

## GENERAL NOTICES

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### NOTICE 170 OF 2010

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

#### DRAFT POLICY ON BUFFER ZONES FOR NATIONAL PARKS

I, Buyelwa Patience Sonjica, hereby invite members of the public to submit written representations on or objections to the proposed policy set out in the Schedule hereto within 60 days of the date of this notice, to any of the following postal, fax or e-mail addresses:

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Department of Environmental Affairs  
Private Bag X447  
**PRETORIA**  
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Comments received after the closing date may not be considered.



**BUYELWA PATIENCE SONJICA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### POLICY ON BUFFER ZONES FOR NATIONAL PARKS

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#### Chapter 1

#### Introduction

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#### Background

Approximately 7,2 million hectares or 5.9% of the surface area of South Africa is recognized as protected areas in terms of the National Environmental Management: Protected Areas Act, 2003 (subsequently referred to as the Act). Fifty six percent of this total area is made up of 21 national parks. These range in size from 1 915 671 ha (Kruger National Park) to 2 662 ha (Wilderness National Park), with a total area (excluding marine areas) of 3,8 million hectares.

In terms of the Act a national park may be declared to –

- Protect –
  - areas of national or international importance for their biodiversity;
  - areas which contain viable, representative samples of South Africa's natural systems, scenic areas or cultural heritage sites; or
  - the ecological integrity of one or more ecosystems;
- Prevent exploitation or occupation inconsistent with the protection of the ecological integrity of the area;
- Provide spiritual, scientific, educational, recreational and tourism opportunities which are environmentally compatible; and
- Contribute to economic development, where feasible.

Unfortunately, due to the rate and extent of development in the country, these national parks are becoming increasingly isolated from the wider natural areas. This is leading to the values of the many of the parks being impacted negatively from activities outside the parks, e.g.:

- Extinction of populations of animals outside of a park due to their isolation from the park population;
- Excessive disturbance in a park due to a development on its border, and where the park is used for access to that development.

In addition to affecting park values some developments may have negative regional economic impacts including –

- Excessive development which negates the primary attraction of the park; and
- Development clustered around a park which has negative effects on the park (e.g. ribbon development along the Crocodile River on the border of the Kruger National Park).

The establishment of buffer zones around national parks is therefore critical. The overall goal of the buffer's function is to reduce or mitigate the negative influences of activities taking place outside the parks on the ecological integrity of the national parks and, to better integrate parks into their surrounding landscapes. This concept has been widely recommended by UNESCO in its Man and Biosphere (MAB) Programme and the World Heritage Convention<sup>1</sup>.

The objectives of a buffer zone are to -

- Protect the purpose and values of the national park, which are to be explicitly articulated in the management plan submitted in terms of section 39(2) of the Act;
- Protect important areas of high value for biodiversity and/or to society where these extend beyond the boundary of the protected area;
- Encourage sustainable development that promotes and enhances the conservation values of the surrounding national park; and
- Assist adjacent and affected communities to secure appropriate and sustainable benefits by promoting a conservation economy, ecotourism and its supporting infrastructure and services, and sustainability through properly planned harvesting of biological resources.

A buffer zone is an area surrounding a national park which has complementary legal and management restrictions placed on its use and development, aimed at providing an extra layer of protection to the integrity of the national park. This should include the immediate setting of the national park, important views and other areas or attributes that are functionally important as a support means to the national park and its protection. A buffer zone may be established around a national park when considered necessary for the proper conservation and effective protection of the national park in achieving its objectives.

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<sup>1</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972

## Purpose of the Policy

This document sets out the South African government's national policy on the establishment and management of buffer zones around our national parks in order for the parks to better meet their management objectives.

The purpose of the policy is twofold –

- To convey government's objectives for buffer zones of national parks to the public, and how it intends to achieve these objectives; and
- To provide guidance to government agencies and state organs on developing strategies to achieve these objectives.

## Context

This policy builds on the White Paper on the Conservation and Sustainable use of South Africa's Biological Diversity published in 1997<sup>2</sup>, specifically Goal 1.4 of the policy which advocates "*Environmentally sound and sustainable development adjacent to protected areas*". The White Paper provided the founding policy for the National Environmental Management: Protected Areas Act, 2003<sup>3</sup> and the National Environmental Management: Biodiversity Act, 2004.

The Biodiversity Policy addresses South Africa's obligations in terms of the Convention on Biological Diversity<sup>4</sup> (CBD) at the time. This Policy on Buffer Zones for National Parks also addresses those sections of the relating to protected areas, in particular the Programme of Work on Protected Areas. Target number 1.2 of the programme of work is "to integrate protected areas into broader landscapes and seascapes and sectors so as to maintain ecological structure and function" by 2015. The Programme of work aims to achieve this target through, among others, the establishment and management of ecological networks, ecological corridors and/or buffer zones.

In addition, the World Heritage Convention requires that effect be given to the operational guidelines<sup>5</sup> requirement that, whenever necessary for the proper conservation of a nominated World Heritage site, an adequate buffer zone around the site should be provided for and afforded the necessary protection. Therefore this policy will also apply to World Heritage sites where appropriate.

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<sup>2</sup> White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, *Government Gazette* No. 18163, Notice 1095 of 1997

<sup>3</sup> Act 57 of 2003, as amended by - Act 31 of 2004, Act 14 of 2009 and Act 15 of 2009

<sup>4</sup> Convention on Biological Diversity, 1992

<sup>5</sup> Operational Guidelines for the Implementation of the World Heritage Convention. United Nations Educational, Scientific and Cultural Organization Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, World Heritage Centre, Paris, 2008.

**Definition**

The **buffer zone** includes the immediate setting of the national park, important views (both of the park and from the park) and attributes that are functionally important as a support to the national park and its protection. Appropriate mechanisms are required to determine the buffer zone in each case and the controls or restrictions needed to manage the buffer zone.

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**Chapter 2****Vision and principles**

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**Mandate**

Underpinning any policy is the Constitution<sup>6</sup> in which the Bill of Rights provides for everyone having the right –

- 1) to an environment that is not harmful to their health or well-being, and
- 2) to have that environment protected for the benefit of present and future generations, through reasonable legislation and other measures that:
  - a) prevent pollution and ecological degradation;
  - b) promote conservation; and
  - c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

The Constitution accords national and provincial government concurrent legislative competence in terms of most functions of relevance to biodiversity conservation. However, national parks, botanical gardens, and marine resources are an exclusively national competence. In terms of the Constitution, it is also the role of national government to administer international treaties. Thus it is the responsibility of the Department of Environmental Affairs to formulate general policy concerning the conservation and use of biodiversity, the implementation of which will be undertaken by different government institutions within national, provincial, and local spheres.

In terms of the National Environmental Management: Protected Areas Act, 2003, the Minister of Environmental Affairs has the sole responsibility for the declaration of a national park and the assignment of its management to South African National Parks (SANParks).

It is in this context that the Minister of Environmental Affairs presents this policy. It is noted that those areas adjacent to national parks which are influenced by and have influence on the parks are subject to control of all three spheres of government. Thus, while it is the Minister's prerogative to

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<sup>6</sup> Constitution of the Republic of South Africa, 1996

formulate general policy on the conservation and use of biodiversity, the implementation of such policy will be undertaken by different government institutions within the national, provincial and municipal spheres of government.

### **Mission statement**

To best protect the integrity of national parks, their purpose and values while enabling sustainable benefits to those persons and communities living next to the parks.

### **Vision**

The policy objective identified in the Biodiversity Policy is to:

*Promote environmentally sound and sustainable development in areas adjacent to or within protected areas, with a view to furthering the protection of these areas.*

A special case is made in the Biodiversity Policy and Strategy for South Africa for paying attention to areas adjacent to national parks, given that activities occurring in such areas may be critical to the protected area's success. Furthermore, the ecological landscape is often a continuum between designated protected areas and surrounding regions. The viability of protected areas is thus dependent upon the extent to which such areas are socially, economically, and ecologically integrated into the surrounding region. This fact is also recognised by the Convention on Biological Diversity, which has a specific provision aimed at promoting sustainable development in areas adjacent to protected areas.

These issues are especially pertinent to protected areas in South Africa, several of which fall within some of the most populous and poverty-stricken parts of the country. As protected areas are often centres of economic activity, social and economic conditions within and outside of these areas contrast starkly. These discrepancies are aggravated by the fact that in the past some protected areas were established at severe cost to communities. In the creation of protected areas, many communities were forcibly removed without adequate compensation. Furthermore, a "fences and fines" approach resulted in people being denied access to resources upon which they are depended. Aggravating these circumstances is the fact that protected areas have remained inaccessible to the majority of South Africa's people, and are perceived to be playgrounds for privileged elite, from which few benefits are derived. These imbalances are well recognized, and are actively being redressed by government and its conservation agencies.

Based on the above, the vision for this policy on buffer zones is as follows:

*The integration of national parks into local landscapes for the benefit of those living adjacent to the parks and the improved conservation/protection of the attributes and functions of the national parks.*

### **Guiding Principles<sup>7</sup>**

The following inter-related principles as set out in the preamble to the Biodiversity Policy and Strategy for South Africa guide the application, assessment and further development of the biodiversity policy and strategy. These are equally applicable to this policy and bear repeating:

**Intrinsic Value:** All life forms and ecological systems have intrinsic value.

**Duty of Care:** All people and organisations should act with due care to conserve and avoid negative impacts on biodiversity, and to use biological resources sustainably, equitably and efficiently.

**Sustainable Use:** The benefits derived from the use of South Africa's biological resources are dependent upon:

- a. such resources being used at a rate within their capacity for renewal;
- b. maintaining the ecological integrity of the natural systems which produce such resources;
- c. minimising or avoiding the risk of irreversible change induced by humans;
- d. adequate investments being made to ensure the conservation and sustainable use of biodiversity; and
- e. avoiding or minimising the adverse impacts of the use of non-renewable resources on biodiversity.

**The Fair and Equitable Distribution of Benefits:** Benefits arising from the use and development of South Africa's biological resources will be fairly and equitably shared. The rights to use biological resources will be equitably allocated, and will recognise:

- a. that it may be necessary to limit access in order to ensure conservation and sustainable use;
- b. that within the constraints of sustainable use, the socio-economic upliftment of disadvantaged communities is an important criterion upon which decisions will be based;

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<sup>7</sup> White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, *Government Gazette* No18163, 1997

- c. that where peoples' historical rights of access to natural resources have been removed or constrained this should be reviewed and redressed in line with the other guiding principles; and
- d. the Constitutional rights of owners of biological resources.

**Full Cost-Benefit Accounting:** Decision-makers and users of biological resources will be guided by economic approaches which assess the full social and environmental costs and benefits of projects, plans and policies that impact upon biodiversity, and which internalise costs borne to the environment and to society. These will reflect both the economic loss that results when biodiversity is degraded or lost, as well as the value gained from conserving the resource. Generators of waste will bear the environmental, social and economic costs to society of resulting pollution, and the responsibility for redressing any consequences.

**Informed and Transparent Decision-Making:** Decisions relating to the conservation and use of biodiversity in South Africa will be based upon the best applicable knowledge available. In cases where a lack of information is evident, steps will be taken to collect information necessary to assess the conservation and sustainable use of biodiversity. Where appropriate, information necessary to ensure the conservation and sustainable use of biodiversity will be readily available in an accessible form, and will enable people to work with, and obtain the information they need for informed participation in biodiversity management.

**The Precautionary Principle:** Where there is a threat of significant reduction or loss of biological diversity but inadequate or inconclusive scientific evidence to prove this, action should be considered to avoid or minimise threats.

**Accountability and Transparency:** Those making and implementing decisions relating to the conservation and use of biodiversity in South Africa will be accountable to the public for their actions through explicit, justifiable processes.

**Subsidiarity:** Governance responsibilities belong at the level at which they can be most effectively carried out.

**Participation:** Interested and affected individuals and groups will have an opportunity to participate in decisions about the ways in which biological resources are conserved and used.

**Recognition and Protection of Traditional Knowledge, Practices and Cultures:** Traditional knowledge, practices and cultures supporting the conservation and sustainable use of biodiversity will, where possible, be recognised, protected, maintained, promoted, and used with the approval and involvement of those who possess this



knowledge. Benefits arising from the innovative use of traditional knowledge of biological diversity will be equitably shared with those from whom knowledge has been gleaned.

**Coordination and Cooperation:** Because biodiversity transcends political, institutional and social boundaries, an enabling framework will be provided for the future coordination and cooperation of biodiversity-related activities in South Africa, in the southern African sub-region, and globally. Coordination will also be ensured between other plans, programmes and policies which have implications for the conservation of biodiversity and use of biological resources.

**Integration:** The conservation and sustainable use of biodiversity will be integrated strategically at all levels into national, provincial, local and sectoral planning, programme, and policy efforts (e.g. forestry, agriculture, fisheries, land reform, industry, education, health, mining, etc.) to implement the goals and objectives of the policy effectively.

**Global and International Responsibilities:** South Africa has a shared responsibility for ensuring the conservation and sustainable use of biodiversity beyond our borders, and for transboundary equity.

**Evaluation and Review:** The policy will not be an end in itself, but rather part of an iterative process which will be monitored and reviewed regularly. Strategies adopted will be responsive to social, economic and environmental change, as well as to scientific and technological advances, but will have due concern for maintaining continuity.

**Maintenance of system integrity:** The ecological, aesthetic, socio-cultural, archaeological and spiritual integrity of national parks must not be jeopardized in the long-term in order to satisfy short-term needs/demands. [System integrity, composition and function are defined as the desired state and are represented by the park's objectives hierarchy].

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### Chapter 3

#### Buffer zone policy and strategy for national parks in South Africa

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#### GOALS

Three policy objectives, set out in the Biodiversity Policy and Strategy for South Africa are considered primary to this policy on buffer zones for national parks and are addressed below. These objectives are:

**Policy objective 1.4:** *Promote environmentally sound and sustainable development in areas adjacent to or within protected areas, with a view to furthering protection of these areas*

**Policy objective 2.2:** *Conserve and use sustainably biological resources in terrestrial, aquatic and marine and coastal areas and avoid or minimise adverse impacts on the biodiversity of such areas.*

**Policy objective 2.3:** *Integrate biodiversity considerations into land-use planning procedures and environmental assessments.*

Throughout the policy, the following six objectives of a buffer zone are addressed:

1. Ensure the persistence of important species and ecological processes;
2. Promote broad based and sustainable economic activity;
3. Preserve, adapt, restore, and stabilize cultural heritage and secure the sustainable use thereof;
4. Preserve and improve the quantity and quality of water from catchments in park and the Buffer Zone;
5. Protect, enhance and restore the unique and memorable character – the sense of place - that underpins the image of the national parks and their approaches, and
6. Protect and enhance the wilderness experience of park users.

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**GOAL 1** Develop and introduce appropriate strategies, mechanisms and incentives to integrate national parks areas within the broader ecological and social landscape, and encourage conservation in adjacent private and communal areas.

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## **POLICY AND STRATEGY**

Buffer zones are to be established around all national parks.

The buffer zone for a national park can be determined by a number of factors, ideally a buffer zone is determined for each factor. The three primary areas (usually comprising a number of factors) to be considered are priority natural areas, catchment protection and viewshed protection.

### **Priority natural areas**

These are areas required to ensure the long term persistence of biodiversity, within and around the park, and are the key areas on which the long term survival of the park depends. This includes areas important to both biodiversity pattern (especially reasonably intact high priority natural habitats) and processes (ecological linkages, catchments, intact hydrological systems, etc.). This does not imply any loss of existing rights (e.g. current agricultural activities or legal extractive biodiversity use such as fishing), but rather aims to ensure the parks survival in a living landscape.

Priority natural areas include areas identified for future park expansion as well as reasonably natural areas of high biodiversity value which are critical for the long-term persistence of biodiversity within the park. These include adjacent natural areas (especially high priority habitats) which function as an ecologically integrated unit with the park, as well as areas critical for maintaining ecological links and connectivity with the broader landscape.

These areas may include:

- Possible areas for expansion of the park;
- Corridors for the movement of wildlife;
- Areas under similar management (e.g. nature reserves) which contribute to the conservation of biodiversity.

### **Catchment areas**

These areas include:

- Surface water catchment areas which feed rivers flowing into or through national parks;
- Ground water catchment areas or aquifers which feed springs and seeps in national parks (e.g. West Coast National Park).

### **Viewshed protection**

Areas requiring viewshed protection include:

- Those areas visible from the park:
  - Especially from wilderness areas; and
  - Night lights which negatively effect the ambience of the park;
- Those approaches to the park which provide vistas of the park or its features or 'gateways' to the park.

To establish buffer zones around each national park, Government will:

- a) Identify buffer zones for all national parks in park management plans;
- b) Establish these buffer zones by publication in the *Gazette*;
- c) Integrate the buffer zones into municipal spatial development frameworks as special control / natural area where appropriate; and

- d) Where relevant and appropriate, declare the buffer zones or parts thereof as protected environments in terms of the Protected Areas Act.

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**GOAL 2** Support and promote activities adjacent to protected areas that are compatible with and which complement the objectives of the protected area.

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## POLICY AND STRATEGY

Activities identified compatible with and which complement the objectives of national parks include:

- Nature conservation;
- Game farming;
- Ranching;
- Sustainable resource use. This may include grazing, hunting, fishing, capture and sale of surplus game, controlled harvesting of food items, medicinal plants, craft or building materials, or any other appropriate form of sustainable use;
- Nature-based tourism.

All these activities should have infrastructures which involve the least impact on the natural state of the land. To support these activities, the establishment of nature reserves, the establishment of protected environments, the establishment of community conservation areas within the buffer zone will be actively encouraged. In addition, land owners will be encouraged to set aside areas in largely natural condition through programmes such as the Stewardship Programme.

Within the buffer zone the government will:

- a) Support the establishment of:
  - i) nature reserves in private ownership and their declaration in terms of section 23 of the Protected Areas Act, 2003<sup>8</sup>;
  - ii) protected environments and their declaration in terms of section 28 of the Protected Areas Act; and
  - iii) community based conservation areas;
- b) Include these areas into the municipal spatial development frameworks as special control areas / natural areas.
- c) Continue to explore innovative ways to encourage land owners and communities to apply conservation on land in the buffer zone including:

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<sup>8</sup> National Environmental Management: Protected Areas, 2003 (Act No. 57 of 2003)

- i) Establishment of voluntary conservation areas (e.g. conservancies)
- ii) Entering into biodiversity management agreements in terms of section 44 of the Biodiversity Act<sup>9</sup>;
- iii) Identifying and applying incentives for conservation;
- d) Strongly encourage agricultural producers to incorporate biodiversity considerations in farm management practices and plans;
- e) Investigate, formulate and implement integrated land-use planning approaches that include multiple natural resource activities which are compatible with and which complement the conservation and sustainable use of biodiversity.

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**GOAL 3** Discourage development in areas in which biodiversity and ecological function would be adversely affected.

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## **POLICY AND STRATEGY**

Development outside a national park, and in its buffer zone, depending on its type may be controlled at any one of the three spheres of government. All development in the buffer zone which may have a negative impact on the park will be strictly controlled. Development which may have a negative impact or effect on a national park include:

- Mining;
- Urban development;
- Industrial development;
- Large scale resort or housing estate development;
- Transport infrastructure development;
- Water resource development;
- Agricultural development;
- Forestry development; among others.

Planning permission especially for subdivision of land, township and other development on the borders of a park which may have a negative impact on the park and or limit the possibility of its expansion (subject to an approved expansion plan in terms of the management plan) is required. All three spheres of government will collaborate to ensure control in favour of the national park. Consideration will be given to direct impacts on the biodiversity or ecological systems taking into account cumulative impacts as well as insidious impacts such as increased light from developments visible from

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<sup>9</sup> National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004)

parks, especially in wilderness areas, smells (which imply pollution) and noise from developments or transport moving to and from these developments.

Integration of the park buffer zones into the municipal spatial development frameworks as special control or natural areas will provide the basis for such control.

National park buffer zones, defined in the park management plans, will be considered special areas in terms of section 24(2)(b) of the National Environmental Management Act, 1998<sup>10</sup>. All development in the buffer zone requiring an environmental impact assessment in terms of that Act, 1988, will be subject to a record of decision by the Minister. The Minister's decision will be informed by the management authority of the potential impact on the park. In addition, consideration of the cumulative and secondary impacts on biological diversity of development proposals, and the reversibility of proposed actions over time, will be integrated into regional planning processes and environmental impact assessment procedures.

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**GOAL 4** Conserve and make sustainable use of biological resources in the buffer zone and avoid or minimize adverse impacts on the biodiversity of such areas.

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## POLICY AND STRATEGY

The loss of biodiversity in South Africa is considered by Government to be a matter of grave concern, requiring urgent action by diverse sectors at many different levels. Government recognizes the important role played by involved sectors in the economic development of the country, but believes that opportunities exist, through conserving and sustainable use of biological resources, to optimise both conservation and development benefits, and to minimise the adverse impacts of various activities on terrestrial biodiversity.

Government, in collaboration with interested and affected parties, will:

1. Consider incentives for the sustainable use of biological resources;
2. Ensure that harvesting arrangements are based on the long-term viability of the species concerned and on maintaining ecosystem integrity.

In considering incentives for use of biological resources the following approaches will be used:

- Identify and wherever possible remove incentives that encourage the loss of biodiversity and the unsustainable, inefficient, and inequitable use of biological resources, taking into consideration social, economic and environmental costs and benefits;

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<sup>10</sup> National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended)

- Maintain, adjust, or develop new financial and other incentives that support the conservation and sustainable use of biodiversity, and stimulate local stewardship of the park buffer zones.

The sustainable use of biological resources through harvesting should enhance the long term health of the ecosystem while providing economic social and cultural opportunities for present and future generations. Control of the use of the naturally occurring biological resources found in the buffer zone is complex, governed by regulation at both national and provincial level. Threatened or protected species are controlled in terms of the Biodiversity Act<sup>11</sup>, while provincial legislation (nature conservation Acts or Ordinances) and the National Forest Act<sup>12</sup> provide for a wide range of controls on other species. Control in the buffer area is primarily the responsibility of the provincial conservation agencies. While a range of resource uses are recognized, the following applies to specific uses:

- Hunting in the buffer zone is primarily subject to provincial legislation. However in nature reserves, protected environments and community conservation areas adjacent to a national park, where the fence has been dropped by written agreement, will be subject to quota's determined by the management authority as part of the meta population of the park and its neighbours;
- The capture and translocation of wildlife from the park buffer zone will be subject to the same controls;
- Bio-prospecting in the buffer zone is subject to Chapter 6 of the Biodiversity Act<sup>13</sup>.

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**GOAL 5:** Support the development of community-based biodiversity management initiatives as part of a broader set of approaches to land-use planning and developing local sustainable development strategies.

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## **POLICY AND STRATEGY**

Use of biological diversity by local communities often plays a vital role in the household economics of many of these communities. Ensuring the conservation and sustainable use of biodiversity in park buffer zones, and minimising adverse impacts on the biodiversity of such areas will require several common approaches to be adopted.

Partnerships need to be developed to enhance and ensure the sustainability of the biological resources (see also Goal 6). An active partnership between the park management authority, the community and the municipality is

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<sup>11</sup> Threatened or Protected Species Regulations, Government Notice No. R.152 in Gazette No. 29657, 2007

<sup>12</sup> National Forest Act, 1998 (Act No.84 of 1988)

<sup>13</sup> National Environmental Management: Biodiversity, 2004 (Act No. 10 of 2004)

encouraged. All municipalities have Integrated Development Plans (IDPs)<sup>14</sup> which are plans for the development of the local area. These plans aim to:

- Reduce poverty;
- Develop the area to provide long lasting economic opportunities and a better quality of life; and
- Protect the natural resources.

These goals are shared with the efforts of Community Based Natural Resource Management (CBNRM). By working closely with Local and District Councils, CBNRM programmes become part of the local IDP and benefit from the support that local, provincial and national government can provide<sup>15</sup>. The main thrust of this partnership is the promotion of the establishment, development and management of community conservation areas in which the aim is to:

- Promote sustainable harvesting of natural resources;
- Provide benefits and commercial opportunities to local communities;
- Support traditional use of natural resources (eg maroela fruit, kernels);
- Supplement traditional use with beneficiation (eg maroela liquer);
- Control excess use of resources where the resource is not being renewed (eg maroela for carving curio's).

In the development of such community conservation areas in the buffer zone, the park management authority will provide assistance with the development of management plans, biodiversity assessments, and the development of management programmes including for combating alien invasive species.

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**GOAL 6:** Promote the development of partnerships between the management authority, other conservation authorities, community organisations, NGOs, and private entrepreneurs for purposes of planning and managing the use of resources within the park buffer zone, and optimising benefits for local people.

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## POLICY AND STRATEGY

Partnership between the management authority of the national park and the provincial authority(s) responsible for conservation is essential as these organizations are all working towards the same goal. Written agreements between the organizations are encouraged to ensure collaboration and cooperation in the conservation of biodiversity, especially in the buffer zone.

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<sup>14</sup> Local Government: Municipal Systems, 2000 ( Act No. 32 of 2000)

<sup>15</sup> Guidelines for the implementation of community based natural resource management in South Africa, Department of Environmental Affairs and Tourism, 2003.



Partnerships between the management authority and municipalities will be guided primarily through the integration of the park and its buffer zone into the municipal spatial development frameworks and the integrated development plans.

Partnerships between the management authority of the park and its neighbouring communities are encouraged through the development of park fora. Development of partnership agreements by the park with neighbouring communities are encouraged, especially:

- where joint ventures for the benefit of the community and the natural resources is promoted; and
- for the supply of goods and services required for the management of the park.

Partnerships between the management authority and adjacent conservation estates (including nature reserves (both in provincial and private ownership), protected environments and community conservation areas are encouraged.

Formal, written agreements, endorsed by the Minister, between the management authority and the owners of neighbouring nature reserves, protected environments, and community conservation areas are required where fences are dropped between a national park and such neighbour. These agreements are to be aimed at managing the wider area as one area and need to address *inter alia*:

- Duration of contract, withdrawal procedure;
- Responsibilities of owner;
- Responsibilities of management authority;
- Resource use;
- Financial Arrangements/access and benefit sharing.

Reference to these contracts is to be included in the park management plans, which should include costs to the management authority.

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**GOAL 7:** Enhance the capacity of communities residing in or adjacent to protected areas to participate in protected area management through providing appropriate training and education, and through recognising local expertise and traditional institutions.

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## **POLICY AND STRATEGY**

Capacity development continues to be critical to the continued successful existence of our national parks. Development of the capacity of the communities of the buffer zone for the conservation of biodiversity both in the parks and in its buffer zone will enhance the long term viability of the parks.

A number of programmes are already developing capacity through the poverty relief programmes – especially to improve buffer zone by rehabilitation of systems (eg Working for Wetlands), combating alien plant invaders (e.g. Working for Water), as well as the development programmes such as the Extended Public Works Programme.

Additional programmes such as the People and Parks are outreach programmes aimed at developing the ability to participate in the management of our parks and their buffer zones through dedicated training programmes. A longer term view is taken through the Kids in Parks programme.

Government will continue to provide support for these programmes. Additional assistance to communities will be provided to ensure best practice methods of conserving biodiversity, as well as developing strategies and programmes for the promotion of enterprise which will support the parks and their management as well as provide opportunities for economic development in the buffer zone.

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**GOAL 8:** Take steps to avoid or minimize damage caused to people and property by wildlife.

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## **POLICY AND STRATEGY**

The Protected Areas Act establishes the “state trustee for protected areas” and the Biodiversity Act establishes the “state trustee for biological diversity”. Therefore all animals occurring in a national park are, for as long as they occur in the park, deemed to be public assets held in trust by the state for the benefit of present and future generations as part of the public estate. They remain public assets even when they leave the park. This is true of both damage causing animals as well as valuable animals

For any animal escaping from a national park into areas of the buffer zone other than adjacent conservation estate, the management authority of the park must take all steps reasonably necessary to:

- Capture the animal; or
- Deal with the animal so that the public interest is best served and any danger posed by such animal is averted or minimized.

The management authority shall not be held liable for any loss or damage caused by an animal which has escaped from a park.

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**GOAL 9:** Improve benefit flows to people in and around protected areas

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**POLICY AND STRATEGY**

National Parks must be seen and must operate as local economic drivers which contribute substantially to the long term sustainability of the region. People living in the buffer zone, in providing both protection for a park and support for a park should see direct benefits accruing to them from the park.

The management authority of the park will promote local and social development in the region by–

- where possible, securing goods and services from the communities in the buffer zone;
- employing personnel from the buffer zone as far as possible;
- facilitating joint venture schemes with enterprises in the buffer zone, especially by the development of infrastructure which will serve both the park and the community;
- providing community services;
- providing environmental education and opportunities within protected areas;
- promoting community management of protected areas in the buffer zone;
- where relevant promoting co-management agreements for the management of the park;
- where appropriate, designating areas for sustainable resource use in the park; and
- facilitating where appropriate the development of compensation agreements with those who have lost access to resources or who have suffered damage caused by wildlife.

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**Chapter 4****Implementation of the policy**

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**Key players**

This policy, while primarily addressing the improved conservation of our national parks, has implications to a wide range of role players whose active support and collaboration are crucial for the policy to be implementable. Amongst those role players, the following have been identified as key players:

- Department of Environmental Affairs – responsible for the implementation of the environmental management legislation;
- Department of Water Affairs and Forestry – responsible for the implementation of water resources legislation;
- Department of Agriculture, Forestry and Fisheries – responsible for forestry legislation;
- SANParks – responsible for the management of our national parks;
- Provincial environmental, conservation and planning authorities – responsible for the implementation of both provincial legislation as well as aspects of national environmental management legislation as set out in the Acts;
- Municipalities – responsible for the implementation of the Local Government legislation, local planning and service provision;
- Land owners in the buffer zone; and
- Communities living in the buffer zone.

### Legislation

Policy will normally inform the development of new additional legislation. In this case, this policy reflects a range of legislation already in place. The legislation falls within the competencies of a range of authorities in all three spheres of government. This can lead to confusion as to roles and responsibilities, which in turn has the potential to lead to conflict between authorities and confusion on the ground. To obviate this, and the behaviour which may result, use of section 35 of the Intergovernmental Relations Framework Act<sup>16</sup> will be made. This section provides for cases “where the implementation of legislation or the provision of a service depends on the participation of organs of state in different spheres of government, those organs of state must co-ordinate their actions in such a manner as may be appropriate or required in the circumstances, and may do so by entering into an implementation protocol.”

The park management authority will enter into such implementation protocols wherever the possibility of conflict or confusion needs to be obviated.

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<sup>16</sup> Intergovernmental Relations Framework Act, 2004 (Act No.13 of 2004)