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## GENERAL NOTICE

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### NOTICE 106 OF 2012

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

#### BIODIVERSITY POLICY AND STRATEGY FOR SOUTH AFRICA: STRATEGY ON BUFFER ZONES FOR NATIONAL PARKS

I, Bomo Edith Edna Molewa, hereby publish the Strategy on Buffer Zones for National Parks for general information as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### BIODIVERSITY POLICY AND STRATEGY FOR SOUTH AFRICA: STRATEGY 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 area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No.57 of 2003) (the Act). Fifty six percent of this total area is made up by our 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 section 20(2) 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 national parks being impacted negatively from activities outside the national parks, e.g

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

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

- Excessive development which negates the primary attraction of the national park; and
- Development clustered round a national park which success is due to the intrinsic value of the national park, but which has negative effects on the national park (e.g. ribbon development along the Crocodile River on the border of the Kruger National Park).

Therefore the concept of a buffer zone around national parks has been established. This buffer's function are to reduce or mitigate the negative influences of activities taking place outside the parks on the parks and, to better integrate parks into their surrounding landscapes. This concept has been widely recommended, including in the operational guidelines of UNESCO's World Heritage Convention<sup>1</sup>.

Therefore, the purpose of a buffer zone is to:

- Protect the purpose and values of the national park, which is to be explicitly defined 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;
- Assist adjacent and affected communities to secure appropriate and sustainable benefits from the national park and buffer zone area itself by promoting a conservation economy, ecotourism and its supporting infrastructure and services, and sustainability through properly planned harvesting.

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. The 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 to the national park and its protection.

### **Purpose of this strategy**

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

The purpose of the strategy is twofold:

- To inform the public what government's objectives are, and how it intends to achieve these objectives; and
- To inform government agencies and state organs what their objectives are and to guide them in developing strategies to achieve these objectives.

### **Context**

This strategy further develops the *Biodiversity Policy and Strategy* published in 1997 (the Biodiversity Policy)<sup>2</sup>. The Biodiversity Policy led to the development and promulgation of both the Act<sup>3</sup> and the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

While the Biodiversity Policy addressed South Africa's obligations in terms of the Convention on Biological Diversity<sup>4</sup> at the time, that convention is in a process of further development and refinement.

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

<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

This Strategy on Buffer Zones for National Parks addresses those sections relating to protected areas and specifically Goal 1.4 *Environmentally sound and sustainable development adjacent to protected areas*.

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.

### Definitions

**“bioprospecting”** means any research on, or development or application of, indigenous biological resources for commercial or industrial exploitation;

**“buffer zone”** includes the immediate setting of the national park and attributes that are functionally important as a support to the national park and its protection;

**“catchment area”** means the area from which any rainfall will drain into the watercourse or watercourses or part of watercourse, through surface flow to a common point or common points;

**“capture”** in relation to wildlife includes searching, pursuing, driving, chasing, darting, lying in wait, luring, alluring, discharging a missile, catching, sedating or exercising physical control by any other means, method or device, with the intent not to kill;

**“cumulative impacts”** in relation to an activity, means the impact of an activity that in itself may not be significant but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area;

**“game farm”** means a relatively small (up to ~5 000ha) property enclosed by wildlife fences in which wildlife species composition is often manipulated, as well as had locally alien species introduced, and where production may be supplemented with external inputs. Commercial activities, usually managed by the landholder, are diverse including lodge accommodation, trophy or meat hunting, meat sales as well as live capture and sale;

**“management authority”** in relation to a protected, means the organ of state or other institution or person in which the authority to manage the protected area is vested;

**“national park”** means –

- (a) an area which was a park in terms of the National Parks Act, 1976 (Act No. 57 of 1976), immediately before the repeal of that Act by section 90(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), and includes a park established in terms of an agreement between a local community and the Minister which has been ratified by Parliament; or
- (b) an area declared or regarded as having been declared in terms of section 20 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) as a national park, and includes an area declared in terms of section 20 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) as part of an area referred to in paragraph (a) or (b) above;

<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.

**“meta population”** consist of a group of spatially separated populations of the same species which interact at some level;

**“priority natural areas”** includes 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 in the park;

**“protected area”** means any of the protected areas referred to in section 9 of the National Environmental Management: Protected Areas Act, 2003;

**“protected environment” means –**

- (a) an area declared, or regarded as having been declared, in terms of section 28 of the National Environmental Management: Protected Areas Act, 2003 as a protected environment;
- (b) an area which before or after the commencement of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) was or is declared or designated in terms of provincial legislation for a purpose for which that area could in terms of section 28(2) of the National Environmental Management: Protected Areas, 2003 (Act No. 57 of 2003) be declared as a protected environment; or
- (c) an area which was a lake area in terms of the Lake Areas Development Act, 1975 (Act No. 39 of 1975), immediately before the repeal of that Act by section 90(1) of the National Environmental Management: Protected Areas Act, 2003;

**“ranching”** includes extensive stock farming on large properties which may have free ranging populations of wildlife. The land and wildlife remain under the control of the landowner;

**“SANParks”** means South African National Parks;

**“Special nature reserve” means –**

- (a) an area which was a special nature reserve in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), immediately before the repeal of section 18 of that Act by section 90 of the National Environmental Management: Protected Areas Act, 2003; or
- (b) an area declared, or regarded as having been declared, in terms of section 18 of the National Environmental Management: Protected Areas Act, 2003 as a special nature reserve, and includes an area declared in terms of section 18 as part of an area referred to in paragraph (a) or (b) above;

**“translocation”** means a deliberate and mediated movement of wild individuals or populations from one part of their range to another;

**“viewshed”** means an area of land, or other environmental element that is visible to the human eye from a fixed vantage point.

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## Chapter 2

### Vision and principles

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#### **Mandate**

Underpinning any legislation is the Constitution of the Republic of South Africa, 1996 (the Constitution) 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 legislature 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, under Schedule 4A, 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 section 231 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 and strategies 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 Act, the Minister responsible for Environmental Affairs has sole responsibility for the declaration of a national park and the assignment of its management to a management authority.

It is in this context that the Minister responsible for Environmental Affairs presents this strategy. 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 formulate strategies on the conservation and use of biodiversity, the implementation of such strategy 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 national parks

#### **Vision**

Policy objective 1.4 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 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 dependant. 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 conservation and other agencies.

Based on this the vision for this strategy on buffer zones is:-

*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>6</sup>**

The following inter-related principles as set out in the preamble to the Biodiversity Policy to guide the application, assessment and further development of the Biodiversity Policy. These are equally applicable to this strategy 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

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<sup>6</sup> White Paper on the Conservation and Sustainable use of South Africa's Biological Diversity, *Government Gazette* No18163, 1997

- 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 socioeconomic upliftment of disadvantaged communities is an important criterion upon which decisions will be based;
- 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

#### Strategy on buffer zones for national parks in South Africa

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#### GOALS

Three policy objectives, set out in the Biodiversity Policy are considered primary to this strategy and are addressed below. These objectives are:–

- (a) **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.*
- (b) **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.*
- (c) **Policy objective 2.3.** *Integrate biodiversity considerations into land-use planning procedures and environmental assessments.*

Throughout this strategy, 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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#### STRATEGY

Buffer zones must 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 national park;
- Corridors for the movement of wildlife; or
- Areas under similar management (eg nature reserves) which contribute to the conservation of biodiversity.

#### **Catchment areas**

These areas may include:–

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

#### **Viewshed protection**

The areas requiring viewshed protection may include:–

- Those areas visible from the national park –
  - especially from wilderness areas; and
  - night lights which negatively effect the ambience of the park;
- Those approaches to the national park which provide vistas of the national 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 necessary or appropriate, declare the buffer zones or parts thereof as protected environments in terms of the 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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## STRATEGY

The activities identified compatible with and which compliment the objectives of national parks may 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; or
- Nature based tourism.

All of 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.

The Government within the buffer zone will –

- a) Support the establishment of –
  - i) nature reserves in private ownership and their declaration in terms of section 23 of the Act.
  - ii) protected environments and their declaration in terms of section 28 of the 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 –
  - i) Establishment of voluntary conservation areas (eg conservancies);
  - ii) Entering into biodiversity management agreements in terms of section 44 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - 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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## 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 national 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 national 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 parks, especially in wilderness areas, smells (which imply pollution) and noise from developments or transport moving to and from these developments.

Integration of the national 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 (Act No. 107 of 1998) (NEMA). All development in the buffer zone requiring an environmental authorisation in terms of the NEMA, will be subject to an environmental impact assessment process at national level. The Department's decision will be informed by the management authority of the potential impact on the national 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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## 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.
- 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 National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)<sup>7</sup>, while provincial legislation (Nature Conservation Ordinances) and the National Forest Act, 1998 (Act No. 84 of 1998) provide for a wide range of controls on other species. Control in the buffer zone 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 Nature Conservation Ordinances. 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 a quota determined by the management authority as part of the meta population of the national park and its neighbours;
- The capture and translocation of wildlife from the national park buffer zone will be subject to the same controls;
- Bioprospecting in the buffer zone is subject to Chapter 6 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

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<sup>7</sup> Threatened or protected species regulations, Government Notice R152 in Government Gazette No 29657, 2007

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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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## STRATEGY

Local communities' use of biological diversity often plays a vital role in the household economics of many of these communities. Ensuring the conservation and sustainable use of biodiversity in national 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 national park management authority, the community and the municipality is encouraged. All municipalities have Integrated Development Plans (IDPs)<sup>8</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 Municipal Councils, CBNRM programmes become part of the local municipality IDP and benefit from the support that local, provincial and national government can provide<sup>9</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 (e.g. maroela fruit, kemels);
- Supplement traditional use with beneficiation (e.g. maroela liqueur);
- 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 national 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, non-governmental organization (NGOs), and private

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<sup>8</sup> Local Government: Municipal Systems, 2000 (Act No. 32 of 2000)

<sup>9</sup> Guidelines for the implementation of community based natural resource management in South Africa, Department of Environmental Affairs and Tourism, 2003.

entrepreneurs for purposes of planning and managing the use of resources within the national park buffer zone, and optimising benefits for local people.

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## STRATEGY

Partnership between the national park management authority and the provincial authority or authorities 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 zones.

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

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

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

Partnerships between the national park 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 responsible for environmental affairs, between the national park 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;and
- Access and benefit sharing.

Reference to these contracts is to be included in the national 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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## STRATEGY

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

A number of programmes are already developing capacity through the poverty relief programmes – especially to improve buffer zone by rehabilitation of systems (e.g. 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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## STRATEGY

The Act, establishes the "state trustee of protected areas" and the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), establishes the "state trustee of biological diversity". Therefore, all animals occurring in a national park are, for as long as they occur in the national 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 national park. This is true of both damage causing animals as well as valuable animals.

For any animal escaping from a national park into buffer zone areas other than adjacent conservation estate, the national park management authority 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.

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

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## 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 national park and support for a national park should see direct benefits accruing to them from the national park.

The national park management authority 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 national 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 national park;
- Where appropriate, designating areas for sustainable resource use in the national 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 strategy

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#### Key players

This strategy, while primarily addressing the improved conservation of our national parks, has implications to a wide range of role players. Accordingly, the strategy will not be implemented without the role players active support and collaboration. The following role players have been identified amongst others:

- Department of Environmental Affairs – responsible for the implementation of the national environmental management legislation;
- Department of Water Affairs – responsible for the implementation of water 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;
- Municipalities – responsible for the implementation of the local government legislation, local planning and service provision;
- Land owners in the buffer zones; and
- Communities living in the buffer zones.

#### Legislation

This strategy reflects on a range of environmental legislation already in place. The environmental legislation falls within the competencies of a range of authorities in all three spheres of government. This may sometimes lead to confusion with regards to the roles and responsibilities, which in turn may lead to conflict between these authorities and confusion to the public. In order to avoid these conflicts and confusions, the use of section 35 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) (the IRF Act) is recommended. Section 35 of the IRF Act states that “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 national park management authority will enter into such implementation protocols wherever the possibility of conflict or confusion needs to be obviated.