BUSINESS PLAN AND FRAMEWORK TO EFFECT A SELF-REGULATION
STRATEGY FOR THE OFF-ROAD INDUSTRY IN SOUTH AFRICA

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1.   Executive Summary

The National Off-Road Workgroup (NOW) is a representative umbrella structure which, seeks to promote maximum self-regulation within the Off-Road Industry, whilst at the same time recognising its responsibilities to the wider South African community in the context of protection of the environment and responsible tourism development, and which is working towards a position to co-operate with Government to develop and implement relevant policy, laws and regulations and other mechanisms which will, where necessary, underpin those legal rights and obligations which are essential for the creation and maintenance of Off-roading as a viable and sustainable sub-category within the broader eco-tourism Industry.

This document is the response of the National Off-Road Workgroup (NOW) to the Minister of Environment and Tourism's request to develop and present a Business plan to affect a self-regulation strategy for the off-road industry in South Africa.

It seeks to provide background information that will enable an understanding of the current situation and the dilemma faced by the Off-Road Industry in South Africa, the challenge set by the government towards self regulation and the industry's response to that challenge based on an off road workshop held in October 2005.

The current players in- and Stakeholders of the industry are introduced and an overview is provided to their respective focus areas - in relation to- and in alignment with the strategic objectives of the National Off-Road Workgroup.

The final part of this document defines the business plan and strategy that will be followed by NOW and, once approved by DEAT and their subsequent financial assistance released; will guide and direct the development and implementation of following objectives:

- The adoption of a self-regulating strategy for the Off-Road Industry

- The promulgation or publication of enabling legislation or regulations, should it be proven necessary

- The establishment of an Environmental Management Co-operation Agreement between industry and government towards implementation of the envisaged self-regulation mechanisms;

- Development and establishment of an off-road sector which supports the globally accepted triple bottom line development principles.

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2.   Background

2.1   The 4x4 (Off-Road) dilemma in Southern Africa

2.1.1   The 4x4 Industry
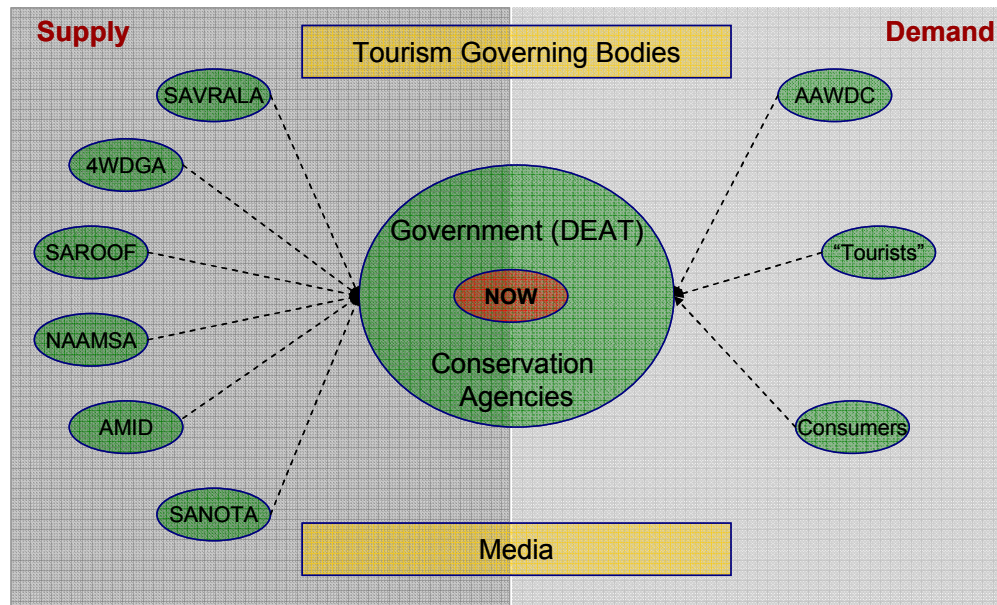
- SAVRALA: Southern Africa Vehicle Rental and Leasing Association

- 4WDGA: 4-Wheel-Drive Guide Association

- SAROOF: South African Route Owners and Operators

- AMID: Importers & Distributors of Off Road and quad bikes (Despite no existing representative bodies - Working on getting them organised)

- NAAMSA: Motor Vehicle Manufacturing Association

- SANOTA: South Africa National Off-Road trainers Association

- AAWDC: Association of All-Wheel Drive Clubs

- Media (Printed, GIS, Mapping – Tracks4Africa)

- Tourism Governing Bodies (FEDHASA / THETA etc)

- General "Consumers" and Contributors (Forums, Land Owners)

- Government: DEAT and other Regulatory Bodies

- Conservation Agencies and other NGO's involved (WWF,EWT etc)

Legend: 2001 2002 2003 2004 2005
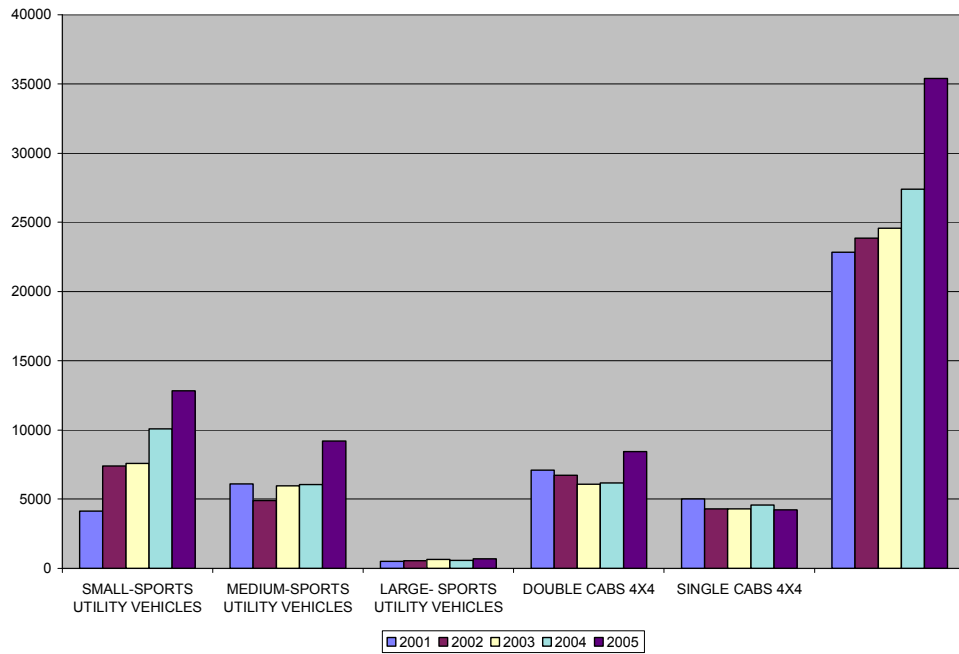
2.1.3   Travels and Destinations

Destinations	Count	Country / Province	PARTS
39. Racing / 4x4 Playgrounds	12	Botswana	6
40. Eco-Trails (off-road trails)	193	Namibia	26
41. Game Reserves	42	Eastern Cape	27
42. National Parks	86	Free State	7
43. Nature Reserves	168	Gauteng	5
46. Tourist Resorts	16	Kwazulu-Natal	9
47. Hiking Trails /Mountain Bike Trails	15	Mpumalanga	14
48. Fly Fishing Beats	23	North West	4
49. Game Range / Hunting Farms	20	Northern Cape	12
50. Protected Areas	10	Northern Province	12
51. Community Rest Camps	2	South Africa	3
52. Golf Courses	4	*Western Cape*	67
	591	Swaziland	1

2.2 South African Government challenge to the 4x4 Industry and Community

In a speech delivered on 14 April 2005 to the National Council of Provinces, the Minister of Environmental Affairs and Tourism gave notice that in addressing the protection and expansion of freedoms in South Africa, his Department believed that it is sometimes necessary to create regulations that will drive change. One sector that he believed should move more rapidly towards better-regulated and more equitable practices is the "owners and users of inland 4x4 recreational driving tracks." He went on to say that there are some irresponsible 4x4 vehicle and track owners whose activities continue to damage sensitive sections of South Africa's inland environment, and made reference to the impending National Off-Road Workshop which would be convened by the Industry in October, as a pleasing indication that the Industry was prepared to take its responsibilities seriously and initiate a review of the situation from within. He went on to say that "a grading system for 4x4 tracks, including environmental grading, and the creation of a representative Industry body would be positive steps. However regulations will still be required and if there are not concrete proposals forthcoming from the Industry within the next 6 months, Government will have to issue these unilaterally although this would not be our first choice."

2.3 The Industry response to the Challenge

2.3.1 The National Off-Road Workshop

Bearing in mind these warnings, the National Off-Road Workshop ("NOW") was held near George from the 18th to 20th of October 2005, and was attended by 60 representatives from the entire Off-road Industry ("Industry"), including 5 senior Government officials. 28 mini-workshops, focusing on specific topics, challenges and opportunities, were held during the course of the workshop and recommendations from the sessions were then investigated and refined, for incorporation into the framework that will ultimately form the basis of the Industry's strategy for achieving an optimal working relationship with Government (through the relevant regulatory agencies); and representative umbrella structure which, seeks to promote maximum self-regulation within the Industry, whilst at the same time recognising its responsibilities to the wider South African community in the context of protection of the environment and responsible tourism development, and which is in a position to co-operate with Government to develop and implement relevant policy, laws and regulations and other mechanisms which will, where necessary, underpin those legal rights and obligations which are essential for the creation and maintenance of Off-roading as a viable and sustainable sub-category within the broader eco-tourism Industry.

2.3.2 Recommendations of the NOW conference of October 2005

During the workshop and in subsequent meetings it was agreed that what needs to be achieved is a mechanism and legal framework that would, in order to prevent avoidable and manage unavoidable detrimental impacts to the environment, prohibit recreational off-road driving in sensitive areas except on a registered trail by a licensed driver in a permitted vehicle.

In order to achieve this, a number of things need to happen. These tasks and activities have been identified and desired outcomes recommended through the 28 mini workshops referred to above. The following is a summary of the major desired outcomes as implied in the statement above:

a) **Sensitive Areas**

Sensitive areas where off-road driving is considered as an activity that may impact detrimentally on the environment must be identified. NEMA can be utilised to identify geographical areas but as mapping is a time consuming activity, alternative ways of identifying these sensitive areas will need to be investigated. This could include identification of areas by means of attribute description, for example areas falling within the 1:100 year flood line of rivers, wetlands and a 100m buffer area around it, mountains and ridges, nature reserves. Another means would be through the inclusion of this activity in provincial supplementation of the National EIA Regulations. It should be noted that the identification of sensitive areas for the purposes described herein would be the responsibility of the authority (DEAT and provincial Departments).

It should further be noted that due to the omission (on legal advise) of the schedule dealing with activities in sensitive areas from the Draft EIA Regulations, the development of 4x4 tracks are not covered in the Draft Regulations and inclusion will depend on provincial identification thereof. It may accordingly be necessary to draft regulations in terms of NEMA section 24 specifically aimed at the off-road industry.

b) **Registration of tracks**

Registration of tracks would require a legal framework and a regulatory body (preferably through self regulation). The recommendations in this regard are inter alia that in order to be registered, a trail would need to be legal in terms of Environmental Impact legislation, must be graded in terms of difficulty and vehicle requirements and must have a valid / authorised environmental management plan. Operating a trail that is not registered or contravening the conditions of registration will constitute an offence.

c) **Driver Training and Licensing**

Damage to the environment is often caused by technique or lack thereof used by the vehicle driver. It has accordingly been recommended that a special licence be required for off-road driving. The grade of licence should be determined by level of training undergone and demonstrated expertise. It was further recommended that the grade of licence should be linked to the rating of the trail and that a certain grade be required to be able to utilise a certain category of trail. Licensing of drivers is particularly problematic when it comes to quad and trail bikes where no driver's license is required and no age restrictions imposed. As for the registration of tracks, special off-road licenses will require a legal framework and regulatory body. (Special licences might not be the practical approach to address bad/ ill-informed behaviour. Apart from environmental concerns, there are also severe social and economic implications should this thinking be supported. Responsible driver technique should rather be fostered through appropriate driver training frameworks to cope with the complexities of a particular trail.)

d) **Permitting of vehicles**

Permitting of vehicles has been discussed and it was agreed that some form of visible permitting would be desirable as this would assist with compliance monitoring and enforcement. Something similar to the old beach permits could be considered. Once again, the fact that quad and trail bikes require no form of licensing is problematic and solutions would need to be found, e.g. compulsory registration of all ATVs (to also curb the lucrative illegal market domestically and across borders). A legal framework and regulatory body would once again be a requirement.

e) **Representative Body for the 4x4 Industry and Community**

In order to facilitate the realisation of all of the above, a representative umbrella body with a confirmed mandate and with legal status would need to be established. The new NOW will fulfil this role in the interim.

f) **Environmental Management Cooperation Agreement**

An Environmental Management Cooperation Agreement between the representative body of the industry and the Minister (and his provincial counterparts) should be investigated as a vehicle towards self-regulation. This would need to be preceded by a strategy of implementation and the establishment of the necessary legal framework.

g) **Broader Focus on Self-Regulation**

Other issues that should receive prominence in the self-regulation efforts of the industry include, inter alia:

- Community participation and benefit (supply and demand side);

- An industry that is representative of South Africa's demographics, especially in terms of race and gender;

- Linking up with the tourism charter; and

- Services rendered by the 4x4 fraternity to inter alia conservation, crime prevention and control, fire management, search and rescue, research, etc.

h) **Coordination between the NOW and DEAT**

The Chief Director: Environmental Impact Management coordinate the DEAT's involvement in the NOW initiative and have established a departmental task team, consisting of senior officials from Environmental Quality & Protection, Biodiversity & Conservation and Tourism to assist the NOW in deriving at the required implementation strategy, enabling legal framework (if required) and Environmental Cooperation Agreement.

3. The National Off-Road Working Group: Strategic Focus 2005 Onwards

NOW has given rise to the National Off-Road Working Group ("Working Group") which is well-placed to act as a steering committee that has initiated an appropriate response to the concerns expressed by the Minister and will provide the initial impetus for investigating what needs to be done to create and sustain a credible process for the establishment of a representative body for the Industry which, once established:-

a)   will act as representative of the Industry in its dealings with regulatory agencies;

b)   will represent the Industry in the negotiation of and ultimate signature of an Environmental Management Co-operation Agreement ("EMCA") between the Industry and the Minister of Environmental Affairs and Tourism and which will give substance to the ideals referred to in 2.3.1 and 2.3.2 above; and

a)   will regulate the Off-road Industry going forward - to an extent on which there should be broad consensus within the Industry and with Government (on the basis that it will be in the best interests of the majority of 4x4 users and providers of facilities, that the concept of self-regulation by the Industry is maximised and government intervention is kept to a minimum).

3.1 Strategic Objectives of the National Off-Road Workgroup

3.1.1 Establish Representative Body

It is acknowledged that the current composition of the NOW Workgroup is not 100% representative of the off-road industry in South Africa. Currently, only those individuals, entities and organisations that participated in the 2005 National Off-Road Workshop in George are being represented.

It is therefore imperative to create a credible mouthpiece that can interact with Government and third parties in a structured and representative way on behalf of the Industry – for this reason it is critical to:-

a)   Defined the Off-Road Industry objectively and investigate who the essential players are therein; and

b)   Establish the extend to which these parties have been included in the initiative which has been undertaken by the working group and, if they have not, what needs to be done to involve them in the process.

The emphasis is on inclusiveness and consultation with a view to establishing a representative negotiating entity. The end result will be a well-defined interest group capable of articulating its requirements through an umbrella body to be put in place for the Industry Sector as a whole.

The next step is for the Working Group to guide the process to the formation of a representative governing body for the Industry, which can prioritise the issues that need to be dealt with, and procure and allocate the necessary resources to the challenges that have been identified, in a systematic and focused manner.

Characteristics of this body are that:

- Focus will be upon the principle of self-regulation - structured around co-operative agreements – not only with government, but also other non-governmental organisations like CapeNature etc.

- As a Section 21 Company, it will be subject to all the applicable laws, governing structures and control mechanisms.

- The final (organisational) structure of this body still needs to be defined, but it will be based upon the outcome and recommendations of the "self-regulation strategy development process" – supported by this business plan.

Tasks

- Complete consultation process

- Prepare draft Constitution/Founding documentation and tax and other structuring

- Inaugural meeting and establishment

3.1.2 Draft Interim Code of Conduct

One of the first tasks of the representative body is to formulate an interim Code of Conduct/Best Practice for Off-roading activities in South Africa, drawing from similar codes used elsewhere in the world. A sub-committee will be elected for this purpose and the development and dissemination of same would constitute a significant demonstration of good faith on the part of the Industry to DEAT, of its determination to tackle the issues referred to by the Minister in a determined and methodical way. In this way the door would be left open for future revision of the code as the Industry representative settles into its role and opportunities for development of an integrated strategy in conjunction with existing or new legal structures and mechanisms, present themselves.

Tasks

- Consult with sub-committee and prepare draft

- Feedback to membership, amendment and/or adoption of the code

3.1.3 Development of a Self-Regulation- and Sustainable Use Strategy

Key deliverables of the sustainable use strategy will be standards, regulatory and compliancy requirements and guidelines for all role-players within our industry. This may necessitates a framework for- and process of accreditation in order to ensure an acceptable level of compliancy to these standards and requirements. It is envisage that accreditation will be required of destinations (trails), users (drivers/tourists), vehicles and service providers (trainers, off-road guides etc.).

The strategy will primarily be developed within the governance framework of the National Environmental Management Act (NEMA) and any NEM specific Acts and, as our industry's main focus is on adventure- and eco tourism, the Responsible Tourist Manual for South Africa will be used as guideline. The strategy will aim to mainstream biodiversity into industry activities recognising that a biodiversity strategy is a subset of the industries wider environmental- and social responsibility towards economic sustainability.

Tasks

- Appoint knowledgeable service provider (consultant) that will guide- and assist with the strategy formulation and the development of an implementation strategy. ("Knowledgeable" refer to environmental

management-, statutory- and legislative processes and requirements within the realm of the Tourism Industry.)

- Asses the current situation with specific emphasis on the Industry Specific Self-Regulation Focus Areas defined in paragraph 4 and the corresponding relation to the objectives stated in paragraph 2.3.1 and 2.3.2.

- Develop a draft self-regulation strategy and implementation framework that will give effect to the recommendations and objectives defined in paragraph 2.3.1 and 2.3.2 and that is aligned with the above-mentioned assessment.

- Engage in an internal, Stakeholder and Public Review process.

- Finalise and adopt the self-regulation strategy.

- Finalise and adopt the self-regulation implementation strategy.

3.1.4   Education and Training

It is recognised that Education and Training are vital to the successful implementation of the strategy and the achievement of the various industry objectives.

Tasks

- The various industry role-players to focus on the development of education- and training programs and the alignment thereof with relevant SETA's.

3.1.5   EMCA

A medium term objective of the representative body should be to organise the Industry in such a way that, at the earliest possible opportunity, an environmental management co-operation agreement can be put in place between the Industry and the Minister which has the objectives referred to in 2.3 and 2.4 above. It is envisage that a sub-committee will be appointed to drive this objective.

Tasks

- Create EMCA working group. (The decision on whether an EMCA is the appropriate tool will maybe indicate that it is not - mainly because it is a toll meant to work over and above legal requirements - and since there is no current plan on bringing any legal requirements into the game now there would not be much sense in following the EMCA route. This does not, however, mean that an agreement of some sort is out of the question, it's just a case of packaging it maybe.).

- Engage DEAT and representatives of any other parties in discussion as to appropriateness of using an EMCA

- Establish negotiating forum

- Develop draft EMCA and concurrently comply with Section 45 NEMA Regulations (none currently) in order to consult with external stakeholders

- Implement the EMCA

3.2 Implementation Strategy

3.2.1 Approach

An integrated approach will be followed - structured around the following 3 parallel processes:

NOW Coordination

The current committee's primary responsibilities are to-:

a) Establish focused working (portfolio) groups that will concentrate on different aspects of the strategy development process. (i.e. Code of Conduct, Grading, Training including off-road nature/ culture/ tourist guides, Self-Regulation Strategy Development, EMCA etc.)

b) Ensure that the strategy development and formulation process is at all times aligned with the agreed key objectives and deliverables

c) Ensure continuous two-way communication and feedback to the respective member's organisations. Numerous stakeholders in the individual industries are already working together towards outcomes. Further identification and involvement of stakeholders will form an integral part of Strategy Development Process.

d) Fulfil a process management role and specifically to ensure that progress is according to the high level time-schedule.

Self-Regulation Strategy Development

It is acknowledged that specialised skills and experience are required to guide and assist the NOW committee in the further development of the self-regulation strategy. The NOW committee will therefore appoint a service provider with proven knowledge in environmental management-, statutory- and legislative processes and experience in the Tourism Industry. Funding for this appointment will be made available by DEAT.

Section 2, 3, 4 and 5 of this document defines the objectives, requirements and parameters for this strategy.

The following deliverables and milestones (refer to the process diagram) are the key components of the service provider's mandate

a) Conduct an Industry Assessment and Analysis

b) Draft Self-Regulation Strategy

c) Assessment of existing and GAP-analysis of required enabling legislation and regulatory requirements

d) Legal Drafting and Review – if required.

e) Implementation Strategy and Plan

f) Draft Environmental Management Agreement (EMCA)

Industry Specific Focus and Activities

It is imperative that, parallel to the strategy formulation process, the various industry representative organisations continue to focus internally on:

a) The development (refinement) and adoption of a specific Code of Conduct - aligned with the broad principles of the NOW

b) The development of industry specific best practices and standards

c) The development of Training, Unit Standards and Awareness Programs

d) Initiate and/or maintain a specific focus to establish, consolidate and expand its representation and increase its representative base (membership). This is a very important task – especially for the more recent established organisations like SAROOF, the 4-Wheel-Drive-Guide Association, SANOTA etc.

3.2.2   Timeline

The following diagram depicts this approach – mapped against a high level timeline.

National Off-Road Workgroup – Roadmap to Self-Regulation
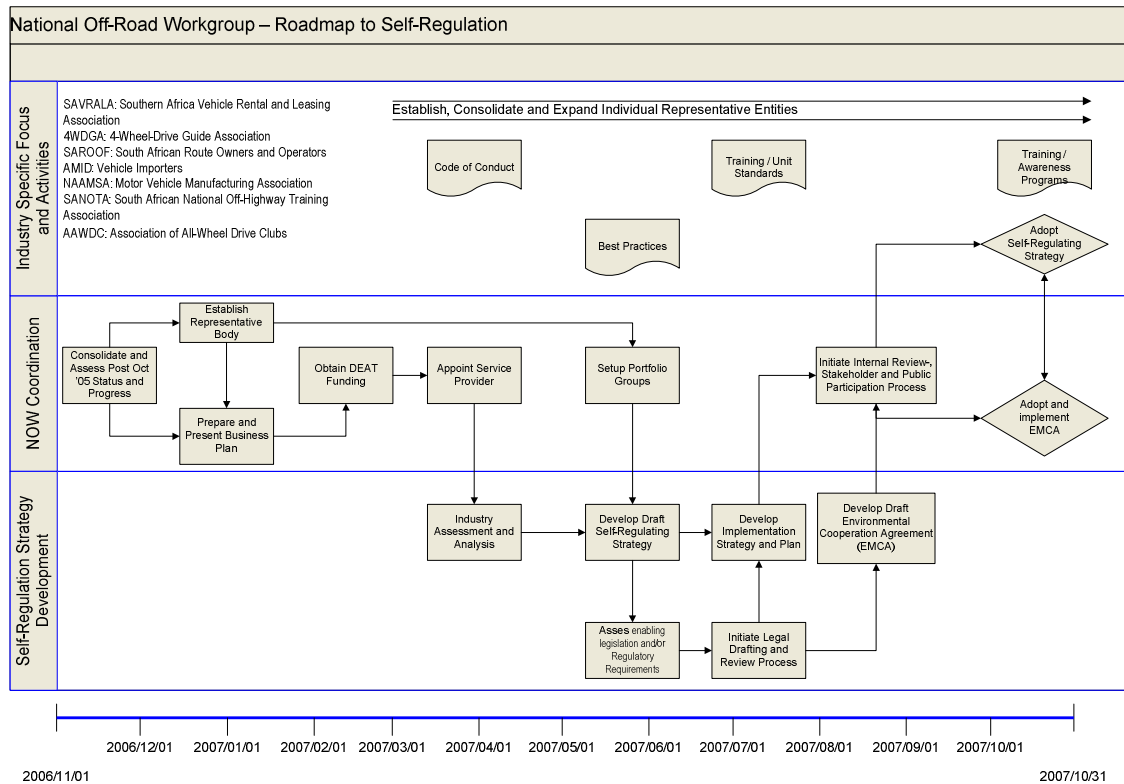
3.2.3   Governance

a)   NOW Committee

The NOW committee is accountable and responsible for the successful implementation of the objectives defined in this strategy document in accordance with the roles and responsibilities defined in section 6.1

b)   Reporting to DEAT and Stakeholders

Reporting to DEAT

- NOW and DEAT will meet on a quarterly basis of which the next meeting is scheduled on 3 May 2007

Reporting to Stakeholders

- The NOW website acts as a hub where any individual or a representative can register. All aspects of NOW are open for discussion and the NOW website has already proven to be a source of communicating with stakeholders and individuals

- Various relationships exist between the different industries and their stakeholders. In addition, Industry media are used to update a broader stakeholder base.

- Clubs have membership databases and discussion forums on club websites in place that is currently used to communicate.

- Any additional reporting structures and stakeholders that will be identified during the finalisation of the Business Plan will be explored and implemented.

c) *Funding, Financial checks and Balances*

The Department of Environmental Affairs and Tourism confirmed that the establishment of NOW as a section 21 company is an acceptable legal entity and that Section 38(1)(j) of the Public Finance Management Act, 1 of 1999, will be applicable to such a company. This entails that proper financial controls are in place, including internal controls and the appointment of an external Auditor.

4. Parameters for the development of a self-regulation strategy for the Off-Road Industry

It seems clear that the Off-road Industry is seen by government as a sub-sector of the greater eco-tourism Industry in SA, and thus it must function within acceptable parameters pertaining to both the Tourism Industry and the natural environment. The essential legal and policy requirements forming the parameters within which any framework plan must be established are the following:

4.1 Tourism Issues

"Responsible tourism" is a key guiding principle for tourism development in South Africa and the attitude of Government is that responsible tourism is not a luxury for South Africa, but an absolute necessity if it is to emerge as a successful international competitor. (In this regard appropriately trained off-road guides i.t.o. nature, culture and tourism guiding skills linked to driver/ rider specialism is important)

Each enterprise and association is expected to develop its own agenda for action – prioritising those issues where the particular business or group of businesses can make a significant impact by improving its product, the destination or the livelihoods and quality of life of local people. Government sees itself as working together with the people of South Africa in partnership to develop and market tourism experiences which contribute equitably to the economic and social development of all South Africans, which offer domestic and international visitors a quality experience and which are environmentally sustainable.

To this end Government has developed generic national guidelines to act as a framework within which responsible tourism is defined for South Africa, and within which benchmark standards can be set for accommodation, transport, cultural and national heritage and for operators and marketing associations.

It is expected that marketing, trade and other interest groups or associations will use the guidelines as a basis to develop codes of conduct and codes of best practice with a view to achieving "responsible tourism". The codes will form commitments for association members which the associations will themselves monitor and report annually on progress.

It is not expected that everyone will use all of the guidelines, and entities should select those that are most appropriate to their sector. It is important to note that additional objectives may also be adopted if they are appropriate to that sector. The guidelines are organised around the "triple bottom line" of social, economic and environmental responsibility.

4.2 Guiding Principles for Economic Responsibility

a) Assess economic impact as a pre-requisite to developing tourism, e.g. conduct market and financial feasibility assessments before raising expectations and exposing the community or local entrepreneurs to risk;

b) Maximising local economic benefits – increasing linkages and reducing leakages, e.g. encourage more establishments to upgrade their standards of service and add value and co-operate with other formal sector businesses to maximise benefits for local community enterprises;

c) Ensure communities are involved in and benefit from tourism, e.g. work closely with local communities and emerging entrepreneurs to develop new products that provide complimentary products or formal sector tourism enterprises and consider using local entrepreneurs (particularly emerging and historically disadvantaged entrepreneurs) in developing community initiatives;

d) Marketing and product development, e.g. provide information about local services and attractions provided in local communities and encourage people to use them;

e) Equitable business, e.g. pay fair prices for local services purchased or packaged and refrain from abusing market power to exploit emerging businesses or to push down prices inequitably.

4.3 Guiding Principles for Social Responsibility

a) involve the local community in planning and decision making;

b) assess social impact as a pre-requisite to developing tourism;

c) maintain and encourage social and cultural diversity;

d) be sensitive to the host culture.

The Minister's speech referred to above articulated DEAT's concern that the Industry should align itself with more equitable practices – and to comply with DEAT's major expectations in this regard the Industry should be in a position to demonstrate a strategy for implementing these principles in its everyday dealings.

4.4 Guiding Principles for Environmental Responsibility

a) environmental impact as a pre-requisite to developing tourism (in other words, proceed only where a favourable Record of Decision has been obtained);

b) use local resources sustainable, avoid waste and over-consumption;

c) Maintain and encourage natural diversity.

As will be seen from 6.6 below (which details applicable substantive environmental issues) there is significant overlap between the requirements of responsible tourism and the concept of environmental stewardship through sustainable environmental practices.

4.5 Environmental Policy and Legal Requirements

a) General

Responsible tourism has to be underpinned by sustainable environmental practices, and only conservative decisions based on the precautionary principle can be considered responsible. Environmental stewardship must be practised by all Industry members, and as a minimum, the Industry and its members are expected to comply with applicable environmental law and policy. Applicable national legislation is:

i) The National Environmental Management Act ("NEMA")

ii) The National Environmental Management : Biodiversity Act

iii) The Environment Conservation Act (to a lesser extent now that Environmental Impact Assessment regulations will be dealt with under NEMA)

iv)   The National Environmental Management: Protected Areas Act;

v)   The Tourism Act

Repetition or summarising of the relevant laws here will not serve any purpose, but it is probably worthwhile referring to Section 2 of NEMA (which sets out a number of broad principles of universal application e.g. the "precautionary principle" and the "polluter pays principle", and which govern all environmental legal relationships in South Africa).

b)   Environmental Co-operation Agreements

A particularly relevant section of NEMA is Section 35 which deals with the conclusion of environmental co-operation agreements ("EMCAs") between the Minister of Environmental Affairs and Tourism and persons or communities. These are a particular form of voluntary environmental initiative that are increasingly being introduced in developed and developing countries as a flexible complementary policy instrument for promoting improved environmental performance, their main objective being to promote compliance with the principles contained within Section 2 of NEMA and to achieve environmental performance standards and objectives that have been defined by a policy-making process separate to the development of the EMCA itself.

EMCAs should not be seen as an answer for sustainable development, but rather as a single tool which compliments (and does not replace) other policy tools. In particular, EMCAs cannot replace legal minimum standards or existing Government duties and obligations.

An important element that enhances the credibility of an EMCA is the implementation of effective monitoring and reporting mechanisms, after the EMCA has been entered into.

An objective of the umbrella body established by the Working Group should be for it to enter into an EMCA with DEAT which formally governs the relationship between DEAT and the Off-road Industry – and allows the two parties to the Agreement to work together in regulating the Industry (with the umbrella body retaining as much autonomy as possible to implement self regulation).

4.6   Managing Lifecycle Responsibility

Central to environmental responsibility is thinking about the lifecycle impact of an enterprise or product, and this has relevance for the Off-road Industry inasmuch as the guidelines apply to the stages of design, planning, construction, operation and decommissioning of Industry-related enterprises or products. It is particularly important to ensure that during decommissioning, it will be possible to remove all structures and restore the area as near as possible to what it was before the land use changed. Unless it is clearly impractical for a business to do so because of its size or other factors, environmental management should be integrated into the project planning cycle through appropriate environmental management systems.

As a whole, the Industry in developing and expanding its activities, should:

a)   assess environmental impacts as a pre-requisite to further development

o   follow best practice guidelines for the design, planning and construction of buildings and infrastructure so as to minimise environmental impacts;

- o avoid damaging the environmental quality of the enterprise's neighbourhood by noise, light or other pollution;

- o plan new developments to have the lowest possible ecological impact, particularly environmentally sensitive areas;

- o wherever possible, contribute to the maintenance of biodiversity;

b) use local resources sustainable, avoiding waste and over-consumption

- o be particularly strict with regard to water management and consumption;

- o install and showcase appropriate technology to reduce consumption of natural resources, production of waste and incidences of pollution;

- o set percentage targets and timescales for the reduction of waste produced, levels of recycling and reuse of waste from the enterprise;

- o assist conservation by investing in sustainable trails and facilities;

c) maintain and encourage natural diversity

- o encourage visitor behaviour that respects natural heritage and has a low impact upon it;

- o invest a percentage of profit/turnover in habitat restoration and management;

- o work with conservation authorities to ensure that visitors to natural heritage areas are aware of the impact that they may have on the ecology of the area and how they should behave in order to minimise those impacts;

- o be in a position to educate members and visitors on ways of avoiding environmental impacts through the giving of appropriate advice and guidance that promotes environmental best practice;

- o do not market tourism resources to encourage tourists into ecologically sensitive areas which are vulnerable to irresponsible tourism practices e.g. irresponsible quad-biking, 4x4 driving etc.

- o The Off-road Industry must instil in all persons operating within it a code of conduct which seeks to bring about a voluntary regulation of behaviour line with the above-stated principles. If a particular issue is too important to be left up to the individual as to whether he complies or not, then the Industry should through well-reasoned recommendations, lobby for appropriate Legislative intervention.

5. Key Drivers in the Macro Environment that can impact on the future shape and direction of the Off-Road Industry

5.1 Environmental Focus

Concern for the environment is increasing at all levels, particularly in the light of recent reports on the impacts of global warming on South Africa. This has also resulted in increased political and social pressure to ensure responsible environmental practices at all levels.

Off-Road Industry Response

o To demonstrate in a visionary, innovative and practical way how **environmentally responsible practices** and energy saving devices can and will be implemented in every sphere of the off-road sector.

o Though the envisaged **self-management and self-regulation process** to practically demonstrate how the off-road industry will strive to ensure responsible management practices at all levels, and wherever possible, work towards enhancing the environment, and so doing, become a global "best-practice" role model.

5.2 Socio-Economic Focus

The challenge of contributing to rural development and socio-economic upliftment is a major challenge that should be embraced by all stakeholders in South Africa

Off-Road Industry Response

o The current and future potential role of the off-road sector as a catalyst for rural development; as a key role-player in facilitating emergency services; and a contributor to socio-economic development, should be articulated, packaged and communicated. A point of departure could be a research project to quantify the current and potential socio-economic impact of the off-road sector to South Africa.

o All stakeholders in the off-road industry should be encouraged to adhere to responsible socio-economic principles and practices, which should be entrenched in the Off-Road Sector Code of Conduct.

o A continuous challenge is to contribute to transformation and to continue to expand representativity, as well as the membership base in the off-road sector.

5.3 Regulatory Environment

The current reality and perception of a regulatory environment that is not "off-road" friendly, is impacting on the sustainable growth of the off-road sector in South Africa

Off-Road Industry Response

o Identify and interact with key government departments that are involved in policies and decisions regarding the off-road sector (e.g. DEAT, DTI, Department of Transport, South African Tourism, etc.). A key challenge will be to work closely with these departments to streamline and expedite national, provincial and local processes and procedures pertaining to the off-road sector.

o The responsible implementation of an agreed-upon code of conduct and an internationally benchmarked self-management and self-regulation drive that is conducive to growth, practical and user-friendly, should be a strategic priority for all off-road stakeholders. A key challenge in this regard will be to address resistance to regulation and self-regulation among some stakeholders through a concerted awareness and educational programme.

o The strategic role of the off-road industry for rural development and growth should be articulated and communicated to key opinion leaders and stakeholders. In this regard, it is important to support the off-road sector's current and potential future strategic role with facts and figures.

5.4 Legislative Framework

There is currently a wide spectrum of national, provincial and local policies and legislation, which in some instances, are duplicated and often are prone to a variation of interpretations (e.g. what is eco-sensitive areas?)

Off-Road Industry Response

o A key challenge is to develop a dynamic and timely "gateway" to all "cross-cutting" legislation impacting on the off-road industry. This "gateway" should also strive to minimize different interpretations of environmental legislation that could be confusing to the sector.

5.5 Destinations

Many opportunities exist to identify and open up new and interesting off-road routes and experiences in South Africa

Off-Road Industry Response

o A key challenge for off-road stakeholders is to take an "out of the box approach" and to innovatively explore new and alternative routes and experiences that are not environmentally sensitive; are viable; and contribute to rural development and growth.

5.6 Self-Regulation

The off-road sector has the potential (and the opportunity) to lead the way in developing a self-management system and process, that not only becomes the role-model for other sectors in South Africa, but which can become a global benchmark in responsible self-management

Off-Road Industry Response

o The confidence placed in the industry to self-manage and the challenge provided by the Minister of Environmental Affairs and Tourism for the off-road to develop a self-regulation framework and implementation plan, provides a major window of opportunity that needs to be embraced and strategically responded to by all stakeholders in the industry, through the sub-sector and NOW structures.

o The structures and systems that are in place, unifying the off-road sub-sector of tourism in a recognised bargaining unit, must continue to interact with government at National level after the initial objectives of NOW have been achieved.

5.7 Tourism Development

The international growth in the so-called "experience-seeker" market for adventure, outdoor activities, "escapism", etc. provides a major window of opportunity to grow the off-road sector as a key niche tourism area in South Africa

Off-Road Industry Response

- The representative structures in the off-road sector should closely collaborate with South African Tourism, provincial bodies, tourism operators, etc. to growth this important niche tourism segment.

- To optimize the longer-term potential of the off-road sector it is important to develop a responsible off-road umbrella brand and identity; positioning statement; and integrated marketing strategy.

5.8 Stakeholder Education and Awareness

In general there is a lack of appreciation and understanding on the part of many stakeholders (ranging from politicians to the general public) of the actual nature and extent of the impact of the off-road sector on the triple bottom-line (economic, social and environmental)

Off-Road Industry Response

- Undertake a triple bottom-line (economic, social and environmental) audit of the off-road sector as a base for a self-management and self-regulation framework and process.

- Identify relevant bodies; key media; and opinion-leaders that need to be communicated with and develop a targeted communications strategy.

- Develop a specific strategy to continuously co-ordinate and communicate with key government bodies impacting on the off-road sector.

- Initiate a major education/awareness drive (from school level to community level) to create a new mindset regarding the actual nature and extent of the off-road sector and its current and potential triple bottom-line impacts, benefits and responsibilities.

5.9 "Resistance to Change"

The general "resistance to change" culture (resistance to transformation; resistance to knowledge transfer; and resistance to transfer of responsibility/acceptance of responsibility) could be a barrier to transformation and responsible growth of the off-road sector

Off-Road Industry Response

- A key challenge will be to get all stakeholders to buy into an agreed-upon vision; adhere to core values and principles; work within a future-orientated strategic framework; clarify the roles, responsibilities and relationships within the sector (to ensure synergy and "seamlessness"); and commit to a process of self-management and self-regulation at all levels.

- Communicate and market the existing potential (as outlined in Point G) to dispel fears of "market saturation" and instil an appreciation for the need for more off-road providers.

5.10 Towards a Shared Vision for the Off-Road Sector

The process of developing a shared vision for the off-road sector is regarded as part of a longer-term journey.

The current vision is to develop and implement "an off-road user's template to protect the environment for future generations".

Some thoughts that were put forward at the workshop that could be considered when formulating a shared longer-term vision include:

o   To optimize the potential of the off-road sector in South Africa to the benefit of all stakeholders in a responsible and sustainable manner.

o   An off-road sector that is so well managed/regulated that both the industry and the environment benefit to the maximum.

o   An off-road industry that is so well managed/regulated that all stakeholders benefit in a balanced manner with due consideration for the triple bottom-line impacts and benefits.

o   To grow the off-road industry to the benefit of all stakeholders in a responsible manner.

5.11 Guiding Values and Principles for Stakeholders in the Off-Road Sector

o   Striving to balance the triple bottom-line (social, economic and environmental) in everything undertaken in the sector.

o   Trust, respect and understanding among all stakeholders in a spirit of co-option (co-operating, while competing).

o   A positive, innovative and future-orientated attitude and approach.

o   Inclusiveness and representativity in the unfolding of the off-road strategy and self-management/self-regulation plan for South Africa.

o   Open, transparent and continuous communication at all levels.

o   Adherence to responsible and sustainable principles and ethical behaviour on the part of all stakeholders.

o   Adherence to a strict code of conduct and self-management/self-regulation principles.

o   A commitment to furthering the interests of the off-road sector in South Africa.

6. Key Focus Areas to be addressed to ensure a sustainable Off-Road Sector in South Africa

During the workshop, stakeholders agreed that the key focus areas that needed to be addressed to ensure a sustainable off-road sector were;

o   sensitive areas;

o   driver competency;

o   off-road guiding and tourism development;

o   trails and tracks; and

o   Self-management and self-regulation structures/processes.

6.1 Sensitive Areas

6.1.1 Key challenges/strategic priorities

o   To get consensus in the off-road sector regarding relevant definitions and meaningful and practical criteria for identifying/classifying eco-sensitive areas (ESA). NOW can facilitate this initiative in consultation with DEAT.

o   A major and continuous challenge is to ensure that all current and prospective off-road owners and users now how to identify/recognise sensitive areas/attributes and importantly, how to behave in such areas. A major education/awareness drive (e.g. including driver-training) will have to become a priority.

o   Specific venues/sites that can provide the base for current and/or potential off-road activities should be identified and classified in terms of current/potential uses (also from a management and marketing perspective). Where appropriate competency criteria will also have to be put in place.

o   A key challenge will be to motivate/guide farmers/owners that have current and potential off-road venues/sites to develop such areas in a responsible and sustainable manner. A further challenge will be to encourage trail owners to only allow competent and responsible users access to such facilities.

o   It is important for NOW, as a matter of urgency, to liaise and co-ordinate with the DEAT officials currently involved in the project to delineate sensitive areas (including off-road use in such areas).

o   Innovative and practical ways need to be explored to ensure benefit-driven, meaningful and affordable accreditation processes that not only take the industry to a next level of excellence, but also grow the industry.

6.1.2 Self-management and self-regulation proposals

o   Develop a meaningful and user-friendly umbrella code of conduct for the off-road sector (with codes of practice for the sub-sectors in the industry), which is in line with international best practices, and which specifically focuses on access to sensitive areas and the responsible use of such areas.

6.2 Driver Competency

Issues pertaining to driver competency fit into the Skills Development Act, which should serve as a frame of reference. To date, the process to comply with the Act is as follows:

- The Unit Standards have been completed and are currently with SAQA.

- All indications that registration will take place during June 2007.

- It will then be placed on the SAQA website as an approved standard.

- Thereafter service providers will be in a position to apply against it.

6.2.1 Key challenges/strategic priorities

- Get service providers (training entities) accredited and moderators/assessors/instructors registered as soon as possible, without compromising on quality and service excellence.

- Co-ordinate and collaborate with SAQA to ensure that the accreditation process takes place as soon as possible. A key challenge will be to monitor progress on a regular basis and communicate with the relevant SAQA officials.

- Facilitate access to the central database (Oracle), which has information on all drivers with competency, as an input into the self-management and self-regulation process.

- Market the benefits of competency (ranging from savings on insurance; to access to eco-sensitive areas; to new entrepreneurial opportunities) to current and prospective drivers/guides.

6.2.2 Self-management and self-regulation proposals

- Develop a code of practice for driver competency, within the umbrella code of conduct for the off-road industry.

- Promote driver competency within the umbrella self-management/self-regulating off-road principles and practices.

- Identify and evaluate current national, provincial and local legislation that can impact on this sub-sector and which can influence the envisaged self-management and self-regulation framework and process.

- As part of the self-management and self-regulation process, develop appropriate monitoring/evaluation/benchmarking mechanisms, as well as key milestones.

- Consider innovative and impactful ways to incentivize stakeholders to embrace self-management and self-regulation as a way of life (and so-doing to establish a proud off-road culture in the off-road family!).

6.3 Off-Road Guiding and Tourism Development

6.3.1 Key challenges/strategic priorities

- A concerted transformation drive, linked to a development/education thrust, is required to broaden the base of off-road guides. In the process a lot of additional knowledge and potential can be unlocked (with the solid base of current guides as mentors).

- Create the enabling environment to promote business/ entrepreneurial development (e.g. linking driver and guide competency). In this regard a challenge will be to facilitate cost-effective ways to acquire multiple competencies.

- Explore innovative ways, without being restrictive, to link registered guides to specific site guides (as part of an empowerment drive and also to enrich the overall experience).

- From an organisational perspective, a challenge will be build the recently formed 4-Wheel-Drive Guide Association (4WDGA) into a substantial organisation (with the necessary capacity and funds), which effectively addresses the interests of its stakeholder within the umbrella NOW structure.

- A key priority is to ensure that all off-road guides are registered and when required, timeously renew their registrations. Furthermore it is important that they are reflected on the national and provincial registers of tour guides and are motivated to become members of the 4WDGA.

- A key issue for consideration is to broaden the membership base of the 4WDGA, to also include other off-road guides (e.g. quad-bikes guides).

- A continuous challenge is to link into and network with the broader base of tourism stakeholders, particularly persons with tourism knowledge/experience, who have the potential to become off-road guides.

- Training programmes should place particular emphasis on business skills development, as a base for effectively developing and managing businesses in the off-road sector.

6.3.2 Self-management and self-regulation proposals

- Align the code of practice for off-road guides with the umbrella code of conduct for the off-road industry.

- Promote off-road guide competency within the umbrella self-management/self-regulating off-road principles and practices.

- Identify and evaluate current national, provincial and local legislation that can impact on this sub-sector and which can influence the envisaged self-management and self-regulation framework and process.

- As part of the self-management and/or self-regulation process, develop appropriate monitoring/evaluation/benchmarking mechanisms, as well as key milestones.

- Consider innovative and impactful ways to incentivize stakeholders to embrace self-management and self-regulation as a way of life (and so-doing to establish a proud off-road culture in the off-road family!).

- Establish and maintain a two-way communication mechanism with the National and Regional Registrars to utilize systems effectively for guide registration, development, monitoring and regulation.

6.4 Trails and Tracks

6.4.1 Key challenges/strategic priorities

- Develop a practical and user-friendly way to implement trail and track guidelines that all stakeholders can relate to and buy into.

- Ensure that all trail and track owners are legalized and compliant. In this regard it is important to try and ensure that the "cost of becoming legal" is reasonable and beneficial to stakeholders.

- Unbundle national, provincial and local legislation that can impact on this sub-sector and to provide a "gateway" to the key legislation that should be considered as a base for self-management/self-regulation.

- As trail and track owners are "gatekeepers" to sensitive areas, the challenge is to ensure that they have the necessary checks and balances in place to ensure that all vehicles, persons and activities in such areas adhere to responsible principles and practices.

- A challenge is, as far as possible, to ensure that tracks and trails are viable and sustainable in their own right, and operate according to sound business principles. In this regard, a concerted effort must be made to offer stakeholders a comprehensive support base (e.g. from how to comply with legislation; to doing a feasibility study; to developing business and marketing plans). In this regard strategic partnerships should be explored with, for example, Business Partners, Tourism Enterprise Programme (TEP), etc. Practical tools such as a user-friendly template for EIA's could also add considerable value.

- A longer-term challenge is to decommission trails/tracks where there are problems and to pro-actively restore damage to sensitive areas as a result of off-road initiatives.

- From an organisational perspective, a challenge will be to build SAROOF (the body facilitating and co-ordinating track and trail initiatives in South Africa) into a substantial organisation (with the necessary capacity and funds), which effectively addresses the interests of its stakeholders within the umbrella NOW structure.

- A challenge is to ensure that trail and track marketers adhere to ethical marketing principles and deliver (ideally exceed) on the expectations created.

- As not all off-road vehicles have the same impact on the environment and often require different types of tracks and trails, it is important to create alignment between the features of the tracks and trails and the requirements/impacts of the respective off-road vehicle users. The guidelines developed for hiking trails could provide a useful frame of reference in this regard.

- A key challenge, particularly given new market trends, is to explore innovative ways to open up new destinations, particularly in exciting and non-sensitive areas (e.g. forestry's).

- Consider opportunities exist to have trails and tracks graded, for example, in line with the South African Tourism Grading Council initiatives. Also look at international best practices in this regard.

- In order to change perceptions and provide a realistic picture of the actual impacts and benefits of trails and tracks, a key challenge is to expose appropriate media to the actual experiences offered, which will hopefully result in positive media exposure and publicity.

6.4.2 Self-management and self-regulation proposals

- Align the code of practice for trails and tracks with the umbrella code of conduct for the off-road industry.

- Promote trails and tracks self-management within the umbrella self-management/self-regulating off-road principles and practices.

- Identify and evaluate current national, provincial and local legislation that can impact on this sub-sector and which can influence the envisaged self-management and self-regulation framework and process.

- As part of the self-management and self-regulation process, develop appropriate monitoring/evaluation/benchmarking mechanisms, as well as key milestones.

- Based on criteria (still to be determined) guides should be required in certain areas (e.g. historically/culturally sensitive areas) and for certain groups. The accreditation requirements and envisaged grading process could address this.

- Develop transformation targets in line with the Tourism BEE Scorecard. Also highlight how tracks and trails are already adding value in this regard.

- Consider innovative and impactful ways to incentivize stakeholders to embrace self-management and self-regulation as a way of life (and so-doing to establish a proud off-road culture in the off-road family!).

7. Key Strategic and Macro issues of common interest that "bind" the stakeholders in the Off-Road Sector – Providing the base for NOW's Future Strategic Focus

7.1 The key strategic and macro issues

o Developing and implementing a distinctive umbrella branding, positioning and consumer-driven marketing framework for the off-road industry (with partnerships and collaborative marketing being important).

o Developing and implementing a targeted communication strategy (including a strong media drive) to positively change and enhance perceptions of the off-road sector, with both internal and external stakeholders. An underlying message should be that of a visionary, innovative self-management approach, rather than a hard-handed regulation-driven approach (focussing on the carrot rather than the stick).

o Identifying and communicating the critical success factors and key "touch points" in the off-road value chain to all stakeholders (including those not currently adequately represented, e.g. club owners, quad-bike stakeholders, etc.), with due appreciation for the fact that the off-road sector will be perceived as only being as good as its weakest link.

o The umbrella body (NOW) should support sub-sector interest groups in addressing their specific issues and also provide "one voice" to address all "cross-cutting" strategic and macro issues impacting on the off-road sector at large.

o A fundamental priority should be that of ensuring clarity of roles, responsibilities and relationships of all stakeholders (private sector, public sector, NGO's, labour, communities, etc.) within a shared vision.

o Enabling legislation should be considered to establish norms and standards for the off-road self-management and self-regulation initiative.

o The umbrella body (NOW) should pro-actively facilitate a public consultation process and strategy at the macro, objective/topic and industry levels (with the establishment of two-way communication channels being essential).

o In the medium/longer-term, the off-road self-management and self-regulation initiative should be rolled out into Southern Africa (in collaboration with regional bodies such as RETOSA). It is therefore important to inform and consult with them as soon as possible. DEAT can play a key role in facilitating this process.

o As a base for self-management/self-regulation, all existing legislation (and the enforcement status thereof) that directly and indirectly impact on the off-road sector and its sub-sectors, should be identified and evaluated. This should be an essential step that provides the base for a self-management and self-regulation framework.

7.2 The NOW structure and funding

o The issues outlined above, cover the key focus areas that need to be included in NOW's future strategic business plan.

o Building on the outcomes of the workshop, the NOW structure (which is already a Section 21 Company) needs to be finalised.

- Once the NOW structure has been finalized, a sound financial plan for NOW needs to be developed (with due appreciation for the fact that structure should follow strategy!).

7.3 The Critical Success Factors

1. All stakeholders should accept the need for and commit to a self-management and self-regulation strategy for the off-road sector in South Africa.

2. Balancing the triple bottom-line (economic, social and environmental aspects), should be fundamental to unfolding the self-management and self-regulation strategy and structure for the off-road sector.

3. Ensuring appropriate funding to sustain the self-management and self-regulation process.

4. Broadening the base of stakeholder participation and representation.

5. Support for emerging organisations with the off-road "family" to succeed.

6. Transformation should be addressed as a priority, with stakeholders working towards a multi-racial, inclusive and environmentally sustainable self-management off-road sector.

7. Finalizing of the statutory structure (Section 21 and bank account); the appointment of a convenor; and the establishment of a sound administrative/organisational base.

8. The packaging and communication of the core and spin-off benefits of NOW, with a strong emphasis on what has already been achieved.

8. Annexure

8.1 Annexure A: Industry Specific Self-Regulation Focus Areas

8.1.1 Motor Vehicle Manufacturing Association (NAAMSA)

a) Code of conduct

b) Training of purchasers – competency of drivers

c) Circulation & Approval of Driver Training Unit Standards

d) Accreditation of Instructors to Unit Standards

e) Upliftment of dealership staff/retailers

f) Support best practice service providers

g) Fuel emission standards

h) Responsible Advertising

i) Support of socially conscious facilities

j) Where local communities benefit) and development of BEE opportunities (Instructors)

k) Support of access system for Off-Road users

8.1.2 Importers & Distributors of Off Road and quad bikes (AMID)

a) Code of conduct

b) Promotion of rider & Eco awareness training by accredited trainers

a) Promotion & support of accredited trails

b) Promotion of the concept of environmentally sustainable off road riding techniques

c) Promotion and use of environmentally correct advertising

d) Support & encourage related activities that will impact positively upon regional social upliftment

e) Investigate & support the concept of a grading and licensing system for riders and trails

8.1.3 Southern Africa Vehicle Rental and Leasing Association (SAVRALA)

a) Promote Environmental Code of Conduct

b) Increased staff education

c) Improved "hand-over" techniques

d) Educational material for renters

e) Promotion of GPS utilisation

8.1.4 South African Route Owners and Operators (SAROOF)

a) Code of Conduct

b) Regular self audit. This need not be legislated but rather a framework within which the trail owner can operate and improve.

c) Development of trail audit standards

d) Promotion of appropriately trained nature/culture/tourist guides

e) Formation or representative body

f) Development of trail standards (EIS based) with Government and compliance

g) Trail owner communication/forum

h) Common rating standard nationally

i) Rating to indicate vehicle type and quad suitability

j) Adherence to Triple Bottom Line principles (social, economic and environmental)

k) Alternative energy sources

l) Waste Management & Recycling practices

m) Provide feedback to Clubs, Umbrella Bodies and others concerning bad behaviour

n) Promote local business

8.1.5 South Africa National Off-Road Trainers Association (SANOTA)

a) Code of Conduct

b) Environmental practices

c) Accreditation

d) Circulation & Approval of Driver Training Unit Standards

e) Accreditation of Instructors to Unit Standards

f) Venue Hygiene Audits

g) Best Practice Examples

h) Career Path Development

i) Group Size to Instructor ratio

j) Support Local Business

8.1.6 Media

a) Promotion of Best Practice and Compliant Practitioners

b) Promotion of Code of Conduct

c) Promotion of Responsible Off Roading

d) Policing of non-compliant publications

e) Training in off road driving - through Guild of Motoring Journalists

f) Guild of Motoring Journalists endorsement

g) Promotion of Common Rating Standards

8.1.7 4-Wheel-Drive Guide Association (4WDGA)

a) Training of members (Competency)

b) Promotion of Code of Conduct

c) Promotion of Best Practice practitioners

d) Penalties for members who act in bad faith

e) Support local, socially conscious business

8.1.8 Association of All-Wheel Drive Clubs (AAWDC)

a) Training of members (Competency)

b) Promotion of Code of Conduct

c) Promotion of Best Practice practitioners

d) Penalties for members who act in bad faith

e) Support local, socially conscious business

8.1.9 Clubs and other Umbrella Bodies

a) Training of members (Competency)

b) Promotion of Code of Conduct

c) Promotion of Best Practice practitioners

d) Penalties for members who act in bad faith

e) Support local, socially conscious business

8.1.10 Industry Associates (AA, Insurance Providers)

a) Promotion of Training

b) Promotion of Insurance Discounts linked to training

8.1.11 Ancillary Companies (Accessories, etc.)

a) Promote Code of Conduct

b) Compliance in all other areas such as services offered - training, trails, etc.

Background:

The Minister requested the 4x4 industry to get its house in order and a national conference was held during 2005 in George, where a number of planned actions were discussed. The ultimate aim is to prohibit recreational off-road driving in sensitive areas except on a registered trail by a licensed driver in a permitted vehicle.

8.3   Topic 1: Identification of sensitive areas

Discussion:

DEAT is responsible for the identification of sensitive areas. NEMA section 24(2) states that the Minister, and every MEC with the concurrence of the Minister, may identify (among others) geographical areas based on environmental attributes in which specified activities may not commence without environmental authorisation from the competent authority or where such specified activities may be excluded from authorisation by the competent authority;

The intention is that, once geographical areas (or environmental attributes against which geographical areas can be tested) have been identified, certain rules (the highlighted portions under "Background" above) regarding recreational off-road driving will apply in such areas. Since the identification of specific areas throughout South Africa may be problematic and time-consuming, the emphasis could be on the identification of environmental attributes that make certain areas sensitive to recreational off-road driving. Should a specific geographical area contain all the identified environmental attributes, the rules will apply in that area.

DEAT does not have sufficient capacity or knowledge to undertake this project internally, and will in all probability have to appoint a service provider for this purpose. Western Cape DEADP has embarked on a process to identify environmental attributes and some information may be useful for this purpose.

Issues

The identification of areas should be based on environmental attributes, e.g. that if certain criteria or a combination thereof is present in a certain geographical area, certain rules will apply to that area (rules e.g. drivers must be competent, vehicles, registered, etc. etc. These criteria will only focus on the attributes present in an area that makes such an area sensitive to off-road recreational driving. It may therefore include only portions of trails, farms, etc. The identification of areas could potentially be the initial trigger for the other requirements / norms and standards set by the industry. The enforcement of such restrictions should be well thought through and a proposal made in that regard. If the Minister approves of the norms and standards set by the industry, it should also constitute an offence, with related penalties, to be enforced.

Way forward

DEAT to, in cooperation with NOW, determine the terms of reference for a project to identify environmental attributes. Information to be obtained from W Cape. The Environmental impact Evaluation Directorate within DEAT will also have to be involved in this project. An amendment to NEMA, indicating that (self)regulation can occur based on set and approved norms and standards need to be investigated and inserted.

Deliverables:

- DEAT to appoint a service provider

- Identification of environmental attributes specifically for off-road recreational driving purposes

- Amendment to NEMA to insert an enabling provision stating that an industry can regulate itself by means of norms and standards, which the Minister should approve. Once approved, certain offences and penalties can be linked to that.

8.4   Topic 2: driver competency

Introduction:

The licensed driver in a permitted vehicle objective, as described in the background above, has subsequently been changed to rather have a Driver Competency Qualification of which the qualification complies to registered unit standards in line with the Skills Development Act requirements. It is felt that drivers will in future need to declare themselves competent prior to accessing a sensitive environment. We are comfortable with this route been taken as Internationally, we have found that Australia and New Zealand have taken a similar approach by making use of Unit Standards.

Progress:

A process followed and the Unit Standards has resulted in training that is suitable to different sectors:

- The recreational 4x4 user

- The corporate 4x4 user (the likes of Eskom, MTN, Vodacom, companies in need of qualified 4x4 drivers)

- The quasi-government & government 4x4 users - SAPS, SAN Parks, etc.

- At the recommendation of SAQA a consultant was appointed to finalise the unit standards and ensure that they were correctly formatted.

Way forward (framework for strat plan session):

- The Unit Standard will go SAQA shortly – this needs to be chased up.

- The Unit Standard will follow the SAQA process and will be posted on their site prior to registration.

- Registration of the unit standard is expected in the latter part of 2007.

- Once registered a consultant will be appointed to develop the pre-requisite course works and curriculum.

- Interested Assessors/Moderators and Instructors can then apply for accreditation and register as service providers.

- This will allow the concept of competency to be integrated into the NOW framework and underpin the access to sensitive areas etc. It is also recommended that individual trail owners insist on the competency qualification as a pre-requisite to drive on their trails as a means to control damage and govern bad behavior.

- A database of registered service providers and competent drivers will have to be established and maintained. This should be accessible to parties either interested in being trained or trail owners that may wish to verify competency.

8.5 Topic 3: Registered Trails ("Trails-and-Tribulations")

Introduction:

Registration of tracks would require a legal framework and a regulatory body (preferably through self regulation). The recommendations in this regard are inter alia that in order to be registered, a trail would need to be legal in terms of Environmental Impact legislation, must be graded in terms of difficulty and vehicle requirements and must have a valid / authorized environmental management plan. Operating a trail that is not registered or contravening the conditions of registration will constitute an offence.

Discussion:

o To establish and operate a permanent Southern African body that represents the interests of route owners and operators.

o To promote legislative and statutory compliancy within the 4x4 Trail Industry

o To develop a Biodiversity Strategy for the 4x4 Trail Industry

o To promote the concept of stewardship provincially and nationally

o To facilitate the implementation of Sustainable Environmental Management Programme and Eco Friendly practices and standards within the 4x4 Trail Industry.

o To develop-, implement- and coordinate Route/Trail Evaluation process within the 4x4 Trail Industry.

o To enhanced business opportunities arising within an area as a result of the maintenance and improvement of environmental qualities (i.e. biophysical, cultural and scenic), joint marketing of the area, and increased brand awareness.

o To provide a Marketing and Business Advisory Services according to the principles of "Responsible Tourism"

o To create Responsible Partnerships that will ensure effective lines of co-operation and communication between the 4x4 Trail Industry, the private sector, government and communities.

o To facilitate employment for disadvantaged communities through trail building, trail maintenance and tourism.

o o change the negative perceptions of the 4x4 industry into positive factual accounts of the industry making a difference to people and the environment

Way forward

o Representation and Regulatory Framework

▪ Boarding the representation base

▪ Formalizing Representatives Body within/ as a "Regulatory Framework"

o Accreditation Requirements

▪ Western Cape 4x4 Guidelines – implementation strategy

▪ Greater Cederberg Biodiversity Corridor Pilot Project

- Consolidate b) and c) into a National Framework that can be adopted provincially.

- Monitoring Requirements

  - Monitoring in terms of Sustainable Development and Use

  - Feedback Mechanism

  - Rectification / Enforcement Mechanism

- Communication en Participative Requirements and Framework

- Interim Funding

8.6   Topic 4: 4WDGA

Background:

The aim is to finalise an eventual long term business plan which will achieve both government's regulatory and economic development, as well as the off-road motorised fraternity's leisure objectives, by entrenching avenues whereby the protection of the environment is guaranteed by economic growth.

Discussion:

Both supply and demand side aspects must be covered in terms of the principles of the Tourism White Paper and the Guidelines for Responsible Tourism with a view of strengthening off-road motorised economic activity and facilitating involvement of the historically disadvantaged, both as outdoor lovers and emerging entrepreneurs. These individuals are to become pivotal educators of environmental awareness on a scale and with impact not possible by the current structure.

Selection criteria, pre and post training interventions such as coaching, self development and mentorship, needs to be strategised and formalised to include aspects of measuring, monitoring, and controlling, not only aptitude, but also focused on attitude. It is imperative that in these arenas the knowledge and experience of existing guides and operators is utilised, recognised and rewarded. To this end tourist guide specialisation and the relevant components of the SAQA Qualifications have to be clarified.

In view of the nature of the tourist guide training course, and the issues pertaining to the accreditation facilitation of ORV drivers, consideration should be given to the alignment of these courses and curricula to expedite the marketing of ORV-trails in sensitive areas as well as the accreditation of instructors, assessors, facilities and trails.

Issues identified

- The alignment of curricula of the tourist guide training course and the issues pertaining to the licensing and or competency facilitation of ORV drivers with the aim of expediting the marketing of ORV-trails in sensitive areas as well as the accreditation of instructors, assessors, facilities and trails is required;

- Tourist guide specialisation for ORV tours and the components of the SAQA Qualifications have to be clarified;

- The selection, training and development of HDC-guides has to be strategised and, upon completion of their training, their establishment as tourist operators;

- The licensing of ORV drivers/ riders, the training of tourist guides and their operalisation as operators with a view of strengthening off-road motorised economic activity should be addressed.

- The inclusion of existing tour guides and operators in transfer of knowledge and skills needs to take place.

- Systems and facilities to monitor and action performance of tour guides and operators needed.

The Way Forward and Relevant Deliverables

- Interrogation of issues should be facilitated by appropriate staff of DEAT at the planned 3-4 May 2007;

- Confirmation of the position with regard to tourist guide specialisation for ORV tours in terms of the SAQA principles;

- Alignment of curricula of the tourist guide training course and the issues pertaining to the licensing and or competency facilitation of ORV drivers;

- Strategy for historically disadvantaged tourist guides, their driver/ rider licensing and their establishment as tour operators.

- Existing guides and operators to be utilised for selection and further education.

- Performance indicators and flagging system to be identified or designed for guides and operators.

8.7 Topic 5: Tourist Guiding

Introduction:

The business plan should entail components of both environment and tourism. A short term business plan would indicate the structure of the long term business plan. Directives are now required w.r.t. eventual finalisation of an appropriate long term business plan which would ensure overall guidance to and coordination of off-road motorised leisure activity. The aim is to finalise an eventual long term business plan to ensure achievement of both government's regulatory and economic development as well as the off-road motorised fraternity's leisure objectives.

Discussion:

With regard to tourism, both supply and demand side aspects must be covered in terms of the principles of the Tourism White Paper and the Guidelines for Responsible Tourism, in the business plan with a view of strengthening off-road motorised economic activity and facilitating involvement of the historically disadvantaged, both as outdoor lovers and emerging entrepreneurs – e.g. outfitters and guides.

In addition to the licensing of drivers/ riders of ORVs, the training of tourist guides and their operalisation as operators with a view of strengthening off-road motorised economic activity is a matter which should be addressed. In this regard the fields of tourist guide specialisation and the relevant components of the SAQA Qualifications have to be clarified. Furthermore, the training of such guides -- from the historically disadvantaged community – has to be strategised and, upon completion of their training, their establishment as tourist operators.

In view of the differing nature of the tourist guide training course and the issues pertaining to the licensing and or competency facilitation of ORV drivers, consideration should be given to the alignment of these courses and curricula with the aim of expediting the marketing of ORV-trails in sensitive areas as well as the accreditation of instructors, assessors, facilities and trails. Unit standards have already been approved for the training of tourist guides.

Way forward

Interrogation of the matters outlined above should be facilitated by appropriate staff of DEAT at the envisaged 3-4 May 2007 workshop with a view of guiding the finalisation of the required NOW/NVW Long Term Business Plan by professional capacity.

8.8   Topic 6: OVERALL FRAMEWORK AND PROCESS

Introduction:

Since the George workshop NOW has focused on the four main areas:
- Driver Competency
- Four Wheel Drive Guides
- Trail Owners
- Eco sensitive areas.

Progress:

These areas have individually made some progress, but NOW have not focused on the overall framework and processes. The structure below covers the areas of:
- Changes in legislation
- Law enabling mechanisms

Way forward (framework for strat plan session)

- There is currently no case study of a self-regulatory structure, and NOW has to develop such a structure from scratch.
- The law enabling mechanisms does not have to follow the current legal processes, as the time delays associated with the current process could water down the effect of self-regulation.