of individuals.

#### **6.2.2.2 Structured Interview**

In a structured interview, the interviewer puts a collection of questions from a previously compiled questionnaire, known as an interview schedule to a respondent face to face and records the latter's responses. The interviewer is restricted to the questions, their wording and their order as they appear on the schedule within relatively little freedom to deviate from it (Welman and Kruger 1999:166).

#### **6.2.2.3 Unstructured Interviews**

Because of the unfamiliarity of the area being entered, it is usually impossible to compile a schedule for interview in such instances (Welman and Kruger 1999:166).

#### **6.2.2.4 Semi-Structured Interviews**

Between the completely structured interview, on the one hand, and the completely unstructured interview on the other hand, various degrees of how it is structured are possible. Interviews between these two extremes are usually called semi-structured interview. Semi-structured interview is considered when:

- The topics are of a very sensitive nature;
- The respondents come from divergent background; and
- Experienced and expert interviews are available for conducting interviews.

Semi-structured interviews offer a versatile way of collecting data (Welman and Kruger 1999:167).

### **6.2.2.5 Face to Face Interview**

Face-to-face interviews are enormously time-consuming. The actual time spent interviewing is the least of it: If more than the hour expended on the interview was involved then you could conceivably do a hundred of them, even as a lone researcher working in spare time. The time-cost factor is emphasized because it is often grossly under-estimated, particularly by the novice researcher, the reality only dawning once you are irretrievably committed (Gillham 2000: 9). Clarke (1999:72) writes that during the early stage of an evaluation the evaluator may obtain information by talking to various individuals. It is largely through interviews with programme planners, administrators and providers that the evaluator acquires a full understanding of the nature of the programme, its principal objectives and the theory behind its design and implementation.

### **6.2.3 Literature Review**

Clarke (1999:85) warns that documentary materials require careful handling. It should not be assumed that documents constitute independent, objective records of events or circumstances. The first step to take in tracing relevant literature on a particular topic, is to list the headings or key words under which it may be classified in a library catalogue or in a computer retrieval system. Nowadays university libraries usually have staff available to assist researchers in conducting a computer search for references on relevant research on the basis of such a list of key words (Welman and Kruger 1999: 34). Welman and Kruger (1999: 35) further noted that libraries are no longer the only sources of information. The development of the Internet and electronic publishing has had an enormous impact on research supervision, peer review of publications and general communications capabilities, and have changed the way researchers work.

The literature review should not consist of a mere compilation of separate, isolated summaries of the individual studies of previous researchers. It should clearly be indicated how these studies relate to one another and how the proposed research ties

in with them (Welman and Kruger 1999: 35). According to Collis and Hussey (2003: 84), the literature search should increase one's knowledge of the subject area and the application of different research methodologies as well as help you to focus on your own research topic, develop and support it. The aim of the literature search is to identify as many items of secondary data as possible which are relevant to your research topic. Secondary data is data which already exists.

#### **6.2.4 Data Collection**

The researcher, having decided upon the survey method, finalised the questionnaire and drawn the sample, should plan and organise the fieldwork. It is particularly important that the researcher should bear in mind that the planning and organisation of the fieldwork:

- Not only the quality of the data collection, but also that of the questionnaire and sample design will determine the quality of the eventual research findings.
- The data collection phase is the only opportunity the researcher will have of interacting with the respondents. Due to this interaction an opportunity arises for the researcher and the researchee to enter into a partnership (Herbst 1989: 179).

Data can be collected from questionnaires, observation, experiments, interviews, documents, photographs and film. The historical method of research involves the collection of published or secondary data from research reports, dissertations, theses, periodicals and textbooks.

The survey method of data collection requires:

- the application of questionnaires for data gathering. In this technique the data are obtained from questionnaires completed by the respondents.

- That the population being studied should be accurately described and that the sample should be representative of the population. The reliability of survey data is dependent on the care taken in selecting a sample.
- That the scientific character of the data should not be adversely influenced by imbalance or bias.
- Systematic organisation of the data gathered in order to make valid and accurate interpretation (Struwig and Stead 2001:41-42).

### **6.2.5 Participant Observation**

According to Collis and Hussey (2003:171), participant observation is a method of collecting data where the researcher is fully involved in the participants and the phenomena being researched. The aim is to provide the means of obtaining a detailed understanding of values, motives and practices of those being observed. According to Welman and Kruger (2002: 184), in participant observation, we do not observe the experiences of individuals involved as detached outsiders, but experience them firsthand as insiders. The participant observer thus becomes a member of the inner circle of the group or event that is being studied. Clark (1999:80) submits that observational techniques provide an important source of evaluation data, particularly when the evaluator is a participant observer.

### **6.2.6 Survey Methods**

Here tests to measure, *inter alia*, intelligence, aptitude, ability and achievement, as well as standardized questionnaire for measuring interest, study habits and attitudes, and various personality characteristics. These instruments are usually standardized for a particular norm group, for example school standards and age group (Dixon 1989: 14). According to Welman and Kruger (2001:84), variables such as age, gender (or sex), socio-economic status, manufacturing sector and so on, are of great importance, especially to non-experimental research in the business and administrative sciences,

and it is impossible to randomly assign participants who are already members of the various levels of such variables, to them.

### **6.3 OVERVIEW OF POWERS AND FUNCTIONS OF DISTRICT MUNICIPALITIES IN RELATION TO ENVIRONMENTAL RIGHTS**

The White Paper on Environmental Management Policy for South Africa (1998:60) provides that government must establish national, provincial and local advisory structures, mechanisms and processes to foster public participation in defining environmental problems and seeking solutions. National Health Act No. 61 of 2003 defines municipal health services as including water quality monitoring, food control, waste management, health surveillance of premises, surveillance and prevention of communicable diseases, excluding immunizations, vector control, environmental pollution control, disposal of the dead, and chemical safety. Section 32(1) of the National Health Act provides that every district municipality must ensure that appropriate municipal health services are effectively and equitably provided in their respective areas.

Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager (2006) forms a basis for performance and continuous improvement in local government. In terms of the said Regulations there are five key performance areas: namely, basic service delivery, municipal institutional development and transformation, local economic development, municipal finance viability and management and good governance and public participation. These Key Performance Areas will assist in determining whether or not District Municipalities in the Free State Province are geared up in fulfilling constitutionally enshrined Rights to Environment. A comparative study as also made with the other two District Municipalities outside the Free State Province.

According to Free State Provincial Department of Economic Development, Tourism and Environmental Affairs (DETEA) (2009: 31), IDPs incorporate sectoral plans, including

the Water Service Development Plan, Integrated Spatial Development Framework (SDF), Integrated Transport Plan, Integrated Waste Management Plan and air quality management plan to ensure an integrated approach to planning. In addition, an Integrated Environmental Programme (IEP) is required that demonstrates compliance of the IDP with environmental policies. It is the responsibility of provincial government to ensure that each municipality complies with the Environmental Implementation Plan (EIP) and the principles of National Environment Management Act 197 of 1998 (NEMA) when developing any policy, programme or plan. DETEA reviews and provides input into municipal IDPs, SDF and Environmental Management Framework (EMF) but the department lacks resources to monitor environmental management by municipalities, where level of compliance with environmental legislation is generally poor. Community Developmental Workers have been allocated in each district municipality through the Department of Environmental Affairs and Tourism (DEAT) initiative to assist with the IDP. However, funding has not been provided in the Province to support this initiative or to reimburse transport costs, which limits their impact.

#### **6.4 EVALUATION OF THE DISTRICT MUNICIPALITIES IN THE FREE STATE PROVINCE**

In their evaluation of the state of municipalities' IDPs in the Free State Province in relation to environmental issues, Department of Environment and Tourism (DEAT) and former Department of Tourism, Environment and Economic Affairs (DTEEA 2008: 21) observe that in some instances, the IDPs reflect a lack of logical sequence and argumentation with no clear link between the findings of the analysis phase and the subsequent objectives/strategies. A summary of the findings of the IDP objectives and strategies relating to the five main themes is summarized as follows DEAT and DTEEA (2008: 21):

#### **6.4.1 Sustainable Infrastructure Provision/development and use of natural resources**

Most of the evaluated IDPs did contain some objectives and strategies relating to sustainable infrastructure provision/development and use of natural resources. Two aspects that received the most attention include the provision of basic services, and waste management services and landfill sites. The provision of services however mainly focuses on upgrading of current level of services and contains very little objectives and strategies for sustainable resource use and infrastructure provision. There is also no clearly defined objectives and strategies relating to the relationship between infrastructure development and sustainable natural resource use.

#### **6.4.2 Ecological Integrity and Protection of Biodiversity**

This component generally received very little focus as far as objectives and strategies are concerned in the sample of evaluated IDPs. In two of the six evaluated IDPs no evidence could be found of any objectives or strategies relating to ecological integrity and protection of biodiversity. Those IDPs which did contain objectives and strategies in this regard also mainly reflect on the use and management of open space systems and "urban greening", and not on biodiversity issues specifically.

#### **6.4.3 Management of Development Impacts**

Although most of the evaluated IDPs did contain some objectives and/or strategies related to the management of development impacts these mainly relate to the updating and revision of by-laws. Only two of the six municipalities have clear references to the applicability of relevant national legislation such as the National Environmental Management Act at local authority level as far as management of development impacts are concerned.

#### **6.4.4 Integrated Environmental Planning and Governance**

The aspect of integrated environmental planning and governance in the environmental field received very little attention in the objectives and strategies. Only four of the six evaluated IDPs contained some objectives and strategies related to these aspects. In these instances, the objectives and strategies were also mainly related to the preparation of a variety of potentially environmentally related sector plans to improve governance aspects.

#### **6.4.5 Environmental Capacity Building and Awareness**

Although some objectives and strategies are reflected relating to environmental capacity building and awareness, these are of a very generic nature without providing specific details. In many instances it also only refers to general community capacity building and awareness issues.

DEAT and DTEEA (2008: 78) also make the following key findings of the assessment of IDPs that highlight a number of key issues relating to the analysis phase of the IDP process:

- The analysis component of the IDP documents generally contains very little environmental related information.
- In those municipalities where relevant environmental related sector plans have been prepared, e.g. State of Environment reports, Strategic Environmental Assessment (SEA), the findings and recommendations of these plans are not fully integrated in the main IDP document.
- In terms of the analysis framework none of the aspects were addressed in detail in any of the IDPs. The only aspects which were classified as being included with limited information provided are geomorphology, water resources, and conservation. The aspect of climate and air quality, habitat and biodiversity and

heritage resources receive no attention in the sample of evaluated IDP documents.

- Very few of the IDP documents contain a clearly summarized summary statement of key priority issues and challenges within the municipality.
- The findings largely confirm the results of the provincial level assessment of the environmental aspects in the IDP documents.
- There does not seem to be a standardized format for reporting on the environmental component in the analysis phase of the IDP process. Although it is recognized that characteristics and circumstances differ between various local municipalities, some basic standardization will be useful for provincial comparative purposes.

Free State Province (2000:44) concedes that compliance with environmental legislation remains the responsibility of the Provincial Department of Environmental Affairs and Tourism as they are tasked with environmental management. This task is nearly impossible as various departments exercise functions that impact on the environment in terms of their respective mandates. It is suggested that environmental management should not only be the responsibility of the Provincial Department of Environment and Tourism, but that each department should take charge of their policies, plans and programmes and ensure that they minimize detrimental effects on the environment. The cross-cutting function on environmental management has been proposed.

## **6.5 CAPACITY OF DISTRICT MUNICIPALITIES ON ENVIRONMENTAL MANDATE**

The next section deals with the capacity of the District Municipalities in the Free State in tackling environmental issues. In order to determine whether or not District Municipalities in the Free State are focusing on the environmental issues, the IDPs were duly evaluated as follows:

### **6.5.1 Fezile Dabi District Municipality**

In terms of the IDP objectives of Fezile Dabi District Municipality (2009:71), the municipality strives to:

- Ensure that Municipal Health Services are effectively and equitably provided in the District.
- Ensure Local municipalities meet the water demand of communities.
- Ensure proper maintenance of existing water and sewer infrastructure
- Ensure that new networks adhere to applicable standards
- Monitor waste management system
- To ensure that municipal health services are effectively and equitably provided in the district

Fezile Dabi District Municipality's IDP (2009:71) strategies strive to:

- Determine the status of all domestic water supplies through sampling and inspection
- Determine the status of final effluent at sewage treatment plants through sampling
- Monitor the improvement of sanitation conditions and availability of potable water
- Implement surface water sampling program
- Conduct education and awareness campaigns on water , sanitation and storm water management
- Develop and implement the Integrated Waste Management Plan
- Conduct community environmental awareness and educational campaigns and encourage entrepreneurship through recycling and paybacks centres
- Control disposal of health care waste
- Issue all food premises with certificate of acceptability (R918) when complying
- Implement food sampling programme at all relevant food premises and food manufacturers as part of routine and project based

- Implement health campaigns on food safety
- Investigate food poisoning cases
- Implement air quality management plan
- Educational projects and awareness programs on air quality management
- Implement and promote community awareness campaigns and educational programs to enhance public participation in environmental issues and other environmental health related programs
- Implement and support environmental projects initiated by relevant stakeholders
- Implement chemical safety programs
- Promote reporting of cases regarding chemical poisoning
- Implement proper end user education program at schools on chemical safety
- Law enforcement and compliance monitoring
- Facilitate, advise and educate on vector control
- Participate in projects, developments and Environmental Impact Assessments (EIAs)
- Address ward committees and or health representatives with environmental health educational presentations on keeping of animals
- Develop Intergovernmental Relations (IGR) with cross border areas /institutions /organizations
- Implement proper ratio Environmental Health Practitioners (EHPs) versus population
- Establishing Atmospheric Emissions Licensing Authority
- Train Environmental Health Practitioners in technical course

#### **6.5.2. Thabo Mofutsanyana District Municipality**

The IDP of Thabo Mofutsanyana District Municipality (2009: 22) provides that Local Municipalities currently provide refuse collection and disposal services in all towns. Large towns were able to comply with legal requirements and standards but smaller towns mostly do not comply (waste disposal sites). The IDP unfortunately remarks that

the Structures Act requires from a District Municipality to become responsible for regional waste management, but it is still uncertain what it entails. There are currently no regional waste disposal facilities and it is indicated that such a facility might be required in the near future. It will also be the district municipalities' responsibility to make sure that waste disposal facilities and management thereof comply with legislation. Recycling of waste is not done widely or on a large scale. In future it will be necessary to investigate and implement cost effective ways to recycle waste. Community projects have been established in each municipality.

According to Thabo Mofutsanyana IDP (2009:31), a large number of environmentally sensitive areas (i.e. dams, rivers.) exist which should be protected at all costs. Unfortunately there is currently very little coordination between different government departments involved with environmental management. Municipalities have not yet taken any responsibility to make people aware of their own responsibility to combat environmental threats. A number of environmental risks exist. They include:

- High levels of air pollution around towns caused by wood and coal fires.
- Cutting down of trees also decrease natural air filters.
- Uncontrolled dumping of refuse and littering further contributes towards pollution.
- The poor management of sanitation systems poses a serious health and environmental risk.
- Overgrazing causes erosion, especially commonages cause a great problem
- Veldt fires damages biodiversity and leads to erosion and air pollution.

Thabo Mofutsanyana IDP (2009: 50) further provides for the following objectives:

- To sufficiently combat pollution and care for the environment people should adopt a culture of caring for the environment and making use of sustainable ways to earn a living.

- To ensure that waste management services at all local municipalities meet the legal and environmental requirements and are managed to appropriate standards within the next 3 years
- Assist local municipalities to control health and environmental risks in the management of solid waste.
- A clean and healthy environment
- Improve environmental health of all

Some of the strategies for Thabo Mofutsanyana in terms of its IDP (2009:50) are to:

- Advise local municipalities on appropriate measures to control health and environmental risks at solid waste dumping sites.
- Reduce the use of wood and coal as an energy source and encourage people to make use of alternative sources of energy
- Promote the implementation of alternative sanitation systems that are cost effective, use less water, are not detrimental to the environment and can be implemented where the water table is high.
- Encourage ecologically viable commonages.
- Encourage municipalities to ensure that all communities are educated in terms of the prevention of all forms of pollution and preservation of natural resources.
- Provide support to local municipalities with the environmental health services.

### **6.5.3 Motheo District Municipality**

In terms of Motheo District Municipality's IDP (2009:91), its strategies include:

- Ensuring a healthy environment through integrated environmental management
- To provide effective institutional Framework and Legislation
- To provide support in sustainable resource use and impact management
- To provide support in developing a holistic and integrated planning platform

- To establish mechanisms for participation and partnerships in environmental governance
- To provide empowerment and environmental education in the district
- To develop mechanisms for information on environmental management

Motheo District Municipality IDP (2009:91) has the following programs:

- Develop Integrated Environmental Policy.
- Improve Integrated Environmental Plan.
- Implement Air Quality Plan/ Monitoring.
- Develop Strategy on the Management of Open spaces
- Implement Environmental Awareness Campaigns.
- Establish a District Environmental Education Centre
- Investigate efforts to develop and implement a district environmental education center
- Environmental consciousness and awareness/ celebration days in the district
- Implement Air quality Plan/monitoring
- Sustain an Environmental Management Forum
- Support municipalities for preparations on the cleanest town competition
- Implement strategy for management of open spaces
- Implement Integrated Environmental Management Plan
- Sustain an Environmental Management Forum
- Implement composting / greening recycling projects

#### **6.5.4 Lejweleputswa District Municipality**

In terms of Lejweleputswa District Municipality IDP (2009:66), its objective is to facilitate the implementation of a greening plan by the local municipalities for the entire area that will contribute to protection of the natural environment and to ensure the effective management of environmentally sensitive areas and natural resources.

The strategies of Lejweleputswa District Municipality IDP (2009: 66) include:

- Develop waste management master plan for the district.
- Develop and implement a waste information system.
- To ensure microbiological physical and chemical food safety within the formal and informal food sector.
- Coordinate the sampling of potable water in local municipalities for quality purpose.
- Ensure that increased manifestation of rodents in the Matjhabeng is continuously minimized.
- Develop an Environmental Education Programme

## **6.6 EMPIRICAL SURVEY**

Managers responsible for municipal/environmental health in the District Municipalities in the Free State were interviewed on the Key Performance Areas of the Local Government as contained in the Local Government: Municipal Performance Regulations For Municipal Managers and Managers directly accountable to Municipal Manager (2006), namely: Municipal Transformation and Organisational Development, Infrastructure Development and Service Delivery, Local Economic Development, Municipal Finance Viability and Management, and Good Governance and Public Participation (See Annexure A). Questionnaires were emailed to five managers in the District Municipalities in the Free State and three of them responded. The responses were as follows:

### **6.6.1 Municipal Transformation and Organisational Development**

All respondents confirmed that the organizational structures of their municipalities provide for municipal health services. They also confirmed that there are vacancies in

their organizational structures. Lejweleputswa District Municipality indicated that its organizational structure is efficient to execute municipal health functions. Xhariep District Municipality only started with the Municipal Health Service functions in 2009. All District Municipalities with the exception of Xhariep District Municipality in the Free State offered accredited training for Environmental Health Practitioners. Fezile Dabi District Municipality and Lejweleputswa District Municipality have developed bylaws on environmental health although it is acknowledged that implementation thereof remain a challenge. Xhariep District Municipality has confirmed that it has only developed a draft bylaw. All respondents confirmed that their municipal IDPs contain issues pertaining to environment and that performance plans of the municipality have environmental issues as indicators. All respondents also confirmed that their District Municipalities' organizational structures provide for the component of air quality management. Only Fezile Dabi District Municipality has employed staff dealing with air quality. Fezile Dabi and Lejweleputswa District Municipalities are in process of compiling Air Quality Management Plan. Motheo District Municipality and Motheo District Municipality have a service level agreement with the local municipalities as they have no capacity to perform municipal health functions.

#### **6.6.2 Infrastructure Development and Service Delivery**

Fezile Dabi District Municipality confirmed that it is embarking on the following municipal and Health projects: Health and Hygiene education on water and sanitation, Cleaning and Greening Projects, Chemical Safety Projects, Food Hygiene, General Hygiene amongst informal food traders, Keeping of animals, General Environmental Health Education and Awareness, Water Quality Research with North-West University, Cleanest Municipality Award Projects, Waste Management Project in one local municipality with Central University of Technology, General Hygiene and Milking Parlours. Xhariep District Municipality is embarking on Cleaning and Greening projects. Lejweleputswa District Municipality is embarking on food monitoring program, water quality monitoring program, air quality program environmental program and cleaning and greening programs. All Environmental Health Practitioners in Fezile Dabi District

Municipality have been trained as Peace Officers and appointed as such for the purpose of enforcing environmental health legislation. One official is also trained as Environmental Management Inspectors (EMI) to deal with issues of environmental legislation like air quality.

### **6.6.3 Local Economic Development**

Fezile Dabi District Municipality is embarking on the waste management project in one of its Local Municipalities in collaboration with Central University of Technology focusing on recycling and buy back centres. All respondents confirmed that there are no incentives in the municipality to business for complying with the environmental and health legislation. They also confirmed that there are measures for non-compliance by business with environmental legislation. Only Fezile Dabi District Municipality and Xhariep District Municipality confirmed that they have working relations with farmers and farmers association through Milk and Milk Hygiene project.

### **6.6.4 Municipal Financial Viability and Management**

All respondents confirmed that their budgets do not provide adequately for municipal health services. They alluded this to the fact that other departments in respective districts municipalities claim a huge slice of the cake. Fezile Dabi District Municipality is currently in negotiations with industries with a view to obtaining funding. It also indicated that that it has lodged an application with the National Lottery to obtain funds for multi-purpose parks project which links with cleaning and greening projects.

### **6.6.5 Good Governance and Public Participation**

All respondents indicated that their District Municipalities embark on public participation programme on municipal health and environmental issues. They also confirmed that municipal health and environmental issues are discussed in the political structures like District Co-ordinating Forum and Portfolio Committees. They confirmed that there are

working relations (co-operation) with the local municipalities regarding municipal health environmental issues. They also confirmed that they receive support from Provincial and National Government in implementing environmental health mandate although Motheo District Municipality is doing it through the local municipalities. Fezile Dabi District Municipality has confirmed that it has intergovernmental relation co-operation with other districts outside the province, eg. Sedibeng District Municipality (Gauteng), Chris Hani District Municipality and Joe Gqabi District Municipality (Eastern Cape). It has IGR with Sedibeng District Municipality on all Municipal Health Services (MHS) functions, but mostly Air Quality; Chris Hani on all Municipal Health Services functions with special focus on water and milk; and Joe Gqabi District Municipality mainly on milk and health and hygiene

30 Environmental Health Practitioners in the Free State were required to give an account on:

- Whether or not local municipalities are clear on the roles and functions of the Environmental Health Practitioners;
- Whether councilors at both local and district municipalities have a fair knowledge of environmental issues;
- Whether communities are conversant with the environmental issues;
- What support is needed from the council, management and the Department of Health; and
- Whether or not local government system creates enabling environment for environmental health system (See Annexure C).

These questions are aiming at:

- Ascertaining the appropriateness of local government to promote environmental rights.
- Testing the principles of intergovernmental relations and co-operative governance in relation to the developmental role of local government.

- Assessing whether municipal management and councilors do understand and compliment officials involved with health and environmental issues.

The importance of this exercise is that Environmental Health Practitioners are dealing with environmental/municipal health issues on daily basis and their inputs are a reflection of a concrete reality in the municipalities. 80 per cent of the EHPs responded to the questions as following:

**6.6.1.1 Whether or Not Local Municipalities Are Clear on the Roles and Functions of the EHPs.**

75 percent of respondents felt that local municipalities do not understand the roles and functions of the Environmental Health Practitioners. They explained that this is more demonstrated by the kinds of complaints they sometimes forward to their offices. 95 percent of the respondents proposed that a workshop with the local municipalities outlining the role and responsibility of Environmental Health Practitioners will go a long way in clarifying the roles and functions of the Environmental Health Practitioners. They alluded to the fact that when the Environmental Health Practitioners were previously (ie before 2004) part of local municipalities, the local municipalities were clear on the roles of Environmental Health Practitioners. But when the Environmental Health Practitioners moved over to district municipalities and new managers appointed at local municipalities, they seem to be not clear on the roles and functions of the Environmental Health Practitioners. 75 percent of the respondents are of the view that more interaction between the districts and local municipalities will improve the understanding of the local municipalities.

50 percent of the respondents even suggested that by-laws or guidelines which are in line with the responsibilities of both the local municipalities and district municipalities need to be developed. They complained that the officials at the local municipalities mostly do their work from the office, even those who are supposed to do field work. When they are informed by the Environmental Health Practitioners they tend not to take

advice into consideration. 50 percent of the respondents suggested that local municipalities need to capacitate their officials.

75 percent of the respondents reported that the issuing of traders licenses, provision of stands for crèches, removal of livestock from proclaimed township areas are not the function of the Environmental Health Practitioners. Very often community members will be approaching the Environmental Health Practitioners requesting assistance for such because they are referred by local municipality's officials. 50 percent of the respondents felt that if local municipalities know their roles, there wouldn't be any confusion. 25 percent of the respondents mentioned that what is even worse is that even the municipal manager of one of the local municipalities was requesting monthly water sample results from the Environmental Health Practitioners. Environmental Health Practitioners felt that even if they can assist in that regard, the local municipality as a Water Service Authority needs to possess their own results because they are required in terms of the legislation to sample their water daily. In this instance local municipalities are in breach of their legislative duties.

75 percent of the respondents felt that Environmental Health Practitioners' functions are not understood by local municipalities as they tend to confuse their cleansing services function with Environmental Health Services. Officials and councillors still request the Environmental Health Practitioners to account on the removal of dead animals and many others. The Environmental Health Practitioners' preventive and developmental roles are not clear to the local municipalities; for example, removal of livestock from residential premises is not understood to be a local function. The first line of defence function of Environmental Health Practitioners ensured through the monitoring of water quality is not well understood. Instead the Environmental Health Practitioners are regarded as intruders and therefore cooperation becomes difficult.

### **6.6.1.2 Whether the Councillors at Both Local and District Municipalities Have a Fair Knowledge of Environmental Issues.**

95 percent of the respondents felt that when Environmental Health Practitioners were at the local municipality they performed everything relating to environment, for example, refuse removal division was supervised by Environmental Health Practitioners. Municipal Health and Primary Health Care were under the Community Services Department and this is where the problem occurred. At least one of the respondents lamented that not only the local municipality but all the spheres of government do not understand the roles of Environmental Health Practitioners, for example, Department of Tourism and Environment (DTEA) will quite often refer to the district matters relating to the local municipalities (eg landfill site).

25 % of the respondents are of the view that some councillors have the idea, but there is a lot to be done in terms of making them aware of Environmental/ Municipal Health Services. 75 % of the respondents said that the councillors think they know but in reality this is not the case. When there is a pension day and people sell raw meat to the community, councillors think Environmental Health Practitioners are against the free market idea and it takes a lot of effort to convince them that the product being sold must be safe for human consumption. They mentioned that councillors are quick to politicize issues and they easily interfere with their functions instead of supporting and complimenting what the Environmental Health Practitioners do.

25 percent of the respondents felt that councillors with many years of experience have a fair knowledge of the functions of the Environmental Health Practitioners. 50 percent of the respondents felt that councillors at local municipalities want to use Environmental Health Practitioners for political purposes. They cited examples like councillors using the state of water quality to blackmail or otherwise discrediting the local municipalities in order to score political points. 25 percent of the respondents felt that local municipalities think that Environmental Health Practitioners are against the local municipalities. 50 percent of the respondents felt that they do not get assistance from the local councillors

especially when they embark on educational and other awareness programmes. They felt that councillors should assist with mass mobilization and not the Environmental Health Practitioners.

25 percent of the respondents reported that the councillors only know the basics and conceded that after all this is not their field of expertise. They felt that whenever Environmental Health Practitioners come across an environmental health issue/problem, they bring it to the attention of the councillors and expect the latter to assist in solving the problem since it affects their constituencies. In most cases councillors do not assist. However, there are some councillors who offer some help. 25 percent of the respondents felt that matters of protocol make it difficult for councillors to appreciate what the Environmental Health Practitioners are doing. They cite the fact that they cannot talk to councillors directly. 25 percent of the respondents confessed that they have a good working relationship with councillors in their areas.

75 percent of the respondents felt that councillors hardly understand issues pertaining to environmental health. They cited examples like safe preparation, transportation and serving of safe food to the public by food caterers who are properly certificated but are not regarded as the main part of the health care system or a service delivery system. Hence some councillors still appoint caterers for public or official gatherings without due regard to the requirement for a Certificate of Acceptability which must be issued by the Environmental Health Practitioners. The scrutinizing of building plans to ensure that environmental health is catered for is not an important matter in a number of local municipalities. The issuing of Certificates of Acceptability which precedes the licensing of a food establishment is not even done in some of municipalities. Health safeguarding programmes like the boil alert which is a requirement by law where the safe supply of water is questionable is not well received but disregarded by local municipalities. 50 percent of the Respondents felt that local municipalities should have the division dealing with environmental management in their structure to adequately deal with environmental issues. They felt that even the districts must have an environmental management function instead of focusing only on the municipal health aspects.

### **6.6.1.3 Whether Communities Are Conversant With The Environmental Issues.**

There were mixed responses on whether or not communities are familiar with the environmental issues. 50 percent of the respondents felt that the mere fact that Councillors of the municipalities do not have a fair knowledge about environmental health issues impacts negatively on the communities. Councillors will in most cases refer the community to Environmental Health Practitioners even if it does not concern the municipal/environmental health services. 25 percent of the respondents felt that to a certain extent but in some instances they do not know the relevant Department to address their concerns and the responsible person. 25 percent of the respondents felt that the municipality needs to do lot of marketing and awareness regarding the profession and services they render.

25 percent of the respondents felt that a large section of the community have a fair knowledge of Environmental Health Practitioners functions, eg, health issues like illegal structures ,formal and informal businesses, crèches and environmental issues like park development. They, however, cannot distinguish between some functions e.g. water supply and water quality monitoring. They refer water shortage to the Environmental Health Practitioners. A distinction still has to be made between Environmental Services and Environmental Health Services. The problems such as storm water problems between neighbouring residents are referred to the Environmental Health Practitioners to resolve. Some problems which have nothing to do with the Environmental Health Practitioners are sometimes referred to them. The business community still finds it difficult to understand the need for milk sampling and the inspection of their premises. Those who are really conversant are those with formal food businesses because they get more exposure because of their businesses. People who have had encounters with the Environmental Health Practitioners also have some knowledge about environmental health issues. Because health education workshops are organized now and then, the people also have some information about environmental/ municipal health services.

25 percent of the respondents admitted that it is confusing to assess whether members of the community are aware of the functions of the Environmental Health Practitioners because of conflicting pictures painted by community members themselves. For example, examination of a number of complaints Environmental Health Practitioners receive and the number of newspaper articles shows that this can be attributed to the communities being conversant. There are crisis committees within our towns that look into, amongst many others, environmental health issues. These crisis committees are made up of ordinary, concerned community members. But issues such as the keeping of livestock in residential areas, illegal dumping of refuse, cleanliness and hygiene of food premises, the vandalism of our ablution/sanitary facilities, make one wonders if in fact our communities understand the repercussions attached to exercising such activities, because it will have an impact on their health. 75 percent of the respondents confirmed that they are doing a lot to educate the public on Public/Environmental Health issues. They host numerous projects which look into food safety, waste minimization, sanitation, water, health and hygiene and all these are done in the communities.

#### **6.6.1.4 What Support is Needed From Council, Management and Department of Health**

100% of the respondents confirmed that their management and council are fully supportive especially if they are aware of the challenges one encounters. They mentioned that the resources that Environmental Health Practitioners have are satisfactory, eg, offices, computers, cameras, internet. However, 25% of the respondents submitted that there is room for improvement in the budget and support. They suggested cultivation of a heightened morale through skills development, narrowing the Environmental Health Practitioners, recognizing their initiative and utilizing their potential, resourcing of projects. They further suggested that management could give support to their projects and to their initiatives. They also proposed that councillors can give Environmental Health Practitioners recognition by including them in their programmes and making them ex officio e.g. in their portfolio meetings at local

Municipality level. The Environmental Health Practitioners needs assistance from management and councillors in their inability to influence the local municipalities. Management can ensure a strong financial and budgetary support and provide resources.

50 percent the respondents felt that there is also a need for the Environmental Health Practitioners to be given more specialized training to deal with vast issues facing the profession. 25 percent of the respondents proposed the awards for the best performing Environmental Health Practitioners. 50 percent of the respondents proposed that communication between the council and Environmental Health Practitioners should be improved and intensified on regular basis.

#### **6.6.1.5 Whether System of Local Government Creates Enabling Environment for EHPs**

25 percent of the respondents acknowledged that in most cases the set legislations have loopholes or overlapping responsibilities and this is creating confusion. They complained that the problem is that the spirit and letter of the system is not correctly interpreted and fully implemented. 25 percent of the respondents suggested that dismantling the silo tendency and replacing it with cooperation will create an enabling situation for the operations of Environmental Health Practitioners. 25 percent of the respondents reported that political interference in the work of Environmental Health Practitioners by councillors is unhealthy. In terms of co-operative governance it is not possible to lay charge against local municipality if they do not comply with municipal and environmental health issues. This in turn renders the Environmental Health Practitioners ineffective. 25 percent of the respondents reported that local municipalities do not respond to the letters of compliance written to them by Environmental Health Practitioners.

## **6.7 COMPARATIVE ANALYSIS**

Selected district municipalities outside the Free State were also targeted for purposes of assessing the national trend.

### **6.7.1 Sedibeng District Municipality**

Sedibeng District Municipality (SDM) is situated in the southern part of Gauteng Province. SDM consists of three local municipalities. Municipal Health Services are catered for and captured in IDP. Vacancies do occur from time to time at local level as the district does not render these services. SDM has a service Level Agreement with the local municipalities. Their focus was on Air Quality and Environmental law enforcement in the previous years. They had donor funds for this project. They are in the process to develop MHS and Initiation School By laws for the District. Sedibeng District Municipality has a separate AQM Section in the Directorate Environment. The Sedibeng District Municipality is part of the Vaal Priority area. Air Quality Management Section is in process to adopt the same plan as the plan for Sedibeng District Municipality. SDM has the MHS Strategy project currently. SDM does not have democratic sets of bylaws currently. Very informal relationships do exist with farmers and farmers associations. These relations are built through interaction around routine inspections. Milk Farmers are consulted from time to time. Development of MHS Strategy is funded by Danish Government. SDM has a Section 80 Committee on Environment which is headed by the councillor responsible for environment. SDM has a situation where municipal health services division is not represented on the District Health Council. They have very active intergovernmental relations on municipal health service in the District. SDM has very informal but structured Intergovernmental Relations (IGR) agreement with other municipalities in promoting municipal health and environmental issues.

### **6.7.2 Chris Hani District Municipality**

Chris Hani District Municipality is situated in North Eastern part of the Eastern Cape Province. It is named after the slain General Secretary of the South African Communist Party. Main priorities of the Chris Hani District Municipality as per its IDP include, *inter alia*, municipal health, environmental management and waste management. Some of the projects undertaken by the Chris Hani District Municipality include:

- School Greening Waste Management and biodiversity which focuses on renewal energy, greening or vegetable gardens (nutrition), waste recycling in partnership with SASOL CHEMCITY.
- Food premises competition which deals with the grading of food premises.
- Waste management which focuses on capacity building, cleanup campaigns and river clean up.
- Health education unit which includes promotional material development and resources
- Sanitation resource centre to assist in sanitation related issues in the district.
- Observation of environmental days like arbor day, water week, environmental week, climate change conference.
- Hawkers development programme focusing on training, equipment and upliftment.
- Cala abattoir focusing on alternative waste management.

Chris Hani District Municipality has partnership with the institutions like Department of Education, Peoples Power Africa (Biogas), Developmental Bank of Southern Africa (DBSA)- Integrated Waste Management Plan, Environmental Management Services and Pilot Biogas, University of Cape Town (Aqua test project, Central University of Technology (Sanitation Project).

## 6.8 THE MANDATE OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS

Department of Environmental Affairs (DEA) has dispatched its officials to District Municipalities in the Free State to, *inter alia*, assist and guide municipalities on environment and tourism planning and also facilitate the identification and development of relevant/ required strategies and plans. Their role is to facilitate capacity building initiatives on environment and tourism in the municipalities. They are expected to support the implementation of the Social Responsibility Policy and Projects initiatives within the municipalities and environmental initiatives meant for municipalities. They also liaise with local and provincial government stakeholders on environmental issues.

In line with the provisions of the White Paper on Environmental Management Policy for South Africa (1998:30) which specifically provide for capacity building in local government to effectively incorporate environmental considerations into integrated development plans and kind development objectives, DEA is involved in the following projects in the Free State:

- Ensure the alignment of environment and tourism strategies and objectives within the IDP.
- Identify capacity gaps in the municipality in line with DEA mandate.
- Facilitate stakeholder engagement during project planning/development and implementation.
- Support the Waste policy and information management Directorate.
- Participate in the relevant municipal planning forums and structure.

An official from Department of Environmental Affairs observed that a number of challenges are met by these officials as they try to work in the municipalities but the underlying cause of their frustrations is lack or no entry point in the municipalities, i.e. municipalities do not have relevant officials dedicated to "natural" environmental issues, most municipalities only have health practitioners who solely pursue the mandate of the Department of Health and not that of the Department of Environmental Affairs. This

makes the implementation of initiatives impossible at time as there is no one who takes the responsibility on the side of the municipality.

## **6.9 CONCLUDING REMARKS**

There is lack of capacity in the District Municipalities in the Free State to cater for environmental issues in the IDP. It is clear that even the provincial government departments responsible for issues of environment are not adequately capacitated to assist the District Municipalities in the Free State on Environmental and Health issues. IDP/Environmental toolkit designed to assist municipalities with regard to the environmental planning did not achieve its objectives. IDPs of the District Municipalities in the Free State do not have uniform environmental/ health issues. District municipalities in the Free State seem to be biased towards municipal/environmental health at the expense of environmental management. Devolution of municipal health to the district municipalities is partly to be blamed because of Environmental Health Practitioners belong to a specific profession. There seem to be no direction as to how the District Municipalities in the Free State Province can deal with environmental issues other than environmental/municipal health component. Lack of resources from National and Provincial Government impact negatively on the role of the district municipalities in the Free State to realize their developmental mandate of promoting the environmental rights. The role of the South African Local Government Association (SALGA) is a worrying factor on the environmental issues. This does not only relate to its role with regard to capacitating councils but also with regard to policy formulation and pronouncements on environmental matters.