

## WORK FLOW FOR IMPLEMENTATION

The following is a basic step-by-step approach to clearing activities indicating the different stages at which policy matters are likely to impact on implementation (Activities may not necessarily occur in the order in which they appear).

1. Identify the management area.
2. Establish a natural resource working group for the area
  - The purpose of the working group is to ensure consultation and co-ordination between different government departments dealing with natural resource management.
  - There should be representatives of the PDA, the provincial representative of DWAF forestry, the provincial representative of DWAF water use and conservation, DEAT and WfW.
  - It may be possible to integrate with other bodies such as the Catchment Management Associations and the Peat working group.
  - Local authority representatives should be included in discussions affecting their areas of management, particularly as they will play a long terms role in ensuring that cleared land is properly maintained.
  - It may be appropriate to set up such co-ordinating structures at a regional as well as an area level.
3. The regional natural resource working group should obtain the GIS information for each property in the management area.
  - This can be obtained from WfW.
  - It is possible to identify the cadastral boundary of each property. From this it should be possible to establish the farm/property name or number. This information can then be used to establish ownership details. The ownership details can be established using AKTEX (which gives deeds office information on line) or by going to the Deeds Office directly.
4. Identify the clearing priorities:

This must be done on the basis of:

  - The practice that we clear from the top of a catchment down.
  - Clearing sparse infestations before dense.
  - Follow-up before new clearing.
  - Water security.
  - Environmental considerations eg wetlands
  - Social considerations.
  - The Working for Water policy for clearing on private land.
  - Ad hoc/piecemeal clearing is to be discouraged

5. Conduct a site inspection to assess the correctness of the geographical information.
  - Note that if the land user will not allow access to property for and inspection or mapping these powers may be obtained in terms of the Conservation of Agricultural Resources Act or possibly the National Water Act to enter property for this purpose.
  - It is unlawful for the land user to prevent an authorised person from having access to the property to discharge duties in terms of the Act.

6. Notify the landusers in the clearing area that it has been identified for clearing.

A general communication may be sent out. The form of the notification may be discussed at the natural resources working group. The notice can be done in various ways, for example:

- Arranging information sessions;
  - A notice in the local press; or
  - A general letter to land users advising of the implementation of a clearing programme, the possible legal ramifications for failing to clear (including the provisions of the Conservation of Agricultural Resources Act) and proposing that WfW be approached for assistance. These letters may be sent out with the assistance of the local authority with rates notices, Catchment Management Associations etc; For an example of such a letter see [general letter to land users](#) or
  - A Directive in terms of an Act of Parliament, in particular the Conservation of Agricultural Resources Act.
7. Approach individual land users, whether they are State departments or private individuals.
  8. Explain to land users that they are under a legal duty to maintain their land in a condition free of invasive aliens. If they do not clear their land then the State can clear it and recover the costs from them  
  
The basis for this legal duty is set out in a separate document: [Legal Duties on Land Users](#).
  9. If a land user requires WfW assistance they must complete and sign an [Application for Clearing Assistance](#).

- The land user should obtain the assistance of the PDA or WfW with completing the documentation.
- The Application for Clearing Assistance forms the basis of the Land Owner contract.

Most of the terms are similar to those contained in earlier versions of the Landowner Agreement. However, it has been restructured slightly to allow for easier capture of information and integration of information with the water user registration system of DWAF and with the National Department of Agriculture data base.

- This document consists of six parts:
  - Part 1 – Property information. The Deed of Transfer or the Surveyor General's Number must be provided. This is crucial for the management of all information relating to the property.
  - Part 2 - the Land User information
  - Part 3 – the Land Owner information.
  - Part 4 is information about the extent of the infestation.

If the area has already been mapped for invasive alien plants this map can be attached instead.

- Part 5 is clearing information.

This is basically the variable clearing information that relates to that specific property.

- Part 6 - the standard Working for Water Conditions for Clearing.

The conditions are basically the same as those that were contained in the previous land owner agreement. However, there are some new conditions.

One of the conditions is that the land user must maintain the land once it has been cleared otherwise the full clearing cost must be repaid.

- The standard Working for Water Conditions for Clearing may not be changed unless the Regional Programme Leader authorises it after consulting with the Regional Co-ordinator.

10. The Application for Assistance will be assessed on the basis of the Working for Water Policy for Assisting with Clearing Private Land

The policy for clearing on private land needs to be adapted to make provision for land that has been proclaimed a National Park and Mountain Catchment Area. This land falls under State control and must be dealt with on the same basis as land of which the State is the registered owner.

11. If the Application is granted:
  - the Application, including the standard conditions, forms the land user contract.
  - Proceed to issue clearing tenders
  
12. If the Application is refused:
  - The Applicant should be notified
  - Consideration should be given to invoking other enforcement strategies.
  
13. Upon completion of WfW clearing work (including any follow-ups that are to be undertaken with the assistance of WfW):
  - i. Officials will do a joint inspection with the land user
  - ii. Fix a date for follow up and decide who is responsible
  - iii. The natural resource management working group should decide whether a directive should be issued to maintain the land in a cleared state.
  
14. If the follow up is to be done with the assistance of Working for Water, contracts must be issued timeously for this follow up work.
  
15. Where the land user is responsible for the follow up officials must carry out follow up inspections to ensure that the land user continues to maintain the land in a condition where weeds and invader plants are being effectively controlled.
  
16. If there is an unsatisfactory response to notices or follow up work is not done timeously or properly the matter should be raised at the natural resource working group.

Consideration should be given to invoking legal enforcement measures.
  
17. There are various enforcement options.
  
18. A directive to clear may be issued to the landowner in terms of section 11 of the Conservation of Agricultural Resources Act. See Guide to the Conservation of Agricultural Resources Act, No 43 of 1983

(There are other acts that have similar provisions such as section 31A of the Environment Conservation Act, section 28 of the National Environmental Management Act and/or section 19 or 22 of the National Water Act and, in certain cases, municipal by-laws).

19. If the directive is ignored, the Department of Agriculture may give an instruction to clear to WfW, or to an implementing agent or directly to a contractor.

A list of contractors who have progressed through the emerging contractor system should be compiled for this purpose.

20. The costs of clearing pursuant to this instruction are recoverable from the land owner and until they are paid, an endorsement can be entered against the title deeds of the property.

21. A court order, preferably in the form of an interdict, may be sought compelling the land user to clear the land.

Damages may also be claimed.

22. Criminal charges can be brought.

This may lead to the problem being resolved in various ways:

- The charges can be withdrawn if the area is cleared;
- If convicted the court may order that the sentence be suspended to allow for clearing work to be done.
- The court may also order that monies spent on clearing be repaid.

If criminal charges are to be brought it may be worth contacting the regional police commander and the regional prosecutor beforehand.

21. In terms of the clearing agreement the land user must repay to WfW the costs associated with any clearing work that was previously undertaken.

8 February 2001.