

TOWARDS THE ESTABLISHMENT OF A REGISTRATION AUTHORITY FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS IN SOUTH AFRICA - CONSULTATIVE PROCESS WITH KEY STAKEHOLDERS

The Interim Certification Board (ICB) for Environmental Assessment Practitioners (EAPs) of South Africa has been requested by the Minister of Environmental Affairs and Tourism to play a coordinating and facilitating role in the creation of a formal structure for the regulation and registration of environmental assessment practitioners in this country. The outcome of this process will be the establishment of a statutory Registration Authority for this industry in terms of section 24H of the National Environmental Management Amendment Act 8 of 2004.

In January 2006 the ICB will initiate a consultative process with key stakeholders, both environmental assessment practitioners and professional bodies with an interest in environmental assessment, and environmental authorities. The purpose of this process is to evaluate the current voluntary certification system, identify ways in which it could be improved, and address the legal requirements associated with the establishment of a registration authority for EAPs.

The regulation of the environmental assessment industry, to ensure that only suitably qualified, experienced and competent practitioners undertake environmental assessment work, has the potential to benefit all parties involved in development and its effect on the environment; such regulation would provide some level of assurance of the quality of environmental assessment that underpins decision-making on proposed development.

The proposed process will be implemented in the following four phases:

1. Phase One – Initiating the consultative process (January 2006)

- Identifying stakeholders;
- Developing background information and making this information available to stakeholders;
- Advertising the availability of this information and of the process.

2. Phase Two - Provincial consultation (February - March 2006)

- Advertising, organising, hosting and recording meetings in each of the nine provinces in partnership with relevant provincial environmental authorities and professional bodies.

3. Phase Three - National conference (March 2006)

- The conference will be hosted for mandated representatives from the relevant professional bodies, and from provincial and national environmental authorities.
- The conference will focus on the negotiation of a single text, which will be used as the basis for an application for the new certification board to be appointed as a registration authority.

4. Phase Four - Submission of proposal application to the Minister (March – April 2006)

- Preparation of an application for the new certification board to be appointed as a registration authority.

PROVINCIAL WORKSHOPS

Workshops are being advertised and hosted in each province in partnership with the relevant provincial EIA authority. The following is the schedule and venues for each of the meetings.

Province	Date and time of the meeting	Venue
Western Cape	Mon 13 Feb 2006 14:00 - 16:00	Room 10, Menzies Building, University of Cape Town
Gauteng	Tue 14 Feb 2006 14:00 - 16:00	DBSA Auditorium, Midrand
Mpumalanga	Tue 14 Feb 2006 15:30 - 17:30	Rooms 2 and 3, Second Floor, Building 8, Provincial Complex, Nelspruit
Northwest	Wed 15 Feb 2006 14:00 - 16:00	Council Chamber, Rustenburg Municipality, Rustenburg
Northern Cape	Mon 20 Feb 2006 10:00 - 12:00	Training Hall, Francis Baard District Municipality, Kimberley
Limpopo	Mon 20 Feb 2006 15:30 - 17:30	Visarend Lapa, Polokwane Municipality, Polokwane
Free State	Tue 21 Feb 2006 14:00 - 16:00	Louis Botha Hall, Lebohang Building, c/o St Andrew & Markgraaff Streets, Bloemfontein
KwaZulu-Natal	Tue 21 Feb 2006 14:00 - 16:00	Cedara College Auditorium, Cedara, Pietermaritzburg
Eastern Cape	Wed 22 Feb 2006 14:00 - 16:00	PE Museum, Bayworld, Beach Road, Humewood, Port Elizabeth

WHAT IS THE INTERIM CERTIFICATION BOARD FOR ENVIRONMENTAL ASSESSMENT PRACTITIONERS?

The initiative to set up a certification body for EAPs was started in 1998, and in 2001 resulted in the establishment of the ICB. This Board has 17 member organizations and has certified approximately 71 EAPs to date, following an agreed on process and criteria. In a review of certification systems in developing countries, undertaken in 2004 for the World Bank, the South African system featured prominently and in a positive light.

Please refer to the Information Booklet that is posted on the ICB's website (www.eapsa.co.za). This Booklet provides the history and background to the voluntary certification system for EAPs in South Africa, including the need for such a system, describes the process followed and criteria used when evaluating applicants, and gives the Code of Ethics to which certified EAPs must subscribe.

RECENT DEVELOPMENTS – FROM A VOLUNTARY CERTIFICATION SYSTEM TO A REGISTRATION AUTHORITY

- The National Environmental Management Act 107 of 1998 (NEMA) was amended to make provision for the Minister to appoint associations as 'registering authorities' for EAPs in terms of section 24H of the amended Act (Act 8 of 2004).
- On 18 March 2005, the national environmental Minister met with representatives of the ICB and made his intentions clear with regard to the need to regulate the EIA industry. More specifically, Minister van Schalkwyk cautioned that, if the industry couldn't demonstrate the ability to regulate itself, the state would step into the breach and regulate the industry.
- The Minister asked the ICB to hold a national conference towards the end of 2005 for representatives of those organizations with an interest in, or that could be affected by, the proposed formal certification of EAPs.
- In a follow-up meeting with DEAT on 2 June 2005, it was agreed that the conference should focus on:
 - The structure (constitution, representation and transformation, legal personality) of the proposed registering authority;
 - The criteria and process used to evaluate applicants for certification;
 - The code of ethical conduct and practice of EAPs.
- A Memorandum of Understanding between DEAT and the ICB was signed in late November 2005.
- The ICB, comprising its member bodies, has therefore initiated a broad consultative process with EAPs across SA to re-evaluate the current certification system. The purpose of this process is to identify shortcomings in the current system, look for ways to improve on the current system, and to address the need to conform with section 24H of the amended NEMA. The ICB, or new association emerging from the consultative process, would apply for registration in terms of section 24H of the amended NEMA.

SOME OF THE MAIN ISSUES THAT WILL NEED TO BE ADDRESSED DURING THE CONSULTATIVE PROCESS

Some of the key issues that have been identified by the ICB with regard to the current certification process, and the need to conform with the requirements of section 24H of the amended NEMA, are listed below. These issues provide a point of departure for the consultative process:

1. Legal issues:

- Consistency with legal requirements of section 24H of NEMA – constitution of registering authority, association, etc;
- Liability and appeals;

- Constitutional issues.
- 2. Different levels of certification (e.g. EIA reviewer, professional EAP, EAP 'in training').
- 3. Codes of ethics and practice, and disciplinary procedure or sanction.
- 4. Transformation and representation of the industry.
- 5. Financial issues, professional charge-out rates (e.g. commensurate with experience).
- 6. Protection of EAPs' professional independence.
- 7. Certification of government officials as well as environmental assessment consultants.
- 8. Certification of specialists from different disciplines who contribute to the EIA process.
- 9. Certification with other registration bodies as an environmental scientist (SACNASP, SAIE&ES).
- 10. Academic training and the accreditation of courses in EA.
- 11. Commitment to, and evidence of, professional improvement and training.

It must be noted that, whilst it will be possible to address some of these issues (e.g., legal issues, codes of ethics and practice) during the current consultative process leading up to the submission of an application to be appointed as a registration authority for EAPs, many of these issues – albeit important – fall beyond the scope of the current process. The intention of this process is to flag these latter issues that need to be addressed in future, and to make suggestions about who would be best placed to address them.

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