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NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

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NORMS AND STANDARDS FOR BIODIVERSITY MANAGEMENT PLANS FOR SPECIES

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I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby publish the Norms and Standards for Biodiversity Management Plans for Species in terms of section 9(1)(a)(i) and 43 of the National Environmental Management: Biodiversity Act, 2004 (Act no 10 of 2004), as contained in the Schedule.

(Signed)

MARTHINUS VAN SCHALKWYK

MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

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ACRONYMS

AEWA	African Eurasian Migratory Waterfowl Agreement
BMP	Biodiversity Management Plan
BMP-S	Biodiversity Management Plan for species
CBD	Convention on Biological Diversity
CITES	Convention on the International Trade in Endangered Species of Fauna and Flora
DEAT	Department of Environmental Affairs and Tourism
IDP	Integrated Development Plans
IUCN	World Conservation Union
MOA	Memorandum of Agreement
NEM: BA	National Environmental Management: Biodiversity Act (Act No. 10 of 2004)
NBF	National Biodiversity Framework
NEMA	National Environmental Management Act (Act No. 107 of 1998)

CHAPTER 1

INTERPRETATION AND THE PURPOSE OF THESE NORMS AND STANDARDS

1. Definitions

- (1) In these Norms and Standards, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act or Protected Areas Act has the same meaning, and-

“Biological diversity or biodiversity” means the variability among living organisms from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems.

“Ex-situ or ‘off-site’ conservation” means the conservation of genetic resources and of wild animals, plants, fungi and microorganisms off-site or outside their natural habitats.

“Indigenous species” means a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Republic, but excludes a species that has been introduced in the Republic as a result of human activity.

“In-situ - “on-site” conservation” means the conservation of biodiversity in the wild through the conservation of ecosystems and natural habitats, and the maintenance and recovery of viable populations of species in their natural surroundings.

“IUCN Red Data List” means a global or national list providing information on a species’ risk of extinction (usually by taxonomic group), and prepared under the auspices of the International Union for the Conservation of Nature.

“Long-term survival” means to ensure the survival of a species until the next human generation, approximately 30 years.

“Migratory species” means an entire population or any geographically separate part of the population of any species or lower tax on of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries.

“Stakeholder” means a natural or juristic person(s) that has an interest in, or may be affected by, a particular obligation or decision or activity, relating to or resulting from a management plan, either as individuals or representatives of a group, and include landowners where appropriate.

“Species” means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population.

“Threat” means any action that causes a decline and compromises the future survival of a species or anything that has a detrimental effect on a species. Threats can be human induced or natural. BMP-S should focus on mitigating human induced threats to species.

“Viable” in relation to a species or population means the ability to survive or persist and develop or multiply over multiple generations or a long time period.

- (2) In this document, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), (hereinafter “The Act”), has the same meaning.

2. Purpose and application

- (1) In terms of Section 9(1) of the Biodiversity Act, the Minister may, by notice in the *Gazette*-
- (a) issue norms and standards for the achievement of any of the objectives of this Act, including for the -
- (i) management and conservation of South Africa’s biological diversity and its components;
- (ii) restriction of activities which impact on biodiversity and its components; and

- (b) set indicators to measure compliance with those norms and standards.
- (2) The purpose of these Norms and Standards is to provide a national approach and minimum standards for the development of biodiversity management plans for species.

CHAPTER 2
INTRODUCTION TO BIODIVERSITY MANAGEMENT PLANS FOR SPECIES AND TO THESE NORMS
AND STANDARDS

3. Biodiversity Management Plans

- (1) A biodiversity management plan must -
- (a) be aimed at ensuring the long-term survival in nature of the species to which the plan relates;
 - (b) provide for the responsible person, organisation or organ of state to monitor and report on progress with implementation of the plan; and
 - (c) be consistent with -
 - (i) The Act;
 - (ii) The national environmental management principles;
 - (iii) The national biodiversity framework;
 - (iv) Any applicable bioregional plan;
 - (v) Any plans issued in terms of Chapter 3 of the NEMA;
 - (vi) Any municipal integrated development plans;
 - (vii) Any other plans prepared in terms of national or provincial legislation that is affected; or
 - (viii) Any relevant international agreements binding on the Republic.
- (2) Biodiversity Management Plans for Species (BMP-S) can be compiled for any indigenous or migratory species to South Africa.

CHAPTER 3
THE DEVELOPMENT OF BIODIVERSITY MANAGEMENT PLANS FOR SPECIES

4. Scope of BMP-S

Depending on the biological characteristics of the species concerned and the geographic range where it applies, biodiversity management plans may be developed for:

- (1) One or more species; or
- (2) One or more populations or a meta-population.

5. Process for developing BMP-S

The following process as outlined herein may be followed when developing BMP-S:

- (1) Appropriate stakeholders should be invited to participate in the development of the BMP-S.
- (2) Stakeholders may be identified according to:
 - (a) The stakeholder group to which they belong; or
 - (b) Their interests and mission.
- (3) Background information on the species may be compiled and circulated to all appropriate stakeholders prior to development of the BMP-S.
- (4) The background information should contain:
 - (a) Criteria used to select the species;
 - (b) Information on the current status of the species;
 - (c) Information on known threats; and
 - (d) Their impacts on the species.
- (5) Compilation of the first draft of a BMP-S can be done by either:
 - (a) A consultant;
 - (b) An expert on the species;
 - (c) A panel of experts on the species; or
 - (d) During a stakeholder workshop.
- (6)
 - (a) The first draft of the BMP should be made available to stakeholders for comment;
 - (b) The comment period should be at least 30 working days;
 - (c) Relevant comments received should be included in a final draft of the BMP-S;
- (7) The final draft of the plan should be sent to all implementers of identified actions for validation within 60 days of date of notice.

The final draft of the plan should be compiled and submitted, within 90 days of receipt of comments, to the Minister for approval.

6. Format of BMP-S

Title, Table of Contents and Terms

- (1) BMP-S must contain the following introductory information:
 - (a) A header page containing BMP-S title, authors, lead agency and implementing organisations;
 - (b) A Table of Contents page;
 - (c) A list explaining abbreviations;
 - (d) A list of explaining acronyms;
 - (e) A glossary defining all scientific and technical terms used in the BMP-S in alphabetical order;
 - (f) Acknowledgements;
 - (g) Foreword; and
 - (h) An executive summary in English.

- (2) In the BMP-S the introduction must contain:
 - (a) A brief introduction of the species and why it needs a BMP-S;
 - (b) Aims and objectives of the BMP-S, which should be a statement of a desired state the plan intends to achieve at the end of its implementation;
 - (c) Benefits of the plan; and
 - (d) Anticipated outcomes.

- (3) In the BMP-S the background may include:
 - (a) A Summary of the conservation status and legislative context;
 - (b) A Summary of everything known about the species and anything pertinent to its management, in sufficient detail, including identified needs to be researched;
 - (c) Identify role players; and
 - (d) Summarise planning methodology.

- (4) In the BMP-S the conservation status and legislative context may:
 - (a) Identify parties currently responsible for management of the species for which the BMP-S is developed;
 - (b) Indicate the status of the species in terms of the Act, IUCN Red Data List, CITES, other national legislation or subordinate legislation and provincial conservation legislation and ordinances;
 - (c) Indicate the cultural conservation status of the species;

- (d) Indicate the indigenous knowledge value of the species; and
 - (e) Motivate for assigning priority for the development of this BMP-S.
- (5) In the BMP-S the species detail may include:
- (a) Taxonomy, including sub-specific and genetic information, if relevant and available;
 - (b) Distribution, migratory patterns (if applicable), habitat requirements, biology and ecology;
 - (c) Description and map of geographic area for which the plan is proposed;
 - (d) Any ex situ populations and their status;
 - (e) If known, the species' role in the ecosystem e.g. umbrella, keystone, flagship, mutualisms and dependencies;
 - (f) Known diseases;
 - (g) Population statistics and trends;
 - (h) Threats;
 - (i) Information on any utilisation, where applicable, should include:
 - (i) Impact of utilisation based on evidence;
 - (ii) Use value of the species;
 - (iii) Monitoring of current use; and
 - (iv) Current quotas and permits issued;
 - (j) Past conservation measures;
 - (k) Socio-economic issues (if applicable), including:
 - (i) Community benefits; and
 - (ii) A cost analysis of the value of species; and
 - (l) Research inventory and summary;
- (6) In the BMP-S the summary of the planning methodology may include:
- (a) A list of role players and organisations involved in developing and implementing the BMP-S;
 - (b) A description of the processes followed in drawing up the BMP-S;
 - (c) An outline of the process followed for stakeholder consultation;
 - (d) A list of all stakeholders;
 - (e) An outline of the nature of agreements that will need to be or have been developed with implementers of the BMP-S;
 - (f) Reference to all relevant documents, agreements and policies, which will be appended to the BMP-S; and
 - (g) Verification and approval by relevant experts on the quality and context of the species related issues.
- (7) In the BMP-S the statement of threats adversely affecting the species may include:

- (a) List all the threats;
 - (b) A Description of the nature of the threats including an assessment of the magnitude and impact of the threat; and
 - (c) Prioritise the threats.
- (8)
- (a) In the BMP-S the action plan stating the objectives and actions for dealing with each of the threats adversely affecting the species should be developed.
 - (b) Actions identified in an action plan may be divided into actions at the national and local level for ease of reference by implementers, including organs of state at different levels.
 - (c) The action plan may:
 - (i) Describe the objectives;
 - (ii) Describe the action(s) needed;
 - (iii) Rank each action by relative priority;
 - (iv) Identify the implementing party(ies), and the lead party;
 - (v) Specify time frames (initiation, duration, completion date);
 - (vi) Identify resources needed and outline a resource mobilization strategy to ensure acquisition and sustainability of resource requirements;
 - (vii) Identify potential positive and negative impacts of action;
 - (viii) Identify incentives (where applicable);
 - (ix) Develop measurable indicators; and
 - (x) List inappropriate actions and explain why they could be detrimental
- (9)
- (a) In the BMP-S a monitoring programme may be developed and may include a monitoring and reporting plan with annual reports for each action outlined in the Action Plan.
 - (b) For each action, the annual report may include:
 - (i) A list of the agency(ies) responsible for monitoring each action (this may differ from the implementing or lead agent); and,
 - (ii) Stipulated milestones, key events and thresholds in the measurable indicators to be reported on.
- (10) In the BMP-S the reference list must include all references sited in the BMP-S developed.

7. Approval of the BMP-S

- (1) The BMP-S must be submitted to the Minister for approval.

- (2) The Minister should, within 90 days:
- (a) Acknowledge receipt of a BMP-S;
 - (b) In the event of an acceptable first draft of a BMP-S, reject, return for revision or publish a BMP-S for general public consultation;
 - (c) Reject the redrafted version of any BMP-S that does not comply with the norms and standards; or
 - (d) On approval of a BMP-S the Minister should appoint a lead agency and publish the BMP-S in the *Government Gazette*.
- (3) (a) Before approving a draft biodiversity management plan, the Minister must identify a suitable person, organisation or organ of state that is willing to be responsible for the implementation of the plan.
- (b) The Minister may, require independently obtained proof of the lead agency's:
- (i) Relevant experience; and
 - (ii) Financial and human resources.
- (c) The Minister may enter into a biodiversity management agreement with the person, organisation or organ of state regarding the implementation of the biodiversity management plan, or any aspect thereof.

8. Implementation of BMP-S for species

- (1) The Minister may review, assess compliance and verify achievement of the aim and objectives of a BMP-S;
- (2) The Minister may:
- (a) Assess compliance and achievement of the aims and objectives as per the monitoring section of the annual reports;
 - (b) Request any additional information to allow the assessment of compliance and achievement of the aims and objectives, and
 - (c) The Minister must review a BMP-S published in terms of section 43(3) of the Act, at least every five years, and assess compliance with the plan and the extent to which its objectives are being met.

- (3)
 - (a) An annual progress report on implementation of a BMP-S must be submitted to the Minister,
 - (b) The annual report must include:
 - (i) A brief introduction;
 - (ii) Report on progress on each action as contained in the BMP-S;
 - (iii) Identify problems, bottlenecks, impediments to achieving any action or part thereof; and
 - (iv) Report on progress towards achievement of objectives contained in the BMP-S.
- (4) The Minister may after considering the BMP-S annual report:
 - (a) Acknowledge satisfactory acceptance thereof;
 - (b) Request further clarification on any action that is not adequately reviewed in the report;
 - (c) Appoint an advisor to check compliance;
 - (d) Publish and call for comments on any amendments to be made to the BMP-S; or
 - (e) Request a redraft of the BMP-S or a drafting of an entirely new BMP-S if the amendments are sufficient to warrant it.