



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Constitution of the Protected Area Advisory Committee



Constitution of the Protected Area Advisory Committee for the *_(insert name of reserve)_* Nature Reserve (to be named 'The _____ Protected Area Advisory Committee')

1. Abbreviations and definitions

1.1. Abbreviations:

BMB	Biodiversity Management Branch
CBO	Community Based Organisations
EMD	Environmental Management Department
NGO	Non-Governmental Organisations
PAAC	Protected Area Advisory Committee

1.2. Definitions:

Management authority: The right to perform or act in certain designated ways to directly influence the actions of others. The management authority referred to in this document is the Director: Environmental Management.

Quorum: Fifty percent (50 %) plus one of voting members (not including ex-officio members and specialist members).

2. The purpose

The Protected Area Advisory Committee (PAAC) exists to facilitate a participative approach in respect of protected areas management and represent the interests of all stakeholders, internal and external. These stakeholders are defined as all persons or entities affected by or interested in the existence and management of the Protected Area. The PAAC is established in terms of the National Environmental Management: Protected Areas Act, No 57 of 2003 and its regulations.

3. The objectives

The objectives of the PAAC are to:

- 3.1. facilitate constructive interaction between the Protected Area/Nature Reserve management authority and surrounding communities and stakeholders;
- 3.2. serve as a channel for two-way communication and management of conflict between the management authority and surrounding communities and stakeholders, and as between surrounding communities and stakeholders;
- 3.3. assist the Protected Area management authority to engage with surrounding communities and stakeholders to identify strategic issues and areas of mutual interest and concern relating to the Protected Area/Nature Reserve, and work towards finding equitable solutions that benefit both the community or stakeholders and the Protected Area/Nature Reserve;
- 3.4. serve as a vehicle towards developing strategic partnerships with stakeholders; and
- 3.5. assist with the implementation of the management plans drafted for the Protected Area/Nature Reserve from time to time;

The PAAC is constituted as an advisory, rather than a decision-making body, with regard to the affairs of the Protected Area/Nature Reserve. This means that the decision-making authority of the management authority is by no means affected by PAAC.

4. The type of organisation

The PAAC is a statutory body, being a Protected Area Advisory Committee established in terms of the National Environmental Management: Protected Areas Act, No 57 of 2003 and its regulations.

5. The membership

- 5.1. Nominations are invited from time to time by way of invitation published by the management authority. Such invitation shall include the minimum requirements and other criteria which the management authority will take into consideration when deciding upon appointments to the PAAC. It shall furthermore specify the method of submission of nominations and the closing date by which nominations must reach the management authority.
- 5.2. Members are appointed in writing by the management authority or its duly authorised representative.

- 5.3. Membership is made up of formally constituted groups and organisations falling in the categories listed in clause 5.8, represented by properly delegated individuals from those specific organisations or groups. Individuals do not sit as members in their personal capacity or own right, except in a case of specialists who are appointed for specific skills (see clause 4.4), and in the case of the Ward Councillor/s.
- 5.4. The management authority may at its discretion appoint specialist advisory members to the PAAC.
- 5.5. Where possible, member groups and organisations can nominate an alternate individual to represent them to substitute for their primary representative. Alternatives may also attend meetings as observers.
- 5.6. Membership of the PAAC shall include at least one employee of the management authority's Biodiversity Management Branch (BMB), situated in its Environmental Management Department (EMD), in an ex-officio capacity.
- 5.7. Membership of the PAAC shall include at least two Councillors nominated and recommended for appointment by council and/or subcouncil to serve in ex-officio capacity.
- 5.8. Organisations or groups falling into the following categories may be considered for nomination. This list is however not exhaustive and any organisation or group demonstrating a real interest in the Protected Area/Nature Reserve may be considered.
- 5.8.1. Local communities
 - 5.8.2. Organs of state
 - 5.8.3. Groups representing neighbouring residents or land owners
 - 5.8.4. User groups
 - 5.8.5. Ward councillors
 - 5.8.6. Ward committees
 - 5.8.7. Other affected/interested parties, such as:
 - 5.8.7.1. Non-Governmental Organisations and Community Based Organisations (NGOs and CBOs)
 - 5.8.7.2. Tourism stakeholders
 - 5.8.7.3. Cultural heritage stakeholders, e.g. Rastafarian, Traditional Leaders and traditional healers
 - 5.8.7.4. Botanical and/or zoological interest groups
 - 5.8.7.5. Water quality/aquatic environment interest groups
 - 5.8.7.6. Nature-based recreation bodies

- 5.8.7.7. Academic institutions
- 5.8.7.8. Research institutions
- 5.8.7.9. Ecological specialists and experts in various relevant fields
- 5.8.7.10. And any other interested and affected party/stakeholder.

6. Term of office

- 6.1. Members shall be appointed to serve a three year term.
- 6.2. All members' term of office shall be reviewed every three years at which time the City can renew the membership or terminate and request for new nominations.
- 6.3. For appointment and term of office for chairpersons, see Clauses 9.2 to 9.5.
- 6.4. The PAAC shall have a maximum number of 20 members, whereas six shall be the minimum. Additions to the maximum number of PAAC members will be at the discretion of the managing authority.

7. Termination / suspension of membership and removal from the PAAC

- 7.1. Members of the PAAC wishing to resign must submit a letter of resignation, addressed to the management authority (Director: Environmental Management of the City of Cape Town), giving a 30 day (including weekends) written notice of resignation to the PAAC.
- 7.2. The resignation letter must be tabled during a PAAC meeting.
- 7.3. Members may be dismissed or suspended by the management authority, or requested to vacate their office on the PAAC on grounds of, possible conflict of interest, incapacity or misconduct, or any other act contrary to the constitution of the Protected Area Advisory Committee, or contrary to the provisions of the National Environmental Management: Protected Areas Act or its regulations, or any other breach of law.
- 7.4. Prior to dismissal, suspension or being requested to vacate office, the management authority shall in writing afford the affected member an opportunity to make written submissions with regard thereto, and shall indicate the date upon which the possible dismissal, suspension or request to vacate office will be decided upon.

- 7.5. Notice of dismissal, suspension or request to vacate office, as well as notification of the opportunity to make representations, must be communicated to the relevant member in writing.
- 7.6. All delegates and/or alternates must attend all meetings, failing which an apology must be forwarded to the committee or chairperson or secretary prior to any absence from a meeting.
- 7.7. Members who fail to send a representative or alternate for three consecutive meetings without notice, shall be removed from the committee.
- 7.8. In the event that a sitting representative's employment contract is terminated by the organisation he or she represents or the sitting representative resigns from a member organisation, such representative's participation within the PAAC shall be terminated. In such an event the member organisation retains a vacant seat on the PAAC.
- 7.9. In the event that a member organisation has a vacant seat, the Protected Area Manager appointed as such by the management authority must invite that member organisation to designate a new representative.
- 7.10. All membership appointments, terminations and suspensions must be in writing and recorded in the minutes of PAAC meetings.

8. Duties and responsibilities of members

Members of the committee must:

- 8.1. apply their minds to draft policies and plans for protected areas;
- 8.2. comment on documents circulated for input to the committee;
- 8.3. comment on documents made available during public participation processes;
- 8.4. liaise and facilitate communication between their group or organisation and the protected area management authority;
- 8.5. act as a vehicle to provide advice on protected area issues;

- 8.6. play a role in educating the community and various interest groups about the importance of preservation, protection and management of natural resources and the furtherance of the objectives of the protected area management plan that are intended to pursue these goals;
- 8.7. monitor and evaluate progress on implementation of programmes in the reserve management plan;
- 8.8. make recommendations to the management authority on how it can improve operational plans and programmes relating to the particular reserve or protected area;
- 8.9. promote involvement in decision-making around the management of natural and cultural heritage resources and tourism facilities within the scope of the reserve management plan;
- 8.10. promote the integration of conservation activities in the nature reserve with those of surrounding areas and possible synergies;
- 8.11. establish and maintain links between the management authority and other stakeholders;
- 8.12. where necessary, comment on environmental impact assessment reports in the area abutting the protected area; and
- 8.13. regularly attend meetings and activities of the PAAC and provide feedback to their groups or organisations.

9. Functionality and Committee Meetings

- 9.1. The PAAC meets at least quarterly, on dates coordinated by the protected area manager, provided that it may meet twice a year with the approval of the management authority.
- 9.2. At its first meeting a Chairperson is elected and recommended for appointment by the management authority.
- 9.3. The management authority shall formally appoint the chairperson.

- 9.4. In the event that the chairperson's membership expires, or is terminated or suspended, the PAAC must elect a new chairperson at the next meeting.
- 9.5. A chairperson shall lead the PAAC for a period of three years after which a new chairperson shall be appointed.
- 9.6. The chairperson does not have any specific powers, but coordinates the activities of the PAAC.
- 9.7. The management authority's Protected Area staff must provide secretarial support to the PAAC.
- 9.8. The committee must submit a copy of the minutes of each meeting to the management authority (via the relevant City ex-officio member for submission through the Branch Manager: Biodiversity Management), highlighting issues and making recommendations on matters flowing from the implementation of the relevant Protected Area Management Plan.
- 9.9. The minutes of the PAAC must be made available upon request to the relevant subcouncil or subcouncils in whose area of jurisdiction the protected area is situated.
- 9.10. All requested minutes to the subcouncil must be submitted using the City's formal reporting process to subcouncils via the relevant City' ex-officio member.
- 9.11. The chairperson in consultation with the PAAC may establish sub-working groups when required.
- 9.12. The Protected Area management authority will provide logistical and resource support for the PAAC, e.g. meeting venue etc.
- 9.13. Consensus of the PAAC shall be reached on a majority vote basis with a quorum present.

10. Alteration of the constitution

- 10.1. Proposals for amendments to this constitution must be in writing and delivered to the management authority via its ex-officio PAAC member, along with a copy of the PAAC minutes reflecting the recommendations in respect of the proposed amendments.

10.2. Any proposed amendments to this constitution must be supported by at least two thirds of those members present at a committee meeting.

11. Adoption of the Constitution and submission to the management authority

This constitution must be adopted by resolution of the PAAC at its inaugural meeting and submitted to the management authority along with a copy of the minutes reflecting its adoption. The management authority must respond by confirming receipt and acceptance of the constitution within 20 working days of receipt.