

Global context

In addition to its intrinsic value, biodiversity supports essential services like food production and water purification which are crucial for human survival and wellbeing.

The accelerating loss of biodiversity means that these benefits are under increasing threat both globally and locally. In response, Parties to the Convention on Biological Diversity (CBD) are working together to stop habitat loss, conserve biodiversity, and improve land management.

Supportive activities to improve local biodiversity and livelihoods include expanding networks of protected areas as well as encouraging sustainable land use in areas outside formal reserves. In recognition of the seriousness of the accelerating loss of biodiversity and its associated benefits, the most recent "30 by 30" targets under this convention aim to include 30% of the land and sea by 2030. This will require the inclusion of more diverse forms of governance and ownership in addition to traditional protected areas.

South African context

South Africa is a global leader in spatial planning, protected area legislation, and protected area expansion, particularly on privately-owned and communal land. South Africa's policy and legislative framework provides recognition and support to diverse forms of area-based conservation. These are primarily facilitated by the national biodiversity stewardship initiative, which secures land in biodiversity priority areas. This is done through entering into voluntary agreements with private and communal landowners, leading to the recognition of protected areas and conservation areas)

Biodiversity Stewardship

The successful implementation of biodiversity stewardship requires collaboration across all spheres of government, and between government and the private sector.

The Department of Environment, Forestry and Fisheries (DFFE) is responsible for setting national policy and implementation guidelines, and in providing support to primary implementing agencies, such as South African National Parks (SANParks) and provincial conservation authorities.

In the Western Cape this responsibility has been delegated to CapeNature.

This includes the expansion and management of protected areas, as well as biodiversity planning and conservation outside of the protected area network. Non-government organisations (NGOs) also play an important role in implementing biodiversity stewardship, particularly at provincial level.

The South African biodiversity stewardship framework includes three categories of stewardship mechanisms:

- Protected Areas
- Conservation Areas
- Biodiversity Partnership Areas

Acronyms to note

CBD - Convention on Biological Diversity
DFFE - Department of Forestry, Fisheries and Environment
IUCN - International Union for Conservation of Nature
MEC - Member of the Executive Council
NEM:BA - National Environmental Management: Biodiversity Act (Act No. 10 of 2004)
NEM:PAA - National Environmental Management: Protected Areas Act (NEM:PA Act No. 57 of 2003)
NGO - Non-Governmental Organisation
OECM - Other Effective Area-based Conservation Measure
SANParks - South African National Parks
WCPAES - Western Cape Protected Area Expansion Strategy (2021-2025)



Reference: Western Cape OECM Pilot Project Technical Review: Recognising, Assessing and Reporting Other Effective area-based Conservation Measures (OECMs) in the Western Cape. 2023. Murison G., Hulley, S., Maree, B., McCann, K., Boothway, G., Wheeler, A., Escott, B & Whitecross, M. BirdLife South Africa.'

Information Brochure:

Mechanisms to Secure Areas and Unlock the Value of Biodiversity Stewardship



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Biodiversity Stewardship Categories

| | | Mechanism | Agency | Process |
|------------|--------------------|---|---|--|
| Category 1 | Protected Areas | National Park | SANParks Via DFFE Facilitated by SANParks | Landowners may enter into an agreement with SANParks to form part of the South Africa National Park network under section 20 of the NEM: Protected Areas Act (No. 57 of 2003), referred to as a "Contract National Park". These properties are managed collaboratively between the landowner and SANParks, although it is important to note that SANParks must be assigned as the Management Authority. Despite this, in all cases the management responsibilities are determined through contractual agreements. These agreements can cover entire properties or multiple properties, whether private or communally owned. The landowner retains ownership and existing rights, while SANParks provides support and management expertise. The agreement requires the concurrent consent of the landowner and SANParks. This partnership offers protection against commercial prospecting or mining activities and contributes to global biodiversity targets. Public access is determined through mutual agreement by the landowner and SANParks. Potential tax benefits include municipal property rates exemptions and income tax deductions. This framework also fosters relationship-building and accountability with government agencies, ensuring a sustainable and inclusive approach to conservation. |
| | | Nature Reserve | CapeNature via Provincial MEC Facilitated by CapeNature or NGOs | A Nature Reserve under Section 23 of the NEM: Protected Areas Act (No. 57 of 2003) can be declared on an entire property, a portion of a property, or multiple properties, whether private, communal, or state-owned. The primary land use must be biodiversity conservation, and the area must have biodiversity that warrants such a designation. A written agreement between the landowner and the MEC is required to establish a nature reserve on privately-owned land, with the declaration lasting 99 years or in perpetuity. The provincial MEC declares the reserve, endorsed by the provincial conservation agency, and title deed endorsement is mandatory. This designation offers the highest level of conservation security and protection for privately-owned land, while the landowner retains full management control. The site is recognized as a biodiversity priority area, fully protected against commercial prospecting and mining activities. Public access is determined by the landowner or Management Authority. Potential tax benefits include municipal property rates exemptions and income tax deductions. Nature reserves contribute to global biodiversity targets and foster relationships with government agencies for accountability and prioritization. |
| | | Protected Environment (PE) | CapeNature via provincial MEC Facilitated by CapeNature or NGOs | A Protected Environment, as defined under Section 28 of the NEM: Protected Areas Act (No. 57 of 2003), does not need to prioritise biodiversity conservation as its primary purpose and can be designated to protect other land uses, and secure existing biodiversity within the landscape. These areas can encompass entire properties or multiple properties, whether state, private, communal, or a combination. The declaration requires the landowner's consent and is made by the Minister or provincial MEC, or the provincial conservation agency. The best practice duration for such protection is a minimum of 30 years. While the landowner retains ownership and existing rights, the declaration offers some protection against commercial prospecting or mining activities and contributes to global biodiversity targets. Public access is determined by the landowner or Management Authority, and there are no potential tax or fiscal benefits. This framework also fosters relationship building and accountability with government agencies. |
| Category 2 | Conservation Areas | Biodiversity Management Agreement | | Biodiversity Management Agreements are enabled through Section 44 of the National Environmental Management: Biodiversity Act (NEM:BA), the contractual agreement is entered into between the Environmental Minister and an identified party (government agency; NGOs, etc.) willing to implement specific management actions for threatened species and ecosystems on private or communal land per a gazetted Biodiversity Management Plan (BMP). Biodiversity Management Agreements should be concluded for at least five years and may be renewed in five-year increments as per NEM:BA. Biodiversity Management Agreements provide a dedicated tax deduction is awarded to taxpayers making this conservation commitment under the Income Tax Act. |
| | | Biodiversity Agreement | Generally an agreement with CapeNature | Secured through contract law with additional requirements added through property law (in some instances). Minimum 5 years duration but can be in-perpetuity, however within the Western Cape Biodiversity Agreements are typically for a 10 year duration. Contract generally signed between landowner/community and provincial environment agency. Contract is binding on current landowner but can be endorsed on title deed. An environmental management plan is required and is reviewed annually. |
| | | Conservation Servitude | Overberg Renosterveld Trust | Secured through contract and property law. The agreement is between a landowner and a third party, typically an environmental NGO. The agreement is long-term (in perpetuity) and is registered against the title deed of the property. An environmental management plan that speaks to the mapped conservation areas is required and is reviewed annually with the landowner. |
| | | Business, Industry and Biodiversity Initiatives | WWF Conservation Champions | Secured through contract law between two parties that partner regarding biodiversity management of a specific area. In many cases it relates to the business operations of the property such as wine and fruit farming where securing biodiversity is a component of environmental management of the property related to a certification scheme. |
| | | Landowners Association | Nuwejaars Wetland Special Management Area | Secured through contract and property law. Membership of landowners' association is endorsed on the title deed of property and includes specific conservation action, detailed in attached management plan. Dissolution of the landowners' association requires 80% majority. Contract is long-term, signed for 30-year period, or in-perpetuity. |
| Category 3 | Partnership Areas | Biodiversity Partnership Area | Informal mechanism | Conservancies and Biosphere Buffer Zones are areas designated for conservation purposes but lack formal, legally binding agreements with provincial conservation authorities or conservation NGOs. This means they do not offer legal or long-term security and are either voluntary or an area spatially recognised on a map. While they do not contribute to the official protected area estate, they can still be part of the broader conservation estate if they effectively conserve biodiversity within their boundaries. |