



16 April 2024

Department Forestry and Fisheries and the Environment,
The Director – General: Department Forestry and Fisheries and the Environment
Attention: Mr Khorommbi Matibe
Per email: nbes@dffe.gov.za

Dear Mr Khorommbi Matibe

RE COMMENTS BY THE ENDANGERED WILDLIFE TRUST ON THE DRAFT NATIONAL BIODIVERSITY ECONOMY STRATEGY

- 1 The Endangered Wildlife Trust (EWT), established in 1973, is a registered Non-profit Organization, whose mission is to conserve threatened species and ecosystems in southern Africa, to the benefit of all.
- 2 We hereby submit written submissions on the Draft National Biodiversity Economy Strategy (NBES) as published in Government Notice 4492 in Government Gazette 50279 on 8 March 2024, with deadline for comment extended to 16 April 2024, per a WhatsApp conversion with yourself.
- 3 Our submission is set out in two parts. Part 1 considers general comments applicable to the whole NBES as well as procedural aspects we believe have not been adequately complied with, and part 2 provides detailed comments specific to each section of the NBES.

Part 1

- 4 The EWT supports and promotes the value and role of wild animals in natural free-living conditions in preference to captive and intensive breeding facilities which provide limited or no conservation benefits. Accordingly:
 - i. We recognise the value that ecologically sustainable use of wildlife brings to South Africa.

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The Endangered Wildlife Trust is a non-profit, public benefit organisation dedicated to conserving species and ecosystems in southern Africa to the benefit of all people.

- ii. We uphold the provisions of the environmental right contained in the Constitution of the Republic of South Africa, 1996 (Constitution).
 - iii. We support conservation practices that, within the scope of the law in South Africa, promote the ecologically sustainable use of wild animals in natural free-living conditions to the benefit of all.
 - iv. We do not support industrial-scale production and management of South Africa's wildlife when these activities are not in line with the principles of ecologically sustainable use, animal well-being and do not benefit the conservation of the species in the wild. These practices may also result in environmental harm and wildlife well-being concerns.
- 5 Subject to the above, we welcome the opportunity to play a constructive role in developing an appropriate and equitable biodiversity economy strategy as part of the broader development of a sustainable green economy, while ensuring the enhanced protection of our biodiversity.
- 6 While we support the spirit of the NBES, the NBES itself is lacking both in content and clarity and, unless revised, it risks impeding ecologically sustainable use. Specifically, more information is required on the business case(s) underpinning the actions listed, and the economic information that has been considered in the motivation for these activities. Further, a systems approach as required by the Constitutional provision for the environment to be protected through ensuring ecologically sustainable use, is absent in the NBES, as is the integration of well-being into many of the actions and activities called for by the NBES.
- 7 A strategy can be defined as a set of activities with a common focus that work together to achieve specific goals and objectives, it may be worth considering allowing the NBES to frame the big picture thinking for the biodiversity economy, to be followed by an action plan with informed and justifiable targets. Critically, the NBES as it stands lacks SMART objectives, objectives that are specific, measurable, achievable, realistic and time bound. Further we would argue that where targets have been provided, these are either not appropriate targets,¹ incomplete targets and / or unjustified targets. The monitoring and evaluation implementation plan has not had adequate expert consultation, and the basis for the design of the indicators and targets is not clear.
- 8 The NBES is vague in its current form, with a number of terms being used without corresponding definitions being provided. We have provided specific comments to terms we believe require defining the comments in Part 2 below.

¹ For example, having a target of beds as opposed to a target of direct benefits to a quantifiable number of households

- 9 The NBES has been published for comment in an incomplete form, weakening the public participation process. Targets for goal 3, cross cutting imperative 1, action 9.5 and action 10.4 are not provided. The NBES needs to be revised, fully completed and republished for public comment for a minimum of 30 days.

Part 2: Comments on the NBES

Goal 1

- 10 At action 1.2: prioritising infrastructure development on the edge of protected areas undermines the principles of establishing ecological buffers around protected areas, a core principle for retaining the integrity of these areas as illustrated by the spatial structure of biosphere reserves as well as Ecological Support Areas surrounding Critical Biodiversity Areas. As with considerations made for infrastructure development in protected areas, any infrastructure development project in an ecological buffer zone must comply with environmental regulations to mitigate potential negative impacts on ecosystems, habitats, or protected areas, ensuring compliance with relevant laws and regulations and avoiding residual impacts where possible.
- 11 At actions 1.1, 1.2 and 1.3: there is no explanation provided to justify the targets provided, which, on a *prima facie* review, we believe to be inappropriate. As noted above, target should be focussed on the direct benefits to a quantifiable number of households. Further, the target of increasing beds is inadequate as this will not necessarily lead to inclusion and equity.² It has not been made explicitly clear what type of ecotourism infrastructure would be developed in these areas, which would be beneficial to determine the impact risk to ecological infrastructure and the mitigation required for broader context, inclusive of avoidance. Residual impact to these “buffer areas” should be avoided as far as possible to ensure the long-term ecological sustainability of the protected area that it borders.

Goal 2

- 12 The title of this goal “consumptive use of game from extensive wildlife systems at scale that drives transformation and expanded sustainable conservation compatible land-use” requires further clarity. It is unrealistic and could potentially undermine sustainable management efforts to expect consumptive use of game from extensive systems at scale to “drive” transformation. We suggest “drive” be replaced by “boost” transformation, or similar.

² Targets and resource allocations need to explicitly incorporate long-term support and capacity building alongside the development of effective social, communication, and governance systems and processes to ensure equitable distribution. Further, business viability assessments are essential, together with appraisals and lessons learned from past (often failed) initiatives.

- 13 At action 2.1: there is no explanation provided justifying the targets provided, which we believe to be unrealistic and not scientifically sound. We are not convinced that South Africa can realistically sustainably hunt 150 wild ranging or free-living lions per annum and the NBES is silent on scientific justifications for these targets. Further (and if South Africa can realistically and sustainably hunt to the target provided) the NBES is silent on whether there is in fact a market for this degree of hunting and whether the CITES tags allocated will be increased. As per our comment above, targets need to be realistic and there is no justification for these targets. Additionally, there is no economic rationale to justify these targets. The quota targets have not been justified with an economic motivation that explains their contribution towards national tourism and or socio-economic revenue. Without this information, it is difficult to contextualize the “value-add” of these targets to the economy against the potential harm to certain keystone ecological species. Unless it can be will motivated that these hunting targets can be met, through sustainable hunting of free ranging wildlife on ecologically sustainable game farms, then the targets may suggest breeding for hunting purposes, as opposed to an expansion of the natural range of huntable animals in an ecologically sustainable manner (as Constitutionally required). Finally, we believe an appropriate target for trophy hunting would be a quantifiable increase in equitable benefit sharing from the trophy hunting industry towards a broader range of beneficiaries.
- 14 At action 2.2: clarity is sought to what the NBES regards as "traditional hunting" and whether these methods of hunting are (1) legally permissible, (2) ensuring the well-being of the animal and (3) sustainable. Hunting methods that are illegal, unsustainable or which do not ensure the well-being of the animal cannot be supported even if considered traditional. Further, any game donated towards this initiative and then used for consumptive purposes must comply with all relevant laws.
- 15 At action 2.3: the NBES assumes that the legislative framework for game meat is in place, which it is not.³ While we support initiatives to advance game meat consumption, we are wholly opposed to the slaughter of wild animals in abattoirs as this fundamentally infringes on their well-being. It is also unfeasible for game to be captured on extensive wildlife systems and transported to abattoirs for slaughter. This kind of system would be uneconomically viable and unethical due to significant animal welfare and well-being concerns, exacerbated by the need for high levels of veterinary drugs to counter stress which would render all the meat unfit for human consumption. Until the Game Meat Regulations are promulgated and the exception to section 11(1)(i) of the Meat Safety Act 40 of 2000 becomes effective, game meat production as an economic opportunity

³ See annexure A for the EWT comments on proposed amendments to the Meat Safety Act 40 of 2000

is not viable. Game meat production can only be commercialised if the legislation governing the slaughter, processing and sale is promulgated, implemented and enforced.

- 16 Actions 2.1, 2.2 and 2.3 are all silent on how the well-being of the individual animals will be considered and ensured. It is critical that the well-being of the animals utilised have been addressed with respect to their nutritional, environmental, physical, behavioural and mental health, when placed within these areas for ecologically sustainable harvesting.

Goal 3

- 17 At action 3.1: while we recognise the importance of a more inclusive fisheries sector, most of our commercial marine harvesting is already at capacity and there is very little room to sustainably expand this without compromising the stocks and detrimentally impacting vulnerable ecosystems and threatened species. Further, any strategy developed around sustainable marine harvesting will also need to account for maintaining fish stocks at a viable level to sustain species dependant on them such as the African Penguin. Finally, without determining the ecologically sustainable level of fish population stocks per species, followed by stringent monitoring and strong enforcement, which is currently lacking, any target towards this action would be moot.

- 18 At Action 3.2: Abalone poaching cannot be attributed to "non-transformation of the sector". As with any industry, there are criminal elements that exploit the resources for their value, and this is going to continue regardless of whether the sector has been transformed or not. Currently abalone is not a CITES listed species, hampering foreign law enforcement efforts. Enhanced regulation and stringent enforcement is required to curb these illegal activities.

- 19 At action 3.3: We note that there is no skills development plan that has been recommended to guide small-scale fisheries on the long-term sustainability of aquaculture activities. It is important to include in the strategy, the need for skills development in order for small-scale fishes to succeed in their businesses.

- 20 At action 3.3: it is noted in the NBES that "*...there are challenges with the use of Alien species that have commercial value*" due to permitting regulations. If this is seen as a barrier to development, environmental impacts (including conservation impacts) need to be integrated in decision making processes if these species are being considered for markets.

Goal 4

- 21 At action 4.3: without the inclusion of market evaluations and financial data, it is difficult to evaluate how this number of nurseries is warranted and can be sustained. Nurseries that supply plants to rehabilitation projects may, however be financially viable if there is sufficiently high

turnover and a long-term market. It is crucial to ensure that rehabilitation timelines provide consistent markets over time as many of these projects only operate for a limited number of years. Market diversification can sometimes buffer nurseries (and other enterprises) but the commercial horticulture sector is highly competitive, seasonal, and often operates close to capacity on thin margins.⁴ Accordingly, these targets require revision.

22 At action 4.4: nursery-produced medicinal plants are usually beyond the financial reach of low-income consumers. To ensure that this sector is not further marginalised through increased prices, production costs must be kept as low as possible.⁵ Beneficiation is also likely to lead to increased prices, which will result in the continued harvesting of wild plants to meet the needs of those who cannot afford higher prices, potentially exacerbated through the development of parallel markets. Further, although agroforestry approaches are being piloted in SA, both ecological risks and risks to project participants must be assessed prior to implementation. Accordingly, these targets require revision.

23 At action 4.4: clarity is sought to what the NBES regards as "natural lands"? The NBES appears to suggest the cultivation of virgin grasslands, triggering the requirement for an environmental authorisation, which has not been considered or engaged with in the NBES.

Cross cutting imperative 1

24 At action 5.1: this action should not be limited to resolving land-claims, but also seek to resolve instances where the Department of Mineral Resources and Energy prevents the declaration of land as protected areas. This is a critical barrier to protected area expansion. Further, this action should seek to strengthen participation of landowners who were successful in their claims and, where necessary, leverage services and support to enable beneficiaries to achieve these goals. Additionally, we propose a target be included for provincial proclamations of protected areas, which should be aligned with MEC's KPAs to encourage cooperation in the gazetting of protected areas. Finally, it would be beneficial if all undeveloped government properties are collated and

⁴Botha J., Witkowski E.T.F. and Cock J. 2007. The commercial viability of South African outreach nurseries. *Agroforestry Systems*. 70: 135-15. Botha, J., Witkowski, E.T.F., and Cock, J. 2007. Is 'something better than nothing'? The impacts of ten outreach nurseries on South African community stakeholders. *Forests, Trees and Livelihoods* 17:199-222. Botha J., Witkowski E.T.F. and Shackleton C.M. 2007. Factors influencing the prices of medicinal plants in the Lowveld, South Africa. *International Journal of Sustainable Development and World Ecology* 14: 1-20

⁵ Botha J., Witkowski E.T.F. and Cock J. 2007. The commercial viability of South African outreach nurseries. *Agroforestry Systems*. 70: 135-156. Botha J., Witkowski E.T.F. and Shackleton C.M. 2007. Factors influencing the prices of medicinal plants in the Lowveld, South Africa. *International Journal of Sustainable Development and World Ecology* 14: 1-20. Botha, J., Witkowski, E.T.F., and Cock, J. 2007. Is 'something better than nothing'? The impacts of ten outreach nurseries on South African community stakeholders. *Forests, Trees and Livelihoods* 17:199-222

published for more insight and a review into the realistic opportunity for long-term conservation security.

25 At action 5.1. we question the amendment of time period for the 2030 target to 2040 in the NBES, without any cross reference to other DFFE strategies or South Africa's global obligations in this regard. It would be important for this document to highlight South Africa's proposed contribution and targets in line with the 2030 proposed target date in the Kunming-Montreal Global Biodiversity Framework.

26 At action 5.3: We support this as it is critical to ensure long-term financing of conservation management and the long-term sustainability of the resource base.

Cross cutting imperative 2

27 At action 6.2: clarity is sought to what the NBES regards as "large community owned conservation areas", as without this being a defined term it would not be possible to determine whether this objective has been achieved or not.

28 At action 6.7: while ensuring meaningful inclusion in and benefits from the biodiversity economy, support for existing nurseries and other projects is critical, this action would therefore be strengthened with the inclusion of the requirement to conduct market and viability assessments.

29 At action 6.8: resolving outstanding land claims within protected areas is essential for redress and restitution, but is unlikely on its own to address the challenges impeding communities' integration into the biodiversity economy. The NBES needs to include recommendations and targets to address shortfalls in resources, capacity, skills, financing and market access, as well as the support to address governance, institutional, or other management challenges.

30 At action 6.9. there is no explanation provided justifying the target 300 SMMEs.

Enabler 1

31 At action 7.3, the targets are unrealistic given the time periods government requires for legislative review, amendment and implementation. Further, action 7.3 is recorded twice, the second reference (being mechanisms and tools for the effective intergovernmental coordination) should be to action 7.4.

Enabler 3

32 At action 9.1: we are concerned with the suggestion at this action that the biodiversity economy pays for conservation alone, without an assessment of the contribution of the full value chain of biodiversity and for the value of all ecosystem services towards the national economy and for

human wellbeing, having been considered. Protection of the environment is a Constitutional requirement, a human right and the mandate of government. The costs of ensuring a healthy and ecologically sustainable environment and can be supplemented by the biodiversity economy, but the financial responsibility must remain with national and provincial governments. This NBES should support a range of beneficiaries directly, and underpin a national economy that enhances biodiversity and enables all sectors and industries to further enhance biodiversity to the benefit of all. Above all, the rights of future generations, as protected in our Constitution, need be foremost in the development of the NBES and adequately protected by National Government as a priority mandate.

- 33 At action 9.3: there is no explanation provided justifying the targets provided, which we believe should be included in the NBES.
- 34 At action 9.6: the Sustainable Finance Coalition is not the sole coordinating entity for sustainable finance projects of this nature, nor is it the only entity working in this space. Several organisations are developing conservation finance projects that have benefits for local communities, biodiversity and which increase the business case for local private sector investment, stimulating long-term sustainability of initiatives. There are multiple opportunities being pursued to ensure good biodiversity practice, that stimulate private sector investment beyond tax breaks, to encourage meaningful and sustainable commitment by corporates, financial institutions and private landowners. We therefore encourage the NBES to focus on the broader range of tools and all entities working in this area. Further, we note that with the Rhino Bond, GEF provided the outcomes-based funding to match the investor contribution as a part of the international structured bond, with the implementation in South Africa - however the finance flows to investors outside of RSA. It would be of critical relevance for the NBES to refer to the current national South African bond initiatives, such as the first wildlife bond on Wild Dog, that is being driven by the EWT as the implementing agent. Examples of local based projects would further encourage local capital investment in initiatives of this sort. Further wildlife bonds such as the Wild Dog Bond, does not only focus on outcomes that increase species population numbers, but provides incentives that increase community involvement in managing human and wildlife conflict and reduces illegal wildlife trade, by increasing jobs and valuing the benefits from well managed ecosystem services.
- 35 At action 9.7: This action requires amendment and clarity (for example it makes reference to projects that have yet to be implemented). Innovative finance is not solely about offset approaches. It would be preferable for the NBES to reference that the country will pursue return-based investments, utilise conservation-friendly economic instruments and undertake

approaches that utilise blended finance or public private partnerships to support the biodiversity economy.

Enabler 4

36 At action 10.2: there is no explanation provided justifying the targets provided, which we believe should be included in the NBES.

37 At action 10.4: International trade in rhino horn cannot be motivated by South Africa until such time as the requirements of the Committee of Inquiry (as per option 3) have been implemented⁶ after which, if supported by the Conference of the Parties, CITES would need to approve a relisting and / or the removal of the annotation for white rhino, which is unlikely in the near future. Further, the value chain and markets for rhino horn is not understood, nor are the impacts of any legal international trade, for the status of wild rhino. The NBES proposes to support a local trade in rhino horn where there is a limited to no domestic market for rhino horn, and which cannot, and has never been shown to benefit either rhino conservation or the biodiversity economy. Further there is no justification provided for why South Africa would promote the domestic trade in rhino horn when there are no substantiated health benefits. South Africa has significant challenges in the enforcement of rhino related crimes, and no actions that could exacerbate these challenges can be included in the NBES. Accordingly, the EWT does not support this action.

In conclusion, the EWT supports the intention of DFFE to explore and develop economic opportunities relating to the ecologically sustainable and ethical use of biodiversity resources. However, as a first cut, the draft NBES requires extensive amendment, for which we hope our above comments will be carefully considered and actioned. Further, this NBES would be enhanced through the input from stakeholders through engagement sessions. Thereafter the NBES must be published for at least 30 days of public participation.

We trust you find these comments useful in your deliberations. Should you have any questions please contact our point of contact, our Wildlife and Law Project Manager, Ashleigh Dore, ashleighd@ewt.org.za.

Yours sincerely

THE ENDANGERED WILDLIFE TRUST

Yolan Friedmann: CEO

⁶ <https://mx334.p3cdn1.secureserver.net/wp-content/uploads/2024/04/Draft-Policy-Position-Gazette-for-public-comment-20-September-2023-correction-notice.pdf>