

1. Introduction

1.1 Background to the Handbook

The Southern African Development Community's Policy and Strategy for Environment and Sustainable Development (1996) calls for 'a breakaway from fragmented sectoral approaches to environmental management' and urges the region to pursue 'a single agenda and strategy' to achieve the consistent integration of EIA in decision making.¹ Since then, great strides have been made in formalising EIA into the legal frameworks of all SADC countries: with the exception of the DRC, all SADC countries now have promulgated or have working draft laws on EIA.

In 2002, the Southern African Institute for Environmental Assessment (SAIEA) compiled a book on the state of Environmental Impact Assessment (EIA) in southern Africa (funded by Danida). The book was completed in 2003 and provides environmental, social and economic backgrounds for each SADC country (with the exception of the DRC and Madagascar, the latter not being a member state at that time).² Each country chapter also provides information and analysis of the EIA legal profile and institutional arrangements in each country, as well as the current status of EIA practice.

However, in the face of rapidly changing and evolving legislation, much of the information contained in the above-mentioned book on the EIA laws and administrative structures is now out of date. The Development Bank of Southern Africa (DBSA) therefore commissioned SAIEA to develop a handbook specifically on EIA legislation for the SADC region. The aim is to make this document web-based so that it can be updated annually to reflect the ongoing changes. Indeed, as this Handbook was being compiled, both Lesotho and Namibia are expecting the imminent promulgation of new EIA laws.

While all efforts have been made to ensure that the legal frameworks and details of the required EIA procedures in each country were accurate as at the date of publication, the reader should check with the relevant authorities in each country as to whether the information is still correct. Contact details for the relevant EIA authorities are provided at the end of each country chapter.

This Handbook is intended for use by prospective developers, donor agencies, government authorities, NGOs and environmental assessment practitioners, or anyone who wants to find out about EIA legislation and the administrative arrangements for EIA in each SADC country. Unlike the 2003 SAIEA book mentioned above, this Handbook only provides the basic facts about the legal and administrative systems in each country, without any further analysis on EIA practice. Each country chapter provides information on the following:

- The constitutional requirements for environmental protection;
- The institutional and administrative structures for EIA;

¹ Weaver, A (2003). EIA and Sustainable Development: Key Concepts and Tools in "EIA in Southern Africa" Southern African Institute for Environmental Assessment, Windhoek, Namibia, pp 3-10.

² Southern African Institute for Environmental Assessment (2003). "EIA in Southern Africa" Windhoek, Namibia, 352pp.

- The policy and legal framework for EIA, including information on the relevant policies, acts, regulations, guidelines, penalties, fees, environmental standards and whether environmental consultants need to be registered to practice in the country;
- The EIA procedural framework including the steps to be followed through screening, scoping, EIA and EMP, as well as the review process followed by the authorities and the appeal procedures;
- A summary of other potentially applicable environmental legislation;
- Appendices containing lists of projects which require EIA; and
- Acronyms and useful contacts.

The country chapters are arranged in alphabetical order starting with Chapter 3. Chapter 2 provides an overview of the Development Bank of Southern Africa's policy and procedures for the environmental appraisal of projects.

1.2 Summary of the Legal and Policy Requirements for EIA in SADC Countries

The protection of the environment for the health and well-being of citizens, together with the notion of sustainable development, is recognised in all southern African national constitutions. This right has been given effect through a variety of national environmental action plans, Visions and strategy documents compiled for each country. One of the main tools identified in all the SADC countries to manage and protect the environment is Environmental Impact Assessment (EIA).

The formalisation of the EIA process into law has been achieved in all countries except the Democratic Republic of the Congo (DRC), Namibia and Lesotho (Table 1.1). The latter two countries have draft environmental management bills, which have been awaiting cabinet approval and promulgation for many years. However, in the interim, both countries have an institutionalised EIA process which is in operation. The Lesotho authorities have been working in terms of the draft Environmental Management Bill of 2001, but expect the revised Environmental Management Bill of 2006 to be promulgated in 2007. The Namibian authorities have adopted the EIA process set out in Namibia's EIA Policy document that was approved by Cabinet in 1994. Namibia also expects to have its Environmental Management Bill passed in 2007.

The DRC does not have any specific legislation for EIAs. The only requirement for EIA is found in the Mining Code (Code Minier, No 007/2002). It could not be ascertained whether there are any initiatives in the DRC to draft specific EIA legislation in the near future.

Three countries in SADC – Malawi, Mauritius and Zimbabwe, do not have any specific EIA regulations, while regulations in Botswana, Lesotho and Namibia are all currently in draft form and are expected to be gazetted/approved during 2007 (Table 1.1). In the absence of specific EIA regulations, Malawi, Mauritius and Zimbabwe have detailed guidelines for the EIA process in general and/or for key economic sectors.

Table 1.1: Summary of Administrative and Legal Structures

Country	Ministry Responsible for Environmental Management	Authority Responsible for EIA	Name of EIA Act	EIA Regulations
Angola	Ministry of Urbanisation and the Environment (MUE)	National Directorate for Environment (DoE)	Environment Framework Act, No 5/98 of 19 June, 1998	Decree on Environmental Impact Assessment, No 51/2004 of 23 July, 2004
Botswana	Ministry of Environment, Wildlife and Tourism (MEWT)	Department of Environmental Affairs (DEA)	Environmental Impact Assessment Act, No 6 of 2005	In draft
Democratic Republic of the Congo ³	Ministry of Mines	Department in Charge of the Protection of the Mining Environment	Mining Code, Law No 007/2002 (Code Minier)	Mining Regulations, Decree No 038/2003 of 26th March 2003 contain environmental considerations
Lesotho	Ministry of Tourism, Environment and Culture (MTEC)	National Environmental Secretariat (NES)	Environment Act, No 15 of 2001 ⁴	In draft
Madagascar	Ministry of Environment, Water and Forests (MEWF)	Office National de l'Environnement (ONE)	Charte de l'Environnement, Law No 90-033 of 21st December, 1990, as amended by Law No 97-012 and Law No 2004-015	Decret Relatif a la Mise en Compatibilité des Investissements avec l'Environnement (MECIE), Decree No 99-954 as amended by Decree No 2004-167
Malawi	Ministry of Natural Resources and Environmental Affairs (MNREA)	Environmental Affairs Department (EAD)	National Environmental Management Act, No 23 of 1996	None
Mauritius	Ministry of Environment (MoE)	Department of Environment: EIA Committee	Environmental Protection Act, No 19 of 2002	None
Mozambique	Ministério para a Coordenação de Acção Ambiental (MICOA)	National EIA Directorate	Environmental Law No 20/97 of 1st October 1997	Regulations on the Environmental Impact Assessment Process, Decree No 45 of 2004
Namibia	Ministry of Environment and Tourism (MET)	Department of Environmental Affairs (DEA)	Environmental Management Bill ⁵	In draft
Seychelles	Ministry of Environment (MoE)	Environmental Assessment and Pollution Control Department (EAPC)	Environmental Protection Act, No 9 of 1994	Environmental Protection (Impact Assessment) Regulations, May 1996

Country	Ministry Responsible for Environmental Management	Authority Responsible for EIA	Name of EIA Act	EIA Regulations
South Africa	Department of Environmental Affairs and Tourism (DEAT)	National DEAT or Provincial Departments (see Chapters 13, s 13.2.2 for list)	National Environmental Management Act, No 107 of 1998 as amended in 2003 and 2004	Environmental Impact Assessment Regulations, R385 of April, 2006
Swaziland	Ministry of Economic Planning and Development (MEPD)	Swaziland Environmental Authority (SEA)	Environmental Management Act, No 5 of 2002 as amended in 2000	Environmental Audit, Assessment and Review Regulations of 1996,
Tanzania	Ministry of Environment (MoE)	National Environmental Management Council (NEMC)	Environmental Management Act, No 20 of 2004	Environmental Impact Assessment and Audit Regulations, Government Notice No 349 of November 2005
Zambia	Ministry of Tourism, Environment and Natural Resources (MTENR)	Environmental Council of Zambia (ECZ)	Environmental Protection and Pollution Control Act, No 12 of 1990, as amended by the EPPC (Amendment) Act, No 12 of 1999	Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, SI No 28 of 1997
Zimbabwe	Ministry of Environment and Tourism (MET)	Environmental Management Agency (EMA)	Environmental Management Act, Chap 20:27 of 2002	None

³ The only EIA legislation in the DRC is found in the Mining Code.

⁴ This Act was never actually gazetted. The Environmental Management Bill, 2006 is expected to be promulgated in 2007.

⁵ Expected to be promulgated in 2007. All projects work to the requirements set out in Namibia's Environmental Assessment Policy, 1994.

1.3 Summary of EIA Administrative Structures in SADC Countries

Every SADC country has a government ministry responsible for the environment, although the exact roles and functions of the Ministry of the Environment in the DRC are unclear. While Mauritius, Seychelles and Tanzania have dedicated ministries of environment, the rest of the SADC countries have linked environment at ministerial level variously with tourism, natural resources, urbanisation, wildlife, culture, water, forests and economic planning (see Table 1.1). This can have advantages and disadvantages: linking environment to other related sectors can result in closer cooperation between sectors, however, it can result in a ministry having a conflicting mandate e.g. where tourism is promoted in a sensitive environmental area.

Every SADC country has a department or directorate responsible for EIA (Table 1.1), but the levels of funding and staffing are mostly inadequate to deal with the processing of EIAs, let alone any follow up compliance auditing or inspection. In addition, many EIA authorities struggle to keep staff and the resulting combination of high staff turnover and lack of experience means that environmental decision-making is not as robust as it could be.

The responsibility for environmental management lies with central government in most SADC countries, with the exception of South Africa and Tanzania. In South Africa, certain national or strategic projects are dealt with at national level, but most EIAs for development projects are handled by the provincial authorities. In Tanzania, environmental management is devolved down to regional, town and village levels of government through the creation of administrative structures responsible for the environment in each tier of government. At a practical level, EIAs are handled at the regional and town level of government due to the lack of capacity at village level.

Most countries in the SADC region have legislation which allows environmental authorities to convene *ad hoc* technical committees to advise them on individual projects. Usually these technical committees comprise representatives from several sectors, including the sector of the project itself. These structures allow a multi-disciplinary review of EIAs and improved intersectoral collaboration.

1.4 Environmental Impact Assessment Procedures

An analysis of the EIA process in each country provides some interesting comparisons. Specific comments are made below on the EIA process in general, terms of reference, the public participation process, environmental management plans, strategic environmental assessments and the need for environmental impact assessment practitioners to be registered.

1.4.1 EIA Process

It can be seen from Table 1.2 that most countries follow some form of screening and scoping EIA process with the exception of Angola, Namibia and Zimbabwe which have rolled the screening and scoping phases into one step, and the DRC which lacks EIA legislation. It should be noted that each country has its own terminology for each phase and so for the purposes of this introductory chapter, the terms commonly used by the World Bank, and shown in Table 1.2 will be used.

Table 1.2: EIA Steps and Terminology Used

COUNTRY	Screening	Scoping	EIA	EIA STAGE		Follow up
				Permit, Licence Authorisation	EMP	
World Bank	Screening	Scoping	EIA	-	EMP	
Angola	Screening	-	EIS + EMP	Environmental Licence	Incl in EIA	Monitoring of EIA implementation
Botswana	Application	Preliminary EIA	EIS + EMP	Environmental Authorisation	Incl in EIA	Post EIA monitoring and auditing
DRC ⁶	-	-	EIS	Favourable environmental opinion	EMPP and MRP	-
Lesotho*	Authority consultation	Project Brief and ToR	EIS + EMMP	EIA Licence	Incl in EIA	Audit
Madagascar	Screening	Project Brief	PRE-E or EIA + EMP	Environmental Permit	Incl in EIA	Monitoring and control of EMP, Audits
Malawi	Screening	Project Brief OR Scoping	EIAR + EMP	EIA Certificate	Incl in EIAR	Monitoring of EIA implementation
Mauritius	Screening	Project document	EIAR + EMP	EIA Licence	Incl in EIA	Post-EIA monitoring
Mozambique	Application and Screening	Environmental pre-viability Report and Scope Definition + ToR, OR Pre-Assessment, OR ToR	EIS + EMP	Environmental Licence	Incl in EIA	Environmental audit and inspection
Namibia*	Registration and screening	-	SER EA + EMP	Environmental Contract	Incl in EA	Monitoring and auditing
Seychelles	Application	Appraisal Report, OR Scoping	EIA	Environmental Authorisation	-	Monitoring of EIA implementation

⁶ The only legal requirement for EIA in the DRC is through the Mining Code. The terminology used in the Mining Code and Regulations is provided in this table.

INTRODUCTION

COUNTRY	Screening	Scoping	EIA	EIA STAGE		Follow up
				Permit, Licence Authorisation	EMP	
South Africa	Lists of activities which trigger level of assessment	Basic Assessment Report, OR Scoping	- EIA + EMP	Environmental Authorisation	Incl in BAR or EIA	
Swaziland	Screening	Initial Environmental Evaluation (IEE) + CMP, OR Scoping	- EIA	Environmental Compliance Certificate	Incl in IEE CMP	Project Compliance Reports
Tanzania	Registration and Screening	Preliminary EIA, OR Scoping	EIS + EMP	EIA Certificate	Incl in EIS	Environmental Auditing
Zambia	Project Brief	ToR for EIS	EIS + EMP	Environmental Authorisation	Incl in EIA	Post-EIA Audit
Zimbabwe	Prospectus	-	EIA + EMP	EIA Certificate and Permit	Incl in EIA	Monitoring and Auditing

1.4.2 Terms of Reference

The compilation of good, comprehensive Terms of Reference (ToR) for an EIA is crucial to the eventual success or failure of an EIA. Inadequate ToR usually result in poor EIA reports. This inevitably leads to lengthy and costly project delays as the proponents are requested to provide more information or, at worst, the EIA report is rejected, because the authorities cannot make an informed decision on the basis of the information provided. This is in no one's interest. Therefore it is important to ensure that the ToRs are comprehensive enough to address the impacts of the proposed project. Seven SADC countries require the proponent to obtain approval of the ToR from the authorities before they can commence with the EIA (see Table 1.3). This ensures a level of quality control, but too often, the authorities fail to check that the ToR have actually been carried out. Three countries (Angola, Madagascar and Tanzania) do not require any approval of the ToR before the EIA study is started, and in the case of Tanzania, Mauritius and Seychelles, the ToR are actually drawn up by the authorities, not the proponent (see Table 1.3).

Table 1.3: Methods used for Terms of References for EIAs by each SADC Country

Country	ToR drawn up by proponent (no review)	ToR drawn up by proponent (Authority review)	ToR drawn up by Authorities	Comments
Angola	Yes	-	-	
Botswana	-	Yes	-	
DRC	-	-	-	Very detailed scope of work is provided in the EIA Annexures of the Mining Regulations
Lesotho	-	Yes	-	
Madagascar	Yes	-	-	
Malawi	-	Yes	-	
Mauritius	-	-	Yes	
Mozambique	-	Yes	-	
Namibia	-	Yes	-	
Seychelles	-	-	Yes	
South Africa	-	Yes	-	
Swaziland	Yes	-	-	
Tanzania	-	-	Yes	
Zambia	-	Yes	-	
Zimbabwe	-	?	-	Not clearly stated – assumed to be included in Prospectus

1.4.3 Public Participation

Some level of public consultation is required as part of the EIA process in all the SADC countries (Table 1.4). However the timing of this involvement and the mode of involvement are highly variable between the countries. The scope of involvement ranges from full engagement of interested and affected parties through various means including public meetings and focus groups (e.g. in South Africa), to the passive placement of the EIA report for public review and comment e.g. in the Seychelles.

It is generally considered to be best practice to consult the public as early in the EIA process as possible i.e. in the scoping phase, but only five countries (Botswana, Lesotho, Malawi, South Africa and Zambia) require this (see Table 1.4). However, all the countries with the exception of Angola, Botswana, Mauritius, Seychelles and Tanzania require the proponent (or his consultants) to undertake public participation during the preparation phase of the EIA. In the case of Botswana, the public consultation process is undertaken by the authorities during the EIA, not the proponent.

Interestingly, except for the DRC which does not have specific EIA legislation, all the Francophone countries in the SADC region, as well as Angola and Tanzania, do not require any public participation during the preparation of the scoping or EIA reports, and rely on the authorities to advertise the completed project EIA reports and to collate any comments made by the public (Table 1.4). In some cases the authorities in these countries will also hold public hearings. This approach is more typical of many northern hemisphere countries and perhaps reflects the origins of the drafting teams of those countries' legislation. This is a major weakness and assumes a Eurocentric ability of the public to read and critically evaluate a completed EIA report placed, for example, in a library, or to access it on-line, or to have the financial means to travel to and participate meaningfully in a public hearing. In most SADC countries, this type of public engagement is simply not possible and thus the EIA process in these countries fails to address the needs and concerns of the usually poor and marginalised affected public.

Table 1.4: Timing and Responsibility for Public Participation in EIA Processes

Country	Public consultation required in scoping	Public consultation required during preparation of EIA	Public review and/or public hearings after EIA report completed
Angola	No	No	Yes (authorities)
Botswana	Yes (proponent)	Yes (authorities)	Maybe (authorities)
DRC	No	Yes (proponent)	No
Lesotho	Yes (proponent)	Yes (proponent)	Yes (proponent or authorities)
Madagascar	No	No	Yes (authorities)
Malawi	Optional (proponent)	Yes (proponent)	No
Mauritius	No	No	Yes (authorities)
Mozambique	No	Yes (proponent)	Yes (authorities)
Namibia	Yes (proponent)	Yes (proponent)	No
Seychelles	No	No	Yes (authorities)
South Africa	Yes (proponent)	Yes (proponent)	No
Swaziland	No	Yes (proponent)	Yes (authorities)
Tanzania	No	No	Yes (authorities)
Zambia	Optional (proponent)	Yes (proponent)	Yes (authorities)
Zimbabwe	No	Yes (proponent)	No

1.4.4 Environmental Management Plans

None of the SADC countries, except DRC and Swaziland, require a separate Environmental Management Plan (EMP). Most countries only require the EIA report to include mitigation measures to be identified and in some cases the monitoring programme must also be specified. The DRC requires a separate EMP for the project (EMPP) and/or a Mitigation and Rehabilitation Plan (MRP) to be prepared according to detailed prescriptive requirements in the annexures of the mining regulations. Swaziland also requires a separate Comprehensive Mitigation Plan (CMP).

This finding is worrying because most mitigation plans in EIAs are vague statements of intent, rather than detailed EMPs. This can be attributed to the fact that the detailed final design of a project may only be completed after EIA approval (see Figure 1.1) and therefore the detailed information required for the EMP is only known after completion of the EIA. This is a major shortcoming of most EIA processes and renders the EIA of limited value if its recommendations are not properly implemented in the project construction and operational stages.

Some jurisdictions e.g. South Africa, Lesotho, make the compilation of an EMP a condition of the EIA Licence/Permit/Authorisation. While this is laudable, it is far from ideal because the public does not have an opportunity to provide inputs to, or make comments on the EMP – and often the EMP is the key document which is supposed to address all their concerns.

INTRODUCTION

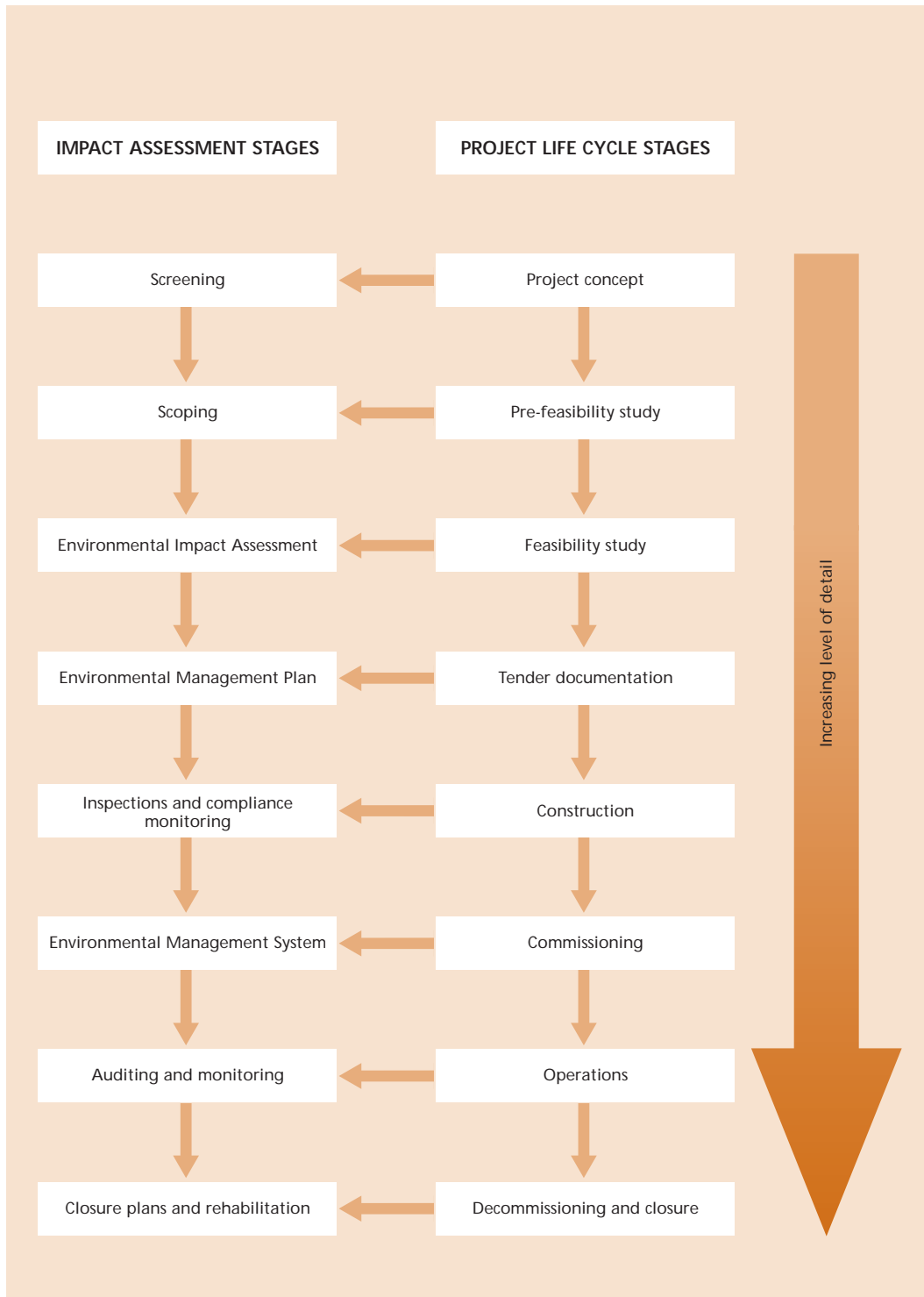
Compounding the situation is the general lack of post-EIA follow-up and compliance monitoring and auditing by the authorities. Even though most SADC countries make provision for inspections, audits and monitoring to be performed by the authorities, in practice, very little is done. This is due in large part to a lack of human, financial and technical resources (e.g. vehicles), further complicated by the large distances involved, poor infrastructure and the remote nature of many projects.

The lack of rigorous requirements and accountability for the preparation and implementation of EMPs is probably the area of EIA practice that is of greatest concern in the SADC region. Even assuming that quality EIAs are being produced and the authorities are making the best decisions, the lack of effective EMP implementation seriously reduces the value of the EIA process.

1.4.5 Strategic Environmental Assessments

Strategic Environmental Assessments (SEA) continue to gain momentum and much of the newer legislation makes specific reference to SEA being required for policies, plans and programmes e.g. Botswana, Lesotho, Mauritius, Namibia, South Africa, Swaziland and Tanzania. The legislation in Madagascar and Malawi does not refer to SEAs specifically, but both countries require an EIA of new national policies, plans and programmes.

Figure 1.1: Links between the EIA Process and a Typical Project Life Cycle



1.4.6 Registration of EIA Practitioners

Along with a growing international trend, three countries in the SADC region (Botswana, Mozambique and Tanzania) require environmental assessment practitioners (EAPs) to be registered in those countries before they can act as a lead consultant. It is not known, however, if these countries would recognise an EAP registered under a certification scheme in another SADC country. Lesotho is in the process of developing a certification scheme and registration system for EAPs, and South Africa has a voluntary system in place.

The introduction of certification and registration schemes for EAPs will help to improve the quality of EIA reports and provide a degree of quality assurance. However, the schemes should be reciprocal, based on similar qualification criteria to allow the free flow of EAPs within SADC. This will create opportunities for much-needed skills transfer and capacity building within the region.

1.5 Summary of International Environmental Obligations of SADC Countries

The main international conventions, protocols and treaties relevant to environmental management are summarised in Table 1.5. The following observations can be made:⁷

- All SADC countries are contracting parties to the Convention on Biological Diversity (see Table 1.5). However, phrases in this Convention such as “as appropriate”, “as far as possible”, and “where appropriate” mean that the interpretation, implementation and impact of this Convention on each SADC country varies widely.
- Twelve of the SADC countries are signatories to the Ramsar Convention (see Table 1.5). There are 35 designated Ramsar sites in the region, covering a total of 15.59 million hectares. The largest site is the Okavango Delta in Botswana, which covers 6.9 million hectares. Four sites in Tanzania collectively protect almost 5 million hectares and one site in Mozambique extends over 1.3 million hectares. South Africa has the most designated sites with 17, covering a total area of nearly 500,000ha.
- All the countries in the SADC region, with the exception of Angola have ratified or acceded to CITES and all but Swaziland have signed or ratified the Cartagena Protocol on Biosafety (Table 1.5).
- Seven SADC countries have Memoranda of Understanding (MoUs) in terms of the Convention on Migratory Species (the Bonn Convention): Angola, DRC, Mauritius, Tanzania and the Seychelles have signed agreements relating to marine turtles; and Angola, Madagascar, Mauritius, South Africa and Tanzania have signed agreements relating to African-European migratory waterbirds. Given the number and extent of Ramsar sites throughout the region, it is puzzling why not more of the member states have not signed MoUs relating to waterbirds.
- All countries have ratified or accepted the World Heritage Convention (Table 1.5). Of note is the fact that designated natural world heritage sites in the region (i.e. nominated for their biodiversity, rather than cultural factors) comprise more than 11% of the world's total. These sites afford protection to vast ecosystems in a variety of biomes.

⁷ The information in this section is adapted from SAIEA, 2005. “Situation Assessment on the Integration of Biodiversity Issues in Impact Assessment and Decision Making in Southern Africa.” Unpublished report produced as part of IAIA's Capacity Building in Biodiversity and Impact Assessment (CBBIA) Project.

INTRODUCTION

- All countries have signed and ratified the Convention to Combat Desertification, as well as the Framework Convention on Climate Change. This is important for the region which is extremely susceptible to climate change and the persistent threat of increased desertification as a direct result of climate change and anthropological factors.
- All the SADC countries have ratified both the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol on ozone depleting substances.
- The position of the SADC countries on chemicals and waste is very mixed. Whilst most have either signed or ratified the Stockholm Convention on Persistent Organic Pollutants, only eight countries have signed, ratified or acceded to the Rotterdam Convention on prior informed consent for hazardous materials and pesticides, and only two countries (Botswana and the DRC) have acceded to the Basel Convention on the trans-boundary movement of hazardous waste. This leaves most of SADC open to abuse from the illegal dumping of spent chemicals, hazardous wastes and banned pesticides (see Table 1.5 overleaf).
- All SADC countries have either signed or ratified the UN Law of the Sea.

Table 1.5: Summary of International Conventions, Protocols and Agreements signed by SADC Countries⁸

Country	BIODIVERSITY			HERITAGE LAND				ATMOSPHERE				CHEMICALS & WASTE			OCEAN
	CBD ⁹	Ramsar ¹⁰	CITES ¹¹	Biosafety (Cartagena Protocol)	World Heritage Conv.	Desertification ¹³	Climate Change ¹⁴	Vienna Convention ¹⁵	Montreal Protocol ¹⁶	Basel Convention ¹⁷	Rotterdam Convention ¹⁸	Stockholm Conv. on PoPs ¹⁹	UNCLOS ²⁰		
Angola	✓ R	X	X	✓	✓ R	✓ S,R	✓ C	✓ R	✓ R	X	✓ S	✓ ACS	✓ R		
Botswana	✓ R	✓	✓ ACS	✓ SR	✓ A	✓ S,R	✓ C,P	✓ R	✓ R	✓ *ACS	X	✓ ACS	✓ S,R		
DRC	✓ R	✓	✓ ACS	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	✓ ACS	✓ S,R	✓ ACS	✓ S,R		
Lesotho	✓ R	✓	✓ R	✓ ACS	✓ A	✓ S,R	✓ C,P	✓ R	✓ R	X	X	✓ S,R	✓ S		
Madagascar	✓ R	✓	✓ R	✓ SR	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ S,R	✓ S,R	✓ S,R		
Malawi	✓ R	✓	✓ ACS	✓ S	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	X	✓ S	✓ S		
Mauritius	✓ R	✓	✓ R	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ ACS	✓ S,R	✓ S,R		
Mozambique	✓ R	✓	✓ ACS	✓ SR	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	X	✓ S,R	✓ S,R		
Namibia	✓ R	✓	✓ ACS	✓ SR	✓ A	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ S,R	✓ ACS	✓ S,R		
Seychelles	✓ R	✓	✓ ACS	✓ SR	✓ A	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ S	✓ S	✓ S,R		
South Africa	✓ R	✓	✓ R	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ ACS	✓ S,R	✓		
Swaziland	✓ R	X	✓ ACS	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	X	✓ ACS	✓ S		
Tanzania	✓ R	✓	✓ R	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	✓ S,R	✓ S,R	✓ S		
Zambia	✓ R	✓	✓ ACS	✓ ACS	✓ R	✓ S,R	✓ C,P	✓ R	✓ R	X	X	✓ S,R	✓ S,R		
Zimbabwe	✓ R	X	✓ ACS	✓ SR	✓ R	✓ S,R	✓ C	✓ R	✓ R	X	X	✓ S	✓ S,R		

1.6 Summary of SADC Environmental Protocols

There are two important SADC environmental protocols:

- Protocol on Shared Watercourse Systems; and
- Protocol on Wildlife Conservation and Law Enforcement.

The Protocol on Shared Watercourse Systems regards and incorporates:

- The Helsinki Rules on uses of the waters of international rivers and the work of the International Law Commission on the non-navigational uses of international water courses;
- The relevant provisions of Agenda 21 of the United Nations Conference on Environment and Development, the concepts of environmentally sound management, sustainable development and equitable utilisation of shared watercourse systems in the SADC region;
- The existing and emerging socio-economic development programmes in the SADC region and their impact on the environment;
- Judicious and coordinated utilisation of the resources of the shared watercourse systems in the SADC region;
- The need for coordinated and environmentally sound development of the resources of shared watercourse systems in the SADC region in order to support sustainable socio-economic development; common utilisation and management of the resources of shared watercourse systems in the SADC region; and
- Other agreements in the SADC region regarding the common utilisation of certain water courses.²¹

This protocol has been signed by all the African continental mainland countries with the exception of the DRC.

The Protocol on Wildlife Conservation and Law Enforcement is an interstate regulation affirming that member states have the sovereign right to manage their wildlife resources and the corresponding responsibility to sustainably use and conserve these resources. The aim is to establish a common framework for the conservation and sustainable use of wildlife resources in the SADC region and to assist with the effective enforcement of laws governing those resources. All the original 14 SADC states have signed this protocol.²²

⁸ S means that the Convention has been Signed; R indicates Ratification; A means Accepted; AcS means that the country has acceded to the Convention.

⁹ Convention on Biological Diversity.

¹⁰ Convention on Wetlands of International Importance Especially as Waterfowl Habitat.

¹¹ Convention on the International Trade in Endangered Species.

¹² Convention on Migratory Species; MT denotes that a MoU for marine turtles has been signed; AEWa denotes that a MoU has been signed on African-European Migratory Waterbirds; ACAP denotes that a MoU has been signed on albatrosses and petrels.

¹³ Convention to Combat Desertification.

¹⁴ Framework Convention on Climate Change and the Kyoto Protocol: C means that the Convention has been ratified by the country; P means that the protocol has been ratified.

¹⁵ Vienna Convention for the Protection of the Ozone Layer.

¹⁶ Montreal Protocol on Substances that Deplete the Ozone Layer.

¹⁷ Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal.

¹⁸ Rotterdam Convention on the Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade.

¹⁹ Stockholm Convention on Persistent Organic Pollutants (POPs).

²⁰ UN Convention on the Law of the Sea.

²¹ www.iucnrosa.org.zw.

²² Op. Cit. Footnote 21.