

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 2007, the Southern African Institute for Environmental Assessment (SAIEA) and the Development Bank of Southern Africa published a Handbook on Environmental Assessment Legislation in the SADC Region, funded by the Development Bank of Southern Africa (DBSA). Although SADC currently has 14 member countries, the 2007 Handbook covered 15 SADC countries, because during that year, the Seychelles left SADC and Madagascar joined, but both countries were captured in the Handbook.

The original intention of the Handbook was to update it on a regular basis to keep pace with the rapidly changing and evolving legislation, therefore, the DBSA commissioned SAIEA to update the handbook in 2009. In order to ensure its ease of access to all practitioners, the chapters of the book are available as downloadable pdf files. It is interesting to note that seven countries have gone through significant changes to their administrative and/or legislative frameworks since 2006 (when the previous Handbook was compiled), namely: Angola, DRC, Lesotho, Namibia, South Africa, Tanzania and Zimbabwe. Minor changes have occurred in Botswana, Madagascar, Malawi and Mozambique.

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

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.

out about EIA legislation and the administrative arrangements for EIA in each SADC country. Each country chapter provides information on the following:

- The Constitutional requirements for environmental protection;
- The institutional and administrative structures for EIA;
- 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;
- Acronyms and useful contacts.

The country chapters are arranged in alphabetical order starting at 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 wellbeing 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), where it has only been formalised into the Mining Code (Table 1.1).

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 Environment (MoE)	National Directorate for Prevention and Environmental Impact Assessment	Environment Framework Law, 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 ²	Ministry of Environment, Nature Conservation and Tourism Ministry of Mines	Groupe d'Etudes Environnementales du Congo (GEEC) Department in Charge of the Protection of the Mining Environment	Draft Framework Law on the Environment Mining Code, Law No 007/2002 (Code Minier)	None Mining Regulations, Decree No 038/2003 of 26 th March 2003 contain environmental considerations
Lesotho	Ministry of Tourism, Environment and Culture (MTEC)	National Environmental Secretariat (NES)	Environment Act, No 15 of 2001 ³	In draft
Madagascar	Ministry of Environment, Forests and Tourism, (MEEFT)	Office National de l'Environnement (ONE)	Charte de l'Environnement, Law No 90-033 of 21 st December, 1990, as amended by Law No 97-012 and Law No 2004-015	Decret Relatif à 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, Energy and Environment (MNREE)	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 1 st 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 Act, No 7 of 2007	In draft
South Africa	Department of Environmental Affairs (DEA)	National DEA or Provincial Departments (see Chapter 12, s 12.2.2 for list)	National Environmental Management Act, No 107 of 1998 as amended in 2003, 2004 and 2008	Environmental Impact Assessment Regulations, R385 of April, 2006 (under review)
Swaziland	Ministry of Economic Planning and Development (MEPD)	Swaziland Environmental Authority (SEA)	Environmental Management Act, No 5 of 2002	Environmental Audit, Assessment and Review Regulations of 1996, as amended in 2000
Tanzania	Vice-President's Office	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 Natural Resources Management (MENRM)	Environmental Management Agency (EMA)	Environmental Management Act, Chap 20:27 of 2002	Environmental Management (EIAs and Ecosystems Protection) Regs, SI No 7 of 2007

² The only EIA legislation in the DRC is found in the Mining Code.

³ This Act was never actually gazetted. The Environmental Management Bill, 2006 is expected to be promulgated in 2007.

Two countries in SADC, Malawi and Mauritius, 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 by 2010 (Table 1.1). In the absence of specific EIA regulations, Malawi and Mauritius have detailed guidelines for the EIA process in general and/or for key economic sectors.

1.3 Summary of EIA Administrative Structures in SADC Countries

Every SADC country has a government ministry responsible for the environment, except Tanzania, where the National Environment Management Council falls under the Vice-President's Office. While Angola, Mauritius, and Mozambique have dedicated Ministries of Environment, the rest of the SADC countries have linked environment at ministerial level variously with tourism, natural resources, 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 turn-over 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. In South Africa, certain national or strategic projects are dealt with at a national level, but most EIAs for development projects are handled by the provincial authorities. The DRC is currently going through a reconstruction phase and one of the key initiatives is to decentralise government to the Provinces, however, this has not yet taken place and environmental governance still takes place at the national level.

Most countries in SADC have legislation which allows the 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 inter-sectoral 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 assessment practitioners to be registered.

1.4.1 EIA Process

It can be seen from Table 1.2 below that most countries follow some form of screening – 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 framework 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	EIA STAGE					
	Screening	Scoping	EIA	Permit, Licence Authorisation	EMP	Follow up
World Bank	Screening	Scoping	EIA	-	EMP	
Angola	Screening	-	EIS + EMP	Environmental Licence	Incl in EIA	Monitoring of EIA implementation
Botswana	Screening	Preliminary EIA	EIS + EMP	Environmental Authorisation	Incl in EIA	Post EIA monitoring and auditing
DRC ⁴	-	-	EIS	Favourable environmental opinion	EMPP and MRP	-
Lesotho*	Authority consultation	Project Brief and ToR	EIS + EMMP	EIA Licence	Incl in EIA	Audit
Madagascar	Screening	Programme of Environmental Engagement (PREE)	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	Preliminary Environmental Report	EIAR + EMP	EIA Licence	Incl in EIA	Post-EIA monitoring
Mozambique	Application and Screening	Environmental pre-viability Report and Scope Definition	EIS + EMP	Environmental Licence	Incl in EIA	Environmental audit and inspection

⁴ 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.

COUNTRY	EIA STAGE					
	Screening	Scoping	EIA	Permit, Licence Authorisation	EMP	Follow up
		+ ToR, OR Pre-Assessment, OR ToR	EIS + EMP or SER SER			
Namibia	Registration and screening	-	EA + EMP	Letter of Authorisation	Incl in EA	Monitoring and auditing
South Africa	Screening	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 + ToR	EIS + EMP	EIA Certificate	Incl in EIS	Environmental Auditing
Zambia	Screening	Project Brief, OR ToR for EIS	EIS + EMP	Environmental Authorisation	Incl in EIA	Post-EIA Audit
Zimbabwe	Prospectus	-	EIAR + 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 ToRs 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 Swaziland) do not require any approval of the ToR before the EIA study is started, and in the case of Tanzania and Mauritius, 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	-	
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 Mauritius.

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 5 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 input to, or make comments on the EMP – and often the EMP is the key document which is supposed to address all their concerns.

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 Assessment (SEA) continues 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.

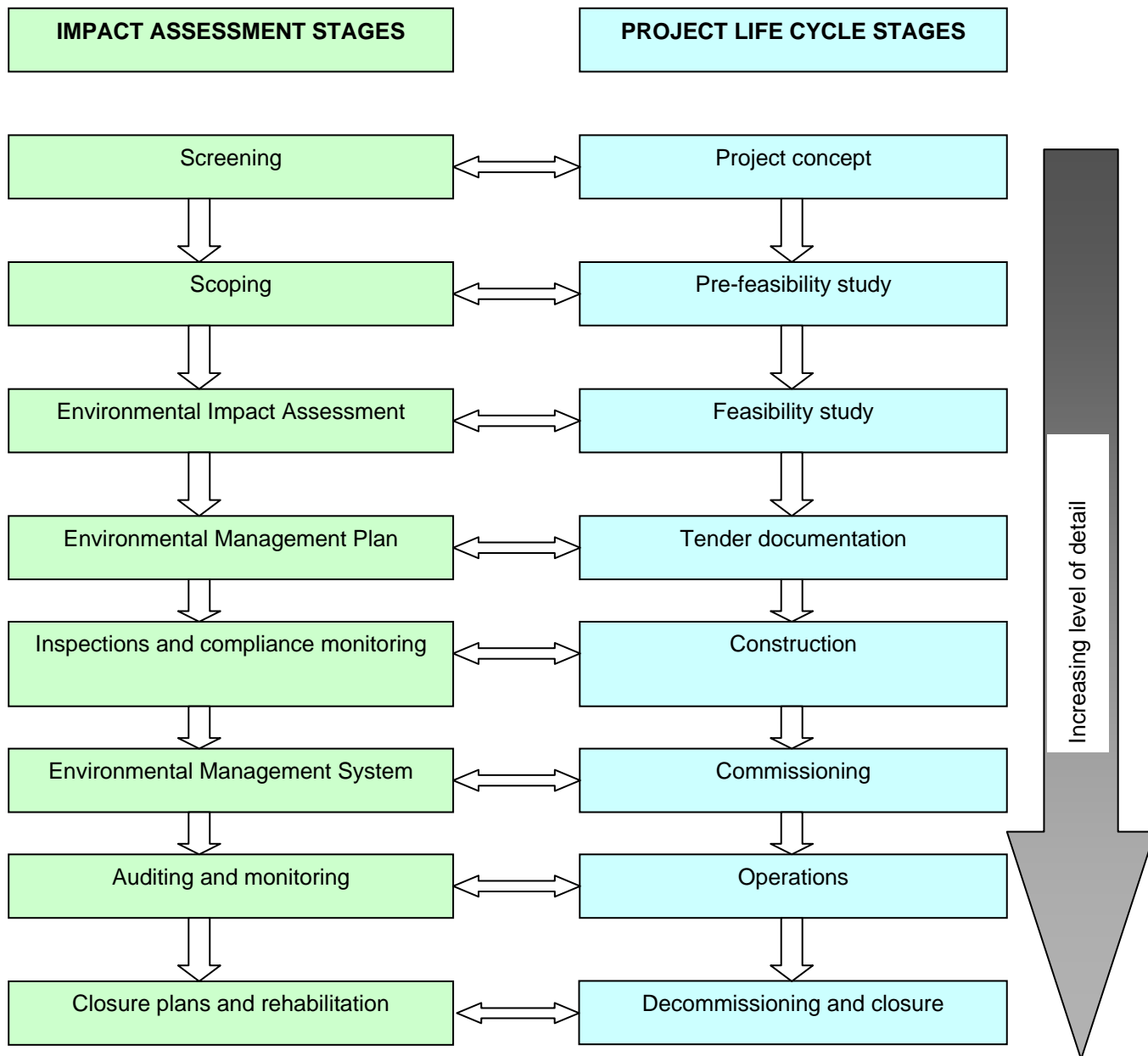


FIGURE 1.1: LINKS BETWEEN THE EIA PROCESS AND A TYPICAL PROJECT LIFE CYCLE

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 other SADC countries. Lesotho, Botswana, South Africa and Swaziland are in the process of developing formal registration and certification schemes for EAPs, and it is likely that such schemes will be implemented in Botswana and South Africa by the end of 2009 and in Lesotho by the end of 2010.

The introduction of registration and certification 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:⁵

- 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.
- Eleven 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 500,000 ha.

⁵ 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, updated from the relevant websites

- All the countries in the SADC region, with the exception of Angola have ratified or acceded to CITES and 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, Madagascar, Mauritius, Mozambique, South Africa and Tanzania. These MoUs relate variously to marine turtles, dugongs, migratory waterbirds, birds of prey, seabirds and gorillas.
- 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.
- 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 all but Zimbabwe have acceded to the Basel Convention on the trans-boundary movement of hazardous waste and most have either signed or ratified the Stockholm Convention on Persistent Organic Pollutants, only 7 countries have signed, ratified or acceded to the Rotterdam Convention on prior informed consent for hazardous materials and pesticides. This leaves some SADC countries open to abuse from the illegal dumping of spent chemicals, hazardous wastes and banned pesticides (see Table 1.5).
- 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 Countries⁶

Country	BIODIVERSITY					HERITAGE	LAND	ATMOSPHERE			CHEMICALS & WASTE			OCEAN
	CBD ⁷	Ramsar ⁸	CITES ⁹	CMS (Bonn) ¹⁰	Biosafety (Cartegena Protocol)	World Heritage Conv.	Desertification ¹¹	Climate Change ¹²	Vienna Convention ¹³	Montreal Protocol ¹⁴	Basel Convention ¹⁵	Rotterdam Convention ¹⁶	Stockholm Conv on PoPs ¹⁷	UNCLOS ¹⁸
Angola	✓R	X	X	✓	X	✓R	✓S,R	✓C, P	✓R	✓R	✓Acs	✓S	✓Acs	✓R
Botswana	✓R	✓	✓Acs	X	✓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	X	✓Acs	✓A	✓S,R	✓C,P	✓R	✓R	✓Acs	X	✓S,R	✓S
Madagascar	✓R	✓	✓R	✓	✓SR	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	✓S,R	✓S,R	✓S,R
Malawi	✓R	✓	✓Acs	X	✓SR	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	X	✓S,R	✓S
Mauritius	✓R	✓	✓R	✓	✓Acs	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	✓Acs	✓S,R	✓S,R
Mozambique	✓R	✓	✓Acs	✓	✓SR	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	X	✓S,R	✓S,R
Namibia	✓R	✓	✓Acs	X	✓SR	✓A	✓S,R	✓C,P	✓R	✓R	✓Acs	✓S,R	✓Acs	✓S,R
South Africa	✓R	✓	✓R	✓	✓Acs	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	✓Acs	✓S,R	✓
Swaziland	✓R	X	✓Acs	X	✓Acs	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	X	✓Acs	✓S
Tanzania	✓R	✓	✓R	✓	✓Acs	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	✓S,R	✓S,R	✓S
Zambia	✓R	✓	✓Acs	X	✓Acs	✓R	✓S,R	✓C,P	✓R	✓R	✓Acs	X	✓S,R	✓S,R
Zimbabwe	✓R	X	✓Acs	X	✓SR	✓R	✓S,R	✓C	✓R	✓R	X	X	✓S	✓S,R

⁶ S means that the Convention has been Signed; R indicates Ratification; A means Accepted; Acs means that the country has acceded to the Convention

⁷ Convention on Biological Diversity

⁸ Convention on Wetlands of International Importance Especially as Waterfowl Habitat

⁹ Convention on the International Trade in Endangered Species

¹⁰ Convention on Migratory Species;

¹¹ Convention to Combat Desertification

¹² 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.

¹³ Vienna Convention for the Protection of the Ozone Layer

¹⁴ Montreal Protocol on Substances that Deplete the Ozone Layer

¹⁵ Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal

¹⁶ Rotterdam Convention on the Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade

¹⁷ Stockholm Convention on Persistent Organic Pollutants (POPs)

¹⁸ UN Convention on the Law of the Sea

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 watercourses;
- 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 watercourses.¹⁹

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.²⁰

¹⁹ www.iucnrosa.org.zw

²⁰ Op. Cit. Footnote 19.