

DRAFT #2 (changes from draft #1 indicated in *italics*)

Vredefort Dome World Heritage Site: Guidelines for future boundary modifications

Status quo

1. The boundaries of the Vredefort Dome World Heritage Site (hereinafter called “the Dome”) are presently listed to include both the core area and the buffer zone. The exact listed boundaries are furnished on p. ? above. Although buffer zones are not always included as part and parcel of a Heritage Site, it seems to be perfectly in order to do so. (Compare §107 of the Operational Guidelines for the Implementation of the World Heritage Convention – hereafter called “the Operational Guidelines”.)
2. Assuming that the process will go according to plan, the Dome’s boundaries will eventually be proclaimed as the official boundaries.
3. According to available documentation, modifications to listed boundaries appear to be subjected to the same processes as proclaimed boundaries.
4. The present listed boundaries of the Dome cut across quite a number of farms; not following the farm borders. However, the Dome boundaries create no physical separation of land (unlike, for instance, a railway line) and although it should therefore be seen and managed as a reality, it should not necessarily at this stage be considered a problem.

Future modifications

5. Any change to the approved boundaries (whether listed or proclaimed) seems to implicate a three tier process. The first level has to do with proper local investigation. The second level involves national consideration. The last tier of the process entails evaluation by the United Nations Educational, Scientific and Cultural Organisation (hereinafter called “UNESCO”).
6. Proper local investigation

- 6.1 Although no specific process for such a local investigation is provided by legislation, the so-called “rules of natural justice” imply that the process hereunder should be considered as proper.
- 6.2 Any individual landowner, group of landowners or government department (local or provincial) with applicable powers, may lodge an application for a boundary modification with an Authority established in terms of the World Heritage Convention Act, Act no. 49 of 1999 (hereinafter called “the Act”). Whenever no such Authority is in existence, the application must be lodged with the Department of Environment Affairs and Tourism (hereinafter called “the DEAT”), which may then *appoint a suitable investigative panel* to conduct a local investigation. *An application in terms of this paragraph must comply with any criteria set by the DEAT for such applications.*
- 6.3 The application must contain a full motivation for the required boundary modification, including an explanation of why the objectives contained in section 3 of the Act will be better served by the required modification.
- 6.4 The Authority (*or investigative panel*) referred to in paragraph 6.2 above, shall, within three weeks after receiving the application, invite, through specific notice to all adjoining landowners and by way of a suitable media or otherwise group notice for the attention of all interested parties, comments on and objections to the application within three weeks after the date of invitation.
- 6.5 Within a reasonable time after the closing date for comments and objections, the Authority (*or investigative panel*) shall provide for a hearing of the application. All involved and interested parties shall be entitled to attend the hearing and a sufficient notice period must be given. Involved parties shall together with such notice receive full information of the application and all the furnished comments and objections. Notice to interested parties shall be by way of media and otherwise suitable group advertisements.
- 6.6 During the hearing all involved and interested parties shall be given sufficient opportunity to convey their arguments and viewpoints. Minutes of the hearing shall be kept.
- 6.7 Within a reasonable time after the hearing and taking into account all the arguments and viewpoints, the Authority (*or investigative panel*) must come to a decision with regard to the boundary modification application. If it is decided that the application should

be approved, a motivated approval, together with the minutes of the hearing, shall be conveyed to the DEAT as a recommendation.

- 6.8 The above process does not provide for the Authority itself to initiate a boundary modification, due to the required neutral role of the Authority in such a process. However, if the Authority itself wishes to initiate a border modification, the Authority shall convey in writing such a need to the DEAT. The initiative shall be fully motivated and all the implications, including financial considerations, shall be covered by the application. *The application must comply with any criteria set by the DEAT for such applications.* If the DEAT decides to pursue the matter further, the DEAT shall appoint a suitable investigative panel. The panel shall conduct a local hearing that complies with the process principles and requirements set out in paragraphs 6.2 to 6.7 above. If a positive recommendation for a boundary modification is received from the investigative panel, along with the minutes of the hearing, the DEAT shall further follow the same process as the one that follows on an approved application under paragraph 6.7 above.

7. National consideration

- 7.1 Whenever a recommendation for the modification of a boundary is received, the DEAT shall consider such recommendation and evaluate its merits. In such evaluation the modification should be measured against the objectives and fundamental principles contained in sections 3 and 4 of the Act and all the practical implications for the effective application of the Act should be taken into consideration. Hereafter the DEAT shall come to a decision with regard to the modification within a reasonable time.
- 7.2 If the DEAT agrees with the recommended boundary modification the process required by the Operational Guidelines with the involvement of UNESCO, as set out hereunder, shall be followed.

8. UNESCO evaluation

- 8.1 Whenever the boundary modification is a minor one as described by §163 of the Operational Guidelines, the process stated in §164 of the Operational Guidelines shall be followed. This entails that the

modification will be evaluated by the Intergovernmental Committee that will come to a final decision in this regard.

- 8.2 Whenever the boundary modification is not a minor one, but in fact a significant modification, the proposed change will be considered as if it is a new nomination in terms of § 165 of the Operational Guidelines and dealt with accordingly.