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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NOTICE 392 OF 2021

**WORLD HERITAGE CONVENTION ACT, 1999
(ACT NO. 49 OF 1999)****CONSULTATION ON THE DRAFT AMENDED FORMAT AND PROCEDURE FOR NOMINATION OF
WORLD HERITAGE SITES IN THE REPUBLIC OF SOUTH AFRICA**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on my intention to publish an amended Format and Procedure for Nomination of World Heritage Sites in the Republic of South Africa, under section 6 of the of the World Heritage Convention Act, 1999 (Act No. 49 of 1999), as set out in the Schedule hereto.

An electronic copy of the draft amended Format and Procedure for Nomination of World Heritage Sites in the Republic of South Africa can be downloaded from the Department's website following link: https://www.environment.gov.za/legislation/gazetted_notices.

Members of the republic are invited to submit to the Minister, within 30 days of publication of this notice in the Gazette, written comments or inputs to the following addresses:

By Post: The Director – General: Department of Environment, Forestry and Fisheries
Attention: Mr Sydney Nkosi
Private Bag X447
PRETORIA
0001

By Hand: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083
By Email: whsmanagement@environment.gov.za/TNtloko@environment.gov.za/
NBhengu@environment.gov.za

Enquiries in relation to the notice can be directed to Mr S Nkosi at Tel.: 012 399 9065.

Comments received after the closing date may not be considered.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT



**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

SCHEDULE

DRAFT AMENDED FORMAT AND PROCEDURE FOR THE NOMINATION OF WORLD HERITAGE SITES IN THE REPUBLIC OF SOUTH AFRICA(RSA) IN TERMS OF SECTION 6 OF THE WORLD HERITAGE CONVENTION ACT, 1999 (ACT NO. 49 OF 1999)

2021

FOREWORD BY THE MINISTER

South Africa is one of the 193 State Parties that have ratified the UNESCO 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, in order to protect the incredible natural resources, biodiversity and cultural heritage within our boundaries.

The past 21 years of implementing the Convention and the World Heritage Convention Act, 1999 (Act No. 49 of 1999) has resulted in ten (10) properties inscribed on the prestigious UNESCO World Heritage List due to their outstanding universal value. While maintaining the outstanding universal value of these properties for present and future generations, their contribution to the livelihoods of communities is of critical importance. The potential of both culture and nature as drivers of sustainable development can never be overemphasized. It remains our responsibility and commitment to ensure that this potential is explored further, strengthened and intensified.

This Procedure for the Nomination of World Heritage Sites will provide further guidance on: format and procedure for the entire UNESCO nomination process, provide guidance on the necessary studies that will ensure communities benefit from the world heritage properties in their neighbourhood and that they contribute to their livelihoods.

The recent nomination of experts to the South African World Heritage Convention Committee (SAWHCC) established in terms of the Act will ensure that these aspirations are realised for the betterment of our communities.



MS BARBARA CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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ACRONYMS AND ABBREVIATIONS

"CBD"	: Convention on Biological Diversity
"Centre"	: UNESCO's World Heritage Centre
"IKS"	: Indigenous Knowledge Systems
"IMP"	: Integrated Management Plans
"MA"	: Management Authority
"NEMPAA"	: National Environmental Management: Protected Areas Act, 2003, (Act 57 of 2003)
"NGO"	: Non – Governmental Organisation
"NHRA"	: National Heritage Resource Act, 1999 (Act 25 of 1999)
"NPAES"	: National Protected Areas Expansion Strategy
"Operational Guidelines"	: Operational Guidelines for the Implementation of The World Heritage Convention
"OUV"	: Outstanding Universal Value
"Procedure"	: Procedure for the Nomination of World Heritage Sites in the Republic of South Africa
"Proponents"	: Any interested parties or bodies who wishes to nominate a site for Tentative Listing or Inscription onto the Unesco World Heritage List
"Ramsar"	: The Convention on Wetlands of International Importance, especially as Waterfowl Habitat, Ramsar, 1972
"SAWHCC"	: South Africa World Heritage Convention Committee
"State Party"	: Republic of South Africa
"Tentative List"	: The Tentative List of the Republic of South Africa
"the Convention"	: The World Heritage Convention Concerning the Protection of the World Cultural and Natural Heritage
"the Department" Fisheries	: Department of Environment, Forestry and Fisheries
WHL	: World Heritage List
WHCA	: World Heritage Convention Act, 1999 (Act 49 of 1999)
Unesco	: United Nations Educational, Scientific and Cultural Organisation

1. INTRODUCTION

The Format and Procedure for Nomination of World Heritage Sites in the Republic of South Africa was developed and Gazetted for implementation in 2015, in terms of section 6(1) of the World Heritage Convention Act, 1999 (Act No. 49 of 1999). It provides guidance for anyone who intends to propose properties for World Heritage status to UNESCO through the department and covers key requirements for both the tentative listing and nomination process for inscription.

The document is guided by the Operational Guidelines for the Implementation of the World Heritage Convention as published by UNESCO and the department ensures that requirements in both documents are fulfilled before submission to UNESCO.

Following the implementation a number of challenges concerning the nomination process and the new emerging requirements that needed to be embedded in the Procedure.

Therefore, a need has been identified to strengthen this procedure for the subsequent submission of all future World Heritage nominations, including those that are currently on the Tentative List.

1.1. RATIONALE FOR REVIEW

The purpose of the review is to:

- a) Build into the Format and Procedure other activities to be undertaken prior to submission of nominations to UNESCO, for example, Cabinet process, stakeholder engagement plan and report, guidance on development of the socio-economic benefit study
- b) Build into the document, process to be followed by the department after submission of the nomination file to UNESCO including,
- c) Verification of geographical data before submission to UNESCO
- d) Propose formats to be used to develop various reports and plans
- e) Alignment of Table in Part 4 of the Format and Procedure

1.2. PROCEDURE

This document is called the "Format and Procedure for the Nomination of World Heritage Sites in the Republic of South Africa". Nomination of properties to the World Heritage List enables the State Party to fulfil its commitment to the Convention. In addition, it contributes to South Africa's commitment to the Convention on Biological Diversity (CBD) as well as Outcomes 10 and 14 Delivery Agreements to conserve our biodiversity, transforming our society and uniting the Country. It is anticipated that this Procedure will assist in ensuring that the State Party's World Heritage properties maintain their status on the World Heritage List.

Once inscribed, these properties must be managed in accordance with international best practice models as well as conform to national legislation. For its part, UNESCO has developed the Operational Guidelines for the Implementation of the World Heritage Convention (Operational Guidelines), to assist State Parties with the implementation of the Convention. The Operational Guidelines sets procedures for:

- a) The inclusion of properties on the Tentative List of the State Party
- b) The inscription of properties on the World Heritage List and the List of World Heritage in Danger;
- c) The protection and conservation of World Heritage properties;
- d) The granting of International Assistance under the World Heritage Fund; and
- e) The mobilisation of national and international support in favour of the Convention

It is important to note that the process outlined in the Operational Guidelines remains the primary guide but all nominations will henceforth have to adhere to the national process as outlined herein.

The World Heritage Convention Act, 1999 (Act No. 49 of 1999) (WHCA) outlines the national processes that must be followed with the nomination and proclamation of World Heritage properties. Therefore, this Procedure should be read together with the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention as well as the WHCA.

A check list (**Annexure 1**) has been appended to this procedure to assist proponents in ensuring that their nominations meet the requirements of the State Party before they can be submitted to UNESCO.

PART 1

2. LEGISLATIVE FRAMEWORK

The World Heritage Convention Act, 1999 (Act 49 of 1999) is the primary legislation for issues concerning the establishment and management of World Heritage properties in the South Africa.

Other relevant legislation, including, without limitation, the Constitution of the Republic of South Africa, 1996, the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), the National Environmental Management Act 1998 (Act 107 of 1998), the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003), the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) and the

National Heritage Resources Act, 1999 (Act No. 25 of 1999) will impact on the processes that need to be followed for the nomination of sites.

2.1. Definition of a World Heritage property

2.1.1. Article 1 of the Convention considers cultural heritage to be:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

cultural landscapes: defined in paragraph 47 of the Operational Guidelines cultural landscapes are cultural properties representing the "combined works of nature and of man" as designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.

2.1.2. Article 2 of the Convention considers cultural heritage to be:

natural features consisting of:

- a) physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
- b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

2.1.2. Furthermore, Section 1 of the WHCA provides the following definition of a World Heritage Site:

(xxiv) any place in the Republic which—

(a) has been included on—

- (i) the World Heritage List; or*
- (ii) the Tentative List of the Republic referred to in Article 121(a)(i) of*

- the Operational Guidelines, and is proclaimed by the Minister by notice in the Gazette to be a World Heritage Site; or*
- (b) has been proclaimed by the Minister by notice in the Gazette to be a special heritage site for management in accordance with this Act as if that site qualified under paragraph (a)—*
- (i) after consultation with the Minister affected by such a proclamation;*
 - (ii) if applicable, after consultation with the relevant MEC; and*
 - (iii) subject to a resolution of Parliament, but such a special heritage site cannot be referred to as a World Heritage Site.*

2.2. Responsibility

The WHCA outlines in section 5 that the responsibility to enforce and implement the Convention lies with the Minister of Environment, Forestry and Fisheries.

Section 5 provides that: “the Minister is responsible for enforcing and implementing this Act and Convention in the Republic”.

This means that the inscription of a property in the World Heritage List can only be made at the request and with the consent of the responsible Minister.

2.3. World Heritage Nominations

2.3.1. Section 6(1) of the WHCA gives the Minister the powers to prescribe procedures for nomination of world heritage properties. Hence this format and procedure has been developed in fulfilment of this section.

2.3.2. Proponents should note that by undertaking activities as outlined in Part 2 (Tentative Listing) and Part 3 (Nomination Dossier) it does not mean that their proposals will be submitted to Unesco as the Minister reserves the right to determine which proposals may be processed further.

PART 2

3. TENTATIVE LISTING

3.1. A Tentative List is an inventory of those properties situated on its territory which each State Party considers suitable for inscription on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List (WHL).

The Operational Guidelines for the implementation of the World Heritage Convention states the following in relation to the sites listed on the Tentative List

Paragraph 63: Nominations to the WHL are not considered unless the nominated property has already been included on the State Party’s Tentative List.

Paragraph 65: States Parties shall submit Tentative Lists to the Secretariat, at least one year prior to the submission of any nomination.

3.2. The Operational Guidelines for the Implementation of the World Heritage

Convention (paragraphs 62 to 76) further require State Parties to prepare, maintain and submit to the Centre a Tentative List of properties they intend to nominate to the World Heritage List.

3.3. In developing a Tentative List, the following basic requirements should be fulfilled:

- 3.3.1.** The Format (Annexure 2) of the Operational Guidelines should be used;
- 3.3.2.** Natural Heritage properties should be designated as any type of protected area, as outlined in section 9 of NEMPAA
- 3.3.3.** Cultural Heritage properties should have any formal protection provided for in terms of NHRA
- 3.3.4.** Mixed properties and where appropriate cultural landscapes should fulfil 2.1.2 and/or 2.1.3 above;
- 3.3.5.** In nominating transboundary properties, the portion of the property that falls outside the Republic of South Africa should enjoy formal protection in accordance with legislation in that particular State Party;
- 3.3.6.** Transboundary properties should comply with the above and have full support of both State Parties; and
- 3.3.7.** Formal structures OR Management Authorities (MA) for overseeing the management of the proposed serial properties should enter into a formal agreement
- 3.3.8.** Clear indication on whether the proposed property overlaps with any sites declared in terms of other International culture and nature Conventions, for example, Convention on Biological Diversity (CBD), Man and Biosphere, Ramsar, etc.

3.4. In addition to fulfilling basic requirement 3.3, nominations to the Tentative List should also address the following management and administrative issues:

- 3.4.1.** Proposed boundary (identify possible core and buffer zone and or "buffering mechanisms"). Where no proposed buffer zone is indicated, a statement on how the OUV is proposed to be protected from outside pressures should be provided. See paragraph 104 of the Operational Guidelines including the Unesco Resource Manual known as "Preparing World Heritage Nominations, second edition, 2011" for further elaboration;
- 3.4.2.** Land ownership (information to reflect the ownership as recorded in the Deeds Office including the contact details of the registered landowner/s);
- 3.4.3.** Land tenure system (land claims/ land use activities, communal land use), where applicable;
- 3.4.4.** Town and regional planning systems (including spatial development frameworks, zoning schemes, integrated development plans)
- 3.4.5.** Stakeholder consultation plan and report – (Government structures, landowners, communities, relevant NGO's, Private Sector, etc.); the Plan should detail ways in which the stakeholders would be engaged, how often and when, the details of the stakeholders to be consulted. The Stakeholders should be informed of the implications of being inside a WHS. The Stakeholder Report should outline, the outcomes of the stakeholder engagement meetings, concerns raised, expectations from the Stakeholders. The report should be accompanied by the Attendance Registers and Minutes.

- 3.4.6. Current management system and proposed management structure, Endorsement from the Management Authority confirming the assumption of the Management role of the site when the property is inscribed as a WHS ;
- 3.4.7. State of conservation and current conservation management plans (List all strengths and weaknesses, opportunities and threats);
- 3.4.8. Knowledge management system and/or preliminary bibliography (i.e. maps, GIS system, inventories, IKS);
- 3.4.9. How this proposed nomination addresses the gaps in the World Heritage list as identified in the Gap Analysis Study of the Centre and Unesco Advisory Bodies; and
- 3.4.10. Natural Heritage properties to include a statement on how the proposed nomination will address the priorities of government as far as the National Protected Areas Expansion Strategy is concerned.

3.5. The SAWHCC will assess Tentative List nominations submitted for the purpose of making recommendations to the Minister of those sites which meet the criteria for inclusion on the Tentative List.

3.6. The SAWHCC will review the Tentative List when it is necessary as determined in the *Operational Guidelines* for the implementation of the Convention and make recommendations to the Minister.

3.7. Proponents will be required to make presentations on their proposal to the SAWHCC at any given time as determined by the Department.

PART 3

4. NOMINATION DOSSIER FOR INSCRIPTION

Section 6(3) of the WHCA provides that "any person may submit a proposal in writing to the Department or, if it is in existence, the body referred to in subsection (2) for a place in the Republic to be nominated for inclusion on the World Heritage List".

For sites to be considered of Outstanding Universal Value, they must fulfill, Criteria as defined in the Operational Guidelines, condition of Integrity and/or Authenticity, Protection and Management (Legal Protection, Boundaries, Buffer Zones, and Management Systems).

Proponents must take note of the timetable described in Part 4 of this procedure. Furthermore, they must interact with the SAWHCC through the Department to ensure compliance.

Nomination Dossiers should follow the format outlined in Annexure 5 of the Operational Guidelines. The nomination process is clearly set out in paragraphs 129 to 151 of the Operational Guidelines.

In addition to complying with the Unesco format as set out in annexure 5 of the Operational Guidelines, nominations should also include the following:

4.1. Geographical Data

4.1.1. Cadastral description of the area must include:-

- i. Clearly defined core and buffer zone or buffering mechanisms;
- ii. GIS diagram;
- iii. Written description of the GIS diagram provided;
- iv. Title deeds number/s, where these exist; and
- v. Total area in hectares

4.1.2. Highest point (extent, to cover for fly overs)

4.2. Land Ownership and Tenure

Statement of land ownership and tenure (confirmation letter from Department of Rural Development and Land Reform) or title deed

4.3. Land use

Statement of land uses (land use rights, mineral right etc.)

4.4. Land use

4.5. State of Conservation of the property

- (i) Biodiversity Management;
- (ii) Cultural property management includes Indigenous Knowledge Systems and traditional and local practices; and
- (iii) Current and planned conservation management interventions.

5.6. Financing

Proof of long term financial commitment from management structures and/or other funders to maintain and conserve the proposed site in a sustainable manner for future use.

5.7. Stakeholder Consultation Plan and Report

- (i) Letter of consent from the relevant department in the case of state owned land or the owner/s for the inclusion of the property/properties for World Heritage site nomination;
- (ii) The Stakeholder Plan should detail ways in which the stakeholders would be engaged, how often and when, the details of the stakeholders to be consulted (Database). The Stakeholders should be informed of the implications of being inside a WHS. The Stakeholder Report should outline, the outcomes of the stakeholder engagement meetings, concerns raised, expectations from the Stakeholders. Proof of stakeholder consultation should be attached (minutes/ reports and signed attendance registers); and
- (iii) Arrangement and plan for continuous involvement of stakeholders post inscription of the property.

5.8. Protection and Management Arrangement

Existing management arrangement (Joint Steering Committee in case of serial nominations).

National protection in terms of NEMPAA (Natural Properties) and NHRA (Cultural Properties) are a requirement.

5.9. Socio- economic and tourism benefits

A study on Socio-economic and tourism benefits to the local community is a requirement. The study should identify potential socio-economic opportunities that can take place in or around the proposed World Heritage Properties for the benefit of the local community. Methodology used to substantiate the information contained in the study should be provided. The study should be subjected to stakeholder consultation.

5.10. Linkages with other programmes of Government, International Conventions and Programmes

- (i) Contribution to the system of protected areas in South Africa;
- (ii) Does the area contribute to national priority areas?
- (iii) Clear Indication on whether the proposed property overlaps with any sites declared in terms of other International Conventions i.e CBD, Man and Biosphere, Ramsar and Transfrontier Conservation Areas (TFCA's)
- (iv) Other Unesco cultural conventions (ICS, Expression of Cultural Diversity; and
- (v) Objectives and priorities captured in national (e.g. National Development Plan, Climate Change), regional (e.g. SADC, AU) and/or international instruments (African World Heritage Fund, bilateral agreements and treaties).

5.11. Integrated Management Plan (IMP)

The proponent of a World Heritage Site must submit a draft Integrated Management Plan as an annexure to the nomination dossier in line with format as outlined in the Operational Guidelines as well as section 24 of the WHCA.

5.12. Requirements for the nomination of Trans-boundary properties and Serial properties

Submission of the Trans boundary properties and Serial properties should be in line with the above mentioned requirements as well as those set out on Section III.C of the Operational Guidelines for the implementation of the World Heritage

PART 4

SUBMISSION TIMETABLE

4.1 Tentative List Timetable

Proponents are encouraged to submit their nominations to the Department for Tentative Listing on or before 30 September of the year before the World Heritage Committee session of the subsequent year. The submission will then be subjected to the process as outlined in Part 2: Tentative Listing.

4.2 Nomination Dossier Timetable

TIMETABLE	PROCEDURES
NATIONAL PROCESS	
28 February Year 1	Deadline for receipt of draft nominations to the Department.
March Year 1	The Department to respond to the nominating Authority, Body or person concerning the receipt and completeness of the dossier.
Mid March Year 1	Consideration of the Nomination Dossier by the SAWHCC SAWHCC is a body established by the Minister in terms of Section 6(2) of the WHCA to assist in identifying places of potential cultural and natural heritage and investigating the desirability of nominating such places for inclusion on the World Heritage List
April - July Year 1	The Department to respond to the nominating Authority, Body or person concerning the outcomes and recommendations of the SAWHCC.
August – December Year 1	Cabinet Process Nomination Dossier would be subjected to Cabinet Process as determined by the Cabinet Timetable
January – August Year 2	Public Participation A gazette Notice would be published informing the public of the State Party's intention to submit the Nomination Dossier to Unesco for public knowledge and comments.
1 September Year 2	Deadline by which the Department informs the proponent of the nomination whether it is considered to contain all the relevant information to ensure a successful submission to Unesco for their preliminary evaluation for "completeness". In the case where the Department is satisfied, the nomination dossier will subsequently be sent to Unesco for

	further processing or consideration before 1 February of the following year.
1 September – 15 November Year 2	If necessary, the relevant proponent may be requested to submit additional information as proposed by the Department/ SAWHCC or Unesco
15 November – 15 December Year 2	Endorsement of additional information as requested above by SAWHCC and the Department
November Year 1 – December Year 2	<p>Final Submission of the nomination dossier and endorsement by the Minister</p> <p><u>Number of printed copies required</u></p> <ul style="list-style-type: none"> • Nominations of cultural properties (excluding cultural landscapes): 3 copies • Nominations of natural properties: 4 copies • Nominations of mixed properties and cultural landscapes: 5 copies <p><u>Paper and electronic format</u></p> <p>Nominations shall be presented on A4-size paper (or "letter"); and in electronic format (diskette or CD-ROM). At least one paper copy shall be presented in a loose-leaf format to facilitate photocopying, rather than in a bound volume.</p> <p>The Department to submit the nomination dossier timeously to the Centre in Paris to arrive not later than 1 February of Year 2.</p>
August – November Year 3	<p>Unesco Advisory body Technical Evaluation of the Site</p> <p>The Advisory Bodies will evaluate whether or not properties nominated by States Parties have Outstanding Universal Value, meet the conditions of integrity and (when relevant) of authenticity and meet the requirements of protection and management.</p>

	<p>The Advisory Bodies to the World Heritage Committee are ICCROM (the International Centre for the Study of the Preservation and Restoration of Cultural Property), ICOMOS (the International Council on Monuments and Sites), and IUCN - the International Union for Conservation of Nature.</p>
<p>June – July Year 4</p>	<p>World Heritage Committee meeting –</p> <p>The World Heritage Committee decides whether a property should or should not be inscribed on the World Heritage List, referred or deferred.</p>

Submission to the Department:

Digital and a printed copy should be sent for the attention of the Director: Protected Areas Multilateral Programmes using the following address:

Department of Environment, Forestry and Fisheries

Private Bag X447

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