

KEY POLICY UNDERLYING [THE ACT](#)

Veldfires in South Africa

- Veldfires = veld, forest and mountain fires; veld = unenclosed land (that is, land outside the urban edge, even peri-urban areas)
- Veldfires are natural – they have been part of the normal process for millions of years
- We use veldfire to manage grazing and habitats, and to help prevent uncontrolled fires
- Wildfires are a risk to life, property and the environment
- Veldfires are a persistent problem – they frequently cause emergencies and are often disastrous
- South Africa is becoming more and more vulnerable to veldfires because of urbanisation and rural development
- Veldfires do not respect property or boundaries – can burn for as long as the weather is favourable and there is vegetation to burn
- The landowner is responsible for control of fires on his or her own land
- But veldfires are a common concern – effective policies and plans must be clear about individual responsibility as well as co-operative and co-ordinated roles and responsibilities

Previous policy and law

- Indigenous people had customary arrangements about the control and use of fire for centuries and still have them today
- Seventeenth-century European settlers responded to risks and mismanagement of veldfires by issuing decrees against the starting of veldfires
- Over time, laws focused on preventing fires in forests, and a split grew between management of fires on forest land and those on pastoral or grazing land.
- This could be seen in the old Forest Act of 1984.
- The [new Act](#) deals with veldfires on all types of land use in rural areas.

Why a new Act?

- There has been a process of forest policy development since 1994.
- This led to drafting new legislation, culminating in the National Forests Act.
- Veldfire provisions were removed from the National Forests Act and drafted into a separate Act.
- Fire prevention and suppression is a concurrent national, provincial and local government competency in our Constitution (schedule 4)

Underlying policy

- There are four categories of underlying policy which inform the Act
 1. Decentralisation and integration
 2. Individual responsibility with minimum standards
 3. Co-operation and co-ordination
 4. State's responsibility
- We will look at each in more detail.

Underlying policy 1: decentralisation and integration

- Decentralisation means arranging for affairs of governance to be managed locally whenever appropriate and possible.
- Integration means linking together all of the local plans, regulations and initiatives.
- The purpose of the Act, set out in [section 1](#), is to prevent and combat veld, forest and mountain fires throughout the Republic.
- The Act is designed to promote the most effective way for achieving the Act's purposes, which is by organising at a local level to prevent and combat veldfires.
- At the same time, the Act sets out minimum enforceable standards which must be achieved (e.g. [firebreaks](#), [fire preparedness](#), rules).
- Therefore, the Act allows for local organisation within a national framework of minimum standards.
- The intention of the Act is to promote institutions and arrangements that accommodate all interests and statutes, and where forestry interests are reconciled with the interests of other sectors

Underlying policy 2: individual responsibility

- Landowners may join [fire protection associations](#) (FPAs) which are co-operative arrangements to prevent and manage veldfires.
- But the Act places an individual duty on each and every landowner where there is a risk of veldfire to take certain minimum precautions to prevent and combat veldfires.
- [Landowners](#) must:
 - prepare boundary [firebreaks](#) where there is a risk of fire
 - have [equipment, trained personnel and protective clothing](#)
 - have a responsible person appointed to act on his/her behalf in case of fire
 - fight fires in his/her own and on adjoining land where the fires threaten life, property or the environment
- Under the [fire danger rating system](#), no individual, whether a land owner or not, may light fires in the open air when the danger rating is high

Underlying policy 3: co-operation and co-ordination

- There are a number of ways in which this policy is evident: through
 - The establishment of FPAs
 - Co-operative governance with local government
 - Co-ordination with Disaster Management Centres established under the [Disaster Management Act](#)
 - Co-ordination with municipal fire services
 - Co-ordination with existing statutes and by-laws

Co-operation and co-ordination: 1 – Fire protection associations

- This is dealt with in detail [elsewhere](#).

Co-operation and co-ordination: 2 – Local government

- The Constitution mandates local government to:
 - Provide democratic and accountable government for local communities
 - Ensure the provision of services to communities in a sustainable manner
 - Promote social and economic development
 - Promote a safe and healthy environment.
 - Encourage the involvement of communities and community organisations in the matters of local government
- Structure of local government:
 - Metropolises are category A municipalities. Each District Municipality (category C municipality) contains several Local Municipalities (category B).
 - FPAs can usefully correspond with one or more local municipalities, in order to promote co-ordination.
 - Fire fighting services is an area of local government competence.
 - This means that local government must be involved in veldfire prevention and management under the Act.
 - For this reason, municipalities must join FPAs where they are set up unless they do not have fire service.
 - The finances for veldfire fighting and management will come from:
 - local government budgets through integrated development plans (IDPs)
 - FPA members' fees
 - additional contributions for FPAs e.g. donations, bank loans, funding granted by the Minister.
 - Those concerned with preventing and combating veldfires must understand and be involved in IDPs.
 - IDPs are set up by the Local Government Transition Act 209 of 1993.
 - An IDP is a plan aimed at the integrated management of a municipal area.
 - In the past, planning was concerned with spatial planning.
 - Now IDPs include spatial planning as well as financial, social and other planning.
 - The financial plan and annual budget for a local govt depends on its IDP being approved. Without an IDP, no money can be transferred to a local govt by the province.
 - Therefore, if the requirements for veldfire management haven't been integrated into the IDP, there won't be an amount in the local government budget and financial plan to help finance veldfire management and prevention.
 - Those interested in veldfire management must therefore work with those drafting the IDP.

Co-operation and co-ordination: 3 – Disaster Management

- The Disaster Management System deals with disasters, which are natural or human-caused events, with or without warning, causing or threatening death, injury or disease, damage to property, infrastructure or the environment, which exceed the ability of the affected society to cope with using only its own resources.
- The emphasis is not only on relief and recovery efforts, it is also on preventative strategies to avoid losses and environmental degradation.
- DWAF and the Department of Provincial and Local Government are promoting congruence between veldfire management strategies of FPAs and the veldfire elements of local and the national disaster management plans.
- The [veldfire management strategy](#) of FPAs will therefore at the same time be the veldfire plan within the disaster management plan required for each District Municipality or Metropole by the [Disaster Management Act](#).
- The Disaster Management Act also requires local disaster management plans to conform to the requirements of the Integrated Development Plan for the area.

When a veldfire becomes a disaster

- The National Disaster Management Centre:
 - Classifies and declares disasters, i.e. local, provincial and national disasters
 - Invokes the contingency and emergency plans in the local disaster management plan if any emergency becomes or threatens to become a disaster
 - Ensures that disaster management plans are in place, sets the plans in motion, and sees to co-ordination
 - Owners of land, fire services, and the capacity in FPAs fight the fires.

Co-operation and co-ordination: 4 – Fire Services

- The [Fire Brigade Services Act](#) allows municipalities to establish fire brigade services.
- Each fire brigade service operates within the area of the municipality.
- Purposes of fire brigade services:
 - to prevent the outbreak or spread of a fire;
 - to fight or extinguish a fire;
 - to protect and rescue life or property against a fire or other threatening danger
 - Where an FPA is formed, the municipal fire service or designated service in that area must become a member of the FPA (s4(7)).
 - In the amended Act, the Chief Fire Officer of the fire service will become the [Fire Protection Officer](#) of the FPA if s/he is willing.
 - If she or he is not willing, the FPO will be appointed by the FPA.

Co-operation and co-ordination: 5 – Existing statutes and by-laws

- There are a number of other laws that cover fire. We have already covered the Disaster Management Act and the Fire Brigade Services Act.
- Where an FPA is not formed for an area, the Act will still apply and prescribe firebreaks, fire readiness etc
- An FPA can make rules which will bind its members eg declaring a fire prohibition period between certain dates.
- The by-laws on veldfires passed by the local municipality will bind non-members of the FPA. They should be consistent with the FPA's rules. This will promote standardisation within a municipal area.

Underlying policy 4: the State's responsibility

- Through the Act, the State provides for institutions (FPAs), methods (e.g. veldfire management strategies) and practices (e.g. firebreaks) for achieving effective fire management
- The State also takes responsibility for the national fire danger rating system, which will be an early warning system
- The State provides an enabling, facilitatory framework for veldfire management, but also sets minimum standards (e.g. all landowners must prepare firebreaks).
- The Act also provides a regulatory framework through the chapters on enforcement ([Chapter 8](#)) and offences and penalties ([Chapter 7](#)) which will be implemented by the State.

Conclusions

- Co-operation and co-ordination is the key to veldfire management and prevention, because of the powers given to local government.
- It is essential for all roleplayers to be actively involved in fire management and prevention. Some roleplayers traditionally excluded, such as communities, must now play a part.
- Others, who have dominated fire prevention in certain areas, such as the forest industry, must accommodate others' interests.
- DWAF has a facilitation and leadership role to play at national, provincial and local level with regard to veldfire management.