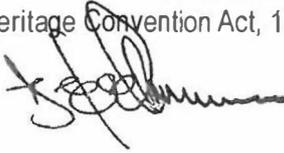


DEPARTMENT OF ENVIRONMENTAL AFFAIRS**NO. 1033****30 OCTOBER 2015****WORLD HERITAGE CONVENTION ACT, 1999
(ACT NO. 49 OF 1999)****FORMAT AND PROCEDURE FOR THE NOMINATION OF WORLD HERITAGE SITES IN THE
REPUBLIC OF SOUTH AFRICA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish the format and procedure for the nomination of world heritage sites in the Republic of South Africa, under section 6 of the World Heritage Convention Act, 1999 (Act No. 49 of 1999), set in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

FORMAT AND PROCEDURE FOR THE NOMINATION OF WORLD HERITAGE SITES IN THE REPUBLIC OF SOUTH AFRICA

FOREWORD BY THE MINISTER

South Africa is one of the many State Parties that ratified the World Heritage Convention Concerning the Protection of the World Cultural and Natural Heritage (the Convention) in order to protect her incredible natural resources, biodiversity and cultural heritage. Currently eight properties are already inscribed on the World Heritage List because of their Outstanding Universal Value. World Heritage properties have the potential to generate economic benefits and improve the lives of the communal society.

Our greatest highlights since the ratification of this Convention, includes the promulgation of the World Heritage Convention Act, 1999 (Act No. 49 of 1999), being nominated to serve as one of the 21 member state parties constituting the World Heritage Committee, inscription of eight World Heritage properties on the World Heritage List, establishment of the South African World Heritage Convention Committee (SAWHCC) and successfully hosting the 29th session of the World Heritage Committee in 2005 and recently hosting two significant events commemorating the 40th Anniversary of the Convention (Expert Workshop and International Conference for the Africa Region).

The road has not been an easy one as we have experienced a number of hurdles along the way. These include development pressures in the form of infrastructure, mining, poor conservation management, lack of financial resources and many other issues hindering sustainable livelihoods and adequate preservation of our heritage. All these challenges are a result of planning that can be improved.

In order to address these challenges, the State Party has developed a Procedure Document for nominations outlining key requirements for both the tentative listing and nomination process. This Procedure Document is complementary to the existing flow process and information outlined in the Operational Guidelines of the Convention. It sets out the process to be followed by the proponents, who want to nominate potential sites for consideration on the Tentative List of the Republic of South Africa or draft nomination dossiers of sites on the Tentative List.



MRS BEE MOLEWA MP
MINISTER OF ENVIRONMENTAL AFFAIRS

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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 No. 57 of 2003)
"NGO"	: Non – Governmental Organisation
"NHRA"	: National Heritage Resource Act, 1999 (Act No. 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"	: Department of Environmental Affairs
"the List"	: World Heritage List

WHCA : World Heritage Convention Act, 1999 (Act 49 of 1999)

Unesco : United Nations Educational, Scientific and Cultural Organisation

INTRODUCTION

The General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting in Paris from 17 October to 21 November 1972, at its seventeenth session, adopted the Convention Concerning the Protection of the World Cultural and Natural Heritage. The main purpose of the Convention was to give the international community an opportunity to contribute to the protection of the cultural and natural heritage of outstanding universal value.

In acknowledgement of the importance of heritage, South Africa (also referred hereunder as the State Party) ratified the Convention in 1997 and subsequently translated it into domestic law through the promulgation of the World Heritage Convention Act, 1999 (Act No. 49 of 1999) (WHCA).

To give impetus to effective protection of the World Heritage properties within the boundaries of the State Party, the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003) (NEMPAA) as amended, recognises World Heritage properties as protected areas. "A protected area is globally recognised as a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature and associated ecosystem services and cultural values."

Furthermore, the National Heritage Resource Act, 1999 (Act No 25 of 1999) (NHRA) provides formal legal protection to sites and objects of cultural significance within the boundaries of the State Party.

The State Party has also established the South African World Heritage Convention Committee (SAWHCC).

Reflecting on achievements to date, the State Party has been very successful with its World Heritage nominations. In addition, there are also more properties on the tentative list awaiting formal nominations.

However, the last few years have revealed a number of challenges concerning the conservation and effective management of World Heritage properties. Challenges range from ill-defined boundaries of properties, poor land use management, inadequate conservation management systems and inappropriate developments. Most of the challenges are a direct result of inadequate planning at the time of nomination List.

Therefore, a need has been identified to provide guidance to all future World Heritage nominations, including those that are currently on the Tentative List. This Procedure will enable the State Party to prepare nomination dossiers and ensure that challenges are addressed, or at least mitigated for, before nominations are submitted to UNESCO.

PROCEDURE

This document is called the "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 Republic of South Africa. 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 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 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 Operational Guidelines 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

1.1 LEGISLATIVE FRAMEWORK

The WHCA 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 No. 13 of 2005), the National Environmental Management Act 1998 (Act No. 107 of 1998), the National Environmental Management: Protected Areas Act,

2003 (Act No. 57 of 2003), the National Environmental Management: Biodiversity Act, 2004 (Act No. 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.

1.1.1 Defini ti oof a Wor ld Her itagøproper ty

Article 1 of the Convention defines cultural heritage as follows:

- 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.

Article 2 of the Convention defines natural heritage as follows:

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;

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.*

1. 1. Responsibility

The WHCA outlines in section 5 that the responsibility to enforce and implement the Convention is the responsibility of the Minister of Environmental Affairs.

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.

1. 1. World Heritage Nominations

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

1.1.5 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

2.1. TENTATIVE LISTING

The Operational Guidelines for the Implementation of the World Heritage Convention (paragraphs 6.2 to 7.6) 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.

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

- 2.1.1. The Format (Annexure 2) of the Operational Guidelines should be used;
 - 2.1.2. Natural heritage properties should be designated as any type of protected area, as outlined in section 9 of NEMPAA;
 - 2.1.3. Cultural heritage properties should have any formal protection provided for in terms of NHRA;
 - 2.1.4. Mixed properties and where appropriate cultural landscapes should fulfil 2.1.2 and/or 2.1.3 above;
 - 2.1.5. 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;
 - 2.1.6. Transboundary properties should comply with the above and have full support of both State Parties; and
 - 2.1.7. Formal structures OR Management Authorities (MA) for overseeing the management of the proposed serial properties should enter into a formal agreement.
- 2.2** In addition to fulfilling basic requirement 2.1.1, nominations to the Tentative List should also address the following management and administrative issues:
- 2.2.1 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;
 - 2.2.2 Land ownership (information to reflect the ownership as recorded in the Deeds Office including the contact details of the registered landowner/s);
 - 2.2.3 Land tenure system (land claims/ land use activities, communal land use), where applicable;
 - 2.2.4 Town and regional planning systems (including spatial development frameworks, zoning schemes, integrated development plans);
 - 2.2.5 Stakeholder consultation – (Government structures, landowners, communities, relevant NGO’s, Private Sector, etc);
 - 2.2.6 Current management system and proposed management structure;
 - 2.2.7 State of conservation and current conservation management plans (List all strengths and weaknesses, opportunities and threats);

- 2.2.8 Knowledge management system and/or preliminary bibliography (i.e. maps, GIS system, inventories, IKS);
- 2.2.9 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
- 2.2.10 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.
- 2.3 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.
- 2.4 The SAWHCC will review the Tentative List every two years as determined in the *Operational Guidelines* for the implementation of the Convention and make recommendations to the Minister.
- 2.5 Proponents will be required to make presentations on their proposal to the SAWHCC at any given time as determined by the Department.
- 2.6 When the State Party submits Annexure 2 to the Centre, the additional information required in 2.1 and 2.2 should not be included.

PART 3

3.1. NOMINATION DOSSIER

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”.

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.

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

a) Geographical Data

- 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.
- Highest point (extent, to cover for fly overs).
- b) **Land Ownership and Tenure**
- Statement of land ownership and tenure (confirmation letter from Department of Rural Development and Land Reform) or title deed.
- c) **Land use**
- Statement of land uses (land use rights, mineral right etc).
- d) **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.
- e) **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.
- f) **Consultation**
- (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) Proof of stakeholder consultation (minutes/ reports and signed attendance registers); and
 - (iii) Arrangement and plan for continuous involvement of stakeholders.
- g) **Management Arrangement**
- Existing management arrangement (Joint Steering Committee in case of serial nominations).
- h) **Possible Socio-economic implications**
- Socio-economic and tourism benefits to the local community.

i) Linkages with other programmes of Government, international conventions

- (i) Contribution to the system of protected areas in South Africa;
- (ii) Does the area contribute to national priority areas;
- (iii) Linkages to other conventions (CBD, Man and Biosphere, Ramsar)
- (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).

j) Integrated Management Plan (IM)

Proponent of a World Heritage Site must submit a draft integrated management plan as an annexure to the nomination dossier in line with content as outlined in the Operational Guidelines as well as section 24 of the WHCA.

PART 4

SUBMISSION TIMETABLE

4.1 Tentative List Timetable

Proponents are encouraged to submit their nominations for tentative listing on or before 30 September of the year before the World Heritage Committee session of the subsequent year.

4.2 Nomination Dossier Timetable

TIMETABLE	PROCEDURES
NATIONAL PROCESS	
28 February Year 1	Deadline for receipt of draft nominations to the Department.
1 April Year 1	The Department to respond to the nominating Authority, Body or person concerning the receipt and completeness of the dossier.
1 April – June Year 1	Consideration of the Nomination Dossier by the SAWHCC.
July Year 1	The Department to respond to the nominating Authority, Body or person

	concerning the outcomes and recommendations of the SAWHCC.
1 September Year 1	<p>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".</p> <p>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.</p>
1 September – 15 November Year 1	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 1	Endorsement of additional information as requested above by SAWHCC and the Department.
November Year 1 – December Year 1	<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</p>

	nomination dossier timeously to the Centre in Paris to arrive not later than 1 February of Year 2.
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Submission to the Department:

Digital and a printed copy should be sent for the attention of the Director: World Heritage Management to the following address:

Department of Environmental Affairs
Private Bag X447
PRETORIA
0001