


DRAFT WHITE PAPER ON

CONSERVATION AND SUSTAINABLE USE OF SOUTH AFRICA'S BIODIVERSITY





“The White Paper is a broad policy document. Once it is signed into law, government will use it to amend existing legislation and/or introduce new legislation.”

The Draft **White Paper** on Conservation and Sustainable Use of Biodiversity was gazetted on 8 July 2022 for public comment (the “White Paper”). It is, therefore, still in **draft** form.

STATUS OF THE WHITE PAPER

The White Paper is a broad policy document. Once it is signed into law, government will use it to amend existing legislation and/or introduce new legislation.

Within this context, government will be guided by, inter alia, the following:

- any legislation must (i) emphasise the importance of national government as the custodian of South Africa’s biological diversity, (ii) address the socio-economic aspects of biodiversity, and (iii) recognise that those who conserve biodiversity should derive value from those actions; and
- there is a need for an integrated and holistic approach which focuses predominantly on the in-situ conservation and restoration of ecosystems and natural habitats, and the maintenance and recovery of viable populations of species in their natural surroundings.

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Legal, local and international context



LEGAL CONTEXT

The White Paper operates within the following legal context:

- sections 24 and 25 of the South African Constitution;
- international conventions and agreements, such as the Convention of Biological Diversity, 1996;
- various national legislation, such as the National Environmental Management Act;
- various national policies, such as the National Development Plan; and
- various provincial and municipal laws and policies.

Despite the myriad of legislation and policies, a policy gap still exists due to the lack of an approved, overarching policy on biodiversity. The White Paper aims to address this gap.



LOCAL CONTEXT

- South Africa has exceptional biodiversity. However, almost half of the 1 021 ecosystem types assessed in the National Biodiversity Assessment (2018) are threatened.
- South Africa's biodiversity faces many pressures, including habitat loss, freshwater flow modification, overfishing, overuse of some species, pollution, climate change, biological invasions, overutilisation of rangelands, wildlife trafficking syndicates and other human activities.
- This is unfortunate, as South Africa's biodiversity provides a wide array of benefits to the economy, society and human well-being in general. Moreover, biodiversity forms part of South Africans' national identity and heritage.



INTERNATIONAL CONTEXT

On an international level, there has been an increasing recognition that biodiversity and climate change are inextricably linked to one another. We cannot address biodiversity loss without tackling climate change, but it is equally impossible to tackle climate change without addressing biodiversity loss. The White Paper recognises this relationship.

The White Paper addresses these concerns and sets out a "new deal" on the conservation and sustainable use of biodiversity, aimed at achieving a South Africa where people live in harmony with nature.

The White Paper's vision and mission



VISION

A prosperous nation, living in harmony with nature, where biodiversity is conserved for present and future generations, and secures equitable livelihoods and improved human well-being.



MISSION

To conserve South Africa's biodiversity, and maintain and/or restore ecological integrity, connectivity, processes and systems, with resulting ecosystem services providing transformative socio-economic development benefits to the nation, through justifiable, responsible, and ecologically sustainable, and socially equitable, use of components of biodiversity.



IMPACT STATEMENT

"Thriving People and Nature" which envisages:
a) an integrative approach;
b) participation and involvement of members of society;
c) bolstering of the wildlife-based economy; and
d) in-situ conservation as primary measure, with ex-site measures to complement in-situ measures.

"South Africa's biodiversity faces many pressures, including habitat loss, freshwater flow modification, overfishing, overuse of some species, pollution, climate change, biological invasions, overutilisation of rangelands, wildlife trafficking syndicates and other human activities."

Key principles guiding the White Paper

GUIDING PRINCIPLES

For the first time in South Africa’s legislative context, the White Paper defines conservation and sustainable development:

“Conservation” is defined as: “Under the imperative of protection of the Environment,

- (a) protection, custodianship, care, maintenance, rehabilitation, restoration, and recovery, of biological diversity and its components;
- (b) in a manner that, where justifiable, secures equitable and ecologically sustainable use, access, and sacred appreciation;
- (c) of the benefits and values that present and future generations derive from nature’s contribution;
- (d) to improve the well-being of people consistent with Ubuntu.”

“Sustainable Use” means: “In relation to the use of any component of biodiversity, means the use of such components in a responsible way, and that

- (a) does not contribute to its long-term decline in the wild; or disrupt the genetic integrity of the population;
- (b) does not disrupt the ecological integrity of the ecosystem in which it occurs;
- (c) ensures continued benefits to people that are fair, equitable and meet the needs and aspirations of present and future generations; and
- (d) in the case of animals, is humane and does not compromise their well-being.”

These definitions highlight some of the key guiding principles of the White Paper, which are explored in more detail on the following pages.



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Key principles guiding the White Paper

1. PEOPLE FIRST

Biodiversity must be protected in a way that people can benefit from its presence and use, including in promoting and enhancing human health and well-being, and humans' physical, psychological, spiritual, developmental, cultural, and social interests. The following is important:

- dignity, equality and freedom, and transformation;
- intergenerational equity;
- ubuntu and the rights of local and indigenous communities;
- the empowerment of women and youth; and
- in recognising and acknowledging their sacrifices, people living with biodiversity, for the public good, should be prioritised in terms of access and flow of benefits from biodiversity, and mitigation of negative impacts.

2. NATURE HAS INTRINSIC AND EXISTENCE VALUE

- nature and ecological systems have intrinsic value and must be conserved, since nature has value in its own right, independent of human uses, even if it does not directly or indirectly benefit humans. This existence value must not be discounted against more readily assigned economic values of nature;
- people derive use from knowing the existence of biodiversity, and that others and future generations can also enjoy it. This existence value must not be discounted against more readily assigned economic values of nature; and
- the well-being of wild animals must form an integral part of all wildlife-based practices. Wild animals are capable of suffering and experiencing pain, and that sentience requires a higher level of consideration of the impact of human actions on the well-being of wild animals.

3. COLLECTIVE RESPONSIBILITY AND COMMON HERITAGE

- all persons, organisations and organs of states have a duty of care to conserve and avoid loss of biodiversity, anticipate and prevent irreversible loss of biodiversity and adopt a cautious approach in taking any decisions on it. All enterprises and activities must be environmentally, economically and socially responsible, and the social and environmental costs of the benefits generated should be internalised; and
- biodiversity and its components are held in public trust for the people. The beneficial use of biological resources must serve, or not be detrimental to, the public interest and the environment must be protected as the people's common heritage.

4. FINANCIAL PRINCIPLES

Governance

Barriers to effective and efficient biodiversity conservation and sustainable use must be removed. In order to correct this, an integrated approach is required, including:

- inter-governmental co-ordination and harmonisation of policies and legislation;
- decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge;
- community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.

Responsible trade

National and international trade of all biological resources must not be detrimental to the survival of species and associated habitats, adversely affect the broader biodiversity sector, and must be supportive of conservation, display sensitivity toward traditional cultural values of people, and mitigate wildlife crime.

5. FULL COST-BENEFIT ACCOUNTING

Decision-makers and users of biodiversity resources must be guided by evidence-based ecological and economic approaches. These should assess the full social and environmental costs and benefits of projects, plans and policies that affect biodiversity, and which internalise or otherwise compensate for costs to the environment and to society;

6. COLLECTIVE RESPONSIBILITY AND COMMON HERITAGE

All persons, organisations and organs of states have a duty of care to conserve and avoid loss of biodiversity, anticipate and prevent irreversible loss of biodiversity and adopt a cautious approach in taking any decisions on it. All enterprises and activities must be environmentally, economically and socially responsible, and the social and environmental costs of the benefits generated should be internalised;

The White Paper's 8 Goals

THE WHITE PAPER'S POLICY OBJECTIVES AND EXPECTED OUTCOMES

The White Paper identifies eight goals, as well as the policy objectives to achieve each one. Overall, these goals intend to facilitate the following:

- providing a progressive definition of “conservation” for use in policy and legislation;
- providing a progressive definition of “sustainable use” for use in policy and legislation; and
- recognising animal well-being and its intrinsic value in legislation and policy.



BIODIVERSITY CONSERVATION AND SUSTAINABLE USE IS TRANSFORMATIVE

The intention of this goal is to give effect to section 24 of the Constitution, the environmental right, and other human rights, facilitate redress, and promote transformation. It can be achieved through the following policy objectives:

- enable transformation of biodiversity conservation in an African context;
- enable sustainable use for ecological sustainability and inclusive socio-economic development;
- adopt an integrated Conservation Philosophy in line with the principles of ubuntu;
- adopt practices that do not harm biodiversity;
- promote participation and influence of previously-disadvantaged individuals in biodiversity conservation and sustainable use;
- create large, contiguous, connected terrestrial conservation landscapes that enhance naturalness and wildness;
- ensure protected areas are effective drivers of inclusive socio-economic development;
- secure socio-economic interventions that drive equitable sustainable development.



INTEGRATED, MAINSTREAMED AND EFFECTIVE BIODIVERSITY CONSERVATION AND SUSTAINABLE USE

The intention of this goal is to integrate and mainstream biodiversity conservation and sustainable use across all spheres of government and society. This will ensure biodiversity contributes more meaningfully to justifiable sustainable development, but that development does not compromise conservation and sustainable use of biodiversity for present and future generations. It can be achieved through the following policy objectives:

- enhance co-operative governance across spheres of government;
- integrate and mainstream the conservation and sustainable use of biological diversity into all sectoral and cross-sectoral work at all levels of government and in society;
- strengthen arrangements to conserve biodiversity, both inside and outside protected areas;
- identify and implement resource mobilisation, with innovative financial solutions to fund transformation and promote financial sustainability.

The White Paper's 8 Goals



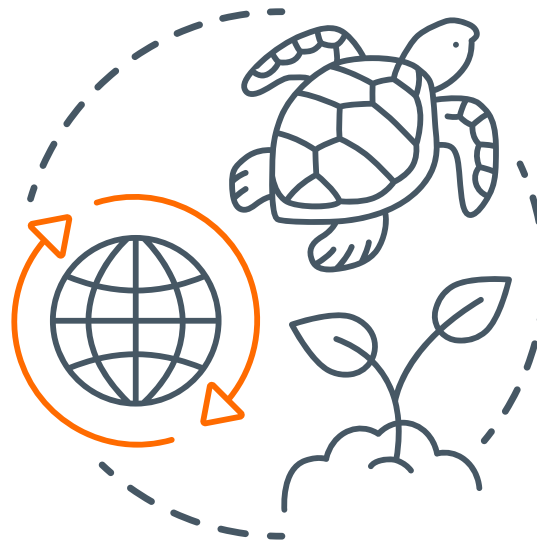
BIODIVERSITY CONSERVATION PROMOTED

GOAL 3:

The intention of this goal is to promote the conservation of the unique megadiverse nature of biodiversity, including the diversity of land- and sea-scapes, ecosystems, habitats, ecological communities, species, populations, and genes. It can be achieved through the following policy objectives:

- evidence-based conservation priorities;
- establish a representative system of protected and conservation areas that are effectively and efficiently managed;
- better integrate conservation areas into broader ecological and social landscapes;
- rehabilitate and restore degraded ecosystems, and strengthen and promote threatened species recovery, where practical;
- prevent the introduction, establishment and spread of potentially harmful alien species, and control and eradicate, where feasible, invasive species which threaten ecosystems, habitats and species;
- minimise the potential risks associated with the release of genetically modified organisms into the environment, taking into account risks to human health;
- support, complement, and enhance in-situ biodiversity conservation and ecologically sustainable use, through ex-situ practices;

- adopt climate resilient approaches to biodiversity conservation and management to restore and maintain ecosystem goods and services;
- prevent, where possible, or minimise the risk of animal-human transmission, and further evolution, of Zoonotic diseases associated with wild animals.



RESPONSIBLE SUSTAINABLE USE

GOAL 4:

The intention of this goal is to ensure that sustainable use avoids, or minimises and remedies, adverse impacts on biodiversity, and, where possible, enhances thriving living landscapes and ecosystems, livelihoods, and human well-being.

It can be achieved through the following policy objectives:

- prevent ecological degradation through enhancing ecological integrity and resilience;
- avoid and/or minimise adverse impacts of development and use on biodiversity and ecosystem services;
- enhance sustainable use of biological resources in terrestrial, freshwater, marine and coastal ecosystems;
- multisectoral plans, approaches and practices that promote biodiversity conservation and enhance ecological integrity;
- promote the conservation and wise use of wetlands, strategic water source areas, and other ecological infrastructure, and prevent further loss and degradation;
- ensure the protection, conservation, and sustainable use of marine, estuaries, and coastal ecosystems and their natural resources;
- integrate biodiversity conservation and ecological integrity into land use planning and implementation;
- international trade in biodiversity promotes biodiversity conservation, equitable socio-economic development and protects biodiversity heritage;
- sustainable lifestyles promote socially- and ecologically-sustainable development.

The White Paper's 8 Goals



EQUITABLE ACCESS AND BENEFIT SHARING

GOAL 5:

The intention of this goal is to ensure that benefits derived and shared from the use and development of South Africa's genetic and biological resources serve national interests. It can be achieved through the following policy objectives:

- regulate access to, and benefit sharing from, the use and development of South Africa's indigenous genetic and biological resources, their information and data;
- use and development of genetic and biological material for agriculture to promote biodiversity-based food security.



ENHANCED CAPACITY

GOAL 6:

The intention of this goal is to expand and develop capacity to conserve biodiversity, manage its use, and address factors threatening it. It can be achieved through the following policy objectives:

- increase public education, awareness and stewardship of the value and importance of biodiversity, and public involvement in its conservation and sustainable use;
- data and information form the basis of decision-making and practice;
- knowledge and understanding of South Africa's biodiversity informs effective decision-making and practice;
- monitoring and evaluation informs biodiversity conservation, management, and sustainable use;
- indigenous / traditional knowledge and practice provides local solutions to biodiversity conservation and sustainable use;
- enhance the capacity necessary to conserve and use South Africa's biological diversity sustainably.



BIODIVERSITY ECONOMY TRANSFORMED

GOAL 7:

The intention of this goal is to create conditions and incentives that support the conservation and sustainable use of biodiversity. It can be achieved through the following policy objectives:

- promote and develop inclusive economic opportunities compatible with and complementary to the conservation and sustainable use of biodiversity;
- create and implement mechanisms that support the conservation and sustainable use of biodiversity.

“All persons, organisations and organs of states have a duty of care to conserve and avoid loss of biodiversity, anticipate and prevent irreversible loss of biodiversity and adopt a cautious approach in taking any decisions on it.”

The White Paper's 8 Goals



PROMOTE THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY AT AN INTERNATIONAL LEVEL

The conservation of biodiversity is a **global issue, requiring global action**. Countries depend upon one another's biodiversity, and the loss of biodiversity represents a loss to all people. The impacts of ecosystem degradation reach beyond national boundaries, requiring transfrontier co-operation as a necessary component of the policy. It can be achieved through the following policy objective:

- Develop an integrated, co-ordinated, and effective approach to international and multilateral engagements on biodiversity conservation, sustainable use, and equitable benefit sharing.

“A priority action of the White Paper is to draft an action plan through which detailed implementation strategies can be developed.”

The implementation of the White Paper

The involvement of a variety of agencies, from national, provincial and local level is required. Cross-sectoral cooperation within each sphere of government is also crucial.

Close and urgent attention and planning must be given to financing and implementing the policy objectives.

Strong partnerships are required not only between government agencies, but also between non-governmental organisations, community-based organisations, women and youth groupings, holders of traditional knowledge, the private sector, the scientific community, and private individuals.

Government will investigate the possibilities of obtaining private sector funding. Attention will be given to investigating and developing creative ways in which new finances can be generated to support the objectives of the White Paper.

FOR EXAMPLE, THROUGH:

- the use of taxes, levies, and charges linked to activities directly using and/or affecting biodiversity;
- the establishment of a Biodiversity Trust Fund;
- the introduction of conditions and incentives to strengthen the involvement of the private sector in the conservation and sustainable use of biodiversity.



PRIORITY ACTIONS

The White Paper states that all of the policy objectives articulated are important, but many are not immediately achievable. Others require putting building blocks in place and removing existing constraints. A priority action of the White Paper is to draft an action plan through which detailed implementation strategies can be developed.

PRIORITY WILL BE GIVEN TO:

- obtaining **political commitment** from all relevant ministers and provincial MECs towards achieving the objectives of this policy. This will be in the form of approved sectoral plans and budgets for all relevant central government departments and provincial institutions;
- addressing concerns about the present degree of **fragmentation** among nature conservation agencies, and establishing the necessary institutional arrangements to accommodate those concerns and ensure that effect is given to the policy;
- securing the necessary **funding** for implementation;
- strengthening South Africa's **protected area system**, and improving **governance effectiveness**;
- implementing legislative and administrative mechanisms to control access to South Africa's **genetic resources**;
- instituting a national biodiversity **education and awareness** plan; and
- actively participating in and implementing the **Biosafety Protocol**, and instituting appropriate measures for biosafety, including creating sufficient capacity to manage risks and undertake risk assessments.

MEET OUR AUTHORS

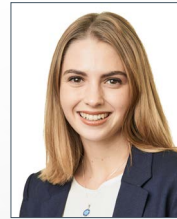
For more information on the conservation and sustainable use of South Africa's biodiversity, please contact our authors.



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