

## HOW TO USE VOLUNTARY, SELF-REGULATORY AND ALTERNATIVE ENVIRONMENTAL COMPLIANCE TOOLS: SOME LESSONS LEARNED

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### Summary

A number of alternative environmental enforcement tools are available that may be used to enhance the environmental enforcement effort in South Africa. Current debate focuses on which tools work effectively and the reasons for their success. The debate is however dominated by issues concerning policy challenges, such as the adoption of alternative tools and necessary arrangements to ensure these tools contribute to overall environmental enforcement performance. In order to contribute to the debate and stimulate further debate, this article offers a typology of alternative enforcement tool categories, lists the generally argued benefits and disadvantages of both command and control approaches and alternative enforcement tools, offers framework conditions for the successful adoption and use of some of the enforcement tools, and explores empirical and other evidence to determine whether environmental management systems are adequately able to drive sustained and consistent legal compliance. A South African case study is also presented to illustrate the manner in which a combination of alternative enforcement tools may be integrated with command and control tools to ensure consistent and sustained legal compliance.

### Keywords

Environment; environmental protection; enforcement; alternative enforcement tools; legal compliance; environmental management systems; project life cycle; command and control tools; market-based tools; civil-based instruments;

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environmental management cooperation agreements; Deming Management Cycle; ISO 14001; environmental standards; environmental impact assessment.