

# South Africa's policy and legislative framework for conservation, management and sustainable use of Biodiversity

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# Policy and Legislative Framework

- ❑ South Africa has a strong policy and legislative framework for the conservation, management and sustainable use of biodiversity.
- ❑ Policy and Legal Framework for environment is entrenched in Section 24 of Chapter 2 of the South Africa Constitution, 1996, which states that:  
Everyone has the right -
  - (a) to an environment that is not harmful to their health or well-being; and
  - (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
    - (i) prevent pollution and ecological degradation;
    - (ii) promote conservation; and
    - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.



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## Policy and Legislative Framework cont...

- ❑ The Environment and Conservation mandate in South Africa is a concurrent function of National and Provincial Government
- ❑ There is National legislation and province specific legislation



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## Policy & Legislative Framework cont...

- White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity (1997)
- National Environmental Management Act (Act 107 of 1998)
- National Environmental Management: Protected Areas Act (Act 57 of 2003)
- National Environmental Management: Biodiversity Act (Act 10 of 2004)
- National Biodiversity Strategy and Action Plan (2005)
- National Biodiversity Framework (2008)
- National Protected Area Expansion Strategy (2008)
- Provincial biodiversity strategies, and provincial protected area expansion strategies
- National Action Plan on Combating land Degradation to alleviate Rural Poverty
- Regulations for Bio-prospecting, Access and Benefit Sharing (BABS)
- Integrated Coastal Management Act (Act 24 of 2008)



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# Political will on conservation and sustainable management of Biodiversity

- ❑ In the past four years, there has been a significant improvement in political will and commitment to protect and sustainable management of Biodiversity.
- ❑ This was done through signing delivery agreement by Ministers and the President in 2010 (there are 12 Outcomes for all Ministries).
- ❑ Environment sector which include Biodiversity management is categorized in Outcome 10 “environmental assets and natural resources are well protected and continually enhanced”
- ❑ The outcomes are cross cutting in Nature, therefore these promote and encourage close working relationship between Ministries on issues of common interest. i.e Outcome 11, International relations, led by Ministry of International Relation and Cooperation, Outcome 7 deals with food security, which falls under Agriculture



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# Innovative approach in achieving Aichi target 5, 11 & 15

- ❑ SA is currently implementing among other strategies, the expansion of Protected Areas
- ❑ Due to high costs of acquiring private land for inclusion in conservation management innovative approach in protecting the ecologically viable ecosystems, the following approaches are being used:
  - ❖ Creation of conservation corridors and stewardship programme (this allows the protection of land as Protected Environment (Sec 28, Protected Areas Act of 2003)
  - ❖ A Protected Environment therefore provide among other functions the following:
    1. regulate the area as buffer zone for protection of special NR, National Park or World Heritage Site



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# INNOVATIVE WAYS OF ACHIEVING AICHI TARGETS 5, 11 & 15 CONT...

2. To protect the area if the area is sensitive to development due to its biological diversity, natural characteristics, provision of goods and services etc

- ❖ A Protected Environment provide private land owners' a protected status in their land, access to funding for projects relating to conservation management
  - ❑ In areas which becomes contractual park, land owners accrue all benefits related Park development(s),
  - ❑ This approach is cost effective to the Government and beneficial to land owners without necessarily losing the ownership of the land.
  - ❑ The other benefits is tax rebate for land owners, for making available land for conservation.



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