

**Title of session:**

Registration and Certification of IA Practitioners

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Enhancing IA professionalism in South Africa

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Abstract

The focus of this paper is on the history, purpose, objectives, structure and functions of the Environmental Assessment Practitioners Association of South Africa (EAPASA). On 8 February 2018, EAPASA was appointed by the Minister of Environmental Affairs as the single Registration Authority for Environmental Assessment Practitioners (EAPs) in South Africa. According to the Section 24H Registration Authority Regulations of the National Environmental Management Act, EAPs preparing or reviewing EIAs will have to be legally registered within two years, by 8 February 2020. The paper is divided into four sections. The first section summarises the evolution of EAPASA. The second section deals with the objectives of the Association and its organisational structure. The third section outlines the registration process. The fourth section evaluates the extent to which EAPASA meets the typical aims of professional associations. The paper concludes by reflecting on the ethical virtues required of a professional.

Summary statement

The history, purpose, objectives and structure of the Environmental Assessment Practitioners Association of South Africa (EAPASA) are outlined. After EAPASA's appointment in February 2018, practitioners have 24 months to register.

Introduction to EAPASA

The focus of this paper is on the history and responsibilities of the Environmental Assessment Practitioners Association of South Africa (EAPASA). On 8 February 2018, the Minister of Environmental Affairs, the Honourable Dr Edna Molewa, promulgated the appointment of EAPASA as the single Registration Authority for Environmental Assessment Practitioners (EAPs) in South Africa.¹ This appointment was made in terms of section 24H(3)(a) of the National Environmental Management Act (NEMA), Act No. 107 of 1998. EAPs currently undertaking or reviewing EIAs will have 24 months within which to become legally registered. The Section 24H Registration Authority Regulations stipulate in clause 14 that, after 8 February 2020:²

“No person other than a registered environmental assessment practitioner, registered with a registration authority, may hold primary responsibility for the planning, management, coordination or review of environmental impact assessments and associated EMPs.”

EAPASA's appointment marks the beginning of a new era for environmental assessment in South Africa. This paper is divided into four sections. The first section summarises the evolution of EAPASA, and the second deals with its objectives and organisational structure. The third section outlines the registration process, and the fourth evaluates the extent to which EAPASA meets the aims of professional associations. The paper concludes by reflecting on the virtues required of a professional.

The establishment of EAPASA as Registration Authority

One of the key legal mechanisms to enable decision-making that promotes sustainable development in South Africa is the environmental authorisation requirement. Regulations requiring compulsory Environmental Impact Assessment (EIA) for certain listed activities were first published in 1997. The effective implementation of the EIA regulations has been hindered by a number of challenges, including issues relating to the competence and ethics of EAPs in government, parastatals and private consulting practice.

A voluntary certification system for EAPs has been in operation since 2001 under the Interim Certification Board (ICB) for Environmental Assessment Practitioners of South Africa. The new compulsory registration system has sought to:

- redress the enormous historical racial inequities in access to opportunities in education and work, to create a more socially just profession;
- accommodate government officials who play a regulatory review role, and the range of professionals such as landscape architects, planners, engineers, environmental scientists and managers who practise EIA, each with their own existing professional qualifications and registration systems.

In November 2005, the Department of Environmental Affairs (DEA) and the ICB initiated a comprehensive consultative process for the establishment of a Registration Authority for EAPs. This process started with the circulation of a draft proposal followed by provincial workshops and a National Stakeholder Conference in March 2006. A Working Group was mandated at this conference to revise the proposal. Draft two was circulated for comment, and a second National Stakeholder Conference was held in November 2007. On the basis of comments received, a Final Draft Proposal was compiled in November 2008. This Final Draft Proposal was advertised for a final round of stakeholder comment in February 2009.

¹ Appointment of the Environmental Assessment Practitioners Association of South Africa as the Single Registration Authority in Terms of Section 24H of the National Environmental Management Act, Government Gazette Vol 632, Notice No 41434, Regulation 104 of 8 February 2018.

² Section 24H Registration Authority Regulations, Government Gazette Vol 613, Notice No 40154, Regulation 849 of 22 July 2016.

In a parallel process, the South African Qualifications Authority (SAQA) and the DEA collaborated in the development of a qualification standard for Environmental Assessment Practice. A Task Team of subject matter experts was appointed by SAQA to formulate the standard, and a draft was published in the Government Gazette for comment in April 2007. The qualification standard was finalised by the Task Team on the basis of comments received, and was registered on the National Qualifications Framework in November 2008. In future, any applicant who has graduated with an accredited Honours level degree at a tertiary institution that meets this standard will be automatically accepted as a Candidate EAP by EAPASA.

The Association was launched on 7 April 2011 by the then Deputy Minister of Environmental Affairs, the Honourable Rejoice Mabudhafari. Initiating organisations included 17 professional associations, councils and institutes, and 17 government departments. The first Board of EAPASA was appointed in late 2011, and the Association was founded in terms of its constitution in February 2012. Since then EAPASA has established the necessary systems and processes required to function as the Registration Authority. In July 2016 the Department of Environmental Affairs called for applications by organisations interested in taking on the role of Registration Authority. Two organisations applied to be the Registration Authority, including EAPASA which submitted its application on 29 July 2016.

On 1 September 2017, the Minister published her intention to appoint EAPASA and invited comments during a 30 day period of consultation. After considering the comments submitted, the Minister decided to continue with the appointment of EAPASA and to limit the number of registration authorities to EAPASA as the only Registration Authority. The appointment of EAPASA is for a period of five years commencing from 8 February 2018.

EAPASA's objectives and organisational structure

The objectives of EAPASA are:

- 1) To assure the public, authorities and developers that EAPs are competent and ethical, by:
 - Upholding criteria for the registration of EAPs, which include academic knowledge and the skills developed from practical experience;
 - Upholding a Code of Ethical Conduct and Practice that directs EAPs to act in the best interest of the environment, sustainable development and the public good, which all practitioners must sign on registration;
 - Promoting continued professional development (CPD) of EAPs; and
 - Establishing professional conduct enquiries, invoking disciplinary procedures and sanctions.
- 2) To promote the progressive transformation of the profession such that it is representative of the demographics of the country, focusing specifically on support for candidate black people, women, youth and people with disabilities.
- 3) To promote general awareness of the purpose and practice of environmental assessment in South Africa.

The importance of overcoming the apartheid history of racial discrimination is enshrined in the transformational imperatives of the EAPASA constitution which states that, of the 13 members of the Board, at least seven should be black and at least six should be females. The Association must seek to maintain a Board membership which comprises:

- Nine Registered EAPs of whom four should be employed in provincial government;
- One representative of academia;
- One person employed in national government, and
- Two respected members of the wider community.

The Association employs an executive and secretariat and has a range of committees served by non-executive board members who collaborate to achieve the objectives outlined above.

The primary mandate of the Registration Committee is to establish and maintain a register of competent and reputable EAPs. This committee is the decision taking authority deciding on the outcome of applications for registration or re-registration. The committee is also responsible for maintaining a roster of experienced registered EAPs to act as assessors, and for allocating assessors for the review of applications. This committee has established a web-based electronic registration application system. The committee forwards complaints against individual EAPs to the Professional Conduct Committee, as and when necessary.

The Standards and Criteria Committee is responsible for the Qualification Standard to be applied by educational institutions in training the next generation of professionals, and the competencies to be used in the assessment of applicants. The Professional Development Committee's mandate is to create an enabling environment for professional development and the mentoring of Candidate EAPs, and for assessing the Professional Development and Skills Transfer reports of applicants for re-registration every five years. The Public Relations Committee is responsible for maintaining the website, liaising with the media and making recommendations on public relations strategies to the Board.

EAPASA is a membership organisation for all registered EAPs. A General Meeting (GM) of the Association must be held every second calendar year, to be convened by the Chairperson of the Board. The business of a GM includes the election of Board members, the presentation of the Chairperson's report and the audited annual financial statements of the Association since the last GM.

The registration process

As defined in the Section 24H Regulations, there are two categories for registration:

- Candidate EAP, newly graduated without experience, and
- Registered EAP with at least three years of relevant experience.

Candidate EAPs need to have an Honours level qualification that focuses on the six core competencies and assessment criteria of the Qualification Standard for Environmental Assessment Practice, which are described in the 'Applicant Guideline Manual' on the EAPASA website.

In order to be certified as a **Registered EAP**, applicants need to show evidence of having mastered the six core competencies and associated criteria through (a) academic study or through Recognition of Prior Learning (RPL) principles, and (b) experience gained from having prepared or reviewed three EIAs consistent with the requirements of the EIA Regulations in South Africa, over a three year period. Existing practitioners can submit qualifications from a range of disciplines. Practitioners who do not have tertiary qualifications but have years of practical experience are able to apply, for assessment using RPL principles.

Applicants respond to the six core competencies to prove that they have the ability to:

1. Understand conceptually the environment, sustainable development and environmental assessment.
2. Think critically and discern what is relevant to decision-making.
3. Apply procedures and methods.
4. Manage and review procedures and methods, and manage and monitor implementation.
5. Conduct applied research.
6. Meet communication requirements through reporting, stakeholder engagement and conflict management.

There are 23 assessment criteria grouped under the six core competencies. For each criterion, applicants must provide written evidence - in a 350 word box on the online system - that they have met the criterion. Applicants also upload various documents including their

qualification/s, CV and at least three EIA case studies they have used in answering the six core competencies.

EAPASA evaluated: Aims of professional associations

The intended role of EAPASA is evaluated below using 8 criteria sourced from a journal article on Danish professional associations.³ The criteria that EAPASA satisfies are shown with a tick. Professional associations aim to:

- Expect practitioners to commit to a transcendent ideology or value (✓)
- Set, monitor and safeguard compulsory standards in national educational programmes, ensuring a balance between theory and practice (✓)
- Control access to work (✓ but open to all disciplines meeting educational outcomes and core competencies)
- Act as quality assurers/control of the work of its members, through weak (disciplinary procedures/sanctions) (✓) or strong regulation (audits of practice) – requiring a balance between freedom of individual reflective practice versus the need for standardisation
- Act as agents of knowledge and ethical standards, requiring (✓) or supporting practitioners to pursue continuous learning (good job IAIAsa!)
- Award and renew professional licences (✓)
- Act as advocates for the interests of the profession in society (✓)
- Act as a trade-union, in support of pay and working conditions.

EAPASA meets 7 of these 8 aims of professional associations. At this stage there is no intention to set standard rates to be charged by EAPs.

Conclusion – professionals are ethical and competent

Impact Assessment practitioners should reflect on the following insights from more established professions,⁴ and seek to apply these ethical considerations beyond mere compliance to requirements of competence. Writing in 1920, an economist notes that the difference between an industry and a profession is that former is organised for the protection of rights, mainly to financial gain, while the latter is organised for the performance of duties.⁵ Two respected lawyers state that professionals should commit to moral principles beyond a duty of honesty, and are expected to provide a high standard of service for its own sake. They state that professionals owe a wider duty to the community, which may transcend the duty to a particular client or patient.⁶ Finally, a civil engineer says that focusing professional responsibilities on competency, while important, makes no reference to the nature of what is done – its value or purpose or the motive for doing it. He concludes that professionalism involves a duty to the public in providing a service to the community.⁷ EAPASA will strive to meet these elevated professional ideals by remaining committed to its founding purpose, which is to advance the practice of environmental assessment and the quality of Environmental Impact Assessments, in the public interest and in the interest of the environment.

³ Berit Karseth and Monika Nerland (2007) Building professionalism in a knowledge society: examining discourses of knowledge in four professional associations, *Journal of Education and Work*, 20 (4) 335-355.

⁴ John Martin (1996) Professionalism ...? *Civil Engineering*, September 1996, pp.19-21.

⁵ Richard Tawny (1920) *The Acquisitive Society*, (2017) from CreateSpace Independent Publishing Platform.

⁶ Jackson and Powell, 1982, *Professional Negligence*, Sweet and Maxwell.

⁷ John Martin (1996) Professionalism ...? *Civil Engineering*, September 1996, pp.19-21.