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POLICY ENVIRONMENT GOVERNING THE GREAT LIMPOPO TRANSFRONTIER PARK AND CONSERVATION AREA

A review of relevant international agreements, SADC protocols, and national policies

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Gaza-Kruger-Gonarezhou Transboundary
Natural Resources Management Initiative

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PREFACE

The Gaza-Kruger-Gonarezhou (GKG) Transboundary Natural Resources Management (TBNRM) Initiative, supported by the US Agency for International Development (USAID) Regional Center for Southern Africa (RCSA) and implemented by Development Alternatives, Inc. (DAI), assists the governments of Mozambique, South Africa, and Zimbabwe and the civil society and private sectors in the three countries in their efforts to establish and operate the Great Limpopo[1] Transfrontier Park (GLTFP) and Conservation Area (GLTFCA). The GKG TBNRM Initiative, which seeks to increase regional cooperation and collaboration in the management of shared resources, consists of four components. These relate to: (a) natural resource management practices; (b) policies, protocols, and agreements; (c) institutional and organizational strength; and (d) ecological monitoring systems.

This technical report is the result of an initial study undertaken within the Policy component of the project. Dr. Candace Buzzard, a natural resources policy specialist with many years of experience in the Southern Africa region, was engaged throughout October and early November to conduct the study. Her review of international conventions, SADC sectoral protocols, and national legislation and policy in the three countries was not intended as an exhaustive analysis. Rather, her task was to quickly assess the major thrusts in each of the policy-setting documents with the purpose of identifying any significant barriers to inter-state cooperation and collaboration presented by the three countries' laws and policies. The justification for this task was to highlight legislative or national policy actions that might be necessary in order for the three governments to properly implement the Treaty that will soon establish the GLTFP.

The international agreements (e.g., CITES) and the SADC Protocols were included in the review because they almost all have provisions that encourage transboundary collaboration and cooperation in management of shared resources. Thus, these Protocols form an excellent framework for harmony of policies in the key sectoral areas. For example, the Wildlife Conservation and Law Enforcement protocol gives a solid foundation for dealing with differing penalties for poaching of rare species.

The good news from Dr. Buzzard's review is that Mozambique, South Africa, and Zimbabwe each have already achieved some degree of harmony in their national legislation and policy related to protected areas. Although there are some significant differences, these are more at the level of policy implementation, rather than formulation. Therefore, no legislative action by the three Parliaments appears necessary for the Transfrontier Park to function effectively. The one possible exception is the current lack of extradition treaties between the three nations. This could hinder full effectiveness of crime prevention efforts related to poaching, smuggling, or other illegal acts in the border areas.

Another key finding from this review is that many operational policy issues need to be resolved at the level of the implementing agencies. These issues are highlighted in the report and will form the basis and focus of the DAI team's efforts under the Policy component for the remainder of the project. The team has already engaged the three governments as well as communities, civil society, private sector, and other stakeholders in extensive consultation about which policy issues are the highest priorities and how they should be resolved. We look forward to continued engagement into the future.

Todd R. Johnson
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30 November 2001

[1] The original, working title for the Great Limpopo Transfrontier Park was GKG, a name adopted in the DAI contract. Although the official name of the Park has been changed by Ministerial Committee decision, the USAID-supported activity retains the original name. Throughout this report, the name Great Limpopo Transfrontier Park will be used.

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TABLE OF CONTENTS

Preface ..... ***iii***

Table of Contents ..... ***v***

Acronyms ..... ***xi***

Executive Summary ***1***

Part One: The Transboundary Context **1**

Part Two: The Great Limpopo Transfrontier Park and Conservation Area **1**

Part Three: The Policy Context for Transboundary Natural Resources Management **2**
SADC Protocols 2
Water Legislation and Policy – Key Gaps and Issues 3
Wildlife Legislation and Policy – Key Gaps and Issues 3
Environment Legislation and Policy – Key Gaps and Issues 3
Tourism Legislation and Policy – Key Gaps and Issues 4
Policies and Legislation affecting Communities and Land Rights 4

Part Four: Recommendations for Targeted Activities to Improve the Policy Environment **5**

Levels of Policy Governing the Great Limpopo Transfrontier Park and Transfrontier Conservation Area (formerly Gaza-Kruger-Gonarezhou) ***1***

Introduction: The Assignment **1**

Part One: The Transboundary Context **1**
1. Transboundary Natural Resources Management (TBNRM) in Southern Africa 1
1.1 Transboundary Natural Resources Management Areas and Transfrontier Parks 1
1.2 The UNESCO Biosphere Concept 3
1.3 Other Transboundary Initiatives 3

Part Two: The Great Limpopo Transfrontier Park and Conservation Area **5**
2. Great Limpopo Transfrontier Park 5
3. Great Limpopo Transfrontier Conservation Area 5
4. Policy and Management Instruments and Entities for the Great Limpopo Transfrontier Park and Conservation Area 5
4.1 The Treaty 5
4.1.1 Great Limpopo Transfrontier Park 5
4.1.2 Great Limpopo Transfrontier Conservation Area 6
4.2 Management Plans and Entities for The Great Limpopo Transboundary Areas 6
4.2.1 The Ministerial Committee 6
4.2.2 The Great Limpopo Transfrontier Park Coordinating Party 6
4.2.3 The Great Limpopo Transfrontier Park Joint Management Board 7
4.2.4 The Great Limpopo Transfrontier Park Joint Management Plan 7
4.2.5 Management Entity for the Great Limpopo Transfrontier Conservation Area 7
4.2.6 Management Plan for the Great Limpopo Transfrontier Conservation Area 7
4.2.7 National-Level Park Management and Planning Within the Transboundary Context 8
4.2.8 Management of the Biodiversity Corridor Within the GL Transfrontier Park 8

Part Three: The Policy Context for Transboundary Natural Resources Management **11**
5. Transboundary Initiatives and the Need for Policy Harmonization 11
5.1 International Conventions 11
5.2 The Southern African Development Community (SADC) 13
5.2.1 SADC Reorganization 13
5.2.2 Policy functions of SADC institutions 14

5.2.3 SADC Protocols 15
5.3 National Government Policies and Legislation 15
5.4 Provincial And Local Government Policies and Roles 16
5.5 Other Agreements among States 16
6. Water Policy Overview, Issues and Recommendations 16
6.1 SADC Water Sector 17
6.1.1 The SADC Protocol on Shared Watercourse Systems 17
6.1.2 SADC Revised Protocol on Shared Watercourses 17
6.2 National Water Policies and Legislation 18
6.2.1 National Water Policy and Legislation in Mozambique 18
6.2.2 National Water Policy and Legislation in South Africa 19
6.2.3 National Water Policy and Legislation in Zimbabwe 20
6.3 Water Sector Policy Gaps, Issues, and Recommendations 20
6.3.1 Ratification and Dissemination of SADC Revised Protocol on Shared Watercourses 20
6.3.2 Integrated Planning Around Water Developments within the TFCA 20
6.3.3 TFCA Coordination with International River Basin Commissions (e.g., LIMPCOM) 21
7. Wildlife Policy Overview, Issues and Recommendations 21
7.1 SADC Wildlife Sector 21
7.2 National Wildlife Policies and Legislation 23
7.2.1 Wildlife Policy and Legislation in Mozambique 23
7.2.2 Wildlife Policy and Legislation in South Africa 24
7.2.3 Wildlife Policy and Legislation in Zimbabwe 25
7.3 Wildlife Policy Gaps, Issues and Recommendations 26
7.3.1 Ratification of SADC Wildlife Protocol 26
7.3.2 Wildlife Poaching and Law Enforcement: Variability among National Laws and Penalties Needs Harmonization 27
7.3.3 Land Occupation and Resettlement in Zimbabwe: Impacts on Wildlife 27
7.3.4 Wildlife Diseases and Veterinary Issues 28
7.3.5 Other Wildlife Fencing Issues 28
7.3.6 National Wildlife Policy and Legislation Issues 29
8. Environmental Policy Overview, Issues and Recommendations 29
8.1 SADC Environment Sector 29
8.1.1 The Proposed SADC Environmental Protocol 30
8.2 National Environmental Policies and Legislation 30
8.2.1 Environmental Policy in Mozambique 30
8.2.2 Environmental Policy in South Africa 31
8.2.3 Environmental Policy in Zimbabwe 33
8.3 Environment: Policy Gaps, Issues and Recommendations 33
8.3.1 The SADC Environmental Protocol 33
8.3.2 Policy and Institutional Clashes in the Environmental Arena 33
9. Tourism Development 34
9.1 SADC Tourism Sector 34
9.1.1 Regional Tourism Organization of Southern Africa (RETOSA) 35
9.2 National Tourism Policies and Legislation 36
9.2.1 Tourism Policy in Mozambique 36
9.2.2 Tourism Policy in South Africa 37
9.2.3 Tourism Policy in Zimbabwe 38
9.3 Tourism Policy Gaps, Issues and Recommendations 38
9.3.1 RETOSA Involvement 39
9.3.2 Grades and Standards 39
9.3.3 Transparency and Equity Issues 39
10. Land And Natural Resource Rights: Community Involvement and Community Based Natural Resources Management (CBNRM) 39

10.1 Community-Based Natural Resources Management (CBNRM).....39
10.2 Land and Natural Resources in Mozambique: Community and Private Considerations in Mozambique 40
10.2.1 Mozambique Land Policy.....40
10.2.3 People Living in Coutada 16.....41
10.2.4 Policy Impediments.....41
10.3 Land and Natural Resources in South Africa: Community and Private Sector Considerations 41
10.3.1 Land and Property Rights 41
10.3.2 Kruger National Park: Neighboring communities 41
10.3.3 Land claims within Kruger National Park.....41
10.3.4 Transformation Strategy 42
10.3.5 Poverty Relief Program.....42
10.4 Land and Natural Resources in Zimbabwe: Community and Private Sector Considerations 43
10.4.1 CAMPFIRE Program.....43
10.4.2 Sengwe areas 43
10.4.3 Decentralization in Zimbabwe.....44
10.5 Community Involvement Discussion 44
11. Private Sector Participation in TFPs and TFCAs.....44
11.1 Integrated Planning for TFCA development 45
11.2 Enterprise Development in the Parks and in the Interstitial Areas 45
12. Other Policy-Related Issues.....45
12.1 Differing Priorities and Agendas Among the Three Countries 45
12.1.1 Mozambique Priorities and Approaches.....45
12.1.2 South Africa Priorities and Approaches 46
12.1.3 Zimbabwe Priorities and Approaches 46
12.1.4 Recommendations Regarding Differing Priorities and Approaches.....46
12.2 Treaty Issues.....47
12.2.1 The GLTFCA 47
12.2.2 Boundaries of the GLTFP.....47
12.2.3 Boundaries of the GLTFCA.....47
12.3 Management Issues.....48
12.3.1 Revenue Sharing 48
12.3.2 Trans-border Management Issues 48
13. Gaps Between Policy and Practice.....48
14. Summary of General Policy and Legislation Issues and Needs.....48

Part Four: Recommendations for Targeted Activities to Improve the Policy Environment . 49
15. Overview of Proposed Project Level Policy-Related Activities 49
15.1 Undertake Pilot Activities in the TFCA to "operationalize" Policies 50
15.2 Facilitate the Development of a Revenue Sharing Policy for Great Limpopo Transfrontier Park.....50
15.3 Assist in the Development of a Policy for Management of the "Sengwe Corridor" within the GLTFP 50
15.4 Assist in the Development of Veterinary and Fencing Policies for the TFCA 51
15.5 Advance TFCA Policies and Planning 51
15.6 Foster Inter-sectoral Cooperation Within and Among Countries 51

***Bibliography*.....53**

***ANNEX A Key Policy Issues Affecting the Implementation of the GLTFP and GLTFCA and Proposed Actions*.....57**

***ANNEX B Scope of Work for Policy Review*.....59**

ANNEX C Persons Contacted During the Preparation of the Policy Report..... 65
Persons contacted in Botswana.....65
Persons contacted in Mozambique.....66
Persons Contacted in South Africa 67
Meetings in Zimbabwe 69
ANNEX D Revised Protocol Shared Watercources..... 71
ANNEX E Protocol on Wildlife Conservation and Law Enforcement..... 91
ANNEX F Protocol on Development of Tourism..... 105

TABLE OF FIGURES

Table 1: National Implementing Agencies responsible for management of the Great Limpopo Transfrontier Park …… **9**

Table 2: Selected International Conventions signed by South Africa, Mozambique and Zimbabwe …… **11**

Table 3: SADC Reorganization: Four new Directorates under the Department of Strategic Planning, Gender Development and Policy Harmonization……..… **13**

Table 4: Key SADC Protocols affecting Transfrontier Parks and Transfrontier Conservation Areas…….. **15**

Table 5: Status of Ratification of the Revised Protocol on Shared Watercourses among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001) …. **17**

Table 6: SADC Protocol on Wildlife Conservation and Law Enforcement: Selected Provisions on Cooperation in Law Enforcement and on Legal Instruments……..… **22**

Table 7: Status of Ratification of the SADC Protocol on Wildlife Conservation and Law Enforcement among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001)……...… **23**

Table 8: Some provisions of the Mozambique Forestry and Wildlife Law (1999)…… **24**

Table 9: Status of Ratification of the Protocol on the Development of Tourism among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001) … **40**

Table 10: The Continuum of Participation in Community-Based Natural Resources Utilization and Management…….. **42**

Table 11: Outstanding Land Claims within the Kruger National Park (from the SANP Land Claims Report September 19, 2001) …… **49**

Table 12: Possibilities for activity-level interventions for the USAID/DAI GKG Initiative to improve the overall enabling policy environment governing the GLTFP and GLTFCA. ……..**47**

ACRONYMS

AA	Appropriate Authority
ADMADE	Administrative Management and Design (Zambia)
AGRITEX	Agricultural, Technical, and Extension Services (Zimbabwe)
AWF	African Wildlife Foundation
BSP	Biodiversity Support Program (USAID)
CAMPFIRE	Communal Areas Management Program for Indigenous Resources (Zimbabwe)
CAN	National Water Council (Mozambique)
CBD	Convention on Biological Diversity
CBNRM	Community-Based Natural Resources Management
CITES	Convention on International Trade in Endangered Species
CONNEPP	Consultative National Environmental Policy Process (South Africa)
DAI	Development Alternatives, Inc.
DBSA	Development Bank of Southern Africa
DEAT	Department of Environmental Affairs and Tourism (South Africa)
DNA	National Directorate for Water (Mozambique)
DNAC	National Directorate for Conservation Areas (Mozambique)
DNFFB	National Directorate for Forestry and Wildlife (Mozambique)
DNPWM	Department of National Parks and Wildlife Management (Zimbabwe)
EIA	Environmental Impact Assessment
ELMS	Environment and Land Management Sector (SADC)
ESKOM	Electricity Supply Commission (South Africa)
FANR	Food, Agriculture, and Natural Resources (SADC Directorate)
FMD	Foot and Mouth Disease
GEF	Global Environment Facility
GKG	Gaza-Kruger-Gonarezhou
GLTFCA	Great Limpopo Transfrontier Conservation Area
GLTFP	Great Limpopo Transfrontier Park
GNP	Gona-re-zhou National Park (Zimbabwe)
IUCN	World Conservation Union
JMB	Joint Management Board
JMP	Joint Management Plan
KfW	Kreditanstalt fur Wiederaufbau
KNP	Kruger National Park (South Africa)
LIFE	Living in a Finite Environment (Namibia)
LIMPCOM	Limpopo Watercourse Commission

MADER	Ministry of Agriculture and Rural Development (Mozambique)
MET	Ministry of Environment and Tourism (Zimbabwe)
MICOA	Ministry for the Coordination of Environment Affairs (Mozambique)
MICTUR	Ministry of Commerce, Industry, and Tourism (Mozambique)
MOPH	Ministry of Public Works and Housing (Mozambique)
MOU	Memorandum of Understanding
NCB	National Central Bureaus
NEMP	National Environmental Management Plan
NGO	Non-governmental Organization
NP	National Park
NRMP	Natural Resources Management Program
PA	Protected Area
PPF	Peace Parks Foundation
RCSA	Regional Center for Southern Africa
RDC	Rural District Council (Zimbabwe)
RETOSA	Regional Tourism Organization of Southern Africa
ROSA	Regional Office for Southern Africa (IUCN)
SADC	Southern African Development Community
SANP	South African National Parks
SATOUR	South Africa Tourism
SDI	Spatial Development Initiative
TB	Tuberculosis
TBCA	Transboundary Conservation Area
TBNRM	Transboundary Natural Resources Management
TBNRMA	Transboundary Natural Resources Management Area
TCU	Technical Coordinating Unit (SADC)
TEP	Tourism Enterprise Programme
TFCA	Transfrontier Conservation Area
TOR	Terms of Reference
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
USAID	United States Agency for International Development
WB	World Bank
WWF	World Wide Fund for Nature
ZINWA	Zimbabwe National Water Authority
ZTA	Zimbabwe Tourism Authority

EXECUTIVE SUMMARY

The USAID-supported Gaza-Kruger-Gonarezhou (GKG) Transboundary Natural Resources Management Initiative, implemented by Development Alternatives Inc., supports the establishment, development and implementation of the Gaza-Kruger-Gonarezhou Transfrontier Conservation Area in Mozambique, South Africa, and Zimbabwe. On 4 October 4 2001, the GKG was renamed the Great Limpopo Transfrontier Park and Great Limpopo Transfrontier Conservation Area at an official ceremony in Kruger. The study reported here was undertaken to assist in the creation of an enabling policy environment in and among the three countries. It examines some of the levels of policies governing transboundary activities among the three nations, and in particular regarding the Great Limpopo Transfrontier Park (GLTFP) and the Transfrontier Conservation Area (GLTFCA). It considers the SADC protocols and national sectoral policies, as well as the international treaties and agreements that encourage the creation of the TFP and TFCA, and makes general recommendations regarding harmonization and/or reform. Further, it introduces ideas for possible targeted activities to be undertaken by USAID through the DAI contract for the GKG Transboundary Natural Resources Management Initiative.

Part One: The Transboundary Context

The Southern Africa Development Community (SADC) region possesses a multitude of important natural ecosystems, wildlife-rich protected areas, and communal lands which cross national borders. These lands provide large blocks of habitat where elephants, buffalo and other herbivores, large predators, a multitude of birds, and other animals regularly move across national boundaries, and where endemic plants may thrive. An active network of governments, communities, and private sector partners has evolved with interest to implement collaborative transboundary natural resources management activities in the region.

A Transboundary Natural Resources Management Area (TBNRMA) is "an area in which cooperation to manage natural resources occurs across boundaries" (Griffin et al. 1999). TBNRMAs generally support a strong private sector presence, promote the empowerment of communities and the strengthening of community based natural resources management (CBNRM), and foster the creation of a multitude of public-private-community partnerships and enterprises. Transfrontier Parks are simply adjacent national parks that are generally managed by cooperation among protected area agencies. Transfrontier Conservation Areas often include parks as one of the "pieces," but these initiatives transcend park boundaries, and thus are managed by a multitude of agencies and landowners.

Other important transboundary initiatives in southern Africa include Spatial Development Initiatives (SDIs) and International River Basins.

Part Two: The Great Limpopo Transfrontier Park and Conservation Area

The Great Limpopo Transfrontier Park, formerly called the Gaza-Kruger-Gonarezhou Transfrontier Park, will be a transboundary protected area, established by treaty, which will include adjoining protected areas in Mozambique, South Africa, and Zimbabwe, plus the Sengwe Corridor in Zimbabwe to connect the three parks. An international agreement was signed in November 2000 by the governments of Mozambique, South Africa and Zimbabwe, to enable the establishment of the Transfrontier Park. A trilateral Treaty that is expected to be signed in April 2002 will formalize the establishment of the Great Limpopo Transfrontier Park. According to the Treaty draft text currently under consideration in the three national Cabinets, the Transfrontier Park will consist of the following component protected areas:

- Mozambique: Coutada 16 (soon to be proclaimed the Limpopo National Park)
- South Africa: Kruger National Park, and the Makuleke Region
- Zimbabwe: Gonarezhou National Park, Malipati Safari Area, Manjinji Pan Sanctuary, and the community areas which constitute the biodiversity corridor linking Gonarezhou to Kruger National Park further south.

The proposed Great Limpopo Transfrontier Conservation Area will be a wider area that includes both protected and non-protected areas. Although final boundaries are still under discussion, it will include the Great Limpopo Transfrontier Park and the following surrounding areas:

- Mozambique: Banhine and Zinave National Parks, the Massingir and Corumana areas, as well as the interlinking regions; and
- South Africa and Zimbabwe the various privately-owned and state-owned conservation areas directly bordering the Transfrontier Park which shall be identified in future.

Part Three: The Policy Context for Transboundary Natural Resources Management

Transboundary natural resources management is governed by many levels of policy ranging from international conventions down to national and provincial policies. Part Three reviews the various policies governing the establishment and management of transboundary natural resources management areas, and identifies areas where policies need to be harmonized or where actions need to be taken to promote an enabling policy framework. It examines SADC protocols in the areas of Water, Wildlife, Environment and Tourism, and national policies in those sectors for the three countries involved in the GLTFP, as well as the International Treaty that establishes the GLTFP, and the Joint Management Plan being drafted.

SADC Protocols

At present there are more than 17 Protocols and other subsidiary instruments, which aim at assisting the SADC integration process. The SADC protocols are supportive of TBNRM in general and propose trans-border collaboration, harmonization of policies and laws, and standardization within the region. The protocols lay the foundation for transboundary cooperation and can provide the frameworks to address many of the transboundary issues that are being raised with relation to the GLTFP and GLTFCA. For example, the Protocol on Wildlife Conservation and Law Enforcement provides guidance on developing harmonization of policies related to penalties for poaching, "hot pursuit" of criminals across borders, and other operational issues where harmonized policies greatly increase the potential for positive collaboration.

Of the key SADC protocols that govern the natural resources sectors, many of them are still awaiting ratification before they can come into force:

- Protocol on Shared Watercourse Systems - in force (1998);
- Revised Protocol on Shared Watercourses - 4 countries have ratified, not yet in force;
- The Protocol on Wildlife Conservation and Law Enforcement - 4 countries have ratified, not yet in force;
- Charter of the Regional Tourism Organization of Southern Africa - in force (1997);
- The Protocol on the Development of Tourism - 7 countries have ratified, not yet in force;
- Proposed Environmental Charter - not yet drafted

Water Legislation and Policy – Key Gaps and Issues

To effectively establish the Great Limpopo TFP and TFCA, it will require integrated and intersectoral planning. This is especially the case regarding the water sector. International Rivers flow across the GLTFP and GLTFCA, and there are significant downstream issues. Planned water developments will have very significant impacts on the region's ecology, as well as social and economic implications and opportunities within the TFP and TFCA. The primary land and natural resources management agencies, both within countries and among countries, need to work together in an intersectoral fashion. In the TFCA context, it is important to develop forums and/or structures to share information and coordinate planning in an intersectoral fashion. The key policy and legislation gaps and issues within the water sector that affect the GLTFP and GLTFCA include:

- Ratification and dissemination of the SADC Revised Protocol on Shared Watercourses – as a framework and guideline to greater harmony in national and provincial water policies;
- Integrated policy and planning around water developments within the TFCA – e.g., the proposed dam at Mapai, Gaza Province, Mozambique; and
- TFCA coordination with International River Basin Commissions (LIMPCOM, others) and harmonization of the international agreements governing the river basin with those governing the TFP and TFCA.

Wildlife Legislation and Policy – Key Gaps and Issues

Wildlife policies and legislation differ among the three countries. For example, regarding consumptive use of wildlife within the GLTFP, trophy hunting is allowed in the Makuleke "contract" park managed by Kruger, and fishing is allowed in Gonarezhou National Park, while both of these activities are prohibited within Kruger NP. The status and regulations governing consumptive use of wildlife in Coutada 16 will change once it is declared a national park. Other policy differences involve ownership of wildlife, community-based wildlife management, penalties for wildlife misuse, and policies regarding management of CITES-listed species. Within the wildlife sector, the following issue and gaps emerged:

- Ratification and dissemination of Protocol on Wildlife Conservation and Law Enforcement;
- Harmonization of national laws and penalties for wildlife poaching and variability among other aspects of law enforcement;
- Analysis of land occupation and resettlement policy in Zimbabwe, especially its impacts on wildlife, and implementation of national policy on settlers within Gonarezhou National Park;
- Resolution of various issues related to wildlife diseases and other veterinary concerns;
- Achievement of consensus on wildlife fencing policy issues; and
- Specific national wildlife policy and legislation issues.

Environment Legislation and Policy – Key Gaps and Issues

National environmental laws and policies cover a wide array of areas within and among the three countries. There are specific policies governing pollution, biodiversity, individual sectors or resources (e.g., mining), and water and catchments. There are many laws that regulate biodiversity conservation and use. Environmental legislation is somewhat fragmented, being spread across many national and provincial departments and sectors.

This situation produces contradictions or inconsistencies, especially regarding land use prescriptions, jurisdictions, and differing agendas for ecological zoning and human requirements. The key policy issues that were identified as relevant to the TFP and TFCA include the following:

- Lack of a SADC Environmental Protocol;
- Policy and institutional contradictions or inconsistencies in the environmental arena;
- Need for harmonization of biodiversity conservation policies; and
- Incomplete or uneven enforcement of existing policy or law.

Tourism Legislation and Policy – Key Gaps and Issues

Primary tourism destinations within the Transfrontier Conservation Area will likely include the GLTFP as well as other Mozambican and South African Parks, and a variety of private nature conservancies and reserves, game ranches, community tourism areas, and other private sector establishments. The TFCA will perhaps be able to link into the Bazaruto coastal area of Mozambique for a combined wildlife / beach tourism destination. The following key tourism policy and legislation issues were identified:

- Ratification of SADC Tourism Protocol to provide a framework for trans-border cooperation;
- Need for integrated tourism policy and planning for the whole TFCA;
- Differing grades and standards for rating tourism facilities among countries;
- Transparency and equity issues in tendering and awarding tourism concessions;
- Policy on Fairness in tourism

Policies and Legislation affecting Communities and Land Rights

The following are key policy issues affecting communities and land rights:

- Policy regarding communities living within Coutada 16;
- Need for policy and plan for the "Sengwe Corridor" within the GLTFP;
- Outstanding land claims within Kruger National Park;
- GLTFCA policy on linkage with private game farms and conservancies, as well as the communal areas, to link up with the TFCA as an integrated tourism and ecological package;
- Policy review and legislation to enable CBNRM initiatives to proceed with clear regulatory guidelines regarding the utilization of resources, rather than operating in the current atmosphere of uncertainty in some areas; and
- Formulation of a policy (including structures and mechanisms) for including community and other stakeholders' voices and representation on the TFP and TFCA management entities.

Other Policy Related issues affecting the Great Limpopo TFP and TFCA include the following:

- Differing priorities and agendas among the three countries;
- Treaty does not specify the inclusion of communal areas within the TFCA;
- Policy on stakeholder participation is unclear, if one exists;
- Need to establish a clear policy on Cost and Revenue Allocation among the three countries involved in the GLTFP;
- Trans-border Management Policies and Issues, including customs and immigration, location of border posts and entry points, law enforcement, immigration, smuggling issues, extradition, etc.

The key policy issues that affect the implementation of the GLTFP and GLTFCA, and the proposed actions are summarized in the report in Table 12. To address all of these issues would require actions by a number of players, agencies and donors, at a variety of levels.

Part Four: Recommendations for Targeted Activities to Improve the Policy Environment

This section concentrates on project level recommendations and lists a number of targeted interventions where the USAID/DAI GKG Initiative could make a difference in improving the overall enabling policy environment. It is not suggested or expected that the project will seek to undertake all of the activities. The list is illustrative, and the DAI GKG Transboundary Initiative team will need to consider each proposed recommendation in light of their priorities, the interactions with other donors and partners, and the project timelines. The following interventions are proposed as possible activities for the DAI/GKG project to undertake during the next two years:

1) Undertake pilot activities in the TFCA to "operationalize" policies, including possible formulation of implementing guidelines or regulations where none exist;
2) Facilitate development of a Revenue Sharing policy among the implementing agencies for the Great Limpopo Transfrontier Park;
3) Assist in developing a policy (and perhaps planning) for management of the "Sengwe Corridor" within the GLTFP;
4) Assist in developing Veterinary and Fencing policies for the GLTFP and GLTFCA;
5) Advance TFCA policies and planning;
6) Foster Intersectoral Cooperation within and among Countries with regard to the TFCA, perhaps by recommending structures and mechanisms to facilitate broad consultation, collaboration, and coordination.

Annex A lists the key policy issues and recommendations for the GLTFP and GLTFCA.

LEVELS OF POLICY GOVERNING THE GREAT LIMPOPO TRANSFRONTIER PARK AND TRANSFRONTIER CONSERVATION AREA (FORMERLY GAZA-KRUGER-GONAREZHOU)

A Review of SADC Protocols, National Policies and International Agreements with Recommendations for Policy-Related Actions

Introduction: The Assignment

The USAID-funded Gaza-Kruger-Gonarezhou (GKG) Transboundary Natural Resources Management Initiative, implemented by Development Alternatives Inc., supports the establishment, development and implementation of the Gaza-Kruger-Gonarezhou Transfrontier Conservation Area in Mozambique, South Africa and Zimbabwe. On October 4, 2001 the GKG was renamed the Great Limpopo Transfrontier Park and the proposed Great Limpopo Transfrontier Conservation Area. The study reported here was undertaken to assist in the creation of an enabling policy environment in and among the three countries. It examines some of the levels of policies governing transboundary activities among the three nations, and in particular regarding the Great Limpopo Transfrontier Park (GLTFP) and the Transfrontier Conservation Area (GLTFCA). It considers the SADC protocols and national sectoral policies, as well as the international treaties and agreements that allow the creation of the TFP and TFCA, and makes general recommendations regarding harmonization and/or reform. Further, it introduces concepts for possible targeted activities to be undertaken by USAID through the DAI GKG Transboundary Natural Resources Management Initiative. This study lays the groundwork for future policy-related interventions envisioned for this project. A Terms of Reference for the study is attached as Annex B; while Annex C lists the individual contacted in performing the study.

The study is divided into four parts:

- Part One describes the transboundary context.
- Part Two introduces the Great Limpopo Transfrontier Park and Conservation Area.
- Part Three examines the SADC and national level protocols and legislation, discusses policy issues and gaps, and identifies areas that may require harmonization.
- Part Four makes more specific recommendations regarding possible areas of policy focus for the USAID/ DAI Gaza-Kruger-Gonarezhou project to consider, and describes targeted activities to improve cooperation among the nations by improving the policy environment.

Part One: The Transboundary Context

1. Transboundary Natural Resources Management (TBNRM) in Southern Africa

1.1 Transboundary Natural Resources Management Areas and Transfrontier Parks

The SADC region possesses a multitude of important natural ecosystems, wildlife-rich protected areas, and communal lands which stretch across national borders. These lands provide large blocks of habitat where elephants, buffalo and other large herbivores, large predators and a multitude of birds and other animals regularly move across national boundaries, and where endemic plants may thrive. In recognition of that fact that nature knows no borders, many Transfrontier Conservation Areas

(TFCAs) are being developed in southern Africa. Increasingly, there are initiatives within the region to manage these resources from a transboundary perspective, where countries coordinate not only the management of the valuable natural resources and wildlife, but also coordinate development and tourism. An active network of governments, communities, and private sector partners has evolved with interest to implement collaborative transboundary natural resources management activities in the region.

A Transboundary Natural Resources Management Area (TBNRMA) is "an area in which cooperation to manage natural resources occurs across boundaries" (Griffin et al. 1999). TBNRMAs are units of land that span political boundaries in two or more countries, which incorporate large areas of biodiversity, often, but not necessarily, conserved as protected areas, along with other surrounding or interstitial land areas. They promote an "ecosystem approach" to development, which holds the potential for the sustainable utilization of natural resources, for tourism and other development, and for multiple other uses. TBNRMAs often support a strong private sector presence, promote the empowerment of communities and the strengthening of community based natural resources management (CBNRM), and foster the creation of a multitude of public private community partnerships and enterprises. A Transfrontier Conservation Area (TFCA) was defined by World Bank as "a relatively large area that straddle frontiers (boundaries) between two or more countries and covers large-scale natural systems encompassing one or more protected areas" (GEF World Bank 1996). In this report the terms TBNRMA and TFCA are used interchangeably.

There are important differences between transfrontier parks (TFPs) and TFCAs. Transfrontier Parks, such as the Kgalagadi Transfrontier Park between South Africa and Botswana, are simply adjacent national parks that are consolidated under joint approaches and management, generally managed by cooperation among protected area agencies. Transfrontier Natural Resources Management Areas (TBNRMAs) and Transfrontier Conservation Areas (TFCAs) often include parks as one of the "pieces", but these initiatives transcend park boundaries, and thus are managed by a multitude of agencies and landowners, and generally involve more complex arrangements.

The Four Corners Transboundary Area in Zimbabwe, Zambia, Botswana and Namibia, for example, does not have contiguous national parks, but has adopted an ecosystem approach to guide the development of a mosaic of protected areas, international rivers, private land, and communities. Some initiatives such as ZIMOZA, do not include any parks at all, and started as grassroots initiatives among the local people across borders, which are evolving into higher-level transboundary agreements.

Still others may start out as Transfrontier Parks and then expand to wider TFCAs that incorporate integrated networks of protected and non-protected areas. The TFCAs are envisioned to benefit people living in those areas, by providing jobs and enterprise opportunities, and by possibly expanding community-public-private sector partnerships, while at the same time protecting or maintaining vital ecosystem functions. Such is the plan for the Gaza-Kruger-Gonarezhou (GKG) area where the Great Limpopo Transfrontier Park (GLTFP, formerly called the GKG TFP) is currently being formed. It is envisioned that the park will expand into the wider Great Limpopo Transfrontier Conservation Area among Mozambique, South Africa, and Zimbabwe.

A selected partial list of transboundary initiatives already underway in southern Africa follows:

- Kgalagadi Transfrontier Park – South Africa and Botswana. Signed by Presidents Mbeki and Mogae in May 2000.
- Great Limpopo Transfrontier Park – Mozambique, South Africa, and Zimbabwe. Formerly called the Gaza-Kruger-Gonarezhou (GKG). Ministers signed an initial agreement in November 2000. All three parties are working towards preparing and finalizing the language of an international Treaty to formalize the Transfrontier Park, expected to be signed by Heads of State in April 2002.
- Lubombo Transfrontier Conservation Area – Mozambique, South Africa and Swaziland. A trilateral agreement was signed in June 2000.

- Richtersveld/Ai-Ais Transfrontier Conservation Area – Namibia and South Africa. In planning stages.
- Maloti Drakensberg Transfrontier Conservation Area: Lesotho and South Africa. Memorandum of Understanding signed.
- Limpopo Shashe Transfrontier Conservation Area – Botswana, South African and Zimbabwe. In development process.
- ZIMOZA – Zimbabwe, Mozambique, Zambia. Extensive grassroots stakeholder involvement process. Agreement will be signed soon.

A large number of NGOs and donor agencies have been assisting the development of TBNRMA activities in the southern African region. These include African Wildlife Foundation (AWF), Peace Parks Foundation (PPF), World Conservation Union (IUCN), World Wildlife Fund (WWF), Development Bank of Southern Africa (DBSA), Global Environment Facility (GEF), Kreditanstalt fur Wiederaufbau (KfW), United States Agency for International Development (USAID), World Bank, and many others.

1.2 The UNESCO Biosphere Concept

The UNESCO Biosphere concept is based on the realization that conservation of natural resources should not be confined to protected areas, but should include the ecologically sustainable utilization of natural resources by people outside of protected areas, leading to social, economic, and cultural development.

The term "Biosphere" is meant to describe a specially designated area where development is permitted to take place, as long as it protects terrestrial and /or coastal ecosystems and is sustainable. The Biosphere approach has many similarities to the TFCA approach. A Biosphere is often made up of a core protected area, such as a national park, surrounded by a buffer zone and then a transition area. A World Network of Biospheres protects ecosystems in many parts of the world.

South Africa currently has three designated Biospheres. The first was Kogelberg, in the Western Cape, which exports apples with a special eco-friendly label. The second, the Cape West Coast Biosphere was accepted by UNESCO last year. This year, UNESCO approved the Kruger to Canyon Biosphere as the country's third. Other potential Biospheres in South Africa include the Waterberg Biosphere, the Ekangla Grassland Biosphere Reserve in Mpumalanga, the Drakensberg and several others. The recently approved Kruger to Canyons Biosphere Reserve has considerable overlap with the South African portion of the Great Limpopo Transfrontier Conservation Area. A biosphere reserve for the Limpopo-Save area in Zimbabwe was being considered in 1996 (Gardner 1996) but to date nothing has come of that proposal.

1.3 Other Transboundary Initiatives

Other important transboundary initiatives in southern Africa include Spatial Development Initiatives and International River Basins.

Spatial development initiatives (SDIs) are large-scale development corridors, usually linked to intra-regional or "sea-to-sea" transport routes in the region. SDIs seek to identify strengths relating to trade relations, agriculture, tourism, communication, energy, minerals, and the potential for urban and rural opportunities. There are several spatial development initiatives underway or being considered, including the Maputo Development Corridor, the Beira Development Corridor, the Trans-Limpopo SDI, the Limpopo Valley SDI, and others. The initiatives seek to mobilize an array of partners for the economic development of the area, with a focus on private sector initiative. They identify constraints to trade, and seek to find solutions for improving trade by, for example, proposing one-stop border posts. There have been international agreements signed, usually Memoranda of Understanding,

regarding spatial development initiatives among provincial, national and regional partners (Ngwenya 2001). Some of the SDIs have particular relevance to the GLTFP, e.g., the Limpopo Valley Corridor Dongola-Mapungugwe Triangle.

International River Basins are important transboundary areas that contain the entire catchments for the international rivers and seek to coordinate and integrate management to maintain watersheds. These are discussed further in Part Three.

Part Two: The Great Limpopo Transfrontier Park and Conservation Area

2. Great Limpopo Transfrontier Park

The Great Limpopo Transfrontier Park, formerly called the Gaza-Kruger-Gonarezhou Transfrontier Park, will be a transboundary protected area, established by treaty, which will include adjoining protected areas in Mozambique, South Africa, and Zimbabwe, plus the Sengwe Corridor in Zimbabwe to connect the three parks. An international agreement was signed in November 2000 by the governments of Mozambique, South Africa and Zimbabwe, to enable the establishment of the Transfrontier Park. A trilateral Treaty that is expected to be signed in April 2002 will formalize the establishment of the Great Limpopo Transfrontier Park. According to the Treaty draft text currently under consideration in the three national Cabinets, the Transfrontier Park will consist of the following component protected areas:

- Mozambique: Coutada 16 (soon to be proclaimed the Limpopo National Park)
- South Africa: Kruger National Park, and the Makuleke Region
- Zimbabwe: Gonarezhou National Park, Malipati Safari Area, Manjinji Pan Sanctuary, and the community areas which constitute the biodiversity corridor linking Gonarezhou to Kruger National Park further south.

3. Great Limpopo Transfrontier Conservation Area

The proposed Great Limpopo Transfrontier Conservation Area will be a wider area that includes both protected and non-protected areas. Although final boundaries are still under discussion, it will include the Great Limpopo Transfrontier Park and the following surrounding areas:

- Mozambique: Banhine and Zinave National Parks, the Massingir and Corumana areas, as well as the interlinking regions; and
- South Africa and Zimbabwe the various privately-owned and state-owned conservation areas directly bordering the Transfrontier Park which shall be identified in future.

4. Policy and Management Instruments and Entities for the Great Limpopo Transfrontier Park and Conservation Area

4.1 The Treaty

4.1.1 GREAT LIMPOPO TRANSFRONTIER PARK

The Treaty between the Governments of the Republic of Mozambique, the Republic of South Africa and the Republic of Zimbabwe on the establishment of the Great Limpopo Transfrontier Park is a (proposed) international agreement among those countries to formalize the establishment of the park. The (draft) Treaty lists the following as the objectives of the Transfrontier Park (Article 4):

a. To foster trans-national collaboration and cooperation among the Parties which will facilitate effective ecosystem management in the area comprising the Transfrontier Park;

b. To promote alliances in the management of biological natural resources by encouraging social, economic and other partnerships among the Parties, including the private sector, local communities and non-governmental organizations;

c. To enhance ecosystem integrity and natural ecological processes by harmonizing environmental management procedures across international boundaries and striving to remove artificial barriers impeding the natural movement of wildlife;

d. To facilitate the establishment and maintenance of a sustainable sub-regional economic base through appropriate development frameworks, strategies and work plans;

e. To develop trans-border eco-tourism as a means of fostering regional socio-economic development; and
f. To establish mechanisms to facilitate the exchange of technical, scientific and legal information for the joint management of the ecosystem.

Article 6 outlines the cooperation among the three states. Important from a policy perspective is Section 2(c) of Article 6, which states: "The Parties shall use their best endeavors to harmonize legislation and policies to facilitate integrated and complementary conservation and socio-economic development activities."

4.1.2 GREAT LIMPOPO TRANSFRONTIER CONSERVATION AREA

The Treaty has only one provision that mentions the Great Limpopo Transfrontier Conservation Area (GLTFCA), and this refers to it as follows:

> "The area adjacent to the Transfrontier Park, comprising compatible conservation areas but not lending itself to formal integration with the Transfrontier Park, shall be managed as a Transfrontier Conservation Area".

In Mozambique the areas that will form the TFCA are described as including the following:

> "the Bahine and Zinave National Parks, the Massingir and Corumana areas, as well as the interlinking regions;"

While in South Africa and Zimbabwe, the TFCA:

> "shall include the various privately-owned and state-owned conservation areas directly bordering the Transfrontier Park and which shall be identified in future".

No additional references to the Transfrontier Conservation Area are found in the Treaty.

4.2 Management Plans and Entities for The Great Limpopo Transboundary Areas

4.2.1 THE MINISTERIAL COMMITTEE

The Treaty establishes the Ministerial Committee. It will consist of the Ministers mandated by the respective parties.

According to Article 10, Section 2 of the Treaty, the Ministerial Committee shall:

- Be responsible for the overall policy guidance in the management of the Transfrontier Park;
- Be chaired on a rotational basis;
- Meet at least once a year; and
- Monitor the effectiveness of the implementation of the Joint Management Plan.

> "The decisions of the Ministerial Committee shall be taken by consensus" (Article 10 Section 3)."

4.2.2 THE GREAT LIMPOPO TRANSFRONTIER PARK COORDINATING PARTY

Under the treaty "A specific Party shall be designated on a rotational basis as Coordinating Party in order to promote accountability and sustain momentum in the management of the Transfrontier Park." It further notes that the period of coordination shall be two years. Thus it is anticipated that the

coordination will rotate among the countries every two years. Currently there is a unit within the South African National Parks with a full time coordinator dedicated to the establishment of the GLTFP.

4.2.3 THE GREAT LIMPOPO TRANSFRONTIER PARK JOINT MANAGEMENT BOARD

The Joint Management Board (JMB) is established under Article 11 of the Treaty. The JMB consists of four members from each country: two representatives from each of the national Implementing Agencies of the Parties (see Table 1), one representative from each of the national institutions responsible for borderline control of the Parties and one representative appointed by each of the Parties.

The functions of the JMB are outlined in Article 11, Section 2.

> "The JMB shall:
>
> a. be responsible for periodic revision and implementation of the Joint Management Plan for the Transfrontier Park, in accordance with Article 13(2);
>
> b. determine mechanisms for administering funds received specifically for the Transfrontier Park;
>
> c. be responsible for identifying financial needs and sourcing such funds as are required to achieve the effective implementation of the Joint Management Plan;
>
> d. establish such committees as may be necessary; and
>
> e. provide reports to the Ministerial Committee."

4.2.4 THE GREAT LIMPOPO TRANSFRONTIER PARK JOINT MANAGEMENT PLAN

The (draft) Joint Management Plan for the Great Limpopo Transfrontier Park (GLTFP) has been developed with assistance from the USAID/DAI team following a series of consultative workshops in the region. The Plan recognizes the individual responsibilities of the three countries for management of their individual parks within the TFP. Further, it addresses those areas where joint management will be undertaken. According to the Treaty (Article13), "the Joint Management Plan shall address tourism flows, revenue matters and other issues of common interest and mutual impact."

4.2.5 MANAGEMENT ENTITY FOR THE GREAT LIMPOPO TRANSFRONTIER CONSERVATION AREA

The Great Limpopo Transfrontier Conservation Area (GLTFCA) is referred to in both the trilateral Treaty and the GLTFP Joint Management Plan. The initial draft of the Joint Management Plan refers to the TFCA as a "future expansion of the park." However, the responsible entity or entities for management of the proposed TFCA is not addressed in the Plan. Presumably there is a link between the Ministerial Committee and the management of the TFCA, since it is mentioned in the treaty.

> ***Recommendation:*** *The policy regarding the management of the TFCA needs to be clarified. It is recommended that the Management Board or Authority for the TFCA contain wider representation than that of the Transfrontier Park, and include local/district government, private sector, and community representation to reflect the variety of stakeholders within the area.*

4.2.6 MANAGEMENT PLAN FOR THE GREAT LIMPOPO TRANSFRONTIER CONSERVATION AREA

The plan(s) for management of the proposed TFCA is not clear. TFCA management is not covered under the GLTFP Joint Management Plan, so it is anticipated that a separate management plan will be needed for the conservation area.

Despite the lack of clarity with regard to the conceptualization of the TFCA, this is clearly the arrangement with the most promise for sustainable development opportunities. This area offers the potential for development of many new activities and enterprises based on sustainable consumptive and non-consumptive use of natural resources by communities and private sector, through an array of partnerships.

Regarding the boundary of the TFCA, the policy regarding inclusion of community lands, is not clear. The treaty language states that, in South Africa and Zimbabwe, the TFCA "shall include the various privately-owned and state-owned conservation areas directly bordering the Transfrontier Park and which shall be identified in future". Conspicuously absent is the mention of communal lands and trusts, even though there are many areas in Zimbabwe, adjacent to Gonarezhou, which are involved with wildlife under the CAMPFIRE program. Also unclear is the inclusion of lands that do not directly border on the TFP in South Africa and Zimbabwe.

> ***Recommendation**: It is recommended that there be a participatory process to identify the appropriate lands for inclusion in the TFCA. This will require broad stakeholder involvement in each of the three countries.*

4.2.7 NATIONAL-LEVEL PARK MANAGEMENT AND PLANNING WITHIN THE TRANSBOUNDARY CONTEXT

The Treaty reinforces the sovereign rights of each party and charges each country to manage their existing parks within the GLTFP according to their respective management plans, i.e., Gonarezhou National Park Management Plan 1998-2002 (1998), the Kruger National Park Management Plan, and, in Coutada 16, the new management plan that is now being developed with Peace Parks Foundation assistance. It is anticipated that Coutada 16 will be declared a national park in the near future. Article 13 of the Treaty charges the relevant National Implementing Agencies with the responsibility for ensuring that the Management Plans for each of the constituent areas are periodically revised. The national entities responsible for the Great Limpopo Transfrontier Park are shown in Table 1. Within the wider TFCA area, there will be a number of national, provincial and local/district government players, as well as private sector and community interests.

Table 1: National Implementing Agencies responsible for management of the Great Limpopo Transfrontier Park

Country	National Implementing Agency	Responsible Ministry
Mozambique	National Directorate for Conservation Areas (DNAC)	Ministry of Tourism
South Africa	South Africa National Parks (SANParks)	Ministry of Environmental Affairs and Tourism (DEAT)
Zimbabwe	Department of National Parks and Wildlife Management (DNPWM)	Ministry of Environment and Tourism (MET)

4.2.8 MANAGEMENT OF THE BIODIVERSITY CORRIDOR WITHIN THE GL TRANSFRONTIER PARK

Apparently missing in the current draft of the GLTFP Joint Management Plan is a management plan or structure for the corridor area that lies outside Gonarezhou NP in Zimbabwe. This area consists mainly of Sengwe community lands and is often referred to as the GLTFP "biodiversity corridor" or "Sengwe Corridor." It seems natural that this area should managed as an integral part of the TFP, yet there is no mention of a management plan or entity responsible for management, nor is there a plan for management of the corridor put forward in the Joint Management Plan. Presumably the Sengwe people will carry on with management of their lands, together with their district and local governments. If this is the case, a Sengwe representative should have a place at the table with regard

to integrated management plans and decisions. Unlike the Makuleke in South Africa, who have agreed to the management of their land by Kruger National Park, the Sengwe lands are autonomous.

> ***Recommendation:*** *There is need to clarify the policy with regard to the biodiversity corridor (the "Sengwe Corridor") and its management. It is recommended that, as a matter of priority, the management and representation issues in the biodiversity corridor are examined and addressed. This process must include the Sengwe people themselves as well as other legitimate stakeholders, i.e., interested and affected parties.*

Part Three: The Policy Context for Transboundary Natural Resources Management

5. Transboundary Initiatives and the Need for Policy Harmonization

Transboundary natural resources management is governed by many levels of policy (Figure 1) ranging from international conventions down to national and provincial policies. Part Three reviews the various policies governing the establishment of transboundary natural resources management areas and identifies areas where policies need to be harmonized or where actions need to be taken to promote an enabling policy framework.

5.1 International Conventions

International Conventions are global agreements or treaties entered into by member states. When a state chooses to become a signatory to an international convention it commits itself to abide by the terms and provisions within that agreement. The provisions within the international conventions are often incorporated into, or form the basis of, national laws and policies. If there are discrepancies between the national laws of the state and the provisions of the international convention, the state may undergo a process of policy revision to bring the national laws and policies into line, often referred to as harmonization.

Table 2 shows some of the important international conventions that Mozambique, South Africa, and Zimbabwe are party to. These conventions play an important role in shaping regional (SADC) and national policies within southern Africa.

Table 2: Selected International Conventions signed by South Africa, Mozambique and Zimbabwe *

International Convention	Mozambique	South Africa	Zimbabwe
Convention on Biological Diversity	Signed 12 June 1992 Party 25 August 1995	Signed 04 April 1993 Party 02 Nov 1995	Signed 12 June 1992 Party 11 Nov 1994
Convention on Trade in Endangered Species (CITES)	Party 23 June 1981	Party 13 October 1975	Party 17 August 1981
Ramsar Convention on Wetlands	Not a contracting party	Entry into force: 21 December 1975 Number of Ramsar wetland sites: 16	Not a contracting party
United Nations Convention to Combat Desertification	Signed 28 Sept. 1995 Ratified 13 Mar 1997	Signed 09 Jan 1995 Ratified 30 Sept 1997	Signed 15 Oct 1994 Ratified 23 Sept 1997

* sources:

1. Convention of Biological Diversity "Parties to the Convention on Biological Diversity" http://www.biodiv.org/world/parties.asp accessed 10 October 2001, US Fish and Wildlife Service;
2. "CITES List of Party Countries" Effective 11 July 2001, http://international.fws.gov/cites/citeslop.html accessed 01 November 2001;
3. Ramsar Convention, "Contracting Parties to the Ramsar Convention on Wetlands (as of 30 October 2001)" http://www.ramsar.org/key_cp_e_.htm, accessed 31 October 2001;
4. United Nations, "Status of Ratification and Entry into Force of the UNCCD", http://www.unccd.int/convention/ratif/doeif.php, accessed 01 November 2001.

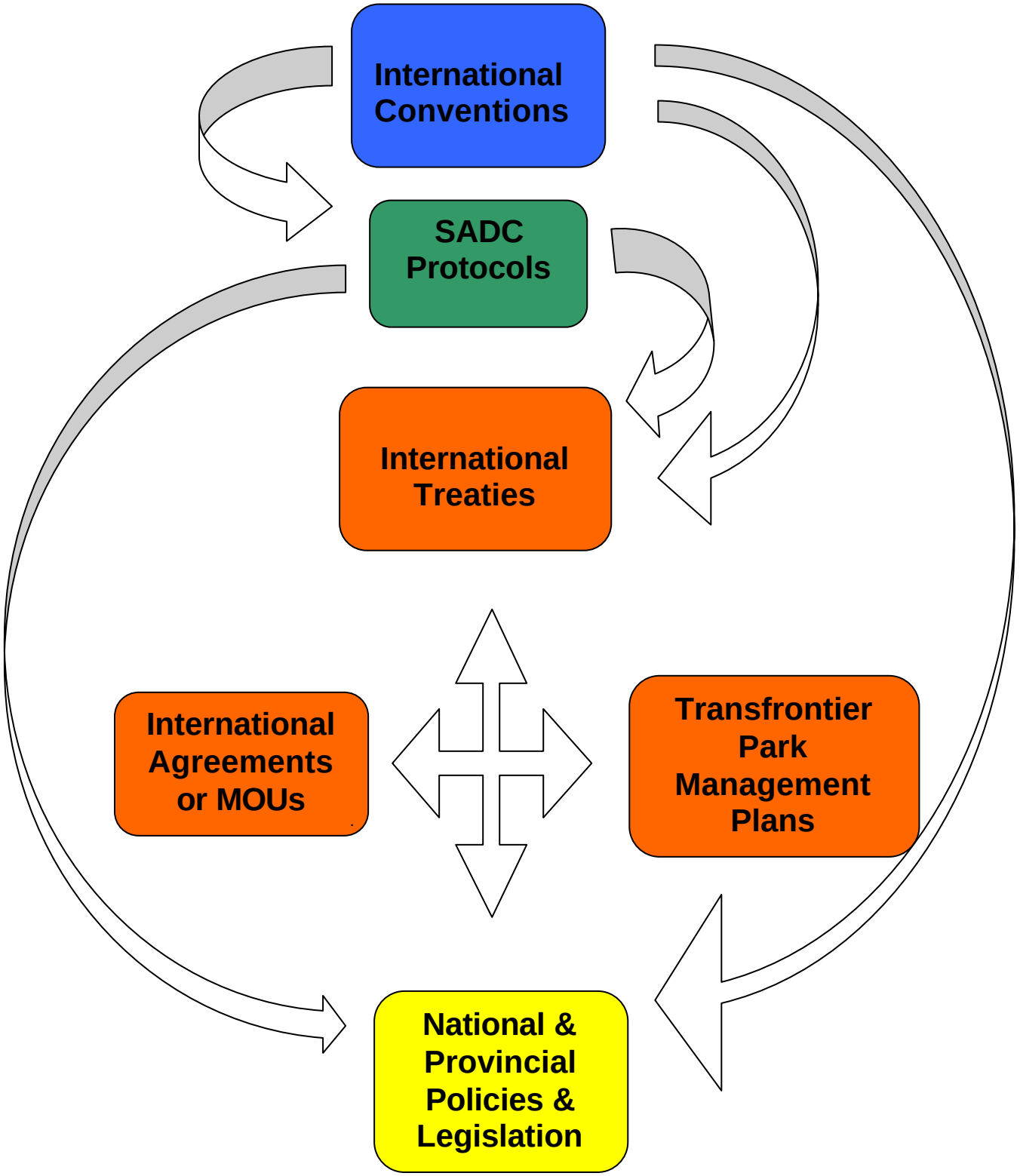

Figure 1: Levels of Policy Governing Transboundary Protected Areas Among SADC Countries

5.2 The Southern African Development Community (SADC)

A Treaty signed at the Summit of Heads of State or Government on August 17, 1992 in Windhoek, Namibia established the Southern African Development Community (SADC). SADC replaced the former Southern African Development Coordination Conference (SADCC) organization. There are now 14 member states of SADC: Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

SADC's primary role is to enable countries of the region to effectively address their developmental problems and to collectively meet the challenges of the globalization process, while taking advantage of available opportunities. SADC helps to define regional priorities, facilitate integration, mobilize resources and maximize the regional impact of projects. The SADC approach is to address national priorities through regional action. The SADC Program of Action is made up of all the programs and projects approved by the Council of Ministers.

5.2.1 SADC REORGANIZATION

SADC is currently undergoing restructuring (Table 3) to streamline and centralize its functions. Under the current system, the organizational structure of SADC is decentralized and almost every member state coordinates at least one sector. With the new structure, the technical coordinating units, now assigned to member countries, will be centralized in Gaborone, Botswana, where the SADC Secretariat is located. SADC will develop a five-year Regional Indicative Strategic Development Plan (RISDP), which would provide strategic direction to all activities of SADC and operationalize the SADC Common Agenda (SADC 2001).

Table 3: SADC Reorganization: Four new Directorates under the Department of Strategic Planning, Gender Development and Policy Harmonization

New SADC Directorate	Sectors Combined into Directorate (current host)
Directorate of Trade, Industry, Finance and Investment	Trade and Industry (Tanzania) Finance and Investment (South Africa) Mining (Zambia)
Directorate of Food, Agriculture and Natural Resources (FANR)	Crop, FANR (Zimbabwe) Environment and Land Management (Lesotho) Forestry, Wildlife, Inland Fisheries (Malawi) Agricultural Research, Livestock Production, Animal Disease Control (Botswana) Marine Fisheries (Namibia)
Directorate of Infrastructure and Services	Transport and Communication (Mozambique) Energy (Angola) Tourism (Mauritius) Water (Lesotho)
Directorate of Social and Human Development and Special Programs	Culture, Information and Sport (Mozambique) Health (South Africa) Employment and Labor (Zambia) Human Resource Development (Swaziland)

5.2.2 POLICY FUNCTIONS OF SADC INSTITUTIONS

Each of the institutions within SADC has assigned policy functions:

The Summit
The Summit is made up of Heads of State or Government, and is the ultimate policy-making institution of SADC. The Summit is responsible for the overall policy direction and control of functions of the SADC. Under the new reorganization, the Summit shall meet at least twice a year.

The Troika
The Troika system consists of the Chair, Incoming Chair and Outgoing Chair of SADC. It will be formalized in the Treaty, and act as a Steering Committee between Council and Summit meetings.

The Organ on Politics, Defense and Security
This Organ is new under the reorganization, and will look at security and defense issues in the region.

The Council
The Council is composed of Ministers from each member state and is responsible for overseeing the functioning and development of SADC and for ensuring that policies are properly implemented. The Council advises the Summit on policy matters and must approve SADC policies, strategies and programs. It will now meet four times a year.

Integrated Committee of Ministers
This is new institution whose aim is to ensure proper policy guidance, coordination and harmonization of cross-sectoral activities. It assumes the functions of the abolished Sectoral Committee of Ministers. This committee shall oversee the activities of the four core areas of integration (Directorates):

- Trade, Industry Finance and Investment
- Infrastructure and Services
- Food, Agriculture and Natural Resources
- Social and Human Development and Special Programs

The Committee shall operate at both regional and member state level, and will oversee the activities of the four core areas, as well as provide policy guidance to the Secretariat and make decisions on matters pertaining to the Directorate as well as monitor and evaluate their work.

SADC National Committees
Under the new reorganization, member states will establish SADC national committees, which will play an important role in the formulation, implementation and monitoring of SADC programs and projects at national level. The National Committees will have sub-committees based on the four Directorates.

The Secretariat
As the principal executive institution of SADC, the Secretariat is responsible for strategic planning and management of SADC programs. The SADC Secretariat will also undergo restructuring to include the following elements:

The Executive Secretary's Office

The Department of Strategic Planning, Gender Development and Policy Harmonization will house the four Directorates. Centralized functions will include policy development, coordination, harmonization, evaluation and monitoring of projects and programs, and resources mobilization. Functions that will remain decentralized include physical infrastructure and projects in individual member states.

The Tribunal

A process is underway to form the SADC Tribunal, which will ensure adherence to, and proper interpretation of, the provisions of the SADC Treaty and related instruments, and will adjudicate disputes referred to the Tribunal. A protocol will describe the composition, powers, functions, procedures and other related matters governing the Tribunal.

5.2.3 SADC PROTOCOLS

SADC has the responsibility to develop regional policies or protocols in various sectoral areas. Protocols are legally binding regional policies, signed and ratified by member states. Some examples of Protocols relevant to the GLTFP are in Table 4. These generally come into force 30 days after they have been ratified by two thirds of the member states. At present, there are more than 17 Protocols and other subsidiary instruments, which aim at assisting the SADC integration process. Most of the SADC protocols are supportive of TBNRM in general and propose cross-border collaboration, harmonization of policies and laws and standardization within the region. The forthcoming sections of this report will examine some of the sectoral protocols in the areas of environment, wildlife and tourism that directly affect the Great Limpopo Transfrontier Park and Conservation Area.

It should be noted that, as part of the SADC restructuring process, all Protocols will be undergoing a review process to ensure that they are in line with the provisions of the amended SADC Treaty.

Table 4: Key SADC Protocols affecting Transfrontier Parks and Transfrontier Conservation Areas

Sector	Protocol	Status	Number of Countries Ratified To Date
Water	The Protocol on Shared Watercourse Systems	**IN FORCE (1998)**	
	The Revised Protocol on Shared Watercourses	NOT IN FORCE	4
Wildlife	The Protocol on Wildlife Conservation and Law Enforcement	NOT IN FORCE	4
Tourism	Charter of the Regional Tourism Organization of Southern Africa)	**IN FORCE (1997)**	
	The Protocol on the Development of Tourism	NOT IN FORCE	7
Environment Protocol	Proposed Environmental Charter	(not yet drafted)	

* As of October 2001

5.3 National Government Policies and Legislation

Most national policies and legislation do not specifically mention transboundary issues. However, individually, they deal with the same collective natural resources issues, as each country seeks to govern, control and regulate activities and actions related to those resources. It is not necessary, or desired, that all states should have the exact same policies or laws governing their resources. What is important to regional and transboundary management is that the policies and legislation do not differ so widely that they reflect incompatible values regarding the resources and their management, which may result in clashes, inequities, and/or inabilities to form cross border agreements.

National Governments play important roles in the fostering and development of cross-border cooperation and international agreements. National government representatives sign treaties and international agreements on behalf of the member states, after an approval process has taken place. The national policies of the three countries involved in the GLTFP are discussed, sector-by-sector, in Section 7 below.

5.4 Provincial And Local Government Policies and Roles

Provincial, District, and Municipal levels of local government have extremely important roles to play in Transfrontier Conservation Areas. Decentralization policies throughout southern Africa have empowered district and local governments, and they can often make local decisions regarding resource use and allocation. Because TFCAs contain areas of both protected and non-protected status, the number of public, private and community players involved is considerably higher than in the TFPs. All of these groups are direct stakeholders in the TFCA. In terms of policy and planning, TFCA plans need to integrate with provincial level plans, as well as with national or regional plans.

> ***Recommendation**: It is recommended that an inclusive and participatory process be initiated for TFCA planning that incorporates provincial and other local governments.*

With regard to transfrontier parks, the role of Provincial, District, and Municipal governments is also very important. The coordination between protected areas authorities and local government in the planning of tourist routes, roads, environmental planning, and development planning is essential. The working groups of the Joint Management Board would benefit from district/local government representation.

> ***Recommendation**: It is recommended that the GLTFP Joint Management Board establish working groups, forums or other mechanisms to integrate the planning of the TFP with the adjacent provincial areas.*

In some countries (e.g., South Africa), provinces have their own policies and legislation, which may differ not only from national policy, but also from that of neighboring provinces. In other countries, national policies and legislation apply throughout the provinces. Because wildlife and natural resources outside the national and transfrontier parks come under provincial jurisdiction in South Africa, provincial policies, in addition to national policies, are important to consider in the policy harmonization process. Additionally in South Africa, there are protected areas under provincial management, governed by provincial policies and legislation. This means that in the future there may be transfrontier parks or conservation areas that are managed by provincial partners, even though State representatives may sign the treaties.

5.5 Other Agreements among States

A variety of international agreements may be created among two or more member states to manage specific entities, actions or issues between or among those states. SADC protocols in various sectoral areas lay the framework for this cooperation. In addition to the Transfrontier Conservation Areas already mentioned, those that establish river basin commissions are very relevant.

6. Water Policy Overview, Issues and Recommendations

This section reviews SADC regional and national policies and legislation related to (inland) water in the three nations involved in the GLTFP – Mozambique, South Africa and Zimbabwe.

6.1 SADC Water Sector

In 1996, the Council of Ministers approved the elevation of the SADC-ELMS Water Resources Management Program to a full-fledged Water Sector with its own separate Coordination Unit (CU) and Technical Committee. The Sector has prepared a Regional Strategic Action Plan (RSAP) for Integrated Water Resources Development and Management. Under the restructuring process, the water sector will become part of the Directorate of Infrastructure Services.

6.1.1 THE SADC PROTOCOL ON SHARED WATERCOURSE SYSTEMS

The SADC Protocol on Shared Watercourse Systems was signed by eleven of the twelve SADC countries at the 1995 SADC Summit in South Africa and came into force in December 1998. The protocol promotes regional coordination among the SADC states on the management and use of the resources of shared watercourse systems, and has the following key elements:

- To develop close co-operation for judicious and coordinated utilization of the resources of shared watercourse systems in the SADC region;
- To coordinate environmentally sound development of the shared watercourse systems in the SADC region in support of socio-economic development;
- To have regional conventions on equitable utilization and management of the resources of the shared watercourse systems;
- To consolidate other agreements in the SADC region regarding the common utilization of certain watercourses; and
- To promote the integration process in accordance with Article 22 of the treaty establishing SADC.

6.1.2 SADC REVISED PROTOCOL ON SHARED WATERCOURSES

By the time the Protocol came into force, it was in need of amendment. The SADC Secretariat and the Water Sector Coordinating Unit compiled the comments and proposed changes, and held workshops to discuss and agree upon the proposed amendments. Amendments were finalized at a joint meeting of legal and technical experts in Johannesburg, South Africa (March 2000) resulting in a new protocol, SADC Revised Protocol on Shared Watercourses. A copy of the Revised Protocol on Shared Watercourses is attached in Annex D.

The SADC Revised Protocol on Shared Watercourses has been signed by all member states with the exception of the Democratic Republic of Congo, and has been ratified by four countries to date. The agreement will come into force thirty days after the deposit of the instruments of ratification by two-thirds of the Member states and will replace the current protocol. The Protocol's current status on the three GLTFP countries is seen in Table 5.

Table 5: Status of Ratification of the Revised Protocol on Shared Watercourses among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001)

Country	Signed	Ratified
Mozambique	Yes	Yes
South Africa	Yes	No
Zimbabwe	Yes	No

The new protocol is intended to foster closer cooperation for judicious, sustainable and coordinated management, protection and utilization of shared watercourses and to advance the SADC agenda of regional integration and poverty alleviation. The protocol seeks to:

- Promote and facilitate the establishment of shared watercourse agreements and Shared Watercourse Institutions for the management of shared watercourses;
- Advance the sustainable, equitable and reasonable utilization of the shared watercourses;
- Promote a coordinated and integrated environmentally sound development and management of shared watercourses;
- Promote the harmonization and monitoring of legislation and policies for planning, development, conservation, protection of shared watercourses, and allocation of the resources thereof; and
- Promote research and technology, information exchange, capacity building and the application of appropriate technologies in shared watercourse management.

6.2 National Water Policies and Legislation

This section examines the national-level policies and legislation governing (inland) water in Mozambique, South Africa and Zimbabwe.

6.2.1 NATIONAL WATER POLICY AND LEGISLATION IN MOZAMBIQUE

In Mozambique, the Ministry of Public Works and Housing (MOPH) is responsible for water resources. The National Directorate of Water (*Direccao Nacional de Aquas (DNA*)) is the agency within the MOPH that is tasked with water resources management and policy implementation.

Nine of Mozambique's main river basins are shared with 10 other SADC countries, all of which are upstream partners (Republic of Mozambique 1999). Thus, Mozambique is very vulnerable in terms of water availability. *The Revised Protocol on Shared Watercourses* is a very important policy document for Mozambique.

The *Water Law of 1991* defined the institutional and legal framework for the licensing and allocation of water concessions. It created a National Water Council (*Conselho Nacional de Aguas (CAN*)). The Council is an inter-ministerial consultative group, which is chaired by the Minister of Public Works and Housing and includes representatives of DNA and various other ministries. CAN provides inter-sectoral coordination and strategic decision-making. DNA acts as the secretariat to CAN. The water policy was developed after the water law, so there is need for review and revision of the law to provide conformity with the new policy.

The *National Water Policy (1995)* notes the poor quality of water delivery and sanitation systems in Mozambique and mandates steps to develop and improve these systems. The policy addresses the following principle areas

a. Basic needs
b. Participation of beneficiaries
c. The value of water
d. Institutional arrangements
e. The role of government
f. Integrated water resource management
g. Investment
h. Capacity building
i. The private sector

> "In the area of water resources management we are sure that together we can do much more than each one of us on our own – we place bets on the region working as a whole. In this case the whole is much greater than the sum of its parts. "
>
> *Minister of Public Works and Housing, Mozambique 1999*

Important from a Transboundary perspective, Section 7 of the Policy outlines a system of *Integrated Water Resources Management*, and expresses the importance of rehabilitating the hydrological network especially for international rivers. While it envisions an increasing role for private sector in integrated water management, the state retains its planning, regulatory and

monitoring functions. According to the policy, river basin management costs should eventually be covered through charges for bulk water use. The policy describes measures to be taken to improve Urban Water Supply, Peri-Urban Water Supply, and Rural Water Supply. Regarding Sanitation, Section 8 of the policy authorizes the development of a Sanitation and Environment Master Plan.

Some of the short-term objectives of the Policy are:

- Increase coverage so that 50-80% of the urban population has access to improved water supply by 2002;
- Increase the level of coverage to 40% of the rural population by the year 2000;
- Establish water sharing agreements on the Inkomati, Limpopo, Pungue, Save and Zambezi Rivers, which should guarantee minimum ecological flows; and
- Introduce urban sanitation taxes in major cities to cover operation and maintenance costs of rehabilitating and conserving sanitation infrastructures.

Of specific relevance to the GLTFP is Section 8.3, which states, "In the short term, a high priority will be to establish water sharing agreements on the Inkomati, Limpopo, Save and Zambezi Rivers. These agreements should also guarantee minimum ecological flows." Also, in the same section, "Basin water development plans of the main river basins need to be elaborated as soon as possible with special attention to international rivers". The government will establish an implementation plan based on this policy that will specify investments, define more detailed targets and define the legal and institutional changes that need to be taken.

There is a large dam planned at Mapai, on the Limpopo River in Mozambique. The dam is envisioned to irrigation in the lower Limpopo valley. The necessity for inter-sectoral planning is emphasized, since the planned dam falls within the proposed Great Limpopo TFCA, and will certainly affect activities within the TFCA, and indeed the Transfrontier Park itself.

6.2.2 NATIONAL WATER POLICY AND LEGISLATION IN SOUTH AFRICA

The *White Paper on a National Water Policy for South Africa (1997)* sets the context for water use in South Africa and a review of the 1956 Water Act and current practices and institutional arrangements. The White Paper reflects two years of wide consultation, and lays the foundation for the *National Water Act of 1998* (RSA 1998)

The *National Water Act of 1998* provides for a fundamental reform of the laws relating to water resources in South Africa. Chapter 10 of that Act deals with International Water Management Issues. Section 102 gives the Minister of Water Affairs and Forestry the power to establish bodies to implement international agreements in respect of the management and development of water resources shared with neighboring countries, and for regional cooperation on water resources. The governance and functions of these bodies (Article 103) are determined by the relevant international agreement, but the Minister may assign additional functions. These bodies are authorized to perform their functions outside the Republic of South Africa.

The Act also gives provisional recognition to the following existing water bodies:

- The Trans-Caledon Tunnel Authority (1986; with Lesotho)
- The Komati Basin Water Authority (1992; with Swaziland)
- The Vioolsdrift Noordoewer Joint Irrigation Authority (1992; with Namibia)

Part 3 of the Act deals with the reserve for water resources within South Africa. Part of Reserve will be for human needs (drinking, food preparation, personal hygiene) and the other part will be for ecological reserves (water required to protect the aquatic ecosystems of the water resource).

The *National Water Amendment Act (RSA, No 45, 1999)* amends the *National Water Act* of 1998 to change the procedures for the appointment of members to the Water Tribunal.

6.2.3 NATIONAL WATER POLICY AND LEGISLATION IN ZIMBABWE

The national priority for Zimbabwe is to develop adequate water resources for the growing needs of the various sectors of the economy and to ensure good water quality. As a land locked country without natural lakes, Zimbabwe's water supply is based on water harvesting and use of groundwater resources.

The *Natural Resources Act* (Government of Zimbabwe 1996) provides for the monitoring of water quality and pollution and catchments protection in order to reduce siltation. It established the Water Pollution Control Unit, which is responsible for the day to day monitoring of water quality. The Environmental Management Act will set the standards for water quality, which will form the basis for monitoring.

The Ministry of Lands and Water Development has the overall mandate for the protection of the quality and supply of freshwater resources, including monitoring their pollution levels. The Ministry of Local Government, Urban and Rural Development addresses water supply and sanitation issues through both the District Development Fund and the Rural Water Supply and Sanitation fund. The Ministry has given responsibility to local authorities in major urban areas for the management and protection of their water resources.

The Agricultural, Technical, and Extension Services (AGRITEX) is a department of the Ministry of Agriculture responsible for irrigation extension and schemes, mainly in communal areas. The Zimbabwe National Water Authority (ZINWA) was established in December 1995.

The Zambezi Action Plan (ZACPLAN) is an important regional plan which monitors and controls issues related to the Zambezi River. There is also a pending regional initiative for the Limpopo River.

6.3 Water Sector Policy Gaps, Issues, and Recommendations

6.3.1 RATIFICATION AND DISSEMINATION OF SADC REVISED PROTOCOL ON SHARED WATERCOURSES

The SADC *Revised Protocol on Shared Watercourses* protocol is a very important regional policy document to guide governance of the shared watercourses in the SADC countries, and promoting cooperation within the region. The process of ratification is underway and should be nurtured.

> ***Recommendation:*** *It is recommended that the process of ratification of the SADC protocol on shared watercourses be nurtured. Once ratified, the provisions of this document should be widely shared and explained within the region, not only within the water sector, but also among the other relevant sectors.*

6.3.2 INTEGRATED PLANNING AROUND WATER DEVELOPMENTS WITHIN THE TFCA

To effectively introduce the TFCA concept and establish the Great Limpopo TFCA will require integrated and inter-sectoral planning. This is especially the case regarding the water sector. Water developments have very significant impacts on the ecology as well as the social and economic implications and opportunities within an area. The primary land and natural resources management agencies within countries need to work together. For example, in Mozambique, DNAC and the DNFFB need to work together with DNA for coordination of planning and programs within the Great Limpopo TFCA. In the first instance, it is important for national agencies to work together in an inter-sectoral fashion. In the TFCA context, it is important to develop forums, mechanisms, and structures to share information and coordinate planning in an inter-sectoral fashion.

> ***Recommendation:*** *Develop inter-sectoral forums, mechanisms, and structures for sharing information and coordinating planning within the TFCA.*

6.3.3 TFCA COORDINATION WITH INTERNATIONAL RIVER BASIN COMMISSIONS (E.G., LIMPCOM)

The Limpopo Watercourse Commission is a proposed legal entity, which will be established upon the signing of the "Agreement between the Republic of Botswana, the Republic of Mozambique, the Republic of South Africa and the Republic of Zimbabwe on the Establishment of the Limpopo Watercourse Commission (LIMPCOM)". The agreement applies to the uses of the Limpopo, its tributaries and its waters for purposes and measure of protection, preservation and management of the Limpopo River. The draft agreement (March 27, 2001) is now with the governments of all four countries for review and signature. The GLTFP Treaty and the LIMPCOM make national commitments to international collaboration regarding the Limpopo River. Article 3 Section 3.5 of the LIMPCOM Agreement states:

> "Without prejudice to the notification provisions herein nothing in this Agreement shall affect the prerogative of any number of the Contracting Parities to enter into any agreements among themselves with regard to any part of the Limpopo, provided that such Agreements are not inconsistent with this Agreement".

The need for collaboration between the protected area agencies and the water sectors regarding the Limpopo River, as well as on the other international rivers, is clear.

Recommendation: Foster the interaction among TFCA implementing agencies and River Basin Commissions for the purpose of harmonizing the overlapping transboundary institutional structures and agreements and promoting integrated planning and monitoring.

7. Wildlife Policy Overview, Issues and Recommendations

7.1 SADC Wildlife Sector

The SADC Protocol on Wildlife Conservation and Law Enforcement applies to the conservation and sustainable use of wildlife resources, excluding forestry and fishery resources. The primary objective of the protocol is to establish common approaches to the conservation and sustainable use of wildlife resources within the Region and within the framework of the respective national laws of the each State Party, and to assist with the effective enforcement of laws governing those resources. A copy of the Protocol on Wildlife Conservation and Law Enforcement is attached in Annex E.

The objectives of the protocol are to accomplish the following:

- Promote the sustainable use of wildlife;
- Facilitate the harmonization of the legal instruments governing wildlife use and conservation;
- Promote the enforcement of wildlife laws within, between and among state parties;
- Facilitate the exchange of information concerning wildlife management, utilization and enforcement of wildlife laws;
- Assist in building national and regional capacity for wildlife management, conservation and enforcement of wildlife laws;
- Promote the conservation of shared wildlife resources through the establishment of transfrontier conservation areas; and
- Facilitate community-based natural resources management practices for wildlife resources.

SADC Protocol on Wildlife Conservation and Law Enforcement – Article 7

5.(a) "State Parties shall, as appropriate, establish programs and enter into agreements to promote the cooperative management of shared wildlife resources and wildlife habitats across international borders"

9. "State Parties shall promote the development of transfrontier conservation and management programs"

The Wildlife Protocol clearly states its intention to promote transboundary cooperation and management of wildlife. It also goes one step further to encourage transboundary cooperation (see box). Regional cooperation in wildlife law enforcement and legal instruments (Table 6) is addressed in Article 9.

Table 6: SADC Protocol on Wildlife Conservation and Law Enforcement: Selected Provisions on Cooperation in Law Enforcement and on Legal Instruments

	Article 9: Cooperation in Wildlife Law Enforcement
1	State Parties shall take the necessary measures to ensure the effective enforcement of legislation governing the conservation and sustainable use of wildlife resources
2	State Parties shall allocate appropriate financial and human resources required for the effective enforcement of legislation governing the conservation and sustainable use of wildlife
3	The enforcement of legislation referred to in paragraph 2 above: a. Coordinated with their designated Interpol National Central Bureaus (NCB); b. Exchanging information concerning the illegal taking of and trade in, wildlife and wildlife products; c. Coordinating efforts with wildlife law enforcement authorities and Interpol NCBs to apprehend illegal takers and traders and to recover and dispose of illegal wildlife products; and d. Undertaking any other initiatives to promote the effective and efficient enforcement of wildlife laws and regulations within, between and among states
4	Through the designated Interpol NCB, the wildlife law enforcement authorities in a State Party may request from the designated Interpol NCB in any other State Party or Parties any assistance or information which may be required to locate, apprehend or extradite an individual charged with violating the wildlife laws of the State Party.
5	The wildlife law enforcement authorities in each State Party shall provide to the designated Interpol NCB in that Member State all available data on, *inter alia*, the location and movements of illegal takers and traders and the location of routes for illegal transfrontier trafficking in wildlife and wildlife products, except where the provision of such information would jeopardize investigations or impinge on the security of a state party.
	Article 6: Legal Instruments for the Conservation and Sustainable Use of Wildlife
2	State Parties shall endeavor to harmonize national legal instruments governing the conservation and sustainable use of wildlife resources and such harmonization shall relate to: a. measures for the protection of wildlife species and their habitat; b. measures governing the taking of wildlife; c. measures governing the trade in wildlife and wildlife products and bringing the penalties for the illegal taking of and the illegal trade in wildlife products to comparable deterrent levels; d. powers granted to wildlife law enforcement officers; e. procedures to ensure that individuals charged with violating national laws governing the taking and trading in wildlife and wildlife products are either extradited or appropriately sanctioned in their home country; f. measures facilitating community based natural resources management practices in wildlife management and wildlife enforcement; g. economic and social incentives for the conservation and sustainable use of wildlife; h. measures incorporating obligations assumed under applicable international agreements to which Member States are party; and i. any other measures which the Council may deem necessary.
3	Wildlife Sector Coordinating Unit shall coordinate initiatives of State Parties to harmonize national legislation governing the conservation and sustainable use of wildlife.

The Heads of State and Government signed the SADC Protocol on Wildlife Conservation and Law Enforcement in August 1999 in Maputo, Mozambique. Presently, member States are preparing for the ratification of the Protocol, and it has not yet come into force, with only 4 states signing at this point. For the Protocol to become effective, two-thirds of the member States must ratify it.

Table 7: Status of Ratification of the SADC Protocol on Wildlife Conservation and Law Enforcement among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001)

Country	Signed	Ratified
Mozambique	Yes	No
South Africa	Yes	No
Zimbabwe	Yes	No

7.2 National Wildlife Policies and Legislation

7.2.1 WILDLIFE POLICY AND LEGISLATION IN MOZAMBIQUE

The *Forestry and Wildlife Policy and Strategy (Políticia e Estratégia de Desenvolvimento de Floresta e Fauna Bravia 1997*) sets out the framework for protection, conservation and sustainable use of forest and wildlife resources for the economic, social and ecological benefits of present and future generation of Mozambicans. The strategy has ecological objectives as well as economic, social and institutional objectives. The components of the policy are:

- Strengthening the State institutions for forestry and wildlife
- Rehabilitating the protected areas
- Developing community based management of forestry and wildlife in areas adjacent to gazetted protected areas
- Developing the production forestry estate

The *Forestry and Wildlife Law 1999* is the enactment of the policy. Table 8 shows some particulars of the law. The Regulations to operationalize the law have been drafted, but not yet approved by government.

In early 2001 a ministerial diploma was issued that changed the authority responsible for protected areas from the Ministry of Agriculture and Forestry, National Directorate of Forestry and Wildlife (DNFFB) to the Ministry of Tourism, National Directorate for Conservation Areas (DNAC) (Diploma Ministerial, January 2001). This is a major change affecting the jurisdiction over protected areas.

> "There is need to review and possibly revise the policy, law and draft regulations, as well as the land and tourism policies, in light of the new directive. There is also a need to review those documents to ensure that they address biodiversity issues." (Ministry for Coordination of Environmental Affairs 1997).

The proposed Great Limpopo Conservation Area will consist of a mosaic of protected and non-protected areas. These non-protected areas are prime for development of community-based activities and enterprises that will lead to the economic development of the people living in those areas. Indeed, in order to minimize poaching or abuse of natural resources from the protected areas, it is absolutely necessary to provide stable and productive enterprises, jobs and activities for local communities. Developing community based tourism and community-based management of forestry and wildlife in

areas outside the protected areas will be primarily the responsibility of the National Directorate of Forestry and Wildlife. The translation of policy into on-the ground activities will require assistance, as the policies are fairly new, and operational guidelines are lacking. Concessions and wildlife activities within the protected areas will primarily be the responsibility of the Directorate of Conservation. There is need for the development of a transparent concession tendering process.

Table 8: Some provisions of the Mozambique Forestry and Wildlife Law (1999)

Article 3(i)	Targets international cooperation "Principle of International Cooperation: The joint identification of solutions with other countries and international organizations with regard to the protection, conservation and management of the forest and fauna resources".
Article 5	Classifies the forests of Mozambique into 3 types: a. Conservation forests: located in protected areas; b. Production forests: located outside protected areas; high forestry potential; and c. Multiple use forests: forests with low potential located outside protected areas.
Article 6	States that fauna shall be classified in accordance with their rarity, economic and socio-cultural value to be listed by species in a Ministerial decree.
Article 9	Allows consumptive use of wildlife and forests. states that the "holders of land tenure, both acquired through occupation or by authorization, should acquire licenses for the utilization of the natural forest and fauna resources found in their areas, unless it is for their own consumption".
Article 10	Defines protected areas and the types of protected areas, and describes the categories of national parks, national reserves, and areas of cultural and historical importance
Chapter III	Describes the regimes for sustainable utilization of forest resources, including simple license and forest concession contracts.
Chapter IV	Permits consumptive uses of wildlife include hunting for personal consumption with a simple game license, hunting on official game reserves and wildlife areas by national or foreign individuals, and commercial game ranching. The local councils can undertake simple game licensing.
Article 11	Declares national parks as areas of total protection, and strictly forbids game hunting, forestry, agriculture, mining or animal breeding within their boundaries. It further prohibits any activity that would tend to modify the land aspect or vegetation characteristic or that would disrupt flora or fauna
Article 31	Describes participatory management and local resources management councils.
Article 33	Permits the State to delegate the powers of forest or fauna resources management, as well as restocking of species, to local communities, NGOs or the private sector.
Chapter VIII	Makes provisions for offenses and penalties associated with misuse of wildlife and forests.

7.2.2 WILDLIFE POLICY AND LEGISLATION IN SOUTH AFRICA

Wildlife and environmental management in South Africa is the responsibility of various government institutions. At central government level, the Department of Environmental Affairs and Tourism is the central policy formulating and coordinating body. Other organizations involved at this level include the departments of Agriculture, Water Affairs and Forestry, and Minerals and Energy.

Protected areas are key to wildlife conservation in South Africa. These areas include national parks, proclaimed under the *National Parks Act 1976 (Act 57 of 1976)*, provincial parks and nature reserves, and indigenous State forests. National Parks are managed by an independent statutory organization,

the South Africa National Parks (SANP), who works in partnership with the government for conservation.

The *National Parks Act of 1976* (with subsequent amendments) is the main legislation in South Africa governing protected areas. The policy governs the establishment and management of national parks, and provides guidance for constituting the National Parks Board (now South Africa National Parks). The policy also prohibits anyone but SANP officials from collecting any plants or collecting, capturing or killing any animals within the parks, and therefore bars communities from collecting medicinal plants, food or firewood within the parks. According to the policy, the jurisdiction of SANP ends at the park borders.

In the provinces, the provincial conservation agencies are major role-players. Each province has its own protected areas, managed by provincial agencies, and also has its own policies and legislation with regard to hunting, fishing and the protection of fauna and flora. On lands outside the parks there are a host of policies and regulations governing communities and wildlife management.

Title to land is the fundamental basis to secure wildlife rights in South Africa. Wildlife that is contained on private land becomes the property of the landowner, while wildlife that moves through land is the property of the state, and wildlife on communal or state lands belongs to the state.

7.2.3 WILDLIFE POLICY AND LEGISLATION IN ZIMBABWE

The Zimbabwe *Parks and Wildlife Act Chapter 20:14 (1975, Revised Edition 1996)* gives full rights to land owners to fully utilize and benefit from resources on private properties. It makes the following key provisions:

- Establishes a Parks and Wild Life Board and identifies the functions and duties of that Board;
- Provides for the establishment of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks;
- Provides for the preservation, conservation, propagation or control of wildlife, fish and plants;
- Protection of natural landscape and scenery;
- Confers privileges on owners or occupiers of alienated land as custodians of wild life, fish and plants; and
- Gives powers to intensive conservation area committees

The *Parks and Wild Life Act* also outlines penalties for poaching. Poaching in Zimbabwe carries severe penalties, and in certain areas, rangers are reportedly authorized to shoot on sight commercial poachers of rhinoceros or other specially protected species. Subsistence poaching, where poachers mainly use snares and dogs, is a lesser offence than the commercial poaching, where armed poachers often target elephants and rhino (Davison et al 2001). The unlawful killing of a rhinoceros or any other specially protected animal or the unlawful possession of trading in ivory carries, for a first conviction, an imprisonment of not less than five or more than 15 years, and for a second or subsequent conviction imprisonment for a period of not less than seven or more than 15 years (Parks and Wildlife Act, Chapter 20:14, 1996, Section 128, pg 526).

The *Policy for Wildlife (1992*) is Zimbabwe's policy towards protected areas and wildlife. It recognizes wildlife as a unique economic resource upon which a growing global industry is developing. The policy recognizes that much of Zimbabwe does not consist of good arable land and asserts that use of land for wildlife resources is a valuable and sustainable land use. It accepts wildlife as complementary to livestock raising in certain areas. The policy seeks to redress the situation where only a small section of the Zimbabwean society participated meaningfully in the wildlife industry, by putting into place mechanisms to ensure and equitable distribution of resources and access. It extends the demonstrated benefits of wildlife proprietorship to residents of communal and resettlement land. The policy lays out the requirements for appropriate authority to be granted.

An important concept in Zimbabwe is that of *Appropriate Authority*. For communities to gain access to wildlife use rights, the Minister of Environment and Tourism must have appointed the Rural District Council (RDC) for their area of Communal Land to be the Appropriate Authority. The rural district council then acts on behalf of the communities. This procedure has formed the basis of the CAMPFIRE Program. The communities adjacent to Gonarezhou National Park as well as the Sengwe Communities within the Biodiversity Corridor have had appropriate authority appointed to their rural district council and are engaged in CAMPFIRE activities.

Appropriate Authorities in Zimbabwe for land outside the Parks and Wild Life Estate

"Where applicable… the Minister will allow and encourage the devolution of the management and use of wildlife as a privilege to appropriate authorities for land and waters"

Appropriate authorities for land will be:

- The Forestry Commission for forest land
- The Director (DNPWM) on other State land
- The Rural District Council for an area of Communal Land or a resettlement area for which the Minister has appointed a rural district council to be the appropriate authority
- The owner or occupier of the land, on rural or urban alienated land

Policy for Wildlife Zimbabwe 1992

The *Draft Zimbabwe Policy for Wildlife (1999)* is a draft policy revision currently under review. In the new draft policy, the government asserts its intention to not only maintain the parks and wildlife estate, but to ensure conservation of wildlife and protection of major ecosystems or key species outside the Estate through various measures including Biosphere Reserves. The policy proposes to use the Estate to promote a rurally based wildlife industry and coordinate the management of the Estate with the efforts of neighboring communities who are developing wildlife as a sustainable form of land use. It also proposes to "transform land use in the remote communal lands of Zimbabwe though its Communal Areas Management Program for Indigenous Resources (CAMPFIRE) program". Under this policy all development in the Parks and Wildlife Estate, or which may affect it, will be subject to an environmental impact assessment. It also makes changes in the requirements to gain approval from the Minister with regard to wildlife management and describes functions related to the Parks and Wildlife Conservation Fund.

Game farm owners in Zimbabwe are concerned about the provisions of the *Wildlife Statutory Act 26 of 1998*, which reportedly is hampering wildlife ranching in Zimbabwe by introducing too many layers.

7.3 Wildlife Policy Gaps, Issues and Recommendations

Wildlife policies and legislation differ among the three countries. For example, regarding consumptive use of wildlife within the GLTFP, trophy hunting is allowed in the Makuleke "contract" park managed by Kruger, fishing is allowed in Gonarezhou, while both of these are prohibited in Kruger itself. The status and regulations governing consumptive use of wildlife in Coutada 16 will change once it is declared a national park. Other policy differences involve ownership of wildlife, penalties for wildlife misuse, and consumptive use of wildlife.

The following policy-related issues emerged as the most significant with regard to the GLTFP and GLTFCA:

7.3.1 Ratification of SADC Wildlife Protocol

The ratification of the SADC Wildlife Protocol will lay the framework for cooperation among the member states with regard to wildlife and law enforcement issues. Many of the operational policy issues that surfaced during this study – such as differences in poaching penalties, management regimes for CITES-listed species, wildlife disease control, and others – may be brought to earlier

resolution if the Protocol is used as the basis for cooperation and policy harmonization. The signed protocol is with the member states now for ratification. As this process moves forward it may be necessary to provide clarification and/or information regarding the provisions of the protocol to the State representatives, either individually or collectively, to promote ratification. The protocol addresses many of the concerns of the three states with regard to wildlife poaching and law enforcement, and can potentially help to guide local decisions regarding transboundary management of these issues.

> ***Recommendation:*** *Provide support to the ratification process for the SADC Wildlife Conservation and Law Enforcement Protocol (especially if the process should stall). Once ratified, disseminate its terms broadly among field officers of government parks and veterinary departments, private game ranchers, and other stakeholders.*

7.3.2 WILDLIFE POACHING AND LAW ENFORCEMENT: VARIABILITY AMONG NATIONAL LAWS AND PENALTIES NEEDS HARMONIZATION

There is concern among the three countries regarding the illegal taking of wildlife and variability of penalties among the national anti-poaching laws. Tracking of poachers and other criminals in a transboundary area has new dimensions and requires explicit policies. Extradition treaties and policies become important, not only for wildlife related crimes, but also for other criminal activities that may happen within the TFP or TFCA. Authorities are struggling with enforcement of differing policies and penalties within the TFCA setting. State and local officials are often not familiar with the SADC Protocol on Wildlife Conservation and Law Enforcement, and not aware of its potential use to guide local decisions regarding transboundary management of these issues. The protocol addresses many of the concerns of the three states with regard to wildlife poaching and law enforcement.

> ***Recommendation****: Promote ratification of the Protocol on Wildlife Conservation and Law Enforcement and use the protocol as a basis to assist the appropriate TFP working group concerned with these issues to draw up more detailed plans/agreements for further harmonization.*

7.3.3 LAND OCCUPATION AND RESETTLEMENT IN ZIMBABWE: IMPACTS ON WILDLIFE

The government's resettlement policy in Zimbabwe, especially the controversial fast track resettlement program, has caused not only social and economic turmoil in that country, but increasingly it is having an effect on the wildlife and natural resources within the country. Reports of cut fences, slaughtered wildlife and snared animals, affecting even rare and endangered species, are becoming more and more common.

> "Foreign tourists once came to Zimbabwe in droves to see the country's big game, but these days the animals are more apt to wind up as stew. Poachers, using wire taken from electric fences, are snaring thousands of kudus, giraffes, impala, eland and other grazing animals. In the process, they are catching more rare animals--cheetahs, rhinos and elephants--than ever before. The larger creatures often survive, but many smaller ones, such as one species of wild dog, are under threat."
>
> *Tom Marshland "Prowling Poachers"*
> *Newsweek July 9, 2001*

Rumors abound that settlers have moved into Gonarezhou National Park in the southeastern lowveld of Zimbabwe. There are unconfirmed reports that settlers have illegally occupied parts of the Park, and are cutting fences and grazing cattle within Park boundaries. Gonarezhou National Park is one of key areas included in the Great Limpopo TFP and TFCA, and this situation is thus of grave concern. Zimbabwe has had a program for promoting the recovery of threatened species from the endangered list, and Zimbabwe government and citizens have taken actions in that regard

over the past 10 years to maintain and increase populations of rare or endangered species. But those wildlife populations are now at risk. As fences disappear and law and order retreats, veterinarians are increasingly concerned about the spread of foot and mouth and other diseases that infect both cattle and wildlife.

Zimbabwean officials continue to participate in GLTFP activities, such as the recent ceremony to relocate Kruger elephants to Mozambique (October 4, 2001) and in technical committee meetings. South Africa and Mozambique seem prepared to carry on with "business as usual" regarding the TFCA. However, this situation does not contribute to the spirit of the Transfrontier Agreement, and action should be taken to understand the implications of this resettlement policy on the wildlife and natural resources, and on the current validity of the "protected areas" in Zimbabwe.

> ***Recommendation:*** *Although beyond the scope of this activity, it is recommended that the extent of the damage to wildlife and habitat be assessed and addressed, and that the Zimbabwean government take steps to address how this situation may affect the overall Transfrontier Park and Conservation Area. Additionally a policy regarding the human encroachment into the Gonarezhou National Park should be formulated and enforced so as not to jeopardize the involvement of Zimbabwe in the Great Limpopo Transfrontier Park and Conservation Area.*

7.3.4 WILDLIFE DISEASES AND VETERINARY ISSUES

Policies regarding the monitoring and containment of wildlife diseases are very important to all three countries. This matter must be carefully planned within the transfrontier context. Policies regarding movement of infected animals, fencing of park and/or parts of conservation areas, guidelines for inoculation or treatment, and associated livestock issues must be considered in cross-border forums where representatives of all three countries are present. A wildlife disease monitoring system for the TFP and wider TFCA must be considered and implemented. Where fencing is considered, the cost issue must be addressed along with the ecological and biodiversity issues. Procedures related to transport and relocation of wildlife must be standardized among the three countries. The working group for veterinary issues must be reconstituted and institutionalized within the TF management structure.

> ***Recommendation:*** *Support the development of policies and agreement among the three countries on wildlife diseases and veterinary issues. Encourage the development and implementation of a wildlife disease monitoring system for the TFP and wider TFCA.*

7.3.5 OTHER WILDLIFE FENCING ISSUES

Policy on fencing is often a contentious issue, and the GLTFP and GLTFCA is no exception. Although fencing is a management level activity, the erection of fences has wider implications for humans and wildlife. Environmental Impact Assessment of extensive fences is appropriate under the policies of all three countries and should be adhered to.

There are some specific "park" policies regarding fences that must worked out. These have to do with whether the national boundary fence between South Africa and Mozambique inside the park should be removed, and whether a fence should be erected along the outside border of the TFP in Zimbabwe and Mozambique. There are many other issues. Would the biodiversity corridor in the Sengwe lands be fenced? What are the implications for the people living there? Will the communities living in Coutada 16 be fenced in (to protect them from wildlife)? Or should they be relocated and fenced out of the park? What will the effects be on their livelihoods and their access to resources? Already there have been some elephants reintroduced in Coutada 16, although there is no fencing structure in place there to contain them. What are the implications of these actions? How will problem animals be addressed? Who owns the animals once they leave the parks? The planning for the wider TFCA

should take place simultaneously with the TFP, in order to identify key areas for fencing and to integrate activities.

> ***Recommendation**: Introduce a participatory process in the development of fencing policies. Ensure that environmental impact assessment of proposed fencing developments is undertaken. Promote a coordinated and simultaneous planning process for the TFP and TFCA.*

The policy on wildlife relocation needs to be refined. At the minimum there should be a "checklist" that sets criteria, not only regarding animal health and quarantine issues, but also for such things as the security of the area of translocation, the awareness of communities or other affected parties, the existence of fences, natural boundaries or other structures to enable management, and the readiness of the receiving party. Already 25 or so elephants have been translocated to the Coutada 16 from Kruger, although there is no infrastructure in place on the Mozambique side. There is some question about the wisdom of translocating valuable wildlife without first developing the appropriate systems.

> ***Recommendation:** Promote the development of a wildlife translocation checklist to guide the process.*

7.3.6 NATIONAL WILDLIFE POLICY AND LEGISLATION ISSUES

The recent transfer of jurisdiction of the parks and conservation areas in Mozambique to the Ministry of Tourism, and the retaining of powers related to natural resources outside the parks and conservation areas by the Ministry of Agriculture and Forestry means that both of these agencies will be key to the development and implementation of the TFCA.

> ***Mozambique Recommendation:** Support the review and revisions, if necessary, of the Mozambique policy, law and draft regulations on Wildlife and Forestry, and on Tourism, in light of the new directive on jurisdiction over protected areas. Take steps to finalize and operationalize the regulations and develop guidelines. Clarify the jurisdiction of the two directorates and how they will work together in the TFCA arena.*

> ***Zimbabwe Recommendation**: Investigate and address the concerns of the Zimbabwean wildlife ranchers with regard to the new wildlife policy/regulations.*

8. Environmental Policy Overview, Issues and Recommendations

8.1 SADC Environment Sector

In 1993, SADC-ELMS started the process of developing a sectoral policy and strategy to promote a more integrated regional approach to environmental management. The resulting *Policy and Strategy for Environment and Sustainable Development* was approved in 1996. It provides the basis for implementing Agenda 21 within the Southern African context, and outlines steps to address poverty, which is regarded to be the main underlying factor of environmental degradation in the SADC region. SADC-ELMS also focuses on the development and implementation of harmonized policies, strategies and action programs, regional guidelines and standards, regional protocol development and harmonization of positions for SADC in international agreements on environment.

The *SADC Policy and Strategy for Environment and Sustainable Development* lists the following goals for the sector:

- To protect and improve the health, environment and livelihoods of the people in Southern Africa, particularly the poor;

- To preserve the natural heritage, biodiversity and life-supporting ecosystems in Southern Africa; and
- To support regional economic development on an equitable and sustainable basis for the benefit of present and future generations.

Complementary functional goals are:

- To strengthen the analytical, decision-making, legal, institutional and technological capacities for achieving sustainable development;
- To increase public information, education and participation on environment and development issues; and
- To expand regional integration and global cooperation on environmental and natural resources management.

8.1.1 THE PROPOSED SADC ENVIRONMENTAL PROTOCOL

A SADC Environmental Protocol or Charter has been proposed but not been formulated. The need for such a protocol has been widely discussed. At a meeting in Swaziland in February 2000, the SADC Council of Ministers approved the proposed development of a SADC Protocol on the Environment as a vehicle for implementing various global environmental agendas to which member States are signatories and parties. The SADC Sectoral Committee of Ministers of Environment further approved the Program of Action and the budget for protocol development at their meeting in Mozambique in June 2000. They also approved the expansion of the working group to include the SADC Legal Sector. The proposed protocol is still in planning. However, the process of developing and integrating the other environmental protocols has already gone forward without it.

8.2 National Environmental Policies and Legislation

8.2.1 ENVIRONMENTAL POLICY IN MOZAMBIQUE

The Ministry for the Coordination of Environmental Affairs (MICOA), a new ministry, has the responsibility for promoting and coordinating the implementation of sound environmental policies. The National Environmental Management Program (NEMP) was drawn up for this purpose.

The Environment Law

Based on the NEMP, the *Mozambique Environmental Law* (July 30, 1997) defines the legal basis for the proper use and management of the environment and its components in order to establish a system of sustainable development in Mozambique. Article 5 establishes a National Council for Sustainable Development as a consultative organ of the Council of Ministers and forum for environmental issues, to help ensure coordination and integration of environmental management principles and activities. The law contains provisions directly related to conservation of biodiversity. Article 7 establishes local organs responsible for implementation of the law in a decentralized fashion. The Law encourages community and public participation stating that:

> " It is the duty of the Government to create appropriate mechanisms in order to involve the different sectors of civil society, local communities and in particular associations for the defense of the environment, in the preparation of policies and legislation related to the management of the nation's natural resources..."

Article 13 of the *Environment Law* provides a legal basis for the creation of Protected areas. The law prohibits pollution and mandates environmental quality standards. It also institutes the establishment of Environmental Protection Zones.

Article 30 of the *Environment Law* recognizes the need to guarantee the participation of local communities and to utilize indigenous and local knowledge in the management of the environment.

Mozambique Biodiversity Strategy

MICOA also produced a strategy to conserve and sustainably use Mozambique's biological diversity. The overall goal of Mozambique's *Biodiversity Strategy* is "the conservation of biological diversity and the maintenance of the ecological systems and processes taking into account the need for sustainable development and fair and equitable distribution of the benefits arising from the use of biological diversity". The strategy identifies biological hotspots and areas for action. The areas to be included in the Great Limpopo Transfrontier Park and Conservation Area are not named among the priority areas. The strategy identifies the need to review and evaluate legislation, policies and programs related to the agricultural sector with regards to conservation and sustainable use of agricultural biodiversity.

Environmental Impact Assessment

The Regulations for Environmental Impact Assessment were passed in 1998. They specify that all programs and projects that may directly or indirectly affect sensitive areas shall be subject to EIA. Among others, these include conservation or protected zones or areas, zones where habitats and ecosystems are in danger of extinction, and natural forests. In 2000, a National Directorate for Environmental Impact Assessment was created within MICOA.

8.2.2 ENVIRONMENTAL POLICY IN SOUTH AFRICA

In accordance with the National Environment Management Act, 1998 (Act 107 of 1998), the Committee for Environmental Coordination was established to harmonize the work of departments on environmental issues and coordinate environmental implementation and national management plans at provincial level. The Act lays down principles for effective management of the environment, which all organs of the State have to comply with in decision-making. The Act also makes provision for the establishment of the National Environmental Advisory Forum, where stakeholders and experts can advise the Minister on environmental management issues.

South Africa currently has 422 formally protected areas, comprising about 6% of the land (White Paper on Environmental Policy in South Africa, p. 138). These areas include national parks and provincial parks, which fall under the control of 13 different agencies, governed by 11 pieces of national legislation and 9 pieces of provincial legislation (DEAT Annual Review 2001 p.18). Some of the bodies responsible for protected areas include:

- South Africa National Parks
- Provincial Parks Boards
- Government Departments
- Local authorities
- Private and public landowners

The *National Conservation Strategy* for South Africa is and important policy under design by the Department of Environmental Affairs and Tourism to help provide a coordinated and more holistic approach towards protected areas and towards conservation outside protected areas. The strategy addresses the gaps in conservation needs within the country and legally empowers the Minister to work proactively with the Provinces in the area of conservation.

The *White Paper on Environmental Management Policy* for South Africa (Republic of South Africa 1998) is a key policy document for the environment. Appendix 1 of the *White Paper on Environmental Management Policy* in South Africa outlines the Background and Trends to the

> "A major gap in existing legislation relating to the conservation and use of biodiversity is the general lack of attention given to biodiversity outside protected areas, and specifically to landscapes and ecosystems outside protected areas. Where legislation does exist it is often fragmented, poorly applied and enforced"
>
> *DEAT 1997*

White Paper and the major areas of concern were voiced during the consultative process, the Consultative National Environmental Policy Process (CONNEPP). The consultations revealed that environmental issues received low priority in South Africa, and noted the lack of integration of environmental issues into economic planning and decision-making. In addition the following concerns were voiced:

- "Policy is fragmented
- Laws are ineffective
- Planning is uncoordinated
- Regulations are not properly enforced
- There are conflicts of interest in regulating environmental impacts and promoting the exploitation of natural resources
- There is confusion at different levels of government about who is responsible for what
- Capacity and resources in government and civil society are limited
- There is not much public participation" (White Paper, Appendix 1 p. 142-3),

The Sustainable Development Model adopted in the White Paper addresses:

- The quality of peoples daily lives and daily living and working environments
- Fair access to land and natural resources
- The integration of economic development, social justice and environmental sustainability
- More efficient use of energy resources
- The interaction between population growth and sustainable development
- The sustainable use of social, cultural and natural resources
- Public participation in environmental governance
- The custodianship of environment

The White Paper attempts to addresses these and other concerns raised during the CONNEPP. It is based on the respect for environmentalism and sustainable development, including: 1) a commitment to participatory processes, 2) commitment to continued partnerships with other countries, and 3) the recognition that environmental degradation is caused not only by poverty and failing markets, but also by failure of institutions – including micro- or household level institutions as well as macro- or government level institutions. The White paper appoints DEAT as the lead agent responsible for integrated environmental management within the country. The Environmental Policy is a "framework policy", which creates a framework for other subsidiary and sectoral policies, which will provide more detail on everyday governance.

The *Environmental Policy* is based on a vision of an integrated and holistic environmental management system that aims to achieve sustainable development. Sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Our Common Future (The Brundtland Report) 1987). The *Environmental Conservation Act* (No. 73 of 1989) allows the integration of cultural resources into environmental management processes.

According to the *White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity (1997),* South Africa ranks as the third most biologically diverse country in the world and of major global importance for biodiversity conservation. On 26 October 1999, the Minister of Environmental Affairs and Tourism officially launched the National State of the Environment Report.

The *National Environmental Management Act (1998)* provides for cooperation in environmental governance by establishing principles for decision-making on matters affecting the environment and institutions that will promote cooperation and procedures for coordinating environmental functions. The law develops an environmental framework for integrating environmental management into all development activities.

8.2.3 ENVIRONMENTAL POLICY IN ZIMBABWE

The *Natural Resources Act Chapter 20:13 (*Revised Edition 1996) revises the earlier versions of that Act and establishes the Natural Resources Board and composition and duties of that Board. The Act makes provision for the conservation and improvement of the natural resources of Zimbabwe. It provides for the determination of appeals by the Administrative Court. Additionally, it provides for the construction of works on Communal Land for the conservation of natural resources.

The Environment Impact Assessment (EIA) Policy, Ministry of Environment and Tourism (MET) was introduced in 1994, and attempts to minimize or eliminate impacts resulting from land and water use. This will be incorporated into the *Environmental Management Act* as law. That Act will also help to clarify its mandate and co-ordinate the responsibilities of all agencies, the private sector and the communities around land use and management of land resources.

The management of woodlands and forest products is embodied in the *Forest Act.* It provides for the management of wood resources throughout Zimbabwe although its focus is mainly on state and private land. The *Communal Land Forest Produce Act* applies to woodland and forest products usage on communal lands.

Protected areas in Zimbabwe cover 13% of the country and were established under the Parks and Wildlife Act. They include Parks and Wildlife state land, Botanical Reserves and Gardens. In addition, commercial forest covers 2%. Statutory provision for the protection of listed threatened species is applied where human activities prevent the recovery of their population.

8.3 Environment: Policy Gaps, Issues and Recommendations

8.3.1 THE SADC ENVIRONMENTAL PROTOCOL

The planned SADC Environmental Protocol has not yet been undertaken. Many of the environmental provisions relevant to the TFCA and TFP, however, are already covered under other sectors. An integrated framework for inter-sectoral cooperation on environment would be helpful.

8.3.2 POLICY AND INSTITUTIONAL CLASHES IN THE ENVIRONMENTAL ARENA

Environmental policies cover a wide array of areas within and among the three countries. There are specific policies governing pollution, specific sectors and resources (e.g., mining), and water and catchments. There are many laws that regulate biodiversity conservation and use, although legislation is somewhat fragmented, being spread across many national and provincial departments. There are clashes, especially regarding land use prescriptions, jurisdictions, and between differing agendas for ecological zoning and human requirements.

Promoting environmentally sound development is difficult. The tendency of countries in southern Africa has been to create parks as protection zones for flora and fauna, and exclusion zones for people. The development of TFCAs, where development and environmental conservation are expected to go hand-in-hand, will be a challenging process. It will need to be an adaptive and transparent process. The need to coordinate among agencies is key, as is the need to plan holistically.

The States are party to various international conventions, each with their own set of environmental prescriptions and mandates. Many of the national environmental policies and legislation are (or will be) based on the content of various international agreements so there is already a degree of harmonization among the countries. However, a myriad of mandates of the global conventions, the SADC agreements and other regional agreements all

> The development of TBNRMAs, where development and environmental conservation are expected to go hand-in-hand, will be a more challenging process. It will need to be an adaptive and transparent process. The need to plan holistically, to manage adaptively and to foster cooperation among players and agencies is key to the success of the TBNRMA.

need to be addressed in national policies, and this takes time. Policy formulation is a slow process and there will be need for on-going policy review and revision and harmonization. Not all policies and/or laws are up to date. The Environmental Protocol, when developed, will provide a framework for the integration of environmental laws and policies.

Because biodiversity issues cut across many diverse sectors, coordination is difficult. Effective enforcement of the laws is also a problem. Lack of resources and capacity at local level for enforcement render many laws ineffectual.

> ***Recommendation****: Promote an adaptive and transparent approach to GLTFCA development. Assist in the development or policies, institutions and instruments to foster holistic planning, adaptive management and cooperation among players and agencies.*

9. Tourism Development

9.1 SADC Tourism Sector

All Member States, with the exception of Angola, signed the SADC Protocol on the Development of Tourism in September 1998. The protocol is now with the member states for ratification – to date, it has been ratified by 7 member states, and requires ratification by two-thirds of the member states before it can come into force. The status of ratification in the three countries involved in the Great Limpopo Transfrontier Park is shown in Table 9. A copy of the Protocol on the Development of Tourism is attached in Annex F.

Table 9: Status of Ratification of the Protocol on the Development of Tourism among the countries involved in the Great Limpopo Transfrontier Park (as of October 2001)

Country	Signed	Ratified
Mozambique	Yes	No
South Africa	Yes	No
Zimbabwe	Yes	Yes

The objectives of the Protocol on the Development of Tourism are the following:

- To use tourism as a vehicle to achieve sustainable social and economic development through the full realization of its potential for the region;
- To ensure equitable, balanced and complimentary development of the tourism industry region-wide;
- To optimize resource usage and increase competitive advantage in the Region vis-à-vis other destinations through collective efforts and cooperation in an environmentally sustainable manner;
- To ensure the involvement of small and micro enterprises, local communities, women and youth in the development of tourism throughout the region;
- To contribute towards the human resources development of the Region through job creation and the development of skills at all levels in the tourism industry;
- To create a favorable investment climate for tourism within the Region for both the public and private sectors, including small and medium scale tourist establishments;
- To improve the quality, competitiveness and standards of service of the tourism industry in the region;

- To improve the standards of safety and security for tourist in the territories of Member State and to make appropriate provision for disabled, handicapped and senior citizens in their respective countries;
- To aggressively promote the region as a single but multifaceted tourism destination capitalizing on its common strengths and highlighting individual Member States' unique tourist attractions;
- To facilitate intra-regional travel for the development of tourism through the easing or removing of travel and visa restrictions and harmonization of immigration procedures; and
- To improve tourism service and infrastructure in order to foster a vibrant tourism industry;

Among the principles for achieving the objectives of the protocol (Article 3), are several policy-related principles, namely the following:

"The Member states shall:

- Facilitate private sector involvement and investment by providing incentives, infrastructure and the appropriate legal and regulatory framework;
- Fully involve the private sector and other stakeholders in the formulation of policies governing the operations of the tourism sector; and
- Formulate and pursue policies and strategies that promote the involvement of local communities and local authorities in the planning and development of tourism."

Harmonization of national policies and legislation is addressed by Article 4 of the protocol which states that "member states shall take all necessary steps both at national and regional levels to ensure that ...their national laws and policies are in harmony with and supportive of the objectives and principles set out in this protocol".

The SADC Tourism Sector Technical Coordinating Unit (TCU), currently located in Mauritius, will be incorporated into the Directorate of Infrastructure and Services, as part of the SADC reorganization.

Some of the priorities of the SADC Tourism Sector TCU are:

- Harmonization of Standards: the development of minimum acceptable international standards of service and value-for-money at tourism operations and the development of a standard grading and classification system for hotels, other accommodation establishments and ground operators.
- Harmonization of Tourism Legislation: support the process of comparing and reconciling the various pieces of national legislation in the region with a view to promoting the harmonization of tourism legislation in the region.
- Development of a Tourism Strategy.
- Promotion of the UNIVISA concept: "a tourism UNIVISA which will facilitate movement of international tourists in the region in order to increase the market share and revenue of the region in world tourism on the basis of arrangements to be negotiated and agreed upon by member States". In order to realize this it may be necessary to harmonize the immigration regulations and forms in member States.

9.1.1 REGIONAL TOURISM ORGANIZATION OF SOUTHERN AFRICA (RETOSA)

The Charter of the Regional Tourism Organization of Southern Africa, signed in September 1997, established the Regional Tourism Organization of Southern Africa (RETOSA). RETOSA is a body of SADC and legal entity, and is the promotional and marketing arm of SADC's tourism sector. The primary objective of RETOSA is to facilitate, encourage and assist in the development of legal and ethical tourism throughout the SADC region while taking due consideration of the overall development of the people, the region and the region's natural and cultural resources.

The specific objectives of RETOSA are the following:

- To encourage and facilitate the movement and flow of tourist into the Region, applying the necessary regional or national policies and mechanisms which facilitate the liberalizations of exchange control regulations;
- To facilitate a community and rural-based tourism industry and culture throughout the region;
- To develop, coordinate, and facilitate tourism marketing and related promotional opportunities into the Region by whatever mean, including internal and external collaboration, mutual marketing programs and utilization of legitimate methods focusing on the Region's quality, as a desirable and safe tourist destination and investment target.
- To encourage and facilitate international and regional transport, tourism training and accommodation classification
- To encourage and promote consistency in the quality and maintenance of tourism standards within the region;
- To act as a communication channel between the member states and organizations to enhance the Regions tourism and tourist confluence.

Membership of RETOSA consists of registered and nationally recognized private sector umbrella organizations and national public tourism authorities operating in Member states. Associate members include fee-paying private sector, public sector, and other organizations primarily involved in tourism in member states. Under the restructuring of SADC, RETOSA will be responsible to generate its own resources for its own operations.

The recent publication on Community-Based Tourism enterprises (SADC 2001) will greatly assist community based tourism operators to link to regional and international markets.

9.2 National Tourism Policies and Legislation

9.2.1 TOURISM POLICY IN MOZAMBIQUE

Mozambique does not have a recent tourism law. The framework for tourism is thus based on the *National Policy for Tourism and the Strategy for Tourism Development in Mozambique*. The Council of Ministers Resolution Number 2/95, May 30th, 1995, approved the *National Policy for Tourism and the Strategy for Tourism Development* (Government of Mozambique 1995). The objectives of the policy are to:

- Contribute to a better quality of life of Mozambicans
- Contribute to the reduction of exchange deficits
- Contribute to the equitable development of the country
- Contribute to national unity and the development of the people
- Contribute to the rehabilitation, conservation and protection of natural and man-made property, especially that of ecological and historical value, and to add value to cultural property.
- Portray a prestigious image of Mozambique

The policy lays out the priorities with regard to tourism for Mozambique and stipulates the importance of reforms in infrastructure and legislation to promote high quality regional tourism. The policy recognizes that the unique natural resources, including the flora and wildlife of Mozambique, should form the basis for its tourism. Tourism priority zones are identified in the policy, and the policy recommends partial protection for certain zones to ensure sustainable tourism development, and to provide protection to the natural resources base.

The National Directorate for Tourism and the National Tourism Company are both located in the Ministry of Commerce, Industry and Tourism (MICTUR). They are responsible for planning, managing and regulating tourism operations in Mozambique.

When peace returned to Mozambique there was a race to acquire plots of land in some tourist zones, especially in key coastal areas. This resulted in a situation where the government is now trying to plan around the existing developments. For example, in the Bazaruto area, hotel facilities have already been approved on many of the islands and beaches, although the fragility of the archipelago and the need to restrict development on the islands is now recognized. All tourism developments with possible adverse effects on the natural and/or social environment must undertake an Environmental Impact Assessment. This process will be overseen by MICOA, and they are responsible for reducing or eliminate adverse environmental impacts arising from tourism development.

9.2.2 TOURISM POLICY IN SOUTH AFRICA

In South Africa, tourism is the third largest foreign exchange earner after manufacturing and mining, and is poised to overtake mining in the near future. Tourism employs one in every 16 workers in South Africa (DEAT Annual Review 2001).

The *White Paper on Tourism 1996* is the key policy document for tourism in South Africa. It outlines the country's tourism strategy and notes that that the tourism industry in South Africa is still hampered by the lack of tourism education and awareness, and a lack of understanding, by many, of the economic and other opportunities that tourism presents. It mandates that tourism in South Africa must be private sector driven and must foster community involvement, and that the government must provide the framework for that involvement.

Tourism in South Africa is an area of concurrent national and provincial legislation. At present, there are several provincial tourism bills being considered, each with different provisions. The policies and actions are often overlapping among State and Province. The *Tourism Act* was developed in 1993 before the drafting of the White Paper, and is in need of revision.

The *Tourism Act 1993* has the following provisions:

- For the promotion of tourism;
- For the further regulation and rationalization of the tourism industry;
- For the maintenance and enhancement of standards;
- For the coordination of tourism industry players;
- For authorizing the Minister to establish a grading and classification scheme for accommodation establishment, with voluntary membership;
- For registration of tourism guides;
- To prohibit any person to act as a guide unless she/he has been registered
- To authorize the Minister to make regulations,

The two main tourism areas in need of legislative reform, as identified by the Tourism Law Reform Program (2001) are:

- Grading, classification and registration
- Consumer protection

As part of the search for sustainable tourism, researchers are seeking to develop sustainable tourism development guidelines (Spenceley 2001). Also, an umbrella group, the "Fair Trade in Tourism South Africa" is advocating collective marketing, capacity and networking and the concept the all partners involved in a tourism industry should get a "fair share" (Sief, J. 2001).

Tourism is still largely considered to be a white dominated industry in South Africa (DEAT 2001). The government has taken steps to target previously disadvantaged people to benefit from local and foreign tourism, such as the Business Trust, through the Tourism Enterprise Program (TEP). TEP is a partnership project of Business Trust and Ebony Consulting International that facilitates the development of linkages between historically disadvantaged small businesses in South Africa and the SANP. TEP has undertaken an extensive marketing research activity to provide detailed information for decision-making, and has developed a detailed strategic plan which identifies opportunities and

recommends systems to develop and promote linkages between SANP and historically disadvantaged entities (HDEs) and Small, Medium and Microenterprises (SMMEs) within South Africa.

DEAT is supporting the development of an Integrated Regional Tourism Plan for the Great Limpopo Transfrontier Park and wider area, possibly extending to the coast of Mozambique. This activity was awarded to a private sector firm, KPMG, and is still underway.

South African Tourism (SATOUR) is the South African national tourism agency that markets international tourism for the country. It is governed by a board of 13 members appointed by the Minister of Environmental Affairs and Tourism. South Africa aims to make tourism the leading economic sector in South Africa and to promote sustainable economic and social empowerment of all South African citizens. In November 1999, a ZAR 155 million international marketing campaign was launched to promote private and public sector tourism for the new millennium. The Business Trust, the Department of Environmental Affairs and Tourism and the Tourism Business Council of South Africa have entered a partnership program for this purpose.

Tourism in South Africa was estimated to generate an estimated 775,000 jobs in 1999 and earn an estimated R 31 billion in revenue (SATOUR 2000).

9.2.3 TOURISM POLICY IN ZIMBABWE

The *Tourism Act (Chapter 14:20) 1996* establishes the Zimbabwe Tourism Authority and describes the functions and provides for the appointment of a Chief Executive of that Authority. Additionally it provides for the designation, registration and grading of tourist facilities and for the licensing of persons who provide services connected with tourism. It also specifies the imposition of and collection of levies in respect of designated tourist facilities.

Wildlife-based Tourism in Zimbabwe is addressed in the *Policy for Wildlife* (1992), which outlines the key roles for the Department of National Parks and Wildlife Management in developing a sound international domestic tourism industry. The policy, in section 4.5 describes the cooperation of DNPWM with the national tourist authority and also states "this (cooperation) may extend to the promotion and coordination of wildlife-based tourism in the SACD region".

The Zimbabwe Tourism Authority (ZTA) is a parastatal falling under the Ministry of Environment and Tourism (ZTA 2001). Functions of the ZTA include:

- Promoting Zimbabwe as a tourist destination and promoting the tourist industry in overseas, regional and domestic markets
- Developing marketing skills and initiatives within the tourist industry
- Promoting high standards in the tourism industry though the establishment of standards, training and human resource development
- Registering and grading designated tourist facilities
- Promoting the development of tourist facilities
- Planning for the tourist industry, including conducting market research and developing a tourism database
- Promoting consultancy and advisory services in relation to tourism
- Making recommendations to MET
- Carrying out functions conferred or imposed by the authority of the Tourism Act Chapter 14:20 of 1996.

9.3 Tourism Policy Gaps, Issues and Recommendations

The destinations within the Transfrontier Conservation Area will include the GLTFP as well as other Mozambican Parks and a variety of private conservancies, game ranches, community tourism areas,

and other private sector establishments. The TFCA will perhaps link into the Bazaruto area of Mozambique as a combined wildlife/beach tourism destination.

An integrated tourism plan is being prepared for the Great Limpopo Transfrontier Park at this time. But there is need for a wider plan that embraces the TFCA and incorporates logical tourist "routes" and links the host of establishments and attractions within the area. In developing an integrated tourism plan it is important to liaise inter-sectorally and to coordinate with other land use planners. For example, the proposed Mapai Dam in Mozambique can alter the possible activities in that area. Coordination with other entities is essential.

> ***Recommendation****: There is need for an integrated tourism plan, and tourist maps, for the whole TFCA.*

9.3.1 RETOSA INVOLVEMENT

RETOSA is the marketing arm of SADC for promoting and marketing tourism, and could play a key role in the marketing of the GLTFCA. This possibility should be pursued.

9.3.2 GRADES AND STANDARDS

Each of the countries has differing grades and standards for its tourist establishments. Consumer protection is an emerging concern in the region. There has been some discussion about a system where tourism establishments would meet certain standards to be entitled to use a GLTFP logo in their advertising. This would need to be carefully reviewed to make sure it did not promote "big business" to the exclusion of smaller operators or community-based tourism activities.

9.3.3 TRANSPARENCY AND EQUITY ISSUES

Transparency and fair practices in tendering and awarding tourism concessions is extremely important in the TFCA context. Fairness in tourism employment and in equitable shares of tourism products is also an emerging issue, as is "sustainable" tourism.

> ***Recommendation****: Assist the governments in developing transparent tendering and concession awarding processes, and implementing them in a way that encourages legitimate tourism operators and discourages those that seek to take advantage of perceived opportunities at the expense of local communities in the three countries.*

10. Land And Natural Resource Rights: Community Involvement and Community Based Natural Resources Management (CBNRM)

10.1 Community-Based Natural Resources Management (CBNRM)

In many African countries, land and resource rights were taken from local communities and transferred to the authorities of colonial, and then central governments. Communities became more disempowered, and less involved in the management of and responsibilities toward their land and resources. With this came decreased accountability and resource depletion. The wildlife, forests, fisheries, watersheds and soil fertility have been declining, in part, due to unsustainable use of resources by communities. Decentralization policies and community-based natural resources management (CBNRM) seek to restore the "legality" of sustainable resource management and use by local communities, thus accruing benefits to the communities and increasing their accountability towards the resources, ultimately improving the health of the resources themselves.

CBNRM is quite prevalent in southern Africa with the CAMPFIRE program in Zimbabwe, LIFE program in Namibia, ADMADE program in Zambia and NRMP program in Botswana. In South

Africa, there is less felt need to develop CBNRM, and the emphasis has been more on the development of individual small and medium enterprises. Mozambique has several CBNRM activities underway.

A variety of public-private-NGO-community partnerships and arrangements support community involvement in NRM. NGOs often work with communities and partners to help facilitate the CBNRM process, and to strengthen local government and institutions so that they can carry out the process. They may supply services to communities, facilitate marketing of community products or services, provide advocacy or training, help build local capacity, help develop systems for monitoring of natural resources, etc. It is important that NGOs assist the communities through empowerment, and not through assuming decision-making or other roles that are reserved for community members.

Today it is recognized that there are an array of tools and methods that can be used to foster community involvement in conservation and natural resources management. Key to the process in all cases are that communities have secure resource rights, that economic and/or other benefits must accrue to the community, and that the utilization of natural resources must be sustainable. Real decision making powers and secure resource and land rights still elude many local people in the region, despite the efforts of donors and NGOs (Katerere et al 2001). Devolution of rights over land and resources to local people remains a difficult process in southern Africa.

Table 10: The Continuum of Participation in Community-Based Natural Resources Utilization and Management

EXCLUSION	**<<**	**PARTICIPATION**	**>>**	**CONTROL**
Exclusion From State Land	**Participation** On State Land	**Collaborative Management/ Co-management** On State Land	**CBNRM** Secure land / resource rights and benefits (on customary or communal land)	**CBNRM** Secure land / resource rights and benefits (on Private or Group-owned land)

10.2 Land and Natural Resources in Mozambique: Community and Private Considerations in Mozambique

10.2.1 MOZAMBIQUE LAND POLICY

According to the *Constitution of the Peoples' Republic of Mozambique* (1975), the State retains ownership of the "land and natural resources located in the soil and subsoil, in territorial waters and on Mozambique's continental shelf". It also retains the right to decide the conditions of their exploitation and use. Recognizing the need for modernization in post-conflict Mozambique, the Land Commission was charged with the development of a program to upgrade the Land Law and to modernize and upgrade the relevant institutions and services to implement the new policy and law.

The *Land Policy (1995)* maintains that land ownership is vested in the State, but recognizes the legitimacy of customary law, including traditional use rights, and the role of local leaders in land management and conflict resolution. It also promotes food production, develops family agriculture, promotes private investment, preserves areas of ecological and natural resource interest, and updates the taxation system. The policy provides the framework for the Land Law (1997).

The *Land Law 1997* states that land is State property and may not be sold. It provides a legal basis for demarcating areas for total protection and conservation (Article 7) and for zones of partial protection

(Article 8). The latter provision provides for the conservation and management of ecologically sensitive habitats and riparian vegetation, along with their associated species.

The *Land Law* also provides for the participation of local communities in the management and protection of natural resources. Specifically it allows rural local communities to participate in:

- The management of natural resources
- The resolution of conflicts
- The titling process
- The identification of the areas they occupy

The *Land Law Regulations* for implementation of the law were passed by the Council of Ministers (Decree No 66/98, December 8, 1998).

10.2.3 PEOPLE LIVING IN COUTADA 16

Coutada 16 is the Mozambican component of the GLTFP and an integral part of the proposed TFCA. It is expected that Coutada 16 will be declared a national park within the next few months. It is estimated that there are between 10,000 and 20,000 people now living inside the area (IUCN 2001). There is urgent need for a policy addressing the future of those communities. Additionally there is need for a master plan to include these people, and other communities throughout the TFCA, in economic development activities associated with the TFP/TFCA.

10.2.4 POLICY IMPEDIMENTS

In Mozambique, CBNRM is quite new, and there are several activities underway, notably the community forestry activities assisted by FAO and some of the IUCN work in rural areas. The evaluation of the FAO community forestry programs, currently being undertaken, identifies the lack of clear policy guidelines as one of the main impediments to progress (E. Mansur pers. comm.).

10.3 Land and Natural Resources in South Africa: Community and Private Sector Considerations

10.3.1 LAND AND PROPERTY RIGHTS

Historically, under South African common law, the state has had authority to regulate and control the manner in which property, including biological resources, is utilized. The Bill of Rights supports this, but asserts that nobody should be deprived of property.

10.3.2 KRUGER NATIONAL PARK: NEIGHBORING COMMUNITIES

Kruger National Park (KNP) stretches along the border with Mozambique for 350 km up to the northern border with Zimbabwe. KNP generates approximately 75% of the SANP tourism and trade revenue (TEP 2001). The communities living along the southern and western borders of the park, however, did not share in the affluence of the park and often resented the fact that they were fenced out, did not have access to graze their animals or collect firewood, and could not share in the dollars brought in by the park. Recently KNP has helped to establish a platform for the communities to interact with SANP. Several community "forums" were created, with the idea that they would meet regularly with SANP to interact, and to voice concerns. A policy for the involvement of these forums in the TFP and TFCA needs to be developed.

10.3.3 LAND CLAIMS WITHIN KRUGER NATIONAL PARK

Several communities have lodged claims for land inside KNP, based on ancestral use or possession of those areas. A number of claims to land within the park have been settled, including those of the Makuleke Community, Mhinga Community, and Mariyetta Corridor. The Makuleke, for example, are now partners with Kruger National Park in a "contract park" situation. Other land claims within Kruger National Park are still outstanding (Table 11) .

Table 11: Outstanding Land Claims within the Kruger National Park (from the SANP Land Claims Report September 19, 2001)

Claimant	Area claimed
Four Ba-Phalaborwa Tribes	***Area between the Olifants and the Great Letaba Rivers within Kruger National Park***
Mathebula (Makhuva)	Letaba Area within Kruger National Park
Hoyi Community	Matsulu Regional in the southwestern part of Kruger National Park
Mnisi Community	Orpen Gate section of Kruger National Park and the Manyeleti Game Reserve
Ntimana (Phabene)	Pretorius and Phabene areas of Kruger National Park

10.3.4 TRANSFORMATION STRATEGY

SANP has a commitment to *Transformation*, a term which is used in South Africa mainly to portray the process of addressing imbalances from the past apartheid era. SANP has adopted a Transformation Statement as part of their operations. The transformation statement reads as follows:

> "Transformation is a process that should inform all the business of SANP, also being manifested in the Act and the Strategic Plan. In particular the process is concerned with:
>
> - Fundamental corporate cultural change across the organization resulting in constructive and appropriate structures that support SANP's advisory, policy and operational functions.
> - Development and implementation of access and equity, and equal employment opportunity policies, including corrective action to address gross imbalances in staff profiles and the employment conditions enjoyed by individuals in the organization;
> - Access and involvement of all stakeholders in the change process to ensure participatory democracy and ownership of the transformed agency, including reconciliation with communities adjacent to SANP through their economic and cultural empowerment;
> - Making major changes whilst maintaining the best of the past, releasing the potential of the staff and opportunities of SANP through a dynamic and vibrant process that is driven by all personnel;
> - Development of the SANP as a public agency in the service of the South African society and the world at large by ensuring the full ownerships of it by a democratic nation" From SANP Transformation Policy

The Social Ecology department of SANP has taken steps to involve the park neighbors in economic opportunities associated with SANP. The department identified historically disadvantaged enterprises (HDEs) that could be potential suppliers of goods or services to the parks. The list for Kruger, for example, consists of over 100 entities, ranging from women's groups that produce crafts, to plumbers/builders, to tour operators, to poultry farmers. As part of KNP's commitment to involve neighboring communities in the economic and commercial activities of the park, SANP sponsored a Contractor Development Program, a training and registration program, which included the setting up of a Steering Committee with representation from the neighboring communities.

10.3.5 POVERTY RELIEF PROGRAM

The Department of Environmental Affairs Poverty Relief Program is aimed at selected poverty relief activities in the tourism and environmental sectors with a special focus on infrastructure investment and product development (DEAT 2001). One of the priority areas associated with that program is to

assist poor communities associated with Transfrontier Conservation Areas, like the Great Limpopo Transfrontier Conservation Area.

10.4 Land and Natural Resources in Zimbabwe: Community and Private Sector Considerations

The development of the TFCA presents an economic opportunity for the development of the southeast lowveld region of Zimbabwe. The proposed new border crossing offers the opportunity for more visitors and tourists to come through into that area. Also, it offers the opportunity for some of the private game farms and conservancies, as well as the community areas, to link up with the TFCA as an integrated tourism and ecological package.

10.4.1 CAMPFIRE PROGRAM

The Communal Areas Management Program for Indigenous Resources (CAMPFIRE) is the most well known CBNRM program in southern Africa. It has benefited from a CAMPFIRE consultative group of strong NGOs, government institutions and research institutions.

In 1982 the *Parks and Wildlife Act* was amended to allow rural people to benefit from their wildlife, by awarding appropriate authority (AA) to the RDCs. The first district was given AA in 1989 and to date, of Zimbabwe's 57 districts, 37 have been given AA. Interestingly the number of rural areas applying for CAMPFIRE status has increased due to the fast-track resettlement taking place there (Charles Jonge, pers. comm.).

In Zimbabwe, community-private sector partnerships are very important and communities, through the rural district councils, often partner with professional safari operators for photographic tourism, adventure tourism and/or hunting. The revenue sharing arrangement is not dictated, and periodically there have been reports of problems with RDCs distributing the funds to communities. The Rural District Council retains 15% of revenues as an administrative tax for managing the program. Today, CAMPFIRE communities value wildlife for the significant annual income it earns them. Under the CAMPFIRE program, Zimbabwe's elephant population has increased to over 70,000 with about a quarter of that number on community lands (SADC-NRMP 1999).

Several CAMPFIRE Communities have expanded their activities to include non-wildlife based CBNRM, which is providing alternative income-producing enterprises. However, the legal basis for utilization of the resources is somewhat uncertain. Policy review and enabling legislation is needed to enable CBNRM initiatives to proceed with clear regulatory guidelines regarding the utilization of these resources, rather than operating in the current atmosphere of uncertainty.

10.4.2 SENGWE AREAS

> "A corridor to link the KNP and Coutada 16 up with Gonarezhou will be created through the Sengwe Communal Lands to enhance the tourism potential"
>
> *Draft GLTFP JMP 2001*

The "Biodiversity Corridor" within the GLTFP is located in the SE area of Zimbabwe, and links Kruger National Park with Gonarezhou National Park. There is need to develop a clear policy on Sengwe participation in the GLTFP, i.e., recognition as a legitimate partner with representation on the Management Board. The policy regarding the "corridor" must be clarified, and there may be need to develop a management plan for this area. The other areas within the TFP are covered by national park management plans, but the management of this area, as well as the array of activities that the communities could undertake there, are not clear.

> ***Recommendation:*** *As a matter of priority, facilitate a process to clarify the involvement of the Sengwe people in the TFCA. The process should be participatory and should, at a minimum, address equity, economic, representational and fencing*

issues. This may need to involve the development of a strategic plan or management plan for the Sengwe Corridor.

10.4.3 DECENTRALIZATION IN ZIMBABWE

The Rural District Councils Act gives councils the power to plan and control land use at the district level. User rights to forest and land resources belonging to the Government have been decentralized to Rural District Councils. The Government has introduced programs to improve the decentralized planning and management of land resources. For example, in 1996, the MLGRUD introduced a nation-wide capacity-building programme for Rural District Councils (RDC), designed to increase local authorities' capacity in terms of human resources, institution building and human resources development. The process empowers local authorities to make policies, plan and manage resources and take effective action at the local level, based on locally driven approaches.

Decentralization has allowed communities in Zimbabwe to participate in and benefit from the CAMPFIRE program. CAMPFIRE critics point out that the decentralization process in Zimbabwe stopped at district level, rather than continuing to community level to empower the communities themselves.

10.5 Community Involvement Discussion

The involvement of communities in the TFP and TFCA needs to continually be brought forward as a priority agenda item. Communities are key stakeholders and must be represented, and must benefit from the TFCA. In Mozambique, there is considerable groundwork that needs to be done to organize representative community groups. In South Africa, many communities and rural people on the periphery of Kruger are seeking ways to become involved. In Zimbabwe there are CAMPFIRE communities within the GLTFP and GLTFCA that are ready for a graduation into "second generation" CBNRM activities, where they can develop mechanisms to invest their money in enterprises and businesses to effectively "become" the private sector.

Recommendation: *Support community organization and the development of representative community groups within the TFCA. Support "second generation" CBNRM where appropriate. Assist the development of a process and structure for including community voices and representation on the TFP and TFCA management entities.*

Recommendation: *Assist the development of clear regulatory guidelines to allow community-based initiatives to proceed in the TFCA. This should include the review of legislation in those areas related to land and resources ownership/utilization to provide secure resource rights.*

11. Private Sector Participation in TFPs and TFCAs

All three countries have policies, which encourage private sector participation in TFPs and TFCAs. In South Africa there are a number of private game reserves and lodges along the western border of Kruger that are integrally fused to the park. In Zimbabwe there are an array of private sector and private sector community partnerships that are related to the TFP and TFCA. Chilo Lodge, for example, is a private sector luxury lodge bordering Gonarezhou NP that is built on community land per a lease arrangement with the RDC (on behalf of the Mahenye communities). A portion of the proceeds from the lodge goes to the local communities, and this arrangement also creates jobs for local people. In Mozambique, planning is underway for private sector establishments.

11.1 Integrated Planning for TFCA development

Policies and legislation in all three countries restrict the activities that can take place within the GLTFP. There are many issues regarding development of infrastructure, especially in or adjacent to the GLTFP. But equally important is to coordinate the planning and development of the areas outside the park, within the wider TFCA. There is need to foster integrated planning among the entities. It is expected that the Mozambique government will declare Coutada 16 as a national park within the next few months. With assistance from Peace Parks Foundation, a management plan for Coutada 16 is being prepared. This process needs to be linked to the development of the wider TFCA plan.

> ***Recommendation:*** *Undertake activities to foster integrated planning and policy formulation among the TFCA entities. Assist the formulation of policies regarding infrastructure and tourism development; especially inside and adjacent to the TFP, and also in other key areas within the TFCA.*

11.2 Enterprise Development in the Parks and in the Interstitial Areas

Essential to the creation of a viable TFCA is the development of sustainable enterprises throughout the area. The need for strong rural enterprises based on natural resources and tourism has been mentioned elsewhere in the report. This process, indlucing the formation of privat-public-community-NGO partnerships, must be fostered.

> ***Recommendation:*** *support the development of a transparent process for tendering, selecting and awarding concessions within each country and among countries.*

12. Other Policy-Related Issues

12.1 Differing Priorities and Agendas Among the Three Countries

All three countries recognize the importance and potential contribution of the GTFCA and the GLTFP to the ecosystem management of the area and to the economic development of the area. However, there are different priorities and agendas in each of the countries that affect the policy context and implementation decisions. Furthermore, the playing field is not level among the three countries in terms of current development levels, resources available and/or infrastructure development. The following briefly contrasts the differing priorities and agendas that affect the policy and transfrontier context.

12.1.1 MOZAMBIQUE PRIORITIES AND APPROACHES

Mozambique has an urgent need to provide poverty alleviation strategies and economic development opportunities and infrastructure in rural areas. The country has embraced an ecosystem approach coupled with a rural development focus. Thus the TFCA has by far more importance to Mozambique than merely the GLTFP does. Mozambique needs to spark sustainable natural resources-based enterprises, build basic infrastructure, and attract investment. The creation of logical tourism circuits that include coastal as well as wildlife attractions is of primary interest. There has been considerable discussion about instituting a participatory approach in Mozambique, but little on-the ground action in this area so far. With regard to the future of Coutada 16 residents, once the hunting block has been pronounced a national park, the government seems to show a preference for creating incentives outside the protected area to entice voluntary relocation of Coutada 16 residents, rather than for requiring relocation.

Since much of the wildlife in Mozambique was decimated during the war, there is need to promote recovery in wildlife areas. The restocking of wildlife in Coutada 16 from Kruger stock is welcome, however, the transfer of wildlife before systems are in place on the Mozambique side is counterproductive and could result in severe conflict at community level. Mozambique also faces downstream water issues – including pollution, salinity, and reduced flow. The development of agreements on international rivers is a priority for the country.

12.1.2 South Africa Priorities and Approaches

South Africa is by far the most developed country with the most significant infrastructure and resources of the three countries involved in the TFCA. South Africa's current agenda is focused on conservation and on the expansion of formal protected areas. Kruger already has a high occupancy rate and produces 75% of the revenue of all parks within South Africa. The potential to sell elephants to Mozambique for restocking of Coutada 16 is a welcome avenue to reduce numbers in Kruger, especially since the park was denied a request to cull 1000 elephants last year. National Parks controlled by SANParks are usually areas with distinct separation of wildlife and people by fences, and this model is being advocated for the GLTFP. The historical approach to park management in South Africa has been a top-down approach, and SANParks is working towards developing a more participatory style. South Africa is keen to move forward with the GLTFP and has set a pace that leaves it neighbors running to catch up. However it is questionable how motivated South Africa will be to establish the wider TFCA, once the Transfrontier Park is in place.

12.1.3 Zimbabwe Priorities and Approaches

The current process of land occupation, land acquisition and resettlement has altered the land use structures and patterns throughout Zimbabwe. Wildlife and habitat have been destroyed in many areas in the country, and the destruction and poaching is still ongoing. Reportedly settlers have moved into the national parks in some areas, including the northern part of Gonarezhou. The future tenure and land-use on individual properties remains in limbo and there is a definite need for strategic planning to identify and optimize appropriate land use once the situation stabilizes.

With this crisis as the backdrop to the ongoing formation of the GLTFP, it has been difficult for Zimbabwe to participate meaningfully. Nonetheless, the value of the TFCA, especially to the conservation and economic development of the lowveld, is widely recognized in Zimbabwe. The country would like to increase tourist numbers in the Gonarezhou area, and increase options for viable livelihoods in the areas near the park. The TFCA certainly offers that potential. As in Mozambique, the priority potential for Zimbabwe lies in the establishment of the wider TFCA, not just the park. The new border crossings and the prospect of Kruger visitors entering Zimbabwe, as well as the prospect of developing tourist circuits that link Zimbabwe with coastal destinations in Mozambique, is welcome. In contrast to South Africa, Zimbabwe has wildlife both in and outside protected areas and has a history of a participatory approach and community involvement with wildlife through the CAMPFIRE program. With regard to wildlife disease, Zimbabwe has been able to establish and maintain disease free herds and areas, and has need to preserve a disease free export zone. The movement of infected animals from Kruger poses a distinct threat, and therefore proper fencing and monitoring is extremely important to Zimbabwe.

12.1.4 Recommendations Regarding Differing Priorities and Approaches

The differing priorities and approaches of the three countries affect policies at all levels. Certainly the national policies are formulated to capture the national priorities. Because of the differing developmental status among the countries it is likely that the approaches and priorities will differ for some time. But in the area of the Transfrontier Park and Conservation area development and management, the need for cooperation will encourage collaboration. Perhaps the most important step that can be taken to assist the development of policies that adequately take into consideration the differing agendas is to ensure wide and representative stakeholder participation on the transfrontier and joint management entities, and promote accountability among these entities.

> ***Recommendation:*** *Take steps to ensure wide and representative stakeholder participation on the transfrontier and joint management entities, and promote accountability among these entities.*

The domination of the protected area agencies in the TFCA endeavor has precluded involvement of other stakeholders. Agencies need to work together on these issues. There is a need for the sharing and exchange of information in an inter-sectoral fashion.

> ***Recommendation:*** *Promote the sharing and exchange of information in an inter-sectoral fashion. Foster the discussion of TFCA plans and issues at a variety of national forums, among private sector, communities, government and other stakeholders.*

12.2 Treaty Issues

12.2.1 THE GLTFCA

The Treaty mainly concerns the GLTFP. It mentions the GLTFCA and then does not refer to it again. This leaves some question as to the intention and jurisdiction of the Treaty with regard to the GLTFCA. Also the Treaty does not refer to the possibility of "community" or "communal land" inclusion in the future GLTFCA, a very conspicuous omission.

> ***Recommendation:*** *It is recommended that the Treaty be reviewed with regard to the matter of adding language to set the stage for "community" inclusion in the TFCA.*

12.2.2 BOUNDARIES OF THE GLTFP

The sections of land and protected areas to be included in the GLTFP are named in the Treaty. Consultation with communities on those lands included in the GLTFP was minimal, and has created feelings of non-inclusiveness. The management of the community lands that make up the "corridor" and the role that they will play in participating in park activities and benefits is unclear.

> ***Recommendation****: It is recommended that all parties agree to an inclusive, participatory and consultative approach.*

12.2.3 BOUNDARIES OF THE GLTFCA

In establishing the boundaries of the TFCA, there is need for a consultative process. This situation must be guided by a participatory approach to identify the appropriate establishment of the TFCA boundaries to include conservancies in Zimbabwe and/or other areas. The "shaded areas" that depict the proposed boundaries of the TFCA on the official maps appear arbitrary. They do not necessarily reflect the wishes of people living on the ground, and do not necessarily establish logical ecosystem boundaries.

> ***Recommendation:*** *There is a need to plan a process to establish equitable and agreed to boundaries for the proposed TFCA and to incorporate the appropriate areas.*

12.3 Management Issues

Many of the policy issues that were identified are management-level issues. The most important are addressed below:

12.3.1 REVENUE SHARING

The sharing of revenue generated by park entry fees and by establishments inside the park is a hotly debated issue that needs immediate resolution. The process for decision-making of this sort should be participatory and inclusive.

> ***Recommendation****: As a priority, develop a policy for equitable sharing of revenue within the GLTFP based on a participatory and representative process to reach agreement among stakeholders.*

12.3.2 TRANS-BORDER MANAGEMENT ISSUES

There are a host of issues concerning customs and immigration, location of border posts and entry points, law enforcement, immigration, smuggling issues, extradition, etc. Appropriate committees need to be formed by the Joint Management Board to address these issues.

13. Gaps Between Policy and Practice

Policies and legislation are often supportive of rural livelihoods and empowerment, but this has often not yet been translated into practice on the ground. The nature, language and style of legislative documents often do not lend themselves to direct translation into action. (Spencer). Opportunities to become involved in tourism and natural resources based enterprises are provided for in the policy, but need to have clear guidelines or translation into everyday language to enable participation.

Enforcement of policies and legislation is another major issues. Countries often do not have the resources to place adequate enforcement officials on the ground. The lack of roads, or poor condition of roads, makes access to some areas very difficult, especially during the rainy season.

> ***Recommendation****: Translate relevant policies, tendering processes, and guidelines into everyday language to assist normal citizens to understand the process and to be able to more effectively participate.*

14. Summary of General Policy and Legislation Issues and Needs

Many differences in policies and legislation have been noted in this document, and there are general recommendations presented throughout the document. There is clearly the need for policy harmonization in certain areas. This report has focused on policies that present possible impediments to the creation and management of the GLTFP and the GLTFCA. Many of the policy issues that directly affect the creation and management of the TFP are management-level policies.

Annex A is a summary of the key policy issues that directly affect the implementation of the GLTFP and GLTFCA, and the proposed actions. To address all of these issues would require actions by a number of players, agencies and donors, at a variety of levels. Those actions that are more appropriate for project level interventions are outlined in bold print.

Part Four: Recommendations for Targeted Activities to Improve the Policy Environment

15. Overview of Proposed Project Level Policy-Related Activities

This section concentrates on project level recommendations. The above sections have discussed a wide array of policy and legislation issues, gaps and recommendations. The **Summary Table (Annex A)** presented a number of those issues and recommendations, and outlined in bold those areas that may be appropriate for project level interventions. This section lists and briefly discusses the targeted interventions where the USAID/DAI GKG Initiative could make a difference in improving the overall enabling policy environment (Table 12). It is not suggested or expected that the project will seek to undertake all of the activities. The list is illustrative, and the DAI GKG Transboundary Initiative team will need to consider each proposed recommendation in light of their priorities, the interactions with other donors and partners, and the project timelines.

Table 12: Possibilities for activity-level interventions for the USAID/DAI GKG Initiative to improve the overall enabling policy environment governing the GLTFP and GLTFCA.

POLICY ISSUES	PROPOSED INTERVENTION
Policies have not yet been translated into practice on the ground.	• Establish pilot projects related to NR/ tourism in the TFCA to "test" new policies and build on synergies; • Translate selected policies, legislation, processes, and/or guidelines into everyday language to assist normal citizens to understand the process and to be able to more effectively participate (as needed to establish pilot projects);
Revenue Sharing Policy for Great Limpopo Transfrontier Park	• Undertake actions to develop, and reach agreement on, a policy for equitable sharing of revenue within the GLTFP based on a participatory and representative process among stakeholders;
Policy for management of the "Biodiversity corridor" within the GLTFP.	• Develop a policy with regard to the Biodiversity Corridor and its management. • Facilitate the resolution of the management and representation issues in the biodiversity corridor. This process must include Sengwe representatives. • If needed, support the development of a management plan for Sengwe lands; • Consider support to second generation CBNRM activities in this area;
Veterinary and Fencing Policies	• Support the development of policies and agreement among the three countries on wildlife diseases and veterinary issues, and fencing. These are volatile issues and require stakeholder involvement and donor coordination. • Encourage the development and implementation of a wildlife disease monitoring system for the TFP and wider TFCA;
Need for TFCA policies	• Support the process of defining the institutional structure, management plan, and draft agreement for the TFCA. It is recommended that the Management Board or Authority for the TFCA must contain wider representation than that of the transfrontier park, and should include local/district government, private sector and community representation to reflect the variety of stakeholders within the area; • Undertake a participatory process to identify the appropriate lands for inclusion in the TFCA and boundaries. This will require considerable stakeholder involvement;

Representation on management entities and inter-sectoral cooperation	• Develop inter-sectoral forums and/or networks to promote the sharing and exchange of information in an inter-sectoral fashion, and to increase awareness of TFCA plans, issues and economic opportunities among private sector, communities, government and others; • Foster the interaction of TFCA implementing agencies with River Basin Commissions and Water Development entities for the purpose of harmonizing the overlapping transboundary agreements and promoting integrated planning and monitoring.

The interventions proposed as possible activities for the DAI/GKG project are further described below:

15.1 Undertake Pilot Activities in the TFCA to "operationalize" Policies

This recommendation involves the establishment of pilot activities related to natural resources use and tourism in the GLTFCA, to "operationalize" and test new policies and to develop models for establishing enterprises or activities to provide economic benefits to rural people within the GLTFCA. The project should seek to identify and support a few key on-the-ground natural resource-based or tourism-related pilot activities within the GLTFCA. The pilot activities should build on synergies, for example, by promoting the advancement of "second generation" CBNRM within the Sengwe Communal Area of Zimbabwe, while assisting the process of management policy development for that area (see 15.5). The challenges and progress of the activities should be documented to provide lessons for further development. This activity may need to involve the translation of selected policies, legislation, processes, and/or guidelines into everyday language as tools to assist normal citizens to understand the process and to be able to more effectively participate.

15.2 Facilitate the Development of a Revenue Sharing Policy for Great Limpopo Transfrontier Park

The sharing of revenue among the three countries involved in the Great Limpopo Transfrontier Park is a contentious issue. Kruger National Park has the most developed infrastructure. Gonarezhou has limited infrastructure, while Coutada 16 has virtually none at this time. The first Transfrontier Park in Africa, the Kgalagadi Transfrontier Park, has developed an arrangement where the gate entry revenues for the TFP are split evenly between the two countries, while the revenues from the "rest camps" stay with the country where they were generated. Such an arrangement for the GLTFP is probably not in the cards, due to the enormous disproportion of income generated by Kruger as compared to the other two countries, and the fact that most visitors in the foreseeable future will enter the TFP via Kruger. Arguably, all countries should get a share of gate entry revenues, regardless of which country the visitor enters. In order to promote cooperation and to arrive at a fair and agreeable solution to this issue, it will be necessary to hold a series of meetings among the joint management board members and other stakeholders. The process should result in a policy regarding revenue sharing for the park. Simultaneously, the group can review the proposed entry points and border posts to gain agreement. It is proposed that the DAI/GKG project support this process.

15.3 Assist in the Development of a Policy for Management of the "Sengwe Corridor" within the GLTFP

It is proposed that the GKG TBNRM Initiative (DAI project) facilitate a process to clarify the involvement of the Sengwe people in the GLTFP and GLTFCA and to develop, if necessary, a management plan or strategic plan for the Sengwe Corridor. The process should be participatory, and involve all stakeholders, and should, at a minimum, address equity, economic, representational, management and fencing issues. Some landmines remain within the portion of the Sengwe communal

lands that falls within the proposed biodiversity corridor, and their removal will pose an added challenge for the development of this area. The establishment of a border post in the Crooks Corner area will allow a flow of tourists into Zimbabwe. This process may require several stakeholder meetings.

15.4 Assist in the Development of Veterinary and Fencing Policies for the TFCA

DAI/GKG should support the development of policies and agreement among the three countries on wildlife diseases and veterinary issues, and fencing. These are volatile issues and require stakeholder involvement and donor coordination. The project should also encourage the development and implementation of a wildlife disease monitoring system for the TFP and wider TFCA.

15.5 Advance TFCA Policies and Planning

Ideally the formation of the GLTFP would be the first phase of a wider plan for the proposed GLTFCA. Unfortunately, the vision of the transboundary cooperation is clear only through the development of the TFP, and thereafter, the situation becomes rather hazy. It is anticipated that DAI/GKG can play a key role, along with other donors and partners, to help lay the foundation for policy and planning of the TFCA. It is recommended that this process begin immediately. The proposed activity components might include support to the following:

- The process of defining the appropriate joint management arrangement for the TFCA. The Management Board or Authority for the TFCA must contain wider representation than that of the transfrontier park, and should include local/district government, private sector and community representation to reflect the variety of stakeholders within the area;
- The process of developing a draft transboundary agreement for the TFCA;
- The process of developing a management plan, management agreement or set of common management policies for the TFCA;
- A participatory process to identify and reach agreement on the appropriate lands for inclusion in the TFCA and to identify boundaries, if necessary. This will require considerable stakeholder involvement.

15.6 Foster Inter-sectoral Cooperation Within and Among Countries

Inter-sectoral cooperation is key to the harmonization of policies governing the TFCA. The following are possible activities that could lead to increased inter-sectoral cooperation:

- Assist the formation of forums and/or networks to promote the sharing and exchange of information in an inter-sectoral fashion, both within and among countries, and to increase awareness of TFCA plans, issues and economic opportunities among private sector, communities, government and others.
- Foster the interaction of TFCA implementing agencies with River Basin Commissions and Water Development entities for the purpose of harmonizing the overlapping transboundary agreements and promoting integrated planning and monitoring.
- Once key SADC protocols have been ratified, promote the sharing and explaining of the provisions within the region, not only within the respective sector, but also among the other sectors. The protocols have already considered and addressed many of the transboundary issues that are cropping up within the TFCA and can be valuable tools to guide the process of cooperation. The JMB should be made aware of the SADC provisions, either through actions of the legislative committee, or through a facilitated workshop.

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ANNEX A

Key Policy Issues Affecting the Implementation of the GLTFP and GLTFCA and Proposed Actions

Actions that are more appropriate for project level interventions are outlined in bold print.

POLICY ISSUES	RECOMMENDATIONS
Policies have not yet been translated into practice on the ground.	**Establish pilot projects related to NR/ tourism in the TFCA to "test" new policies and build on synergies;** **Operationalize policies to provide TFCA-related enterprises and activities for local communities;** **Translate targeted policies, legislation, processes, and/or guidelines into everyday language to assist normal citizens to understand the process and to be able to more effectively participate (as needed to establish pilot projects);** Promote the development of a transparent process for tendering, selecting and awarding concessions within each country and among countries;
Revenue Sharing Policy for GLTFP (to be developed)	**Undertake actions to develop a policy for equitable sharing of revenue within the GLTFP based on a participatory and representative process to reach agreement among stakeholders;**
Issues regarding the "Biodiversity corridor" within the GLTFP.	**Clarify the policy with regard to the Biodiversity corridor and its management.** **Facilitate the resolution of the management and representation issues in the biodiversity corridor. This process must include Sengwe representatives.** **If needed, support the development of a management plan for Sengwe lands;** **Consider support to second generation CBNRM activities in this area;**
Other Management Level Policy Gaps for the TFP	**Support the development of policies and agreement among the three countries on wildlife diseases and veterinary issues, and fencing. Encourage the development and implementation of a wildlife disease monitoring system for the TFP and wider TFCA;** Assist the process of integrated planning and policy with regard to infrastructure and tourism development;
Need for TFCA policies	**Support the process of defining the institutional structure, management plan, and draft agreement for the TFCA. It is recommended that the Management Board or Authority for the TFCA contain wider representation than that of the transfrontier park, and should include local/district government, private sector and community representation to reflect the variety of stakeholders within the area;** Initiate an inclusive and participatory process for TFCA planning. Promote an adaptive and transparent approach to TFCA development. Assist in the development or policies, institutions and instruments to foster holistic planning, adaptive management and cooperation among players and agencies; **Undertake a participatory process to identify the appropriate lands for inclusion in the TFCA. This will require considerable stakeholder involvement;**

Promoting representation on management entities and intersectoral cooperation	Seek to ensure wide and representative stakeholder participation on the transfrontier and joint management entities, and promote accountability among these entities; Take steps to ensure environmental, community, and equity considerations and the formation of appropriate committees to support the Joint Management Board; **Develop intersectoral forums and/or networks to promote the sharing and exchange of information in an intersectoral fashion, and to increase awareness of TFCA plans, issues and economic opportunities among private sector, communities, government and others;** Foster the interaction of TFCA implementing agencies with River Basin Commissions for the purpose of harmonizing the overlapping transboundary institutional structures and agreements and promoting integrated planning and monitoring.
Treaty Issues	"Communities" were omitted from the treaty in section (reference to TFCA). Take steps to introduce reference in the Treaty language to "communal areas" or "communities" into the treaty. Consider the development of a written MOU or other statement that will be signed by the Ministers – perhaps an addendum to the Treaty or a MOU of intent that summarizes some of the intent of the Ministers with regard to the TFCA. Assist the formulation of that document, based on the management issues and policy problems listed herein as well as through stakeholder comments.
SADC Protocol Ratification and introduction/integration of protocols into lower level decision-making arenas	Provide support to the SADC Wildlife Protocol Ratification Process. Promote usage of the protocol as a basis to assist the appropriate TFP working group concerned with wildlife, vet, and law enforcement issues to draw up plans/agreements for further harmonization. The SADC Wildlife Protocol can provide a basic framework for organizing many of the concerns of the three management entities with regard to wildlife poaching and law enforcement. Promote the process of ratification of the SADC protocol on shared watercourses. Once ratified, the provisions of this document should be widely shared and explained within the region. Promote the ratification of the SADC Tourism Protocol. Work with RETOSA for GLTFCA marketing development.
Need for targeted national-level policy support	Support the review and revisions, if necessary, of the Mozambique policy, law and draft regulations on Wildlife and Forestry, and the Tourism, in light of the new directive on jurisdiction over protected areas. Take steps to finalize and operationalize the regulations. Clarify the jurisdiction of the two directorates and how they will work together in the TFCA arena. Review policy in Zimbabwe to address the complaints of the Zimbabwean wildlife ranchers with regard to the new wildlife regulations. Review and decide among the three countries if there is need for harmonization of the penalties for poaching. **Assess the gaps in the concession process. Develop clear tender guidelines for concessions within the TFCA to create a fair and transparent tendering system. This is especially needed in Mozambique where processes are new.**
Policy towards community involvement in the TFP and TFCA	Support community organization and the development of representative community groups within the TFCA. Support "second generation" CBNRM where appropriate. Assist the development of a process and structure for including community voices and representation on the TFP and TFCA management entities.

ANNEX B SCOPE OF WORK FOR POLICY REVIEW

ANNEX C

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ANNEX D REVISED PROTOCOL SHARED WATERCOURCES

ANNEX E PROTOCOL ON WILDLIFE CONSERVATION AND LAW ENFORCEMENT

ANNEX F PROTOCOL ON DEVELOPMENT OF TOURISM