
GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 638 OF 2014

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

WORLD HERITAGE CONVENTION ACT, 1999 (ACT NO. 49 OF 1999)

PROCEDURE FOR THE NOMINATION OF WORLD HERITAGE SITES IN THE REPUBLIC OF SOUTH AFRICA

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to determine the format and procedure for the Nomination of World Heritage Sites in the Republic of South Africa under section 6(4) of the World Heritage Convention Act, 1999 (Act No. 49 of 1999), set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 (thirty) days after the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post to: The Director-General
Department of Environmental Affairs
Attention: Ms T Ntloko
Private Bag X 447
PRETORIA
0001

By hand at: 2nd Floor (Reception), Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0001.

By e-mail: TNtloko@environment.gov.za, or by fax to: (012) 320 1243.

Any inquiries in connection with the notice can be directed to Ms T Ntloko at (012) 310 3540.
Comments received after the closing date may not be considered.


BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DRAFT

PROCEDURE: 1

PROCEDURE FOR THE NOMINATION OF WORLD HERITAGE SITES IN THE REPUBLIC OF SOUTH AFRICA(RSA) IN TERMS OF SECTION 6(1) OF THE WORLD HERITAGE CONVENTION ACT, 1999 (ACT 49 OF 1999)

2014

FOREWORD BY THE MINISTER

South Africa is one of the many State Parties that ratified the World Heritage Convention in order to protect her incredible natural resources, biodiversity and cultural heritage. Currently 8 properties are already inscribed on the World Heritage List because of their Outstanding Universal Value. World Heritage Properties have the potential to generate economic benefits and improve the lives of the communal society.

Our greatest highlights since the ratification of this Convention, includes the promulgation of the World Heritage Convention Act, 1999 (Act 49 of 1999), being nominated to serve as one of the 21 member state parties constituting the World Heritage Committee, inscription of 8 World Heritage properties on the World Heritage List, establishment of the South African World Heritage Convention Committee and successfully hosting the 29th session of the World Heritage Committee in 2005 and recently hosting two significant events commemorating the 40th Anniversary of the Convention (Expert workshop and International Conference for the Africa Region).

The road has not been an easy one as we have experienced a number of hurdles along the way. These include development pressures in the form of infrastructure, mining, poor conservation management, lack of financial resources and many other issues hindering sustainable livelihoods and adequate preservation of our heritage. All these challenges are a result of planning that can be improved.

In order to address these challenges, the State Party has developed a Procedure Document for nominations outlining key requirements for both the tentative listing and nomination process. This procedure is in addition to the existing flow process and information outlined in the Operational Guidelines of the World Heritage Convention. Through this Procedure, the State Party will ensure that the nominated properties have effective conservation and management provisions in place.

MRS BEE MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

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ACRONYMS AND ABBREVIATIONS

CBD	: Convention on Biological Diversity
“Centre”	: UNESCO’s World Heritage Centre
DAC	: Department of Arts and Culture
DMR	: Department of Mineral Resources
IKS	: Indigenous Knowledge Systems
IMP	: Integrated Management Plans
MA	: Management Authority
NEMPAA	: National Environmental Management: Protected Areas Act, 2003(Act 57 of 2003)
NGO	: Non – Governmental Organisation
NHRA	: National Heritage Resource Act, 1999 (Act 25 of 1999)
NPAES	: National Protected Areas Expansion Strategy
Operational Guidelines	: Operational Guidelines for the Implementation of the World Heritage Convention
OUV	: Outstanding Universal Value
Proponents	: Any interested parties or bodies who wishes to nominate a site for Tentative Listing or Inscription onto the Unesco World Heritage List
RAMSAR	:The Convention on wetlands on international importance, especially as waterfowl habitat, Ramsar, 1972
SAHRA	: South African Heritage Resources Agency
SAWHCC	: South Africa World Heritage Convention Committee
State Party	: Republic of South Africa
“The Convention”	: The World Heritage Convention
“The Department”	: Department of Environmental Affairs
“The List”	: World Heritage List
WHCA	: World Heritage Convention Act, 1999(Act 49 of 1999)
WHC	: World Heritage Centre
Unesco	: United Nations Educational, Scientific and Cultural\ Organisation

INTRODUCTION

The General Conference of the United Nations Educational, Scientific and Cultural Organization (Unesco) meeting in Paris from 17 October to 21 November 1972, at its seventeenth session, adopted the Convention Concerning the Protection of the World Cultural and Natural Heritage. The main purpose of the Convention was to give the international community an opportunity to contribute in the protection of the cultural and natural heritage of Outstanding Universal Value (OUV).

In acknowledgement of the importance of heritage, South Africa (also referred hereunder as the State Party) ratified the Convention in 1997 and subsequently translated it into domestic law through the promulgation of the World Heritage Convention Act, 1999 (49 of 1999) (WHCA).

To give impetus to effective protection of the world heritage properties within the boundaries of the State Party, the National Environmental Management: Protected Areas, 2003 (Act 57 of 2003) as amended, recognises world heritage properties as protected areas. "A protected area is globally recognised as a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature and associated ecosystem services and cultural values."

Furthermore, the National Heritage Resource Act, 1999 (Act 25 of 1999) (NHRA) provides formal legal protection to sites and objects of cultural significance within the boundaries of the State Party.

The State Party has also established the South African World Heritage Convention Committee (SAWHCC).

Reflecting on achievements to date, the State Party has been very successful with its world heritage nominations. In addition, there are also more properties on the tentative list awaiting formal nominations.

However, the last few years have revealed a number of challenges concerning the conservation and effective management of world heritage properties. Challenges range from inadequate management systems, poor land use management, inadequate conservation management and other types of inappropriate development. Most of the challenges are a direct result of inadequate planning at the time of nomination or inscription to the South African World Heritage Tentative List.

Therefore, a need has been identified to provide guidance to all future world heritage nominations, including those that are currently on the Tentative List. This procedure will enable the State Party to prepare nomination dossiers and ensure that challenges are addressed, or at least mitigated for, before nominations are submitted to Unesco.

Procedure

This document is called the "Procedure for the Nomination of World Heritage Sites in the Republic of South Africa. Nomination of properties to the World Heritage List enables the State Party to fulfil its commitment to the World Heritage Convention (Convention). In addition, it contributes to South Africa's commitment to the Convention on Biological Diversity (CBD) as well as the outcome 10 Delivery Agreements to conserve our biodiversity. It is anticipated that this procedure will assist in ensuring that the State Party's world heritage properties maintain their status on the World Heritage List.

Once listed, these properties must be managed in accordance with international best practice models as well as conform to national legislation. For its part, Unesco has developed the ***Operational Guidelines for the Implementation of the World Heritage Convention*** (hereunder referred to as Operational Guidelines), to assist State Parties with the implementation of the Convention. Operational Guidelines sets procedures for:

- a) The inscription of properties on the World Heritage List and the List of World Heritage in Danger;
- b) The protection and conservation of World Heritage properties;
- c) The granting of International Assistance under the World Heritage Fund; and
- d) The mobilisation of national and international support in favour of the Convention

It is important to note that the process outlined in the Operational Guidelines remains the primary guide but all nominations will henceforth have to adhere to the national process as outlined herein.

The ***World Heritage Convention Act*** (WHCA) outlines the national processes that must be followed with the nomination and proclamation of World Heritage properties. Therefore, this procedure should be read together with the Operational Guidelines for the Implementation of the Convention as well as the WHCA.

A check list (Annexure 1) has been appended to this procedure to assist stakeholders in ensuring that their nominations meet the requirements of the State Party before they can be submitted to Unesco.

PART 1

1.1. LEGISLATIVE FRAMEWORK

The World Heritage Convention Act, 1999 (Act 49 of 1999) is the primary legislation for issues concerning the establishment and management of world heritage properties in the South Africa.

Other relevant legislation, including, without limitation, the Constitution of the Republic of South Africa, 1996, the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), the National Environmental Management Act 1998 (Act 107 of 1998), the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003), the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) and the National Heritage Resources Act, 1999 (Act No. 25 of 1999) will impact on the processes that need to be followed for the nomination of sites.

1.1.1 Definition of a World Heritage property.

Article 1 of the Convention defines cultural heritage as follows:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Cultural landscapes :defined in paragraph 47 of the Operational Guidelines cultural landscape are cultural properties representing the "combined works of nature and of man" as designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.

Article 2 of the Convention defines natural heritage as follows:

natural features consisting of:

- a) physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
- b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

1.1.2 Furthermore, Section 1 of the WHCA provides the following definition of a World Heritage Site:

- (xxiv) *any place in the Republic which—*
 - (a) *has been included on—*
 - (i) *the World Heritage List; or*
 - (ii) *the tentative list of the Republic referred to in Article 121(a)(i) of the Operational Guidelines, and is proclaimed by the Minister by notice in the Gazette to be a World Heritage Site; or*
 - (b) *has been proclaimed by the Minister by notice in the Gazette to be a special World Heritage Site*

1.1.3 Responsibility

The WHCA outlines in section 5 that the responsibility to enforce and implement the Convention is the responsibility of the Minister of Water and Environmental Affairs.

Section 5 provides that: “the Minister is responsible for enforcing and implementing this Act and Convention in the Republic”.

This means that the inscription of a property in the World Heritage List can only be made at the request and with the consent of the responsible Minister.

1.1.4 World Heritage Nominations

Section 6(1) of the WHCA gives the Minister the powers to prescribe procedure for nomination of world heritage properties. Hence this procedure has been developed in fulfilment of this Section.

1.1.5 Proponents should note that by undertaking activities as outlined in Part 2(Tentative Listing) and Part 3(Nomination dossier) it does not mean that their proposals will be submitted to Unesco as the Minister reserves the right to determine which proposals may be processed further.

PART 2

2.1. TENTATIVE LISTING

The Operational Guidelines for the Implementation of the World Heritage Convention (paragraphs 62 to 76) require State Parties to prepare, maintain and submit to the WHC a Tentative List of properties they intend to nominate to the World Heritage List.

In developing a Tentative List, the following basic requirements should be fulfilled:

- 2.1.1. The Format (Annexure 2) of the Operational Guidelines should be used;
- 2.1.2. Natural heritage properties should be designated as any type of protected area, as outlined in section 9 of NEMPAA;
- 2.1.3. Cultural heritage properties should have any formal protection provided for in terms of NHRA;
- 2.1.4. Mixed properties and where appropriate cultural landscapes should fulfil 2.1.2. and/or 2.1.3. above;
- 2.1.5. In nominating transboundary properties, the portion of the property that falls outside the Republic of South Africa should enjoy formal protection in accordance with legislation in that particular State Party;
- 2.1.6. Transboundary properties should comply with the above and have full support of both State Parties;
- 2.1.7. Serial properties should be backed by a formal agreement between the responsible Management Authorities (MA) even in cases where there is more than one MA.

2.2 In addition to fulfilling basic requirement 2.1.1, nominations to the Tentative List should also address the following management and administrative issues:

- 2.2.1 Proposed boundary (identifying possible core and buffer zone and or “buffering mechanisms”). See paragraph 104 of the Operational Guidelines including the Unesco Resource Manual known as “Preparing World Heritage Nominations, second edition, 2011” for further elaboration;
- 2.2.2 All nominations should clearly indicate a proposed buffer zone. Where no buffer zone is indicated, a statement on how the OUV would be protected from outside pressures should be provided;
- 2.2.3 Land ownership (information to reflect the ownership as recorded in the Deeds Office including the contact details of the registered landowner/s);
- 2.2.4 Land tenure system (Land claims/ land use activities)
- 2.2.5 Development plans, if any- infrastructure plans (malls, residential, etc);

- 2.2.6 Stakeholder Consultation – (Government, landowners, communities, relevant NGO's, Private Sector, etc);
 - 2.2.7 Current management system and proposed administrative structure;
 - 2.2.8 State of conservation and current conservation management plans (List all strengths and weaknesses, opportunities and threats);
 - 2.2.9 Knowledge management system (i.e. maps, GIS system, inventories, IKS;
 - 2.2.10 How this proposed nomination addresses the gaps in the World Heritage list as identified in the Gap Analysis Study of the WHC and Unesco Advisory Bodies
 - 2.2.11 Natural heritage properties to include a statement on how the proposed nomination will address the priorities of government as far as the National Protected Areas Expansion Strategy is concerned
- 2.3 The SAWHCC will assess Tentative List nominations submitted for the purpose of making recommendations to the Minister of those sites which meet the criteria for inclusion on the South African Tentative List.

The SAWHCC will review the South African Tentative List every two years as determined in the *Operational Guidelines* for the implementation of the World Heritage Convention.

The applicants will be required to make presentations on their proposal at any given time as determined by the Department.

PART 3

3.1. NOMINATION DOSSIER

Section 6(3) of the WHCA provides that “any person may submit a proposal in writing to the Department or, if it is in existence, the body referred to in subsection (2) for a place in the Republic to be nominated for inclusion on the World Heritage List”.

Proponent must take note of the timetable described in Part 4 of this procedure. Furthermore, they must interact with the SAWHCC through the Department to ensure compliance.

Nomination dossiers should follow the format outlined in Annexure 5 of the Operational Guidelines. The Nomination process is clearly set out in paragraphs 129 to 151 of the Operational Guidelines.

3.1.1. In addition to complying with the Unesco format as set out in annexure 5 of the Operational Guidelines, nominations should also include the following:

a) Geographical Data

(aa) Cadastral description of the area must include:-

- i. Clearly defined core and buffer zone
- ii. GIS diagram
- iii. Verbal description of the GIS diagram provided
- iv. Title deeds number/s and
- v. Total area in hectares

(bb) Highest point (extent, to cover for fly overs)

b) Land Ownership and Tenure

Statement of land ownership and tenure (confirmation letter from Department of Rural Development and Land Reform)

c) Land use

Statement of land uses (land use rights, mineral right etc)

d) State of Conservation of the property

(i) Biodiversity Management

- (ii) Cultural property management includes Indigenous Knowledge Systems and traditional and local practices
 - (iii) Current and planned conservation management interventions
- e) **Financing**
 - (i) Proof of long term financial commitment from government structures and/or other funders to maintain and conserve the proposed site in a sustainable manner for future use **Consultation**
 - (ii) Letter of consent from the relevant department in the case of state owned land or the owner/s for the inclusion of the property/properties for World Heritage site nomination;
 - (iii) Proof of stakeholder consultation (minutes/ reports and signed attendance registers)
 - (iv) Arrangement and plan for continuous involvement of stakeholders
- f) **Management Arrangement**

Existing management arrangements (Joint Steering Committee in case of serial nominations)
- g) **Possible Socio- economic implications**

Socio-economic and tourism spin-offs to the local community
- h) **Linkages with other programmes of Government, international convention**
 - (i) Contribution to the system of protected areas in South Africa;
 - (ii) Does the area contribute to national priority areas;
 - (iii) Linkages to other conventions (CBD, Man and Biosphere, RAMSAR) and other national objectives (Climate Change, etc)
- i) **Integrated Management Plan**

Applicants or proponent of a World Heritage Site must submit a draft integrated management plan as an annexure to the nomination dossier in line with content as outlined in the Operational Guidelines as well as section 24 of the WHCA.

PART 4**SUBMISSION TIMETABLE****Tentative List Time Table**

Proponents are encouraged to submit their nominations for Tentative listing on or before 30 September of the year before the World Heritage Committee session of the subsequent year

FINAL NOMINATION DOSSIER TIMETABLE

TIMETABLE	PROCEDURES
NATIONAL PROCESS	
28 February Year 1	Deadline for receipt of draft nominations to the Department of Environmental Affairs (DEA).
1 April Year 1	DEA to respond to the nominating Authority, Body or person concerning the receipt and completeness of the dossier.
1 April – June Year 1	Consideration of the Nomination Dossier by the SAWHCC
July Year 1	DEA to respond to the nominating Authority, Body or person concerning the outcomes and recommendations of the SAWHCC.
1 September Year 1	Deadline by which the DEA informs the nominating Authority, Body or person of the Nomination, whether it is considered to contain all the relevant information to ensure a successful submission to Unesco for their preliminary evaluation for "completeness". In the case where DEA is satisfied, the dossier will subsequently be sent to Unesco for further processing or consideration before 1 Feb of the following year.
1 September – 15 November Year 1	If necessary, the relevant nominating Authority, Body or person may be requested to submit additional information as proposed by DEA/ SAWHCC or Unesco
15 November – 15 December Year 1	Endorsement of additional information as requested above by SAWHCC
November Year 1 – December Year 1	Final Submission of the nomination dossier and endorsement by the Minister <u>Number of printed copies required</u>

	<ul style="list-style-type: none">• Nominations of cultural properties (excluding cultural landscapes): 3 copies• Nominations of natural properties: 4 copies• Nominations of mixed properties and cultural landscapes: 5 copies <p><u>Paper and electronic format</u></p> <p>Nominations shall be presented on A4-size paper (or "letter"); and in electronic format (diskette or CD-ROM). At least one paper copy shall be presented in a loose-leaf format to facilitate photocopying, rather than in a bound volume.</p> <p>DEA to submit the nomination dossier timeously to the Centre in Paris to arrive not later than 1 February of Year 2.</p>
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Submission to DEA:

Digital and a printed copy should be sent for the attention of the Director: World Heritage Management to the following address:

Department of Environmental Affairs

Private Bag X447

PRETORIA

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Annexure1 CHECKLIST

Tentative List Requirements

	Requirement	Yes	No	Not clear	Comment
1.	Annex 2 completed accordingly				
2	Proposed boundary				
3	Legal status of the property				
4	Land tenure system				
5	Development plans				
6	Stakeholder Consultation				
7	Sustainable Funding model				
8	Current and proposed management system				
9	State of Conservation				
10	Information management system				

Nomination List Requirements

	Requirement	Yes	No	Not clear	Comment
	Property identified, providing the location of the area (municipal area, major town and other protected areas within the proposed property), must also provide the map of the area.				
	Cadastral description <ul style="list-style-type: none"> • Clearly Defined core and buffer zone • GIS diagram • Verbal description of the GIS diagram provided • Title deeds number and • Total area in hectares • Highest point(extent , to cover for fly overs) 				
	Land Ownership and Tenure				
	Land use				
	State of Conservation of the property <ul style="list-style-type: none"> • Biodiversity Management • Cultural property management includes IKS • Current and planned conservation management 				

	Requirement	Yes	No	Not clear	Comment
	interventions				
	Proof of long term financial commitment from funders (sustainable funding model)				
	<ul style="list-style-type: none"> • Letter of support in the case of state owned land; • Proof of stakeholder consultation (minutes/ reports and signed attendance registers) • Arrangement for continuous involvement of stakeholders 				
	<ul style="list-style-type: none"> • Existing management arrangements • Joint Steering Committee in case of serial nominations 				
	Economic spin-offs to the local community				
	<ul style="list-style-type: none"> • Contribution to the system of protected areas in South Africa and in the Africa region and its objectives; • Does area contribute to 				

	Requirement	Yes	No	Not clear	Comment
	<p>national priority areas especially natural, and so forth.</p> <ul style="list-style-type: none"> • Linkages to other conventions(CBD, Man and Biosphere,)RAMSAR) and other national objectives(Climate Change, and so forth) 				
	<ul style="list-style-type: none"> • Drat IMP 				

*Tentative List Submission Format**Annex 2*

TENTATIVE LIST SUBMISSION FORMAT



STATE PARTY:

DATE OF SUBMISSION:

Submission prepared by:

Name:

E-mail:

Address:

Fax:

Institution:

Telephone:

NAME OF PROPERTY:

State, Province or Region:

Latitude and Longitude, or UTM coordinates:

DESCRIPTION:

Justification of Outstanding Universal Value:

(Preliminary identification of the values of the property which merit inscription on the World Heritage List)

Criteria met [see Paragraph 77 of the *Operational Guidelines*]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

☐ (i) ☐ (ii) ☐ (iii) ☐ (iv) ☐ (v) ☐ (vi) ☐ (vii) ☐ (viii) ☐ (ix) ☐ (x)
Statements of authenticity and/or integrity [see Paragraphs 78-95 of the *Operational Guidelines*]:**Comparison with other similar properties:**

(The comparison should outline similarities with other properties on the World Heritage List or not, and the reasons that make the property stand out)

- The Tentative List submission format is available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/tentativelists>
- Further guidance on the preparation of Tentative Lists can be found in Paragraphs 62-67 of the *Operational Guidelines*.
- An example of a completed Tentative List submission format can be found at the following Web address: <http://whc.unesco.org/en/tentativelists>
- All Tentative Lists submitted by States Parties are available at the following Web address: <http://whc.unesco.org/en/tentativelists>
- The original signed version of the completed Tentative List submission format should be sent in English or French to: UNESCO World Heritage Centre, 7 place de Fontenoy, 75352 Paris 07 SP, France
- States Parties are encouraged to also submit this information in-electronic format (diskette or CD-Rom) or by e-mail to wh-tentativelists@unesco.org