

REPUBLIC OF SOUTH AFRICA

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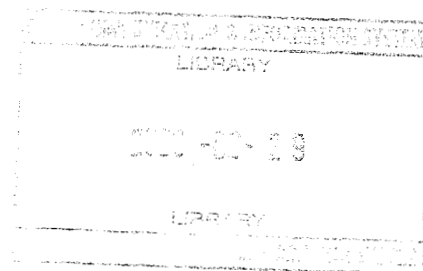
**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
NATIONAL ENVIRONMENTAL  
MANAGEMENT: PROTECTED  
AREAS BILL**

[B 39—2003]

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*(As agreed to by the Portfolio Committee on Environmental Affairs and Tourism  
(National Assembly))*

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[B 39A—2003]

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## AMENDMENTS AGREED TO

### NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS BILL [B 39 — 2003]

#### CLAUSE 1

1. On page 5, after line 46, to insert:

“lawful occupier” includes an occupier protected under the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996), or the Extension of Security of Tenure Act, 1997 (Act No. 26 of 1997), if the land regarding which the occupier enjoys such protection falls within a protected area or is proposed to be declared as or included in a protected area;

#### CLAUSE 2

1. On page 7, after line 15, to add:

- (e) to promote sustainable utilisation of protected areas for the benefit of people, in a manner that would preserve the ecological character of such areas; and
- (f) to promote participation of local communities in the management of protected areas, where appropriate.

#### CLAUSE 9

1. On page 8, in line 20, after the second “reserves” to insert “(including wilderness areas)”.

#### CLAUSE 17

1. On page 9, in line 37, to omit “adequately”.
2. On page 9, in line 42, to omit “adequately”.
3. On page 10, after line 2, to add:
  - (l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species.

#### CLAUSE 31

1. On page 12, in line 26, to omit “23(1)” and to substitute:  
19, 20(1), 21(1), 22(1), 23(1), 24(1), 26(1)
2. On page 12, after line 33, to insert:
  - (c) in the prescribed manner, consult any lawful occupier with a right in land in any part of the area affected; and

### CLAUSE 32

1. On page 12, in line 36, to omit "23(1), 28(1) or 29(1)" and to substitute "23(1), 26(1), 28(1) or 29".
2. On page 12, after line 44, to insert:
  - (c) in the prescribed manner, consult any lawful occupier with a right in land in any part of the area affected; and

### CLAUSE 33

1. On page 12, in line 49, after "two" to insert "national".
2. On page 13, from line 3, to omit all the words from "as" up to and including "land" in line 4 and to substitute:
 

and inform in an appropriate manner any other person whose rights in such land may materially and adversely be affected by such declaration

### CLAUSE 34

1. On page 13, in line 31, after "trustee" to insert "and the community involved".
2. On page 13, in line 39, after "trustee" to insert "and the community involved".

### CLAUSE 35

1. On page 13, after line 47, to add:
 

(3) (a) The terms of any written agreement entered into between the Minister or MEC and the owner of private land in terms of section 18(3), 20(3) or 23(3) are binding on the successors in title of such owner.

(b) The terms of agreement must be recorded in a notarial deed and registered against the title deeds of the property.

### CLAUSE 36

1. On page 13, in line 53, after "involved" to insert:
 

and the terms and conditions of any notarial deed

### CLAUSE 37

1. On page 14, in line 10, to omit "and "local protected area" " and to substitute " ", local protected area" and "protected environment" ".

### CLAUSE 38

1. On page 14, in line 15, to omit “an organ of state or any other institution” and to substitute:  
  
a suitable person or an organisation or an organ of state
2. On page 14, after line 21, to add:  
  
(4) Marine and terrestrial protected areas with common boundaries must be managed as an integrated protected area by a single management authority.

### CLAUSE 39

1. On page 14, in line 29, to omit “and affected parties” and to substitute:  
  
, local communities and other affected parties

### CLAUSE 41

1. On page 14, after line 49, to insert:  
  
(a) terms and conditions applicable to a biodiversity management plan;
2. On page 15, in line 4, after “participation” to insert:  
  
, including participation by the owner (if applicable), any local community or other interested party
3. On page 15, after line 5, to insert:  
  
(f) where appropriate, the implementation of community-based natural resource management; and  
(g) a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections.
4. On page 15, after line 5, to insert:  
  
(3) A management plan may contain—  
(a) development of economic opportunities within and adjacent to the protected area in terms of the integrated development plan framework;  
(b) development of local management capacity and knowledge exchange;  
(c) financial and other support to ensure effective administration and implementation of the co-management agreement; and  
(d) any other relevant matter.

### CLAUSE 42

1. On page 15, in line 20, to omit “collecting, catching or”.
2. On page 15, in line 21, to omit “sites of cultural or religious significance in”.

3. On page 15, after line 22, to insert:

- (f) development of economic opportunities within and adjacent to the protected area;
- (g) development of local management capacity and knowledge exchange;
- (h) financial and other support to ensure effective administration and implementation of the co-management agreement; and

4. On page 15, after line 30, to add:

(5) Where the Minister or MEC in terms of section 42(4) cancels a co-management agreement forming a material term of an agreement contemplated in section \*\*\*\*\*, 23(3) or 28(3), the withdrawal of the declaration of the protected area or exclusion contemplated in section \*\*\*\*\*, 24(2) or 29, respectively, apply.

#### CLAUSE 45

1. On page 16, after line 29, to insert:

- (c) a person recording a news event that occurred in the reserve or an educational or scientific programme;

#### CLAUSE 47

1. On page 17, in line 3, to omit "ground level" and to substitute:

the highest point of the reserve or site

#### CLAUSE 48

1. On page 17, from line 27, to omit subsection (2) and to substitute:

(2) The Minister, after consultation with the Cabinet member responsible for mineral and energy affairs, must review all mining activities which were lawfully conducted in areas indicated in subsection (1)(a), (b) and (c) immediately before this section took effect.

(3) The Minister, after consultation with the Cabinet member responsible for mineral and energy affairs, may, in relation to the activities contemplated in subsection (2), as well as in relation to mining activities conducted in areas contemplated in that subsection which were declared as such after the commencement of this section, prescribe conditions under which those activities may continue in order to reduce or eliminate the impact of those activities on the environment or for the environmental protection of the area concerned.

(4) When applying this section, the Minister must take into account the interests of local communities and the environmental principles referred to in section 2 of the National Environmental Management Act, 1998.

## CLAUSE 50

1. On page 17, in line 46, to omit "harvest" and to substitute "use".
2. On page 18, from line 6, to omit subsection (4) and to substitute:

(4) Any activity carried out lawfully in terms of any agreement which exists when this section takes effect may continue until the date of termination of such agreement, provided that the agreement may not be extended or varied so as to expire after the original intended expiry date without the consent of the Minister.

## CLAUSE 53

1. On page 18, from line 33, to omit paragraph (a) and to substitute:

(a) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);  
and

## CLAUSE 80

1. On page 18, in line 48, to omit the first "private".
2. On page 18, in line 48, to omit the second "private".

## CLAUSE 86

1. On page 20, after line 2, to insert:

(vii) community-based natural resource utilisation; or  
(viii) consultation activities which are required in terms of this Act.