

## APPENDIX

### SAMPLE PROTOCOL – ENVIRONMENTAL RIGHTS

#### 4<sup>th</sup> ECONOMIC AND SOCIAL RIGHTS PROTOCOL

**For Period: 1 April 2000 to 31 March 2002**

*Everyone has the right to an environment that is not harmful to their health or well-being; and the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. The state is required to respect, promote and fulfil these rights.*

#### 1. POLICY MEASURES

##### 1.1 Policies, Programmes and Projects

1.1.1 List and briefly describe all new policies instituted during the reporting period in order to realise the right to a healthy and protected environment.

1.1.2 Provide information according to the table below on programmes and/or projects instituted during the reporting period based on present and past policies.

Programme/ Projects	Policy on which programme/ Project is based	Objectives	Beneficiaries	Achievements Or Goals attained

##### 1.2 Constitutional Obligations

1.2.1 In what way do the above-mentioned policy measures meet the constitutional obligation to *respect* the right to a healthy and protected environment?

1.2.2 In what way do the above-mentioned policy measures meet the constitutional obligation to *protect* the right to a healthy and protected environment?

1.2.3 In what way do the above-mentioned policy measures meet the constitutional obligation to *promote and fulfil* the right to a healthy and protected environment?

### **1.3 Vulnerable Groups**

1.3.1 Identify which of the above-mentioned policy measures made specific provisions for each of the following vulnerable groups:

- a) women
- b) older persons
- c) persons with disabilities
- d) female-headed households
- e) child-headed households
- f) persons living in rural areas
- g) persons living in informal settlements
- h) homeless people
- i) poor communities
- j) persons living close to industries and waste disposal sites
- k) workers exposed to toxic and hazardous substances
- l) Groups disadvantaged by past discriminatory racial laws and practices

1.3.2 How has each of these policy measures catered for the vulnerable groups identified above?

### **1.4 Implementation difficulties**

1.4.1 What were the difficulties experienced, if any, in the implementation of these policies, programmes and/or projects?<sup>1</sup>

1.4.1.1 What measures has the department put in place to address these difficulties?

## **2 LEGISLATIVE MEASURES**

### **2.1 Legislative and related measures**

2.1.1 List and briefly describe legislative developments<sup>2</sup> that took place during the reporting period in order to realise the right to a healthy and protected environment?

### **2.2 Constitutional Obligations**

2.2.1 In what way do the above-mentioned legislative developments meet the constitutional obligation to *respect* the right to a healthy and protected environment?

2.2.2 In what way do the above-mentioned legislative developments meet the constitutional obligation to *protect* the right to a healthy and protected environment?

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<sup>1</sup> National departments should also respond to national policies implemented by provincial departments.

<sup>2</sup> Legislative developments referred to here include new legislation, reviews and amendments to legislation and Bills, but exclude technical amendments such as amendments to grammar.

2.2.3 In what way do the above-mentioned legislative developments meet the constitutional obligation to *promote and fulfil* the right to a healthy and protected environment?

### **2.3 Vulnerable Groups**

2.3.1 Identify which of the above-mentioned legislative measures made specific provisions for each of the vulnerable groups listed in 1.3.1.

2.3.2 How has each of these legislative measures catered for the respective vulnerable groups listed in 1.3.1?

2.4 What were the difficulties experienced in the implementation of these legislative measures?<sup>3</sup>

2.4.1 What measures has the department put in place to address these difficulties?

### **3. ADMINISTRATIVE ACTION**

3.1 Were there any administrative action(s) taken by the department, which resulted in the violation(s) of the right? If yes, elaborate on the nature of the administrative action(s) and the extent and impact of the violation(s).

3.2 How did the administrative action(s) result in the violation(s) of the right in question?

3.3 Identify and describe any measures that the department introduced to address and prevent the recurrence of the violation(s).

3.3.1 How effective were these measures?

### **4. MALADMINISTRATION AND/ OR CORRUPTION**

4.1 Were there any official complaint(s) of maladministration and/or corruption against the department relating to the realisation of the right during the reporting period? If yes, explain.

4.2 Identify and describe any measures that the department introduced to address and prevent maladministration and/or corruption?

4.2.1 How effective were these measures?

### **5. BUDGETARY MEASURES**

5.1 Provide information on the budget of the department as per table below:

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<sup>3</sup> National departments should also respond to national legislation implemented by provincial departments.

**TOTAL BUDGETARY ALLOCATION**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of GDP/GGP	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.1.1 Account for variances in the department's budget for the periods indicated in the table above.

5.1.2 Was the budget adequate? If not, explain.

5.1.3 What measures were instituted to address budget inadequacy?

5.1.4 Was there any over or under-spending of the total revenue? If yes, explain.

5.1.5 What impact did over or under-spending have on the realisation of the right?

5.1.6 What measures has the department put in place to address this over or under-spending?

5.2 Provide information on the total budget for Waste Management and Pollution Control (including Waste Disposal) programmes as per table below:

**POLLUTION CONTROL AND WASTE MANAGEMENT**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of the department's total revenue	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.2.1 Account for variances in the department's budget for the periods indicated in the table above.

5.2.2 In making the allocations what considerations were given to the needs of:

- a) persons living in rural areas
- b) persons living in informal settlements
- c) persons living close to industries and waste disposal sites
- d) poor communities
- e) homeless persons
- f) workers exposed to toxic and hazardous substances
- g) historically disadvantaged racial groups

5.2.3 Was the budget adequate for the above-mentioned programme? If not explain.

5.2.3.1 What measures were instituted to address budget inadequacy?

5.2.4 Was there any over or under-spending for the programme/project? If yes, explain.

5.2.4.1 What impact did over or under-spending have on the realisation of the right?

5.2.4.2 What measures has the department put in place to address this over or under-spending?

5.3 Provide information on the total budgetary allocation for Nature Conservation by the department as per table below:

**NATURE CONSERVATION**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of the department's total revenue	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.3.1 Account for variances in the department's budget for the periods indicated in the table above.

5.3.2 In making the allocations what considerations were given to the needs of:

- a) persons living in rural areas
- b) persons living in informal settlements
- c) persons living close to industries and waste disposal sites
- d) poor communities
- e) homeless persons
- f) workers exposed to toxic and hazardous substances
- g) historically disadvantaged racial groups

5.3.3 Was the budget adequate for the above-mentioned programme? If not explain.

5.3.3.1 What measures were instituted to address budget inadequacy?

5.3.4 Was there any over or under-spending for the programme/project? If yes, explain.

5.3.4.1 What impact did over or under-spending have on the realisation of the right?

5.3.4.2 What measures has the department put in place to address this over or under-spending?

5.4 Provide information on the total budgetary allocation for Soil Erosion Management by the department as per table below:

**SOIL EROSION MANAGEMENT**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of the department's total revenue	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.4.1 Account for variances in the department's budget for the periods indicated in the table above.

5.4.2 In making the allocations what considerations were given to the needs of:

- a) persons living in rural areas
- b) persons living in informal settlements
- c) persons living close to industries and waste disposal sites
- d) poor communities
- e) homeless persons
- f) workers exposed to toxic and hazardous substances
- g) historically disadvantaged racial groups

5.4.3 Was the budget adequate for the above-mentioned programme? If not explain.

5.4.3.1 What measures were instituted to address budget inadequacy?

5.4.4 Was there any over or under-spending for the programme/project? If yes, explain.

5.4.4.1 What impact did over or under-spending have on the realisation of the right?

5.4.4.2 What measures has the department put in place to address this over or under-spending?

5.5 Provide information on the total budget for Capacity Building and Information Dissemination as per table below:

**CAPACITY BUILDING AND INFORMATION DISSEMINATION**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of the department's total revenue	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.5.1 Account for variances in the department's budget for the periods indicated in the table above.

5.5.2 In making the allocations what considerations were given to the needs of:

- a) women
- b) older persons
- c) persons with disabilities
- d) female-headed households
- e) child-headed households
- f) persons living in rural areas
- g) persons living in informal settlements
- h) homeless people
- i) poor communities
- j) persons living to industries and waste disposal sites
- k) workers exposed to toxic and hazardous substances
- l) historically disadvantaged racial groups

5.5.3 Was the budget adequate for the above-mentioned programme? If not explain.

5.5.3.1 What measures were instituted to address budget inadequacy?

5.5.4 Was there any over or under-spending for the programme/project? If yes, explain.

5.5.4.1 What impact did over or under-spending have on the realisation of the right?

5.5.4.2 What measures has the department put in place to address this over or under-spending?

5.6 Provide information on the total budget for Technology and Support Services by the department as per table below:

**TECHNOLOGY AND SUPPORT SERVICES**

Year	Total revenue in Rand(s)	Total allocation in Rand(s)	Allocation as a % of the department's total revenue	Per capita allocation in Rand(s) after inflation adjustment	Projected expenditure in Rand(s)	Actual expenditure in Rand(s)
1999 – 2000						
2000 – 2001						
2001 – 2002						
2002 – 2003						

5.6.1 Account for variances in the department's budget for the periods indicated in the table above.

5.6.2 In making the allocations what considerations were given to the needs of:

- a) persons living in rural areas
- b) persons living in informal settlements
- c) homeless persons
- d) poor communities
- e) persons living close to industries and waste disposal sites
- f) workers exposed to toxic and hazardous substances
- g) historically disadvantaged racial groups

5.6.3 Was the budget adequate for the above-mentioned programme? If not explain.

5.6.3.1 What measures were instituted to address budget inadequacy?

5.6.4 Was there any over or under-spending for the programme/project? If yes, explain why.

5.6.4.1 What impact did over or under-spending have on the realisation of the right?

5.6.4.2 What measures has the department put in place to address this over or under-spending?

**6. INDICATORS**

6.1 Please provide information according to the tables below for the reporting period in question.<sup>4</sup>

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<sup>4</sup> Where information cannot be provided, please state this and give reasons thereof.

**INDICATORS: ENVIRONMENTAL**

	Total	Urban	Rural	African	Coloured	Indian	White
Number and percentage of people affected and harmed by atmospheric and water pollution							
Number and percentage of communities that experienced soil erosion							
Number and percentage of communities with inadequate recycling facilities							
Number and percentage of communities that lack environmentally friendly sources of heat and light							
Number and percentage of communities that experience industrial pollution							
Number and percentage of communities with inadequate sanitation facilities							

**6.2 National Action Plan**

6.2.1 The National Action Plan identifies numerous challenges with respect to environmental rights that need to be addressed.<sup>5</sup> Please provide information according to the tables below for the reporting period in question.

**WASTE DISPOSAL MANAGEMENT CHALLENGES**

	Total	Urban	Rural	African	Coloured	Indian	White
Number and percentage of communities with inadequate dumping sites							
Number and percentage of communities with ineffective refuse removal							
Number and percentage of communities that are exposed to hazardous waste disposal							
Number and percentage of communities contaminated by hazardous chemicals							
Number and percentage of communities affected by toxic waste imported into the country							
Number and percentage of communities affected by radioactive waste							

6.2.2 Please provide information on measures taken by the department to improve the rights in terms of indicators referred to above. What progress has been achieved by the department?

**7. PUBLIC AWARENESS**

7.1 What measures has the department put in place to raise awareness about the services rendered by the department to realise the right to a healthy and protected environment? How effective have these measures been?

<sup>5</sup> Please answer questions that are within the competency of your department.

**8. MONITORING**

- 8.1 Describe how your department prepares its response to the Commission's economic and social rights protocols and the difficulties it experiences. How has the department addressed these difficulties?
- 8.2 Describe the department's internal mechanisms and measures used to monitor and assess the progressive realisation of the right to a healthy and protected environment and the difficulties it experiences. How has the department addressed these difficulties?
- 8.3 How could this process of monitoring and assessing the progressive realisation of the right to a healthy and protected environment be improved?
- 8.4 Provide the name(s), and designation(s) of the official(s) who compile the department's response.

**9. ADDITIONAL INFORMATION**

- 9.1 Provide any other information relevant to the realisation of the right to a healthy and protected environment.
- 9.2 In fulfilling this right, what other departments does the department work with?
- 9.3 Please advice on how the protocol could be improved.



