

Template for Stakeholder Comments per White Paper Section:

Written comments to whitepaper@dffe.gov.za by 10 September 2022.

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What do you see as main <u>benefits, Implementation/ Compliance costs and risks?</u>	Do you <u>support or oppose the proposal?</u>	What <u>amendments</u> do you propose?
General Comments		
Title? Draft White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity or White Paper Policy on the Conservation and Sustainable Use of South Africa's Biodiversity	Oppose as the substance of this paper is already covered in South Africa's current biodiversity-related policies, strategies, and action plans	Is this a white paper on biodiversity or on biodiversity policy or on more than policy including objectives, goals, and outcomes? As mentioned in the comments below, if there is a need for an update, the preferred option would be to update South Africa's 2nd National Biodiversity Strategy and Action Plan 2015 – 2025 . See: CBD Strategy and Action Plan - South Africa (English version) . This could be done best after the adoption of the new Global Biodiversity Framework expected at CBD COP15 in December 2022.
Regarding AWEI's comments...		Our comments are by no means exhaustive and in order to comment more comprehensively, we are available for future consultations.

1. EXECUTIVE SUMMARY		
For these purposes, the White Paper Policy on the Conservation and Sustainable Use of South Africa's Biodiversity was developed to achieve the following: (a) To provide an overarching policy context for biodiversity legislation, regulation, and implementation...		Is the paper setting our policy or providing “an overall policy context.” The purpose and scope of this paper should be made clear. For example, by policy does the paper mean a rule or principle for guiding public decision-making
The policy objectives and outcomes give direction for the future of the sector and the country		Setting out a policy is one thing and setting out a set of objectives and outcomes is quite another. A policy should guide objectives and outcomes that come out of a decision-making process. This paper, however, sets out several objectives/goals and outcomes which go beyond developing a national policy. The latter part of the paper could be published separately by DFFE as proposed objectives for consideration by decision-makers, i.e., Parliament. Including them in this document will cause confusion as the so-called proposed policy objectives might be misunderstood as policy.
3. ACRONYMS		
		Include all acronyms used in the report – e.g., add IPPC, IUCN, OECM
4. DEFINITIONS		
Biological resources, Biotechnology, Biological diversity (Biodiversity), In-situ conservation		CBD definitions are misquoted. Replace with the original CBD definitions. See: https://www.cbd.int/convention/articles/?a=cbd-02
Genetic Resources		Use CBD definition. See Article 2 linked above.
Well-being		<p>The definition proposed focuses on animals, but the term is commonly used to focus on people or communities. Use the international focus set out in SDG 3 – “Ensure healthy lives and well -being for all ages”.</p> <p>Likewise, the term is used in the CBD 2010-2020 Strategic Plan with a focus on the well-being of people and not animals: “The rationale for the new plan is that biological diversity underpins ecosystem functioning and the provision of ecosystem services essential for human well-being.</p>

Community		<p>The proposed definition narrowly defines community in terms of “interest or rights in land pertaining to biodiversity conservation and sustainable use.” This is far too narrow a definition of this concept for all of the communities and stakeholder groups relevant to the topics covered in this white paper. Delete this definition.</p>
Conservation		<p>South Africa does not need its own definition of conservation. Replace this with the international definition set out in the IUCN World Conservation Strategy (released in cooperation with UNEP, WWF, FAO, and UNESCO):</p> <p>“Conservation is defined here as: the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. Thus, conservation is positive, embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment.”</p> <p>See: World Conservation Strategy (iucn.org)</p>
Sustainable Use		<p>South Africa does not need its own definition of sustainable use. Replace with the international definition set out in the CBD:</p> <p>“Sustainable use means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.”</p> <p>See link above.</p>
Species & Wildness		<p>Neither of these terms have internationally accepted definitions. Best to avoid creating unique definitions for South Africa. Remove the terms from the list.</p>

5. POLICY ISSUE IDENTIFICATION		
This is an overarching policy on the conservation and sustainable use of biodiversity in South Africa that will guide future law reform and the future administrative and policy decisions of Government, and practices by the State, private sector and communities.		The white paper does not set out a policy as much as it sets out some considerations that might be incorporated into a national policy and strategy. Further, it does not build on the Government’s stated position that “South Africa has a strong policy and legislative framework for the conservation, management and sustainable use of biodiversity.” See pages 7 and following here: CBD Strategy and Action Plan - South Africa (English version)
6.2. STATUS OF BIODIVERSITY		
threatened x 8		This short section presents the status of biodiversity in the country as threatened and ignores the many successes in landscape and species conservation over the last decades by public, private and community landowners. The presentation is terribly misleading and needs to be revised to reflect the overall status of biodiversity in the country including the many positive outcomes.
6.3. PRESSURES AND DRIVERS		
There are many pressures on biodiversity within the country...		Following on from the previous section, this section focuses solely on pressures and does not cover the incentives and drivers that are enhancing the status of biodiversity in the country. The presentation is terribly misleading and needs to be revised to also present the incentives that are impacting on the status of biodiversity.
6.4. BENEFITS DERIVED FROM SOUTH AFRICA’S BIODIVERSITY		
South Africa's biodiversity provides a wide array of benefits...		This section does not follow from the previous sections on threats and pressures and would make more sense if the two previous sections are revised as recommended above.
By investing in the restoration, protection, and conservation of biodiversity assets and ecological infrastructure, social and economic development is enhanced, while at the same time contributing to human well-being.		This sentence should start as follows: “By strengthening the enabling environment for investing in the conservation and sustainable use biodiversity assets...” The change in wording makes clear that the role of Government is not to invest per se but to enable an environment where investment will happen, and that the focus as noted in the title of the white paper is on both conservation <i>and</i> sustainable use.

7.1. INTERNATIONAL POLICY CONTEXT		
In addition to the CBD, South Africa has ratified the following...		The section should be presented in a table format with the columns for the name of the agreement, when it was started, and when South Africa ratified it. Further, it should include both global, African, and regional agreements. As well it should include membership in relevant multilateral organisations such as UNEP and IUCN.
7.2. NATIONAL POLICY AND LEGISLATIVE CONTEXT		
Other legislation that applies to the conservation and sustainable use of biodiversity in South Africa include...		As above put this information in a table.
The National Biodiversity Strategy and Action Plan (NBSAP) is required in terms of the CBD and sets out a strategy and action plan to fulfil the objectives of the Convention		Much of what this white paper aims to do is already covered clearly and succinctly in the country's National Biodiversity Strategy and Action Plan (NBSAP). An alternative to this white paper would be to commence work on updating the NBSAP, notably in response to the forthcoming CBD Global Biodiversity Framework.
7.3. PROVINCIAL AND MUNICIPAL LAWS AND POLICIES		
Each province has legislation dealing with nature conservation. Legislation has remained unchanged since the 1960s and 1970s in some provinces, and is, therefore, outdated.		The paper does not provide any evidence to support this statement that older legislation is outdated. Further, provincial and municipal legislations will in part be influenced by national policy as set out in the country's NBSAP, but also by policies at the provincial and municipal level. A review and analysis of these policies and associated legislation could help to identify where there is a need for updating or alignment.

8. PROBLEM STATEMENT		
<p>The development of the White Paper on Conservation and Sustainable Use of South Africa's Biodiversity is a response to fill an existing policy gap due to the lack of an approved, over-arching policy on biodiversity.</p>		<p>As explained clearly in the NBSAP, the country has an existing policy and legal framework that has been in place since 2009. It further notes that "Policy evolution is ongoing and is important for responding to emerging issues, gaps, and clarifying certain issues to facilitate implementation. It is also influenced by international conventions, treaties, protocols, and other agreements that South Africa has signed and ratified." This adaptive framework is an over-arching policy on biodiversity and is evidence that there actually is not a policy gap that needs to be filled.</p>
<p>Despite having a range of biodiversity and sustainable use legislation and policies, biodiversity loss continues to threaten the health of ecosystems and survival of species, and results in negative impacts for livelihoods and the economy.</p>		<p>This statement is misleading for the reason discussed above, i.e., that the positive biodiversity outcomes from the country's policies and legislation is not presented. For example, over the last decades a significant amount of private land has been rewilded with major increases both wild plant and wild animals populations.</p>
<p>Existing policies fall short of advancing a uniquely South African approach to biodiversity conservation that is context specific, in order to address the triple challenges of unemployment, poverty, and inequality, and recognising indigenous approaches to conservation...</p>		<p>South Africa has a world-renowned unique approach to conservation based on sustainable use by both its public and the private sectors. This approach can be further advanced and, like advancing other sectors of the country, in ways that address unemployment, poverty, and inequality. This whole section on the so-called problem statement has not really set out an evidenced-based problem that requires a "new approach" or a so-called "new deal." In this regard, the rationale for such a white paper would benefit from further discussion with key stakeholders and further reflection on the policy framework already in place, e.g. the country's NBSAP.</p>

9.1. A VISION		
Living in harmony with nature ...		<p>Though this phrase is footnoted with a reference to the CBD, it would be good to reflect on how it is used in Transforming our world: the 2030 Agenda for Sustainable Development Department of Economic and Social Affairs (un.org):</p> <p>“We envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. A world in which consumption and production patterns and use of all natural resources – from air to land, from rivers, lakes and aquifers to oceans and seas - are sustainable. One in which democracy, good governance and the rule of law as well as an enabling environment at national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. One in which development and the application of technology are climate-sensitive, respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected.”</p> <p>Sustainable use of all natural resources is central to living in harmony with nature. As South Africa supports this 2030 Agenda vision, it might be most useful to use it or at least refer to it in this section.</p>
9.2. THE MISSION		
To conserve South Africa's biodiversity...		<p>The already in-place NBSAP statement of vision/mission would be most appropriate to use here: “Conserve, manage and sustainably use biodiversity to ensure equitable benefits to the people of South Africa, now and in the future.” There is no need to come up with new language.</p>
9.3. IMPACT STATEMENT		
Thriving People and Nature. This statement recognizes that...		<p>Impact statement? This section does not read like an impact statement, but rather like a set of objectives. Revise.</p>

9.4. GUIDING PRINCIPLES		
9.4.12. Animal Well-being: The well-being of wild animals must form an integral part of all wildlife-based practices, recognising wild animals are capable of suffering and of experiencing pain, and that sentience requires a higher level of consideration of the impact of actions on the well-being of wild animals		What is the guiding principle here? For example, a wildlife-based practice like managing a protected area will most certainly create a situation in which wild animals suffer on a regular basis, e.g., plains game attacked by large cats. Will protected area managers be expected to avoid wild suffering and wild death? Clearly this statement as it stands is problematic.
9.4.13. Economic principles		Many of the principles here are not really economic. This section along with the other principles outlined would benefit from stakeholder discussions. Following these discussions, the entire list of principles could probably be streamlined and more clearly organised.
10. POLICY OBJECTIVES AND EXPECTED OUTCOMES		
10.1. The Rationale for goals and objectives.		
		<p>This section of the white paper should be published as a separate document of recommended policy objectives for consideration by decision-makers, e.g., Parliament. Otherwise, many will be confused as to what is the policy versus what are policy objectives and outcomes recommended by DFFE.</p> <p>The following comments are made on the assumption that this part of the paper will be republished as a separate set of recommended objectives and outcomes.</p>
Goal 1 BIODIVERSITY CONSERVATION AND SUSTAINABLE USE IS TRANSFORMATIVE		
The intention of this goal is to adopt transformative change in biodiversity conservation and sustainable use...		This goal does not really explain what is meant by transformative. The term is used once early in the white paper in the proposed vision which references "ecosystem services providing transformative socio-economic development benefits. Clarity on what is meant by transformative is needed to make this goal clear.

Goal 2 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...		<p>Biodiversity mainstreaming is a long running theme in the CBD negotiations. It is defined by the CBD as follows:</p> <p>“Biodiversity mainstreaming is generally understood as ensuring that biodiversity, and the services it provides, are appropriately and adequately factored into policies and practices that rely and have an impact on it”.</p> <p>See: https://www.cbd.int/mainstreaming.</p> <p>Align this goal with the CBD decisions on mainstreaming, e.g., the Strategic Plan for Biodiversity 2011-2020.</p>
10.1.1. 9. Enhance co-operative governance across spheres of government;		What does this mean and what does it have to do with biodiversity mainstreaming? This should be rephrased or deleted.
Goal 3 BIODIVERSITY CONSERVATION PROMOTED		
The intention of this goal is to promote the conservation of...		<p>SDG 15 calls for promoting sustainable use:</p> <p>“Protect, restore and promote sustainable use of terrestrial ecosystems...”</p> <p>It would thus be best for this goal to worded as Biodiversity Conservation and Sustainable Use Promoted.</p>
10.1.2.2 Establish a representative system of protected and conservation areas that are effectively and efficiently managed;		Is not such a system already well established? The country has a well-renowned system of national and provincial parks. Perhaps the objective could be to strengthen or enhance the system.
Goal 4 RESPONSIBLE SUSTAINABLE USE		
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.		The concept of ‘responsible’ comes up throughout the white paper but interestingly is only in the title of this goal and not in the text. The word doesn’t seem to add much to the concept of ‘sustainable use’ and perhaps can be deleted. Otherwise, it would be good to explain what ‘responsible’ add to the concept of ‘sustainable.’

Goal 5 EQUITABLE ACCESS AND BENEFIT SHARING		
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		Serving national interests is not the same as equitable access and benefit sharing. As written, this goal should be more closely aligned with South Africa's commitments under the Nagoya Protocol including the importance of access and benefits to local communities.
Goal 6 ENHANCED CAPACITY		
The intention of this goal is to expand and develop capacity to conserve biodiversity, to manage its use, and to address factors threatening it.		Some of the objectives here are not really related to capacity building, e.g., increase public awareness and stewardship. Most of the goal, however, is fine.
Goal 7 BIODIVERSITY ECONOMY TRANSFORMED		
Despite South Africa having an incredibly rich diversity in genetic and biological resources, the biodiversity economy has not reached its full potential as it remains largely unrecognised, underdeveloped and untransformed		If this is the problem, then the goal should be Biodiversity Economy Recognised, Development, and Transformed.
Goal 8 PROMOTE THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY AT THE INTERNATIONAL LEVEL		
10. 1. 7. 1 Develop an integrated, coordinated, and effective approach to international and multilateral engagements on biodiversity conservation and sustainable use, and equitable benefit sharing		With reference to the SDG Target 17.4 – “Enhance policy coherence for sustainable development” – this goal should integrate international policy on biodiversity with international policies on trade, labour, finance, health, security, etc.