

Innovations for Biodiversity Conservation: the Case of the Conservation Stewardship Programme, Western Cape, South Africa *

Kobus Müller & Annie Fourie

School of Public Management & Planning
Stellenbosch University
Private bag X1
Matieland 7602
Stellenbosch
South Africa
jim1@sun.ac.za
<http://www.sopmp.sun.ac.za>

ABSTRACT

South Africa boasts one of the world's richest and most diverse natural landscapes and is world renowned for its biodiversity. The Cape Floristic Region (CFR) particularly is the world's sixth and smallest floral kingdom and the only one housed within the confines of a single country and predominantly within the Western Cape Province. It is also the richest, with more than 9 000 plant species. This region is considered as one of the world's 25 most threatened biodiversity hotspots and most of the priority areas fell outside of existing statutory protected areas and mostly on privately owned land.

The global shift in terminology from "government" to governance coincided with the restructuring of the post-apartheid South African state which involved more than just changing the institutional landscape. It also stimulated an openness to consider and experiment with new policy instruments and alternative governance mechanisms combined with an approach of government decentralisation and a devolution of the responsibility to local communities. In this generally facilitating context organisational and policy innovation flourished in the environmental sector and co-management emerged as a strategy linking reconstruction and development in an environmentally sustainable manner and recognising and involving communities in the decision making and benefits-sharing.

This paper focuses on the introduction of a new governance approach and policy instrument in 2003 to contribute to the conservation of globally important "off-reserve" biodiversity remnants in the Cape Floristic Kingdom in the Western Cape, known as the Conservation Stewardship Programme. The governance paradigm is characterised by a growing use of non-regulatory policy instruments such as the so-called 'new' environmental policy instruments (NEPIs) which includes economic, persuasion and voluntary approaches. These are proposed, designed and implemented by non-state actors, sometimes working alongside state actors, but sometimes also independently. The co-management solution rests on the assumptions that local people must have a stake in conservation and management; and that the formation of partnerships between government agencies and resource users are essential. The programme will be described, analysed and evaluated as a case study before some concluding remarks are offered.

INTRODUCTION

South Africa boasts one of the world's richest and most diverse natural landscapes and is world renowned for its biodiversity. The Cape Floristic Region (CFR) particularly is the world's sixth and smallest floral kingdom and the only one housed within the confines of a single country and predominantly within the Western Cape Province. There are more than 9 000 plant species in this region which is half of South Africa's total biodiversity in only 4% of the country's surface area. This region is considered as one of the world's 25 most threatened biodiversity hotspots with 2400 species considered threatened and another 300 species critically endangered. Most of the priority areas fell outside of existing statutory protected areas and mostly on privately owned land.

Conservation Stewardship is a co-management approach to biodiversity conservation based on a contractual agreement with government-backed economic incentives. For the purposes of this paper it is prudent to focus *firstly* on the co-management model as a governance approach; *secondly* on voluntary agreements (VAs) as a so-called New Environmental Policy Instrument (NEPI) sub-type within the context of environmental policy instruments; *thirdly* the enabling legislative and policy setting before the Conservation Stewardship programme in the Western Cape Province will be described, analysed and evaluated as a ctPrua -1.15 Tye

agreements take on different formats but negotiated agreements in the form of formal contracts whose aim is to address quite specific environmental problems negotiated between public authorities and relevant stakeholders, are of relevance for this discussion.

As far as realignment of relationships between the regulators and the resource users goes, one of the promising tools which have emerged is the *co-management* approach, which involves a sharing of management between the state and responsible user group (Symes,1997:110-112). The co-management solution rests according to Hara (2003:20) on the assumptions that local people must have a stake in conservation and management; and that the formation of partnerships between government agencies and resource users are essential. For co-management to be feasible, Hara (2003:25) quoting Berkes (1997) suggests that it should address the following four questions positively: *Firstly*, are there appropriate local and governmental institutions?; *secondly*, is there trust between the actors?; *thirdly*, is there legal protection for local rights and *lastly*, are there economic incentives for the local communities involved to conserve the resource? To evaluate the success of co-management Conley and Moote (2003:375) suggest developing a set of criteria for which typically could include *process* criteria (e.g. shared vision, inclusive participation, consensus-based decision-making), *environmental outcome* criteria (e.g. improved habitat or water quality, biological diversity preserved) and *socioeconomic outcome* criteria (e.g. building of relationships and trust, gaining of knowledge and understanding, improved capacity for dispute resolution, changes to or creation of new institutions).

POLICY AND INSTITUTIONAL FRAMEWORK

According to Borrini-Feyerabend *et al* (2004: 342-344) locally negotiated and implemented co-management agreements are likely to be ineffectual unless supported by enabling and coherent legislation and policies. The policy instruments that are of relevance for co-management extend beyond the regulation of institutional partnerships or the protection of the environment and deals with ecological sustainability, livelihoods, democratic and accountable institutions, social justice and equity in the political and economic arena.

Since democratisation there has been a flurry of activity in the environmental policy context in South Africa. Some of the environmental policy reforms and legislation introduced from the mid-1990s and of particular importance for biodiversity protection, include the following:

The *National Environmental Management Act (NEMA)* was promulgated in 1998 (Act 107 of 1998) as the outcome of a three year comprehensive participatory policy process and created a fundamental, over-arching legal framework to ensure that the environmental rights are adhered to by all spheres of government as well as private entities within South Africa, as set out in the in the Constitution. It also set out fundamental principles upon which all environmental decision-making should be based. The NEMA also promotes special attention to stressed, sensitive or vulnerable ecosystems at management and

planning levels, especially where these ecosystems are specifically threatened by development activities. This obliges the identification of such areas and active execution of protective measures (RSA, 1998).

The *National Environmental Management: Biodiversity Act* was promulgated in 2004 (Act 10 of 2004) to establish the South African National Biodiversity Institute (SANBI) and provide for the management and conservation of South Africa's biodiversity within the framework of the NEMA. According to Driver *et. al.* (2005:22), this makes South Africa one of the few countries worldwide to have a national public sector institute dedicated to biodiversity monitoring and reporting. The Act obliged the Minister to prepare and adopt a national biodiversity framework and to monitor the implementation of such a framework by reviewing and amending it at least every five years. This led to the conception and realisation of the *National Biodiversity Strategy and Assessment Programme (NBSAP)*, which goes hand in hand with the *National Spatial Biodiversity Assessment (NSBA)*, both completed in 2005. This Act therefore plays a fundamental role in the conservation of biodiversity, whether on- or off-reserve, as it allows for bioregional plans, and legislative management plans for biodiversity in ecosystems (RSA, 2004).

The *National Environmental Management: Protected Areas Act* (Act 53 of 2003) was promulgated with the aim of providing protection for those areas ecologically viable and representative of South Africa's natural assets. The Act further allows the Mi

CASE STUDY: CAPENATURE CONSERVATION STEWARDSHIP PROGRAMME

Main Goals and Objectives

According to Martens (2010, pers.com), the manager of the Conservation Stewardship Programme of the provincial conservation agency in the Western Cape known as CapeNature, 80% of priority conservation areas in the Western Cape are situated on privately owned land. Since these areas (that are threatened by poor land management, invasive species and land transformation) consist of small and dispersed fragments of land, the existing networks of formal protected areas cannot adequately protect these threatened species and ecosystems (Western Cape Nature Conservation Board (WCNCB)), [undated] and Martens & Hamman, [undated]). Since existing networks of formally protected areas in the Western Cape are also not ideally situated in critical or priority biodiversity conservation areas, increasing the size of large protected areas will therefore not capture highly dispersed and fragmented pieces of land (Martens, 2010, pers. com.). The private landowner therefore must play an essential role in contributing towards sustainable conservation.

In an attempt to make provisions for procedures and mechanisms to facilitate co-operative environmental governance and to harmonise environmental plans, policies, programmes and decision-making, CapeNature initiated a stewardship programme with the underlying goal “to secure and maintain the conservation status of land in high priority conservation areas of the Western Cape” (Jackelman, Von Hase, Balfour and Ferreira, 2008). This programme, known as the *Conservation Stewardship Programme*, or CSP, allows for land owners to enter into agreements with conservation agencies to conserve parts of, or entire, properties and is set

For example in the *Greater Cederberg Biodiversity Corridor* (GCBC) an outreach programme has successfully been implemented to see to it that all role-players and communities are empowered and given the capacity to ensure meaningful participation (Cape Nature, 2008). A civil society strengthening project has i

landowners (Cape Biosphere, 2009 [online]). In most of the stewardship projects it was found that extension staff need to be equipped with people skills relating to relationship building, conflict resolution, land negotiations and knowledge in terms of conservation issues, they also need to be flexible and must be able to cope under pressure and be able to deal with diverse cultural groups, personalities and farming practices (CAPE, [Undated]b: 3 and CapeNature 2009). In 2007 an extension course was developed that focuses on the softer skills needed to communicate and interact with communities and landowners and for the successful finalisation of agreements (CapeNature, 2008:22).

Trust between the partners: building trust between the state and the resource user group is a critical component in co-management and it is therefore not surprising that it was one of the biggest challenges

'biodiversity agreements' or protected environments rate rebates can be negotiated with the local authority (Martens, 2010, pers.com).

The second fiscal incentive, made possible by the 2008 amendment of the Revenue Laws Amendment Act, 2008 (Act 60 of 2008) allows tax relieve to land owners by creating mechanisms where management costs or the loss of right to use the land can be deducted from income tax. The fiscal mechanisms relating to the different conservation agreement options, each one more secure, and consequently varying degrees of commitment and financial costs. The contracts of minimum five years are allowed to deduct conservation and management/maintenance expenditure (excluding capital expenditure) from income derived either off the conservation area or an area in immediate proximity, meaning neighbouring property. The 30-98 year contracts can claim the same conservation and management expenditure, but as a deductible donation. This means it can be deducted from their gross taxable income instead of just their tradable income. Whereas the 99-year perpetuity contracts can deduct the same management expenditure as a donation as well as the value of the portion of the land secured for conservation (RSA, 2008: 69-72).

Other advantages to landowners includes extension services in terms of advise and support, the mapping of farms, marketing exposure, discount at CapeNature accommodation sites and the provision of management plans (Olen, 2005: 5). The stewardship programme also gives assistance to farmers by publishing and distributing fact sheets that can guide landowners on different elements of environmental management.

PROSPECTS AND CHALLENGES

Various **challenges** have presented themselves in the development and implementation of the Conservation Stewardship Programme:

the main and first stumbling blocks was the fact that in the beginning of the project the *priority biodiversity areas* outside reserves were not yet identified, recorded or mapped and CapeNature could thus not direct attention to priority areas from the start. Fortunately, CapeNature could collaborate with CAPE who conducted surveys and provided mapped information on the critical biodiversity areas. (Olen, 2005: 8)

legal issues: the legal framework did not provide long term conservation or protection on private nature reserves as these statuses could be denounced as the property changed ownership. It was critically important to get the right legal systems in place that could secure conservation on private properties (Martens, 2010, pers. com.)

the *lack of co-operation* between the funding agencies and the conservation stewardship team in terms of conflicting expectations (Olen, 2005: 10). The funding agencies did not fully understand the issues at the ground level and were not flexible and adaptable enough

to accommodate changes in the goals

economic incentives the landowners receive upon signing on to the programme (Cape Nature, 2008).

SUMMARY AND CONCLUSION

The indications are that the Conservation Stewardship Programme could provide a cost effective and long term alternative to acquiring land for reserves to expand protected areas by forming partnerships with land owners and allowing them to conserve biodiversity on their properties. The programme also successfully contributes to the national targets for protecting threatened ecosystems and preserving the diversity of natural systems while providing social, political, economic and environmental benefits.

The introduction of voluntary agreements as one of the newer non-regulatory policy instruments (at least in South Africa) and incorporating the principles and characteristics of co-management, signifies in a paradigm shift in the governance approach of public agencies to biodiversity conservation. The project has successfully changed the way in which conservation agencies function; it has attracted a new generation of committed conservation professionals who operate in an extensive network of support and unity from the top down to root level – the biggest advantage is that it secures a platform for a significant attempt at meeting the extensive conservation targets set for the Western Cape Province in South Africa.

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