



# CBNRM

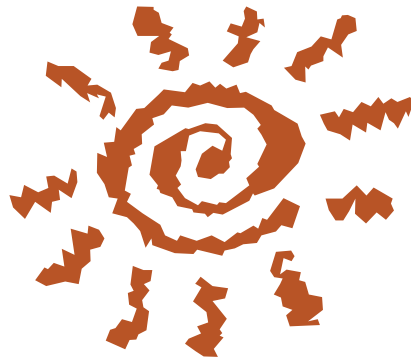
**Laws, policies, international agreements and  
departmental guidelines that support community  
based natural resource management type programmes  
in South Africa**



Department of Environmental  
Affairs and Tourism

in partnership with



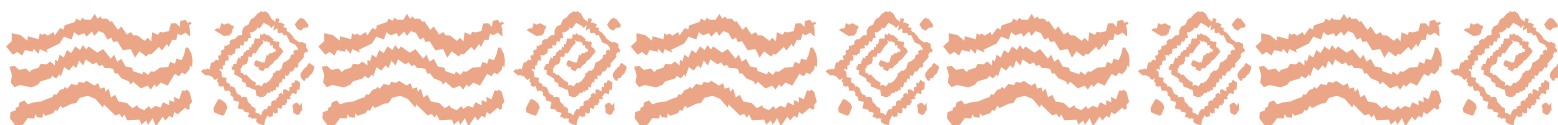


Report to the Department of Environmental Affairs and Tourism  
and GTZ Transform  
by

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## 1. Background

South Africa has a number of Community Based Natural Resource Management (CBNRM) principles encapsulated in a range of laws, regulations and programmes distributed across various government departments. At this stage several government departments are practising CBNRM as an approach or methodology without synergy and in most cases with duplication of efforts. Hence, there is a strong lack of co-ordinated actions as CBNRM is diffused across different government departments. In many instances these departments have limited capacity to implement policy objectives.



Moreover, there is no co-ordinated or targeted funding from donors or from the poverty alleviation programme. Presently, there is no clear vision from government on capacity building to stimulate or motivate CBNRM. Unlike most other countries in southern Africa, South Africa does not have an integrated and official CBNRM policy document or white paper. The key question is whether such a policy paper is needed and, if so, what key issues need to be addressed in such a paper. The government departments that are involved are primarily those that have direct legislative control over natural resources, i.e. the Department of Water Affairs and Forestry (DWAF), Department of Environmental Affairs and Tourism (DEAT), Department of Agriculture (DA), Department of Land Affairs (DLA), and the Department of Local and Provincial Government. The Department of Trade and Industry (DTI) is also a stakeholder with its Spatial Development Initiatives (SDIs) and the Community Public Private Partnership (CPPP) Unit, as is the Department of Minerals and Energy Affairs (DME) with regards to energy and mining policies.

In the course of 2001/2002 various workshops, discussions and meetings took place between different stakeholders to explore issues relating to the question of whether or not South Africa needs an official CBNRM policy. A discussion document outlining the key issues that would need to be addressed was presented to a Task Team comprising the DEAT, GTZ and Rhodes University. In the first meeting of this Task Team, co-ordinated by DEAT and held on 24 July 2001, it was decided that implementation guidelines and strategies were required for co-ordination amongst different government departments. Recommendations emanating from these workshops would serve as an inception point for the Task Team.

The DEAT, in partnership with GTZ, undertook a process of developing a set of Guidelines for the implementation of CBNRM in South Africa. The initiative was co-sponsored by Development Alternatives Inc. (DAI). A lengthy consultative process, involving the Task Team, national and provincial departments, local government in every province as well as NGOs and CBOs, culminated in the publication in August 2003 of a set of CBNRM Guidelines, an electronic version of which is included on this CD.

On the following pages there is a brief assessment of the policy and legislative framework governing CBNRM in South Africa, and a summary of existing relevant laws, policies, international agreements and departmental guidelines relating to CBNRM.

## 2. A brief assessment of current policies and legislation related to CBNRM

A range of existing policies and laws legitimize and outline government's obligations to implement CBNRM. These can be sub-divided into eight broad categories (See Section 4, pages 8—22):

1. General enabling policies and laws
2. Policies and laws related to governance in CBNRM
3. Policies laws related to biodiversity and environmental conservation
4. Policies and laws related to agriculture and land
5. Policies and laws related to marine and freshwater systems
6. Policies and laws related to forestry and woodlands
7. Policies and laws related to tourism
8. International policies, agreements and conventions

### 2.1. Commonalities between policies

Government CBNRM policies have a number of aspects in common. Almost all of them attempt to address four basic problems:

- the need to improve the livelihoods of impoverished people making a living from common property resources,
- the requirement of community participation,
- the need to address historical and contemporary imbalances in access to resources and capital;
- the problem of unsustainable resource use.

The most powerful over-arching legislation that sanctions all principles of CBNRM is the Constitution and its associated Bill of Rights.

### 2.2. Inconsistencies between policies

There are, however, a number of current and potential inconsistencies between policies, e.g.:

- Many policies place unrealistic administrative burdens in e.g. applying for access to resources (e.g. concessions, etc.), the formation of institutions and management bodies, and the need to demonstrate and build their capacity, on the shoulders of communities. The problem is that communities are required to do this for every government department and private operator they have to deal with. Neither communities nor government have the capacity for this.

- Policies that emphasize economic empowerment do not seriously take into account the impact of development activities on the natural resource base.
- Trade-offs between different types of resource and land use in the same landscapes are seldom considered. E.g. many policies that promote afforestation or monocrop agriculture do not consider trade-offs in biodiversity, while most policies aimed at biodiversity and environmental conservation do not take into account lost economic opportunities.
- Many policies talk of inter-departmental cooperation, but none specify the institutional mechanisms that would achieve this (international policies, protocols and conventions are an exception).

### 2.3. Policy shortcomings

South Africa has among the clearest and most progressive natural resource management policies. But there are a number of serious shortcomings that need to be addressed.

- Few, if any, policies mention government's obligation to inform and capacitate communities to benefit from new policies; communities are mostly uninformed of their rights and the potential of policies to improve their livelihoods.
- Local and indigenous knowledge is rarely afforded any status.
- Existing local institutions are ignored.
- There is little room in any of the CBNRM policies for being responsive to differences in local contexts.
- Maintaining the adaptive capabilities of communities and ecosystems is not emphasized; little value is placed on maintaining a diversity of options and strategies (i.e. 'different baskets for different eggs').
- There are no over-arching policies that promote the need for inter-agency cooperation.
- Policies and the way they are being implemented are not audited.
- Policies do not safe-guard the private sector, who are nevertheless required to invest by e.g. forming partnerships with communities.
- There is an incompatibility in scales between current policies and the factors that 'drive' CBNRM. Most policies move slowly and address issues at coarse (Provincial or National) spatial scales. Many of the drivers of community-based issues, on the other hand, are a mix of fast and slow moving factors, operating at fine, local scales.

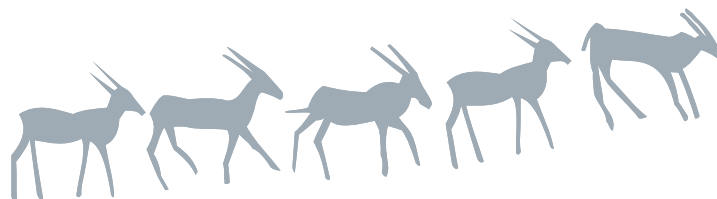
### 3. Guidelines

While South African policies are clear and to the point, 'how to do' guidelines for South African policies are few and far between. Departmental guidelines vary a lot in detail, from being highly prescriptive (e.g. fishing quota allocations) to vague (e.g. SANParks guidelines for Social Ecology).

Most of the guidelines reviewed focus strongly on strategic planning and step-wise processes as a tool (e.g. Integrated Sustainable Rural Development Strategies, Integrated Development Plans, Integrated Catchment Management). The only guidelines that specifically mention inter-departmental cooperation are the IDP, ISRDS, Integrated Catchment Management and Land Redistribution for Agricultural Development (LRAD) guidelines. Only the IDP guidelines stipulate how inter-governmental cooperation and function sharing could take place, and which institutions should be established to foster working relationships between departments.

#### 3.1. Shortcomings in existing guidelines

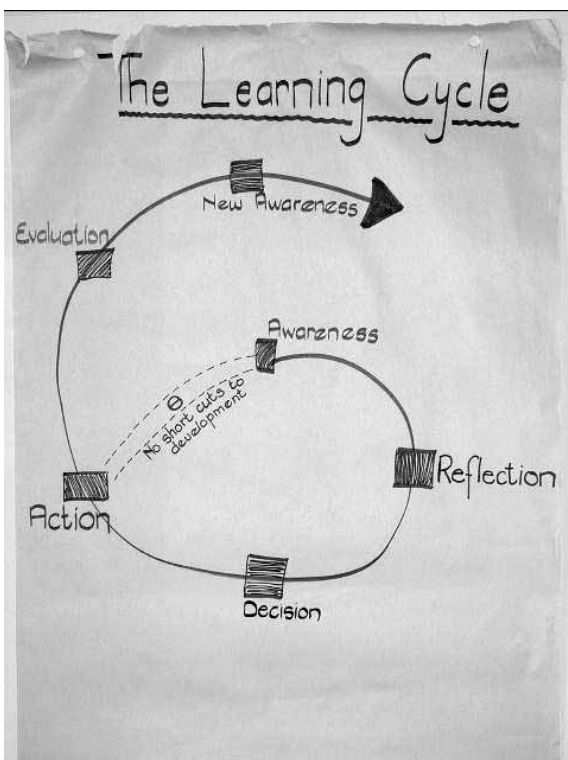
- Inter-departmental cooperation is mentioned, but little thought is given to how this should work in practice.
- It is unclear how much buy-in has been obtained from other Departments when these guidelines were drawn up.
- There is a very strong focus on step-wise strategic planning and project management, at the cost of flexibility and adaptability. Many of the guidelines state that they are flexible, but closer inspection reveals that they are extremely rigid.
- None of the guidelines specifically mentions how to involve illiterate people in decision making.
- There is a weak understanding of the function and value of local and traditional knowledge.
- There is little room for local people to set the agenda and pace at which CBNRM planning should take place.



### 3.2. Challenges to the development of innovative CBNRM guidelines

- The principles of 'second generation' CBNRM need to be built into guidelines the emphasis should be on facilitating learning and adaptive management processes, rather than on developing blueprints (Table 1).
- The over-all goal should be to maintaining the capacity of communities, and the ecosystem, to adapt to external shocks and surprises. This means that 'sustainability', in the context of CBNRM, needs to be re-defined.
- Guidelines should be explicit about how to incorporate local knowledge and institutions, and local processes into CBNRM planning.
- Guidelines should specify how to involve illiterate people in decision making.
- The most promising existing guidelines are those for IDP, ISRDS, LRAD and Integrated Catchment Management. These guidelines should be aligned to address the problems raised above.
- The approach should be to create a new awareness, through successive steps of learning and discovery; plans and actions are thus tailored to the local context (Figure 1).

It is necessary to draw up a specific set of inter-departmental guidelines for dealing with historically disadvantaged people who manage resources communally, and who have traditional knowledge to contribute to planning and resource management processes.



**Figure 1.** The learning and awareness raising cycle (diagram by Tim Wigley)



**Table 1.** The 'blueprint' approach (first generation CBNRM) vs. the 'learning and process' approach (second generation CBNRM) (with acknowledgement to Michel Pimbert and Jules Pretty)

	<b>First generation CBNRM: the blueprint approach</b>	<b>Second generation CBNRM: learning and process approach</b>
Point of departure	Nature's diversity and its potential commercial values	The diversity of both people and nature's values
Keyword	Strategic planning	Participation and participatory planning
Locus of decision making	Centralised, ideas originate in capital city	Decentralised, ideas originate in villages
First steps	Data collection and planning	Awareness and action
Design	Static, by experts	Evolving, people involved
Main resources	Central funds and technicians	Local people and their assets
Methods, rules	Standardised, universal, fixed package	Diverse, local, varied basket of choices
Analytical assumptions	Reductionist (natural science bias)	Systems, holistic
Communication	Vertical: orders down, reports up	Lateral: mutual learning and sharing experience
Evaluation	External, intermittent	Internal, continuous
Error	Buried	Embraced
Relationship with people	Controlling, policing, inducing, motivating, dependency creating. People seen as beneficiaries	Enabling, supporting, empowering. People seen as actors
Technical inputs	Normal professionalism	New professionalism
Outputs	1. Diversity in conservation, and uniformity in production (agriculture, forestry,...) 2. The empowerment of professionals	1. Diversity as a principle of production and conservation 2. The empowerment of rural people

## 4. Policies of relevance to CBNRM

### 4.1. General enabling policies and laws

#### The South African Constitution (Act 108 of 1996)

##### Relevance to CBNRM:

Chapter 2 (the Bill of Rights) states that no person may be unfairly discriminated against, that people have the right to equality, and that everyone has the right to have their dignity respected and protected (Articles 9 and 10).

The Constitution makes it clear that all South Africa's citizens not only have the right to a healthy and well-conserved environment, but also have the right to benefit from natural resources for economic and social development.

Section 24(a): Provides everyone the right to an environment that is not harmful to a person's health and well-being.

Section 24(b): Provides everyone the right to have the environment protected through reasonable legislative and other measures.

Section 25: Provides for property rights. The Constitution makes provision for both property rights and the right to a healthy environment.

Section 32: Provides the right to access to information. The lack of information is one of the major obstacles in CBNRM.

Section 38: Provides *locus standii* or the 'right to get involved' to any member of the public. This means that any member of the public has the right to take appropriate action to promote sustainable resource use.

Section 41: Provides principles for co-operative governance and intergovernmental relations. The Constitution allocates legislative authority as well as executive and administrative powers to all three levels of government. The functional areas of government are determined by Schedules 4 and 5. The environment is a cross-sectoral matter and it is therefore important that co-operation between government at all levels is necessary.

Section 126: Provides for Provinces to assign any power or function to local governments.

Section 146: Should there be conflict between national and provincial legislation falling within the functional area listed in Schedule 4 of the Constitution, this clause provides for national legislation to prevail over provincial legislation under specific conditions.

**Institutional responsibility:**

All government Departments, private sector, civil society.

**Linked international agreements and concepts:**

UN Declaration on Human Rights.

**Development Facilitation Act (67 of 1995)****Relevance to CBNRM:**

Promotes development projects related to land, and the formulation of land development objectives. It provides for financing and subsidies to new occupants of especially land earmarked for agriculture and tourism.

**Growth, Employment And Redistribution policy (GEAR)****Relevance to CBNRM:**

Recognises that regional economic development is essential to achieving social upliftment; promotes community private sector partnerships; provides for cooperation agreements for environmental management.

**Institutional responsibility:**

All government Departments, the private sector.

One of its goals is redistribution of income and opportunities for the poor.

**Linked international agreements and concepts:**

Framed within the realities of globalization and regional trade.

**The National Small Business Act (102 of 1996)****Relevance to CBNRM:**

Establishes institutions which support SMME development.

**The White Paper on Education (1995)****Relevance to CBNRM:**

Contains the following statement about environmental education: "involving an interdisciplinary, integrated and active approach to learning is a vital element of all levels of the education and training system, in order to create environmentally literate and active citizens and ensure that all South Africans, present and future, enjoy a decent quality of life through the sustainable use of resources".

**Linked international agreements and concepts:**

The Tbilisi Principles for Environmental Education (1977), published by UNESCO-UNEP in 1978.

## 4.2. Policies and legislation related to governance in CBNRM

**Municipal Systems Act (2000);  
Local Government: Municipal Structures Act (117 of 1998);  
The Local Government Transition Act (1996);  
The White Paper on Local Government (1998)**

### **Relevance to CBNRM:**

The white paper outlines government's vision for local government structures and functions and is also concerned with local economic development. The Municipal Systems Bill establishes the need for Integrated Development Plans (IDPs) at local government level. The aims of IDPs are sustainable municipal development, poverty reduction and sound environmental management. The IDP process is outlined in a manual which calls for significant community participation in the formulation of these plans.

### **Institutional responsibility:**

Dept. of Provincial and Local Government and Traditional Affairs; local municipalities; district municipalities; Provincial governments.

## **Integrated Sustainable Rural Development Strategy (ISRDS) 2000**

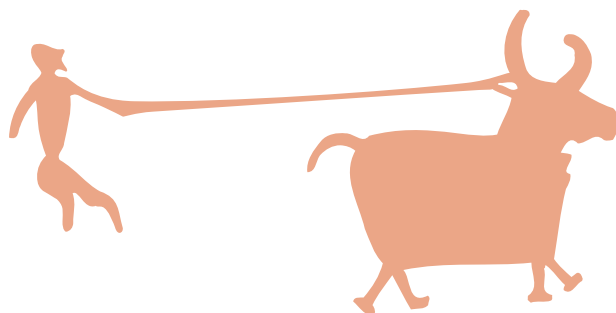
### **Relevance to CBNRM:**

Vision: attain socially cohesive and stable rural communities with viable institutions, sustainable economies and universal access to social amenities, able to attract and retain skilled and knowledgeable people, who are equipped to contribute to growth and development. Aims to create an enabling framework for the improvement of rural livelihoods, emphasising the role of local government. Calls for integrated development.

### **Institutional responsibility:**

Provincial and local government.

Emphasises inter-sectoral planning and coordination. Nodal champions and nodal project teams are identified.



### 4.3. Policies and legislation related to biodiversity and environmental conservation

#### **National Environmental Management: Biodiversity Bill; Protected Areas Act, 2002 (drafts 8 and 8b, in progress)**

##### **Relevance to CBNRM:**

Protected area categories could / should include community conservation areas and contractual parks. It makes provision for the collection of biological resources for own consumption from protected areas, with permission from the Minister. It makes weak provision for community consultation, especially in relation to transfrontier conservation areas. It takes into account community interests in bioprospecting. The management authority managing a protected area may enter into an agreement with another organ of state, a local community or a local community association for the co-management of the area by the parties. It allows: delegation of powers by the management authority to the other party to the agreement; the apportionment of any income generated from the management of the protected area between the parties; the collection, catching or use of biological resources in a protected area; access to sites of cultural or religious significance in the area. Traditional communities have special privileges regarding consumptive use of resources; there should be equitable sharing of benefits from bioprospecting with proprietors of knowledge and traditional land holders.

##### **Institutional responsibility:**

Provinces, National Parks Authority, and National Biodiversity Institute (NBI). The Bill calls for the alignment of environmental plans and Integrated Development Plans (IDPs). It encourages partnerships between organs of the state and the government organisations, the private sector, local communities and private persons, and encourages the involvement of local communities and public in biodiversity management and conservation.

##### **Linked international agreements and concepts:**

CBD, CCD, RAMSAR

#### **National Environmental Management Act (NEMA, Act 107 of 1998); White Paper on Environmental Management (1998)**

##### **Relevance to CBNRM:**

NEMA promotes the sustainable use of natural resources and co-operative governance in environmental management. It calls for National Environmental Strategy and Action Plans. NEMA supports institutional capacity in all spheres of government for effective implementation of participation. Institutions created under NEMA are the National Advisory Forum (Forum) and the Committee for Environmental Co-ordination (CEG). NEMA also promotes equitable access to natural resources. It promotes the fair and equitable sharing of the benefits arising out of the utilization of marine resources. Section 27 provides that everyone has a right to have access to health care services and sufficient food, water and social security.

NEMA also makes provision for alternative dispute resolution (ADR) based on fair decision making and conflict management. It promotes capacity building: people and their needs are placed at the forefront and their physical, psychological, developmental, cultural and social interests should be met equally.

**Institutional responsibility:**

It is a provincial competency under Schedule 6 of the Constitution; each province is expected to promulgate legislation to reflect national priorities; the Dept. of Environmental Affairs and Tourism provides over-arching guidelines.

**Linked international agreements and concepts:**

Rio Declaration of 1992, Agenda 21, Earth Summit 2002, Convention on Biological Diversity.

## **National Parks Act (57 of 1976)**

**Relevance to CBNRM:**

Promulgated to enable SANParks to establish a national park network in South Africa. It focuses on issues and procedures inside the boundaries of Parks, and does not mention a mandate for operating outside of park boundaries. It is thus out of step with the country's Constitution and incompatible with CBNRM. It is currently being re-written, possibly amalgamated with the new Biodiversity Bill.

**Institutional responsibility:**

SANParks implements the Act but is in the process of revising it.

**Linked international agreements and concepts:**

CBD, RAMSAR, IUCN protected area management guidelines.

## **The draft White Paper on Conservation and the Sustainable Use of South Africa's Biological Diversity (1997)**

**Relevance to CBNRM:**

Ensures the involvement of local communities and other interested and affected parties in decisions concerning the designation of new protected areas, the adjustment of protected area boundaries and development and implementation of management plans. Supports the development of community based wildlife initiatives as part of a broader set of approaches to land-use planning and developing local sustainable development strategies. Promotes the development of partnerships between conservation agencies, community organisations, NGO's, and private entrepreneurs for purposes of planning and managing the use of resources within and outside protected areas, and optimising benefits for local people. Enhances 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.

Seeks innovative ways of improving benefit flows to people in and around protected areas. Promotes benefit sharing arrangements take into consideration the rights of local communities, farmers. Supports programmes that utilise indigenous and traditional wildlife sustainably for subsistence purposes and commercial gain.

**Institutional responsibility:**

Biodiversity conservation is a provincial competency. Traditional authorities are recognized.

**Linked international agreements and concepts:**

Based on the Convention on Biological Diversity.

## **World Heritage Convention draft Bill, 1999**

**Relevance to CBNRM:**

Ensures that culturally and environmentally appropriate activities take place in World Heritage sites; promotes tourism in World Heritage sites; promotes the empowerment of HDIs in projects related to World Heritage sites; promotes participation in governance; secures community well-being and empowerment; calls for inter-governmental coordination. Land, including tribal lands and state land, may be expropriated and consolidated.

**Institutional responsibility:**

Minister of Environmental Affairs and Tourism, who may establish an Authority and delegate powers to it. Provinces and conservation authorities have to be consulted.

## **4.4. Policies and legislation related to agriculture and land**

### **Provincial Agricultural development Bills (1999); Regional Agricultural policy (1998); White Paper on Agriculture (1995)**

**Relevance to CBNRM:**

Promotes sustainable utilisation of natural resources. The Landcare initiative aims to develop incentives and disincentives to encourage landowners to manage their land more sustainably. It is government's responsibility to promote sustainable use of resources in agriculture and to ensure that resources are used within their capacity to recover (resilience), and maintaining and enhancing productivity.

**Institutional responsibility:**

It is a provincial competency under Schedule 6 of the Constitution; each province is expected to promulgate legislation to reflect national priorities. Encourages community participation to ensure optimum management of resources. LandCare will develop public/private partnerships and major public works and job creation programmes.

**Linked international agreements and concepts:**

Convention to Combat Desertification (CCD) (1995).

**Prevention of illegal and unlawful eviction occupation of land Act (19 of 1998);****The Extension of Security of Tenure Act (62 of 1997) (ESTA);****White Paper on Land (1997);****Communal Property Association Act (28 of 1996);****Protection of informal land rights Act (31 of 1996);****Land reform Labour Tenants Act (3 of 1996);****Provision of Certain Land for Settlement Act (126 of 1993).****Relevance to CBNRM:**

These policies address land distribution, restitution and tenure reform, and make provision for Land Acquisition Grants to buy land for redistribution. They also address security of tenure, and the transfer of land rights to communities.

**Institutional responsibility:**

Provincial Departments of Land Affairs; Dept of Agriculture and Land Affairs (national). Creation of Communal Property association is enabled by the CPA Act; no CPAs have to date been registered and Government seems to be reconsidering the relevance of CPAs.

**Linked international agreements and concepts:**

ILO Convention.

**Land Redistribution for Agricultural Development (LRAD) policy****Relevance to CBNRM:**

Designed to provide grants to black South African citizens (Africans, Coloureds, and Indians) to access land specifically for agricultural purposes, or to make better use of land already accessed (e.g. in communal areas).

Beneficiaries can access grants on a sliding scale, depending on the amount of their own contribution in kind, labour, and/or cash. Those who make the minimum contribution of R5 000 receive the minimum grant of R20 000. Those who make a higher contribution of own assets, cash, and/or labour receive a higher grant, determined as a basic proportion of their own contribution. If people choose to apply as a group, the required own contribution and the total grant are both scaled up by the number of individuals represented in the group. The approval of the grants is based on the viability of the proposed project, which takes into account total project costs and projected profitability. Examples of supported projects are food safety, equity schemes, agriculture in communal areas, and production for markets.



**Institutional responsibility:**

Ministry for Agriculture and Land Affairs.

**Linked international agreements and concepts:**

Convention to Combat Desertification (CCD).

**Policy for the integration of environmental planning into the land reform process (September 2001)****Relevance to CBNRM:**

This policy sees the environment as the entire range of resources on which people depend for their livelihoods. It calls for collaboration between all tiers of government and a range of government departments. Planning must be done in a participative way. Beneficiaries' livelihoods must be derived from a diversity of resources. The type of land use must be economically and ecologically feasible.

**Institutional responsibility:**

A national environmental support group takes the responsibility for representing DLA at national level, and provides a high level of operational support. Provincial officers will be appointed to provide a link with environmental work. Training courses for environmental sustainability will be incorporated into departmental training programmes.

**4.5. Policies and legislation related to marine and freshwater systems****Coastal Areas Management Bill (April 2002);  
White Paper on Sustainable Coastal Development (1999)****Relevance to CBNRM:**

Access to coastal resources shall be allocated and used in a manner that is fair and just, with particular emphasis given to needs of disadvantaged communities. It notes opportunities will need to be explored to promote food security, particularly in poor or marginalized communities. Attention will need to be given to diversifying economic opportunities for poor coastal communities, with particular focus on reliance on consumptive use of natural resources.

**Institutional responsibility:**

Access to coastal resources will be allocated and used in just and fair manner. Supports diversification of economic opportunities for poor communities.

**Linked international agreements and concepts:**

International Convention for the regulation of Whaling 1946 (the Whaling convention). The Straddling Stocks Convention (1995). The Convention on the conservation of the Antarctic Living Marine Resources, 1980 (CCAMLR). Convention on the Conservation and management of fishery resources in the South-East Atlantic Ocean.

## **The Marine Living Resources Act (18 of 1998); White Paper on Fisheries (1996)**

### **Relevance to CBNRM:**

Provides for the conservation of marine ecosystems; the long term sustainable utilisation of marine living resources; orderly access to exploitation; utilisation and protection of certain marine living resources; and for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all citizens. It states that the Minister may establish areas where subsistence fisheries may take place. The Minister may also declare a specific 'community' a subsistence fishing community, or may declare any person a subsistence fisher. A Government Gazette Notice No 21777 of 22 November 2000 states that a South African citizen over the age of 18 can apply for the right to undertake subsistence fishing for a fee of R 5.00. Preference will be given to poor people who can prove their dependence on marine living resources for a living. The Act promotes the principle of sustainable yield.

### **Institutional responsibility:**

Dept. of Environmental Affairs and Tourism. Promotes the fair and equitable distribution of marine resources. The Act provides for orderly access to exploitation and utilisation of marine resources in a fair and equitable manner.

### **Linked international agreements and concepts:**

International Convention for the regulation of Whaling 1946 (the Whaling convention). The Straddling Stocks Convention (1995). The Convention on the conservation of the Antarctic Living Marine Resources, 1980 (CCAMLR). Convention on the Conservation and management of fishery resources in the South-East Atlantic Ocean.

## **Marine Fisheries Policy for South Africa (1998)**

### **Relevance to CBNRM:**

Recognises the importance of fisheries in the livelihoods of many communities.

### **Institutional responsibility:**

Calls for the redistribution of income and the promotion of opportunities that favour the poor.

## **National Water Act (36 of 1998); White Paper on National Water Policy (1997); Water Services Act (108 of 1997); Policy on using water for recreational purposes (March 2002)**

### **Relevance to CBNRM:**

Focuses on the management of water resources for meeting basic human needs, for enterprise development and recreational use. Incorporates public works programmes such as Working for Water Programme and Integrated Catchment Management. Both the policy and the Acts provide for access to water resources by everyone, by promoting the right to a basic amount of clean and accessible water to all.

It encourages appropriate and acceptable beneficiation and equity sharing. Affected communities should participate in a meaningful manner in decision making and other processes.

**Institutional responsibility:**

The Minister of Water Affairs and Forestry. The water management areas will hold the authority over water use and land transformation through a representative Catchment Management Agency. The Act mentions a need for consultation and sets up the need for Tribunals to resolve conflicts.

**Linked international agreements and concepts:**

Convention on Wetlands of International Importance 1982 (RAMSAR).

## 4.6. Policies and legislation related to forestry and woodlands

**National Forests Act (84 of 1998);**

**White Paper on Forestry (1996);**

**National Forestry Action Programme (NFAP) (1997)**

**Relevance to CBNRM:**

The Act provides opportunities for access to resources for communities, and promotes the development of community-public sector partnerships. It also promotes outgrower schemes and other equity deals. It promotes community forestry and joint management of state forests and recognizes the important role of forest resources in people's livelihoods. It makes a distinction between woodlands and forests, which is relevant because communities depend more on woodland than on forest resources.

**Institutional responsibility:**

The Minister must develop and implement the policy for forests and their management but may assign any power or duty to a province or other organ of State. The Act calls for cooperation between rural councils or their equivalents, local co-coordinating bodies, and Community Development Facilitators to ensure that forestry programmes fit into local development programmes. Early implementation problems exist.

**Linked international agreements and concepts:**

Framework Convention on Climate change (FCC) 1997; Statement of the Forest Principles (1992); CBD; CCD.

**White Paper on Energy (1998)**

**Relevance to CBNRM:**

Facilitates the establishment and management of woodlands through a national forestry programme for the benefit of rural households. Promotes community-based initiatives such as biomass initiatives and Plant for Life.

**Institutional responsibility:**

Dept. of Mineral and Energy Affairs. Mentions partnerships for social forestry between the Dept. of Mineral and Energy Affairs, DLA and DWAF where appropriate.

## 4.7. Policies and legislation related to tourism

### White Paper on Tourism (1996)

**Relevance to CBNRM:**

Tourism is seen as a vehicle for achieving RDP objectives by bringing development to rural areas. An implementation and action plan was recently launched.

**Institutional responsibility:**

Dept. of Environmental Affairs and Tourism; South African Tourism Board; Provincial Tourism Boards.

Supports involvement of communities in the tourism industry; the private sector should promote community involvement in tourism.

Promotes diversification of economic opportunities for the poor coastal communities.

**Linked international agreements and concepts:**

World Tourism Organization (WTO) guidelines.

### Wild Coast Tourism Development Policy (Provincial Gazette Extraordinary, 23 February 2001), Province of the Eastern Cape

**Relevance to CBNRM:**

Specifies that communities living in the immediate proximity to a tourism development on the Wild Coast must be consulted. The maximum participation in and benefit from proposed ventures must be facilitated if the community desires it. Communities may lodge objections to development; local leaders should be informed; local communities should identify priorities for asset and skills development; communities should form legal entities; local Resource and Tourism Management Committees are encouraged. Applications for tourism development are approved and environmental management overseen.

**Institutional responsibility:**

The Eastern Cape Dept. of Economic Affairs, Environment and Tourism implements the policy; a Wild Coast Tourism Development Organization coordinates efforts; a Wild Coast Technical Committee with numerous National, Provincial and Local government representatives.

**Linked national agreements and concepts:**

White Paper on Tourism.

## 4.8. International policies, agreements and conventions

### SADC Protocol on tourism, wildlife conservation and law enforcement

**Relevance to CBNRM:**

Each State Party shall ensure the conservation and sustainable use of wildlife resources under its jurisdiction. Objective: foster common approaches to the conservation and sustainable use of wildlife resources and to assist with the effective enforcement of laws governing those resources. Specific objectives of relevance to CBNRM: promote the sustainable use of wildlife; promote the conservation of shared wildlife resources through the establishment of transfrontier conservation areas; facilitate community-based natural resources management practices for management of wildlife resources. States Parties shall take measures facilitating community based natural resources management practices in wildlife management and wildlife law enforcement; it calls for economic and social incentives for the conservation and sustainable use of wildlife.

**Institutional responsibility:**

SADC member states; a) the Wildlife Sector Technical Coordinating Unit; b) the Committee of Food, Agriculture and Natural Resources (FANR) Ministers; c) the Committee of Senior Officials; and d) The Wildlife Sector Technical Committee.

### SADC protocol on shared water courses

**Relevance to CBNRM:**

The overall objective of the Protocol is to foster closer cooperation for judicious, sustainable and co-ordinated management, protection and utilisation of shared watercourses and regional integration and poverty alleviation. State Parties undertake to respect the existing rules of customary or general international law relating to the utilisation and management of the resources of shared watercourses. All necessary interventions need to be consistent with the sustainable development of all Watercourse States and observe the objectives of regional integration and harmonization of their socio-economic policies and plans.

**Institutional responsibility:**

SADC member states

### Convention concerning the protection of the world cultural and natural heritage (World Heritage Convention)

**Relevance to CBNRM:**

Objectives: to promote co-operation among nations to protect natural and cultural heritage of outstanding universal value, of concern to all people. It promotes multi-sectoral initiatives and integrates cultural and biological conservation.

**Institutional responsibility:**

The convention was adopted by UNESCO in 1972. South Africa ratified it on 10 July 1997.

**Convention on Biological Diversity (CBD)****Relevance to CBNRM:**

Goals: effect international co-operation in the conservation of biological diversity; promote the sustainable use of living natural resources world-wide; the sharing of the benefits arising from the use of biological resources. Article 8j is relevant to safe-guarding intellectual property rights and benefit sharing. The potential exists for enterprise development around biomedicines and other biodiversity-based enterprises.

**Institutional responsibility:**

South Africa signed the Convention on Biological Diversity on 4 June 1993 and ratified in 2 November 1995.

Promotes fair benefit sharing and sustainable use. The Global Environment Facility was established in 1992 to provide implementation funds; grants are aimed at compensating countries for the incremental cost of conserving, as opposed to alternative forms of development. Signatories are obliged to develop their capacity to pursue the Convention's objectives.

**Convention to Combat Desertification (CCD)****Relevance to CBNRM:**

Applies to those countries experiencing serious drought and/or desertification, particularly in Africa. The CCD encourages integrated development to prevent or reduce land degradation, to rehabilitate and reclaim land. Principles: the participation of local communities, partnerships, co-operation at all levels and consideration of the needs of developing countries.

**Institutional responsibility:**

South Africa signed the Convention in 1995 and ratified it in September 1997. DEAT, DWAF and NDA cooperate on a National Action Plan which provinces must implement. There exists potential for public works programmes and landcare initiatives. Capacity problems exist with implementing the Convention in S.A., but these are in the process of being overcome.

**Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES)****Relevance to CBNRM:**

The primary objective is the control and monitoring of illegal international trade in endangered species and their products by means of a system of import/export permits. Could hamper communities' access to Schedule I and Schedule II species (notably elephant).

**Institutional responsibility:**

An international watch-dog (TRAFFIC) supported by a host of regulating Government departments.

**Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR)****Relevance to CBNRM:**

The convention recognises the importance of wetlands for maintaining key ecological processes, for their rich biota, and for the benefits they provide to local communities and to human society in general. It advocates the conservation, management and wise use of wetlands. The contracting parties note their conviction that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable. Each contracting party commits itself to designate at least one wetlands for inclusion in the List of Wetlands of International Importance (Art 2).

**Institutional responsibility:**

Agreed upon in February 1971, South Africa signed it in 1971, ratified in 1975. The South African Wetlands Conservation Programme, an initiative of DEAT, is a means of implementing the convention. Communities are expected to ensure that the wetlands within their region are managed wisely, e.g reduction in grazing pressure and sustainable harvesting of aquatic resources.

Working for Wetlands runs a number of public works programmes focusing specifically on wetlands rehabilitation.

**International Covenant on Civil and Political Rights****Relevance to CBNRM:**

[Human Rights Committee, General Comment 23, Article 27 (1994)]: the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them. Stresses the rights of all people to land and equal participation in decision making.

**Institutional responsibility:**

UN Human Rights Committee.

International Labour Organization (ILO) Convention.

**Relevance to CBNRM:**

Specifies that rights to land of indigenous people should be recognized (Article 11). 'Aboriginal title' is embedded in memory and does not necessarily depend on any act of the State.

## Dana Declaration on Mobile People and Conservation, 2002

### Relevance to CBNRM:

Signed by a range of concerned individuals in April 2002 and in the process of being adopted by IUCN, it recognizes the contribution that 'mobile people' (a subset of indigenous and traditional people whose livelihoods depend on the use of mobility as a management strategy) could make to conservation. It calls for mutually beneficial partnerships between mobile peoples and those involved in conservation.

## IUCN principles and guidelines on indigenous and traditional peoples and protected areas (IUCN Resolution 1.53 of 1996, amended in 1998)

### Relevance to CBNRM:

Emerging from the IV World Parks Congress in Caracas, 1992, it calls for the development of policies for protected areas that safeguard the interests of indigenous people, taking into account customary resource practices and traditional land tenure systems. It calls for the recognition of indigenous people's rights, agreements between them and conservation agencies, decentralization and transparency, benefit sharing.

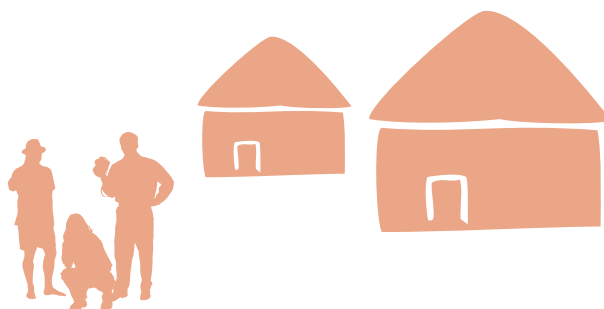
## UNESCO 'Man and the Biosphere' (MAB) programme guidelines

### Relevance to CBNRM:

An approach to conservation that allows conservation agencies to register a system of core conservation areas surrounded by buffer zones. Enables the linking of communal lands and conservation areas.

### Institutional responsibility:

UNESCO provides logistical support and advisory services, and administers the registration of an area as a Biosphere Reserve. Financial support is typically provided by the Global Environment Facility (GEF); the provinces implement MAB programmes.





## 5. Departmental guidelines applicable to CBNRM



### 5.1. Economic development

#### **Dept of Mineral and Energy: Environmental Management Plan (Government Gazette 428 no. 22080, 2001)**

Mining entrepreneurs must take local communities into account, and operate within IDPs. DME will facilitate the sustainable development of small-scale mining through: making information about mineral deposits accessible to small-scale miners; supporting the provision of training and skills in environmental management; providing environmental management guidance to small-scale miners. There are no visible strategies to promote sustainable biomass production for fuel.

#### **Department of Trade and Industry's Community Public Private Partnerships (CPPP)**

CPPP links resource-rich communities to relevant state and private investors interested in the sustainable utilisation of natural assets, in an effort to revitalize depressed rural economies. Focus areas are: agro-biodiversity; aquaculture; tourism; small-scale mining; agri-business and forestry.

CPPP has also launched an Investment Project Preparation Fund (IPPF) to assist with professional and financial requirements for commercial projects on communally and/or state-owned land. A four-step plan of operation has been introduced which includes:

- Identification of pilot projects in each province;
- Establishment of institutional support networks;
- Implementation of pilot projects;
- Monitoring and evaluation of pilot projects.

CPPP facilitation ensures that projects are community-owned, with spin-off benefits for further development and poverty alleviation, while maintaining private sector commercial interests. The Fund specifically aims to support communities to enter into joint venture partnerships with the public and private sector. Specific aspects that the IPPF could support include:

- Project feasibility studies;
- Preparation of sound project proposals;
- Assistance with project evaluation, negotiation and financial closure.

To qualify for support, projects should carry broad-based community support; be commercially viable; and, contain a minimum total investment value of R1 million. The IPPF aims to recoup its funds when the final investment of those projects are realised.

## 5.2. Governance

### Integrated Sustainable Rural Development Strategy (ISRDS) guidelines

The guidelines can be summarized as:

Build on existing government programmes and experiences; focus on nodes; Strong stakeholder mobilization and participation; District Councils acts as the building blocks; provide a 'basket' of selected services, to promote a diversity of opportunities; link closely with IDPs.

The guidelines stress the importance of information management, and the need to combine local and technical knowledge.

### Integrated Development Planning (IDP) guidelines

The steps that are encouraged include:

- Start with a needs analysis.
- Focus on poverty alleviation and gender equality.
- Consider environmental impacts and sensitivities.
- Local economic development and promotion.
- Involve residents and stakeholders (detailed guidelines for this are provided).
- Ensure economic sustainability and affordability.

Detailed guidelines for inter-governmental cooperation include: mutual information flow, checks and balances, alignment of different sectors in government. Roles and responsibilities are clearly defined and specified in the guidelines. A 'toolbox' for IDP has been compiled, with a strong focus on strategic planning.

## 5.3. Biodiversity and environment

### EIA Regulation guidelines

DEAT has developed detailed guidelines for environmental consultants. The guidelines contain some pointers for public participation.

## Draft SANParks Social Ecology guidelines

Key performance areas for social ecology are: environmental education and cultural resource management that acknowledge cultural values; facilitation of community based economic enterprises linked to parks; creation of partnership networks; participation by communities in planning, management and monitoring. The objective is to build a constituency for conservation, consisting of communities bordering parks.

## Draft SANParks Park Committee guidelines

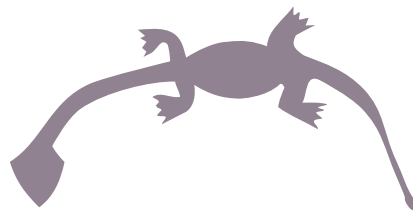
A chairperson must be nominated to act as direct link; all needs of constituencies must be identified; gaps in Park Management Plan and policies must be identified and addressed; Park Committees provide advice to the Park Manager, and review the implementation of the Park Management Plan; a greater appreciation of Parks is promoted by them.

## Ezemvelo KZN Wildlife community conservation guidelines

### Principles:

1. Community conservation programmes should be established throughout the province, and in each region, mindful of the differences in contexts represented by protected area visitors, protected area neighbours, conservation districts and other role-players and stakeholders.
2. Community conservation programmes should be regarded as a developing process co-defining nature conservation value amongst interest groups.
3. Community conservation activities should be fully integrated with other nature conservation functions.
4. Community conservation programmes should be based on biodiversity and community priorities.
5. Individual projects should not be regarded as an end in themselves, but components of an ongoing community conservation programme.
6. The NCS should act as facilitator/broker rather than as a primary developer outside of protected areas.
7. Partnerships should be environmentally, socially and economically sustainable.
8. Partnerships between communities and the NCS should be mutually beneficial.
9. Approaches to community conservation should be people-centred.
10. Approaches to community conservation should be characterized by inclusivity, accountability and transparency.
11. Commitments should be documented and honoured.

A number of programmes, activities and performance criteria are stipulated.



## 5.4. Agriculture and land

### Land Redistribution for Agricultural Development (LRAD)

The following key principles underlie LRAD:

- Flexibility.
- All beneficiaries must make a contribution in kind or cash.
- Interventions should be demand directed.
- Responsibilities should be decentralized; local officials should be encouraged to provide opinions and assistance in preparation of project proposals.
- Inter-departmental collaboration will take place at all spheres of government, with district government assuming a key role.
- Projects will be undertaken in a manner consistent with district and provincial spatial development plans.
- Maximum participation and empowerment of beneficiaries is required to speed of approval and quality of outcomes.

Grants are open to citizens of South Africa who are members of previously disadvantaged groups who want to farm on full time basis; food safety-net beneficiaries are excluded from this rule. Beneficiaries can access LRAD to achieve objectives such as food-safety-net projects, equity schemes and market-oriented projects. Successful applicants will be required to participate in training courses and activities. Beneficiaries will be allowed to graduate from smaller to larger farms, and will be able to access LRAD to facilitate investment to increase scale.

## 5.5. Marine and freshwater

### Dept of Environmental Affairs and Tourism: guidelines for the allocation of fishing rights

Fishing rights applications are initially scrutinized by a Rights Verification Unit (RVU). Assessment criteria are based on the degree of transformation, degree of involvement and investment in the fishery, capacity to harvest and market the resource, past performance in the fishery, and legislative compliance. The Department has contracted an independent company to manage a "whistle-blowing" service to expose tokenism: people are able to report individuals or companies who are suspected of misrepresenting information in an application for fishing rights. The concept of 'limited commercial right' may encourage the development of small fishing businesses in disadvantaged coastal areas. Fishers who are awarded limited commercial fishing rights have to demonstrate on their application forms that they are willing to 'get their hands wet', i.e. fish their quota and not sell their right to someone else.

## DLA guidelines for the integration of environmental planning into land reform and land development

- The sustainability of land reform relies on good planning and management of natural resources, taking livelihood concerns into account.
- Free goods and services from natural resources make an important contribution to household income.
- The guidelines refer back to the Constitution.
- Land reform must be integrated with Integrated Development Plans (IDPs).

The guidelines are based on a 3-phase generic planning model, with phases becoming incrementally more intensive and time consuming. At the end of each phase, a decision is taken whether or not to proceed to the next phase. A set of Environmental Decision Support Tools (EDSTs) are introduced. The guidelines are linked to the LRAD process.

## DWAF guidelines for catchment management to achieve integrated water resources management

Proactive stakeholder participation and public consultation need to form the back-bone of all stages of the process. The prescribed steps are:

- **Initiation**—triggered by one or more issues related to the water-environment; may be informally championed by a few individuals, or more formally driven in a structured committee format; would need an interim vision for the desired future status of the catchment to focus energies.
- **Assessment**—studies are undertaken to understand the physical and socio-economic cause-and-effect relationships governing the key water-related problems in the catchment, and to evaluate the administrative environment in terms of water, land and aquatic ecology management requirements.
- **Planning**—stakeholder consensus is sought about institutional needs, water and land management strategies, social and ecological concerns, funding and stakeholder responsibilities. This would lead to a more permanent vision for the catchment and, more importantly, a permanent Catchment Management 'Institution Structure'; the above then needs to be promulgated as a Catchment Management Strategy/Plan.
- **Implementation**—responsible parties identify and implement Programmes of Actions to address the management strategies specified in the Catchment Management Strategy/Plan.
- **Administration**—the Catchment Management Institution Structure monitors the implementation of management strategies, fine tunes these, and maintains stakeholder support and funding for the Strategy/Plan.
- **Monitor**—information is continuously gathered, processed, stored and interpreted on water use and catchment water health in terms of quantity and quality indicators.
- **Review and Audit**—periodically reassess, re-plan and revise responsibilities, objectives and strategies.

### **Catchment Management Strategy/ Plan**

Represents a crucial step and element of the wider Process. It records a vision for the catchment and formalizes the understanding of the water, land, social and aquatic ecology issues or concerns in terms of that vision. It reflects stakeholder commitments and requires legal status, either as a contract or as a legal proclamation.

## **5.6. Forestry and woodlands**

### **DWAF Participatory Forest Management strategy**

Outlines a number of principles: people centred, participatory and holistic approach; sustainability; transparency; equity; benefits; remedial measures to address conflicts; capacity building; cultural and traditional values; partnerships; and that PFM should follow a dynamic approach of consultation and feedback. It lists guidelines for partnerships and institution strengthening. Community Forestry Agreements (CFAs) are promoted as tools for community participation and empowerment.

## **5.7. Tourism**

### **DEAT guidelines for responsible tourism**

Responsible tourism implies:

- Promotion of balanced and sustainable tourism and focus on the development of environmentally based tourism activities.
- Responsibility of government and business to involve the local communities that are in close proximity to the tourism plant and attractions through the development of meaningful economic linkages (e.g. the supply of agricultural produce to the lodges, out-sourcing of laundry, etc.).
- Responsibility to respect, invest in and develop local cultures and protect them from over-commercialization and over-exploitation.
- Responsibility of local communities to become actively involved in the tourism industry, to practice sustainable development and to ensure the safety and security of the visitors.
- Responsibility of both employers and employees in the tourism industry both to each other as well as to the customer.



Key elements of responsible tourism are:

- Avoid waste and over-consumption.
- Use local resources sustainably.
- Maintain and encourage natural, economic, social and cultural diversity.
- Be sensitive to the host culture.
- Involve the local community in planning and decision-making.
- Assess environmental, social and economic impacts as a prerequisite to developing tourism.
- Ensure communities are involved in and benefit from tourism.
- Market tourism that is responsible, respecting local, natural and cultural environments.
- Monitor impacts of tourism and ensure open disclosure of information.

### Wild Coast Tourism guidelines

Guidelines for local participation, benefit and empowerment : communities must be consulted, and have the right to lodge objections. Skills etc. for community-led tourism and small enterprise development must be identified. Legal entities should be established, to enable joint ventures. Local institutions and management bodies are encouraged. 'Local community' must be defined and their capacity developed. Benefits should not necessarily be spread equally (differential benefits for differential inputs). Immediate returns e.g. from rents. Clear contracts are essential.

