

National Environmental Compliance and Enforcement Report 2019-20



environment, forestry
& fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA



National Environmental Compliance and Enforcement Report 2019-20

2020

DEPARTMENT OF ENVIRONMENT, FORESTRY & FISHERIES

Design and layout by

Department of Environment, Forestry and Fisheries

Chief Directorate Communications and Advocacy Strategic Planning

Private Bag X447, Pretoria 0001

South Africa

CONTENTS

GLOSSARY OF TERMS	x
1. INTRODUCTION	1
2. KEY FINDINGS	3
2.1 The Environmental Management Inspectorate	3
2.2 Overall National Compliance and Enforcement Statistics	4
2.3 Annual Compliance and Enforcement Highlights	6
3. ENVIRONMENTAL MANAGEMENT INSPECTORS	8
3.1 The number of national and provincial EMIs: 2007 - 2020	8
3.2 Environmental Management Inspectors per Institution	9
3.2.1 Local Authority Environmental Management Inspectors	10
3.2.1 Grades 1- 4 Environmental Management Inspectors	10
3.2.2 Grade 5 Environmental Management Inspectors	11
3.2. 3 Environmental Management Inspector per institution	12
4. OVERALL NATIONAL COMPLIANCE AND ENFORCEMENT STATISTICS	14
4. 1 Enforcement	14
Inspection Activities of EMI Institutions	20
4. 2 Compliance Monitoring Inspections	20
4.2.1 Compliance Inspections per Trigger	20
4.2.2 Compliance Inspections per type/Non-Compliance detected/Enforcement required: Brown, Green and Blue	21
4.2.3 Compliance Inspections undertaken by Local Authority EMI Institutions: Per trigger/Type/Non-Compliance detected/Enforcement required: Brown	22
4.2.3.1 Inspection Triggers	22
5. STATISTICS PER NATIONAL INSTITUTION/PROVINCE	24
5.1 National Institutions	24
5.1.1 Department of Environmental Affairs and Department of Water and Sanitation	24
5.1.2 SANParks and Isimangaliso Wetland Authority	25
5.2 Provincial Institutions and Parks	26
5.2.1 Western Cape	26
5.2.2 KwaZulu-Natal	27
5.2.3 Gauteng	28

5.2.4 Limpopo	29
5.2.5 Eastern Cape	30
5.2.6 Free State	31
5.2.7 Mpumalanga	32
5.2.8 Northern Cape	33
5.2.9 North West	34
6. ENVIRONMENTAL JURISPRUDENCE	36
6.1 Private prosecution in the context of section 24g applications	36
6.2 Constitutionality and lawfulness of the setting of lion bone quotas	37
6.3 Sentencing of abalone poachers and factors to be taken into consideration	38
6.4 Appropriateness of harsh sentence for a conviction for contravening POCA	39
6.5 Exemption from NEM:BA permitting requirements during an emergency situation	40
7. LEGISLATIVE DEVELOPMENTS	44
7.1 National Environmental Management Act 107 of 1998	44
7.2 National Environmental Management: Air Quality Act 39 of 2004	42
7.3 National Environmental Management: Biodiversity Act 10 of 2004	45
7.5 National Environmental Management: Protected Areas Act 57 of 2003	45
7.6 National Environmental Management: Waste Act 59 of 2008	46
8. INDUSTRIAL COMPLIANCE AND ENFORCEMENT	49
8.1 Pro-active Compliance Inspections/Enforcement Action	49
8.2 Barberton Nature Reserve Illegal Mining Project: 2019/20 Progress Report	55
8.3 Garden Route National Park Enforcement Operation	56
9. BIODIVERSITY COMPLIANCE AND ENFORCEMENT	59
10. PROSECUTION OF ENVIRONMENTAL OFFENCES IN 2019/20	62
10.1 Court sentences relating to Rhinoceros	62
10.2 Prosecution statistics relating to Rhinoceros	63
10.3 Court sentences relating to Other Species	63
10.4 Court sentences relating to Pollution, Waste and Impact Assessment	67
11. JOINT COMPLIANCE AND ENFORCEMENT OPERATIONS	72
11.1 Oceans and Coasts Joint Compliance and Enforcement Operations: Operation Phakisa Initiative 5	76
11.2 Biodiversity Joint Compliance and Enforcement Operations	76
11.2.1 INTERPOL Operation Blizzard	76

11.2.2 INTERPOL Operation Thunderball	78
11.2.3 Muthi Market operations	79
11.2.4 AIS Joint Operations: Table Mountain National Park	80
11.2.5 An International Cross Border Joint Compliance and Enforcement Operation	81
11.2.5.1 North West Border Operation	81
11.2.6 Festive Season Border Operation;	82
11.2.7 Game Farm Operation	83
12. NATIONAL ENVIRONMENTAL COMPLAINTS AND EMERGENCY INCIDENTS	87
13. STAKEHOLDER ENGAGEMENT	90
14. ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT CAPACITY BUILDING	95
14. WHAT IS AHEAD FOR 2020-21?	103

FOREWORD

The world has been transformed in a matter of months. The new coronavirus (COVID 19) has generated an unprecedented impact in most countries across the globe. The virus has affected almost every country on the planet (216 in total), spread to more than 15 million people, and caused around 650 000 deaths (WHO, 2020) at the time of writing this foreword. Economists predict a 5.2 % contraction in global GDP in 2020, signifying the deepest global recession in decades, despite the extraordinary efforts of governments to counter the downturn with fiscal and monetary policy support.

In the midst of the socio-economic crisis caused by the pandemic, recent international studies indicate a positive indirect impact on the environment. In China, for example, air emissions fell by 25% at the start of the year as people were instructed to stay at home, factories shuttered and coal use fell by 40% at China's six largest power plants. The proportion of days with "good quality air" increased by 11.4% compared with the same time last year. The lack of tourists, as a result of the social distancing measures due to the new coronavirus pandemic, has caused a notable change in the appearance of many beaches in the world. For example, beaches like those of Acapulco (Mexico), Barcelona (Spain), or Salinas (Ecuador) now look cleaner and with clearer waters. Demand for fish and fish prices have both decreased due to the pandemic, as fishing fleets around the world sat idle for a period of time. It is projected that the fish biomass will increase due to the sharp decline in fishing, and that in European waters, some fish species such as herring could double their biomass.

Some of these positive effects have also been felt in South Africa. April 2020 saw a marked decrease in rhino poaching countrywide, with the fewest rhinos poached in the Kruger National Park in a single month since September 2013. The reduction in rhino poaching activities could be attributed to the disruption of the supply chain resulting from the national travel restrictions, including limitations placed on movement across the country.

However, the news is not all good for the environment. For example, in the USA, some cities have suspended recycling programs because authorities have been concerned about the risk of spreading the virus in recycling centers. On the other hand, in the European nations particularly affected, sustainable waste management has been restricted. For example, Italy has prohibited infected residents from sorting their waste. Medical waste is also on the rise. Hospitals in Wuhan, China, produced an average of 240 metric tons of medical waste per day during the outbreak, compared to their previous average of fewer than 50 tons. The disruption caused by the pandemic also provided cover for illegal deforestation operations. This was observed in Brazil, where satellite imagery showed deforestation of the Amazon rainforest surging by over 50 per cent compared to baseline levels. Closer to home, Environmental Management

Inspectors have noted a marked increase in certain types of environmental offences. In the Eastern Cape, for example, there has been a steep incline in the number of illegal dog-hunting activities, as well as the mass invasions of protected forests. Limpopo has also seen a rise in illegal activities relating to a range of wildlife species as well as elevated levels of deforestation, while the Western Cape has formed multi-disciplinary task teams to respond to the increase in the volume of healthcare risk waste resulting from the response to COVID 19.

While I am deeply concerned about the disastrous impacts of the virus both from a health perspective as well as on the global and domestic economy, my hope is that the COVID 19 will increase the awareness of all global citizens of the critical interdependence between human health and the environment. It is for this very reason that section 24 of our Constitution guarantees the right to an environment that is not harmful to our health or well-being; and to have the environment protected, for the benefit of present and future generations. I would therefore call on all Environmental Management Inspectors across the country, to weather the significant challenges caused by COVID 19; and to use your best efforts to continue with the sterling compliance and enforcement work that you have been undertaking, as included in this, the 2019/20 National Environmental Compliance and Enforcement Report. I would like to leave you with the wise words of the father of our nation, former president Nelson Mandela, who said "*I dream of our vast deserts, of our forests, of all our great wildernesses. We must never forget that it is our duty to protect this environment.*"



ISHAAM ABADER



**DEPUTY DIRECTOR-GENERAL: REGULATORY COMPLIANCE AND SECTOR MONITORING
DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES**

ACRONYMS

Key:

AEL

AIS

BGCMA

USCBP

CITES

CPFPA

DG

DPCI

EA

ECEL

EMI

EMRI

FCO

GEF

GG

GN

HCRW

INCEIS

IRRP

IUCM

IUU

GRBR

GRNP

MAJOC

MPA

NBIF

NCF

NECER

General

Atmospheric Emission Licence

Alien and Invasive Species

Breede-Gouritz Catch Management Agency

United States Customs and Border Protection

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Cape Peninsula Fire Protection Association

Director-General

Directorate of Priority Crime Investigations

Environmental Authorisation

Environmental Compliance and Enforcement Lekgotla

Environmental Management Inspector

Environmental Mineral Resource Inspector

Fisheries Control Officer

Global Environmental Facility

Government Gazette

Government Notice

Health Care Risk Waste

Integrated National Environmental Compliance and Enforcement System

Integrated Rehabilitation and Remediation Plan

Inkomati Usuthu Catchment Management

Illegal, Unreported and Unregulated

Garden Route Biosphere Reserve

Garden Route National Park

Mission Area Joint Operations Centre

Marine Protected Area

National Biodiversity Investigators Forum

National Environmental Compliance Form

National Environmental Compliance and Enforcement Report

NECES	National Environmental Compliance and Enforcement Strategy
NECF	National Environmental Crime Forum
NSPCA	National Council of Societies for the Prevention of Cruelty to Animals
OCIMS IVT	Oceans and Coasts Information Management System Integrated Vessel Tracking
PCN	Pre-Compliance Notice
PM	Particulate Matter
RoD	Record of Decision
SADC	South African Development Community
SANDF	South African National Defence Force
SEMA	Specific Environmental Management Act as defined in NEMA
TMNP	Table Mountain National Park
TNP	Tsitsikamma National Park
TOPS	Threatened or Protected Species
USCBP	U.S. Customs and Border Protection
WGIV	Working Group 4
EA	Environmental Authorisation
RoD	Record of Decision
WML	Waste Management Licence
WUL	Water Use Licence
WNP	Wilderness National Park
WUL	Water Use Licence
WWF	World Wide Fund for Nature

Key:

Institutions

DEFF	National Department of Environment, Forestry and Fisheries
DoH	Department of Health
DMRE	Department of Minerals and Energy
DHSWS	Department of Human Settlements, Water and Sanitation
Eastern Cape DEDET	Eastern Cape Department of Economic Development, Environment and Tourism
Eastern Cape Parks	Eastern Cape Parks and Tourism Agency
Ezemvelo	Ezemvelo KwaZulu-Natal Wildlife

Free State DESTEA	Free State Department of Economic Small Business Development, Tourism and Environmental Affairs
Gauteng DARD	Gauteng Department of Agriculture and Rural Development
Isimangaliso	Isimangaliso Wetland Park Authority
KwaZulu-Natal DEDTEA	KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
Limpopo DEDET	Limpopo Department of Development, Environment and Tourism
Mpumalanga DARDLEA	Mpumalanga Department of Agriculture Rural Development, Land & Environmental Affairs
Mpumalanga Parks	Mpumalanga Tourism and Parks Agency
Northern Cape DENC	Northern Cape Department of Environment and Nature Conservation
North West DEDECT	North West Department of Economic Development, Environment, Conservation and Tourism
NPA	National Prosecuting Authority
North West Parks	North West Park and Tourism Board
SANBI	South African National Biodiversity Institute
SANParks	South African National Parks
SAPS	South African Police Service
Western Cape DEADP	Western Cape Department of Environmental Affairs and Development Planning
DEFF:EIP	DEFF's Directorate Enforcement: Environmental Impact and Pollution

Key:

APPA
CPA
ECA
LEMA
MRLA
NCNCA
NEMA
NEM:AQA
NEM:BA
NEM:ICMA
NEM:PAA
NEM:WA
NRTA

Legislation

Atmospheric Pollution Prevention Act 45 of 1965
Criminal Procedure Act 51 of 1977
Environment Conservation Act 73 of 1989
Limpopo Environmental Management Act 7 of 2003
Marine Living Resources Act 18 of 1998
Northern Cape Nature Conservation Act 9 of 2009
National Environmental Management Act 107 of 1998
National Environmental Management: Air Quality Act 39 of 2004
National Environmental Management: Biodiversity Act 10 of 2004
National Environmental Management: Integrated Coastal Management Act 24 of 2008
National Environmental Management: Protected Areas Act 57 of 2003
National Environmental Management: Waste Act 59 of 2008
National Road Traffic Act 93 of 1996

NWA	National Water Act 36 of 1998
PAJA	Promotion of Administrative Justice Act 3 of 2000
POCA	Prevention of Organised Crime Act 121 of 1998

GLOSSARY OF TERMS:

“**Admission of guilt fines (J534)**” means fines paid for specific environmental offences in terms of Section 56 of the Criminal Procedure Act, 1977. For the purposes of this report, admission of guilt fines are reported separately from convictions imposed through formal trial proceedings.

“**Arrests by EMIs**” indicates the number of individuals arrested/summoned to Court by EMIs for the purposes of criminal prosecution.

“**Civil Court applications**” means civil proceedings instituted in the High Court (e.g. interdict, declaratory order) by regulatory authorities, usually in circumstances where notices or directives are ignored, and / or in response to actual or imminent significant harm which is caused to the environment.

“**Convictions**” means convictions imposed by a Court, whether pursuant to a trial or a guilty plea. This excludes convictions by way of the payment of admission of guilt fines.

“**Criminal dockets**” means criminal dockets registered with the South African Police Service with an allocated CAS number.

“**Enforcement action required**” means that the environmental authority has decided that the nature of the non-compliance warrants the initiation of an enforcement action (criminal, civil or administrative).

“**Environmental crime**” is the violation of a common law or legislative obligation related to the environment which triggers a criminal sanction.

“**Follow-up inspection**” means inspections that are conducted subsequent to an initial inspection. This type of inspections is typically more focused on the progress that has been made in respect of non-compliant areas identified in the initial inspection.

“**Green, Blue and Brown**” refers to the compliance and enforcement activities taking place in the biodiversity and protected areas (green), integrated coastal management/freshwater resources (blue) and pollution, waste and EIA (brown) sub-sectors respectively.

“**Initial inspection**” means the initial compliance inspection of a particular facility/person by EMIs. These types of baseline inspections may cover a broad range of environmental aspects (for example, air, water, waste) as is the case with the sector-based strategic compliance inspections described in 8 below.

“**No. of non-compliances**” means the total number of non-compliances related to environmental legislation, regulations, authorisations, licences and/or permits including conditions thereto identified by EMIs when conducting inspections.

“**Non-compliance**” refers to any breach of an environmental legislative obligation or permit/ licence/ authorisation condition, irrespective of whether or not such a breach constitutes a criminal offence.

“**Notices/ directives issued**” means administrative enforcement notices, such as compliance notices and directives that are issued in response to suspected non-compliance with environmental legislation. These notices instruct the offender to take corrective action (e.g. ceasing an activity, undertaking rehabilitation, submitting information). Failure to comply with such compliance notice/ directive is a criminal offence.

“Proactive inspections/ Routine Inspections” means inspections that are initiated by an EMI without being triggered by a specific complaint, but rather as part of the institution’s broader compliance strategy. These inspections assess compliance with legislative provisions as well as permit conditions.

“Reactive inspections” means inspections that are initiated in reaction to a specific report or complaint. In these circumstances, an EMI is required to conduct a site visit to verify the facts alleged in the complaint, and to assess the level of non-compliance.

“Reported incidents” means all incidents of suspected non-compliance with environmental obligations reported by institutions for the purposes of the NECER, irrespective of whether or not compliance and enforcement responses have been taken.

“Section 105A agreement” means a plea and sentence agreement entered into between an Accused and the State in terms of which the Accused admits guilt and the conditions of the conviction and sentence are set out and confirmed by the Court.

“S24G administrative fines” means fines paid by applicants who wish to obtain authorisations for the continuation of an activity which commenced unlawfully either for those listed or specified activities in terms of S24(2) of NEMA or after having unlawfully commenced, undertaken or conducted a waste management activity in the absence of a WML which is a contravention of section 20(b) of NEM:WA.

“Unlawful commencement of listed activity” commencing a listed activity in the absence of an environmental authorisation.

“Warning letters” are written documents that afford an opportunity to for a natural or juristic person to comply without initiating mainstream enforcement notices, civil or criminal enforcement proceedings.

Note: for the purposes of the statistics represented in this report, “-“means that no statistics are available for this information field, whereas “0” means zero.

1. INTRODUCTION

The 2019/20 financial year marks the 14th year in which DEFF has collaborated with its provincial and local counterparts and statutory bodies to develop the National Environmental Compliance and Enforcement Report (NECER); a joint publication that aims to provide an overview of environmental compliance and enforcement activities undertaken by the various environmental authorities over the period of a financial year.

The NECER is aimed at a broad spectrum of stakeholders, including a range of private, public and community-based institutions. In this respect, the report seeks to fulfil some of the information requirements of regulators, the regulated, the general public and other interested organisations. The report is designed to meet this objective by providing:

- the general public with an overview of the measures being taken by the environmental compliance and enforcement sector to give effect to section 24 of the Constitution;
- the community-based/ non-governmental organisations with information related to specific compliance and enforcement activities being taken in respect of certain sectors or facilities;
- the national, provincial and local environmental authorities with an overall perspective of their compliance and enforcement performance, both in relation to previous financial years, as well as in relation to their counterparts; and
- a deterrent effect to would-be offenders who realise that there are dire consequences for those who choose to flout environmental laws.

The NECER is divided into 15 chapters. It commences with a summary of the key findings of the report, followed by a section outlining the capacity and profile of the Environmental Management Inspectorate. An overall perspective of the national compliance and enforcement statistics is followed by a more detailed breakdown per institution/province. The subsequent legal chapters include recent court cases related to the environment; as well as the legislative developments that came into effect in the past financial year. We then turn to operational activities related to the brown, green and blue sub-sectors, as well as joint stakeholder operations. This year, we have also introduced a new chapter providing an overview of the prosecution of environmental offences and the types of sentences that are being handed down by the courts.

The nature and scope of environmental complaints and incidents received through the national hotline is followed by a chapter detailing the capacity-building efforts for EMLs. We end the report off with chapters on stakeholder engagement, including the 08th national Environmental Compliance and Enforcement Lekgotla held in Kimberley, Northern Cape; and look ahead to plans for the 2020/21 financial year.

It should be noted that the NECER is not without constraints. Constraints that should be noted include the fact that the NECER focuses on the activities of “environmental” authorities, as well as the DHSWS, but does not reflect the compliance and enforcement work being undertaken by other “related” sectors; such as agriculture, forestry and fisheries, mineral regulation, labour, health or the South African Police Service. The NECER reporting system has also taken some time to filter through to the local authority level, although this year’s report shows encouraging signs of the growth of EMI activities in this sphere. In addition, the statistics reflected in this report emanate directly from the input received from the respective environmental authorities – no independent auditing or verification of this input is conducted by DEFF or any other third party. In this regard, the report should be regarded as indicative (but not conclusive) of the general nature, scope and volume of activities undertaken by environmental and water affairs’ compliance and enforcement authorities in this reporting period.

Despite these constraints, it is hoped that the NECER 2019/20 will continue to provide valuable information to its readers as it strives to highlight the critical work currently being undertaken by the environmental compliance and enforcement sector.

KEY FINDINGS & ENVIRONMENTAL
MANAGEMENT INSPECTORATE



2. KEY FINDINGS

2.1 The Environmental Management Inspectorate

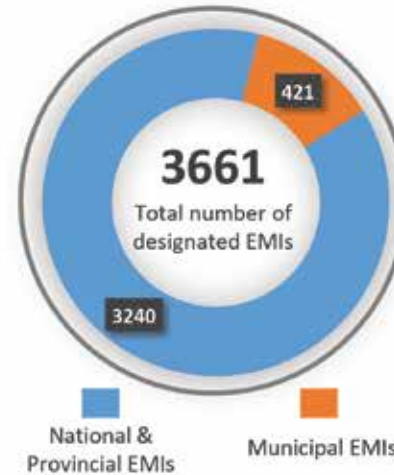
The Environmental Management Inspectorate (EMI)

Executive overview of EMI designations

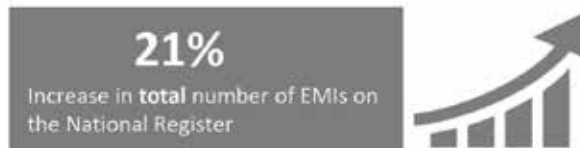
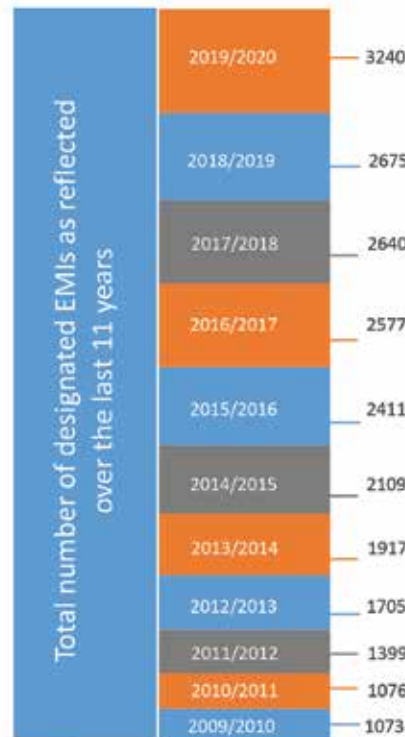
National and Provincial designated EMIs per institution



Total Number of EMIs

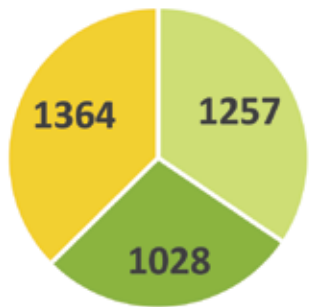


Increase in EMIs designated at local authority levels over the last three years



2.2 Overall National Compliance and Enforcement Statistics

Dockets registered



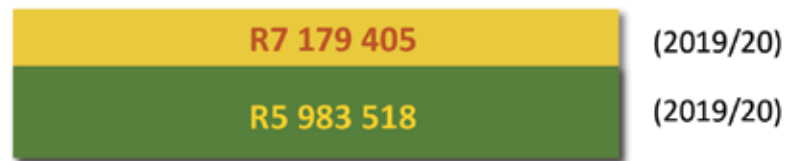
■ 2017/18 ■ 2018/19 ■ 2019/20

Number of Admission of Guilt Fines Issued



Overall National Enforcement Statistics

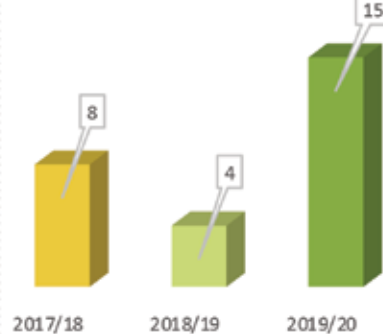
The total Rand amount of **section 24G** administrative fines paid increased



Number of Criminal dockets handed to the NPA, has increased from 2018/19 to 2019/20



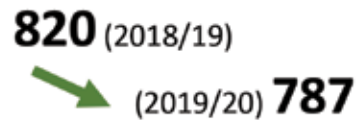
Increase in Plea and Sentencing agreements



Total value of admission of guilt fines paid has decreased from 2018/19 to 2019/20



Total number of Arrests made by EMIs



Number of Acquittals decreased from 14 to 9



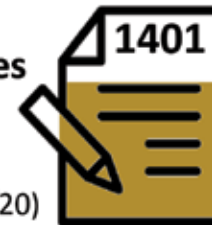
Number of convictions



Number of Administrative notices issued increased

(2018/19)

(2019/20)



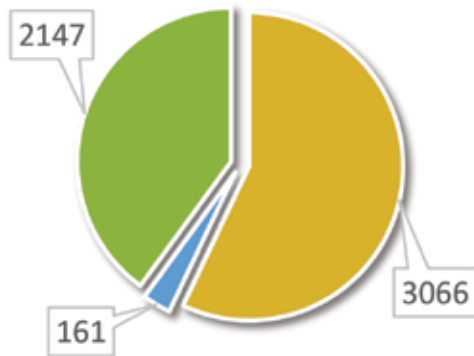


Number of **Facilities** that were inspected increased

5445 (2019/20)
4530 (2018/19)



Of the number facilities inspected, **56,3%** were waste and pollution, **39,4%** biodiversity and **2.95%** oceans and coast related



The **5445 inspections conducted**, can be grouped in terms of



There was a **16.2% increase** in the number of inspection reports finalised **compared** between the **two reporting years**



Overall National Compliance Statistics



Total number of **proactive inspections** conducted, **increased** from 2018/19 to 2019/20

Number of **Non Compliances** detected during inspections
2018-2019 2019-2020



2791 brown 46 blue

490 green
Number of **Non Compliances** detected represented per sector

Total number of **reactive inspections** conducted, a **28.7%** increase compared to previous year



2.3 Annual Compliance and Enforcement Highlights			
Category	Result	Institution	Legislation
Most inspections conducted	Green issues = 658 Brown issues = 199 Total = 857 facilities	Limpopo DEDET	Multiple
Highest sentence of direct imprisonment <u>without</u> the option of a fine	S v Khoza (Mpumalanga): 37 years imprisonment Charges of: <ul style="list-style-type: none"> • Trespassing, • possession of unlicensed firearm, • illegal possession of ammunition, • illegal hunting and possession of dangerous weapons, and • being an illegal immigrant 	SANPARKS	NEM:BA; Firearms Control Act 60 of 2000
Highest sentence for a pollution and waste case	S v Edgar Adams (3 separate cases): <u>Case 1:</u> Western Cape: Fine of R300 000 and 3 years direct imprisonment, of which the imprisonment was suspended for 5 years; <u>Case 2:</u> Free State: Fine of R300 000 and 3 years direct imprisonment,	DEFF	NEM:WA: multiple sections

2.3 Annual Compliance and Enforcement Highlights			
Category	Result	Institution	Legislation
Highest sentence for a pollution and waste case	<u>Case 3:</u> Gauteng: Fine of R300 000 or 3 years direct imprisonment Various Charges, including non-compliance with the conditions of a WML and failure to comply with compliance notices.	DEFF	NEM:WA: multiple sections
Highest number of section 24G fines issued	19 fines were issued and paid with a total sum of R 2 884 079 being collected.	GDARD	NEMA s24G
The highest number of enforcement notices issued	275 enforcement notices were issued, mostly related to the unlawful commencement of listed activities.	DEFF	NEMA
Highest number of admission of guilt fines issued	356 were issued to the sum total of R 27 750	SANParks	NEM:PAA

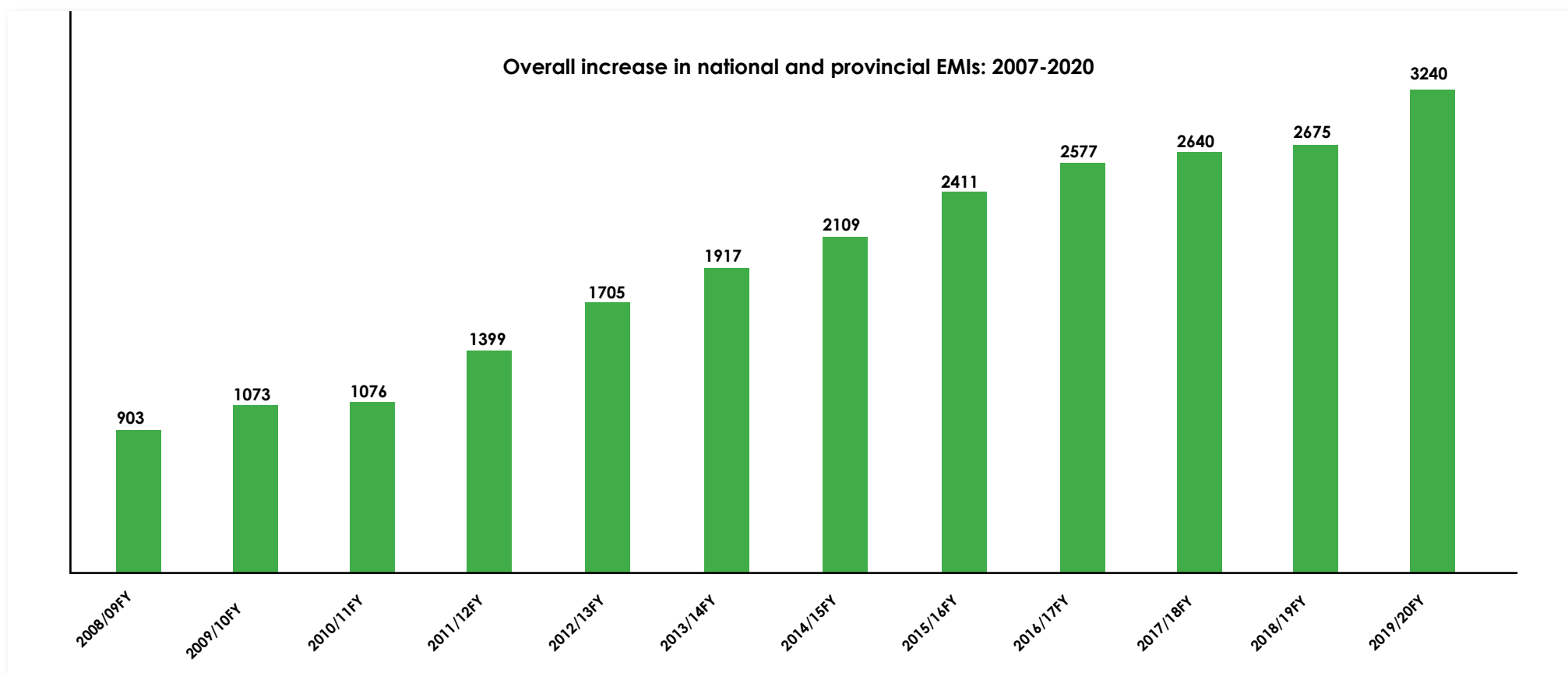


3. ENVIRONMENTAL MANAGEMENT INSPECTORS

EMIs represent the environmental compliance and enforcement capacity in respect of NEMA and the SEMAs. There are, of course, officials appointed in terms of provincial legislation and local authority by-laws who also carry out environmental compliance and enforcement functions in terms of that legislation. In many instances, officials may carry both the EMI designation in terms of national environmental legislation; as well as a separate provincial or municipal designation in respect of ordinances or by-laws.

As at 31 March 2020, the national EMI Register (kept by DEFF in terms of Regulation 6(2) of the Regulations relating to Qualification Criteria, Training and Identification of, and Forms to be used by Environmental Management Inspectors (GN R480 in GG 40879 of 31 May 2017) reflected a total of **3661** EMIs, comprising of **3240** from national and provincial authorities and **421** from municipalities. The distribution (or annual increase) of EMIs is reflected in the table below.

3.1 The number of national and provincial EMIs: 2007 - 2020



3.2 Environmental Management Inspectors per Institution

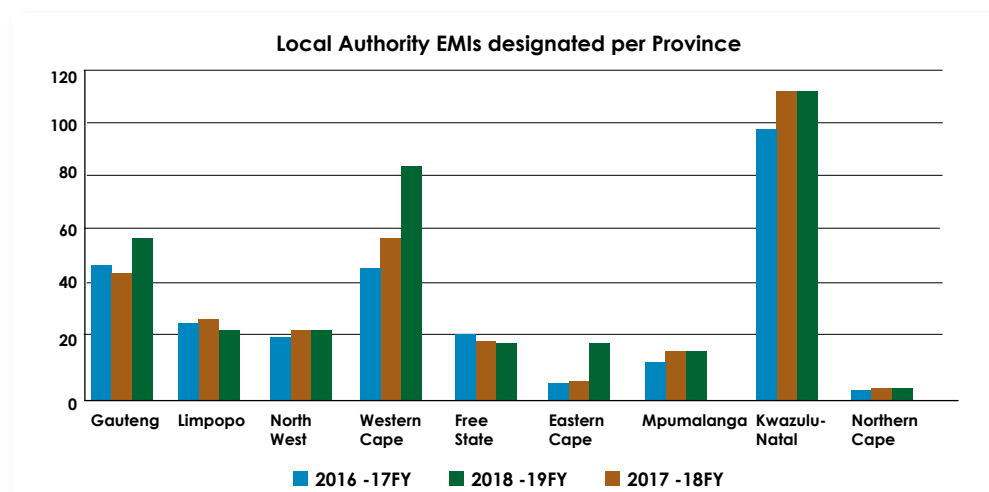
Institution Name	2017-18FY	2018-19FY	2019-20FY
National Authorities			
DEFF	135	169	160
iSimangaliso	6	8	8
SANParks	859	860	1315
DWS	17	28	22
SANBI	4	8	8
Provincial Environmental Authorities			
Eastern Cape DEDEA	44	46	45
Free State DESTEA	40	38	32
Gauteng DARD	50	88	98
KwaZulu-Natal DEDTEA	68	68	57
Limpopo DEDET	256	263	246
Mpumalanga DARDLEA	9	9	9
Northern Cape DENC	28	27	32
North West DREAD	46	40	39
Western Cape DEADP	66	65	72
Provincial Parks Authorities			
CapeNature	43	50	42
Eastern Cape Parks	137	122	249
Ezemvelo	661	682	705
Mpumalanga Parks	19	25	25
North West Parks Board	89	80	76
TOTAL	2577	2676	3240

3.2.1 Local Authority Environmental Management Inspectors

There has been a steady growth in the total number of EMIs at local authority level in the past 8 years since the commencement of the EMI local authority project. The addition of the local authority sphere of government to the capacity of the Inspectorate is aimed to provide local authorities with the necessary capacity to execute their mandate to assess compliance and enforce certain environmental issues in line with their mandate in terms of Schedules 4 and 5 of the Constitution. The financial year saw the local authority EMI capacity increase by **10.5%** from **382** in 2018/19 to **421** in 2019/20.

Table: Number of local authority EMIs designated

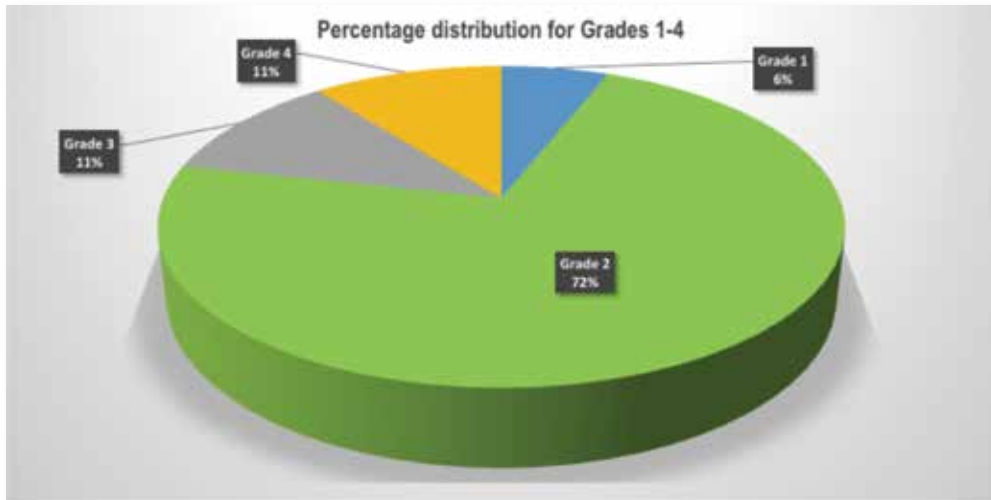
PROVINCE	2017-18FY	2018-19FY	2019-20FY
Gauteng	48	61	67
Limpopo	30	26	35
North West	26	26	28
Western Cape	61	88	75
Free State	22	21	22
Eastern Cape	7	21	27
Mpumalanga	18	18	18
KwaZulu-Natal	116	116	145
Northern Cape	5	5	4
TOTAL	333	382	421



Graph 1: Graphical representation of municipal EMIs designated in different provinces over a three year period

3.2.1 Grades 1- 4 Environmental Management Inspectors

EMIs are categorised according to various grades which reflect the compliance and enforcement powers bestowed on them in terms of Chapter 7 of NEMA. The grading system is intended to align the function of the EMI with the appropriate legislative powers. Grades 1, 2, 3 and 4 EMIs are located within all EMI Institutions and undertake compliance monitoring, and enforcement activities in the brown, green and blue sub-sectors.



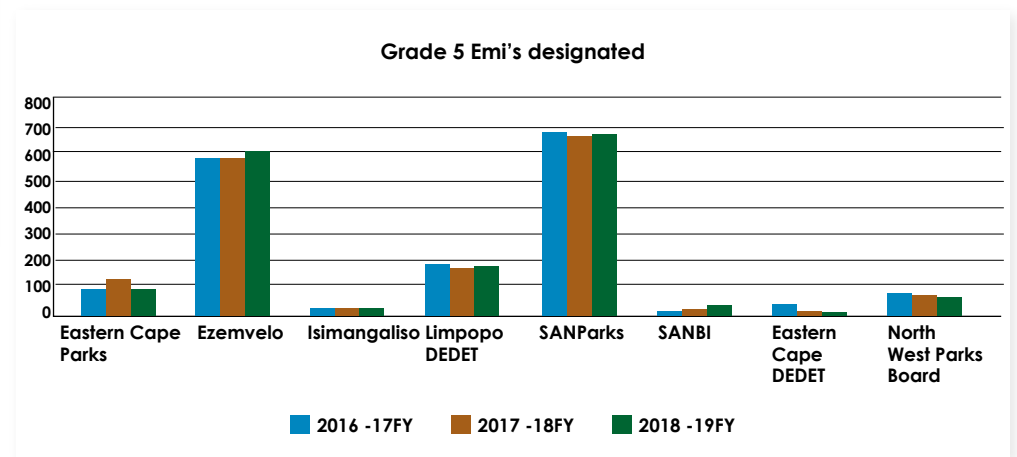
Pie Chart 1: Overall percentage distribution of EMIs Grades 1-4

3.2.2 Grade 5 Environmental Management Inspectors

Grade 5 EMIs are appointed as “Field Rangers” to execute compliance and enforcement duties within various national and provincial protected areas. Accordingly, they are predominantly spread across those EMI institutions who are considered to be management authorities in respect of protected areas. Grade 5 EMIs play a critical role in monitoring activities within these protected areas by conducting routine patrols and forming key team members of various anti-poaching units. There was a **37% (631)** increase in Grade 5 EMIs recorded in 2019/20, with approximately **180** field rangers from MPTA still awaiting Grade 5 EMI designation.

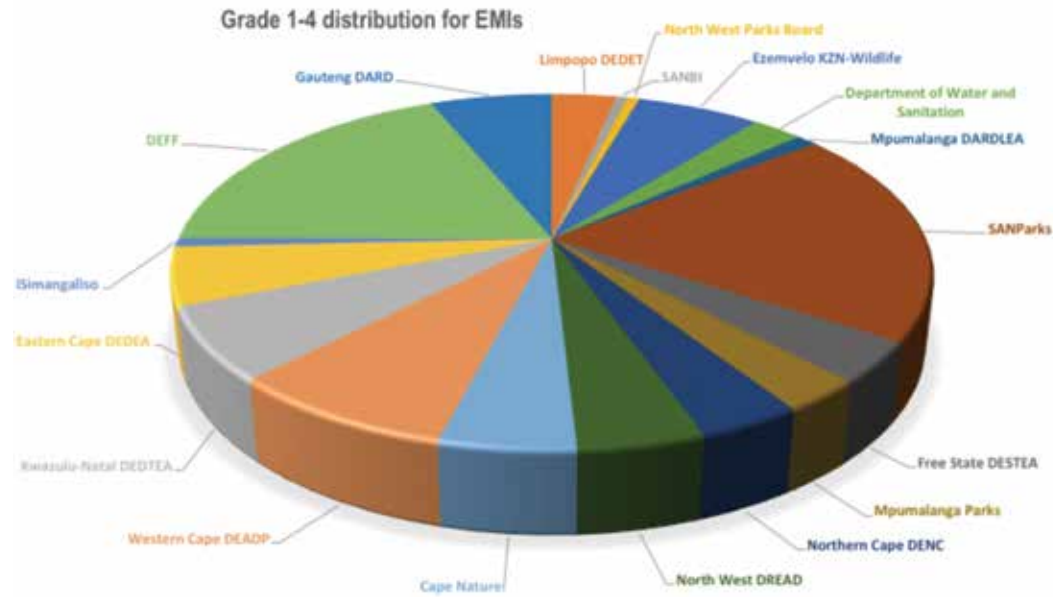
INSTITUTION	2017-18FY	2018-19FY	2019-20FY
Eastern Cape Parks	142	108	239
Ezemvelo	614	627	651
Isimangaliso	1	1	1
Limpopo DEDET	184	186	176
SANParks	688	692	1146
SANBI	3	3	3

INSTITUTION	2017-18FY	2018-19FY	2019-20FY
GDARD			35
North West Parks Board	76	74	71
TOTAL	1723	1691	2322

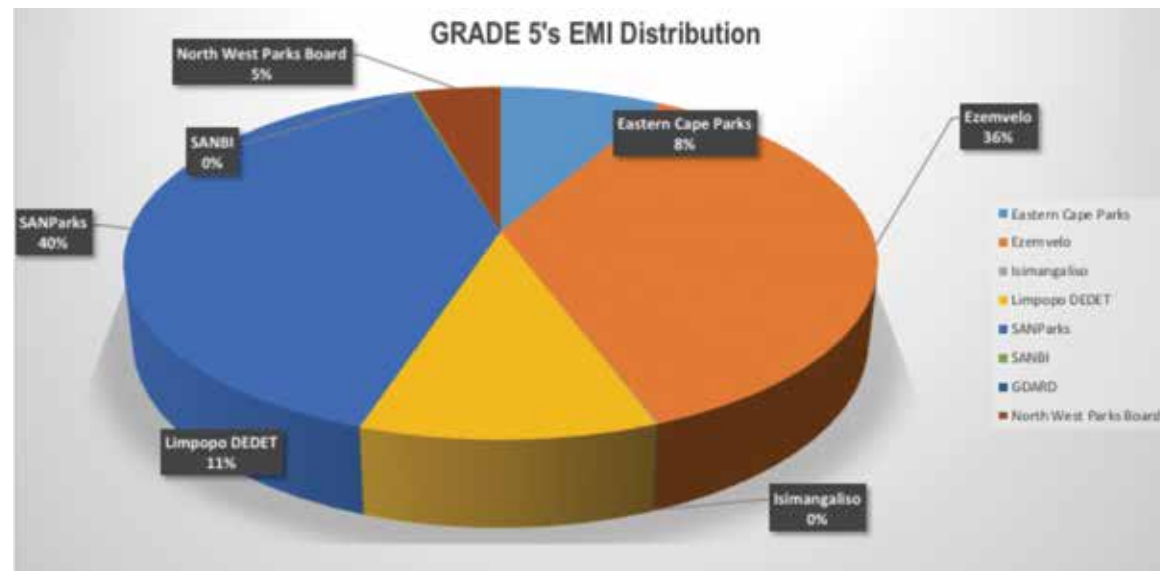


Graph 2: Number of Grade 5 EMIs (Field Rangers) per institution

3.2.3 Environmental Management Inspector per institution



Pie chart 2: Distribution of Grade 1-4 EMIs per EMI institutions



Pie chart 3: Distribution of Grade 5 EMIs across EMI institutions

848
Total Cases

141
In Progress Cases

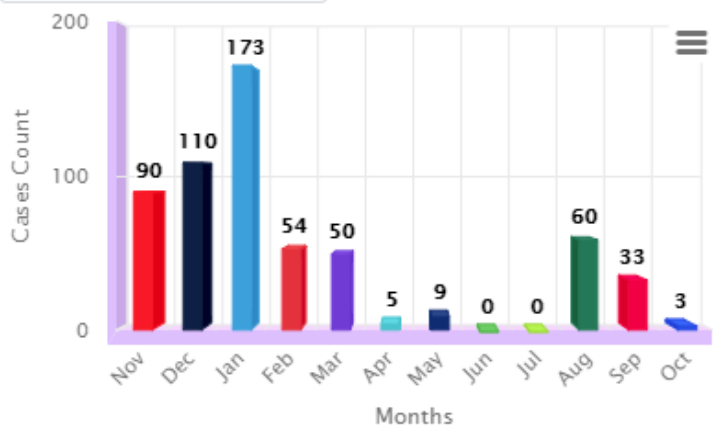
158
Completed Cases

10
Time Lapsed Cases

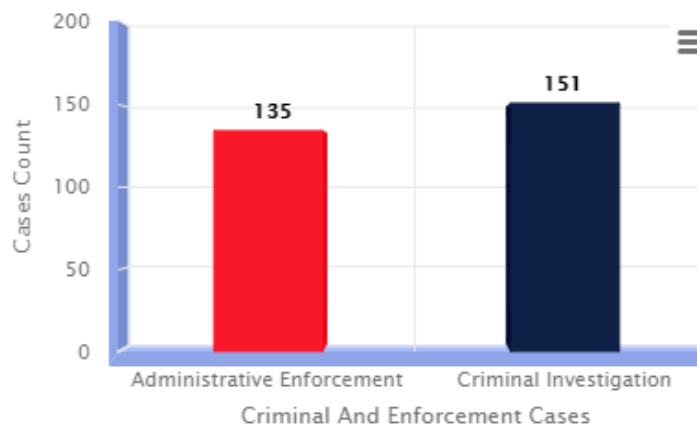
90
Total Cases of Current Month

Total Cases Per Month

--Select Financial Year--



Comparison Between Criminal And Administrative Enforcement Cases



Notifications

No Notifications

Registered EMI

GRADE	MALE	FEMALE	OTHER	TOTAL
Grade 1	61	38	0	99

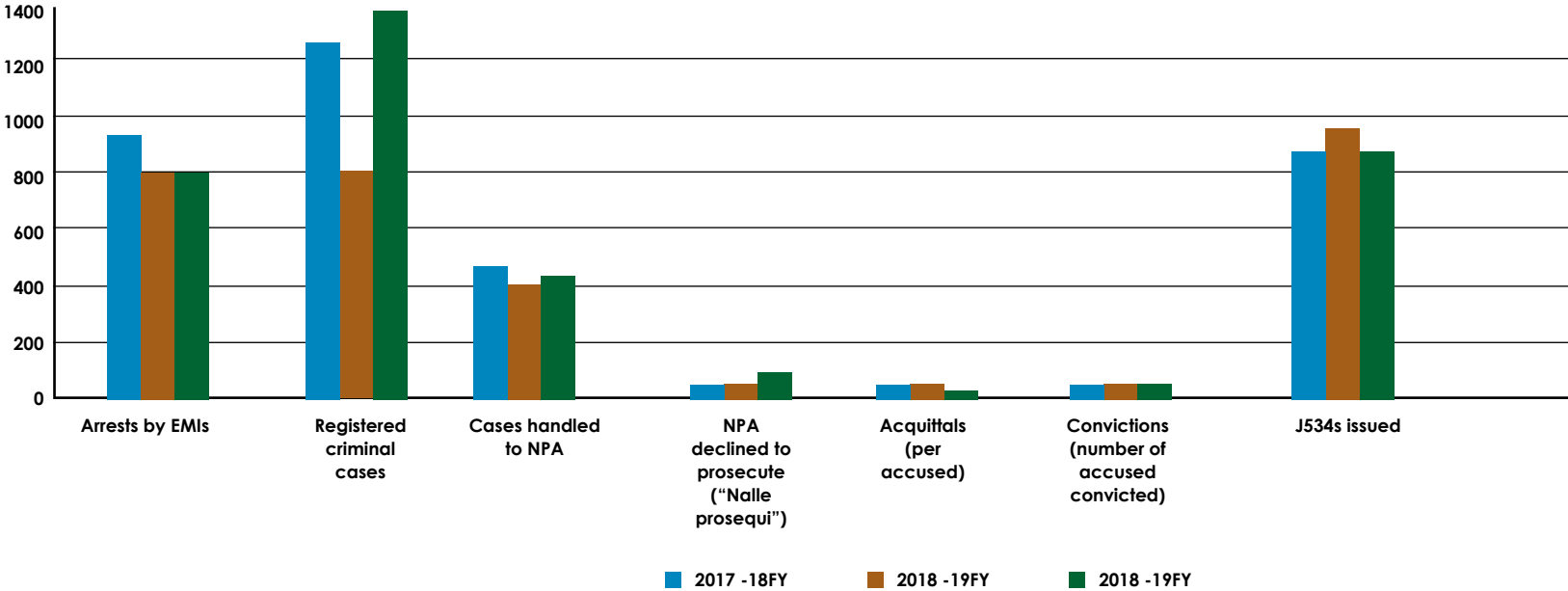
OVERALL NATIONAL COMPLIANCE AND ENFORCEMENT STATISTICS

4. OVERALL NATIONAL COMPLIANCE AND ENFORCEMENT STATISTICS

4.1 Enforcement

	2017-18FY	2018-19FY	2019-20FY
Criminal Enforcement			
Arrests by EMIs	926	820	787
Criminal dockets registered	1257	1028	1364
Cases handed to NPA	446	424	434
NPA declined to prosecute (<i>nolle prosequi</i>)	18	25	73
Section 105A agreements (plea bargains)	8	4	15
Acquittals	10	14	9
Convictions (excl. J534s)	53	38	47
J534 (Admission of Guilt Fines): Total number issued	872	957	864
J534: Total number paid	523	460	345
J534: Total value of fines paid	R 251 300	R312 930	R 286 896
Administrative Enforcement and Civil Actions			
Warning letters issued	324	154	153
Pre-directives issued	286	179	344
Pre-compliance notices issued	576	635	729
Final directives issued	103	55	95
Final compliance notices issued	128	163	233
Civil Court applications launched	2	0	3
S24G administrative fines: Total value paid	R 10 064 949,65	R5 983 518,51	R 7 179 405
S24G: Total number of fines paid	110	71	76

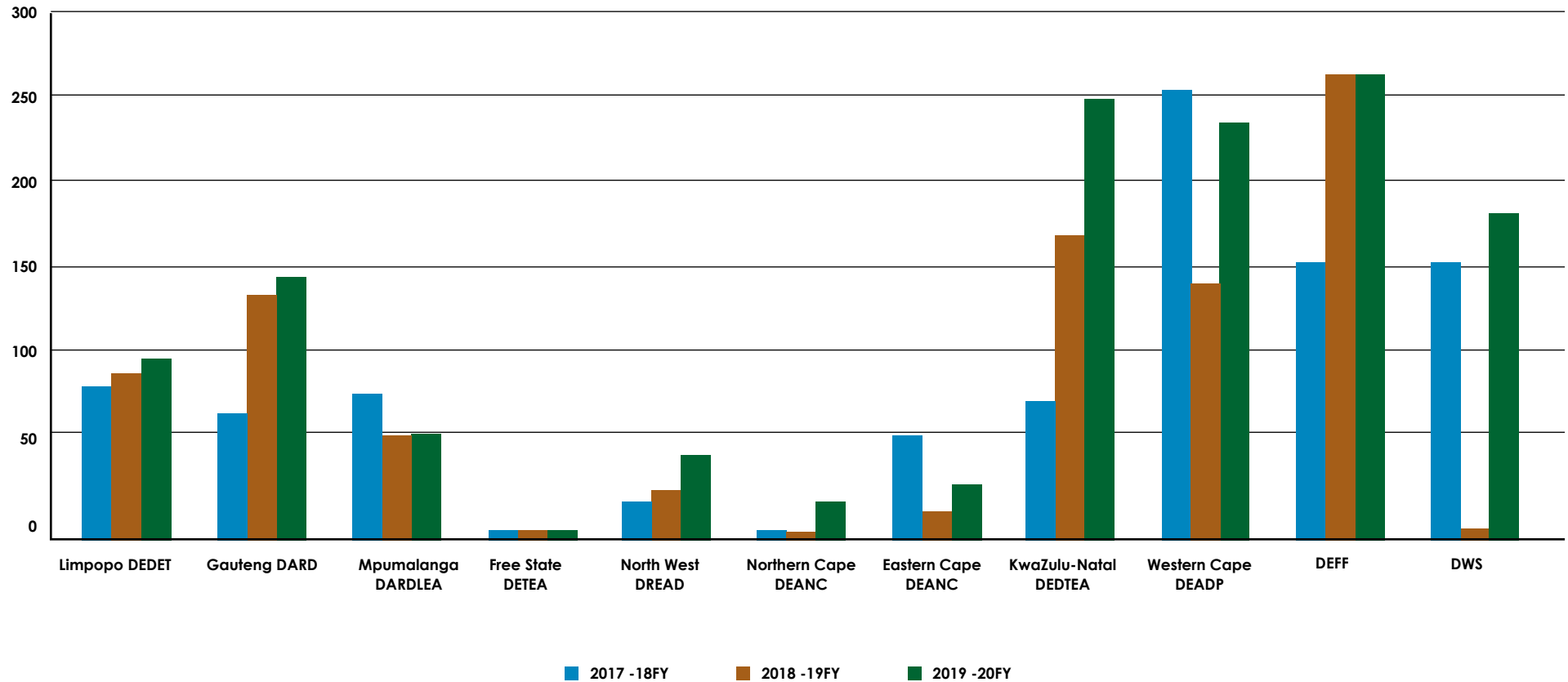
Criminal Enforcement Statistics



Graph 2: Overall Criminal Enforcement Statistics from 2017-18FY to 2019-20FY.

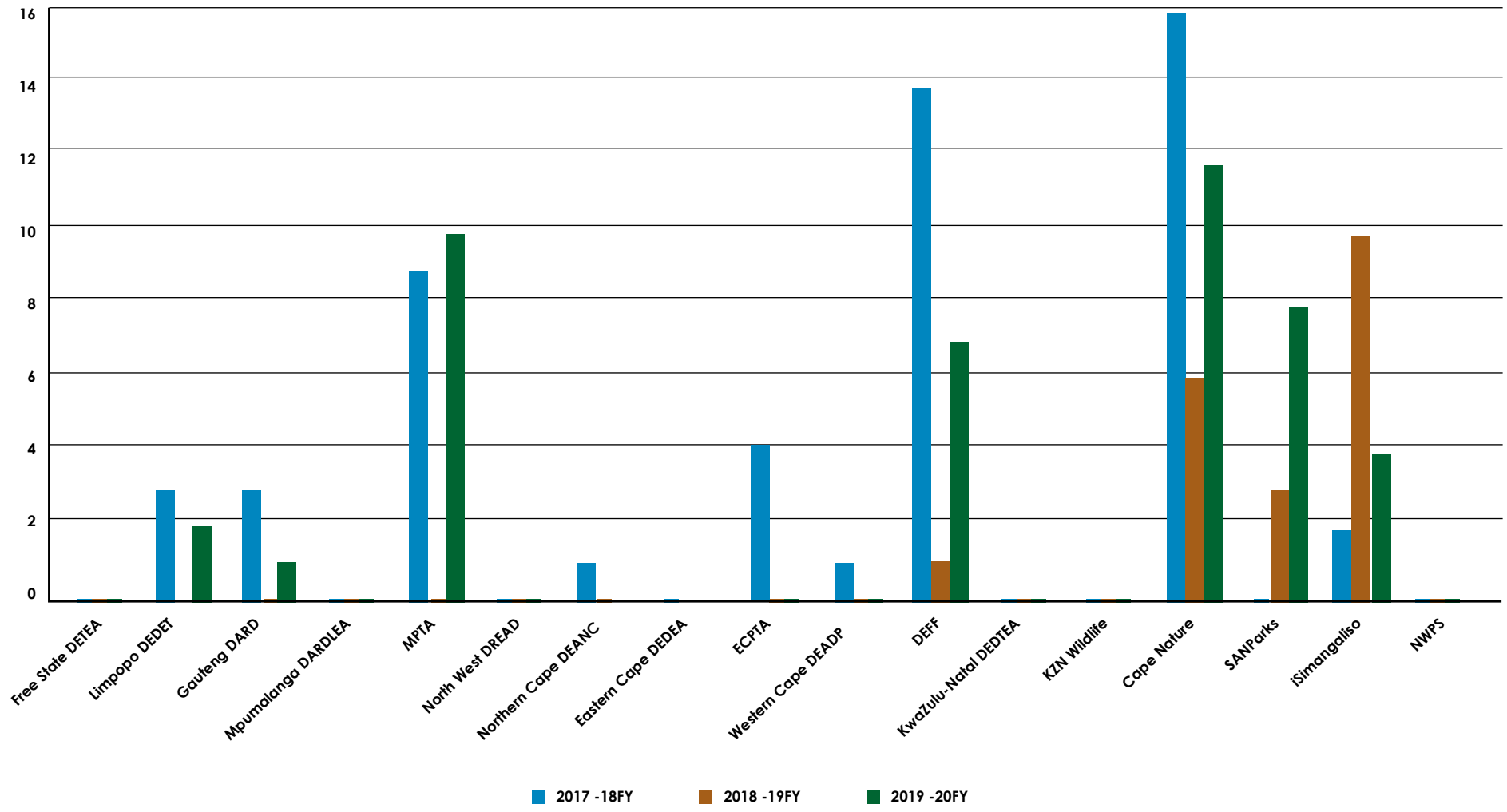
The following three graphs compare the use of enforcement notices and criminal enforcement mechanisms by each of the EMI Institutions. The comparison of the 2019/20 financial year reveals that the use of enforcement notices (i.e. directives and notices) remains the preferred option for the authorities that deal with brown issues, with the KwaZulu-Natal DEDTEA, DEFF, Western Cape DEADP and Gauteng DARD showing the highest numbers issued for this reporting period. In respect of the number of criminal convictions, Cape Nature recorded the highest number of convictions **25.5%** and followed by MTPA which contributed **21.2%** of the total of **47**, SANParks recorded **17%**, DEFF **14.9% (7 of 47)**, Northern Cape DENC followed **12.7%** and followed by iSimangaliso recorded **8.5%**.

Administrative Enforcement

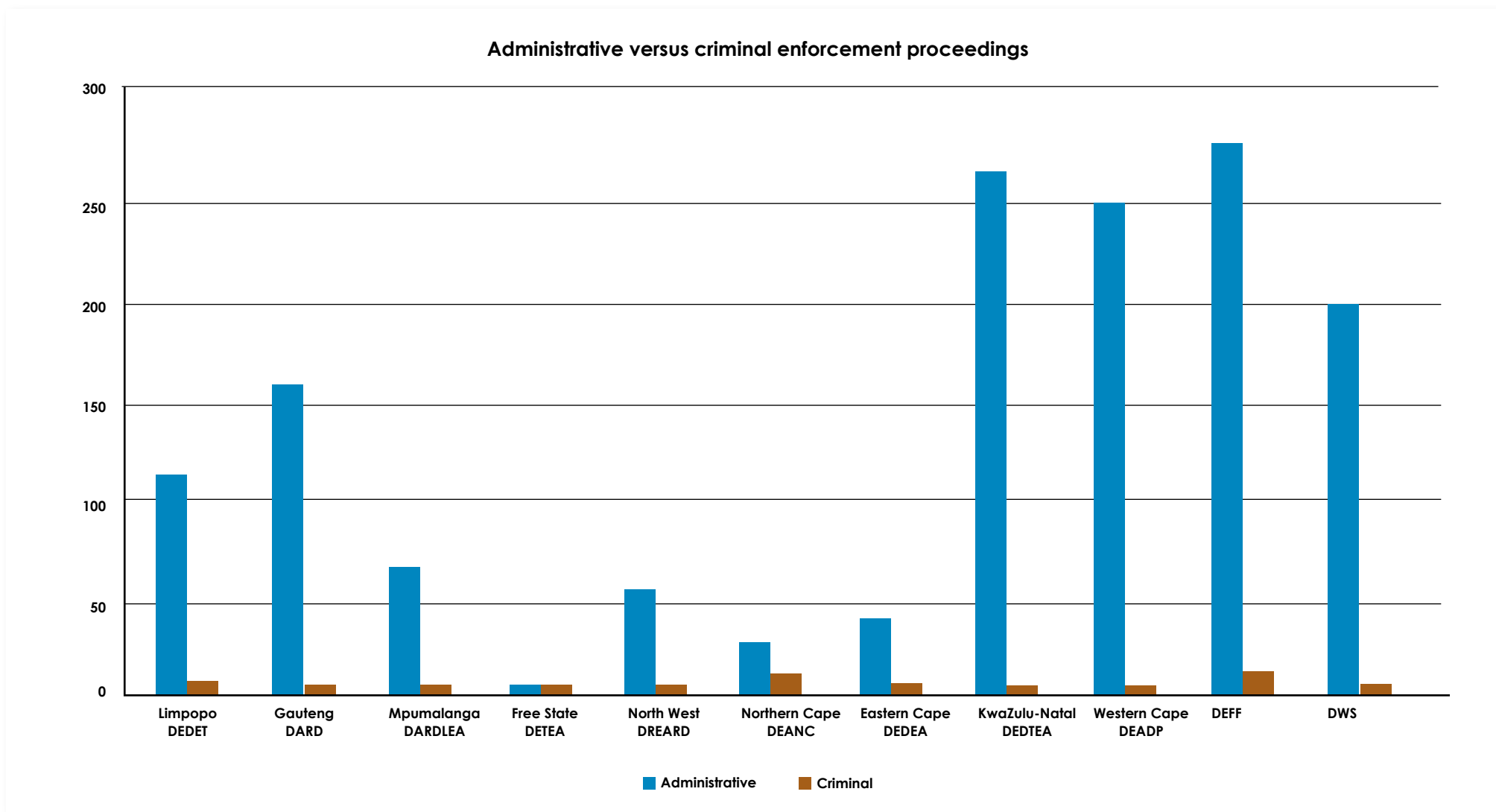


Graph 3: Comparative number of enforcement notices issued per institution

Comparisons of convictions per EMI institutions



Graph 4: Comparative number of convictions obtained per institution for three financial years



Graph 5: Convictions versus enforcement notices per provinces

4.1.2. Most prevalent types of environmental crimes

The 2019/20 financial year continued to display a similar pattern in relation to the most prevalent types of environmental crimes being detected by the various EMI Institutions. For the brown sub-sector, the unlawful commencement of environmental impact assessment listed activities continues to be the most common non-compliance, while in the green sub-sector, illegal hunting and illegal entry continues to be the predominant environmental crimes.

Province	Institution	Prevalent crimes	Number of incidents reported
National Institutions (excl. iSimangaliso)	DEFF	Illegal possession of alien and invasive species - nurseries (NEM:BA)	148
	SANParks	Illegal hunting of protected species in a national park (NEM:PA)	332
Eastern Cape	Eastern Cape DEDEA	Illegal hunting and unlawful commencement of listed activities (NEM:BA and Decree no. 9 of 1992, section 39)	141
	Eastern Cape Parks	Illegal entry without the necessary permit (NEMA: Protected Areas Act 57 Of 2003)	13
Free State	Free State DESTEA	Illegal possession of wild animals without the necessary permit (Ordinance 8 of 1969)	5
Gauteng	Gauteng DARD	Unlawful commencement of listed activities (NEMA)	168
KwaZulu-Natal	Ezemvelo	Illegal entry / Illegal hunting Prohibited activity (Ordinance 15 of 1974)	395
	KwaZulu-Natal DEDTEA	Unlawful commencement of listed activities (NEMA)	236
Limpopo	Limpopo DEDET	Picking indigenous plants and wood collection without a permit (LEMA)	348
Mpumalanga	Mpumalanga DARDLEA	Unlawful commencement of listed activities (NEMA)	63
	Mpumalanga Parks	Illegal hunting protected species (Mpumalanga Nature Conservation Act 10 of 1998 section 5)	34
Northern Cape	Northern Cape DENC	Illegal possession of protected species without a permit (NEM:BA, NCNCA 9 of 2009)	39
North West	North West DREAD	Illegal possession of TOPS species and hunting (NEM:BA and Ordinance 12 of 1983 Sec 43(1) (3))	76
	North West Parks	Illegal hunting of rhino (NEM:BA section 57)	27

Province	Institution	Prevalent crimes	Number of incidents reported
Western Cape	CapeNature	Illegal possession of protected species without a necessary permit (Section 42(1) of the Western Cape Nature Conservation Ordinance 19 of 1974)	42
	Western Cape DEADP	Unlawful commencement of listed activities (NEMA)	211

4.2 Compliance Monitoring Inspections

Inspection Activities of EMI Institutions

Conducting compliance monitoring inspections to ascertain whether or not the regulated community is complying with the relevant legislative provisions, as well as with authorisations, licences and permits issued in terms of this legislation, play a critical role in ensuring continued compliance. Without effective compliance monitoring, non-compliance may go undetected and thus the necessary enforcement action in the case of non-compliance would, in many cases, not be pursued.

The following tables highlight blue, green and brown compliance inspections conducted during the 2019/20 financial year. It is important to note that a single facility may require a number of environmental authorisations, licences or permits. Compliance with each and every authorisation, licence and permit held by a facility, including with each condition thereof, must be ascertained. It is critical that this initial or baseline inspection is then followed up with further inspections so that any improvement or deterioration in the level of environmental compliance by that facility may be assessed.

4.2.1 Compliance Inspections per Trigger

Institution	Complaint	Permit	Planned Inspection	Section 30 Incident	Routine Inspection	Grand Total
Cape Nature	-	488	-	-	-	488
DEFF	205	18	105	181	9	518
DHSWS	-	-	263	-	-	263
Eastern Cape DEDET	4	1	-	-	257	262
Free State DESTEA	9	-	4	-	8	21
Gauteng DARD	-	294	1	24	-	319
Isimangaliso	-	-	-	-	12	12
Kwazulu-Natal EDTEA	194	159	101	1	321	776
Limpopo DEDET	1	151	500	-	39	691
Mpumalanga DARDLEA	100	16	-	-	55	171

North West DREAD	931	-	242	-	175	1348
Northern Cape DENC	116	-	-	-	1	117
Western Cape DEADP	454	1	4	-	-	459
Grand Total	2014	1128	1220	206	877	5445

4.2.2 Compliance Inspections per Type/ Non-Compliances detected/ Enforcement required: Brown, Green and Blue

Brown						
Institution	Facilities Inspected	Pro-active	Reactive	Inspection Report finalised	Number of non-compliances	Number requiring Enforcement action
Limpopo DEDET	191	191	-	190	-	108
Western Cape DEADP	459	80	379	459	251	153
Mpumalanga DARDLEA	171	39	132	171	-	89
Northern Cape DENC	42	6	36	-	-	-
Gauteng DARD	295	285	10	295	293	29
DEFF	454	161	293	443	1133	69
Eastern Cape DEDET	181	163	18	-	326	5
Free State DESTEA	18	12	9	-	16	-
Isimangaliso	12	12	-	-	200	-
Kwazulu-Natal EDTEA	764	578	187	-	486	-
North West DREAD	396	255	141	295	-	37
DHSWS	121	117	4	30	-	45
Grand Total	3108	1899	1209	1914	2791	535

Green						
Institution	Facilities Inspected	Pro-active	Reactive	Inspection Report finalised	Number of non-compliances	Number requiring Enforcement action
Cape Nature	488	-	488	-	0	-
Limpopo DEDET	500	389	111	448	3	91
Northern Cape DENC	75	10	65	-	-	-
DEFF	39	39	-	36	178	149
Eastern Cape DEDET	81	77	4	-	301	-
Kwazulu-Natal EDTEA	12	2	10	-	8	-
North West DREAD	952	941	11	928	-	11
Grand Total	2147	1458	689	1412	490	251

Blue						
Institution	Facilities Inspected	Pro-active	Reactive	Inspection Report finalised	Number of non-compliances	Number requiring Enforcement action
DEFF	48	19	29	46	46	30
DHSWS	142	142	-	-	-	62
Grand Total	190	161	29	46	46	92

4.2.3 Compliance Inspections undertaken by Local Authority EMI Institutions: Per Trigger/ Type/ Non-Compliances detected/ Enforcement required: Brown

4.2.3.1 Inspection Triggers

Institution	Complaint	Permit	Planned Inspection	Routine Inspection	Grand Total
Gauteng Municipalities	58	2	228	48	336
Limpopo Municipalities	6	-	4	12	22
North West Municipalities	9	-	60	-	69
Western Cape Municipalities	32	-	8	39	79
KwaZulu Natal Municipalities	1	-	-	-	1
Grand Total	106	2	300	99	507



STATISTICS PER NATIONAL INSTITUTION/PROVINCE

5. STATISTICS PER NATIONAL INSTITUTION/PROVINCE

5.1 National Institutions

5.1.1 Department of Environmental Affairs and Department of Water and Sanitation



	2017-18FY	2018-19FY	2019- 20FY	2017-18FY	2018-19FY	2019-20FY
DEPARTMENT OF ENVIRONMENTAL AFFAIRS (BRANCH: REGULATORY COMPLIANCE AND SECTOR MONITORING, DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES)				DEPARTMENT OF WATER AND SANITATION		
CRIMINAL ENFORCEMENT				CRIMINAL ENFORCEMENT		
Arrests by EMLs	4	2	0	0	-	0
Criminal dockets registered	50	29	69	2	-	2
Cases handed to NPA	32	28	62	2	-	1
NPA declined to prosecute (nolle prosequi)	4	4	3	0	-	0
Section 105A agreements (plea bargains)	4	2	2	0	-	0
Acquittals	0	0	0	0	-	0
Convictions	14	1	7	0	-	0
J534s issued	15	7	7	0	-	0
J534s paid	R 32 500	R 22 000	R 20 000	0	-	0
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS				ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS		
Warning letters written	27	8	2	22	-	16
Pre-directives issued	74	71	123	138	-	94
Pre-compliance notices issued	151	180	130	0	-	59
Final directives issued	7	5	1	29	-	41
Final compliance notices issued	7	16	21	0	-	0
Civil Court applications launched	0	0	0	0	-	3
S24G administrative fines paid (total value / number)	-	-	R 1 000 000	0	-	-
	-	2	1	0	-	-

5.1.2 SANParks, Isimangaliso Wetland Authority and SANBI



	SOUTH AFRICAN NATIONAL PARKS			ISIMANGALISO WETLAND PARK AUTHORITY			SANBI
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY	2019-20FY
CRIMINAL ENFORCEMENT							
Arrests by EMIs	220	307	130	5	20	63	0
Criminal dockets registered	498	426	574	25	30	55	0
Cases handed to NPA	298	186	90	6	21	54	0
NPA declined to prosecute (nolle prosequi)	-	1	2	0	1	42	0
Section 105A agreements (plea bargains)	-	0	0	0	0	0	0
Acquittals	7	1	0	0	1	2	0
Convictions	-	3	8	2	10	4	0
J534s issued	276	407	356	2	1	4	5
J534s paid (number)	38	33	32	-	1	0	0
J534s paid (value)	R38 950	R 27 000	R 27 750	-	R2500	R0	R 4 500
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS							
Warning letters written	-	-	-	2	0	0	0
Pre-directives issued	-	-	-	0	0	0	0
Pre-compliance notices issued	-	-	-	0	0	0	0
Final directives issued	-	-	-	0	0	0	0
Final compliance notices issued	-	-	-	0	0	0	0
Civil Court applications launched	-	-	-	0	0	0	0

5.2 Provincial Institutions and Parks

5.2.1 Western Cape



	DEPARTMENT OF ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING			CAPE NATURE		
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT						
Arrests by EMI's	0	0	0	44	29	53
Criminal dockets registered	12	14	14	44	25	40
Cases handed to NPA	12	14	14	26	16	20
NPA declined to prosecute (nolli prosequi)	2	3	0	2	3	6
Section 105A agreements (plea bargains)	1	0	3	3	1	5
Acquittals	1	0	0	0	0	0
Convictions	1	0	0	16	6	12
J534s issued	0	0	0	90	113	82
J534s paid (number)	0	0	0	16	64	16
J534s paid (value)	0	0	R0	R39,350	R69,250	R26 400
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	0	0	0	0	0	0
Pre directives issued	59	56	64	0	0	0
Pre-compliance issued	124	70	106	0	0	0
Final directives issued	28	9	27	0	0	0
Final compliance notices issued	52	12	48	0	0	0
Civil Court applications launched	0	0	0	0	0	0
S24G administrative fines paid (total value / number)	R2 869 500	R1,977,750	R2 278 325	0	0	0
	23	17	27			

5.2.2 KwaZulu-Natal



	DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM & ENVIRONMENTAL AFFAIRS			EZEMVELO KZN WILDLIFE		
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT						
Arrests by EMLs	0	0	0	120	130	109
Criminal dockets registered	2	3	1	157	168	124
Cases handed to NPA	1	0	0	-	-	-
NPA declined to prosecute (nolli prosequi)	1	0	0	-	-	-
Section 105A agreements (plea bargains)	0	0	0	-	-	-
Acquittals	0	0	0	-	-	-
Convictions	0	0	0	-	-	-
J534s issued	0	0	0	3	-	-
J534s paid (number)	0	0	0	3	-	-
J534 paid (value)	R 0	R0	R0	R 3 800	-	-
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	120	59	5	-	-	-
Pre-directives issued	1	16	35	-	-	-
Pre-compliance notices issued	50	120	170	-	-	-
Final directive issued	2	15	7	-	-	-
Final compliance notices issued	29	29	48	-	-	-
Civil Court applications launched	0	0	0	-	-	-
S24G administrative fine paid (total value/ number)	-	-	1	-	-	-
	1	1	R0		-	-

5.2.3 Gauteng



GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT			
Arrests by EMLs	7	7	15
Criminal dockets registered	29	18	23
Cases handed to NPA	28	24	34
NPA declined to prosecute (nolle prosequi)	3	3	2
Section 105A agreements (plea bargains)	0	0	1
Acquittals	0	0	0
Convictions	3	0	1
J534s issued	14	14	9
J534s paid (number)	11	14	7
J534s paid (value)	R 11 600	R 12 800	R 6 850
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	0	0	0
Pre-directives issued	3	2	5
Pre-compliance notices issued	42	83	97
Directives issued	13	0	3
Final compliance notices issued	17	60	48
Civil Court applications launched	0	0	0
S24G administrative fines paid (total value/ number)	R 4 358 449	R 2 710 018	R 2 884 079
	59	28	19

5.2.4 Limpopo



LIMPOPO DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND CONSERVATION	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT			
Arrests by EMLs	306	193	151
Criminal dockets registered	227	161	138
Cases handed to NPA	4	26	16
NPA declined to prosecute (nolle prosequi)	1	5	1
Section 105A agreements (plea bargains)	0	0	1
Acquittals	0	8	0
Convictions	3	4	2
J534s issued	420	366	316
J534s paid (number)	411	331	293
J534s paid (value)	R 94 250	R162 780	R 123 860
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	0	5	0
Pre-directives issued	5	10	6
Pre-compliances notices issued	76	71	87
Directives issued	3	3	1
Final compliance notices issued	7	14	13
Civil Court applications launched	0	0	0
S24G administrative fines paid (total value/ number)	R 1 399 300	R 208 500	R0
	11	3	0

5.2.5 Eastern Cape



	DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS			EASTERN CAPE PARKS & TOURISM AGENCY		
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT						
Arrests by EMLs	43	41	64	34	6	2
Criminal dockets registered	46	45	111	33	6	1
Cases handed to NPA	31	30	15	2	4	1
NPA declined to prosecute (nolle prosequi)	4	5	13	1	1	0
Section 105A agreements (plea bargains)	0	0	0	0	0	0
Acquittals	0	0	4	1	1	0
Convictions	0	1	1	4	3	0
J534s issued	37	33	42	14	3	12
J534s paid (number)	10	1	5	8	1	0
J534s paid (value)	R 22 250	R 8 500	R30 000	R 2 450	R 600	R 10 436
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	69	37	97	0	0	-
Pre-directives issued	0	4	0	0	0	-
Pre-compliances issued	59	10	34	3	1	-
Final directives issued	1	1	0	0	0	-
Final compliance notices issued	2	2	0	1	0	-
Civil Court applications launched	0	0	0	2	0	-
S24G administrative fines paid (total value/ number)	R112 000	R 10 000	R 20 000	0	-	-
	4	9	2			

5.2.6 Free State



DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS ¹	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT			
Arrests by EMLs	1	6	2
Criminal dockets	2	12	3
Cases handed to NPA	-	9	2
NPA declined to prosecute (nolle prosequi)	1	2	0
Section 105A agreements (plea bargains)	-	0	0
Acquittals	1	0	0
Convictions	-	0	0
J534s issued	-	12	1
J534s paid (number)	-	12	1
J534s paid (value)	-	R 7 500	R6 000
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	-	-	-
Pre-directives issued	-	-	-
Pre-compliances notices issued	-	-	-
Directives issued	-	-	-
Final compliance notices issued	-	-	-
Civil Court applications launched	-	-	-
S24G administrative fines paid (total value / number)	-	-	-
	-	-	-

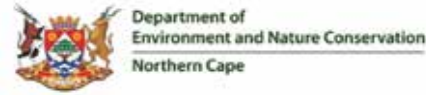
¹ Statistics submitted was for green related cases

5.2.7 Mpumalanga



	MPUMALANGA DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, LAND & ENVIRONMENTAL AFFAIRS			MPUMALANGA TOURISM AND PARKS AGENCY		
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT						
Arrests by EMIs	0	0	0	49	39	58
Criminal dockets registered	18	5	9	65	31	60
Cases handed to NPA	2	1	1	16	14	34
NPA declined to prosecute (nolle prosequi)	0	0	0	0	0	0
Section 105A agreements (plea bargains)	0	0	0	0	0	0
Acquittals	0	0	0	1	0	0
Convictions	0	0	0	9	0	10
J534s issued	0	1	0	0	0	0
J534s paid (number)	0	0	0	0	0	0
J534s paid (value)	0	R0	R0	0	R0	R0
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	39	20	7	0	0	0
Pre-directives issued	6	2	5	0	0	0
Pre-compliances issued	53	31	9	0	0	0
Final directives issued	20	17	2	0	0	0
Final compliance notices issued	6	9	45	0	0	0
Civil Court applications launched	0	0	0	0	0	0
S24G administrative fines paid (total value/ number)	R 1 180 700	R 2 995 000	R 997 000	0	0	0
	10	12	20			

5.2.8 Northern Cape



DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT			
Arrests by EMLs	24	34	49
Criminal dockets	28	19	32
Cases handed to NPA	7	12	30
NPA declined to prosecute (nolle prosequi)	1	0	4
Section 105A agreements (plea bargains)	0	0	3
Acquittals	0	0	3
Convictions	0	0	6
J534s issued	11	0	7
J534s paid (number)	1	0	3
J534s paid (value)	R 500	R0	R3 000
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS			
Warning letters written	13	22	26
Pre-directives issued	0	0	7
Pre-compliances notices issued	0	0	1
Directives issued	0	1	12
Final compliance notices issued	2	0	2
Civil Court applications launched	0	0	0
S24G administrative fines paid (total amount/ number)	R 145 000	R0	R0
	3	0	7

5.2.9 North West



NORTH WEST DEPARTMENT OF RURAL, ENVIRONMENT AND AGRICULTURE DEVELOPMENT				NORTH WEST PARKS AND TOURISM BOARD		
	2017-18FY	2018-19FY	2019-20FY	2017-18FY	2018-19FY	2019-20FY
CRIMINAL ENFORCEMENT						
Arrests by EMLs	34	0	84	0	3	7
Criminal dockets	26	0	79	43	39	29
Cases handed to NPA	19	0	19	0	39	1
NPA declined to prosecute (nolle prosequi)	0	0	0	0	0	0
Section 105A agreements (plea bargains)	0	0	0	0	0	0
Acquittals	0	0	0	0	0	0
Convictions	0	0	0	0	0	0
J534s issued	14	0	32	0	0	1
J534s paid (number)	6	0	0	0	0	1
J534s paid (value)	R 9 450	R0	R 27 100	0	0	R 1 000
ADMINISTRATIVE ENFORCEMENT AND CIVIL ACTIONS						
Warning letters written	2	3	0	-	-	-
Pre-directives issued	0	2	5	-	-	-
Pre-compliances notices issued	18	20	36	-	-	-
Directives issued	0	1	1	-	-	-
Final compliance notices issued	6	6	8	-	-	-
Civil Court applications launched	0	0	0	-	-	-
S24G administrative fines paid (total value / number)	-	R 60 000,00	-	-	-	-
	-	2	-	-	-	-



6. ENVIRONMENTAL JURISPRUDENCE

6.1 Private prosecution in the context of section 24G applications

UZANI Environmental Advocacy CC (UZANI) v BP Southern Africa (Pty) Ltd (BP) (CC 82/2017) (1 April 2019)

BP constructed 21 filling stations in Gauteng without the required EAs and thereafter submitted a series of section 24G applications in terms of NEMA. Uzani alleged that BP had contravened section 22 of ECA, as well as sections 24F and 28 of NEMA and was granted leave by the Judge President to institute a private prosecution against BP in terms of section 33 of the NEMA.

The issues to be determined by the Court related, firstly, to Uzani's title to prosecute. BP argued that Uzani did not have a title to prosecute as the notice given to the DPP was defective. BP further alleged that Uzani did not act in public interest and that the prosecution authority under section 24G was limited exclusively to the NPA. In conclusion, BP contended that private prosecutions were not permissible in respect of section 24G applications. Secondly, the Court also had to determine whether the prosecution had proved the offences beyond a reasonable doubt.

Judgement

Title to prosecute

The Court found that Uzani had a title to prosecute in this case. It made the following findings:

1. Defective notice

In 2012, Uzani obtained consent from the DPP, Johannesburg to privately prosecute the same contraventions in terms of section 33 of NEMA, however, this prosecution was not immediately pursued due to a lack of resources. In the current matter, a copy of the register of section 24G applications provided by GDARD was attached as an annexure to the notice given to the DPP. The Court found that all the applicants who submitted section 24G applications appear in this annexure; and that it was the intention of Uzani to prosecute every person listed as an applicant therein. The Court also found that the notice and annexure were clearly understandable and that, at no stage had the DPP sought any clarity related to its contents.

2. The consultation issue

The Court was satisfied that there was sufficient consultation with the DPP. Section 33(2) of NEMA states that sections 9-17 of the CPA applies, and not section 8 of the CPA. Section

8 requires that private prosecution can only proceed after consultation with the Attorney-General concerned and after he or she has withdrawn their right of prosecution (*nolle prosequi*), whereas section 33 of NEMA only requires that the public prosecutor has not, within 28 days of receipt of such notice, stated in writing that he or she intends to prosecute the alleged offence. The Court found that requiring a consultative process in a section 33 of NEMA prosecution would lead to uncertainty over when a consultation process can be said to have been concluded. It would also mean that if the consultative process dragged on interminably, the person intending to initiate a private prosecution would first have to approach a court for a declaratory order that the consultative process has concluded.

3. Whether the prosecution is in the public interest/ in the interests of protecting the environment

The Court found no evidence that the attorney of Uzani was embarking on a commercial venture when he first initiated a private prosecution against BP in 2012. Uzani led expert evidence that confirmed that authorisation for post-construction activities adopts lower standards to those demanded by pre-construction EIA applications. It is less likely that a section 24G application would be refused as it could result in actual job losses. As a result, the process of sanctioning a post-construction application is qualitatively inferior to the more rigorous requirements of a standard EIA application. The Court found that, in light of this expert evidence, this prosecution was in the interest of the protection of the environment.

4. Whether a private prosecution is permissible for section 24G applications

Section 33 of NEMA does not commence with the words "subject to section 24G...". It is formulated in unequivocal terms and its purpose is manifest. The Court found that it would be absurd to suggest that if a section 24G application is submitted and, irrespective of whether it is considered or not, a private prosecution is not competent, whereas a prosecution initiated by the NPA is.

Whether the prosecution has proven the offences

The Court confirmed that, by submitting section 24G applications, BP admitted that it had commenced with listed or specified activities without EAs in contravention of section 24F. Uzani only had to rely on the lack of authorisation by the Minister or competent authority and used section 250(1) of the CPA to cast the onus on BP to establish, on a balance of probabilities, that it was the holder of the necessary authority. BP, accordingly, had to produce evidence to rebut the deeming provision that the construction of the filling stations after 2 March 1998 were effected without valid authority. However, there were a few filling stations for which GDARD could not confirm whether BP submitted a section 24G rectification report, or whether an EA was issued or an administrative fine was paid. In addition, BP did produce evidence which established sufficient doubt in respect of two of the counts against it. As a result, the Court acquitted BP on these counts, but found, in respect of the remaining 17 counts, that there was sufficient evidence (i.e. section 24G applications and the granting of the application or payment of an administrative fine) to convict BP.



Source: <https://www.businessinsider.co.za/bp-found-guilty-in-private-criminal-prosecution-by-uzani-2019-4>

6.2 Constitutionality and lawfulness of the setting of lion bone quotas

National Council for the Society for the Prevention of Cruelty to Animals v Minister of Environmental Affairs and others (Case No 96515/2017) (6 August 2019)

The NSPCA brought an application against the Minister of Environmental Affairs (First Respondent), Director General (Second Respondent) and the South African Predators Association (Third Respondent) seeking to declare the 2017 (800 skeletons) and 2018 (1500 skeletons) quotas for the exportation of lion bones unlawful and constitutionally invalid. Prior to 2016, there was no

legal restriction to limit the quantity of lion bones exported from the country, however, the activity was regulated by provincial authorities that issued export permits for lion bones and skeletons. Following COP 17, the DEFF issued an invitation to stakeholders to attend a meeting in January 2017 in order to gather their inputs on the setting of a lion bone export quota, which was followed by an invitation to submit written representations. After taking into consideration the inputs received, the Scientific Authority submitted the non-detriment finding to the Minister, who declared the 2017 and 2018 export quotas.

The NSPCA argued that the determination of these quotas fell within the ambit of an administrative action in terms of the Promotion of Administrative Justice Act (PAJA); and were irrational due to the fact that relevant considerations, such as animal welfare, were not taken into account in the decision-making process. The Respondents contend that the DEFF does not have the mandate to regulate and enforce welfare standards for wild animals. It further argued that the setting of export quotas did not constitute administrative action, that the NSPCA was not excluded from the consultation process; and that their submissions were deemed to lack scientific value and were therefore not taken into account.

Judgement

The Court found that the 2017 and 2018 export quotas were unlawful and constitutionally invalid.

Administrative Action in terms of PAJA: The Court looked at the definition of “administrative action” in terms of PAJA and in specific, the requirement for it to have a “direct, external legal effect”. In this respect, the Court found that the determination of an annual quota sets the outer limit for the quantity of lion bones that may be exported and therefore circumscribes the commercial trade, due to the fact that the issuance of permits are inextricably linked to the quotas set. This has the capacity to affect the rights of those in the lion bone industry as well as members of the public that have an interest in conservation. The setting of the quotas were found to fulfil the definitional requirements of administrative action in terms of PAJA, rather than executive action as contended by the Respondents.

Exclusion from the Decision-making Process/Relevance of Animal Welfare Considerations:

The Court took into account that the NSPCA was invited to a stakeholder consultation meeting and to submit written representations (which they subsequently did); and were therefore properly included in the consultation process.

The more contentious issue was whether the animal welfare considerations of captive bred lions are relevant to the determination of the annual quota. The Court held that even if the DEFF does not have the primary mandate to regulate animal welfare issues, this does not mean that it can preclude these aspects in its decision-making process if they are relevant. However, it was noted that both DEFF, DAFF and other agencies have the duties to set standards for the keeping and breeding of lions in captivity, including matters of animal welfare.

It further found the distinction between lions in the wild and lions in captivity to be artificial and hierarchical, and that even if the latter category are bred for trophy hunting and commercial purposes, the conditions under which they are kept remain a matter of public concern. Both categories of lions fall within the definition of 'biodiversity' and NEM:BA and the National Biodiversity Plan places a duty on the Respondents to manage the sector and set standards for it.



Source: <https://africageographic.com/blog/captive-lion-breeding-is-here-to-stay-says-dea/>

6.3 Sentencing of abalone poachers and factors to be taken into consideration

State v Blignaut (Case No CC 20/2018) (19 September 2018)

The accused was allegedly involved in the widespread plunder of abalone from South Africa's coastal waters. Evidence was led that directly linked the accused to either owning or letting property used as abalone storage facilities, as well as the vehicles used to transport the abalone and collect and ferry gas cylinders. The procurement of the premises was also the brainchild of the accused, whose criminal activity yielded handsome financial rewards.

The accused argued that whilst the offences merited a custodial sentence, his personal circumstances warranted a period considerably less than the maximum.

Judgement

The Court noted that the accused changed his plea to guilty during the proceedings, however it questioned whether genuine remorse was, in fact, the trigger for the plea. If he was truly remorseful he would, prior to the separation of his trial from that of his then co-accused, have taken full responsibility for his role, but he did not. The not-guilty plea was a strategy to test the waters and only after the realisation of its futile position, was altered to a plea of guilt.

The scale of this enterprise's activities extended far beyond provincial boundaries. The previous conviction of the accused for the possession of an excessive amount of abalone could also not be ignored. The Court concluded that it manifest a predilection for repeat offences and the associated financial rewards provided a clear inducement to continue.

The Court referred to sentences imposed in a past judgement (*S v Roberts and others 2013 (1) SACR 369 (ECP)*) which attracted wide publicity. In this judgement, the Court emphasised that past sentencing patterns had to be revisited and that the time had arrived for a complete reassessment of sentencing options. It was clear for the Court that, despite this judgement, the plunder of abalone continues unabated and that the stage had been reached for appropriate sentences to stem the unrelenting poaching tide.

The accused was sentenced to 20 years' imprisonment.



Source: <https://mg.co.za/article/2018-04-16-abalone-poaching-lifting-the-lid-on-why-how-and-who>



Source: <http://mentalfloss.com/article/57085/whats-difference-between-prison-and-jail>

6.4 Appropriateness of harsh sentence for a conviction for contravening POCA

• *Marshelle Blignaut (Appellant) v the State (Respondent) (CA & R 173/2019)*

(11 February 2020)

- The Appellant was convicted for contravening POCA due to her involvement in an unlawful fish-processing plant for abalone. She was sentenced to 12 years imprisonment and appealed this sentence. She argued that the trial court did not “properly, objectively or fairly evaluate the evidence” and that the sentence was “cruel, inhuman and degrading”. In essence, she contended that the sentence was unduly harsh and shockingly disproportionate.
- Counsel representing the Appellant submitted that the Court *a quo* failed to give proper consideration to the circumstances of the Appellant and her interests, being that the Appellant comes from a history of domestic abuse and violence suffered at the hands of her former husband, Mr Blignaut, who was the ‘king pin’ of the unlawful enterprise. It was also submitted that the sentence imposed did not meet the requirement of equivalence when regard is had to her co-accused, whose sentence was the same for offences in terms of POCA, as well as the Marine Living Resources Act 18 of 1998. She argued that, although she committed a lesser crime, she nevertheless received the same sentence as her co-accused.
- **Judgement**
- The Court indicated that it is necessary to first consider the nature and seriousness of the offence, as well as the role of the Appellant in the commission of the offence. Thereafter aggravating and mitigating factors must be considered.
- The Court examined the offences in terms of in section 2(1) of POCA and regarded them as very serious, with a fine of R1000 million or imprisonment up to life that can be imposed. Section 2(1)(f) relates to the management of the enterprise whilst knowing that the enterprise conducts its affairs through a pattern of racketeering activity. Counsel representing the Appellant submitted that she was not a manager, but merely a pay clerk who exercised only the functions she was instructed to perform. The Court found, however, that the Appellant played a vital role in the ongoing management of the enterprise without which it could not have achieved its purpose. There was also evidence that when her husband was not available, the Appellant took charge and gave instructions. The Court was, subsequently, of the view that the Appellant functioned as a manager of the enterprise.

- The Court agreed with the Court *a quo* that the offence committed in this case is very serious. The operation of criminal enterprises such as this one undermines the fabric of a legitimate economy, depriving society from a source of revenue and placing the sustainability of social and economic development at risk.
- The Court also rejected Counsel's argument that the Court *a quo* failed to consider the personal circumstances of the Appellant during sentencing as it was evident from the court records that it was taken into consideration. She did, however, also benefit from her and her ex-husband's involvement in various criminal activities over a period of 17 years and enjoyed a lavish lifestyle.

The Court indicated that the test is not whether the appeal court would have imposed a similar sentence – it is whether it can be said that the Court *a quo* exercised its sentencing discretion improperly. The appeal Court confirmed that this was not the case and that a sentence of 12 years imprisonment is not disproportionately harsh for a conviction under section 2(1)(f) of POCA.



Source: <https://www.netwerk24.com/nuus/hof/perlemonen-vermeende-sindikaatlede-in-hof-20170418?mobile=false>

6.5 Exemption from NEM:BA permitting requirements during an emergency situation

Thalita Susanna Cloete, Francois Stephanus Schutte, Francois Benjamin Schutte (1st-3rd Appellants) v the State (Respondent) (Appeal No A 106/2019) (19 December 2019)

This is the judgement in an appeal against the Appellants' convictions and sentences in the Welkom Regional Court of one count of contravening the NEM:BA, and two counts of contravening the Free State Nature Conservation Ordinance 8 of 1969 (the Ordinance). The Appellants were found guilty of the following:

Unlawfully and intentionally:

1. Carrying out a restricted activity involving a specimen of a TOPS species by conveying/ translocating 4 cheetahs and 4 lions without a required permit in terms of NEM:BA. (Sentenced to a fine of R20 000 or one year imprisonment, half of which was conditionally suspended for 3 years);
2. Keeping in captivity 4 cheetahs and 4 lions without a required permit in terms of the Ordinance. (Sentenced to a fine of R20 000 or one year imprisonment, wholly suspended for 3 years); and
3. Contravening or failing to comply with any provision of the Ordinance or a condition subject to which a permit, licence or exemption was issued in terms of the Ordinance by not keeping the animals at the address specified in the permit and failure to report births of 4 cheetahs and 4 lions within 5 working days (Sentenced to a fine of R10 000 or one year imprisonment, half of which was conditionally suspended for 3 years)

Appellants 2 and 3 were farmers with a permit to breed lions and cheetahs, which are listed protected species on their farm. On 15 June 2016 during a night when the temperature dropped to between -4 and -8 degrees, 9 cheetah cubs were born on the farm. By the next morning, 5 had died and the remaining four were patently in distress. Appellant 2 took all of them to Dr de Vries, a veterinary surgeon in Welkom with a permit to treat TOPS species, to determine the cause of death and to treat the surviving 4. Dr de Vries treated them with intravenous warm saline drips, antibiotics and anti-inflammatory medication and recommended that they be cared for by Appellant 1 who lived 2 blocks from the clinic, had the facilities for regular intravenous feeding and constant monitoring that the cheetah cubs needed, and who had all the necessary equipment and skills to help the cubs. The doctor explained that he wanted the cubs close enough and under constant observation so he could monitor their progress or attend to any deterioration in their condition. He wanted that done in an environment where they would not be exposed to virus or bacterial infections from the sick animals being treated at the clinic. They were then left in Appellant 1's care as he recommended.

On 27 June 2016, Appellant 2 was faced with a similar situation regarding 9 lion cubs of which several of the litter died and the remaining 4 plus the dead ones were taken to Dr de Vries to determine the cause of death and treat the surviving ones to determine if they were suffering from some disease. The veterinary surgeon likewise treated them with antibiotics and anti-inflammatory medication and recommended that they be taken to Appellant 1 to be cared for and monitored.

From the evidence of Dr de Vries it was clear to the Court that he did not have the facilities to care for the cubs on the premises of the clinic and that the clinic did not have the required space in terms of the Ordinance to qualify for Departmental approval to do so, either. From the evidence of Appellant 3 it was clear that the farm did not have the facilities to care for the sick cubs either.

On 4 July 2016 an anonymous informant tipped off an EMI from DESTEA that someone was keeping lions on a residential property in Welkom. He then called a fellow EMI, and the SAPS to accompany him to Appellant 1's residence on 5 July 2016 with a search warrant. There they found the lion and cheetah cubs being cared for by Appellant 1 in her house in playpens in two separate rooms with infrared warming lights over the cheetahs. The erf was fenced with concrete, topped by electric wires. When Appellant 1 told them she was 'raising' the cubs, the EMIs/SAPS confiscated all 8 of them and drove them to Bloemfontein to an approved rehabilitation centre. One of the cheetah cubs died there two days later. Appellants 2 and 3 obtained an urgent court order for the return of the cubs. 3 of the lion cubs died of stress within three weeks of being transported back to Appellant 2 and 3's farm.

The problems that led to the charges against the Appellants were that Appellant 2 did not obtain transport permits prior to transporting the cubs to the veterinary surgeon, that Appellant 1 did not have a permit to keep wild animals on the premises, and that Appellants 2 and 3 failed to keep the cubs on the farm designated for their lion and cheetah farming enterprise, and allegedly failed to report the births and deaths of the cubs to the competent authority within 5 working days as required. Although Dr de Vries had the prescribed space of 1 ha per lion, he did not have a DESTEA approved premises to keep and care for the cubs at the clinic; and was originally charged along with the Appellants. The National Director of Public Prosecutions declined to pursue the charges against him, however, stating that he had acted in an emergency.

The Appellants explained that since the cubs were so small and sick, they had not yet been 'tagged', i.e. micro-chipped, which meant that they had not yet been identified. In order for a permit to be issued, however, they needed to have been tagged. The Appellants explained that it had therefore been impossible to obtain permits for them, since the DESTEA policy was that no permit would be issued until the relevant animal has been identified or tagged.

The Appellants explained, furthermore, that in terms of Section 11(1) of the Animal Disease Act 35 of 1984, they had a legal duty to take reasonable steps to prevent infection and the spreading thereof, especially since they were dealing with threatened species protected in terms of the law. Furthermore, that, as owners of the cubs, they were obliged in terms of the Animal Protection Act, 1962, to protect the cubs from unnecessary suffering. They pointed out that the Draft National Norms and Standards for the Sustainable Use of Large Predators issued in terms of Section 9(1) of NEM:BA had provided for the exemption from permit requirements for the transport of sick or injured large predators in need of urgent medical treatment at an animal medical facility, provided that a veterinary surgeon at such medical facility certified that the animal was in need of urgent medical attention, however, the said draft provision was not being applied in the Free State.

They stated that they found themselves in an untenable position: they were required to get a permit before transporting the cubs, but they could not do so because the cubs were too young to be microchipped or identified by their markings which on a cheetah only becomes permanent by the age of sixteen weeks. Yet DESTEA required such identification before issuing a permit, although there is no requirement in NEM:BA or Regulations that baby lions or cheetahs be microchipped at birth, or that a permit could not be issued unless a cub was tagged. It was submitted that the Court *a quo* failed to consider that the impossibility of obtaining a permit to transport small lion or cheetah cubs was absolute and was something that continued and will continue for any future small cubs for as long as they are not microchipped. In effect, the Court held that DESTEA had introduced a system that would negatively impact on the survival rate of many small infant lions and cheetah cubs under the age of 16 weeks for the purposes of compliance with unnecessary red tape.

The key issue in this case is whether the Appellants were justified in contravening the provisions of NEM:BA and the Ordinance, in view of their defences of impossibility and necessity raised.

Judgement

The appeal succeeded. The Court condoned the unlawful conduct of the Appellants in light of them having found to be acting in an emergency situation, based on impossibility and necessity.

Impossibility

The Court was of the view that the defence of impossibility is a valid one regarding the obtaining of permits for the cubs. Their age and health condition made it impossible to comply with the stated practice in the Free State, namely that permits will not be issued without the relevant animal having been identified by way of a micro-chip implant. Which in turn made it impossible to comply with the Ordinance.

Necessity

Necessity excludes unlawfulness, for instance in a situation where a person finds himself in an emergency situation in which he has to decide which of two opposing interests he has to infringe and decides to infringe the interest which, according to the convictions of society, is the less important, in order to protect that which is of greater importance. In the present case the interests which the Appellants were protecting were obviously the lives of the cubs as well as their legal interest in the survival of the cubs as the owners of very expensive animals. It is hard to imagine that the legal convictions of society would regard the observance of a transfer permit requirement, which is impossible to obtain at the age of the relevant cubs in any case, as a more important interest than that of the survival of the cubs, and the financial interest of their owners.





EMI
ENVIRONMENTAL
LEGISLATION HANDBOOK
Volume I

The cover of Volume I features a dark background with a blurred image of a building at night. Below the title, there is a horizontal strip with images of a wind turbine, solar panels, and a power line tower.



environmental affairs
Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



EMI
ENVIRONMENTAL
LEGISLATION HANDBOOK
Volume II

The cover of Volume II features a dark background with a blurred image of a gavel. Below the title, there is a horizontal strip with images of an elephant and a protea flower.



environmental affairs
Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



7. LEGISLATIVE DEVELOPMENTS



7.1 National Environmental Management Act 107 of 1998

National Environmental Management Act 107 of 1998

7.1.1 Regulations

- Regulations laying down the procedure to be followed for the adoption of spatial tools or environmental management instruments (GN 542 in GG 42380 of 5 April 2019)
- Regulations to phase-out the use of persistent organic pollutants, 2019 (GN R1150 in GG 42693 of 10 September 2019)

7.1.2 Notices

- Notice of the requirement to submit a report generated by the national web based environmental screening tool (GN 960 in GG 42561 of 5 July 2019)
- Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation (GN 320 in GG 43110 of 20 March 2020)

7.1.3 Draft Regulations and Notices

- Proposed procedures to be followed for the assessment and minimum criteria for reporting of identified environmental themes in terms of section 24(5)(a) and (h) of the National Environmental Management Act, 1998,

when applying for environmental authorisation (GN 648 in GG 424551 of 10 May 2019)

- Proposed regulations pertaining to financial provisioning for the rehabilitation and remediation of environmental damage caused by reconnaissance, prospecting, exploration, mining or production operations (GN 667 in GG 42464 of 17 May 2019)
- Consultation on intention to amend the Environmental Impact Assessment Regulations, 2014, as amended (GN 1496 in GG 42849 of 22 November 2019)
- Proposed procedures to be followed for the assessment and minimum criteria for reporting of identified environmental themes in terms of section 24(5)(a) and (h) of the Act, when applying for environmental authorisation (GN 9 in GG 42946 of 10 January 2020).
- Extension of Time to Comment on the draft Procedures to be followed for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes when applying for Environmental Authorisation (GN 199 in GG 43046 of 25 February 2020)
- Consultation on intention to amendment of section 24H Registration Authority Regulations, 2016 (GN 40 in GG 42967 of 24 January 2020)
- Notice calling for submissions, scientific information, socio-economic information or any other relevant information to the Advisory Committee (High-Level Panel) appointed to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros (Gen N 221 in GG 43173 of 27 March 2020)
- Extension of date for submissions and information (Gen N 277 in GG 43332 of 15 May 2020)

7.2 National Environmental Management: Air Quality Act 39 of 2004

7.2.1 Draft Regulations and Notices

- Proposed amendment to the listed activities and associated minimum emission standards identified in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (GN 686 in GG 42472 of 22 May 2019)
- Consultation on the intention to repeal the Regulations regarding Fuel

Burning Appliances in Dwelling Houses made in terms of section 44(1)(dA) of the Atmospheric Pollution Prevention Act, 1965 (GN 1113 in GG 42669 of 30 August 2019)

- Consultation on the intention to repeal the Smoke Control Regulations made in terms of section 18 of the Atmospheric Pollution Prevent Act, 1965 and the Smoke Control Zone Orders made in terms of section 20 of the Atmospheric Pollution Prevention Act, 1965 (GN 1114 in GG 42669 of 30 August 2019)
- Consultation on the intention to repeal the Regulations relating to the inspection of premises in a dust control area made in terms of section 33(1) (b) of the Atmospheric Pollution Prevent Act, and the Dust Control Areas declared in terms of section 27(1) of the Atmospheric Pollution Prevention Act, 1965 (GN 1115 in GG 42669 of 30 August 2019)
- Proposed amendment of the National Green-house Gas Emission Reporting Regulations – (GN 1136 in GG 42684 of 6 September 2019)
- Proposed amendments to the regulations regarding the phasing-out and management of ozone depleting substances (GN 1658 in GG 42908 of 13 December 2019)

7.3 National Environmental Management: Biodiversity Act 10 of 2004

7.3.1 Draft Regulations and Notices

- Draft norms and standards relating to the management of seabirds in captivity (GN 1329 in GG 42775 of 18 October 2019)

7.4 National Environmental Management: Integrated Coastal Management Act 24 of 2008

7.4.1 Draft Regulations and Notices

- Draft general discharge authorisation in terms of section 69(2) (GN 1089 in GG 42657 of 23 August 2019)

7.5 National Environmental Management: Protected Areas Act 57 of 2003

7.5.1 Regulations

- Addo Elephant National Park Marine Protected Area Regulations (GN R777 in GG 42479 of 23 May 2019)

- Amathole Offshore Marine Protected Area Regulations (GN R778 in GG 42479 of 23 May 2019)
- Agulhas Front Marine Protected Area Regulations (GN R779 in GG 42479 of 23 May 2019)
- Agulhas Bank Complex Marine Protected Area Regulations (GN R780 in GG 42479 of 23 May 2019)
- Aliwal Shoal Marine Protected Area Regulations (GN R781 in GG 42479 of 23 May 2019)
- Benguela Muds Marine Protected Area Regulations (GN R782 in GG 42479 of 23 May 2019)
- Browns Bank Corals Marine Protected Area Regulations (GN R783 in GG 42479 of 23 May 2019)
- Cape Canyon Marine Protected Area Regulations (GN R784 in GG 42479 of 23 May 2019)
- Childs Bank Marine Protected Area Regulations (GN R785 in GG 42479 of 23 May 2019)
- Namaqua Fossil Forest Marine Protected Area Regulations (GN R786 in GG 42479 of 23 May 2019)
- Namaqua National Park Marine Protected Area Regulations (GN R787 in GG 42479 of 23 May 2019)
- Isimangaliso Marine Protected Area Regulations (GN R788 in GG 42479 of 23 May 2019)
- Port Elizabeth Corals Marine Protected Area Regulations (GN R789 in GG 42479 of 23 May 2019)
- Uthukela Marine Protected Area Regulations (GN R790 in GG 42479 of 23 May 2019)
- Orange Shelf Edge Marine Protected Area Regulations (GN R791 in GG 42479 of 23 May 2019)
- Southeast Atlantic Seamounts Marine Protected Area Regulations (GN R792 in GG 42479 of 23 May 2019)
- Protea Banks Marine Protected Area Regulations (GN R793 in GG 42479 of 23 May 2019)
- Robben Island Marine Protected Area Regulations (GN R794 in GG 42479 of 23 May 2019)

- Southwest Indian Seamount Marine Protected Area Regulations (GN R795 in GG 42479 of 23 May 2019)
- Agulhas Muds Marine Protected Area Regulations (GN R796 in GG 42479 of 23 May 2019)

7.5.2 Notices

- Declaration of certain properties situated in the Northern Cape Province the Meerkat National Park (Proclamation 15 in GG 43145 of 27 March 2020)
- Notice declaring the Addo Elephant Marine Protected Area in terms of section 22a of the Act (GN 757 in GG 42478 of 23 May 2019)
- Notice declaring the Agulhas Bank Complex Marine Protected Area in terms of section 22a of the Act (GN 758 in GG 42478 of 23 May 2019)
- Notice declaring the Aliwal Shoal Marine Protected Area in terms of section 22a of the Act (GN 759 in GG 42478 of 23 May 2019)
- Notice declaring the Agulhas Muds Marine Protected Area in terms of section 22a of the Act (GN 760 in GG 42478 of 23 May 2019)
- notice declaring the Agulhas Front Marine Protected Area in terms of section 22a of the Act (GN 761 in GG 42478 of 23 May 2019)
- Notice declaring the Benguela Muds Marine Protected Area in terms of section 22a of the Act (GN 762 in GG 42478 of 23 May 2019)
- Notice declaring the Amathole Offshore Marine Protected Area in terms of section 22a of the Act (GN 763 in GG 42478 of 23 May 2019)
- Notice declaring the Childs Bank Marine Protected Area in terms of section 22a of the Act (GN 764 in GG 42478 of 23 May 2019)
- Notice declaring the Browns Bank Corals Marine Protected Area in terms of section 22a of the Act (GN 765 in GG 42478 of 23 May 2019)
- Notice declaring the Cape Canyon Marine Protected Area in terms of section 22a of the Act (GN 766 in GG 42478 of 23 May 2019)
- Notice declaring the Namaqua Fossil Forest Marine Protected Area in terms of section 22a of the Act (GN 767 in GG 42478 of 23 May 2019)
- Notice declaring the Namaqua National Park Marine Protected Area in terms of section 22a of the Act (GN 768 in GG 42478 of 23 May 2019)
- Notice declaring the Orange Shelf Edge Marine Protected Area in terms of section 22a of the Act (GN 769 in GG 42478 of 23 May 2019)

- Notice declaring the Port Elizabeth Corals Marine Protected Area in terms of section 22a of the Act (GN 770 in GG 42478 of 23 May 2019)
- Notice declaring the Protea Banks Marine Protected Area in terms of section 22a of the act (GN 771 in GG 42478 of 23 May 2019)
- Notice declaring the Isimangaliso Marine Protected Area in terms of section 22a of the act (GN 772 in GG 42478 of 23 May 2019)
- Notice declaring the Southeast Atlantic Seamounts Marine Protected Area in terms of section 22a of the Act (GN 773 in GG 42478 of 23 May 2019)
- Notice declaring the Robben Island Marine Protected Area in terms of section 22a of the Act (GN 774 in GG 42478 of 23 May 2019)
- Notice declaring the Southwest Indian Sea-Mount Marine Protected Area in terms of section 22a of the Act (GN 775 in GG 42478 of 23 May 2019)
- Notice declaring the Uthukela Marine Protected Area in terms of section 22a of the Act (GN 776 in GG 42478 of 23 May 2019)
- Declaration of an area specified in the notice as part of Addo Elephant National Park (GN 1330 in GG 42775 of 18 October 2019)

7.5.3 Draft Regulations and Notices

- Draft amendments to certain regulations governing various marine protected areas (GN 321 in GG 43110 of 20 March 2020)

7.6 National Environmental Management: Waste Act 59 of 2008

7.6.1 Notices

- Withdrawal of the Section 28 notice calling for paper and packaging industry, electrical and electronic industry and the lighting Industry Waste Management Plans in terms of section 28 of the Act (GN 1659 in GG 42902 of 13 December 2019)

7.6.2 Draft Regulations and Notices

- Consultation on intention to require a person who conducts a waste management activity listed under the National Environmental Management: NEM:WA, 2008 (Act No. 59 of 2008) on the date of coming into effect of the act, and who immediately, before that date, lawfully conducted that waste management activity under Government Notice no. 91 of 01 February 2002, to apply for a WML under the Act (GN 541 in GG 42380 of 5 April 2019)

- Draft national norms and standards for organic waste composting (GN 1135 in GG 42681 of 4 September 2019)
- Draft revised and updated National Waste Management Strategy (GN 1561 in GG 42879 of 3 December 2019)
- Extension of time to comment on the draft revised and updated National Waste Management Strategy (GN 172 in GG 43022 of 14 February 2020)
- Consultation on applications received for the exclusion of waste streams or a portion of such waste streams from the definition of waste for the purposes of beneficial use (GN 1077 in GG 42645 of 16 August 2019).



INDUSTRIAL COMPLIANCE AND ENFORCEMENT



8. INDUSTRIAL COMPLIANCE AND ENFORCEMENT

8.1 Pro-active Compliance Inspections/Enforcement Action

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
FERRO-ALLOY, IRON AND STEEL			
Arcelor-Mittal Newcastle Works, KwaZulu-Natal	<p>The Supreme Court of Appeal made a decision to set aside the Compliance Notice and Directive on the 17th of April 2020. This Compliance Notice in the main dealt with the belief that a site which was used to store waste caused damage to the environment as well as ancillary actions which it was believed are subject to the provisions of NEM:WA. The court however ruled, amongst others, that:</p> <ul style="list-style-type: none"> A waste disposal site established prior to the enactment of the NEM:WA as well as the ECA is not subject to the provisions contained therein. For this reason, the Minister has at her disposal the power to compel these type of facilities to apply for a WML. This provision is contained in section 80(4) of the NEM:WA. To date, this has not been done. <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 13 of NECER 2007-2008; Page 25 of NECER 2008-2009; Pages 45 – 46 of NECER 2010-2011; Page 43 of NECER 2011-2012; Page 43 of NECER 2012-2013; Page 44 of NECER 2013-2014; Page 44 of NECER 2014-2015; Page 44 of NECER 2015-2016; Page 47 of NECER 2017-2018; and Page 46 of NECER 2018-2019.</p>	BHP Billiton Metalloys Meyerton, Gauteng (Now known as South 32)	<p>measures contained in the IRRP will be guided in terms of Part 8 of the NEM:WA (Contaminated land).</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 13 of NECER 2007-2008; Page 27 of NECER 2009-2010; Pages 43 - 44 of NECER 2010-2011; Page 42 of NECER 2011-2012; Page 42 of NECER 2012-2013; Pages 44 - 45 of NECER 2013-2014; Page 44 of NECER 2014-2015; Page 44 of NECER 2015-2016; and Page 51 of NECER 2016-2017.</p>
BHP Billiton Metalloys Meyerton, Gauteng (Now known as South 32)	<p>A Compliance Notice was issued to this facility on the 11th of May 2016 which called for the submission of an Integrated Rehabilitation and Remediation Plan ("IRRP") which in the main dealt with the waste and waterrelated issues that were detected. The Department, in consultation with the DHSWS approved the IRRP in 2018. The implementation of the measures contained in the IRRP will be guided in terms of Part 8 of the NEM:WA (Contaminated land)</p>	Transalloys (Pty) Ltd, Mpumalanga	<p>The inspection report was issued to the facility on the 19th of August 2019, and representations were received on the 23rd of October 2019. An enforcement process was initiated on the 14th of May 2020 which provided the facility with an opportunity to make a representation to the non-compliances that were detected. The DEFF is awaiting these representations, following which a decision will made on how to proceed with the matter.</p> <p>Discussions on previous compliance and enforcement activities related to this facility may be found in the previous NECER publications as follows:</p> <p>Page 47 of NECER 2013-2014; Page 46 of NECER 2014-2015; Page 56 of NECER 2015-2016; Page 53 of NECER 2016-2017; and Page 47 of NECER 2018-2019.</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Samancor Ferrochrome, Mpumalanga Province	<p>The criminal case in relation to this matter was provisionally withdrawn and the status in that regard still remains.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 41 of NECER 2010-11 Page 38 of NECER 2011-12 Page 38 of NECER 2012-13 Page 56 of NECER 2015-16; Page 52 of NECER 2016-17; and Page 47 of NECER 2018-2019</p>
Samancor Tubatse Ferrochrome, Limpopo Province	<p>In order to continuously monitor the compliance status at this facility another inspection was conducted on the on 02 July 2019 where the following alleged non-compliances were observed:</p> <ul style="list-style-type: none"> • Non-compliances with the conditions contained in the WML number 112/9/11/L1051/5 dated 03 May 2017; • Non-compliance with the with the duty of care provisions of the NEM:WA; • Non-compliance with the provisions of Section 24F of the NEMA by illegally commencing with Activity 19 of GNR 983 of December 2014 without an EA; • Commencement with activities which are defined as water uses in terms of Section 21 of the NWA without the necessary authorisation; and • Establishment of the H:H Baghouse Dust Disposal Facility within 500m of a watercourse which possibly triggered Section 21 of the NWA for which a Water Use Licence is required. <p>An enforcement response was initiated on the 14th of May 2020 which required the facility to make representations to these allegations of non-compliance.² Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 47 of NECER 2018-2019.</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
ArcelorMittal Vanderbijlpark, Gauteng	<p>As indicated in the 2018-2019 NECER the administrative enforcement action in relation to this case was suspended given the significance of the non-compliances that were detected in relation to air quality. This decision was taken in order to concentrate available resources on the criminal investigation. At the time of providing input in relation to this report, the finalisation of the criminal case was imminent. Considering the status quo of the criminal case, the administrative enforcement process was reinstated by virtue of a status update that was sent to the facility on the 02nd of April 2020.³</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 26 of NECER 2008-2009; Page 44 of NECER 2010-2011; Page 42 of NECER 2011-2012; Page 42 of NECER 2012-2013; Page 53 of NECER 2016-2017; and Page 48 of NECER 2018-2019.</p>
ArcelorMittal Saldanha Works	<p>The non-compliances in respect of this facility were recorded on page 48 of the NECER 2018-2019. In response to this the inspection report was issued and a response to the findings were received on the 19th of April 2019. After having reviewed the representations an enforcement response was initiated.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 25 of NECER 2009-2010; and Page 48 of NECER 2018-2019.</p>

² At the time of providing input into this table the representations were not yet submitted.

³ A response to this status update letter is pending.

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Tronox KZN Sands CPC Smelter, KwaZulu-Natal	<p>The following non-compliances were found during an inspection conducted at the facility on 6 November 2018:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL; • Contravention of the NEM:WA Norms and Standards for Storage of Waste; • Contravention of NEM:WA Waste Classification and Management Regulations and National Norms and Standards for the Assessment of Waste for Landfill Disposal; • Expansion of dams and installation of storage tanks without authorisations; • Storage of waste on unlined areas; and • Overflowing effluent dams. <p>An enforcement response in respect of these non-compliances was initiated by affording the facility an opportunity to make representations. At the time of providing input into this report the respective responses were still awaited.</p>
Glencore Lion Smelter Operations, Limpopo	<p>In light of the representations received from the facility in response to the Inspection Report that was issued, as well as complaints regarding potential environmental non-compliances and impacts associated with the operation of the facility, an enforcement process was initiated on the 27th of August 2019. The facility provided the Department with its representations.</p> <p>Following a review of the representations, the Department decided to institute a review of the facility's WML. As such, the enforcement action was temporarily suspended in order for this process to be finalised.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 48 of NECER 2014-2015; and Page 56 of NECER 2015-2016</p>
REFINERIES	
Sasol Secunda Refinery, Mpumalanga	<p>A follow-up inspection was conducted at Sasol Secunda operations on 9 and 10 April 2019. The following possible contraventions/ non-compliances were found:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the authorisations (WMLs, EAs and AELs).

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Sasol Secunda Refinery, Mpumalanga	<ul style="list-style-type: none"> • Non-compliances to conditions of the authorisations (WMLs, EAs and AELs). • Groundwater pollution from waste management and other activities. • Emissions exceeding the relaxed limits (postponement from MES) from the incinerators. • Activities commenced and operated without the required EIA authorisations. • Failure to comply with duty of care in relation to waste management activities. • Failure to comply with the Waste Classification and Management Regulations in relation to assessment, classification and proper disposal of waste. <p>In response to the non-compliances and issues of concern identified during the follow-up compliance inspection, an enforcement response was initiated on the 10th of February 2020. The facility was afforded an opportunity to submit representations upon receipt of the PCN. As a result of the National Lockdown in response to the COVID pandemic, an extension was granted.</p> <p>Following a review of the representation submitted, the Department will make an informed decision on the way forward on this matter.</p> <p>Page 13 of NECER 2007-2008; Page 27 of NECER 2008-2009; Page 25 of NECER 2009-2010; Page 40 of NECER 2010-2011; Page 36 of NECER 2011-2012; Page 37 of NECER 2012-2013; Page 48 of NECER 2013-2014; Page 49 of NECER 2014-2015; Page 57 of NECER 2015-2016; and Page 53 of NECER 2016-2017.</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Astron Energy (Pty) Ltd (Previously known as Chevron Refinery), Western Cape	<p>Subsequent to the inspection report issued on 04 July 2018, a response was received from Chevron on 31 August 2018. The response, which includes an Action Plan from the facility to address the findings of non-compliance was reviewed and a letter requesting further information was sent to the facility on 07 February 2019. This information was received on 11 March 2019. The information was reviewed and the Department has noted ongoing progress to address the findings. Response to this was sent to the facility on 26 May 2020.</p> <p>Discussion on previous compliance and enforcement activities related to this facility can be found in previous NECER publications as follows:</p> <p>Page 27 of NECER 2008-2009; Page 25 of NECER 2009-2010; Page 39 of NECER 2010-2011; Page 36 of NECER 2011-2012; and Page 50 of NECER 2017-2018.</p>	Eskom Kendal Power Station	<p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 55 of NECER 2016-2017; Page 50 of NECER 2017-2018; and Page 48 of NECER 2018-2019.</p>
POWER GENERATION			
Eskom Kendal Power Station	<p>An enforcement response was initiated on the 09th of November 2018 by the Department. The non-compliances were based on air emission exceedances, as well as poor maintenance of pollution control equipment/ abatement.</p> <p>The facility submitted its representations on the 31st of January 2019 with an Action List which set out the facility's commitment to undertake measures within certain timeframes. However, despite these commitments being made, ongoing complaints in relation to air quality concerns were reported to the Department. Having noted the seriousness of these reports, a criminal investigation was initiated on the 16th of May 2019. The findings that were made led to an additional process which eventually led to Eskom being instructed in terms of a Compliance Notice to cease the operation of units 1 and 5 and to institute urgent maintenance measures. Eskom submitted an objection to this Compliance Notice to the Minister. The Minister, after adjudicating the merits thereof made a decision to confirm the Compliance Notice, albeit with slight amendments to the timeframes for the cessation of each of the units to take effect. As matters currently stand, a specialist report was submitted to the Department outlining the maintenance measures that will be instituted to remedy this situation. The Department required this report to be adjusted to include timeframes for the implementation of the measures.</p>	Eskom Lethabo Power Station	<p>A follow up inspection conducted at the facility on 28 and 29 July 2019 revealed the following non-compliances:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL • Failure to comply with duty of care observed in relation to the following: <ul style="list-style-type: none"> ◦ Exceedances of the PM limits reported to be as a result of frequent failures and unavailability of the SO3 Plant ◦ Ash spillages across various parts of the facility contributing to dust fallout ◦ Unlined and inadequately lined waste water dams with potential to seep into groundwater ◦ Unlined ash disposal dam which may be contributing to groundwater contamination recorded on site <p>An enforcement response was initiated in May 2020 which allowed the facility to make representations to the allegations of wrongdoing.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 24 of NECER 2009-2010; Page 53 of NECER 2010-2011; Page 49 of NECER 2011-2012; Page 48 of NECER 2012-2013; Page 54 of NECER 2013-2014; Page 55 of NECER 2016-2017; Page 50 of NECER 2017-2018; and Page 49 of NECER 2018-2019</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Eskom Camden Power Station, Mpumalanga	<p>An enforcement response in relation to this facility was initiated in August 2018 and was temporarily suspended due to the submission of an action plan by Eskom. After a review of the status of the commitments in July 2019 it was found that limited or no progress had been made and as such a decision was made to compel Eskom to implement the actions within certain timeframes. This decision was captured in a Compliance Notice and issued in May 2020.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 50 of NECER 2011-2012; Page 49 of NECER 2012-2013; Page 51 of NECER of 2017-2018; and Page 49 of NECER 2018-2019.</p>	Eskom Duvha Power Station, Mpumalanga	<p>A baseline joint inspection was conducted at the facility by EMLs from this Department, DHSWS, Mpumalanga DARDLEA and Nkangala District Municipality on 29 and 30 October 2019. The following non-compliances and contraventions were found:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL; • Water use activities conducted on site without WULs; • Activities that may cause harm to health and environments amongst others: <ul style="list-style-type: none"> ◦ Unlined dirty water dams which may be contributing to groundwater contamination recorded on site; ◦ Recurrence of overflow incidents from dirty water dams; ◦ Disposal of waste like coal rejects, sulphuric acid sludge and spent resins at the unlined Ash Dam; ◦ Excessive dust emissions; ◦ PM exceeding the stipulated limits; and • Failure to classify waste in terms of NEM:WA Norms and Standards for Assessment of Waste for Landfill Disposal <p>An additional request for information was issued to the facility. At the time of writing up this report the information was still unavailable.</p>
Eskom Tutuka Power Station, Mpumalanga	<p>A follow-up joint compliance monitoring inspection was conducted on 28 and 29 August 2018 and the following non-compliances were found:</p> <ul style="list-style-type: none"> • Non-compliances to conditions of the AEL including lack of submission of reports and exceedances of the emissions limits; • Non-compliances to conditions of the EAs; • Non-compliances to conditions of the WML; • Non-compliances to conditions of the WUL; • Ground and surface water pollution around the site; • Discharge of sewage water not meeting the limits from sewage works into watercourses; and • Unlined dirty water dams posing risk to water resources. <p>An enforcement response was initiated on the 19th of August 2019 and a response thereto was received on the 04th of October 2019 in the form of an action plan. The Department decided to compel Eskom to comply with the respective actions within certain timeframes by issuing a Compliance Notice in May 2020.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 58 of the NECER 2015-2016; and Page 49 of the NECER 2018-2019.</p>	HAZARDOUS LANDFILLS	
		EnviroServ Shongweni Landfill Site, KwaZulu-Natal	<p>The administrative enforcement action was closed off. The criminal investigation was finalised and a decision was made to prosecute. This case was set down for trial proceedings to commence in the 2020/ 2021 financial year.</p> <p>The Department placed a continuous air quality monitor at this site and the emissions are monitored on a regular basis.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 56 of NECER 2016-2017; Page 51 of NECER 2017-2018; and Page 49 of NECER 2018-2019.</p>

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process	Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
FG Landfill Site, Gauteng	<p>In light of the Minister's Appeal Decision dated the 03rd of November 2018 to uphold the Directive, the facility submitted documentation and proposals in order to comply with instructions contained in the Directive. In response to the above and as required by two (2) specific instructions contained in the Directive, the Department issued the facility with a letter dated the 10th of May 2019, approving the appointment of certain specialists to undertake a Technical Assessment as well as a Health Risk Assessment of the facility.</p> <p>The Department continues to monitor the facility's compliance with the instructions contained in the Directive. In addition to the above, a continuous air quality monitor was placed in close proximity to this site which is being monitored.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 52 of NECER 2017-2018; and Page 50 of NECER 2018-2019.</p>	Foskor Richards Bay Operations, KwaZulu-Natal	<ul style="list-style-type: none"> Document management was found to be very poor and documents to demonstrate compliance were mostly not available. <p>The Inspection report was issued to the facility on 01 November 2019 and the facility responded to the findings on 29 November and 11 December 2019.</p> <p>An enforcement response was initiated in May 2020 which provided the facility with an opportunity to make representations.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 52 of NECER 2011-2012; Page 50 of NECER 2012-2013; and Page 42 of NECER 2013-2014.</p>
TRANSPORT FACILITIES			
Foskor Richards Bay Operations, KwaZulu-Natal	<p>The following possible non-compliances were found during a follow-up inspection conducted at Foskor on 30 to 31 July 2019:</p> <ul style="list-style-type: none"> Non-compliances to conditions of authorisations (WML and AEL) Activities causing or with potential to cause harm to the environment amongst others: <ul style="list-style-type: none"> Damaged liner, seepage and daylighting of contaminated stormwater and process water dams Unlined Still Basin used to collect contaminated water from the Gypsum Dam as well as continued disposal of gypsum at the Gypsum Dam Excessive dust emanating from the Gypsum Dam Acid leaking from storage tanks Failure to comply with duty in respect of waste management for: <ul style="list-style-type: none"> Mixing of hazardous and radioactive waste for disposal hazardous waste disposal sites not authorised to accept radioactive waste Sulphur ash stored on unbunded area Failure to classify waste in terms of the NEM:WA National Norms and Standards for the Assessment of Waste for Landfill Disposal 	Dube TradePort MRO Hangar - KwaZulu-Natal	<p>An enforcement process was initiated⁴ in respect of the non-compliances that were detected in October 2018. An action plan was developed by the facility in order to specifically address the following:</p> <ul style="list-style-type: none"> Illegal water use activities Potential harm to the environment and water resources Inadequate rehabilitation measures Incorrect storage of hazardous waste <p>This was monitored on the 12th of December 2019 and on the 08th of April 2020. Satisfied that compliance was achieved the Department proceeded to close out this matter on the 06th of May 2020.</p> <p>Discussions on previous compliance and enforcement activities related to this facility can be found in the previous NECER publications as follows:</p> <p>Page 50 of NECER 2018-2019.</p>
		Dube TradePort Corporation- KwaZulu-Natal	<p>An enforcement process was initiated⁴ in respect of non-compliances that were detected in October 2018. An action plan was developed by the facility in order to specifically address the following:</p> <ul style="list-style-type: none"> Potential harm to the environment and water resources; Illegal water activities; and Inadequate rehabilitation measures.

⁴ 19th of August 2019.

⁴ 14th of August 2019.

Name of Facility	Principle findings related to environmental non-compliance, findings of follow-up inspections and status of enforcement process
Dube TradePort Corporation- KwaZulu-Natal	Based on the response received and satisfied that compliance was achieved, the Department proceeded to close out this matter on the 13 th of December 2019.

The information contained in the table above, describes the actions taken by the Environmental Management Inspectorate within the industrial sector. The work described in the table below forms part of a continuous compliance and enforcement program which dates back to 2006 when the Environmental Management Inspectorate was formed. It is furthermore important to note, that undertaking compliance and enforcement within this space requires a significant amount of planning and coordination since the regulatory function in respect of the different environmental media that is impacted by these facilities cuts across all spheres of government which are represented by many different Departments. The compliance and enforcement approach which is aimed at improving the environmental compliance profile of these facilities at times takes several years to complete, as significant investment is required in order to phase in new technology. Many improvements have been noted over the years but significant non-compliances are still detected from time to time at some of these facilities.

8.2 Barberton Nature Reserve Illegal Mining Project: 2019/20 progress report

In the 2018/19 NECER, the Barberton Protected Area enforcement project was an initiative which came about as a response to the outcomes of the Constitutional Court judgment which announced, that mining in specific types of protected areas is prohibited by section 48 of NEM:PA. Phase 1 of the enforcement project was undertaken during the 2018/2019 financial year and investigations initiated in this period identified the need for a further phase of this enforcement project to be undertaken in this reporting period. In doing so and in line with the success of the first phase, a multi-agency initiative was launched with the participation of officials from the DEFF, IUCM, MTPA and the DMRE.

The target of this operation focused on new illegal mining activities which were observed whilst undertaking aerial surveillance of this area on the 28th of August 2019. Furthermore, the scope of this project also included areas

which were mined in the past and which were not rehabilitated and had led to environmental damage. In total, 9 (nine) new sites were detected which included sites which were inaccessible by foot.

The following can be reported as a result of this second phase:

- 10 criminal cases were registered;
- In 3 (three) of these cases prosecutors made decisions to prosecute. In one of the cases the accused was convicted on the 12th of February 2020 and the matter was postponed to the 29th of April 2020 for sentencing¹
- 1 (one) further investigation was finalised and a decision on whether to prosecute this matter is awaited;
- Investigations in relation to six (6) of these cases is still ongoing.

Notwithstanding the existing criminal investigations currently underway, enforcement notices were issued to the perpetrators in order to compel remedial activities to be undertaken. The representations that were received in some of these cases did not address the environmental harm issues and in some instances, the recipients denied responsibility to remediate the environment as a result of operators having been liquidated. The veracity of these claims are however still under investigation.



⁵ This was the current status of these cases at the time of writing this article



8.3 Garden Route National Park Enforcement Operation.

Garden Route Biosphere Reserve (GRBR) is located within the Cape Floristic Region along the southern coast of the country. Core protected areas include the Garden Route National Park (GRNP), Goukamma Nature Reserve, the Robberg Coastal Corridor Protected Environment and the Robberg MPA. The GRNP includes the previously proclaimed Tsitsikamma National Park (TNP), Wilderness National Park (WNP), state forests and mountain catchment areas, as well as the Knysna National Lake Area. The latter is managed as a Protected Environment (with promulgated regulations). The GRBR was officially recognised by UNESCO last year in Paris and has a rich diversity of natural habitats with great natural beauty that underpins the tourism economy.

Knysna is famous not only for its indigenous forests, but also its estuary, which is the biggest, and most ecologically important in the country. The Knysna Estuary is classified as an estuarine bay, the only system of its kind in South Africa. The total surface area of the bay is estimated at 1827 hectares. The channel of the estuary is ~ 19km long and 2km wide. The main source of freshwater in the estuary is derived from the Knysna River catchment. The Knysna Estuary is home to a number of critically endangered invertebrate species including the Knysna seahorse (*Hippocampus capensis*), the pulmonate limpet, *Siphonaria compressa*, and the Pansy shell (*Echinodiscus bisperforatus*). This seahorse is one of six species of seahorses found in South Africa, and is the only species in the world that is on the IUCN's (International Union for Conservation of Nature) endangered list – largely because of encroachment on its natural habitat by urban and industrial development.

As a consequence, the Knysna Estuary ranks very highly in terms of its conservation importance and the preservation of its fauna and flora would ensure that nearly 43% of South Africa estuarine biodiversity would be conserved. The estuary is also very important to South Africa's fishing industry – it contributes 22% of the nation's estuarine value to commercial fishing, and is the country's most important nursery to line fish like red stumpnose, cob, white steenbras and spotted grunter. As a source of food to local people, several hundred people rely on it for putting foods on their plate every night.

The inflow of freshwater into the estuary is essential for the functioning of the estuary. The Knysna catchment area covers the Knysna River catchment between the Indian Ocean coastline in the south, and the crests of the east-west trending Klein Langkloof mountains (part of the Outeniqua mountain system) in the north. The main tributaries of the Knysna River are the Kruis, Rooiels and Gouna rivers. The Salt River and Bigai Stream have separate inflows into the Knysna Lagoon. The Knysna Estuary receives varying river inflow. The tidal flow covers an area of 1827 hectares at HWST (high water of spring tide). These inflows, together with the contribution of stormwater inflow and the Knysna Sewage Treatment Works outflow into the Ashmead Channel, contribute to the supply of nutrients (nitrogen and phosphorus) to the estuarine ecosystem. Dissolved oxygen is sustained at near saturation throughout the system, and pH increases conservatively with an increase in salinity from Charlesford Weir. The maintenance of clear water is critical to the functioning of the Knysna Estuary.

In June 2017, one of the worst veldfires in the Knysna region of the Western Cape burned 15000 hectares-from Knysna to Sedgefield in the west, and to Plettenberg Bay, destroying 800 buildings, 5000 hectares of forest plantations and claiming the lives of 7 people. Businesses were also dealt a blow with 151 affected and 47 totally destroyed. The intensity of the veldfires was fuelled by fuel load. Adding to the fuel load was the presence of alien invasive plants, including commercial pine plantations close to the town and also invasions of pine, wattles and eucalyptus trees in the coastal vegetation and mountain catchments. It is reasonably believed that the veldfire was exacerbated by invasive plant species as they are highly flammable in nature and therefore a cause of concern which needed to be addressed.

The factors mentioned above formed the justification for undertaking a multi-agency enforcement operation in order to exhibit optimum efficiency and effectiveness, in addressing all forms of contraventions of environmental legislation. The authorities which participated consisted of the DEFF, the Western Cape DEAP, SANPARKS, Knysna Municipality, and the Breede-Gouritz Catchment Management agency. Furthermore, by undertaking the operation in this manner, resources could be pooled and further efficiencies were observed when using the Working for Fire helicopter in collaboration with the Knysna Municipality's extensive data network system the areas which were impacted the most on a land use level were targeted. The specific activities that were incorporated into the operation plan were the most degraded properties that were infested with alien and invasive species, unlawful clearing of indigenous vegetation, unlawful abstraction of water and hydrocarbon discharges into the Knysna Estuary.

In total, 18 pre-directives were issued under the NEM:BA to tackle the infestation of Alien and Invasive Species, which in turn led to most of the land owners submitting invasive species control plans, while others have asked for an extension of timeframes to submit written representations and control plans. These control plans effectively deal with approximately 500 hectares of land invaded by invasive species. Several nurseries were also inspected which led to numerous prohibited plants being destroyed. In addition to the above, 7 notices of intention to issue compliance notices were issued under NEMA for cases related to diesel and petrol spillages, abattoir discharges, illegal structures, and the illegal establishment of vineyards on the western heads of Knysna. In all these cases, the recipients complied with the notices by effecting successful rehabilitation.

Each department's participation in this operation demonstrated the commitment of the South African Government to combat environmental crimes, and emphasised the integrated approach to future enforcement operations, not only for the benefit of the Garden Route, but also for all of South Africa's fragile ecosystems.



BIODIVERSITY COMPLIANCE AND ENFORCEMENT



9. BIODIVERSITY COMPLIANCE AND ENFORCEMENT

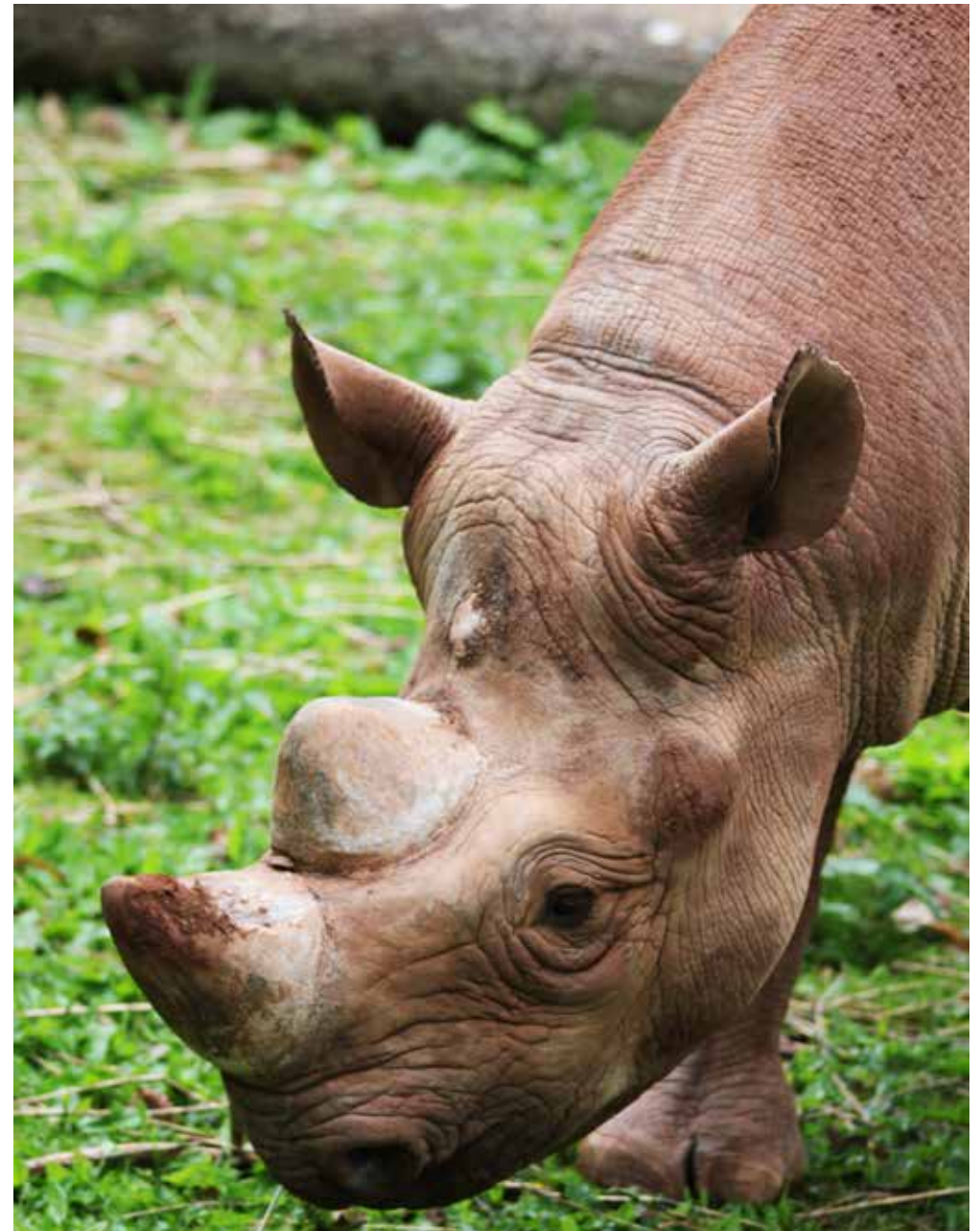
In the 2019/20 reporting period, biodiversity compliance and enforcement continued to focus on the high-risk species, such as rhinoceros, elephants, pangolins and cycads, while still ensuring that other species receive the protection from the Inspectorate. The cases cited below are just a few examples of the successful convictions that have been obtained in respect of these species.

In addition to pursuing the criminal prosecution and conviction of offenders of biodiversity legislation, the Inspectorate has also been involved in a number of proactive international and domestic projects/ initiatives that seek to improve the capacity of the EMIs to combat these types of offences.

In relation to rhino cases, EMIs from all the relevant institutions are actively involved in anti-poaching operations, crime scene management, ongoing support to the SAPS members (who take the lead in investigating these cases) as well as the NPA. The MINTECH Working Group IV's National Biodiversity Investigators Forum (NBIF) with its sub-committee focused on rhinoceros, is an important forum for sharing of information to enhance the collaboration and co-ordination between the Inspectorate and SAPS in relation to biodiversity investigations.

EMIs continue to participate in the various security cluster enforcement structures, including the NATJOINTS Priority Committee on Wildlife Crime and the associated PROVJOINTS (with support offered in relation to relevant projects and operations). Various joint operational centres (such as the Mission Area Joint Operations Centre (MAJOC) in the Kruger National Park) are key platforms for planning and execution of joint operational work which also involves EMI institutions (like SANParks).

As a result of implementing all the aspects of the Integrated Strategic Management Approach for Rhinoceros (including compulsory interventions focused on law enforcement and security), the Minister announced in February 2020 that the poaching continued to decline as additional steps are taken by government to ensure the crime is effectively dealt with. As indicated in the table below, by the end of December 2019, the number of poached rhinoceros for **2019** was **594** compared to the previous year when the number of rhinoceros poached stood at **769**.



This is, in part, due to the concerted efforts of our law-enforcement and security agencies.

9.1: Total Number of Rhinos poached in South Africa for 2011 to 2019

INSTITUTION/PROVINCE	2011	2012	2013	2014	2015	2016	2017	2018	2019
SANParks (Kruger National Park)	252	425	606	827	826	662	504	422	327
SANParks (Marakele National Park)	6	3	3	0	-		0	0	1
SANParks (Mapungubwe National Park)	0	0	0	1	-		0	0	0
KZN	34	66	85	99	116	162	222	142	133
Limpopo	74	59	114	110	91	90	79	40	45
Western Cape	6	2	0	1	1	0	0	0	0
Eastern Cape	11	7	5	15	14	17	12	19	2
Gauteng	9	1	8	5	2	6	4	2	5
North West	21	77	87	65	46	56	96	65	32
Free State	4	0	4	4	10	17	38	16	11
Northern Cape DEANC	0	0	0	5	2	12	24	12	4
Mpumalanga	31	28	92	83	67	32	49	51	34
TOTAL	448	668	1004	1215	1175	1054	1028	769	594



**PROSECUTION OF ENVIRONMENTAL OFFENCES
IN 2019/20**

10. PROSECUTION OF ENVIRONMENTAL OFFENCES IN 2019/20

In the 2019/20 FY, the National Prosecuting Authority (NPA) recorded **883** criminal trials in which a verdict was handed down by a court of law. These cases related to offences committed in relation to legislation regulating waste and pollution, the marine and coastal environment and protected species. These include cases that were investigated by EMLs, the SAPS or other relevant law enforcement agencies. Of these verdicts, **857** were finalized through convictions, while **26** resulted in acquittals, translating into a **97,1%** conviction rate.

The tables below provide an outline of some of the more significant sentences handed down by the courts for environmental offences:

10.1 Court sentences relating to Rhinoceros



S v Jimmy Mashopane	
Province	Free State
Description	<p>The accused killed 9 rhinos and stole 14 rhino horns at Sandveld Nature Reserve in the district of Hoopstad in the Free State. According to evidence presented in court, the accused travelled from Wintervelt in Gauteng to commit these offences.</p> <p>Field rangers found nine carcasses between 29 July 2018 and 15 December 2019 when they started to intensify their patrols. On the day of the arrest, 22 January 2019, the police received information of two alleged poachers entering the Sandveld Nature Reserve. They followed the tracks until about 800 meters outside the Reserve where they found the accused under a tree. He tried to run but he was apprehended</p>
Charges	<ul style="list-style-type: none"> • 10 counts of rhino poaching, • 5 counts of theft, • 2 counts of illegal possession of ammunition, • illegal possession of firearm, possession of a prohibited firearm, • cruelty to animals; and • money laundering
Judgement/Sentence	<p>24 years imprisonment.</p> <ul style="list-style-type: none"> • 1 count of rhino poaching, cruelty to animals and money laundering (section 4 in relation to 14 horns) taken together for purpose of sentencing and handed down a sentence of a 6 year jail term. • The other nine counts of rhino poaching, five counts of theft, two counts of possession of ammunition, one count of possession of firearm and possession of prohibited firearm: to 18 years imprisonment.
S v Ndlovu & 2 Others	
Province	Eastern Cape
Description	<p>10 incidents committed over a period of 3 years, 7 rhinos died, 3 survived and 18 horns dehorned.</p> <p>During the arrest the accused were found in possession of 1 horn, dart gun, darts, ammunition, cell phones and other equipment, including knives.</p>

S v Ndlovu & 2 Others	
Description	<p>The State relied on similar facts to prove most of the charges against the accused as there was no other direct evidence linking them to these specific incidents.</p> <p>However, there were similarities between the darts found on the various scenes, the test darts & dart gun; the cell phone evidence placing the accused in contact with each other before/ after each of the poaching incidents/ around or in close vicinity of each rhino poaching scene, the cause of death being an overdose of tranquillizer and the accused being in possession of M99, the movement of the accused in the vicinity of the poaching incidents through rental vehicles and rental accommodations; DNA linkage 1 horns; the modus operandi similar to that of incidents which had occurred in KwaZulu-Natal & Limpopo.</p>
Charges	<p>55 charges:</p> <ul style="list-style-type: none"> • Theft of rhino horn, • illegal hunting by means of a device injecting an intoxicating or narcotic agent , • dehorning, & possession of rhino horn, • illegal possession of a schedule 6 medicine (M99); and • unlawful possession of ammunition.
Judgement/Sentence	25 years imprisonment.

S v Khoza	
Province	Mpumalanga
Description	After a Ranger found a rhino carcass, he tracked the accused. 3 Rhino horns were found in his possession.
Charges	<p>Charges of:</p> <ul style="list-style-type: none"> • Trespassing, • possession of unlicensed firearm, • illegal possession of ammunition, • illegal hunting and possession of dangerous weapons, and • being an illegal immigrant
Judgement/Sentence	37 years imprisonment

10.2 Prosecution statistics relating to Rhinoceros

During the 2019/20 financial year, there were a total of **41** convictions achieved relating to rhinoceros, with a conviction rate of **100%** in which **59** accused persons were convicted.

10.3 Court sentences relating to Other Species

Plants (Succulents):



S v Kim & Sunwoo	
Province	Western Cape
Description	The accused arrived in South Africa with a plan to search and collect flora. They were in the process of arranging for the flora to be exported from a nursery in the Western Cape when they were arrested.

S v Kim & Sunwoo	
Description	They were found with succulent plants listed as rare and critically rare in the SANBI Red List of South African plants. The accused's objective was to remove the oldest and largest plants they could find and a rough estimation conservatively estimates the cumulative age of the 2018 collected plants amount to at least 44 000 years.
Charges	3 counts which include: <ul style="list-style-type: none"> • Possession of flora without documentation, • picking of protected flora without a permit; and • picking of flora without written permission of the landowner and possession.
Judgement/Sentence	<ul style="list-style-type: none"> • Both accused were sentenced to 6 years direct imprisonment, wholly suspended for five years. • The court forfeited the R 2,476 million in cash from Kim and R 2,405 million from Sunwoo. • Kim was re-arrested on an Interpol warrant and his case was postponed to 28 February 2020 for an extradition to California, where he faces charges similar to the crimes he committed in South Africa. Sunwoo has been deported back to South Korea.

S v Kalman Kaminar	
Province	Western Cape
Description	At the time of his arrest, the accused had 354 plants with him – 337 were protected and 17 were unprotected. Other plants were found at a guesthouse he was staying in in Robertson. Further investigation revealed that the accused arrived in the country on 29 October 2019 on a guided tour for various succulent plants. His registered address was in Sea Point, Cape Town, before he and another drove to the Winelands region.
Description	He had a detailed itinerary with multiple stops in the area where the plants are found, detailed information on plant localities, place names and GPS coordinates of specific plants.

S v Kalman Kaminar	
Charges	2 counts of illegal possession of succulent plants declared as protected. (The South African Red Plan List declared some of the plants as vulnerable and endangered).
Judgement/Sentence	<ul style="list-style-type: none"> • 2 years direct imprisonment wholly suspended for 5 years. • Following a confiscation order overseen by the Asset Forfeiture Unit, the court ordered the accused to pay R500 000 to the State – R250 000 to be paid into the Criminal Assets Recovery Account and R250 000 to be paid to the Western Cape Nature Conservation Board

S v Zhou Li and Another	
Province	Western Cape
Charges	3 counts under the provincial Ordinance for the illegal possession and picking of 158 succulents without the necessary permits and/or documentation.
Judgement/Sentence	Sentenced to 2 years' imprisonment , which was suspended for five years, a further fine of R100 000 each . They both paid the fine of R100 000. They were also declared <i>persona non grata</i> .

S v Jaromir Chvastek and Another	
Province	Western Cape
Charges	3 counts under the provincial Ordinance for the illegal possession and picking of 1026 succulents without the necessary permits and/or documentation.
Judgement/Sentence	Sentenced to 2 years' imprisonment , which was suspended for five years, a further fine of R500 000 each . They both paid the fine of R500 000. They were also declared <i>persona non grata</i> .

Abalone:



S v Julian Brown and Others

Judgement/Sentence

- Accused 1 was sentenced to **18 years imprisonment** effectively. He was declared unfit to possess a firearm. All sentences on other counts were ordered to run concurrently.
- Accused 2 faced 10 counts, he was sentenced to **15 years imprisonment** effectively, and sentences on other counts were ordered to run concurrently.
- Accused 3 was sentenced to **15 years imprisonment** and sentences on other counts were ordered to run concurrently. He was declared unfit to possess a firearm.

S v Julian Brown and Others

Province	Eastern Cape
Description	The court found that the accused were working together to achieve a common goal of depleting and destroying marine life for their selfish end
Charges	Charges of: <ul style="list-style-type: none"> • Racketeering, • fraud, • forgery, • uttering; and • unlawfully engaging in fishing, collecting, disturbing, keeping, controlling, storing, transporting or being in possession of abalone without permit.

Pangolin:



S v Nyathi

Province	Mpumalanga
Description	The accused kept the pangolin in a drum at his house, without water or food
Charges	Illegal possession of one live pangolin in terms of Section 57(1) of NEM:BA

S v Nyathi	
Judgement/Sentence	8 years imprisonment

State vs Mr Farai Inoque Ngorima	
Province	Gauteng
Description	A Mozambique male was arrested for illegal possession of 1 live pangolin without a permit. According to the suspect, he picked the pangolin next to a river in Lephalale, Limpopo and looked for buyers in Gauteng. The meeting with the potential buyer was set to happen at a mall in Gauteng, where they agreed to sell the pangolin for R100 000.00. The SAPS was tipped off and the suspect was arrested by SAPS together with the Green Scorpions, whilst awaiting the buyer.
Charges	Illegal possession of one live pangolin in terms of Section 57(1) of NEM:BA
Judgement/Sentence	The suspect pleaded guilty as charged and the court handed down a judgement of R20 000.00 fine or 3 years imprisonment.

S v Tinashe Nlapakane	
Province	Limpopo
Description	SAPS received information that the accused has a pangolin in his possession driving around with it. He admitted that he kept it captive in his yard and he had the intention to sell it. A pangolin expert testified in aggravation of sentence.
Charges	Illegal possession of pangolin in contravention of the Limpopo Environmental Management Act
Judgement/Sentence	4 years direct imprisonment.

S v Zenempilo Musa Kuphe and Others	
Province	Western Cape
Charges	Illegal selling, transport and possession of a pangolin

S v Zenempilo Musa Kuphe and Others	
Judgement/Sentence	<ul style="list-style-type: none"> Accused 1 and 2 were sentenced to 4 years direct imprisonment each. Accused 3 was sentenced to 2 years direct imprisonment. Accused 4 sentenced to 4 years direct imprisonment

Reptiles (Lizards):



S v Yusuke Imanishi & Another	
Province	Western Cape
Description	This case has significant transnational organised crime links in that Accused 1 was arrested at Soekarno-Hatta Airport in Indonesia with pythons and monitor lizards in his possession. He was jailed for eight months on 31 October 2018 and deported from Indonesia. He was arrested at Perth Airport in Australia with 13 Bobtail lizards (<i>Tiliqua rugosa</i>) in his luggage and sentenced to five months' imprisonment. He was deported on 5 August after serving two months, after which he entered South Africa and a month later were arrested.
Charges	Charges of illegally catching 6 armadillo girdled lizards
Judgement/Sentence	Accused 1 was sentenced to 6 years imprisonment and Accused 2 to 4 years imprisonment . Both accused were declared undesirable persons and will be deported on completion of their sentences

Lion:

S v Anna Elizabeth Pieterse	
Province	Gauteng
Description	A complaint was received about illegal keeping of lion cubs in a house in Fochville. The EMIs confirmed the property address and applied for a search and seizure warrant, which was granted by the Court; and two lion cubs were found in the property. The two lion cubs were confiscated from the suspect and sent to Johannesburg Zoo for safe keeping pending the finalisation of the trial.
Charges	Illegal possession of listed Threaten or Protected Species without a permit
Judgement/Sentence	R50 000

10.4 Court sentences relating to Pollution, Waste and Impact Assessment

Harrismith Galvanizing and Steel Profilers & 6 others	
Province	Free State
Charges	<ul style="list-style-type: none"> Conduct an activity listed on the national list without a provisional atmospheric or atmospheric emission licence, to wit, hot dip galvanizing; Section 24F(1)(a) of NEMA- failed to comply with the conditions applicable to the authorisation; Section 26(1)(a) of NEM:WA- dispose of hazardous waste, Section 20(b) of NEM:WA - undertake a waste management activity
Judgement/Sentence	Company: R 100 000/3 years suspended; Directors: R 20 000/1 year, R 300 000/5 years suspended for 5 years.

Dultex Waste Express & 1 other	
Province	Free State
Charges	The accused disposed of medical waste without a licence: Charges in terms of Sec 26(1)(a); 20 & 16(1)(c) of NEM:WA & 31(n) of NEMA.

Judgement/Sentence	<ul style="list-style-type: none"> NEM:WA charges: R 3 million/3 years suspended; On the failure to comply with a Compliance Notice: R 1 million/1 year of which R 900 000/6 months suspended.
--------------------	--

S v Tierhoek Boerdery (Pty) Ltd	
Province	Western Cape
Charges	11 charges relating to the clearing of indigenous vegetation and the construction of dams without the necessary licences.
Judgement/Sentence	Relating to the NWA with a sentence of R 100 000/ 3years, and NEMA & EIA with sentences of R 1 million/ R 750 000

S v Jade Pharma (Pty) Ltd and Deon Groenewald in his personal capacity	
Province	Gauteng
Description	Unlawful dumping of health care risk waste
Charges	Contraventions of Sections 26(1)(a) and 16(1)(c) of NEM:WA 59 of 2008
Judgement/Sentence	Accused pleaded guilty in terms of a S105A plea agreement in his personal capacity and was sentenced to R200 000 or 2 years imprisonment of which R100 000 or 1 year imprisonment was suspended for 5 years on conditions.



S v Emporium Base Minerals and Jan Daniel Van Wyk in his personal capacity

Province	Gauteng
Description	Disposal of waste without authorisation
Charges	Contraventions of Sections 26(1)(a), 26(1)(b) and 16(1)(e) of NEM:WA 59 of 2008
Judgement/Sentence	Accused was sentenced in his personal capacity to 8 years imprisonment wholly suspended on condition that he not be convicted of a similar offence and that the area is cleaned within the 5 years of suspension.

S v Sandile Sobgezo Ngcobo, Malesela Lennox Serite & ISeeWaste (Pty) Ltd

Province	Gauteng
----------	---------

S v Sandile Sobgezo Ngcobo, Malesela Lennox Serite & ISeeWaste (Pty) Ltd

Description	Unlawfully collecting and transporting health care risk waste without being authorised to do so.
Charges	Contravention of S24(b) of NEM:WA 59 of 2008 and S15(2) of Gauteng Health Care Waste Management Regulations Notice 3035 of 2004.
Judgement/Sentence	All accused pleaded guilty in terms of a S105A plea and was sentenced for Count 1 to a deferred fine in their personal capacity for R100 000 of which R77 500 is suspended for 5 years, and for Count 2 to R10 000 which is wholly suspended for 5 years. Accused 3 (company) was sentenced to a fine of R100 000 for Count 1 and R10 000 for Count 2 which were both wholly suspended for 5 years on conditions.

S v SAM MARIE Consulting CC t/a Biotech

Province	KwaZulu-Natal
Description	Conducting listed waste management activities without a WML
Charges	Contravention of section 20(b) of NEM:WA, 59 of 2008 and Section 8(1) of the Ethekwini Scheduled Trades and Occupational Bylaws, Notice 134 of 1979.
Judgement/Sentence	Accused pleaded guilty in terms of a S105A plea and sentence agreement and was sentence to R200 000 fine which was wholly suspended for 5 years with certain conditions. Ordered to pay compensation of R 50 000 to DEFF

S v Ravinthiran Ruthnum Govender

Province	KwaZulu-Natal
Description	Conducted sand mining in river without WUL and which had a detrimental effect on the environment
Charges	Section 28(14)(b) & Section 49A(1)(a) of NEMA, 107 of 1998 and Sections 151(1)(a), (b) and 151(1)(j) of the NWA, 36 of 1998. Also regulations 10(1)(a) & (b) of the Regulations relating to winning sand and alluvial minerals from watercourse or estuary.

S v Ravinthiran Ruthnum Govender

Judgement/Sentence	For sentencing the two cases were taken together with 13 counts: Accused pleaded guilty in terms of a \$105A plea and sentence agreement and was sentenced to a R 1 million fine or two years imprisonment which was wholly suspended for 5 years. Ordered to pay compensation of R 300 000 to DEFF
--------------------	--

S v Edgar Adams

Province	Western Cape
Description	Non-compliance with conditions of the WML and others
Charges	<ul style="list-style-type: none"> • Section 67(1) (a), read with section 16(1) (c) & (d) of the NEM:WA. • Section 67(1) (b), read with section 21 of NEM:WA. • Section 67(1) (h) of NEM:WA
Judgement/Sentence	Fine of R300 000 and 3years direct imprisonment, of which the imprisonment was suspended for 5 years.

S v Edgar Adams

Province	Free State
Description	HCRW was left abandoned in a warehouse where after the accused also failed to comply with the compliance notice
Charges	<ul style="list-style-type: none"> • Section 16(1)(c), (d), 21(a), (b), (e) of the NEM:WA: • Section 8(1), 9(4), 10(3) of GN 926 of 29 November 2013 • Section 31L of NEMA.
Judgement/Sentence	Fine of R300 000 or 3years direct imprisonment

S v Edgar Adams

Province	Gauteng
Description	Non-compliance with conditions of a WML as well as failure to comply with instructions in a compliance notice

S v Edgar Adams

Charges	<ul style="list-style-type: none"> • Section 67(1)(h) read with sections 1, 50, 51 and 68 of NEM:WA • Section 31L of NEMA. • Section 16(1)(d), (e) of the NEM:WA
Judgement/Sentence	Fine of R300 000 or 3years direct imprisonment

**S v Nirove South Africa (Pty) Ltd as represented by Jacques Coetsee**

Province	Eastern Cape
Description	Disposal of hazardous waste to land
Charges	<ul style="list-style-type: none"> • Section 49A (1) (e) read with section 49B (1) of NEMA • Section 26 (1) (a) & (b) of NEM:WA • Section 16(1) (c) & (d) of the NEM:WA

S v Nirove South Africa (Pty) Ltd as represented by Jacques Coetzee

Judgement/Sentence	<p>R2 500 000 which is wholly suspended for a period of 5 years subject to the following conditions:</p> <ul style="list-style-type: none"> • that the accused company is not convicted of an offence of section 49(A)(1)(e) of NEMA; • That the accused company submit a rehabilitation plan to the satisfaction of the DG • That the accused company shall rehabilitate the premises at 22 Kurkland Road and any other affected area that was caused by this offence to the satisfaction of the DEFF; • That the accused company shall strictly comply with all additional requirements of DEFF for proper rehabilitation;
--------------------	---

S v Moosa Ali & Johannes Nicolaas Roedolf Jubert

Province	KwaZulu-Natal
Description	Disposal of hazardous waste to land
Charges	<ul style="list-style-type: none"> • Section 49A (1) (e) read with section 49B (1) of NEMA • Section 16(1) (c) & (e) of NEM:WA • Section 151(1(j)) of the NWA
Judgement/Sentence	Both accused were sentenced to pay a fine of R1 000 000 or in default of payment to undergo 4 years imprisonment each which was wholly suspended for a period of 5 years on conditions. In addition, thereto both accused are fined R20 000 or 2 years' imprisonment each . The sentence in relation to this matter will be appealed.





**JOINT COMPLIANCE AND ENFORCEMENT
OPERATIONS**

11. JOINT COMPLIANCE AND ENFORCEMENT OPERATIONS

11.1 Oceans and Coasts Joint Compliance and Enforcement Operations: Operation Phakisa Initiative 5

11.1.1 Operation Phakisa: Initiative 5



Phakisa Initiative 5: Enhanced and Co-ordinated Compliance and Enforcement has created a platform to achieve an integrated and coordinated approach in ensuring compliance to the South African Maritime legislative and regulatory frameworks within the coastal regions. Phakisa Initiative 5, led by DEFF, supported by the NATJOINTS Structures has focused on joint operations in the maritime environment, with multiple role-players, with different jurisdictions.

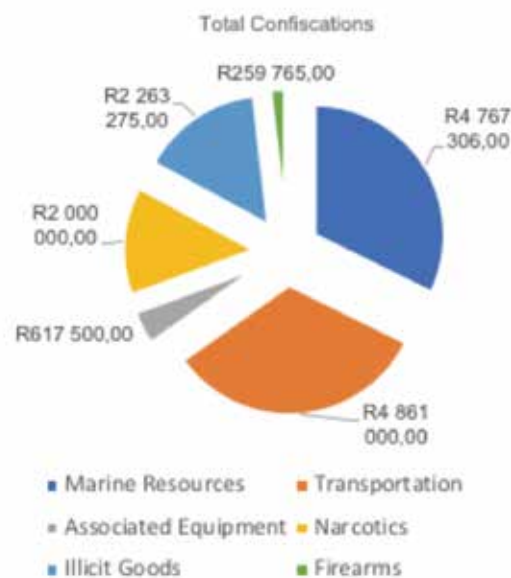
Phakisa operations were conducted in all four provinces with the operational approach to monitor compliance, identify transgressions, and conduct operations to mitigate transgressions and promote an integrated approach.

Operations have focused on the mitigation of illegal harvesting of marine resources, environmental and Marine Protected Areas (MPAs) infringements, contraventions of maritime safety legislation, illicit economy, illegal, unreported and unregulated (IUU) fishing, and to a certain extent the disruption of the narcotics routes.

Total confiscations for the period of review amounted to **R13 204 006**, of which **R4 767 316** was in respect of marine resources. Vehicles, boats and trailers used in illegal activity amounted to R 4 861 000 and equipment associated with illegal activity amounted to R 617 500. In total two trucks, 31 cars, 13 boats and 9 trailers were confiscated.

Cocaine to the value of R 2 000 000 was seized on a vessel at outer port limits of Durban and illicit goods to the value of R 2 263 275.

There has been a notable increase in the confiscation of firearms from the previous years to the value of R 259 765, inclusive of a Browning machine gun, pistols and shotgun.



During the 2019/2020 reporting period, more focus was also placed on prevention of illegal activities within MPAs, and these activities vary from illegal fishing, pollution and any other activity prohibited within the MPAs, the following results were yielded:

- Two SA registered fishing trawlers PRINS WILLEM 1 and WHITE ROSE were detected in the MPAs by the Oceans and Coasts Information Management System Integrated Vessel Tracking (OCIMS IVT). Both vessels have been charged under the MLRA and the NEM:PAA. Both cases are now on the Court roll and OCIMS IVT will be presented as evidence during the respective trials.
- The M/V PREDATOR was boarded at outer port limits Durban and a crew member's cabin was searched. Twenty packages weighing 6.1kg suspected to contain cocaine with a street value of about R 2 million were discovered
- The Namibian Fishing vessel UKHOZI, was identified by OCIMS transiting down the KwaZulu-Natal coast and was within the St Lucia Marine Protected Area. The vessel was tracked by OCIMS IVT throughout the night and escorted into Durban. The vessel was charged under the MLRA for entering SA waters without a permit.
- Reports were received of erratic transmissions of the Automated Information System of the Bulk Carrier MERCIFUL whilst transiting the Indian Ocean, bound for South America from India, a known trade route for heroin. The vessel was tracked by OCIMS IVT and boarded by Customs 18nm off the Port of Durban. Although no narcotics were found it demonstrated the ability of Phakisa Initiative 5 to respond to offshore incidents as required.
- Five Chinese fishing trawlers were reported moving along the East Coast seaboard in proximity to the Port of East London and Amathola MPA in route to Sierra Leone. One vessel was boarded off East London and all fishing equipment was found to be correctly stored. The vessels were tracked by OCIMS IVT as they sailed along the SA coast and no illegal activity was detected.

Overberg is the hotspot area for poaching of marine resources, therefore, from 27 September 2019 to the end of the 2019/20 financial year, Phakisa maintained an almost permanent presence in the Overberg Region, with two short withdrawals over the period 13 December 2019 until 6 January 2020 and 14 January until 1 February 2020.

During the period 14 to 31 January 2020, the SANDF deployed into the region, with Phakisa re-deploying until the end of the financial year. The presence of integrated teams resulted in a noticeable reduction of poaching activities, ensuring that the resource remains in the ocean, and had considerable success regarding the National Road Traffic Act 93 of 1996 (NRTA), other infringements under the MLRA and criminal activity in general. This unfortunately did result in poaching activity migrating to West Coast, Peninsula and specifically Robben Island. In total, fines to the value of R1 092 700 were issued in terms of the MLRA and NRTA.

11.1.2 Operation 30 days at sea v2

In the 2018/19 NECER, we reported on Operation 30 Days at Sea v1, which is the INTERPOL led global law-enforcement operation targeting marine pollution crimes, particularly illegal discharges from vessels and illegal dumping at sea. A follow up operation was held worldwide during the month of October 2019. The operation was conducted over the period 10 to 16 October 2019, simultaneously in the Western Cape and Eastern Cape and KwaZulu-Natal to enhance the concept of National Driven Operations, focusing on:

a. Maritime ports of entry and small ports:

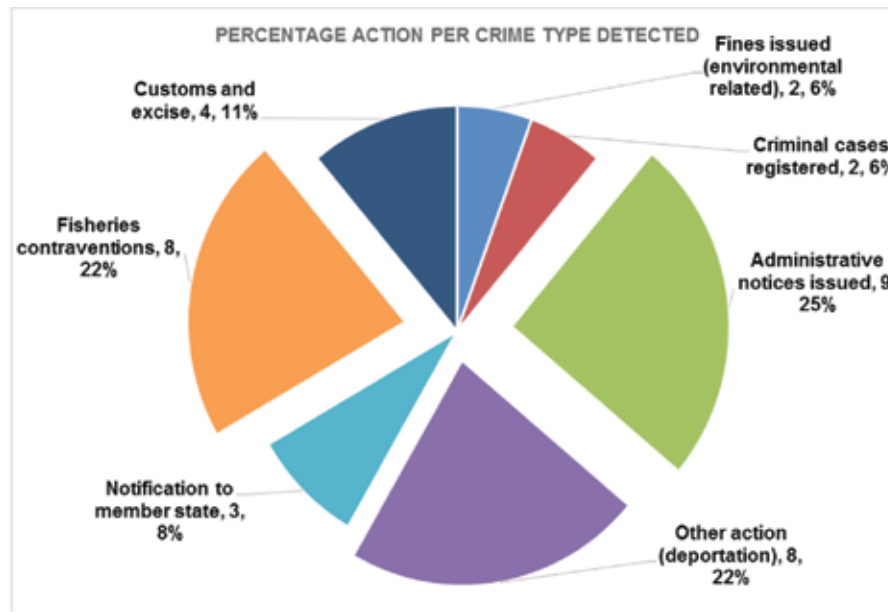
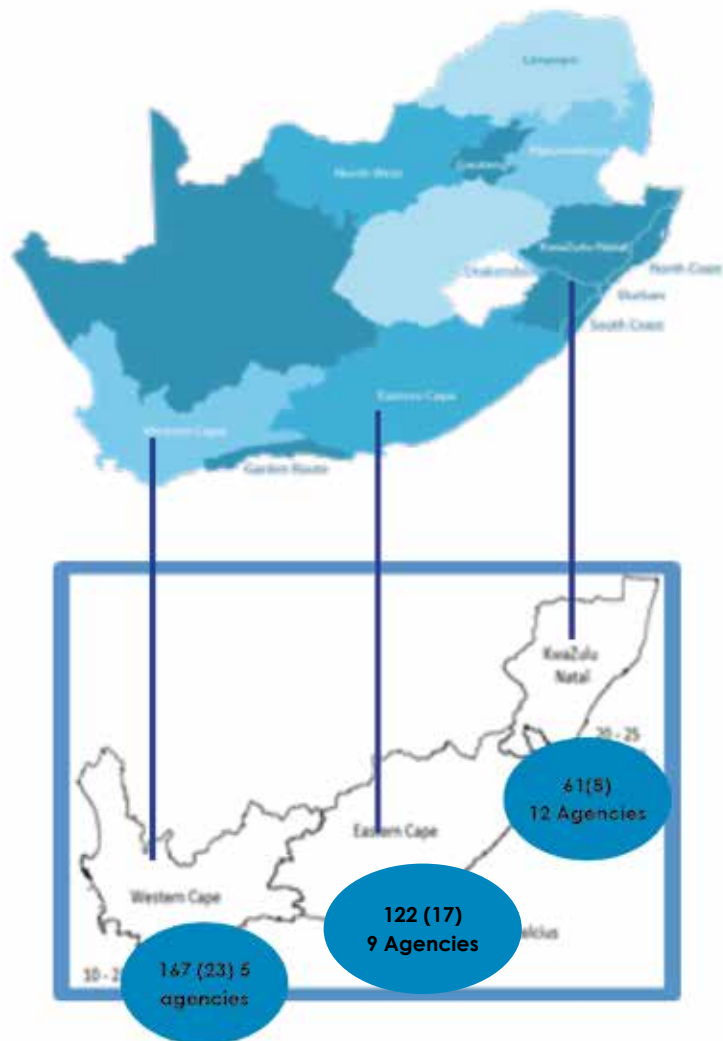
- MARPOL violations (Annex I to VI)
- Oil spills
- Oil blending
- Shipbreaking
- Discharges of pollutants from offshore installations

b. Land-based and river pollution impacting the marine environment

- Illegal discharges related to mining activities (mercury and other effluents)
- Illegal discharges of plastic, oil, waste and other pollutants into rivers and other inland waters
- Sewage discharges to coastal waters
- Coastal pollution including: Illegal dumping in coastal areas and into the sea from establishments along the coast; coastal illegal constructions; sand harvesting.

In total, 271 inspections were conducted at outer port limits and within the ports, resulting in six MARPOL violations being detected. 122 land based

inspections were conducted inclusive of a sewerage treatment plant, three plastic producers and six coastal pollution incidents.



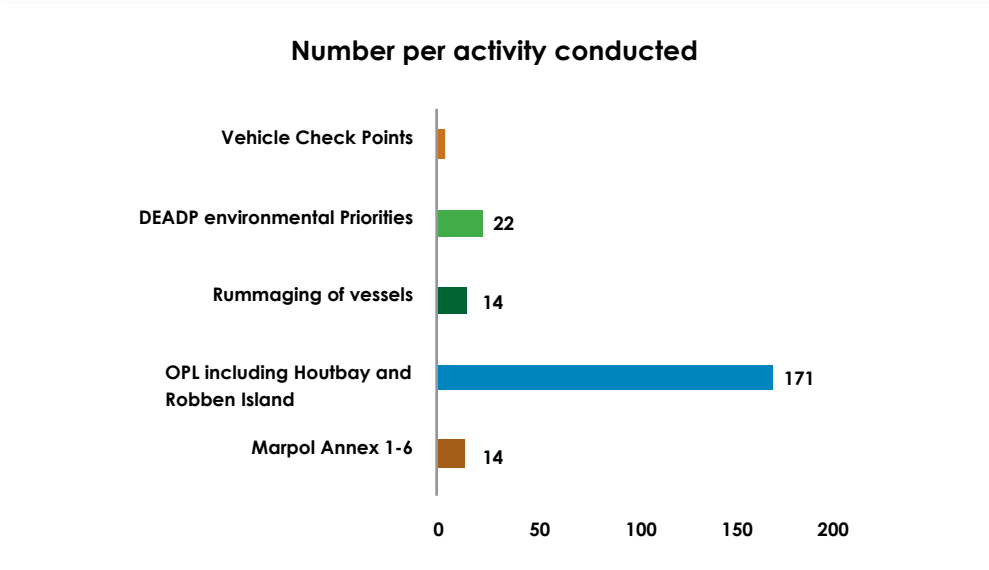
VISUALS DURING 30 DAYS AT OPERATIONS



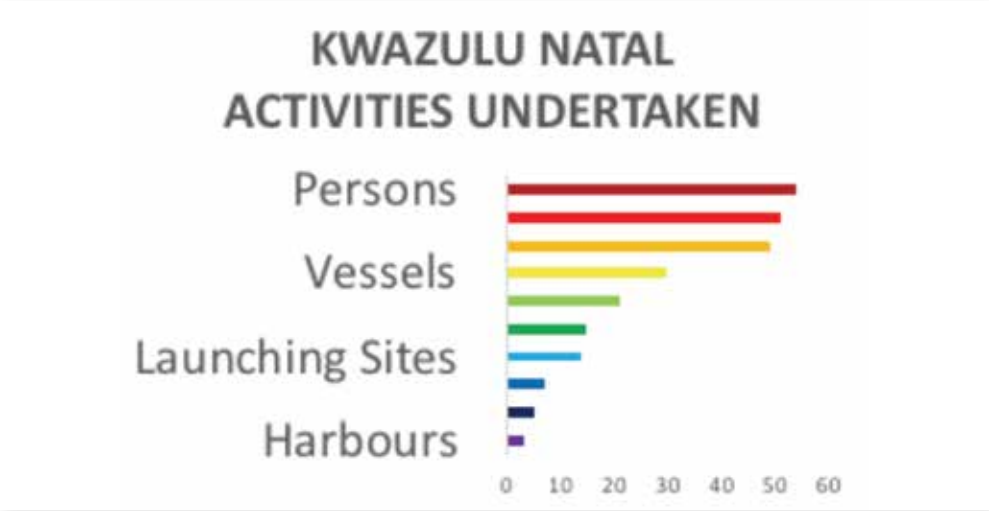
Eastern Cape operations focussed on MPA inspections

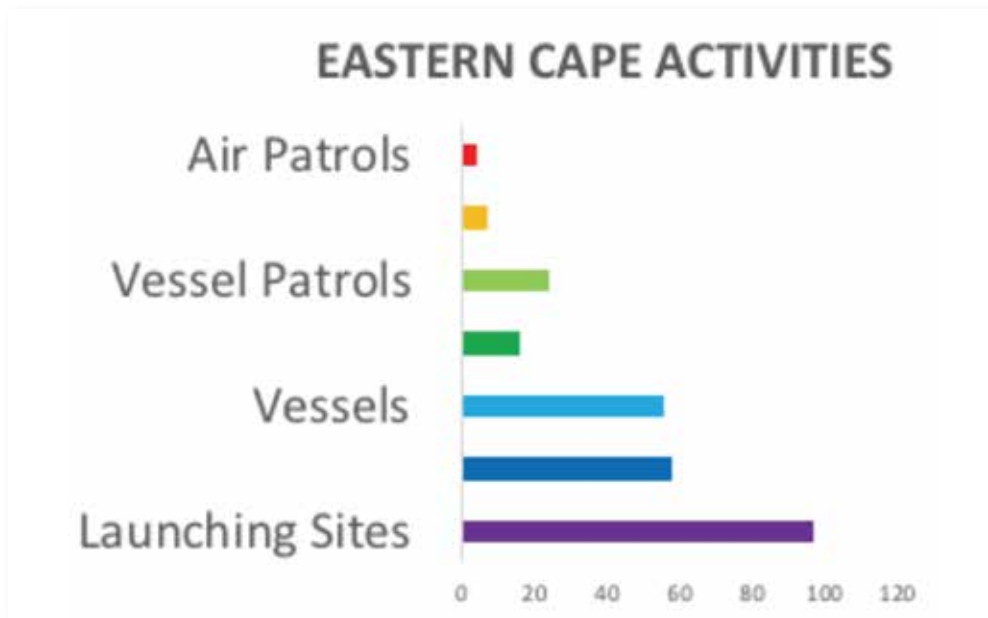


Out port limits inspections outside Port Elizabeth and Ngqura Ports



Western Cape team participated in 30 Days at Sea Operations





An additional area of significant concern was identified in relation to how **waste tyres** are handled and the trade thereof. A substantial number of illegal dealers were identified during the 30 Days at Sea Operation that do not comply with the regulations regarding waste tyres. The following activities were undertaken:

- Training of forty six (46) officials (SAPS, EMIs, Customs, FCOs)
- Four (4) second hand dealers inspected
- 242 tyres mutilated
- There were dealers that were found that were not registered as a second hand tyre dealers, although they were trading as such
- Companies were deregistered on SARS databases
- Teams agreed that this is an area where additional intelligence and assistance is required
- 9 x Compliance Notices were issued

11.2 Biodiversity Joint Compliance and Enforcement Operations

11.2.1 INTERPOL Operation Blizzard

This INTERPOL led operation was conducted on a global front. In South Africa DEFF coordinated the national initiative with assistance from various agencies. These included provincial departments, SARS Customs and the South African Police Service's Stock Theft and Endangered Species units. The operation was executed from 22 April 2019 – 12 May 2019 with the primary focus on the illicit reptile trade.

During the operation various successful seizures and arrests were made. This also included other commodities as shown in the images below:



Mutilation of second hand tyres during operations

Stop and search of suspect vehicle in reptile hotspot area: SAPS and EMIs

Photo features:

- Two (2) suspects from the Netherlands unpacking their luggage.



Photo features:

- More reptile catching equipment found in the luggage of the suspects.



Photo features:

- No reptiles were found in their possession and therefore the two individuals were not arrested, but reptile catching equipment was found in the luggage of the suspects.



Photo features:

- Literature found in the luggage of the suspects.



Illicit succulent plants

Stop and search of suspect vehicle in reptile hotspot area by officials from the South African Police Services revealed two Chinese Nationals illegally collected succulent plants.

Photo features:

Seized succulent plants



Photo features:

Close up photo of seized succulent plant.
(Conophytum)



Seizure of illicit Sungazers

Parcel intercepted at the International Mail Centre in Johannesburg revealed Sungazer lizards (Smaug giganteus) being exported illegally.

Case under investigation.

Photo features:

Seized Sungazer lizards
(Smaug giganteus)



11.2.2 INTERPOL Operation Thunderball

This global operation responded to the illicit trafficking of wildlife and forestry; and was executed from 4 – 30 June 2019. The operational objectives aimed to achieve the following:

- Conduct, as far as possible, joint customs / police profiling;
- Identify individuals, criminal networks and criminal organizations involved in the illegal shipment of wildlife
- Strengthen communication and enforcement capacity to combat wildlife crime at both the national and international level
- Coordinate cross-agency law enforcement efforts to detect and deter wildlife criminal networks, including the engagement of civil society groups as appropriate;
- Improve communication, cooperation, and coordination between illegal wildlife exporting countries and wildlife destination countries; and
- Conduct investigative follow-up on undertaken inspection and information gathering campaign.

DEFF coordinated the operation in South Africa and a NATJOINT instruction was issued to ensure that inter-agency cooperation and operational execution was maximised. Tactical operational measures included vehicle stop and searches, inspections/investigation of taxidermy and hotspots and inspections at Ports of Entry and Exit. The activities were conducted by EMLs, both national and provincial, with support from the SAPS various units including the Directorate of Priority Crime Investigations (DPCI) and SARS Customs.

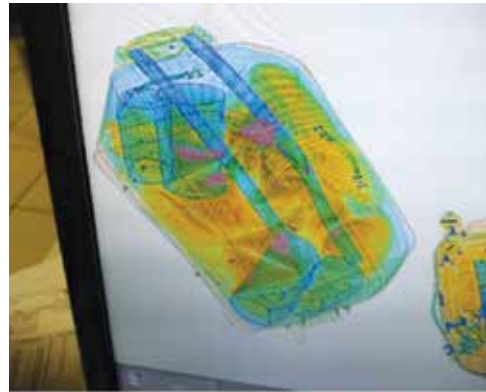
Two major seizure were made linked to the international illicit trade in endangered species:

- Rhino horn:

ORTIA International Airport:

Information received from the police led Customs to intercept a South African male passenger at OR Tambo who was found in possession of 15.07kg rhino horns. The passenger was about to board a flight to Hong Kong.

Fifteen (15) kilograms of rhino horn
X-Ray image of hidden horns in suspect's luggage.



- Seizure of illicit cycads in KZN linked to the illicit international mail trafficking network:



Twenty seven (27) cycads suckers were seized of the species *Encephalartos Natalenses*, - *Ferox* and - *lebomboien*

The cycad seizure was an intelligence driven enforcement operation between DEFF, Port Shepstone Directorate of Priority Crime Investigation and SAPS Water Wing unit of Richards Bay. The operational approach included the approved use of agents [two (2) DEFF EMIs] to infiltrate the network of cycad collectors and buyers. The abovementioned seizure was the initial controlled buying of illicit cycads. Two (2) similar operations were conducted during August and October and a total of seventy three (73) cycad suckers were seized. During the take down phase, five (5) suspects were arrested and charged in terms of the NEM:BA and the TOPS. The cases are currently on trial.

11.2.3 Muthi Market operations

DEFF, in collaboration with the Provincial NATJOINTS structures, initiated two (2) joint law enforcement operations to combat the illicit trade and possession of endangered species at the markets located at Farraday and Kwa Mai Mai.

During this operation various law enforcement agencies SAPS, JMPD, GDARD, DPCI and SAPS Stock Theft and Endangered Species Unit were involved and large quantities of illegal goods were seized. Three (3) suspects were also arrested and are currently on trial. The derivatives included lion, cheetah, pangolin, vulture, elephant and various snake and reptiles.



Law enforcement briefing and parade.



Various Muthi Shops were inspected in Johannesburg CBD.

11.2.4 AIS Joint Operations: Table Mountain National Park

Table Mountain National Park ("TMNP") is situated in the Western Cape Province of South Africa and is one of the highest concentrations of plant species in any temperate ecosystem in the world. In January 2000, the devastating fire broke out along the Table Mountain chain. The intensity of the veldfires was fuelled by invasive plants. More than 80 structures and several houses were damaged and over 8000 hectares of land were burnt. The 2006 TMNP fire was a large fire in Cape Town and veldfires spread quickly due to dry conditions and strong winds of up to 60 knots. Moreover, in 2015 and 2016, veldfires raged across parts of the TMNP and over 6000 hectares were burnt, houses and other structures were damaged. It is reasonably believed that veldfires were exacerbated by invasive plant species as they are highly flammable in nature. An increase in invasive plant species is a cause of concern as they increase fuel loads and high fuel loads aggravate the intensity and heat of fires, making more dangerous to control and suppress.

A joint operation was conducted in order to determine compliance with administrative notices issued, to determine compliance with NEM:BA and its associated AIS Regulations and to encourage land owners to control and eradicate listed invasive plant species on properties adjacent to TMNP and North Cape Peninsula, Western Cape province.

In total 32 properties were inspected by EMI's and officials from DARDLR, City of Cape Town, SANParks, Cape Peninsula Fire Protection Association (CPFPA) and DEFF (Compliance & Enforcement). All properties found not to be complying with NEM:BA and its AIS regulations were issued with administrative notices in the form of pre-directives. Some of the land owners were found controlling listed invasive species occurring on their properties.



Alien invasive plant species being controlled at the property



11.2.5 An International Cross Border Joint Compliance and Enforcement Operation

11.2.5.1 North West Border Operation

The Inspectorate executed an International Cross Border Joint Compliance and Enforcement Operation from Mokopong Border Post to Boshhoek in the North West Province on 11 and 12 September 2019. The operation was coordinated in conjunction with the North West provincial department, the SAPS border policing (SAPS), DoH, SARS Customs and Republic of Botswana law enforcement officials.

The operation focused on the execution of a borderline patrol between South Africa and Republic of Botswana focusing on the following activities: roadblocks on main roads, stop and search of vehicles along the borderline and a routine inspection on game farms situated within a 15 km radius from the borderline to determine compliance with permits and permit conditions for the keeping and breeding of listed TOPS species including the AIS Regulations.

Below is the summary of the work covered during the operation:

Border vehicle search at Mokopong Border Post

- Searching of vehicles and persons entering and exiting the country.
- Searching of cargo for any biosecurity risk related products/specimen including wildlife products.

Farm Inspections

The following five (5) farms were inspected to determine compliance with permits and permit conditions for the keeping and breeding listed TOPS species including the AIS Regulations:

- Vosterhoop Farm
- Aurora Farms
- Farm Janomi
- Farm Harmonie and
- Khamab Kalahari Reserve.

Border line inspections

The border line was inspected as follows:

- The border line between South Africa and Botswana, this is from Mokopong border to Vostershoop, and
- Border line from Bray to Boshhoek.

In conclusion, the farms that were inspected as indicated above have valid TOPS, Provincial and AIS permits for the possession and hunting of the species on the relevant properties were valid. No confiscations or arrests were made during this operation.

11.2.6 Festive Season Operation (Ports of Entry and Exit)

The festive season operation took place from 02 - 20 December 2019 and EMI participated at three ports of entry/exit located in the Eastern and Western Cape Provinces. These ports were as follows: Cape Town International Airport, Cape Town Mail Centre, Qacha's Nek Border Post and Tele Bridge Border Post. The objectives of this festive season operation were to:

- enforce compliance on traders and individuals trading and/or exporting/importing of TOPS species, AIS species, and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and Ordinance species;
- create awareness with regard to TOPS, AIS, CITES and Ordinance species in terms of provincial legislation and the legal requirements related thereto; and
- effect enforcement actions such as, administrative and/or criminal action in relation to freight companies, individuals and/ or facilities that are found not to be in compliance with the NEM:BA and its associated Regulations, as well as provincial legislation.

During the operation, searches, visits and operational activities were conducted by EMIs with support from the SAPS, Customs, SANDF, Department of Home Affairs and CapeNature as per the approved operational plan.

Below is a summary of all confiscations and searches that were recorded at the Cape Town International Airport and Cape Mail centre, Tele Bridge and Qacha's Nek Border Posts:

Western Cape Province

Cape Town International Airport and Mail centre	Total
<i>Conophytum ficiforme</i> (Succulent plants)	987
Dried sea cucumbers	385
Bulbs	27
Dried fish maw declared as pink pickled ginger	79
Satin pillow cases used to rear spiders	18
Unidentified plant seed	+100
Total	+1596

Terminal inspections (Domestic arrivals and SAPS Hub)	
Persons searched	44
Luggage items	65
Documents verified	38
Total	147

Even though there were no arrests made during the festive season operation, confiscations and searches were executed at the Cape Town International Airport and Cape Mail Centre were achieved. The abovementioned *Conophytum ficiforme* (Succulent plants) were prohibited from entry into Japan, and the parcel containing dried fish were rejected in China by the Chinese authorities, and the parcel was returned to country of origin (South Africa).

Other non-compliance detected was in relation to the Provincial Ordinance and as a result, the items (satin pillows used to rear spiders) were seized. The potential biosecurity risk of tending spiders and sending them out as packages through the Mail Centre needs to be confirmed through DNA barcoding. The results of which will inform future operations.



Photo: *Conophytum ficiforme* (Succulent plants).

Eastern Cape Province

Qacha's Nek Border Post	Total
Vehicles searched	427
Motorcycle	01
Luggage items	157
Illegal immigrants	+100 every day from 13-20 December 2019
Total	+685

Tele Bridge Border Post	Total
Vehicles searched	184
Illegal immigrants	+200 each day during festive season
Luggage items	364
Total	+748

The following technical challenges were encountered at Tele Bridge and Qacha's Nek Border Ports when searching loaded vehicles for any wildlife and wildlife products including alien invasive species:

- Lack of detection/ sniffing dogs,
- Lack of luggage/parcel X-Ray scanners, and

- Lack of vehicles and truck scanners.

It is recommended that for a positive and successful operation in relation to biosecurity in small border posts, sniffer dogs and scanners must be organised prior to the commencement of the operation to assist EMI in searching and detection of any wildlife specimen.

11.2.7 Game Farms Operations

Two (2) joint compliance and enforcement operations on game farms in possession of alien and invasive species in the Northern Cape and Eastern Cape Provinces were coordinated and executed in quarter 3 and 4 of 2019/2020 financial year. The objectives of these game farm operations were to:

- identify game farms and facilities in possession of AIS species,
- check compliance with permit conditions,
- create awareness of AIS and legal requirements related thereto and
- increase levels of compliance through the issuing of enforcement notices to farms and/or facilities in possession of AIS species in the absence of permits.

During the operations, an overall total of 23 game farms in possession of alien and invasive species were inspected. The below tables shows the summary of game farms which were identified and inspected:

Northern Cape Province

Farm Names	Area
Brulpan	Groblershoop
Grootdrink/ FM Safari	Deben
Gamagara	Kathu
Weybridge Game Farms	Kathu
Red Sands	Kuruman

Eastern Cape Province

Farm Names	Area
Long Hill Game Reserve	Queenstown
Rietfonteyn	Cradock
Huntershill Game Reserve	Sterkstroom District
Cornarvon Estate	Sterkstroom
God's Mountain Farm	Queenstown
Lawrence De Lange Game Reserve	Queenstown
Rygerspoort farm	Cradock
Dasnek farm	Cradock
Zingela	Cradock
Langhoek	Cradock
Buffalo Hills Farm	Cradock
Blaauwkrantz farm	Jansenville
Haddonville game farm	Haddovale (Kleinpoort)
Vaalkrans	Grahamstown
Reedsdale farm	Reedsdale
Kaalplaas trust	Somerset East
Grootdam game farm	Somerset East

During the operations, it was found that only one (1) farm, Haddonville Game Farm, located in Kleinpoort was transgressing Chapter 5 of NEM: BA which sets out the legal obligations of persons conducting restricted activities involving invasive species.

The farm was in possession of listed invasive mammal species called *Kobus leche leche* (Red Lechwe) without a permit. Enforcement action was therefore initiated to bring the farm into compliance.

It can be concluded that the objectives of these game farm operations, in both provinces, were met. The majority of the game farms were found to be complying with permit conditions and more farm owners are aware of AIS and legal requirements than we had found with previous operations.



Photo: Barbary Sheep



National Environmental Complaints and Emergency Incidents

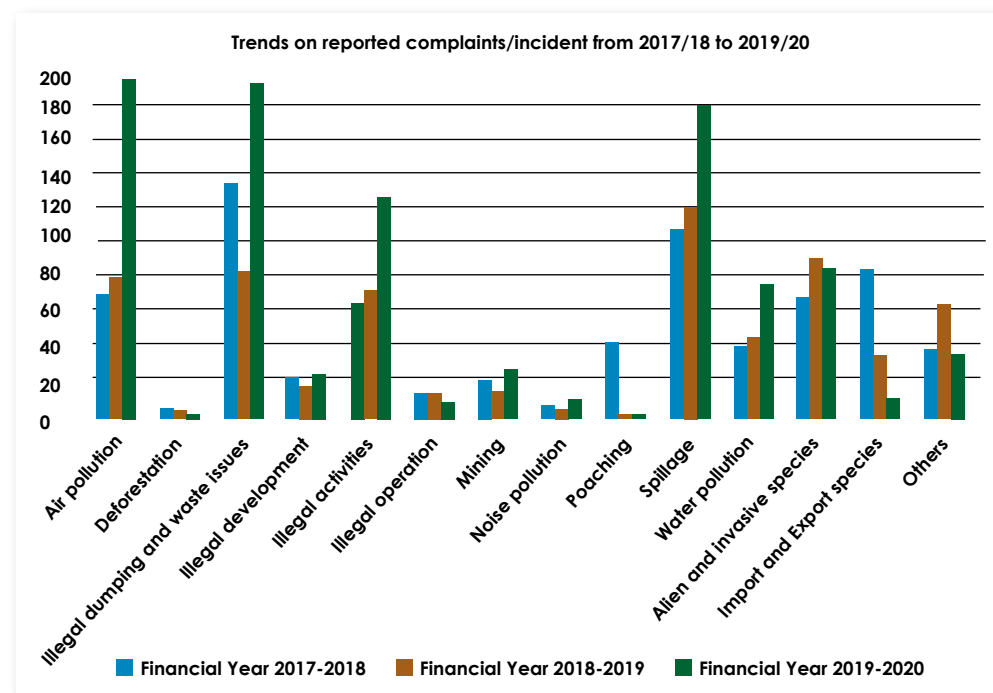
12. NATIONAL ENVIRONMENTAL COMPLAINTS AND EMERGENCY INCIDENTS

DEFF continued to collect statistics on environmental complaints received through the Environmental Crimes and Incidents Hotline from the Minister and Director-General's office, as well as complaints received directly from other organs of State and the public. The Hotline serves as the main point of entry for complaints on environmental crimes and incidents. However, complaints reported directly to provinces, local authorities or other EMI Institutions are not received through the Hotline. There has been an increase in the overall number of incidents and complaints reported from **758** in 2017/18, **680** in 2018/19 and **1012** in 2019/2020 financial year. Reports of air pollution, illegal activities, water pollution, illegal dumping and waste issues and spillages have recorded an increase with alien and invasive species showing decreases.

12.1 Hotline complaints per category

Nature of Complaint	Financial Year			Total
	2017-2018	2018-2019	2019-2020	
Air pollution	74	83	200	357
Deforestation	6	5	3	14
Illegal dumping and waste issues	139	87	197	423
Illegal development	24	19	27	70
Illegal activities	68	75	131	274
Illegal operation	15	15	10	40
Mining	24	16	29	69
Noise pollution	8	6	12	26
Poaching	45	1	1	47
Spillage	112	125	183	420
Water pollution	42	48	79	169
Alien and Invasive species	72	95	89	256
Import and Export species	88	38	12	138
Others	41	67	39	147
Total	758	680	1012	2450

Table 7: Number and classification of complaints



Graph 6: Graphical representation on the nature of complaints received

12.2 Referral of hotline complaints to responsible organs of State

Financial Year	INSTITUTION REFERRED TO					Total
	DEA	DHSWS	DMRE	LOCAL GOVERNMENT	PROVINCES	
2017-2018	312	42	24	209	171	758
2018-2019	310	48	16	119	187	680
2019-2020	354	62	25	266	305	1012
Total	976	152	65	594	663	2450

Table 8: Number of DEFF referred complaints and incidents

12.3 Section 30 NEMA Incidents:

An “incident” is defined in section 30 of NEMA as an “unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property”.

From the **204** incidents reported to DEFF, **183** of those were DEFF mandated, **7** were referred to other authorities and **2** were classified as non-section 30 NEMA incidents. GDARD has recorded **24** section 30 NEMA incidents which were attended to by this province, which shows a no change in the s30 incidents attended with 2018/19 number.

**IT'S YOUR EARTH,
PROTECT IT!**

**REPORT CRIMES
AGAINST THE ENVIRONMENT**

**24-HOUR HOTLINE:
0800 205 005**

**OR E-MAIL:
complaints@environment.gov.za**

www.environment.gov.za

PHOTO: P. DE VRIES



STAKEHOLDER ENGAGEMENT



13. STAKEHOLDER ENGAGEMENT

13.1 8th National Environmental Compliance and Enforcement Lekgotla 09-12 September 2019, Mittah Seperepere Conference Centre, Kimberley, Northern Cape



325 EMIs and other key role-players gathered at the 8th National Environmental Compliance and Enforcement Lekgotla

The 8th Environmental Compliance and Enforcement Lekgotla (ECEL) took place from 09-12 September 2019 at the Mittah Seperepere Conference Centre, Kimberley, Northern Cape, where EMIs and other key roleplayers from across the country gathered to discuss critical environmental compliance and enforcement issues.

A total of 325 EMIs and other key role-players from 3 international, 11 national, 15 provincial and 21 local environmental authorities attended the event. The 3 international institutions were 1. Zambia Environmental Management Agency 2. Department of Wildlife Management, Sokoine University of Agriculture, Tanzania 3. Namibian Police Force: National Head of the Protected Resources Division.

Environmental authorities across the world are currently experiencing challenging times given the status of the global economy. This situation is exacerbated in developing countries, where the key priorities of government focus on economic growth, job creation and infrastructure development. This

requires environmental authorities to develop innovative strategies to ensure that environmental compliance and enforcement supports these priorities, while at the same time, instil an appropriate level of respect amongst the regulated community for environmental law.

In developing a cohesive response to this balancing act, environmental authorities across all spheres of government in South Africa, and including the blue, green and brown sub-sectors, need to unify to meet the challenges that they face in an uncertain and dynamic future. In this regard, the country can learn many valuable lessons from other African countries, which face similar socio-economic obstacles; and yet find ways to deliver effective compliance and enforcement services to their citizens. Thus the theme for the 8th ECEL, "Facing the Future Together: The Green Scorpions".

Another dimension that was added to the ECEL was the introduction of EMI Stalwarts, where invitations were extended to both internal (stalwarts) and external (stakeholders) EMI representatives. Their participation was aimed to give the Inspectorate a wider perspective on its performance and potential areas of strengths and weaknesses.

Day 1 of the ECEL A Regional Approach to Environmental Compliance and Enforcement



Northern Cape MEC Nomandla Bloem, DEFF DDG: Ishaam Abader, DEA

After the opening welcome from DEFF DDG, Mr Ishaam Abader, the MEC for Land Reform, Agriculture, Nature Conservation and Environmental Affairs,

Northern Cape, Ms Nomandla Bloem, reminded attendees of the importance of living the theme of the Iekgotla, by quoting the famous words of Henry Ford that, "Coming together is a beginning, staying together is progress, and working together is success."

The rest of the day was dedicated to the sharing of compliance and enforcement strategies implemented by other Africa countries, more specifically Namibia and Zambia, who, like South Africa, require creative and innovative solutions to meet the requirements of a dynamic and complex regulatory environment, including meeting the socio-economic needs of developing countries.

This was followed by a presentation by the Chief Director: Enforcement, Ms Frances Craigie, who provided highlights from the 2018/19 NECER, which reflects the work of the Inspectorate, and was officially launched at the event. Next on the programme were the guests from other African countries: Barry De Klerk Deputy Commissioner: Namibian Police Force: National Head of the Protected Resources Division; and Humphrey Kasiya Mwale, Environmental Lawyer, Zambia Environmental Management Agency. The challenges raised by these two presenters resonated deeply with our local Green Scorpions who saw many similarities in the issues highlighted in their presentations.

After the morning presentations, the attendees broke into afternoon breakaway sessions that focused on the "blue", "green" and "brown" sub-sectors, with a focus on drawing on the experiences of other African countries to improve environmental compliance and enforcement in South Africa. Unfortunately, the representative from the Ghana Environmental Protection Agency was unable to attend, however, the "blue" breakaway session was facilitated jointly by Directors from DEFF and DHSWS.

Day 2: National Environmental Crime Forum / National Environmental Compliance Forum

Regional Court Magistrate Ian Cox opened the day emphasizing the critical role of the judiciary in the interpretation and application of environmental laws. His session provided an appropriate prelude to the National Environmental Compliance Form (NCF) and the National Environmental Crime Forum (NECF), which ran in parallel sessions and were chaired by the Chief Directors, Compliance (Mr Sonnyboy Bapela) and Enforcement (Ms Frances Craigie) respectively.

National Environmental Compliance Forum (NCF):

The NCF commenced with a plenary morning session led by 3 presenters: Mr Sonnyboy Bapela, CD: Compliance DEFF, provided an overview of the achievements of the NCF since the last ECEL two years ago. This was followed by a presentation by Ms Nketu Lesejane, who presented on a proposal to measure the impact of compliance activities on compliance behaviour in the general landfill sites sector. The plenary session was concluded by a presentation from Ms Maggy Machumele from the Greater Tzaneen Municipality about challenges of undertaking compliance and enforcement on a local authority level.

The afternoon session saw three breakaway sessions that focussed on:

Topic 1: Moving beyond numbers: General Landfill Sites Case Study

Topic 2: Aligning compliance monitoring / the regulatory regime to indigenous knowledge, customs and traditional values by leveraging 4th industrial revolution and awareness

Topic 3: Enhanced compliance monitoring in the marine and coastal environment: a coordinated government approach in minimising marine pollution in South Africa.

National Environmental Crime Forum (NECF)

The Chief Director: Enforcement at DEFF, Ms Frances Craigie, provided an overview of the achievements in tackling environmental crime in South Africa. She reflected on the progress the NECF has made relative to the 2017 Mpumalanga resolutions. This presentation further highlighted the contribution of the DEFF and other EMI institutions within the international enforcement space.

This presentation was followed by a number of other institutions (external to the Inspectorate) which provide assistance, enforce and prosecute environmental crime. The presentations focussed on achievements and challenges when undertaking their work. Presentations were delivered by:

- SARS Customs
- Financial Intelligence Centre
- The DPCI

- The Stock Theft & Endangered Species Unit within the SAPS
- The NPA

Mr. Peter Lukey led the afternoon session and delivered a thought provoking presentation on the role of EMI in light of emerging environmental risks and focussed on climate change which he used to show the ever changing fluxes within the environment together with social issues. The participants were then divided into five groups and were asked to focus on the following:

Topic 1: Prioritisation given the limited capacity of the Inspectorate

Topic 2: Measuring the impact of enforcement initiatives/ activities undertaken

Topic 3: Maximising collaborative approaches

Topic 4: Ensuring successful prosecution of environmental crime

Topic 5: Innovative use of information technology in enforcement work



DEFF's Chief Directors, Compliance (Mr Sonnyboy Bapela), Enforcement (Ms Frances Craigie) and DENC Director: Compliance and Enforcement (Mr OT Gaoraelwe) lead the delegation to the Isibindi Day Care Centre, Lerato Park on 2nd day the ECEL.

Day 2 concluded with the social outreach component of the ECEL, which involved a high level delegation of DEFF and Northern Cape DENC officials visiting the Isibindi Day Care Centre, Lerato Park, bearing much needed educational equipment. This Centre has 15 full-time scholars and 300 learners during school holidays and caters for a number of disabilities. The equipment

was funded through the collection of funds from each of the EMI Institutions, who together managed to raise a total amount of approximately R23 000.

Day 3: Assessing the performance of the Inspectorate: EMI stalwarts and stakeholders

During this day the Inspectorate aimed to gain some objective insight into the performance of the Green Scorpions - the "Panel of Stalwarts & Stakeholders" has become a regular feature on the ECEL Programme. At this plenary session, representatives from within (e.g. retired EMIs) and external to (stakeholder groups) were invited to provide a critical and constructive analysis of the effectiveness of the Inspectorate. The external stakeholders included representatives from the Refineries Sector, the SA Human Rights Commission, the NSPCA, the Media and Traditional Leadership. This session sparked some robust debate, all in the spirit of assisting the Inspectorate to become aware of areas of improvement.



Day 3 Panel of Stakeholders: from top left clockwise: PetroSA: Dian Naiker, South African Human Rights Commission: Advocate Abraham Mojaelo, Journalist: Elise Templehoff, Traditional leader: Nkosi Mpumalanga Gwadiiso, NSPCA: Karen Trendler and Douglas Wolhuter

The afternoon sessions followed from presentations provided in the morning and focussed on:

Workshop A: Addressing the Challenges in the Pollution and Waste sector

Workshop B: Addressing the Challenges in the Marine and Coastal sector

Workshop C: Addressing the Challenges in the Biodiversity and Protected Areas sector

The end of day 3 of the ECEL was closed with the Green Scorpions gathering their energies to do battle on the soccer field and aerobics floors; both teams were enthusiastic and entertaining in the execution of their endeavours.



Day 4: EMI One Day Training Sessions / Gala Dinner

The final day of the ECEL was dedicated to developing the capacity of EMIs to execute their functions more effectively.

The morning plenary session commenced with Professor Songorwa, from the Department of Wildlife Management, Sokoine University of Agriculture in Tanzania who provided an analysis of the training programme for environmental compliance and enforcement officials in Tanzania. This was followed by Pitso Mojapelo from DEFF:EIP who showcased the Environmental Monitors Programme aimed at currently supporting management authorities and private landowners to achieve their mandates for biodiversity and ecosystem services through patrols (anti-poaching), biodiversity monitoring and environmental awareness creation in protected areas and communities surrounding protected areas

The plenary then broke into individual training sessions that were dedicated to:

Session 1: Legislative updates

Session 2: Oceans and coastal compliance and enforcement tools and techniques

Session 3: The management of S30 incidents

Session 4: Snake-handling and criminal law and procedure

Session 4: Criminal law and case studies

The ECEL ended off with a gala dinner and unfortunately this year, the prestigious EMI Awards of Excellence were cancelled due to the low level of nominations submitted prior to the expiry date; and were replaced by an acknowledgement to the EMI Institutions employing EMIs with more than 5 and 10 years working experience.



DEFF DDG Ishaam Abader hands out certificates to EMI institutions

The evening was skilfully coordinated by the MC for the evening, Mr OT Gaoraelwe, who, together with the band, kept the audience thoroughly engaged and entertained.



ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT
CAPACITY BUILDING

14. ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT CAPACITY BUILDING



EMI Basic Training Courses (May and October, 99 officials)

The basic training course is administered and coordinated by DEFF and utilises the expertise of experienced designated EMI's from across the Inspectorate. Officials from all three spheres of government, who require Grade 1, 2, 3 or 4 designation, are permitted to submit application forms against which they are evaluated to ensure that they meet the minimum requirements to attend. Each course runs over a seven week period, which includes distance and contact learning components.

The training content is structured as to follow a chronological flow, which includes:

- 1) Legislation, including NEMA, SEMAs, as well as relevant provisions of the CPA and PAJA;
- 2) Theoretical and practical training in so far the proper legal execution of an inspection and report writing;
- 3) Taking administrative enforcement against non-compliant individuals and or companies
- 4) Undertaking criminal investigation and
- 5) Associated Court procedures.

There are 7 separate individual assessments done over this period and an official must achieve a final average of 50% to pass the course.

The overview for the two courses were as follows:

A. The May 2019 course was presented in Pretoria Gauteng

- 53 officials in attendance
- 13 EMI institutions represented

B. The October 2019 course was presented in Cape Town WC

- 46 officials in attendance
- 9 EMI institutions represented



EMI Grade 5 Field Ranger Training SANParks 2019

Further to the Train the Trainer workshop held in the previous financial year, which served to develop and update a uniform approach and standard to the EMI Grade 5 (field ranger) basic training programme, a number of training interventions took place. For the reporting period 2019/2020 SANParks focussed in on the Arid Regions under their control namely, Kgalagadi Transfrontier Park (7), Mokala National Park (13), Namaqua National Park (5), Au-grabies Falls National Park (3), and Richtersveld National Park (11). A total of 39 staff members received training which included topics such as; 1) NEMA/SEMA framework, 2) Arrest, 3) crime scene management, 4) statement writing, 5) issuing admission of guilt fines and 6) sampling, to name but a few. The officials that successfully completed the course would move on to be designated as Grade 5 EMIs.



EMI Specialised Training – Cybercrime first responder course

During 2019 EMIs had the opportunity to attend a course that focussed on Cyber Forensic First Responder duties, presented by Christophe (Chris) Bellouard, International Technical Expert and regional advisor on cybercrime, stationed at the Embassy of France in South Africa.

This course laid the foundation for similar courses to be presented in the future and focussed on; Cybercrime overview, International cooperation, Legal framework, Secure – search – seize digital evidence respecting chain of custody, Manage a cyber-related crime scene and Investigate the Internet. In an ever evolving digital era it is important to ensure that EMIs are made aware of the latest developments and related investigation techniques.



Snake Awareness, First aid for Snakebite and Venomous Snake Handling Course.

A course was hosted for 74 Biodiversity sector EMIs who frequently come across instances where they are required to catch and handle snakes and other venomous animals while undertaking inspections and/or investigations.

Three courses were arranged and presented by experts from the African Snakebite Institute, and covered a range of topics, including, 1) Theoretical session on snake awareness, behaviour and identification. 2) Theoretical session on myths and superstition, exotic snakes and first aid for snakebite and 3) Scorpion and spider awareness and handling. Practical snake catching and handling also formed part of the course.



EMRI Specialised training on Administrative enforcement

On request from the DMRE a training and awareness session was presented to the EMRIs (Environmental Mineral Resource Inspectors) on Administrative Enforcement.

This request was welcomed as it also presented an opportunity to strengthen the network between EMIs and EMRIs. The course focussed on key issues such as: 1) EIA Listed Activities and Mining, 2) The practice of legal writing of administrative notices, 3) Fundamental principles of Administrative Law and proper procedure, 4) Extension requests, Variations and suspensions, as well as Objections and Appeals. The course was attended by 47 EMRIs.



Specialised training provided during the EMI ECEL Training 2020

The 2019-2020 reporting period also saw the hosting of the ECEL this time round in Kimberly, Northern Cape. As part of the formal programme one day was set aside to host a number of training sessions presented by a range of experts invited to the event.

There were a total of 5 courses presented these being:

1. The snake handling and snake bite management course which was presented to 39 officials.
2. The legal mandate of EMIs is dynamic and under consistent amendment due to ongoing amendments to NEMA/SEMAS and subordinate legislation. This session focussed on new enactments, promulgations, repeals and amendments. A total of 44 officials were in attendance.
3. The third course that was presented focussed on supporting EMIs to undertake criminal investigations into environmental offences and their need to have an intimate working knowledge of case law linked to criminal law and procedure in order to execute their functions. There were a total of 86 EMIs in attendance.
4. The fourth course was on Managing NEMA S30 Incidents, which focussed on the new S30 guidelines, Health and Safety considerations and Dealing with Cross Border Transgressions. 40 officials attended the training
5. The fifth training focussed on Oceans and Coastal Enforcement; Tools and Techniques. This training focussed on Marine Protected Areas, a solution for protection of Marine Ecosystems, Use of OCIMs and case studies on NEM:ICMA compliance and enforcement, with 17 officials in attendance.





Stakeholder training and awareness raising initiatives.

During the reporting period a number of additional training and awareness raising sessions were conducted and/or supported by the EMI. These included:

1. 112 Judicial officers received training during the Regional African Judicial Roundtable event hosted by VukaNow and SAJEI in Gaborone Botswana on International Wildlife Trafficking.
2. 102 members attended a Cargo Security Conference and received awareness in so far illicit wildlife trade.
3. 336 SANDF members responsible for border line safety were provided with awareness on illicit wildlife activities.
4. 68 Traditional Leaders were trained on Marine and Coastal Legislation conducted in Mthatha, Eastern Cape.
5. 15 EMIs also attended a CPA Section 252A course that focussed on conducting covert operations



International border interdiction training presented by U.S. Customs and Border Protection (USCBP)

EMIs along with delegates from SAPS, Agriculture, Port Health and Customs attended the International border interdiction training presented by U.S. Customs and Border Protection (USCBP).

The topics covered in the training were: 1) Detecting and preventing illegal commodities from entering South Africa; 2) Enforcing customs, immigration, and agricultural laws and regulations at ports of entry; 3) Preventing the illegal trafficking of people, narcotics, and contraband into South Africa Performing inspection and 4) Profiling passengers and vehicles.



EMIs attending ILEA hosted courses (August, 5 EMIs and June, 4 EMIs)

The International Law Enforcement Academy again hosted biodiversity focussed training courses for relevant law enforcement officers from across Africa, and 9 EMIs had the privilege of attending these courses in Gaborone Botswana. EMIs also assisted as part of the training team.

The course titled: Wildlife Trafficking Investigations, were presented by topic experts from within US government agencies, amongst others USFWS, and aim to teach but also allow for networking across African countries on the topic of biodiversity investigations.

Topics covered, included amongst others: endangered species law; CITES wildlife trade data; wildlife identification; case initiation and management; digital evidence; forensics and crime scene processing



EMIs attend USCBP International Seaport Interdiction Training course

The U.S. Department of Homeland Security's Customs and Border Protection extended an invitation for officials to attend a course titled "The International Seaport Interdiction Training course (ISIT II)".

Other government agencies and Departments included officials from Customs (K-9, Marine Unit), National Department of Agriculture, Transnet National Ports Authority and Department of Health (Port Health).

This interactive workshop comprised of classroom and practical training in a wide range of seaport-related enforcement topics. A broad range of inspection and detection techniques applicable to all types of contraband were discussed. Specific topics included: inbound and outbound operations, targeting and risk management, incident command structure, hazardous materials, export control, weapons of mass effect, improvised explosive devices, anti-terrorism, passenger and commercial vessel concealment methods, contraband seizure, document analysis, inspection techniques and officer safety.



Government Officials

Elephant and Rhinoceros Crime Scene Management



Management of Wildlife Trafficking Crime Scenes at Ports of Entry and Exit

Developed material and finalised EMI training centre feasibility study

During 2019-2020 DEFF collaborated with the World Wide Fund for Nature (WWF) as part of a USAID funded project that sought to develop and expand EMI and stakeholder training and awareness raising material that focussed on the Biodiversity sector. This extensive project came to a successful conclusion and the following deliverables completed:

Awareness material for

1. Border security first responder duties upon detection of wildlife trafficking

Training curriculum for

2. Detection and Handling of Illicit Wildlife Specimens at Ports of Entry and Exit
3. Elephant and Rhinoceros Crime Scene Management for First Responders
4. Management of Wildlife Trafficking Crime Scenes at Ports of Entry and Exit including multimedia training material

2020 also saw the finalisation of the feasibility study to establish a national training centre for EMIs undertaken by BDO

The key objectives of the scope of work included:

1. Undertake a SWOT analysis of the proposal to develop an EMI training centre;
2. Develop and propose models for the implementation of an EMI training centre;
3. Propose 3 models for the delivery of the EMI training programme for selection by the DEFF senior management;
4. Prepare a detailed business case for the 3 most appropriate models / options that will form the basis for decision-making and implementation; and
5. Prepare a detailed comparative analysis of the 3 recommended models / options.



Private Owners

Elephant and Rhinoceros Crime Scene Management for First Responders



Feasibility Study to Establish a National Training Centre for the Environmental Management Inspectorate - Business Case Report

February 2020



WHAT IS AHEAD FOR 2020-21?

14. WHAT IS AHEAD FOR 2020-21?

In the 2020/2021 financial year, the Inspectorate will take the opportunity to reflect on the past five years and assess the impact that the implementation of the 2014 National Environmental Compliance and Enforcement Strategy (NECES) has had on the execution of its compliance and enforcement functions. A key component of this process is to identify the key strengths and weaknesses of the Inspectorate in applying the recommendations emanating from strategy over this period, which will, in turn, form the basis for the development of a new medium-term strategy. One of the priority areas identified in the 2014 NECES was the development of an integrated National Environmental Compliance and Enforcement System (iNCEIS) to enable critical EMI processes to be executed electronically; and for information and statistics to be collated and analysed on a 'live' basis. The system, which has been under development, will be implemented in selected pilot provinces in the first part of the financial year, before it is rolled-out to the rest of the Inspectorate.

On the pollution, waste and impact assessment front, there will be a concerted effort to increase compliance and enforcement activities in areas of poor air quality, with a specific focus on declared priority areas. This initiative forms part of an integrated intergovernmental enforcement campaign that was initiated in the last financial year, which included representation from all three spheres of government. Furthermore, a concentrated enforcement campaign is being rolled out in areas of high ecosystem value, in particular, identified Ramsar Sites. This initiative is a continuation of an enforcement pilot operation which was undertaken in the Garden Route National Park during the last financial year; and cuts across all three environmental disciplines (blue, brown and green). There will be an ongoing focus on the execution of joint inspections, both in relation to specific industry sectors; as well as landfill sites. From an international perspective, South Africa is intimately involved in the planning and execution of a dynamic and streamlined international oceans, waste and pollution operation. This campaign will form part of a trilogy of operations which is currently led by Interpol.

Biodiversity compliance and enforcement will continue to focus on the verification of private rhino horn stockpiles in provinces to ensure compliance with the norms and standards for the marking of rhinoceros, horns and the hunting of rhinoceros for trophy purposes. The Department, in collaboration with the provincial conservation and parks authorities, the private sector

and NGO's, continues to implement the decisions of the Rhino Conservation Lab with the latest initiative focusing on demarcating specific wildlife zones to ensure that additional resources are directed to high risk areas. The Department will also establish the Environmental Enforcement Fusion Centre, which is aimed at coordinating and improving the reactive and proactive response to rhino poaching and other wildlife crime. Priority species and species listed on Appendix I of CITES, such as large predators and cycads will remain high on the agenda of the Inspectorate. There will be continued emphasis on the monitoring and eradication of AIS species in the pet shop and nursery industries, with operations taking place in Limpopo, Mpumalanga and the Northern Cape; as well investigating the potential risk of ship bilge in the spread of AIS species at Saldana and Richards Bay.

The work in the oceans and coastal realm will fall primarily under the ambit of Initiative 5 of Operation Phakisa, including the coordination of monthly/quarterly meetings and both proactive and reactive operations. The appointment of ten (10) Environmental Monitors for Eastern Cape and KwaZulu-Natal to strengthen Oceans and Coast Compliance and Enforcement in these provinces will also add value to operations planned and executed under Initiative 5. In addition, we will finalise the Collaborative Study undertaken by the Government Technical Advisory Centre which will inform priorities and future work for Initiative 5. Alongside Operation Phakisa will be the continued initiative to raise awareness with traditional leadership on the nature, scope and impacts of environmental crimes occurring in our coastal environment.

Although COVID-19 restrictions will impact on opportunities for "face to face" engagement with key stakeholders, the Inspectorate will continue its work as which is an essential service. We will also prioritise our collaboration with international agencies, such as INTERPOL, UNODC and the CITES Secretariat, as well as those South African authorities whose support is critical for the effective functioning of the Inspectorate. This includes both other sectoral national departments (such as DHSWS and DMRE) as well as law enforcement and prosecution authorities in the criminal justice system (such as SAPS, the NPA, the SARS and the SSA).

In addition, the support to the development of EMI capacity at the local authority level will continue to be a focus area for the Inspectorate as part of the District Development Model of the Department of Planning, Monitoring and Evaluation.

**Environment House
473 Steve Biko Road
Arcadia
Pretoria
0002**

Call Centre: 086 111 2468

Website: www.environment.gov.za

Environmental Crimes Hotline: 0800 205 005

ISBN: 978-0-621-48878-4



Find us:
Department of Environment,
Forestry & Fisheries



Follow us:
[@EnvironmentZA](https://twitter.com/EnvironmentZA)



Follow us:
[@EnvironmentZA](https://www.instagram.com/EnvironmentZA)



Follow us:
[EnvironmentZA](https://www.youtube.com/EnvironmentZA)



To use this QR code conveniently you must have a smartphone equipped with a camera and a QR code reader/scanner application feature