

Ministry of Environmental Affairs and Tourism

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OPENING SPEECH BY MARTHINUS VAN SCHALKWYK, MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM AT THE 8th CONFERENCE OF THE INTERNATIONAL NETWORK FOR ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT, VINEYARD HOTEL, CAPE TOWN, 7 April 2008

INTRODUCTION

I am honoured to welcome you to this 8th International Conference of the International Network for Environmental Compliance and Enforcement, and to open this conference. On behalf of the South African government and our department, the Department of Environmental Affairs and Tourism, it is also my pleasure to welcome you to our beautiful country.

Ladies and gentlemen, in 2008, the regulation of our environment has to be a matter of international importance and international cooperation. For some time we have lived in a world where our impacts on the environment are so significant that they are felt across international borders. Climate change is an obvious example of the influence that we can have on the health and well-being of people on the other side of the world, without their consent or acceptance of the risks imposed.

GLOBAL PERSPECTIVE

Today we live and operate in a global market where every imaginable product is traded internationally. In addition, major new and rapidly growing markets have dramatically increased the demand for natural resource-based commodities.

Inevitably, some of these products traded across the globe include environmental contraband - both threatened and endangered species and products as well as hazardous materials and waste. And the illegal trade in environmental contraband, which is more often than not committed by highly organised crime networks, is extremely profitable. **We know that crime syndicates make as much as US\$30 billion from the illegal dumping of hazardous waste, the smuggling of hazardous materials and the abuse of scarce natural resources.**

With the explosion of the internet, international trade in environmental contraband has rapidly become very easy for traders, and has created a daunting new challenge for compliance and enforcement. A recent study of the International Fund for Animal Welfare (IFAW), in a one-week survey of the **online trading website e-bay, found over 9,000 wild animal products and specimens and live wild animals for sale, predominantly from species protected by law.**

Strong international environmental agreements like the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), coupled with adequate domestic legislation to implement CITES, constitute only the first step. Just like the illegal trade in drugs and weapons, this kind of criminal activity cannot be countered without comprehensive and committed international cooperation and information-sharing. Our colleagues from Interpol play a key role in facilitating this exchange.

Ladies and gentlemen, as regulation of the transport and disposal of hazardous waste and materials are tightened all over the world; the illegal trade in such materials has also taken off, often with tragic consequences. The fatal September 2006 incident in Abidjan in Ivory Coast where toxic waste was dumped by a local contractor working for an international commodities company is just one example of what can go wrong when local compliance and enforcement is not strong enough to stand up to the pressure of international criminal activity.

However, the problem does not only lie with countries where the waste ends up. **Indications are that far stricter control is required of the potential exporters of waste. A 2005 report by the European Network for the Implementation and Enforcement of Environmental Law (IMPEL) based on a joint enforcement operation in 17 European seaports found that 48% of waste shipments were illegal under EU regulations.**

I am therefore of the view that far more attention needs to be given to compliance and enforcement of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. **This is particularly crucial in the context of the 20 to 50 million metric tonnes of electronic waste generated worldwide every year.**

International cooperation on environmental compliance and enforcement can also assist in raising the bar in countries where environmental crime does not receive the attention it deserves.

It is for these reasons that I am inspired to see that the International Network for Environmental Compliance and Enforcement is a strong and vibrant network of compliance and enforcement specialists from every corner of the world. If this means that all national governments represented here today are prioritising the implementation of environmental compliance and enforcement programmes, both domestically and in terms of their international obligations, we have surely come a long way towards effective international cooperation on environmental compliance and enforcement.

THE SOUTH AFRICAN PATH

Ladies and gentlemen, in 1998 South Africa passed its framework environmental legislation, the **National Environmental Management Act**. Although this Act entrenched important principles for sustainable development, environmental management and protection, it did not provide for comprehensive powers to enforce this legislation. Whilst enforcement of environmental legislation was carried out, particularly in the context of our wildlife and marine resources, **there was no coordinated, central network of Inspectors with similar training and powers.**

Therefore in May 2005, we brought into effect legislation that established the Environmental Management Inspectorate, commonly known here in South Africa as the “Green Scorpions”.

Our Inspectors have worked hard to change the common perception in South Africa that government lacks the will to enforce our environmental legislation. Today, there are 866 Inspectors in 15 institutions across our country.

GREEN SCORPIONS' ACHIEVEMENTS

I have just been given results from our second annual National Environmental Enforcement Report. The report indicates how dramatically the reporting of illegal activity, the enforcement of environmental legislation and actual enforcement results have increased over the past 2 years. Let me share with you a couple of highlights from this report.

- **Inspectors were investigating more than 1756 criminal dockets or case files in 2007-8;**
- **Reported arrests by the green scorpions have increased from 898 in 2006-7 to more than 2612 in 2007-8;**
- **Reported convictions of environmental criminals have increased from 134 in 2006-7 to 746 in 2007-8.**

Unquestionably we still need more Inspectors, and better trained and better equipped Inspectors. In addition to this, Inspectors will be the first to acknowledge that formal partnerships with other enforcement agencies are key to successful enforcement.

I remain concerned to see the discrepancy between the number of criminal dockets and arrests, and the actual number of convictions on environmental criminals. This indicates an urgent need for more effective investigations and for increased support from our National Prosecuting Authority for the prosecution of environmental crime.

Pursuant to some months of negotiation, our Department is on the verge of signing a formal Standard Operating Procedure with the South African Police Services. This Procedure will allow Environmental Management Inspectors to carry their own criminal dockets or case files, and to hand those over for prosecution to the National Prosecuting Authority. Although this will add to our Inspectors' responsibilities, it will also allow for the more effective and efficient prosecution of environmental crime.

CONCLUSION

Co-Chairs of the INECE Secretariat, Honourable Ministers, delegates, in 2008 the environment - both here in South Africa and internationally - faces unprecedented threats and challenges. These include increased urbanisation, increased demand for rapid development and economic growth, all of which continue to contribute to the largest environmental threat of all - climate change. A global commitment to compliance and enforcement will be crucial for the successful implementation of international agreements on combating climate change.

There can be no question that, without enforcement of compliance, environmental legislation is worth no more than the paper on which it's written. I wish you a productive conference that will improve our understanding of effective compliance and enforcement. I also wish you a rewarding stay here in our beautiful Mother City.

I now declare this 8th International Conference of the International Network of Environmental Compliance and Enforcement formally open.

Thank you.

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