



TREATY

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA

AND

THE GOVERNMENT OF THE REPUBLIC OF
NAMIBIA

ON THE ESTABLISHMENT

OF THE

[AI-AIS/RICHTERSVELD] TRANSFRONTIER PARK

FOREWORD

As an affiliation of nations steeped in a common tradition of close association with our sustaining earth, South Africa and Namibia join in recognition of our mutual responsibility to protect and preserve our natural and cultural resources, and promote sustainable development for the common good of all;

whilst we embrace this responsibility as Partners and undertake to develop a wildlife sanctuary across political boundaries, where animals may freely roam and flourish in keeping with natural ecological processes;

we do this because as sure as the flower and the bee depend on each other for survival, so too the well-being of humankind is bound to our effective custodianship of the natural, cultural and historic heritage entrusted to us; and

we furthermore undertake to uphold high ideals and standards in jointly managing this natural treasure, for the spiritual and socio-economic upliftment of our people, and for succeeding generations to come.

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PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Namibia (hereinafter jointly referred to as the "Parties" and in the singular as a "Party");

RECOGNISING the principle of sovereign equality and territorial integrity of their states;

FURTHER RECOGNISING the legal rights of all Stakeholders as major contributors of land and economic, social and cultural resources to the [Ai-Ais/Richtersveld] Transfrontier Park;

TAKING ACCOUNT of the benefits to be derived from close co-operation and the maintenance of friendly relations with each other;

ACKNOWLEDGING the necessity to conserve and sustainably use shared natural resources and the environment for present and future generations of Southern Africa;

FURTHER ACKNOWLEDGING that the [Ai-Ais/Richtersveld] Transfrontier Park contains significant natural habitats for conservation of biological diversity, including habitats containing threatened species of universal value;

CONSCIOUS of the need to integrate cultural traditions, traditional land-use and biodiversity conservation;

RECOGNISING the important role of the private sector and local communities in the promotion and sustainable use of natural resources;

RECALLING that the countries establishing the [Ai-Ais/Richtersveld] Transfrontier Park are signatories of, or parties to the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (Ramsar, 1971); the Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972); the Convention on

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International Trade in Endangered Species of Wild Flora and Fauna (Washington, 1973); the Convention on Biological Diversity (Rio de Janeiro, 1992); the Treaty of the Southern African Development Community (SADC) (Windhoek, 1992); the United Nations Convention to Combat Desertification (Paris, 1994), as well as other Conventions and Agreements of relevance; and

DESIRING to promote ecosystem integrity, biodiversity conservation and sustainable socio-economic development across international boundaries;

HEREBY AGREE as follows:

ARTICLE 1

Definitions

In this Treaty unless the context indicates otherwise -

- (a) "Bilateral Ministerial Committee" means the Bilateral Ministerial Committee as provided for in Article 11;
- (b) "conservation" means the protection, maintenance, rehabilitation, restoration and enhancement of ecological processes, natural resources, cultural heritage and the environment;
- (c) "conservation area" means an area designated for conservation;
- (d) "Co-ordinating Party" means that country which on a rotational basis of two years shall be held accountable for routine initiation of meetings and achieving overall co-ordination of activities relating to management of the [Ai-Ais/Richtersveld] Transfrontier Park, as provided for in Article 13;
- (e) "JMB" means the Joint Management Board as provided for in Article 12;

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- (f) "Joint Management Plan" means the management plan for the [[Ai-|Ais/Richtersveld] Transfrontier Park provided for in Article 14;
- (g) "local communities" or "communities" means groups of people living in and adjacent to the area of the [[Ai-|Ais/Richtersveld] Transfrontier Park, bound together by social and economic relations based on shared interest;
- (h) "Management Plan" means the specific plan providing for the management of a constituent area making up the [[Ai-|Ais /Richtersveld] Transfrontier Park;
- (i) "National Implementing Agency" means that national institution as formally designated by each government respectively which shall be responsible for the effective management of the [[Ai-|Ais/Richtersveld] Transfrontier Park, as provided for in Article 8;
- (j) "Stakeholders" means individuals or groups of individuals, communities or representative institutions with an enforceable right in land, which is included in the Transfrontier Park, and shall include the Richtersveld community;
- (k) "sustainable use" means use in a manner and at a rate that does not lead to the long-term decline of natural resources;
- (l) "TFCA" means the larger Transfrontier Conservation Area as provided for in Article 4;
- (m) "Transfrontier Park" means the [[Ai-|Ais/Richtersveld] Transfrontier Park as established in terms of Article 2

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ARTICLE 2**Establishment of the Transfrontier Park**

The Parties hereby establish the [Ai-|Ais/Richtersveld] Transfrontier Park, which for the purpose of conservation, socio-economic development and for public enjoyment shall integrate the areas detailed in Article 4, and reflected in the map contained in the Annexure

ARTICLE 3**Rights of Stakeholders**

The Parties undertake –

- (1) to recognise and respect the enforceable rights of all Stakeholders in their countries;
- (2) to enter into such contractual arrangements with Stakeholders as may be required in terms of their domestic law so as to give real protection to the rights in subArticle (1);
- (3) to take appropriate steps, in compliance with their applicable domestic law, to designate land that will constitute the proposed Transfrontier Park; and
- (4) to engage in dialogue with the Stakeholders on matters affecting them

ARTICLE 4**Geographical Area**

- (1) For the purpose of conservation, socio-economic development and public enjoyment, the Transfrontier Park shall integrate the following areas:
 - (a) In Namibia, the area known as |Ai-|Ais Hotsprings Game Park; and

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- (b) in South Africa, the area known as Richtersveld National Park;
- (2) The area adjacent to the Transfrontier Conservation Park, characterised by compatible forms of land use but not lending itself to formal integration with the Transfrontier Park, may be managed as a Transfrontier Conservation Area, under the guidance of the JMB in terms of Article 12(2)(g). The Transfrontier Conservation Area shall include the various privately-owned and state-owned conservation areas directly bordering the Transfrontier Park and which may be identified in future

ARTICLE 5

Objectives

The objectives of this Treaty shall be to –

- (a) foster trans-national collaboration and co-operation between the Parties which will facilitate effective ecosystem management in the area comprising the Transfrontier Park;
- (b) promote alliances in the management of natural and cultural resources by encouraging social, economic, responsible tourism and other partnerships between the Parties, including the private sector, local communities and non-governmental organisations;
- (c) enhance ecosystem integrity and natural ecological processes by harmonising environmental management procedures across international boundaries and striving to remove artificial barriers impeding the natural movement of wildlife;
- (d) facilitate the establishment and maintenance of a sustainable sub-regional economic base through appropriate development frameworks, strategies and work plans;

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

ARTICLE 6

Principles

- (1) The sovereign rights of each Party shall be respected, and no Party shall impose decisions on the other
- (2) The process of managing the Transfrontier Park shall be done through joint decision-making by nominated country representatives, in terms of this Treaty
- (3) The Parties undertake to follow relevant regional and international treaties and protocols in the development and management of the Transfrontier Park
- (4) Decision-making shall be guided by the principles of -
 - (a) sustainable development and sustainable use requiring the integration of social, economic and environmental factors in planning, implementation and evaluation to ensure that development and use serves present and future generations;
 - (b) promotion of equitable and effective participation by local communities; and
 - (c) accountability to community interests, transparency and access to relevant information.

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ARTICLE 7**Co-operation**

- (1) The Parties shall ensure that the Transfrontier Park is managed in accordance with the broad objectives, as outlined in Article 5, and in particular the Joint Management Plan
- (2) The Parties shall –
 - (a) consult, assist and support each other in the implementation of this Treaty;
 - (b) promote an integrated and co-ordinated management of the Transfrontier Park for its optimal benefit;
 - (c) use their best endeavours to harmonise legislation and policies to facilitate integrated and complementary conservation and socio-economic development activities;
 - (d) ensure that effective measures are implemented and maintained to address issues relating to customs and immigration, security and borderline control, public health, wildlife diseases and other matters which affect relations between the Parties;
 - (e) synchronize related development actions in areas bordering each other; and
 - (f) enter into further agreements which may be required to give effect to the spirit and intent of this Treaty

ARTICLE 8**National Implementing Agencies**

Each Party shall –

- (a) designate a National Implementing Agency responsible for the effective development and management of the respective constituent areas within its own country;

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- (b) delegate such powers and functions to its National Implementing Agency as are required for the effective implementation and co-ordination of all activities relating to the management of the Transfrontier Park.

ARTICLE 9

Security and Border Control

- (1) The Parties acknowledge that the defence, police, security and other state agencies responsible for national border integrity are entitled to perform statutory functions of border protection and control as permitted by domestic law.
- (2) The Parties undertake that the activities of such state agencies shall be coordinated between the Parties and shall be so done with sensitivity for the areas, management objectives and eco-tourism activities in and around the areas of activity
- (3) Each Party undertakes to respect the sovereign rights of the other Party and not to allow its officials to cross into the other Party's territory, unless previously agreed on through either arrangement with the JMB or appropriate communication between mandated security or other designated agencies of the Parties

ARTICLE 10

Institutional Framework for Collaboration

The following bodies shall be responsible for managing the Transfrontier Park:

- (a) Bilateral Ministerial Committee;
- (b) Joint Management Board;
- (c) Co-ordinating Party; and
- (d) other bodies that may be established if required

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ARTICLE 11**Bilateral Ministerial Committee**

- (1) The Bilateral Ministerial Committee shall consist of the Ministers mandated by the respective Parties
- (2) The Bilateral Ministerial Committee shall –
 - (a) be responsible for the overall policy guidance in the management of the Transfrontier Park;
 - (b) be chaired on a rotational basis;
 - (c) meet at least once a year;
 - (d) monitor the effectiveness of the implementation of the Joint Management Plan;
and
 - (e) appoint and dissolve the Joint Management Board
- (3) The decisions of the Bilateral Ministerial Committee shall be taken by consensus

ARTICLE 12**Joint Management Board**

- (1) The JMB shall consist of the following:
 - (a) Two representatives from each of the National Implementing Agencies of the Parties of which one in the case of South Africa shall be a community member of the Richtersveld Management Committee;
 - (b) one representative each from the national institutions responsible for border control of the Parties; and

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