

**National Report to the Fourth Session of the  
United Nations Forum on Forests**

**South Africa**

**January 2004**

## **I. KEY CONTACTS**

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## **II. PROGRESS AND ISSUES RELATED TO IMPLEMENTATION OF IPF/IFF Pfa**

### *General*

**1. Please provide additional or new information on initiatives taken or lessons learned since 1997 further to the information on forests included in your national reports<sup>1</sup> to UNFF 2 and UNFF 3, the Commission on Sustainable Development, and other international instruments and organisations on the following points:**

- *Assessment (including of the relevance, priority, status of implementation, planned actions) of the IPF/IFF proposals for action in the national context*

The work of the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF) has been discussed at national level, including in the National Forest Advisory Council (NFAC). To date, the principal areas of national relevance have been in regard to National Forestry Programmes (equivalent to the National Forestry Action Programme (NFAP) in South Africa) as instruments for co-ordination and strategies for sustainable management and development of forest resources.

- *Development and implementation of your national forest programme or similar national policy framework for forests*

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

South Africa's National Forestry Action Programme (NFAP) was developed in 1997. The review of the progress made with the implementation of the NFAP is almost completed. The outcome of the process will feed into the new National Forest Programme.

Building upon the NFAP, the Department for Water Affairs and Forestry (DWAF) advocates the establishment of a National Forest Programme (NFP) process. The NFP will outline, cost, prioritise and co-ordinate strategies and sub-programmes. The South African NFP process oversight and co-ordination is located within the Steering Committee and Core Team. These structures are to receive support and guidance from Reference Groups, Working Groups and National Stakeholder Forums.

It is worth noting that the Food and Agriculture Organisation of the United Nations (FAO) *NFP Facility* has already approved support to the SA NFP process. In other words, a 'concept note' prepared for the *FAO NFP Facility* has been approved, and the *facility* will support the DWAF to the tune of *US\$ 300,000.00*. The United Kingdom *Department for International Development (DfID)* is also providing support to this process.

#### **Forest Policy**

South Africa adopted a policy on Sustainable Forestry Development in 1996. This policy holistically addresses the sustainable development of the country's 1,5 million hectares of plantation forests, the 420,000 hectares of indigenous closed-forest, and the approximately 32-40 million hectares of woodlands.

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<sup>1</sup> National reports related to forests may be easily accessed on the CPF website at [www.fao.org/forestry/cfp-mar](http://www.fao.org/forestry/cfp-mar)

The White Paper recognises the major contribution that natural forests and woodlands make to economic, environmental and social well being at national and particularly local and household levels. It emphasises that previous forest policies failed to reflect the value of the resource, particularly the woodlands, and that service provision was previously limited to preserving closed-canopy forests.

### **Forest Legislation**

***The National Forests Act (Act 84 of 1998):*** The legal foundations for the implementation of forest policy in South Africa have been established within two administering instruments, i.e. the National Forests Act, 1998 (Act No. 84 of 1998) and the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998). Both Acts were passed by Parliament in October 1998, but they did not take immediate effect. The Acts were rather promulgated in a staggered manner to enable the Department to fully equip itself to effectively administer the provisions of both Acts.

The need to improve on certain provisions of the Act has required the drafting of an amendment bill, which has been passed by Parliament and therefore become an Act, known as the Forest and Fire Laws Amendment Act, 2001 (Act No. 12 of 2001). This Act specifically seeks to facilitate the restructuring of the commercial plantations, to help create certainty of meaning of certain words, definitions and provisions and to remove anomalies.

***The National Veld and Forest Fire Act (Act 101 of 1998):*** The National Veld and Forest Fire Act (Act No.101 of 1998) provides for systems to predict and prevent uncontrolled fires, and to manage fire in general. These provisions are in line with National Disaster Management Policy, and in many cases, with international trends.

A key concept of the Act is the incentive encouraging landowners and communities to accept the responsibility of managing fires in their areas. This concept is facilitated through the establishment of Fire Protection Associations (FPAs) as provided for in the Act. The duties of FPAs include the development and implementation of veldfire management strategies as well as the communication of fire danger ratings.

- *Mechanisms or initiatives to facilitate stakeholder participation, including indigenous and local communities, in forest sector planning, decision-making and/or forest management.*

Participatory Forest Management (PFM) was introduced as an approach for joint forest management with communities and other stakeholders. The primary objective was to broaden access to forest resources by previously disadvantaged groups to strengthen the participation of communities in the management of forest resources and to help guide the resource use patterns aimed at achieving sustainability and general conservation of the resource.

Prior to the development of new forest policy, natural State forests and most other forest areas were managed mainly to protect the resource. Utilization by local people had been permitted under license, but never actively encouraged, and attitudes towards neighbouring communities ranged from complete exclusion to tolerance. This style of protective and exclusive forest management was not unique to South Africa and was in fact the norm for many countries. Throughout the world the paradigm has shifted away from “protection through exclusion” towards participatory management approaches, and so has South Africa.

Participatory Forest Management (PFM)<sup>2</sup> is clearly identified in our White Paper, the NFAP and NFA as a policy for the management of forest resources. PFM is a loosely used term to define approaches to forest management centred on the creation of partnerships between government and local people, based on the sharing of benefits and management responsibilities. These approaches were introduced to help address inadequacies and injustices of traditional “top-down” approaches to forest management. Since the adoption of its policy, government has made a committed effort to implement participatory forest management.

Full public participation in all stage of policy development is an important principle in South Africa. Two main stakeholder groupings are mainly used as mechanisms for stakeholder participation in forest management, sector planning and decision-making.

#### ***National Forests Advisory Council (19 members)***

This is a group of diverse stakeholders from a wide range of representation (community leaders, traditional healers, labour organisations, forestry industry and conservation). The NFAC was established immediately after promulgation of the National Forest Act of 1998. The main objectives of the NFAC are: (a) to advise the Minister on all aspects of forestry in South Africa, and (b) to bring all stakeholders on board and gather inputs on forest and environmental related issues that can assist the Council to achieve its overall objectives. In constituting the body, the Minister balances the interests of the previously disadvantaged individuals, communities (involved in community forestry), environmental interest groups, forest industry and trade unions representing employees in the forest sector.

The NFAC has, amongst other things, assisted the Department to prepare regulations in terms of the National Forests Act and the National Veld and Forest Fire (Act 101 of 1998). The promulgation of the various sections of the National Forests Act has received regular attention and the NFAC has advised the Department on this. Of particular importance in relation to the implementation of policy and programmes has been the work of the two permanent committees of the NFAC, namely:

- *Committee of Forest Access*: this Committee has one of its functions as to promote education on sustainable forest management and use of forests. In doing so, increasing awareness on forest access especially to the previously disadvantaged people in local communities is one way of achieving this objective. A guideline on access for recreational use, education and tourism has been developed. The Committee is in a process of ensuring that road shows are conducted to the local communities where information on the issue of access will be shared.
- *Committee on Sustainable Forest Management*: this Committee has mainly advised the Minister and the Department in the determination of criteria, indicators and standards for sustainable forest management. These criteria are now at a testing phase in conjunction with the forestry industry (commercial and small growers).

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<sup>2</sup> The NFAP uses two terms to encompass PFM, namely “joint forest management” (JFM) and “community-based forest management” (CBFM) in the context of managing the South African forest resource. The former applies to joint ventures between the State and local communities on State land. The emphasis here is that the State, as a land manager, has a responsibility towards the conservation of a very limited resource (predominantly closed canopy forests). It engages in joint ventures with the local community in recognition of the people’s rights to the resource, but remains committed to sustaining the forests in their natural state. CBFM, on the other hand, is an extension function, in which the State provides technical advice and support to the community towards the sustainable management of communal property. The State’s function in these cases is that of a facilitator and an educator, not of a manager.

**Commercial Industry Liaison Forum:** the Department consults with Forestry South Africa (FSA) through his forum. FSA represent all companies within the sector including small growers. In this forum issues that affect the industry both positively and negatively are addressed to aid in effective decision-making and growth within the sector.

### **Implementation of the IPF/IFF proposals for action related to thematic issues of UNFF 4**

Please provide information on: activities undertaken since 1997, progress made, constraints encountered, lessons learned, and issues that have emerged, as well as relevant information related to means of implementation (financing, transfer of environmentally sound technologies, and capacity-building) to support the following actions:

#### ***Social and Cultural Aspects of Forests***

#### **2. Promoting the fair and equitable sharing of the benefits arising from the utilization of forest genetic resources and addressing the issue of intellectual property rights, including the identification of the origins of forest genetic resources, taking into account work undertaken by the Convention on Biological Diversity and other international agreements**

The majority of the natural forests in South Africa occur in State forests and protected areas or are proclaimed as communal forests. No genetic resources may be collected in these forests without a license. Applications for such licenses are relatively few, and decisions on approval and the conditions set takes into account the issues of intellectual property rights and equitable benefit sharing.

[For more information, please consult South Africa's Second Report to the CBD.]

#### **3. Strengthening the role of women in sustainable forest management, including through capacity building and greater participation in community-based forest management**

Women are the main utilisers of forests in rural areas. Collection of firewood in woodlands, indigenous forests and woodlots is still an activity undertaken mostly by women. Woodlots were established as part of a solution to minimize the impact on indigenous forests and woodlands. During the woodlot devolution process trusts were formed as legal entities within Community Structures. These entities were formed through democratic processes and gender issues were taken into account to ensure sufficient representation of women.

The main constraint was the fact that traditional structures did not allow women to participate in decision-making. In order to address this issue, capacity building interventions were undertaken to change the mindset and allow women to participate in decision-making

A key issue that emerged was the legal status of traditional structures, especially when dealing with devolution of assets and distribution of funds. . Legal entities such as Trusts had to be established for this purpose.

The establishment of Participatory Forest Management (PFM) forums and committees also contributed to the empowerment of women in rural communities. These structures were established based on democratic principles and taking into account issues of gender. Members of the forums and committees were trained on various issues including PFM principles and role of legal entities.

Many protected areas, which in the past allowed no resource use, have revised these policies to enable neighbouring communities, especially women, to harvest resources such as thatching grass, reeds and medicinal plants. The South African National Parks' Social Ecology Programmes encourage greater access to the parks by neighbouring communities, while Park Management Plans are being developed in consultation with neighbours.

**4. Integrating local and indigenous communities in sustainable forest management programmes, particularly as regards:**

*(a) Recognition and respect of the customary and traditional rights and privileges of indigenous and local communities,*

The National Forests Act, 1998, specifically Section 23(2)(c), exempts communities who, over time and through custom and tradition established certain rights over land on which forests are located, from regulatory control to access state forests. Customary and traditional rights and privileges of indigenous and local communities are therefore basically recognized as part of programmes for sustainable forest management. As such, not only are their rights to and use of forests recognized, but also are strategies for PFM based on local customs and systems.

*(b) Participation in decision making regarding the management of forests,*

The PFM approach ensures that communities are properly consulted/ involved in decision-making on the management of forest resources. Decisions by these committees are supported and guided by the Department of Water Affairs and Forestry.

*(c) The attainment of secure land tenure arrangements,*

South Africa's forestry legislation and program recognize the rights people have to land on which forests are located. Land rights dispossessed during the apartheid era and the recognition of informal and as yet unrecorded rights to large tracks of land are being addressed through the Land Reform Program's Restitution of Land Rights Act and tenure reform measures. Significant portions of state forestland are under claim in terms of the restitution process and more land is subject to tenure claims. The forestry program does not oppose such claims, but instead seek to incorporate the new landowners into forestry projects through shared participation in forestry ventures. The Department established a close working relationship with the Department of Land Affairs, drawing on their contributions in identifying the rightful land rights holders during the implementation of forestry projects. In cases where projects had already been implemented prior to the identification of the rightful land reform beneficiaries, the Department is holding the benefits that should accrue to them from such projects in trust in order for its transfer once they are properly identified.

Instruments and proper mechanisms have been devised to ensure continual interactions between the new tenants and the neighbouring communities with certain rights and interests over the leased forest land in the form of community liaison structures. This is the forum where the day-to-day operational issues are discussed. The DWAF and any other interested department/s participate on *ad hoc* basis to attend to any matter related to a specific line function.

*(d) capacity building and technology transfer for sustainable forest management directed at indigenous and local communities*

Capacity building interventions have been undertaken for PFM structures in rural areas. However the risk is that some communities expect more benefits than the Forest resources can provide resulting in

over utilisation. Capacity building programmes are therefore designed to guarantee resource utilisation on a sustainable basis.

### *Traditional Forest-Related Knowledge*

#### **5. Inventorying, cataloguing, and applying traditional forest related knowledge for sustainable forest management and promoting research on TFRK with the involvement of the knowledge holders.**

Traditional forest related knowledge is gathered and applied in ad-hoc projects, but not yet in a co-ordinated manner.

#### **6. Supporting the application of intellectual property rights and/or other protection regimes for traditional forest related knowledge, and the fair and equitable sharing of benefits arising from the use of traditional forest related knowledge, innovations and practices.**

The cross-sectoral nature of traditional knowledge (Indigenous Knowledge Systems) is recognised in South Africa and an inter-governmental committee has been established, including Department of Environmental Affairs and Tourism (DEAT), Department of Science and Technology (DST), Department of Agriculture (NDA), Department of Health and Department of Trade and Industry (DTI).

Department of Science and Technology has established a Directorate: Indigenous Knowledge Systems to focus exclusively on traditional knowledge and benefit sharing.

Traditional healers have considerable influence and status in South Africa.

The National Forests Act, 1998 (Act No. 84 of 1998) does not address issues around the traditional forest related knowledge, innovations and practices. However, it is worth noting that several policies and pieces of legislation are in various stages of development, such as:

- The proposed National Environmental Management Biodiversity Bill (2003) does. Chapter 6 of this Bill deals with issues around Bioprospecting, Access and Benefits Sharing and makes provision for the establishment of a Bioprospecting Trust Fund. Regulations will follow in 2004. This Bill, once it becomes an Act, will be administered by the Department of Environmental Affairs and Tourism.
- The Department of Environmental Affairs and Tourism has developed Community Based Natural Resource Management Guidelines (2003), which include principles such as benefit sharing, giving a voice to women and respect for local knowledge and experience.
- The Department of Science and Technology has developed policy on indigenous knowledge on Indigenous Knowledge Systems, to be followed by legislation in 2004.
- The Department of Health has promulgated the Traditional Healers Bill (2003).

### *Scientific Forest-Related Knowledge*

#### **7. Disseminating scientific knowledge to all interested parties, including through new and innovative ways, and strengthening capacity and mobilizing funding for national and regional research institutions and networks.**

Considerable ethnobotanical research has been carried out and documented in South Africa, particularly on the uses and values of medicinal plants. However, this has not always been done in

full collaboration and partnership with local communities. New policies and regulations in the pipeline aim to rectify this situation.

**8. Enhancing interaction between scientific research and policy processes, including priority setting of research, addressing of knowledge gaps and using scientific knowledge to support decision-making.**

*Monitoring, Assessment and Reporting, Concepts, Terminology and Definitions*

**9. Improving information on national forest resources, making the information widely available, and assisting other countries in their related efforts.**

The National Forest Inventory has been developed as an electronic database (a spatial database of all natural and commercial forests linked to information on forest resources and management). Information is made available to any interested parties upon request.

South Africa is also involved in a number of efforts related to information sharing and improvement of information that is currently available:

***Congo Basin Forest Partnership***: South Africa is one of the partners involved in the Congo Basin. The main objective is to ensure an improvement in communication, participation of donors to engage in Congo basin region and co-ordination of events leading to the protection of the Congo Basin. These different partners share experiences on forest conservation and management.

***Africa Forest Law Enforcement and Governance (AFLEG)***: this is targeted at combating illegal logging associated with illegal trade and corruption in forest sector. A declaration on this was adopted in October 16, 2003 where a need for shared responsibility and co-operation between stakeholders to address illegal logging was stressed. Concurrently a Program of Action was established to strengthen the working relationships between the African countries. This is one major effort for South Africa as illegal logging is not one of the major issues that concern the sector.

***SADC Protocol on Forestry***: this has been developed with three main objectives.

- Promote development, conservation, sustainable management and utilisation of all types of forests and trees;
- Promote trade in forest products throughout the Region in order to alleviate poverty and generate economic opportunities for the people in the Region, and
- Achieve effective protection of the environment and safeguard the interest of both the present and future generations.

This protocol has now been ratified and South Africa was one of the first countries that ratified the protocol in August 2003. The protocol encourages all State Parties to assist and support each other to address issues of common concern within the region. This is one platform where information sharing and assistance in forest management efforts take place.

***Criteria and Indicators of Sustainable Forest Management***

**10. Developing and using criteria and indicators of sustainable forest management (at national level and/or subnational level and for policy, planning, management and/or monitoring purposes), and participating in regional and/or international C&I processes.**

National criteria and indicators have been developed by the Department of Water Affairs and Forestry through a comprehensive process involving stakeholders. The criteria and indicators are currently being tested and evaluated in various regions of the country. Criteria and Indicators of the Forestry Stewardship Council are also being applied to some forestry areas for purposes of certification by that international body.

**III. PREPARATION OF THE REPORT**

**11. Describe the process of preparing this report, including which government agencies and stakeholder groups were involved, and the extent to which they contributed. Provide information on successes, challenges and lessons learned in the preparation of this report.**

Preparation of the report was led by the Directorate: Forestry Policy and Strategy within the Department of Water Affairs and Forestry (DWAF). Other directorates within DWAF were requested to provide inputs on specific sections of the report that were relevant to their mandates and/or functions. A draft report was then circulated both internally (within DWAF) and externally to other key stakeholders for their inputs and comments. A final report was presented to the Forestry Functional Management Committee (FFMC) for endorsement before submission to the UNFF Secretariat.