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INTRODUCTION

The tourism sector is multidisciplinary in nature and its growth and success is highly dependent on other sectors. This multi-sectoral nature of tourism subjects it to various policy and regulatory frameworks some of which impacts negatively on the development and growth of tourism. The Tourism Policy Bulletin focuses on various policy developments at global, national and local level.

The aim of the Bulletin is to provide an overview of recent policy developments across sectors, with a view to inform tourism stakeholders and encourage proactive responses. Policy developments covered by this issue range from tourism, transport, immigration, bylaws and international agreements.
NATIONAL POLICY AND LEGISLATIVE DEVELOPMENTS

1. NTSS Approved by Cabinet

On the 6th of December 2017 Cabinet approved the National Tourism Sector Strategy (NTSS) 2016-2026 for implementation. The approval was preceded by the publication of the NTSS for inputs in May 2017, after which inputs were incorporated and the document finalised.

The NTSS envisions a rapidly and inclusively growing economy that leverages South Africa’s competitive edge in nature, culture, and heritage and underpinned by Ubuntu and supported by innovation and service excellence. Ultimately the intention is to become a top world responsible tourism destination. To achieve the vision, the following five strategic pillars were identified.

- Effective marketing – This pillar focuses on winning campaigns to attract tourists from prioritised markets and segments, as well as enhanced brand management.
- Facilitating ease of access - specifically focuses on removing barriers that limit the ability of potential international tourists to travel to South Africa. A particular focus relates to ensuring the facilitation of travel through best practice, access management for international visitors, including visa regulations, passenger and airport data as well as movement systems.
- Visitor experience - This pillar includes enhancements to both tangible and intangible elements of the visitor experience. This relates to the development, enhancement and maintenance of tourist specific infrastructure.
- Destination management – focuses on those activities and relationships that help organise the tourism system.
- Broad-based benefits - This pillar focuses on transformation, rural tourism development, enterprise development and investment – none of which is mutually exclusive. Improvements are required in all of these areas to strengthen the realisation of broad-based benefits from tourism.

The NTSS also outlines comprehensive action plans for implementation by various stakeholders within the tourism value chain.
2. Draft Maritime Transport Strategy

The Department of Transport (DoT) has developed a Draft Maritime Transport Strategy 2030. The Strategy is an implementing tool for the Maritime Transport Policy (CMTP) following its approval by Cabinet and subsequent launch by the Department of Transport on 20 July 2017.

The strategy envisions a transforming and inclusively growing maritime transport economy to leverage on South Africa’s strategic geographic location, nature, heritage, supported by the people and innovative infrastructure and service excellence.

The strategy seeks to develop and grow South Africa to be an international maritime centre in Africa serving its maritime transport customers in particular and the world trade in general. Most importantly, the strategy seeks to promote the increase of ships under South African flag registry, promote maritime transport, manufacturing and related services. The Strategy is aligned with the 2050 Maritime Transport Strategy of the African Union and links with the Operation Phakisa’s ocean economy programme. The five pillars of the Strategy are as follows:

- Institutionalised – Planning Mechanism (IPM);
- Revitalised South African Merchant Shipping (RSAMS);
- Enhanced Industry Foundation Programmes and Systems (EIFP&S);
- Broad Based Benefits (BBB);
- Environmental safeguards, and
- Enabling financing Mechanisms

The above key pillars of Maritime Transport Strategy 2030 connect the strategy to the CMTP Strategic Objectives in laying a firm basis for planning actions to realise the vision of Strategy. The draft strategy is currently being circulated for comments and inputs. The Department of Transport will lead the implementation of the Strategy in collaboration with other Departments and relevant state entities.

3. Repeal of the Overvaal Limited Resorts Bill

A Bill to repeal the Overvaal Limited Resorts Act of 1993 was introduced to the national assembly and published in the government gazette on the 8th of December 2017. The 1993 Act was enacted to establish Overvaal Resorts Limited as a public company that will hold and manage public resorts on behalf of government. Overvaal Resorts’ name was later changed to Aventura, which had 14 resorts.

The Bill’s explanatory notes indicate that Cabinet took a decision in 2001 to dispose of Aventura Resorts, particularly the first six resorts which were not profitable. The remaining resorts were, according to the Bill’s memorandum, sold to one bidder called Forever Resorts. It was reported that a number of challenges were encountered when the sale was processed. Challenges ranged from incorrect
description of resorts from the deeds office, land claims, to resorts not being registered under Aventura’s name but registered under government during transfer.

Due to continuous challenges related to transfer, the Bill’s memorandum indicates that the former Minister of Public Enterprises passed a special resolution in 2012 to liquidate Aventura. In light of liquidation of Aventura, the legislation establishing it was therefore deemed no longer relevant hence the repeal of the Act.

4. Indigenous Knowledge Bill introduced in Parliament

Government is moving closer towards providing policy certainty around indigenous knowledge. The Minister of Science and Technology, Dr Naledi Pandor, introduced the Indigenous Knowledge Bill in Parliament on the 31st of October 2017. The Bill seeks to provide legal protection for indigenous knowledge. According to the Minister, Indigenous knowledge is knowledge generated and owned by communities. It may be knowledge about medical practices, production of food products, cultural expressions, songs, or designs. Indigenous knowledge was not protected through the South African intellectual-property law and the Bill seeks to deal with its exploitation by international companies.

The Minister reported that government established the Technology Innovation Agency, the National Intellectual Property Management Office, and a number of new centres of competence with the intention to support the identification and protection of South African originated intellectual property, and to establish crucial partnerships that will increase opportunities to commercialise local Research and Development (R&D).

The R&D Incentive was designed to encourage private-sector investment in scientific and technological research and development activities. Moreover, the R&D Tax Incentive scheme has been streamlined and thus enabled many more technology start-ups to access early-stage research funding.

The Indigenous Knowledge Bill responds to the need for partnerships and addresses a major gap in intellectual property law. The Bill grants communities a right to prevent others from taking and using elements of their knowledge for industrial and commercial use without acknowledgement or without providing fair and equitable benefits in return. The Bill also protects indigenous knowledge against “bio-piracy” and mandates benefit sharing – as provided for under articles 8 (j), 15, 16 and 19 of the Convention on Biodiversity.

Provisions of the Bill are in line with the Convention on Biological Diversity (CBD) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation, ratified by South Africa in
November 1995 and February 2013, respectively.

It also takes into consideration the guiding principles and substantive provisions for the protection of traditional cultural expressions and traditional knowledge agreed to by the World Intellectual Property Organisation (WIPO).

The Bill also regulates how rights will be managed and ensures that indigenous knowledge practitioner’s skills, experiences, learning and practices are legally recognised. The protection of indigenous knowledge also includes cultural heritage.

5. Administrative Adjudication of Road Traffic Offences Amendment Bill

The Administrative Adjudication of Road Traffic (AARTO) Offences Amendment Bill was passed by National Assembly on the 5th of September 2017 and transmitted to NCOP for concurrence. According to the Department of Transport, the Bill guarantees South Africa’s implementation of the National Road Safety Strategy and the objectives of United Nations Decade of Action for Road Safety1, which underline the need to reduce road traffic deaths around the world.

The AARTO Bill seeks to promote road traffic quality by providing a scheme to discourage road traffic contraventions; facilitate the adjudication of road traffic infringements; support the prosecution of offences in line with national and provincial laws relating to road traffic; implement a point demerit system and provide for the establishment of an agency to administer the scheme.

According to Minister of Transport, AARTO does not only provide for punitive measures but also provides for rehabilitation of drivers that might have lost their driving licences. Drivers can redeem themselves through the rehabilitation programmes. In this way, the drivers can be influenced to change their behaviour to comply with road traffic laws2.

The Minister indicated that the Amendment Bill also makes dealing with infringements stress free and will be done through the Appeals Tribunal. The Tribunal will reduce the backlog and burden of handling infringements through the courts. This will lessen the burden and bottle-necks from the criminal justice system.

The Act also makes provision for the electronic service of documents, which will make it easier for all road users to be informed of the status of their infringers. The electronic service of documents will further have low cost benefits to the Government and the road user.


6. Draft Economic Regulation of Transport Bill 2018

The Department of Transport published the Draft Economic Regulation of Transport Bill 2018 in February 2018 for public comments.

The Bill seeks to, amongst other things, promote the development of an integrated system of economic regulation of all forms of transport into a single framework; promote efficiency, reliability and safety in the management of transport facilities and establish appropriate institutional arrangements and procedures to support consistent economic regulation of transport. The Bill provides for a schedule of tariffs, charges, tolls and other amounts to be charged by a regulated entity for the use or access of transport services including the limit on the revenue and the return it may raise from facilities and services offered.

The Bill also underlines the importance of consultation with affected parties when determining tariffs/charges/tolls and provides for the establishment of the Transport Economic Regulator. Complaints against the regulated entities and the Transport Economic Regulator will be dealt with by the Council to be appointed by the Minister.

7. The Traditional and Khoi-San Leadership Bill

The National Assembly passed the Traditional and Khoisan Leadership Bill which seeks to recognise Khoisan Leadership and structures not yet recognised in law. The Bill will now be debated in the National Council of Provinces for concurrence.

The provisions of the Bill, include inter alia providing for recognition of traditional and Khoisan Communities, leadership positions and withdrawal of such recognition; providing for the role and functions of Traditional and Khoisan leaders; providing for recognition of kingship and queenship of councils; the establishment of the National House of Traditional and Khoisan Leaders and the establishment of the commission on Khoisan matters.

The Minister of Cooperative Governance and Traditional Affairs indicated that the Bill will ensure uniformity in handling traditional matters and will harmonise the traditional leadership sector.

8. Critical Infrastructure Protection Bill

The Critical Infrastructure Protection Bill was open for public comments until 24 November 2017. The Bill will replace the
National Key Points Act 102 of 1980. The Bill provides for measures to be put in place for the protection, safeguarding and resilience of critical infrastructure, as well as the proposed guidelines and factors to be taken into account in respect of transparency.

The Bill seeks to, amongst other things, secure critical infrastructure against threats; ensure that information pertaining to critical infrastructure remains confidential; ensure development of an objective criteria for determining critical infrastructure; ensure public-private cooperation in the identification of critical infrastructure and secure critical infrastructure by creating an environment in which public safety, public confidence and essential services are promoted.

The Bill makes provision that costs of installing security measures of a critical infrastructure should be borne by the owner of the critical infrastructure. The Bill further creates offences and penalties which are categorized in order of severity and discretion of the courts. According to the provisions of the Bill, it is an offence should a person take or records, or causes to take or record, video or film of a critical infrastructure with the intent to use or distribute such image, video or film for an unlawful purpose. The Bill also provides for transitional arrangements by empowering the South African Police Commissioner to, within a period of 5 years after coming into operation of the Act, compile a report regarding the suitability of each Key Point to be declared Critical Infrastructure.

9. South Africa and Senegal signed a MoU in the field of Tourism

The White Paper on the Development and Promotion of Tourism in South Africa underlines the significance of promoting regional integration including cooperation with countries outside the Southern African Region. This includes establishment of appropriate bilateral relations and cooperation on various areas.

Accordingly, the Republic of Senegal and the Republic of South Africa signed a Memorandum of Understanding (MoU) in the field of Tourism which will facilitate tourism between the two countries. The MoU will foster cooperation and the sharing of expertise in exchange of tourism information, tourism promotion and partnership investments in the tourism sector.

Exchange of information aspect entails sharing of information and studies related to management of tourism statistics, research in the field of tourism and the development of tourism centres. Tourism promotion entails mutual participation in festivals, fairs and other tourism events. This will also include uniting their efforts in promoting the Robben-Gorée Islands. Partnership and investment entails promoting collaboration between tour operators and encouraging investments by private companies in the two countries. Meanwhile both countries will encourage cooperation between institutions offering

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3 Critical Infrastructure Protection Bill

training in tourism, grading and classification system of tourism establishments including hospitality and services. The latter aspect of cooperation encourages exchange of students.

Both countries agreed to deal with amendments and disputes in a consultative and amicable way. The MoU came into effect upon appending the signature by both parties and it will remain in force for the period of five years after which it may be automatically renewed for another five years or be terminated.

10. South Africa sign Memorandum of Understanding with Chad in Biodiversity and Management

Pursuant to the management and conservation of South Africa’s biodiversity, the Minister of Environmental Affairs, Dr Edna Molewa, and the Minister of Environment and Fisheries of the Republic of Chad, Dr Ahmat Mbodou Mahamat, signed a Memorandum of Understanding (MoU) in the field of Biodiversity Conservation and Management in Pretoria, on 8 October 2017. The purpose of the MoU is to facilitate cooperation in biodiversity conservation and management between the Parties. The areas of cooperation include the following:

- Promotion of sustainable utilisation of biodiversity as an integral part of conservation of species and ecosystems;
- Implementation of the Convention on Endangered Species, United Nations Convention on Biological Diversity (UNCBD), Ramsar Convention, United Nations Convention to Combat Desertification (UNCCD) and other relevant international, regional, sub-regional; bilateral, and Multi-lateral Environmental Agreements (MEAs);
- Management of alien invasive species;
- Compliance with domestic or policy frameworks and applicable Conventions;
- Capacity building in all areas of cooperation in this MoU; and
- Technology use, transfer and development in the management, conservation and protection of biodiversity; and protected areas management.

The management and conservation of biodiversity in South Africa is governed through the National Environmental Management: Biodiversity Act of 2004. The Act seeks to amongst other things protect species and ecosystems, ensure sustainable use of indigenous and biological resources and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources.

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The Ministers also signed a Memorandum of Understanding which will allow for the translocation of six black rhinos from South Africa to Chad as part of an initiative to reintroduce rhinos to the country. This is in line with the resolution taken at the meeting that took place in 2016, which clearly states that the two countries would develop two MoUs, i.e. one on Biodiversity Conservation and Management and another on Rhino Management.

The MoU on Cooperation on the Reintroduction of Black Rhinoceros outlines broad areas of co-operation between Chad and South African government and will be focusing on the following areas:

- Establishing viable and secure populations of rhinos through the reintroduction of black rhinoceros (Diceros bicornis) in the Republic of Chad;
- Sourcing sustainable financial resources to secure and manage such rhinoceros’ populations;
- Building capacity and exchanging expertise in the management of rhinoceros in the field of rhinoceros’ security, veterinary matters, monitoring and research; and
- Establishing bilateral custodianship arrangements for rhinoceros translocate between the Parties.

Government continues to implement its international obligations through local interventions. Since 2010, states have been required to issue machine readable passport in line with the Chicago Convention on International Civil Aviation Authority.

Accordingly, the Department of Home Affairs has introduced an improved refugee travel document, which is a progressive move towards better refugee and asylum-seeking management. The new version Machine Readable Travel Document for Refugees (MRTD) has been designed and developed using the latest passport production technology and security standards and it is fully compliant with the United Nations High Commissioner for Refugees (UNHCR) and International Civil Aviation Authority (ICAO) guidelines. The earlier version was introduced in 2009, but the new version was necessitated after the UNHCR and ICAO published comprehensive international guidelines.

Machine-readable travel documents are more secure and they facilitate safe and regular movement of refugees and thereby reduce the risk of exploitation, abuse, violence and human trafficking. The
improved Refugee Travel Document has the following new features:

- Enhanced security features enabled by more advanced production technology.
- The name of the document has been changed from Passport to Travel Document.
- The following return class has been inserted; “the holder is authorised to return to the Republic of South Africa within the period of validity specified in this document”.
- A page has been included to add the names of parents of a refugee child to minimize risks such as abduction and child trafficking. It will be left blank for now until the finalisation of the enhancements of the Department’s National Immigration Information System.
- The amendment of the endorsement to specify the applicant’s country of origin in the travel document to which he/she is not allowed to travel to.

With the introduction of the new document, Home Affairs seeks to improve the management of refugees coming into and leaving South Africa whilst improving services in the country, mainly to the citizens and also to migrants who find themselves in difficulties in their home countries.

Holders of valid Refugee Travel Documents will still be allowed to use existing travel documents until expiry date. The document will be valid for the same period of the validity of the Section 24 refugee permit. Home Affairs also reported on parliamentary processes towards finalising an improved Border Management Bill.

12. SA-Angola entry visa exemption

The governments of South Africa and Angola have entered into a mutual agreement, which come into force on 1 December 2017. Travellers from Angola and South Africa for less than 30 days at a time and up to 90 days per annum, will no longer have to apply for a port-of-entry visitor’s visa before their departure but will be issued with visitor’s visa on arrival (provided they hold a valid return ticket home). However, those travelling for business purposes will still need to apply for a visa.

The initiative to make it easier for Africans to visit African countries without the hassle of long, paperwork-laden visa applications or expensive, long-winding air travel will inadvertently boost the Africa’s tourism revenues even further.

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6 http://www.dha.gov.za/index.php/statements-speeches/1056-media-release-briefing-
department-of-home-affairs-launches-improved-refugee-travel-document
Wesgro, Cape Town and the Western Cape’s official Tourism, Trade and Investment Promotion Agency, have welcomed the decision by the South African and Angolan governments to exempt each other’s ordinary passports from visa requirements. The province hope that the visa exemption will contribute to the growth of the direct route from Luanda and Cape Town on TAAG Airlines.

LOCAL LEVEL DEVELOPMENTS

1. Memorandum of Understanding (MoU) signed with Airbnb

The evolution of technology has been a permanent feature in the development of societies. This has had an impact on every layer of government including conventional businesses. Consequently, governments globally are grappling with appropriate policy responses. This has led to varied responses by different layers of governments.

Accordingly, the City of Cape Town and Airbnb has signed a MoU to promote the benefits of people-to-people tourism for Cape Town residents and their communities as well as promote Cape Town across the world as a unique travel destination.

It was reported that Cape Town has about 17,600 active listings on Airbnb and hosts have earned a combined income of R762m over the past 12 months. The City has seen approximately 290,000 visitors in the past year and a host can earn an additional R43 400 by sharing their home for 32 nights annually⁷.

The aim of the MoU between Airbnb and the City of Cape Town is to:

- Join forces to boost the attractiveness of Cape Town and enable Airbnb hosts to become ambassadors of the city.
- Work together to bring community-led tourism to townships and support greater economic and social empowerment.
- Celebrate Cape Town as an ‘Ideas Capital’ by hosting the Africa Travel Summit and bringing together 80 tourism and technology leaders from across the continent.
- Exchange insights and learnings about travel trends and the sharing economy in order to leverage the technology and the Airbnb platform to boost local communities.

2. eThekweni Municipality Coastal Management by-law

The eThekweni Municipality gave effect towards the implementation of National Environmental Management Act: Integrated Coastal Management by adopting the eThekweni Municipality Coastal Management by-law of 2017. The purpose of the Coastal Management By-law is:

- to provide for measures for managing and protecting the coastal zone;
- to provide for measures for aligning development within the coastal zone with the objects of the National Environmental Management: Integrated Coastal Management Act;
- to provide for measures for protecting the natural environment of the coastal zone;
- to provide for measures for managing public access to the coastal zone;
- to establish the Municipal Coastal Committee; and
- to give effect to the Municipal Coastal Management Programme.

As indicated earlier, eThekweni Bylaw draws from the National Environmental Management: Integrated Coastal Management Act of 2008 that provides for the establishment of a system of integrated coastal and estuarine management in South Africa.

The aim is to promote the conservation of coastal environment and maintain the natural attributes of coastal landscape and seascapes. This includes ensuring the development and use of natural resources within the coastal zone are socially and economically justifiable and ecologically justifiable. The Act also defines the rights and duties in relation to coastal management.

3. City of Cape Water Amendment Bylaw

The City of Cape Town amending the Water Bylaw and has concluded the process of public consultation. The draft first appeared in 2016, but the drought

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situation necessitated the need for further review which was done in 2017.

Firstly, the Amendment Bylaw underlines the importance of safe installation of alternative water systems to avoid contamination of the drinking water system, especially if any form of alternative water is being plumbed into a building and there is a chance of it connecting with municipal drinking water.

Secondly, the Bylaw encourages the use of alternative water to assist with long term household adaptation and building a water resilient city. Measures to ensure that alternative water is used in a manner that protects health of residents and the reticulation network.

Thirdly, the Bylaw emphasizes the previous provision which stipulates the requirement for notification to the city in case the individual retrofits their geyser and associated protective device. This may be followed by random compliance inspection to ensure that water is saved.

Fourthly, the Amendment Bylaw proposes that plumbers to be utilised by residents need to be qualified in terms of National Qualification Framework. They may register with the city and may thus be placed on a list of registered and qualified plumbers from which residents may choose from.

Lastly, the Amendment Bylaw accentuate the city’s policy to replace all existing residential water meters with a Water Management Device. This will enable the city to properly manage water supply and deal with wasteful practices whilst assisting residence to manage water coming into their properties.

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9 City of Cape Town, Media Office.
GLOBAL AND REGIONAL POLICY DEVELOPMENTS

1. Ethiopia Launched an e-visa Service for African and International MICE Participants

Ethiopia continues to break new ground on facilitating ease of access. It has launched an e-Visa service for African and international participants of meetings; incentives; conferences; and exhibitions (MICE). This service allows participants to apply for their visa online.

According to the Main Department for Immigration and Nationality Affairs, the e-visa service will provide travellers with a fast and convenient way to apply for a visa and initiate their travel to Ethiopia while ensuring absolute security of sensitive information. In June 2017, Ethiopia finalised E-visa services for international visitors, where applicants would apply, pay and secure their entry visa online in a single webpage. The process entails receiving emails authorising travel after approval with the passport being stamped upon arrival.

2. Update on the Converting the Global Code of Ethics into an International Convention

In 2015, a proposal to convert the voluntary Global Code of Ethics for Tourism into an international legally-binding convention in order to reinforce its effectiveness was submitted to the General Assembly of the UNWTO by the World Committee on Tourism Ethics. The Global Code of Ethics in Tourism was first adopted in 1999 by the UNWTO as a voluntary instrument aimed at guiding tourism stakeholders towards sustainable tourism.

The English text of the proposed Convention was approved in September 2017 at the 22nd UNWTO General Assembly. The Convention covers the responsibilities of all stakeholders in sustainable tourism development, providing a framework that recommends an ethical and sustainable tourism, including the right to tourism, the freedom of movement for tourists and the rights of employees and professionals.

According to the UNWTO, the next step now is to adopt the text in all the UNWTO official languages. Once adopted, State Parties that decide to ratify the text
commit themselves to formulating policies consistent with the Ethical Principles in Tourism spelled out in the Convention\textsuperscript{11}.

3. International Criminal Court and UNESCO Strengthen Cooperation on the Protection of Cultural Heritage

International Criminal Court and United Nations Educational, Scientific, and Cultural Organisation (UNESCO) agreed to strengthen cooperation with the aim of protecting global cultural heritage in situations of armed conflict.

Irina Bokova, Director-General of UNESCO, and Fatou Bensouda, Prosecutor of the International Criminal Court signed a letter of intent to pave the way for a closer cooperation in protecting the destruction of cultural heritage and conflict areas and in pursuing perpetrators of such offences.

The letter of intent was signed in Paris on the sidelines of an international high-level panel on Responding to Cultural Cleansing, Preventing Violent Extremism. This agreement will enable prosecution of those responsible for war crimes against cultural heritage.

4. Establishment of a Single African Air Transport Market

Almost three decades after the single African air transport market was first proposed, African countries have finally taken a crucial step towards the full liberalisation of African skies. On 28 January 2018, twenty-three African countries launched the Single African Air Transport Market (SAATM) initiative by the African Union (AU). The initiative is largely based on the agreements of the Yamoussoukro Decision of 1999.

The aim of the single air market is to enhance connectivity between African nations and reduce flight ticket costs. Thus, this is expected to result in more regular direct flights between African countries rather than trips which previously involved stopovers in the Middle East or Europe. The single air market will also promote regional tourism and trade, and reinforce Africa's role in global aviation.

\textsuperscript{11} http://ethicsconventions.unwto.org/content/frequently-asked-questions
References


