

GENERAL NOTICES

NOTICE 170 OF 2010

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

DRAFT POLICY ON BUFFER ZONES FOR NATIONAL PARKS

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

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Comments received after the closing date may not be considered.



BUYELWA PATIENCE SONJICA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

POLICY ON BUFFER ZONES FOR NATIONAL PARKS

Chapter 1

Introduction

Background

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

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

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

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

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

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

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

The establishment of buffer zones around national parks is therefore critical. The overall goal of the buffer's function is to reduce or mitigate the negative influences of activities taking place outside the parks on the ecological integrity of the national parks and, to better integrate parks into their surrounding landscapes. This concept has been widely recommended by UNESCO in its Man and Biosphere (MAB) Programme and the World Heritage Convention¹.

The objectives of a buffer zone are to -

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

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

¹ Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972

Purpose of the Policy

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

The purpose of the policy is twofold –

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

Context

This policy builds on the White Paper on the Conservation and Sustainable use of South Africa's Biological Diversity published in 1997², specifically Goal 1.4 of the policy which advocates "*Environmentally sound and sustainable development adjacent to protected areas*". The White Paper provided the founding policy for the National Environmental Management: Protected Areas Act, 2003³ and the National Environmental Management: Biodiversity Act, 2004.

The Biodiversity Policy addresses South Africa's obligations in terms of the Convention on Biological Diversity⁴ (CBD) at the time. This Policy on Buffer Zones for National Parks also addresses those sections of the relating to protected areas, in particular the Programme of Work on Protected Areas. Target number 1.2 of the programme of work is "to integrate protected areas into broader landscapes and seascapes and sectors so as to maintain ecological structure and function" by 2015. The Programme of work aims to achieve this target through, among others, the establishment and management of ecological networks, ecological corridors and/or buffer zones.

In addition, the World Heritage Convention requires that effect be given to the operational guidelines⁵ 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.

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

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

⁴ Convention on Biological Diversity, 1992

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

Definition

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

Chapter 2**Vision and principles**

Mandate

Underpinning any policy is the Constitution⁶ in which the Bill of Rights provides for everyone having the right –

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

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

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

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

⁶ Constitution of the Republic of South Africa, 1996