



SUBMISSION ON SOUTH AFRICA'S DRAFT NATIONAL BIODIVERSITY STRATEGY AND ACTION PLAN 2026–2035

Government Gazette No. 55141, 5 August 2026

Date: 21 August 2026

**TO: The Director-General: Department
of Forestry, Fisheries and the
Environment**

Attention: Ms Malepo Phoshoko

nbsapcomments@dffe.gov.za
msphoshoko@dffe.gov.za

**COPY TO: Office of the Minister: Forestry,
Fisheries and the Environment**

minister@dffe.gov.za
dgrant@dffe.gov.za

**FROM: EMS FOUNDATION NPO
Michele Pickover**

michele@emsfoundation.org.za

TOTAL PAGES: 94

Our ref: EMS/Comments/NBSAP

Core Position

The Draft contains useful advances in monitoring, participation, species recovery and human-wildlife coexistence, but it does not yet amount to the transformative change required by the Kunming–Montreal Global Biodiversity Framework. It remains anchored in an instrumental and market-centred conception of Nature and does not adequately distinguish conservation from wildlife use, production, extraction, trade and commercial management.

EMS calls for an ecocentric, rights-based and precautionary revision that recognises ecological integrity as the organising principle of the NBSAP and harmonious coexistence within Nature as a separate and additional operational principle proposed by EMS. The Strategy should recognise Nature's intrinsic value; define conservation by measurable outcomes for indigenous species in the wild and their natural habitats; and distinguish conservation expressly from activities whose principal purpose or outcome is extraction, recreation or private profit.

The Strategy should use the constitutionally appropriate formulation of ecologically sustainable use and make clear that such use may, in appropriate circumstances, be a means of advancing conservation objectives, but is not a conservation outcome in itself. It should expressly protect the well-being of sentient wild animals as an independent, enforceable and cross-cutting requirement and subject all use, trade, wildlife management, biodiversity finance and development interventions to transparent ecological, animal well-being, evidentiary, ethical and public-interest limits. Missing or unreliable evidence must trigger precaution rather than assumptions of abundance, resilience or non-detriment.

Table of Contents

1. ABOUT THE EMS FOUNDATION.....	6
2. EXECUTIVE SUMMARY	6
3. INTRODUCTION	11
4. THRESHOLD PROCEDURAL AND DRAFTING CONCERNS.....	12
4.1. AN INCOMPLETE DRAFT INHIBITS MEANINGFUL PARTICIPATION	12
4.2. THE CONSULTATION RECORD SHOULD BE TRANSPARENT	12
4.3. A 2035 STRATEGY MUST NOT DEFER THE KMGBF’S 2030 URGENCY.....	12
4.4. THE EMERGING GLOBAL REVIEW CONFIRMS THE DANGER OF WEAK IMPLEMENTATION	13
5. THE REQUIRED PARADIGM SHIFT: FROM NATURAL CAPITAL TO A COMMUNITY OF LIFE	13
5.1. INTRINSIC VALUE IS MISSING.....	13
5.2. EARTH JURISPRUDENCE AND MOTHER EARTH-CENTRED ACTION	13
5.3. EMS PROPOSES ‘HARMONIOUS COEXISTENCE WITHIN NATURE’ AS AN ADDITIONAL PRINCIPLE.....	14
5.4. UBUNTU MUST EXTEND BEYOND HUMAN BENEFIT-SHARING	14
5.5. FUTURE GENERATIONS	14
5.6. ECOLOGICAL TRUSTEESHIP AND LONGER-TERM LEGAL TRANSFORMATION.....	15
6. CONSTITUTIONAL AND LEGAL FRAMEWORK	15
6.1. NSPCA V OPENSHAW: SENTIENCE AND A CONSTITUTIONAL ETHIC OF CARE	15
6.2. S V LEMTHONGTHAI: THE SCA LINKS ANIMAL WELFARE, CONSERVATION AND SECTION 24	16
6.3. NSPCA V MINISTER OF JUSTICE: THE CONSTITUTIONAL COURT’S BINDING SYNTHESIS	16
6.4. NSPCA V MINISTER OF ENVIRONMENTAL AFFAIRS: WELL-BEING IS A MANDATORY BIODIVERSITY CONSIDERATION	16
6.5. CONSEQUENCES FOR THE NBSAP	17
7. ANIMAL WELL-BEING MUST BE A CROSS-CUTTING, MEASURABLE COMMITMENT	17
7.1. THE NBSAP SHOULD REQUIRE A WILD ANIMAL WELL-BEING REGULATORY PROGRAMME	18
8. STRATEGIC LEADERSHIP, VISION, MISSION AND GOVERNANCE PRINCIPLES.....	18
8.1. GENERAL STRATEGIC COMMENTS	18
8.1.1. The NBSAP should provide strategic leadership rather than primarily consolidate existing policy.....	18
8.1.2. Biodiversity governance should be more firmly grounded in constitutional principles	19
8.1.3. The Strategy should better integrate ethics alongside science	19
8.1.4. The Strategy should recognise the intrinsic value of biodiversity more explicitly.....	20
8.1.5. The Strategy should better reflect developments concerning animal sentience and well-being.....	20
8.1.6 The NBSAP should define conservation and distinguish it from wildlife use and commercial management.....	21
8.1.7. Ecologically sustainable use should be implemented within a stronger precautionary and evidence-based framework	23
8.1.8. Ecological integrity should be recognised as the overriding principle of the National Biodiversity Strategy and Action Plan.....	23
8.1.9. Strengthening governance, accountability and implementation.....	24
8.1.10. Transparency should be recognised as a strategic objective	25
8.1.11. Adaptive governance requires independent review and continuous learning	26
8.2. VISION, MISSION AND PRINCIPLES	27
8.2.1. Vision and Mission.....	27
8.2.2. ECOLOGICAL INTEGRITY SHOULD BECOME AN EXPLICIT GUIDING PRINCIPLE.....	27
8.2.3. Strengthening the Principles of Good Biodiversity Governance	28
8.2.4. Biodiversity governance should reflect contemporary environmental jurisprudence	28

8.2.5. Recommendation: Adoption of Five Cross-Cutting Principles for Biodiversity Governance .	29
8.2.6. The Draft's Outcome-Oriented Monitoring Approach Should Be Applied Consistently Across All Thematic Areas	30
8.2.7. Evidence-Based Biodiversity Governance Requires Transparent and Independent Scientific Evaluation.....	31
9. ECOLOGICALLY SUSTAINABLE USE AND THE BIODIVERSITY ECONOMY	33
9.1. THE PROBLEM BEGINS WITH THE PREMISE	33
9.2. SECTION 24 DOES NOT CONFER A LICENCE TO USE	33
9.3. ECOLOGICALLY SUSTAINABLE USE IS AN OUTCOME TO BE PROVED, NOT A POLICY ASSUMPTION	34
9.4. THE MISSING POLITICAL ECONOMY	35
9.5. COMPLIANCE IS NOT CONSERVATION.....	35
9.6. TRANSFORMATION IS NOT THE EXPANSION OF EXPLOITATION	35
9.7. GDP GROWTH IS NOT A BIODIVERSITY OUTCOME	36
9.8. LEGAL AND SUSTAINABLE ARE NOT SYNONYMOUS	36
9.9. CITES AND NON-DETRIMENT FINDINGS.....	36
9.10. CONSERVATION BREEDING AND EX SITU MEASURES	37
9.11. FURTHER DETAILED ANALYSIS AND RECOMMENDATIONS.....	37
9.11.1. Ecologically sustainable use should remain a means to biodiversity conservation, subject to animal well-being and other public-interest safeguards	37
9.11.2. The assumed causal relationship between economic benefit and conservation requires greater qualification.....	39
9.11.3. Economic growth indicators should not serve as proxies for biodiversity outcomes.....	39
9.11.4. Legality, sustainability and conservation benefit should be clearly distinguished	40
9.11.5. Ecologically sustainable-use assessments should apply a precautionary evidentiary standard	40
9.11.6. Non-Detriment Findings should be transparent, current and subject to review	41
9.11.7. Certification should not substitute for ecological evidence	41
9.11.8. Consumptive and non-consumptive biodiversity uses should not be aggregated without distinction	42
9.11.9. Customary sustainable use should be clearly distinguished from commercial exploitation	42
9.11.10. Animal well-being and the duty of care should be strengthened.....	43
9.11.11 Wildlife trade - whether legal or illegal - must be treated as a potential biodiversity threat	43
9.11.12. Suggested revision of the theory of change	45
9.11.13. Suggested strengthening of the national target.....	46
10. HUMAN-WILDLIFE COEXISTENCE.....	46
10.1. FURTHER DETAILED ANALYSIS AND RECOMMENDATIONS.....	47
10.1.1. The shift from “conflict” to “coexistence” should be completed more consistently	47
10.1.2. The Strategy should identify the anthropogenic drivers of negative interactions	48
10.1.3. Coexistence should not be measured solely by declining incident numbers	48
10.1.4. Prevention and non-lethal management should be the default response	49
10.1.5. Management interventions should be proportionate and subject to evidentiary review.....	49
10.1.6. Wildlife mortality associated with coexistence management should be recorded and publicly reported	50
10.1.7. Coexistence should be landscape-based rather than species-specific	50
10.1.8. The national target should be reframed to reflect genuine coexistence outcomes.....	51
10.1.9. A National human-wildlife coexistence strategy to establish minimum national principles	51
11. SPECIES CONSERVATION AND RECOVERY	51
11.1. FURTHER DETAILED ANALYSIS AND RECOMMENDATIONS.....	52

11.1.1. Species conservation should remain recovery-centred and prioritise viable wild populations	52
11.1.2. In-situ conservation should remain the primary approach.....	53
11.1.3. Species recovery should incorporate animal sentience and well-being.....	54
11.1.4. Significant interventions should satisfy a clear necessity and evidence test	54
11.1.5. The NBSAP should establish a presumption against lethal population management.....	55
11.1.6. Genetic diversity should not be considered independently of ecological and behavioural integrity	56
11.1.7. “Rewilding” should be defined and linked to ecological integrity.....	56
11.1.8. Suggested strengthening of the species-conservation national target.....	57
12. FINANCING AND IMPLEMENTATION	57
12.1. FURTHER DETAILED ANALYSIS AND RECOMMENDATIONS	58
12.1.1. EMS supports the stronger focus on finance, capacity and monitoring.....	58
12.1.2. The final NBSAP should contain an operational implementation framework	58
12.1.3. Institutional responsibility should extend beyond identifying a “lead”	59
12.1.4. Monitoring should distinguish institutional performance from biodiversity performance ..	59
12.1.5. The proposed monitoring system should be independently auditable	59
12.1.6. An independent mid-term review should be formally incorporated into Chapter 6	60
12.1.7. The incomplete Financial Needs Assessment should be addressed before or shortly after finalisation.....	60
12.1.8. Biodiversity finance should be assessed by ecological additionality, not merely capital mobilised.....	61
12.1.9. Biodiversity offsets are inherently limited and must not be used to authorise otherwise unacceptable biodiversity loss	61
12.1.10. Public funding remains an essential State responsibility	64
12.1.11. Staff capacity should be assessed by expertise and institutional continuity, not vacancy rates alone.....	64
12.1.12. Long-term conservation functions should not depend on short-term project funding	65
12.1.13. The National Biodiversity Framework should become the operational bridge between strategy and implementation	65
12.1.14. Cabinet reporting should be complemented by regular public reporting	66
12.1.15. The Implementation Framework should contain a formal corrective-action mechanism.....	66
12.1.16. Proposed minimum implementation architecture	66
12.1.17. Suggested addition to Chapter 6.....	67
13. KNOWLEDGE, PARTICIPATION, INDIGENOUS KNOWLEDGE AND ACCESS TO JUSTICE	67
13.1. FURTHER DETAILED ANALYSIS AND RECOMMENDATIONS	68
13.1.1. The Foundation supports the move from consultation to meaningful participation	68
13.1.2. Participation indicators should measure influence, not merely representation.....	69
13.1.3. Access to biodiversity information should be treated as a governance right, not merely a knowledge-management function	69
13.1.4. The national monitoring dashboard should enable independent scrutiny.....	69
13.1.5. Data gaps should be disclosed rather than concealed by incomplete indicators	70
13.1.6. Scientific independence and diversity of expertise should be protected	70
13.1.7. Citizen science should complement, not substitute for institutional monitoring obligations	71
13.1.8. Indigenous and traditional knowledge must be protected through genuine consent and control.....	71
13.1.9. Environmental education should not be reduced to visitor numbers	71
13.1.10. Public participation data should be accompanied by publication of substantive outcomes	72
13.1.11. The participation framework should include access to remedy	72
13.1.12. Suggested strengthening of the national target.....	72

14. GOVERNANCE, EVIDENCE AND ACCOUNTABILITY	73
14.1. INDEPENDENT AND PLURAL EXPERTISE	73
14.2. MONITORING MUST BE PUBLIC, DISAGGREGATED AND DECISION-LINKED	73
14.3. CLEAR RESPONSIBILITY, DEADLINES AND CONSEQUENCES	73
15. ECOSYSTEM CONSERVATION AND PROTECTED AND CONSERVED AREAS.....	73
15.1. PROTECTED-AREA EXPANSION SHOULD BE ASSESSED BY CONSERVATION QUALITY AS WELL AS AREA.....	73
15.2. AREA TARGETS SHOULD NOT CREATE INCENTIVES TO PRIORITISE EASILY COUNTED LAND OVER ECOLOGICALLY IMPORTANT LAND	74
15.3. OECMs MUST DEMONSTRATE CONSERVATION OUTCOMES BEFORE BEING COUNTED TOWARDS NATIONAL TARGETS ..	75
15.4. OECM VERIFICATION SHOULD BE TRANSPARENT AND INDEPENDENTLY REVIEWABLE.....	75
15.5. APPROVED MANAGEMENT PLANS SHOULD NOT BE TREATED AS EVIDENCE OF EFFECTIVE MANAGEMENT	76
15.6. MANAGEMENT-EFFECTIVENESS SCORES SHOULD BE COMPLEMENTED BY DIRECT ECOLOGICAL INDICATORS	76
15.7. ECOLOGICAL CONNECTIVITY SHOULD BE TREATED AS A SUBSTANTIVE CONSERVATION OUTCOME.....	77
15.8. FRAGMENTATION WITHIN PROTECTED AREAS AND SURROUNDING LANDSCAPES REQUIRES GREATER ATTENTION	77
15.9. FRESHWATER PROTECTION WARRANTS PARTICULAR STRATEGIC ATTENTION	78
15.10. EQUITABLE GOVERNANCE SHOULD EXTEND BEYOND PARTICIPATION METRICS	78
15.11. PROTECTED-AREA EXPANSION MUST BE MATCHED BY ADEQUATE POST-DECLARATION RESOURCES	78
15.12. SUGGESTED STRENGTHENING OF THE NATIONAL TARGET	79
15.13. PROPOSED OVERARCHING PRINCIPLE FOR AREA-BASED CONSERVATION	79
16. PRIORITY TEXTUAL AMENDMENTS.....	80
17. PROPOSED ADDITIONAL NATIONAL TARGET	83
ANIMAL WELL-BEING AND ETHICAL WILDLIFE GOVERNANCE.....	83
18. PRINCIPAL RECOMMENDATIONS	83
19. CONCLUSION	88
SOURCES	93

1. About the EMS Foundation

- 1.1 The EMS Foundation (“EMS”) is a South African social justice NGO organisation committed to alleviating and ending suffering, promoting dignity and advancing the interests of vulnerable groups, including wild animals. Its work is informed by the interrelated principles of equity, access, diversity, participation and rights, and by an understanding that systems of oppression and exploitation are interconnected. EMS undertakes research, advocacy, public-interest engagement and accountability work in relation to biodiversity, wildlife governance, animal well-being and social justice.
- 1.2 EMS welcomes the opportunity to comment on the Draft National Biodiversity Strategy and Action Plan 2026–2035 (Draft NBSAP), Government Gazette No. 55141, 5 August 2026.

2. Executive Summary

- 2.1. EMS supports a number of features of the Draft NBSAP, including the recognition of human–wildlife coexistence as a distinct thematic area; the proposed national monitoring and indicator reporting system; stronger references to meaningful participation, access to information and access to justice; the commitment to species recovery plans; and the acknowledgement, albeit limited, that animal well-being and humane practices form part of a duty of care.
- 2.2. However, those improvements do not cure the Draft’s central conceptual and implementation defects. In particular:
 - a. The Draft does not acknowledge the intrinsic value of Nature, the sentience and agency of wild animals, Earth jurisprudence, Rights of Nature or Mother Earth-centred action, despite these matters having been raised by EMS in 2025 and being contemplated in the KMGBF.
 - b. The Draft does not adopt “harmonious coexistence” or “harmonious coexistence within Nature” as a principle. EMS proposes that harmonious coexistence within Nature be considered as a separate and additional operational governance principle requiring governance within ecological limits, respect for other beings, the prevention and repair of harm, and decisions that contribute to the flourishing of the wider community of life.
 - c. The Draft does not adequately define “conservation” or distinguish conservation from wildlife production, captive breeding, intensive management, hunting, trade and other activities whose principal purpose or outcome is extraction, recreation or private profit. An activity should not be characterised as conservation merely because it involves wildlife, generates revenue or is described by its operator as contributing to conservation. Claimed conservation benefits must be additional, measurable, durable, independently verified and directed principally towards indigenous species in the wild and their natural habitats.
 - d. Conservation is repeatedly coupled to “sustainable use” and biodiversity-economy growth without clear ecological and ethical limits. Consistently with section 24(b)(iii) of the Constitution, the Strategy should refer throughout to **ecologically sustainable use**. Ecologically sustainable use may, in appropriate circumstances, be a means through which conservation objectives are advanced, but it is not an

independent conservation outcome. The Draft assumes that economic benefit will generate conservation but provides no adequate evidentiary or accountability mechanism to test that assumption.

- e. The 2035 horizon risks postponing obligations under a global framework directed towards urgent action by 2030. Each national target must include quantified 2027 and 2030 milestones, a baseline, an accountable authority, a budget, a reporting date and a corrective-action trigger.
- f. Animal well-being appears only as a weak action to “consider” humane practices under the sustainable-use theme. It is not a principle, target or measurable indicator and therefore cannot reliably shape decisions across the NBSAP. Animal well-being should be an independent and cross-cutting requirement applicable to species conservation, wildlife management, capture, confinement, translocation, coexistence, trade and ecologically sustainable use. Ecological sustainability, legality or population viability does not establish compliance with animal well-being requirements.
- g. The Draft fails to convert NEMBA’s existing well-being mandate into a concrete implementation programme, despite section 9A empowering the Minister to prohibit activities that may negatively affect animal well-being and section 97(1)(aA) empowering the making of well-being regulations. The NBSAP should require comprehensive Wild Animal Well-being Regulations, including an enforceable duty of care, species-appropriate standards, prohibited and controlled activities, well-being assessments, monitoring requirements, offences and trained inspectors.
- h. The Draft’s emphasis on robust species information is welcome, but it does not establish minimum evidentiary standards for decisions concerning species for which population information is absent, outdated, geographically incomplete or unverifiable. This is particularly concerning where NDFs, quotas, permits, trophy-hunting allocations, trade authorisations or lethal-management interventions permit the capture, removal or killing of animals, including species such as chacma baboons and vervet monkeys. Missing or inadequate data must not be converted into assumptions of abundance, resilience or non-detriment. Where the evidence is inadequate, the precautionary response should be to withhold, suspend or reduce the relevant quota, permit, NDF or authorisation.
- i. A stable aggregate Red List Index does not establish that all species are secure. Severe declines in particular species may be masked because they have not yet resulted in a change of Red List category, improvements in some species may offset deterioration in others, or assessments may be outdated or data-deficient. The Index should therefore be accompanied by species-specific information on abundance, distribution, demographic trends and threats.
- j. The biodiversity-economy indicators privilege GDP contribution, participation and market certification, but do not adequately measure ecological harm, individual animal harm, cumulative impacts, removal, mortality, animal well-being compliance or whether purported benefits reach affected communities.
- k. The Draft treats illegal wildlife trade as a biodiversity threat while tending to treat formally legal trade as a legitimate market whose integrity must be protected.

Wildlife trade—whether formally legal or illegal—may drive biodiversity loss, animal harm, demand, corruption and governance failure. Formally legal markets may facilitate laundering, permit fraud, false captive-breeding claims, misdeclaration and the movement of unlawfully sourced specimens through ostensibly lawful supply chains. Legality, CITES compliance or a positive NDF does not establish ecological sustainability, animal well-being, conservation benefit or public-interest justification.

- l. Biodiversity offsets should not be promoted as ordinary biodiversity-finance instruments or used to authorise otherwise unacceptable biodiversity loss. Much biodiversity is unique, place-specific, intrinsically valuable and incapable of being recreated or substituted elsewhere. Developments with high or moderate residual biodiversity impacts should be refused, and any offsetting permitted at all should be confined to low or very low residual impacts after genuine avoidance and minimisation have been exhausted.
- m. The human–wildlife coexistence theme requires a clear hierarchy favouring prevention and non-lethal, non-injurious and least-harm methods, with independent oversight, transparent incident and permit data, and measurable ecological, social and animal well-being outcomes.
- n. The implementation framework is incomplete: only 17 of 125 activities have been costed; many indicators have no baseline or data source; the Draft includes an unfinished foreword and executive summary; and responsibility is frequently assigned without deadlines, budgets, enforcement consequences or conflict-of-interest safeguards.

2.3.EMS welcomes the publication of the Draft National Biodiversity Strategy and Action Plan (NBSAP) 2026–2035 and appreciates the opportunity to comment on this important national biodiversity policy instrument. The Draft contains a number of significant strengths. It is aligned with the Convention on Biological Diversity and the Kunming-Montreal Global Biodiversity Framework; adopts a whole-of-government and whole-of-society approach; recognises the importance of ecological integrity, participation, justice and evidence-based decision-making; and introduces a substantially strengthened monitoring architecture intended to assess biodiversity outcomes rather than merely track implementation activities.

2.4.EMS particularly welcomes the Draft's explicit commitment to outcome-oriented indicators, its emphasis on species recovery and genetic diversity, its recognition of the need to move human–wildlife management towards coexistence, the proposed publication of Non-Detriment Findings, the establishment of a national biodiversity monitoring system and public dashboard, and the inclusion of animal well-being, humane practices and a duty of care within the ecologically sustainable-use action framework. These commitments must, however, be supported by transparent, species-specific evidence and enforceable standards.

2.5.EMS nevertheless considers that several elements should be strengthened before the Strategy is finalised if the NBSAP is to provide sufficiently clear strategic guidance through to 2035 and ensure delivery of South Africa's more immediate obligations under the KMGBF by 2030.

2.6.At the centre of these recommendations is the proposition that ecological integrity should function as the organising principle of the NBSAP. The Draft already identifies ecological integrity as an important biodiversity outcome and incorporates it within several targets and policy frameworks. EMS recommends taking the further step of making ecological integrity the

common interpretive standard against which potentially competing objectives—including ecologically sustainable use, economic development and biodiversity-economy expansion—are assessed. Harmonious coexistence within Nature should be adopted as an additional operational principle requiring governance and development within ecological limits and respect for the wider community of life.

- 2.7. The Strategy should also more explicitly recognise biodiversity's intrinsic value and the importance of animal sentience and well-being in biodiversity governance. EMS welcomes the Draft provision requiring ecologically sustainable-use practices to consider animal well-being and humane practices in giving effect to a duty of care. This should be strengthened by making animal well-being an independent, enforceable and cross-cutting requirement applicable to species conservation, wildlife management, capture, confinement, translocation, human–wildlife coexistence, trade and other interventions involving sentient wild animals.
- 2.8. The Strategy should also define conservation in terms of the protection, maintenance, recovery and restoration of biodiversity in its natural ecological context, directed principally towards ecological integrity and viable, genetically diverse, self-sustaining and ecologically functional populations of indigenous species in the wild. It should expressly distinguish conservation from wildlife production, extraction, commercial management, captive breeding, hunting and trade.
- 2.9. Species conservation should remain firmly centred on the recovery of viable wild populations. The Strategy should aim not merely to prevent extinction or maintain minimum population thresholds, but to conserve genetically diverse, ecologically functional and increasingly self-sustaining populations within functioning ecosystems. In-situ conservation should be primary, while ex-situ measures and conservation breeding should be subject to strict, species-specific recovery and reintroduction criteria.
- 2.10. Significant interventions should meet clear evidence, necessity, proportionality and least-harm tests. Any decision authorising capture, removal, killing, hunting or trade should be based on current, species- and geographically specific, independently reviewable population, distribution, demographic, trend and cumulative-mortality data. Where that evidence is inadequate, precaution requires that the intervention or authorisation be withheld, suspended or reduced. Aggregate indicators such as the Red List Index should not substitute for species-specific evidence.
- 2.11. EMS similarly recommends strengthening the human–wildlife coexistence framework by focusing more directly on the anthropogenic and governance conditions that generate negative interactions. Habitat fragmentation, infrastructure, land-use change, fencing, settlement patterns and other human-created pressures should form part of the diagnostic framework. Success should be measured through outcomes for both people and wildlife rather than reported incident numbers alone. A prevention, non-lethal, non-injurious and least-harm hierarchy should apply, supported by transparent information about permits, incidents, methods, injuries, mortality, social-group consequences and animal well-being outcomes.
- 2.12. With respect to ecologically sustainable use and the biodiversity economy, EMS recommends a clearer distinction between economic benefit and biodiversity benefit. The NBSAP should not presume that economic utilisation inherently produces conservation outcomes. Ecologically sustainable use may be a means of advancing independently defined conservation objectives but is not a conservation outcome in itself. Any claimed conservation contribution should be demonstrated through robust, transparent and independently reviewable ecological evidence.

- 2.13. Section 24 of the Constitution creates no entitlement or presumption in favour of use. Ecological sustainability must be established by considering cumulative and climate impacts, alternatives, the mitigation hierarchy, equitable outcomes and effective enforcement. Ecological sustainability is necessary but is not sufficient: animal well-being, ethical acceptability and public-interest justification must be assessed independently. Biodiversity-economy growth, GDP contribution and enterprise participation may be socio-economic indicators, but they should not function as proxies for improved biodiversity status or conservation success.
- 2.14. Wildlife trade, whether formally legal or illegal, must also be assessed as a potential driver of biodiversity loss, animal harm, demand, laundering, corruption and governance failure. A positive NDF or compliance with CITES represents neither proof of conservation benefit nor a bar to stronger domestic restrictions, precautionary prohibitions or demand-reduction measures.
- 2.15. EMS further recommends strengthening safeguards around area-based conservation. The Draft estimates that approximately 2% of terrestrial South Africa may currently qualify as Other Effective Area-Based Conservation Measures (OECMs), while simultaneously acknowledging that these areas have not yet been fully defined, verified or measured and that potential candidates may include wildlife ranches. No area should contribute towards national conservation targets unless it has been transparently and periodically verified as producing durable in-situ biodiversity conservation outcomes. The presence of wildlife, commercial wildlife use, a management plan or designation as a wildlife ranch should not, by themselves, qualify an area as an OECM. Protected-area expansion should similarly be assessed through ecological condition, representativity, connectivity, management effectiveness, persistence of biodiversity values and the recovery of viable species populations rather than hectares alone.
- 2.16. Biodiversity offsets should not be treated as ordinary biodiversity-finance mechanisms. They should not be permitted for high or moderate residual biodiversity impacts or in respect of irreplaceable biodiversity, threatened ecosystems and species habitats, essential ecological corridors, or sites of cultural, spiritual, ancestral or community significance. Offsets must not be used to legitimise unlawful development retrospectively.
- 2.17. Implementation remains one of the greatest strategic risks. Chapter 6 expressly describes its implementation arrangements as preliminary and states that detailed processes and timelines have not yet been prescribed. The Financial Needs Assessment has, moreover, costed only 17 of the Strategy's 125 activities, with several major cost areas still outstanding. EMS therefore recommends an operational implementation matrix, clear accountable authorities, quantified 2027 and 2030 milestones, a completed costing exercise, regular public reporting, open and disaggregated data, corrective-action mechanisms and an independent mid-term review.
- 2.18. Implementation reporting should distinguish administrative activities and outputs from actual biodiversity, species-recovery and animal well-being outcomes. Biodiversity-finance mechanisms should likewise be evaluated according to measurable ecological additionality and animal well-being outcomes, rather than merely the amount of capital mobilised.
- 2.19. EMS considers the Draft NBSAP to contain important elements on which a credible national biodiversity strategy could be built. However, substantial revision is required if it is to provide the transformative, ecologically coherent, precautionary and accountable framework demanded by the biodiversity crisis and the KMGBF. The purpose of these comments is to strengthen the

Strategy's internal coherence, constitutional and ethical foundations, evidentiary standards, ecological focus and accountability mechanisms.

- 2.20. Ultimately, the effectiveness of the NBSAP should be assessed against a straightforward test: whether, as a result of its implementation, South Africa's ecosystems and ecological processes are measurably more intact and resilient; indigenous species exist as viable, genetically diverse, self-sustaining and ecologically functional populations in the wild; sentient wild animals are better protected from avoidable harm; and the legal, economic and institutional systems driving biodiversity loss have been transformed. Success cannot be established merely by counting activities, hectares, enterprises, markets, finance mobilised or unverified claims of conservation benefit.

3. Introduction

EMS welcomes the publication of the Draft National Biodiversity Strategy and Action Plan (NBSAP) 2026–2035 and appreciates the opportunity to provide comments during the public consultation process. The revision of South Africa's NBSAP represents a significant milestone in implementing the Convention on Biological Diversity and the Kunming–Montreal Global Biodiversity Framework (KMGBF). As South Africa's principal national biodiversity policy instrument, the final NBSAP will shape conservation priorities, biodiversity governance, public expenditure, economic activity and decisions affecting ecosystems, species and individual wild animals over the coming decade.

- 3.2. EMS welcomes important aspects of the Draft, including its recognition of the urgency of biodiversity loss; its whole-of-government and whole-of-society approach; its emphasis on monitoring, participation, access to information and access to justice; its commitment to species recovery and genetic diversity; and its treatment of human-wildlife coexistence as a distinct thematic area. The Draft reflects substantial technical work and draws extensively on the National Biodiversity Assessment 2025 and other national biodiversity-planning processes.
- 3.3. Those strengths do not, however, resolve the Draft's underlying conceptual and implementation weaknesses. Biodiversity is still treated predominantly in instrumental and economic terms, while conservation, use and biodiversity-economy expansion are insufficiently distinguished. The Draft does not adequately recognise Nature's intrinsic value; define conservation by measurable outcomes for indigenous species in the wild and their natural habitats; or protect animal well-being as an independent and enforceable requirement. It also does not adopt harmonious coexistence within Nature, which EMS proposes as a separate and additional operational principle requiring governance within ecological limits and respect for the wider community of life.
- 3.4. Since the previous NBSAP was adopted, biodiversity science, South African environmental jurisprudence and the scale of the biodiversity and climate crises have continued to evolve. Ecological integrity, animal sentience and well-being, intergenerational equity, ecological justice, precaution, transparency, accountability and the public-trust responsibilities of the State all have significant implications for biodiversity governance. Consistently with section 24(b)(iii) of the Constitution, the Strategy should refer to ecologically sustainable use, rather than treating "sustainable use" as an unqualified policy objective. Ecologically sustainable use may, where independently demonstrated, contribute to conservation objectives, but it is not itself a conservation outcome and must remain subject to ecological, animal well-being, ethical and public-interest limits.

- 3.5. EMS therefore offers these comments with the purpose of securing a more ecocentric, rights-based, precautionary, evidence-based and accountable Strategy. The submission focuses on the strategic issues that EMS considers most important, including the definition of conservation; ecological integrity and harmonious coexistence within Nature; animal sentience and well-being; species-specific evidentiary standards; human-wildlife coexistence; ecologically sustainable use; wildlife trade; biodiversity finance and offsets; protected and conserved areas and OECMs; participation and disclosure; and enforceable implementation. The objective is not merely to improve the administration of the existing framework, but to ensure that the final NBSAP is capable of transforming the systems and assumptions driving biodiversity loss and of delivering measurable improvements in ecological integrity, species recovery and animal well-being by 2030 and beyond.

4. Threshold procedural and drafting concerns

4.1. An incomplete draft inhibits meaningful participation

The gazetted document contains placeholders for the Ministerial foreword and executive summary, an unresolved cross-reference ('Error! Reference source not found'), inconsistent references to the NBSAP period (including 2026–2036), typographical defects, and an implementation section that expressly does not prescribe detailed processes or timelines. These are not merely cosmetic defects. The executive summary and implementation architecture are central to understanding the policy choices, priorities and intended legal-administrative consequences of a 10-year national strategy.

EMS RECOMMENDS: DFFE should correct and complete the document and disclose the missing implementation detail before adoption. If additions materially alter the strategy, targets, finance mechanisms or governance arrangements, the revised text should be re-published for a reasonable further period of public comment.

4.2. The consultation record should be transparent

The draft states that extensive feedback was grouped into twelve themes, but it does not publish a comments-and-responses report showing which submissions were accepted, partly accepted or rejected, and why. Grouping views at a high level can obscure minority, public-interest and non-market perspectives - particularly views challenging the dominant development model rather than proposing adjustments within it.

EMS RECOMMENDS: Publish the full consultation report, a stakeholder matrix, the criteria used to evaluate proposals, and reasoned responses to material submissions, including EMS's 2025 proposals on intrinsic value, Rights of Nature, Mother Earth-centred action, future generations and legal guardianship for Nature.

4.3. A 2035 strategy must not defer the KMGBF's 2030 urgency

The KMGBF is an action framework to 2030. The Draft NBSAP moves composite national targets to 2035. A longer domestic planning horizon may be administratively convenient, but it cannot lawfully or rationally be used to dilute, defer or rebase South Africa's 2030 commitments. A target that becomes measurable only in 2035 cannot demonstrate South Africa's contribution to halting and reversing biodiversity loss by 2030.

EMS RECOMMENDS: For every national target, add quantified 2027 and 2030 milestones, annual or biennial reporting dates, a named accountable authority, a baseline date, a budget, and a corrective-action trigger where progress is off track.

4.4. The emerging global review confirms the danger of weak implementation

The CBD Secretariat's revised draft global report on collective progress under the KMGBF, released for consideration in July 2026, is a warning directly relevant to this NBSAP: 22 of the 23 targets have not been met and the 2030 mission will not be achieved unless collective implementation accelerates rapidly.

The revised global report identifies two distinct failures: national plans and targets do not fully reflect the scope and ambition of the KMGBF, and implementation is insufficient even against those national commitments. This distinction matters. South Africa cannot cure an ambition gap with better reporting, nor cure an implementation gap with aspirational language. The NBSAP must be both commensurate with the global targets and capable of changing decisions, budgets and conduct immediately.

EMS RECOMMENDS: Include a target-by-target KMGBF alignment and delivery schedule as an annex to the NBSAP. For each global target, identify the corresponding South African target and action; explain any difference in scope or ambition; specify 2027 and 2030 milestones, baselines, budgets and indicators; and require a published annual scorecard with automatic corrective-action plans where progress is inadequate or evidence is missing.

5. The required paradigm shift: from natural capital to a community of life

5.1. Intrinsic value is missing

The Draft NBSAP recognises biodiversity's 'multiple values', but its operative language remains overwhelmingly anthropocentric: biodiversity is described as natural heritage, ecological infrastructure, a source of benefits and a basis for economic activity. This is not equivalent to recognising that species, animals and ecological communities have value in and of themselves, irrespective of their utility or exchange value to humans.

The KMGBF recognises diverse value systems and concepts, including Mother Earth and, for countries that recognise them, Rights of Nature. It also calls for transformative change in humanity's relationship with biodiversity. EMS's 2025 submission explained that biodiversity loss cannot be reversed while Nature is treated principally as property, stock, a service provider or capital available for extraction.

EMS RECOMMENDS: Insert an express principle that Nature and its constituent beings, species and ecological communities possess intrinsic value, and that ecological integrity and the continued flourishing of the community of life are ends in themselves, not merely means to human prosperity.

5.2. Earth jurisprudence and Mother Earth-centred action

EMS does not suggest that the NBSAP can, by itself, confer legal personhood on Nature. It can, however, direct policy development, institutional experimentation and funded pilot programmes. The failure even to acknowledge Mother Earth-centred action is especially concerning given the Draft NBSAP's extensive treatment of biodiversity finance and the KMGBF's recognition of funding for such approaches.

EMS RECOMMENDS: Add an action requiring DFFE, with Indigenous Peoples and local communities, civil society and independent experts, to investigate and report publicly by 2028 on South African pathways for Earth jurisprudence, ecological guardianship, intergenerational representation, bioregional governance and other Mother Earth-centred actions; and to identify pilot projects eligible for biodiversity finance.

5.3. EMS proposes ‘harmonious coexistence within Nature’ as an additional principle

The Draft NBSAP does not use or adopt the phrase ‘harmonious coexistence within Nature’. This submission draws the concept from South African civil society vision and strategy documents and proposes it for DFFE’s consideration as an addition to the NBSAP. ‘Within Nature’ emphasises that humanity is a member of an interconnected community of life, not an external manager of a collection of resources. On this approach, harmonious coexistence is not a static endpoint or a claim that all interests will never conflict. It is a continuing duty to organise law, policy, institutions and conduct so that human communities respect ecological limits, protect the freedom and flourishing of other beings, repair past harm, and choose options that contribute to - rather than diminish - the wider ecological community.

This conception is compatible with the KMGBF’s call for transformative change. It also exposes the weakness in importing the words ‘living in harmony with nature’ while leaving the underlying extractive and growth-centred governance model intact.

EMS RECOMMENDS: Consider adding and defining ‘harmonious coexistence within Nature’ as a new cross-cutting decision principle. If adopted, require every NBSAP work plan and major decision to explain whether it protects or restores ecological communities, processes and functions; respects the freedom of indigenous species to live and perform their ecological roles; avoids commodification and unjustified harm; and contributes to respectful relationships among human and other-than-human communities.

5.4. Ubuntu must extend beyond human benefit-sharing

The Draft NBSAP refers to Ubuntu principally in connection with inclusion, transformation and benefits. That is incomplete. Ubuntu is an understanding of interdependence, reciprocity, dignity, responsibility and respectful relationship extending across the community of life. Ubuntu should not be used merely to legitimise additional commercial access to wild animals. Its governance implications include restraint, care, relational accountability and repair.

EMS RECOMMENDS: Add an Ubuntu-based principle recognising the interdependence of human and non-human well-being and requiring reciprocity, restraint, care and responsibility towards ecological communities and sentient animals. Develop the principle collaboratively with diverse African knowledge holders and avoid presenting any single view as a universal or uncontested ‘African’ position.

5.5. Future generations

Although present and future generations appear in the vision and mission, the draft does not create an institutional mechanism to represent future interests or test irreversible and cumulative harm. Intergenerational equity must influence present decisions, especially where ecological thresholds, extinction risk and long-lived species are involved.

EMS RECOMMENDS: Require long-term and cumulative-impact assessments for policies and projects implemented under the NBSAP and establish an independent future-generations or ecological-interest voice within the NBSAP coordination mechanism.

5.6. Ecological trusteeship and longer-term legal transformation

The NBSAP should integrate currently fragmented environmental, biodiversity and animal-protection governance around ecological integrity, enforceable duties, sentience, habitat, accountability and future generations.

South African law already contains a public-trust foundation: NEMA provides that the environment is held in public trust and NEMBA places trusteeship responsibilities on the State in relation to biodiversity. The NBSAP should deepen the practical meaning of that trusteeship. A trustee does not own the trust object for exploitation; it must act loyally, prudently, transparently and for the purposes for which the trust exists. At minimum, ecological trusteeship should require the State to prevent irreversible harm, maintain ecological integrity, protect future interests, avoid conflicts between revenue generation and protection, and give reasons capable of public scrutiny.

EMS RECOMMENDS: Include a 2027–2030 law-reform action to investigate an integrated Ecological Responsibility framework for South Africa. The review should consider enforceable ecological duties for the State and private actors; recognition and representation of ecological interests; habitat and connectivity rights or duties; animal sentience and freedom to be wild; public-interest standing and remedies; institutional fragmentation; and specialist adjudicative or oversight capacity. This should be a transparent, participatory process and should not delay immediate action under existing law.

6. Constitutional and legal framework

The NBSAP must be implemented consistently with section 24 of the Constitution, the environmental-management principles in section 2 of NEMA, and the State's trusteeship obligations under section 3 of NEMBA. Conservation and ecologically sustainable development are constitutional duties, not discretionary benefits to be balanced away whenever commercial use is proposed. NEMA requires risk-averse and cautious decision-making, environmental justice, participation, accountability, consideration of all relevant factors and avoidance or minimisation of harm.

A discernible line of authority has developed across the Supreme Court of Appeal, the Constitutional Court and the High Courts. It establishes that sentience and the intrinsic value of animals are legally relevant; that animal welfare and conservation are intertwined constitutional values; and that biodiversity decision-makers may not treat well-being as foreign to their mandates. The principal authorities are set out below.

6.1. NSPCA v Openshaw: sentience and a constitutional ethic of care

In *National Council of Societies for the Prevention of Cruelty to Animals v Openshaw* (462/07) [2008] ZASCA 78; 2008 (5) SA 339 (SCA), Cameron JA's minority judgment explained that animal-protection statutes recognise animals as sentient beings capable of suffering and experiencing pain. The judgment located their protection within a broader constitutional transformation towards a more caring attitude to humans, animals and the environment (particularly paras 38–40 and 47). Because this was a dissent, it should not be presented as the ratio of the SCA. Its importance is that its reasoning was subsequently drawn upon and developed by the unanimous Constitutional Court in the 2016 NSPCA case.

6.2. S v Lemthongthai: the SCA links animal welfare, conservation and section 24

In *S v Lemthongthai* (849/2013) [2014] ZASCA 131; 2015 (1) SACR 353 (SCA), the Court dealt with a fraudulent rhino-hunting scheme used to procure rhino horn for the illegal international market. At paragraph 20, the Judges rejected an understanding of wild animals as mere economic objects. The Court affirmed the duty to protect and conserve biodiversity for present and future generations and described animal welfare as reflecting how a constitutional community treats sentient beings capable of suffering and experiencing pain. It also approved the movement in the cases towards recognising the intrinsic value of animals as individuals.

Lemthongthai is important beyond sentencing and rhino crime. It shows that the section 24 conservation obligation and concern for the lived experience of individual animals are not mutually exclusive. Both form part of responsible wildlife governance.

6.3. NSPCA v Minister of Justice: the Constitutional Court’s binding synthesis

The leading authority is *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC), a unanimous judgment of Khampepe J. The Court gave an authoritative account of the constitutional importance of animal protection (paras 56–62).

- At paragraph 56, the Court recorded the development from protecting animals only because cruelty degrades human moral character towards placing intrinsic value on animals as individuals.
- At paragraph 57, it relied on *Lemthongthai* and connected the protection of animals with the constitutional duty to protect the environment for present and future generations.
- At paragraph 58, it held that animal welfare and animal conservation reflect ‘two intertwined values’. This is the clearest answer to any suggestion that well-being lies outside biodiversity policy.
- At paragraphs 59–61, the Court explained that animal welfare is connected to section 24 and that preventing unnecessary cruelty is a legal and constitutional objective in itself and not merely a means of protecting human sensibilities.

6.4. NSPCA v Minister of Environmental Affairs: well-being is a mandatory biodiversity consideration

In *National Council of Societies for the Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others* (86515/2017) [2019] ZAGPPHC 337; 2020 (1) SA 249 (GP), the High Court reviewed the Minister’s 2017 and 2018 quotas for the export of lion skeletons. The Court held that the Minister could not determine a quota under the biodiversity framework while disregarding the welfare conditions in which captive lions were bred and kept. Relying on the Constitutional Court’s jurisprudence, it treated welfare and conservation as intertwined and concluded that the failure to take welfare into account rendered the quota-setting process unlawful and constitutionally deficient.

This decision is particularly important for the Draft NBSAP’s sustainable-use and biodiversity-economy theme. It demonstrates that a decision concerning trade volumes or species-level conservation cannot lawfully be isolated from the well-being conditions that produce the traded animals or derivatives. Economic and trade measures require a whole-chain well-being assessment.

6.5. Consequences for the NBSAP

Taken together, the authorities require more than the Draft NBSAP's proposal that sustainable-use practices should merely 'consider' well-being and humane practices. The jurisprudence supports the following propositions:

- animal well-being and conservation are legally interconnected and must be integrated across biodiversity governance;
- sentience and the intrinsic value of animals as individuals are relevant to the purpose and interpretation of protective legislation;
- section 24 is not concerned only with species numbers, economic use or ecosystem services;
- trade, quota, permitting and management decisions must consider the actual well-being conditions and consequences associated with the activity;
- well-being measures must be evidence-based, rationally connected to their purpose and supported by adequate reasons; and
- effective enforcement and institutional standing are essential because animals cannot vindicate protection without human representatives and capable public bodies.

EMS RECOMMENDS: Replace the cursory legal framing with an express jurisprudential foundation citing Openshaw, Lemthongthai, the Predator Breeders cases, NSPCA v Minister of Justice, and the lion-bone quota judgment. Add section 24, NEMA's section 2 principles, NEMBA trusteeship, animal sentience and well-being to the NBSAP's governing framework and cross-cutting principles. Require a written constitutional, ecological and well-being assessment for every strategy, permit system, quota, trade measure and funded programme adopted under the NBSAP.

7. Animal well-being must be a cross-cutting, measurable commitment

EMS welcomes the action in section 5.6 that sustainable-use practices should 'consider animal well-being and humane practices to give effect to a duty of care'. The formulation is nevertheless materially inadequate:

- 'Consider' imposes no outcome and permits well-being to be acknowledged but overridden without justification.
- Locating well-being only under sustainable use excludes conservation interventions, capture, transport, translocation, confinement, conflict responses, research, rehabilitation, breeding, population control and enforcement activities.
- The action has no definition, standard, baseline, indicator, reporting duty or independent audit mechanism.
- Assigning welfare organisations and industry bodies together as support actors creates a risk that commercial interests will shape the standard applied to the animals affected.

EMS RECOMMENDS: Replace 'consider animal well-being and humane practices' with a binding cross-cutting requirement to protect and progressively improve the physical and mental well-being of sentient animals; prevent avoidable pain, fear, distress, injury and social disruption; use the least

harmful feasible method; and prohibit practices whose ecological or welfare harms cannot be prevented or justified.

Required element	Minimum content
Cross-cutting principle	Animal sentience, agency, sociality and species-specific behavioural needs must inform all decisions.
Decision test	Necessity, proportionality, precaution, cumulative impact, alternatives and least-harm assessment.
Indicators	Mortality, injury, capture and intervention rates; method used; duration; repeat interventions; dependent-young impacts; independent welfare findings.
Transparency	Publish permits, protocols, incident data, veterinary reports, mortalities and corrective actions, subject only to lawful and narrowly tailored redactions.
Oversight	Independent animal-well-being expertise with no financial interest in the activity assessed.

7.1. The NBSAP should require a Wild Animal Well-being Regulatory Programme

The Draft NBSAP's weak well-being action is particularly difficult to justify because the legislative foundation for concrete action already exists. Following the National Environmental Management Laws Amendment Act, NEMBA expressly requires consideration of animal well-being in biodiversity management, conservation and sustainable use. Section 9A empowers the Minister, by Gazette notice and subject to conditions, to prohibit an activity that may negatively affect the well-being of an animal. Section 97(1)(aA) empowers the Minister to make regulations relating to animal well-being. DFFE has itself relied on section 9A in developing prohibitions concerning activities involving captive lions.

The NBSAP need not wait for a replacement Biodiversity Act or a new animal-welfare statute.

EMS RECOMMENDS: Insert a specific NBSAP action requiring DFFE to develop, consult on, finalise and implement comprehensive Wild Animal Well-being Regulations under NEMBA by 2028, preceded by an implementation roadmap within 12 months of adoption of the NBSAP. The process must involve independent animal-well-being expertise, civil society, Indigenous Peoples and local communities, provincial authorities, enforcement bodies and other affected stakeholders, with conflicts of interest disclosed and managed.

8. Strategic leadership, vision, mission and governance principles

8.1. General strategic comments

8.1.1. The NBSAP should provide strategic leadership rather than primarily consolidate existing policy

8.1.1.1. EMS recognises that the Draft NBSAP has been developed within the framework established by the Convention on Biological Diversity, the Kunming-Montreal Global Biodiversity Framework and the White Paper on the Conservation and Sustainable Use of

South Africa's Biodiversity. The Strategy appropriately seeks to align national biodiversity planning with these existing policy instruments.

- 8.1.1.2. However, EMS submits that a National Biodiversity Strategy should perform a broader strategic function than simply consolidating existing policy positions. As South Africa's principal biodiversity planning instrument for the coming decade, the NBSAP should provide strategic leadership capable of responding to new scientific evidence, evolving constitutional jurisprudence, changing environmental conditions and emerging governance challenges.
- 8.1.1.3. Biodiversity governance has developed considerably since the previous NBSAP was adopted. Climate change has intensified ecological pressures, biodiversity science has increasingly emphasised resilience and ecological connectivity, and South African environmental jurisprudence has continued to develop important principles relating to environmental rights, administrative justice and the public trust responsibilities of the State. These developments provide an opportunity for the NBSAP to establish a forward-looking strategic framework that not only implements existing policy but also guides its future evolution.
- 8.1.1.4. EMS therefore recommends that the final NBSAP more clearly distinguish between those elements that reflect existing government policy and those that establish the strategic direction necessary to address future biodiversity challenges. Doing so would strengthen the document's role as a living national strategy capable of guiding adaptive biodiversity governance over the next decade.

8.1.2. Biodiversity governance should be more firmly grounded in constitutional principles

- 8.1.2.1. The draft appropriately recognises biodiversity as fundamental to South Africa's environmental, social and economic well-being. However, EMS considers that the Strategy would be strengthened by a more explicit articulation of the constitutional principles that underpin biodiversity governance.
- 8.1.2.2. Section 24 of the Constitution establishes environmental protection not merely as a policy objective but as a constitutional obligation. The State therefore acts not simply as a manager of biodiversity resources but as a trustee acting on behalf of present and future generations. The implementation of the NBSAP should consistently reflect this constitutional responsibility.
- 8.1.2.3. EMS recommends that the Strategy more explicitly incorporate principles of accountability, transparency, public participation, precaution and intergenerational equity throughout the implementation framework. These principles are already embedded within South African environmental law and would provide a stronger governance foundation for many of the actions proposed in the Strategy.
- 8.1.2.4. Such an approach would also improve policy coherence by linking biodiversity conservation more directly with constitutional governance, rather than presenting biodiversity primarily as an environmental management function.

8.1.3. The Strategy should better integrate ethics alongside science

- 8.1.3.1. The draft is firmly grounded in contemporary biodiversity science and appropriately relies upon the National Biodiversity Assessment as the principal evidence base for understanding the condition of South Africa's biodiversity. This scientific foundation is one of the Strategy's major strengths.

- 8.1.3.2. At the same time, biodiversity governance increasingly requires decisions that cannot be resolved by scientific evidence alone. Questions concerning wildlife management, ecological restoration, species conservation, human-wildlife coexistence and biodiversity utilisation inevitably involve ethical judgments alongside ecological and socio-economic considerations.
- 8.1.3.3 EMS therefore recommends that the final Strategy acknowledge that effective biodiversity governance depends upon the integration of scientific evidence, constitutional values and ethical decision-making. Recognising these complementary dimensions would strengthen the legitimacy of biodiversity policy while providing clearer guidance where competing objectives require careful balancing.

8.1.4. The Strategy should recognise the intrinsic value of biodiversity more explicitly

- 8.1.4.1. EMS welcomes the draft NBSAP's recognition that biodiversity underpins ecosystem functioning, water security, food systems, climate resilience, economic development and human well-being. The Strategy appropriately highlights the many ecological, social and economic benefits that biodiversity provides to South African society.
- 8.1.4.2. However, throughout the draft these values are presented predominantly in instrumental terms. Biodiversity is repeatedly justified because it contributes to economic growth, livelihoods, ecosystem services, tourism, climate adaptation and human development. These are important considerations and should remain central to national biodiversity policy. Nevertheless, they do not fully capture why biodiversity warrants protection.
- 8.1.4.3. EMS recommends that the final Strategy also recognise the intrinsic value of biodiversity. Species, ecological communities and ecosystems possess value beyond the benefits they provide to people. Their conservation is not solely justified because they support economic activity or human well-being, but because they constitute unique expressions of life's diversity that deserve protection in their own right.
- 8.1.4.4. Recognition of intrinsic value does not diminish the importance the contribution that biodiversity makes to society. Rather, it broadens the ethical foundation of biodiversity governance by recognising that conservation decisions should not be determined exclusively by utilitarian considerations. Such an approach is increasingly reflected in international conservation policy, ecological ethics and constitutional environmental governance.
- 8.1.4.5. Strengthening this dimension of the Strategy would also reinforce the precautionary approach that underpins South African environmental law. Where biodiversity is recognised as possessing intrinsic value, conservation measures are more likely to prioritise ecological integrity and long-term resilience even where immediate economic benefits may appear attractive.
- 8.1.4.6 The Foundation therefore recommends that the Vision, Mission and Principles sections of the final NBSAP be revised to acknowledge explicitly that biodiversity possesses intrinsic value, and that it should inform implementation across all thematic areas of the Strategy.

8.1.5. The Strategy should better reflect developments concerning animal sentience and well-being

- 8.1.5.1. EMS further considers that the draft NBSAP would benefit from a more explicit recognition of developments concerning animal sentience and well-being within South African environmental governance.

- 8.1.5.2. The Strategy appropriately adopts an ecosystem approach and focuses primarily on the conservation of species, habitats and ecological processes. This emphasis is consistent with the objectives of the Convention on Biological Diversity and should remain central to the final document. However, biodiversity conservation increasingly operates within a broader ethical and legal context that recognises animals as sentient beings whose treatment is relevant to environmental governance.
- 8.1.5.3. Over the past decade, South African jurisprudence has progressively recognised that the treatment of animals cannot be regarded as entirely separate from constitutional environmental values. The courts have increasingly acknowledged the relationship between biodiversity conservation, animal welfare, ethical governance and the constitutional commitment to an environment protected for present and future generations. These developments represent an important evolution in environmental law that is not yet reflected in the draft Strategy.
- 8.1.5.4. Recognising animal sentience does not require the NBSAP to abandon ecosystem-based conservation, nor does it elevate the interests of individual animals above ecological considerations. Rather, it encourages decision-makers to recognise that biodiversity governance should seek outcomes that protect ecological integrity while, wherever reasonably possible, avoiding unnecessary suffering and respecting the well-being of individual wild animals.
- 8.1.5.5. This perspective is particularly relevant to decisions concerning wildlife management, translocations, population interventions, invasive species control, captive breeding, research, rehabilitation and responses to human-wildlife interactions. Although these matters are addressed elsewhere through legislation and policy, the NBSAP provides the overarching strategic framework within which such decisions are made. It should therefore acknowledge that ecological effectiveness and ethical responsibility are complementary rather than competing objectives.
- 8.1.5.6. EMS recommends that the final Strategy explicitly recognise animal sentience and well-being as important considerations within biodiversity governance and acknowledge the evolving constitutional and jurisprudential context in which biodiversity policy is implemented. Doing so would strengthen the Strategy's ethical coherence while better aligning it with contemporary developments in South African environmental law.

8.1.6 The NBSAP should define conservation and distinguish it from wildlife use and commercial management

- 8.1.6.1. The Draft NBSAP repeatedly uses the term “conservation” but does not define it with sufficient precision. This creates a material risk that activities involving wildlife - including captive breeding, intensive management, hunting, trade, extraction and other commercial uses - may be described as conservation merely because they generate revenue, maintain animals under human control or are claimed to create incentives for protecting biodiversity.
- 8.1.6.2. The use of the conservation label cannot determine whether an activity is, in fact, conservation. The classification must depend upon the activity's primary purpose, methods and independently verifiable ecological outcomes. Without a clear definition, conservation may be conflated with utilisation, wildlife production, commercial management or the maintenance of commercially valuable animals. This risks allowing economic activity to be reported as conservation success without evidence that it protects ecological integrity or contributes to the recovery and persistence of indigenous species in the wild.

8.1.6.3. The final NBSAP should adopt the following definition: *“Conservation” means the protection, maintenance, recovery and restoration of biodiversity in its natural ecological context, with the primary purpose of securing ecological integrity and the long-term persistence of viable, genetically diverse, self-sustaining and ecologically functional populations of indigenous species in the wild.*

8.1.6.4. For an activity to qualify as conservation:

- a. its primary purpose must be ecological protection, maintenance, recovery or restoration;
- b. its principal benefit must accrue to indigenous species in the wild and their natural habitats;
- c. its outcomes must be measurable, additional, durable and independently verifiable; and
- d. commercial activity, legality, revenue generation or the maintenance of animal numbers under human control must not, by themselves, be treated as evidence of conservation.

8.1.6.5. Conservation includes the protection and restoration of habitats, ecological processes, connectivity and relationships between species. It must recognise the intrinsic value of Nature and the sentience and well-being of individual wild animals. Conservation interventions must be precautionary, evidence-based and directed towards demonstrable improvements in the condition of species, populations and ecosystems.

8.1.6.6. An activity does not constitute conservation merely because it involves wildlife, generates revenue from wildlife, maintains animals in captivity or within intensively managed systems, breeds or trades animals, produces hunting income, protects commercially valuable specimens, or is described by its operator as contributing to conservation.

8.1.6.7. Commercial use, captive breeding, trade, hunting, translocation, population manipulation or other wildlife management should be characterised as conservation only where independent and publicly accessible evidence demonstrates that the activity:

- is necessary for a clearly identified conservation purpose
- makes a measurable net contribution to the recovery or long-term persistence of indigenous species in the wild
- protects or restores the ecological integrity of the relevant natural habitats
- does not displace or undermine in-situ conservation
- satisfies species-appropriate animal well-being, necessity, proportionality and least-harm requirements
- produces conservation benefits greater than its direct, indirect and cumulative ecological and animal well-being harms.

8.1.6.8. Economic value, legal compliance, the maintenance of animal numbers under human control or the continued availability of animals for commercial use must not be treated as proxies for conservation. Where an activity’s principal purpose or outcome is production, extraction, trade, recreation or private profit, it should be described and assessed as a use of biodiversity—not presumed to be conservation.

8.1.6.9. The EMS Foundation recommends that the final NBSAP adopt a clear, outcome-based definition of conservation and apply it consistently across all targets, indicators, policies and implementation measures. The Strategy should expressly distinguish conservation from wildlife use, production, trade and commercial management and should require any claimed conservation benefit to be additional, demonstrable, independently verified and directed principally towards indigenous species in the wild and the ecological integrity of their natural habitats.

8.1.7. Ecologically sustainable use should be implemented within a stronger precautionary and evidence-based framework

- 8.1.7.1. EMS recognises that, where appropriately regulated and supported by robust scientific evidence, certain forms of biodiversity use may contribute to conservation objectives and rural livelihoods.
- 8.1.7.2. EMS nevertheless considers that the draft NBSAP would benefit from a more nuanced treatment of sustainable use throughout the Strategy. In several sections, sustainable use and the biodiversity economy are presented as inherently positive conservation outcomes, with relatively little acknowledgement of the scientific uncertainty, governance challenges and ethical considerations that frequently accompany consumptive uses of biodiversity. This is particularly relevant given the Strategy's emphasis on expanding the biodiversity economy as one of its principal implementation pathways.
- 8.1.7.3. The long-term conservation benefits of consumptive wildlife use cannot be assumed. Rather, they should be demonstrated through transparent, independently verifiable evidence that such activities contribute positively to biodiversity conservation, ecological resilience and the recovery of species and ecosystems. Where such evidence is limited, contested or absent, the precautionary principle should guide policy and management decisions.
- 8.1.7.4. EMS therefore recommends that the Strategy place greater emphasis on the conditions necessary for sustainable use to contribute meaningfully to biodiversity conservation. These include robust scientific monitoring, independent evaluation, transparent reporting, effective compliance and enforcement, adaptive management, and periodic review against measurable biodiversity outcomes. Without these safeguards there is a risk that sustainable use becomes an objective in itself rather than a means of achieving biodiversity conservation.
- 8.1.7.5. The Strategy should also recognise that ecological sustainability, economic viability and ethical acceptability are distinct considerations. Demonstrating that a particular activity is biologically sustainable does not, in itself, establish that it is socially equitable, ethically justified or consistent with broader constitutional principles. Effective biodiversity governance requires that these dimensions be considered together rather than interchangeably.
- 8.1.7.6. Accordingly, EMS recommends that references throughout the NBSAP to sustainable use and the biodiversity economy be consistently framed within the broader objectives of ecological integrity, precaution, transparency and adaptive governance. This would strengthen the Strategy by ensuring that biodiversity use remains demonstrably subordinate to the overarching objective of conserving biodiversity.

8.1.8. Ecological integrity should be recognised as the overriding principle of the National Biodiversity Strategy and Action Plan

- 8.1.8.1. EMS recommends that the final NBSAP explicitly recognise the maintenance and restoration of ecological integrity as the overarching principle guiding the interpretation and implementation of the Strategy.
- 8.1.8.2. The draft consistently identifies biodiversity conservation as its central objective and acknowledges the increasing pressures facing South Africa's ecosystems, species and ecological processes. It further recognises that climate change, habitat transformation, pollution, invasive alien species and unsustainable biological resource use continue to undermine biodiversity across terrestrial, freshwater, estuarine and marine environments.

- 8.1.8.3. However, while ecological integrity is referred to throughout the document, it is not established as the primary principle against which strategic decisions should be assessed. EMS considers this to be a significant omission.
- 8.1.8.4. National biodiversity strategies inevitably seek to advance multiple objectives simultaneously, including biodiversity conservation, sustainable development, climate resilience, livelihood support, ecosystem restoration and economic participation. These objectives are often complementary but may also conflict. In the absence of an explicit interpretive principle, decision-makers are provided with limited guidance regarding how competing objectives should be reconciled when trade-offs become unavoidable.
- 8.1.8.5. EMS therefore recommends that the NBSAP explicitly state that maintaining and restoring ecological integrity constitutes the primary objective of biodiversity governance and should guide the interpretation and implementation of all actions contained within the Strategy.
- 8.1.8.6. Recognising ecological integrity as the overriding principle would not diminish the importance of sustainable development, biodiversity-based livelihoods or the biodiversity economy. Rather, it would clarify that these activities derive their legitimacy from their contribution to biodiversity conservation and ecological resilience, rather than existing as parallel objectives of equal weight irrespective of ecological outcomes.
- 8.1.8.7. Such an approach would strengthen consistency across the Strategy. It would provide clearer guidance for policy development, implementation, environmental authorisations, protected area management, species conservation, restoration programmes and biodiversity utilisation by ensuring that all interventions are ultimately evaluated according to whether they maintain or improve ecological integrity.
- 8.1.8.8. This recommendation is also consistent with the precautionary approach embedded within South African environmental law. Where uncertainty exists regarding the long-term ecological consequences of a particular activity or intervention, priority should be afforded to maintaining the structure, functioning, diversity and resilience of ecosystems until sufficient evidence demonstrates that biodiversity values will not be compromised.
- 8.1.8.9. Finally, recognising ecological integrity as the Strategy's overarching principle would strengthen South Africa's implementation of the Kunming-Montreal Global Biodiversity Framework by ensuring that national biodiversity policy remains focused on the fundamental objective of halting and reversing biodiversity loss. It would provide a coherent interpretive framework capable of guiding biodiversity governance across sectors while improving consistency, accountability and transparency throughout implementation.
- 8.1.8.10. EMS recommends that the Vision, Principles or Implementation Framework of the final NBSAP include an explicit statement to the following effect:
- “The maintenance and restoration of ecological integrity shall constitute the overarching principle guiding the interpretation and implementation of this National Biodiversity Strategy and Action Plan. All actions undertaken pursuant to this Strategy should demonstrably contribute to the long-term conservation, resilience and recovery of South Africa's biodiversity.”*

8.1.9. Strengthening governance, accountability and implementation

- 8.1.9.1. EMS welcomes the draft NBSAP's strong emphasis on implementation and its recognition that previous biodiversity strategies have been constrained by inconsistent monitoring, uneven implementation and declining real investment in biodiversity conservation. The

Strategy correctly identifies these institutional challenges as significant obstacles to achieving national biodiversity objectives.

- 8.1.9.2. EMS nevertheless considers that the implementation framework would benefit from stronger provisions concerning accountability, institutional responsibility and independent evaluation. Successful biodiversity governance depends not only upon clearly articulated objectives but also upon transparent mechanisms for assessing whether those objectives are being achieved.
- 8.1.9.3. The review of the previous NBSAP is particularly instructive. Although substantial progress was made in several areas, the draft notes that many outcomes remained only partially achieved or could not be adequately assessed because monitoring systems were insufficient or inconsistent. This highlights the importance of establishing robust governance mechanisms alongside ambitious policy objectives.
- 8.1.9.4 EMS therefore recommends that the implementation chapter provide greater clarity regarding institutional responsibilities for delivery, performance monitoring and public accountability. Wherever national targets are established, responsibility for implementation should be clearly assigned, accompanied by measurable indicators, defined reporting intervals and publicly accessible progress reporting.
- 8.1.9.5. EMS further recommends that implementation be guided by the principles of adaptive governance. Biodiversity conservation operates within dynamic ecological, climatic and socio-economic systems. The Strategy should therefore explicitly provide for the periodic review of implementation measures in light of new scientific evidence, monitoring outcomes and changing environmental conditions. Adaptive management should not simply apply to ecological interventions but also to policy implementation itself.
- 8.1.9.6. Transparent public reporting will be essential to maintaining confidence in the Strategy. EMS recommends that implementation reports be published at regular intervals using standardised indicators that enable meaningful assessment of progress over time. Public reporting should extend beyond describing activities undertaken and should evaluate whether biodiversity outcomes are actually improving.
- 8.1.9.7. Finally, EMS recommends that the Strategy more explicitly recognise accountability as a core principle of biodiversity governance. Effective implementation requires more than coordination between institutions; it also requires clear lines of responsibility, transparent decision-making and mechanisms through which implementation can be independently evaluated and, where necessary, improved.

8.1.10. Transparency should be recognised as a strategic objective

- 8.1.10.1. EMS further recommends that transparency be strengthened throughout the Strategy as a fundamental component of effective biodiversity governance.
- 8.1.10.2. Public confidence in biodiversity institutions depends upon timely access to information, clear decision-making processes and meaningful opportunities for participation. While the draft appropriately promotes knowledge sharing and stakeholder engagement, transparency itself receives comparatively little attention as a strategic objective.
- 8.1.10.3. EMS recommends that the final NBSAP explicitly encourage the routine publication of biodiversity information, management decisions, monitoring data and implementation reports wherever appropriate. Open access to biodiversity

information supports scientific collaboration, improves public trust and facilitates independent evaluation of conservation outcomes.

- 8.1.10.4. Greater transparency would also strengthen adaptive governance by enabling researchers, civil society organisations, local communities and other stakeholders to contribute constructively to implementation. In doing so, the Strategy would reinforce the constitutional principles of openness, accountability and participatory environmental governance that underpin South Africa’s environmental legal framework.
- 8.1.10.5. Importantly, transparency should not be regarded solely as an administrative obligation but as an essential mechanism for improving biodiversity conservation itself. Better information leads to better decision-making, stronger public confidence and more effective conservation outcomes.

8.1.11. Adaptive governance requires independent review and continuous learning

- 8.1.11.1. EMS welcomes the draft NBSAP’s recognition that effective biodiversity governance requires monitoring, evaluation and adaptive implementation. The review of the previous National Biodiversity Strategy demonstrates that biodiversity governance is a dynamic process requiring continual assessment and refinement rather than the static implementation of predetermined actions.
- 8.1.11.2. EMS nevertheless considers that the draft would benefit from a stronger institutional mechanism for evaluating the implementation of the Strategy itself.
- 8.1.11.3. The NBSAP establishes an ambitious ten-year framework at a time of unprecedented ecological, climatic and socio-economic change. During this period, scientific understanding will continue to evolve, new biodiversity pressures will emerge, implementation challenges will become apparent, and opportunities for improving conservation outcomes will inevitably arise. Effective biodiversity governance therefore requires institutions that are capable of learning from implementation and adapting accordingly.
- 8.1.11.4. EMS recommends that the final NBSAP include a commitment to a structured mid-term review of the Strategy, undertaken approximately five years after its adoption. Such a review should evaluate not only whether actions have been completed, but whether those actions are demonstrably contributing to improved biodiversity outcomes, ecological integrity and progress towards national biodiversity targets.
- 8.1.11.5. Importantly, the review should extend beyond administrative reporting and include an assessment of the assumptions underpinning the Strategy. Where evidence indicates that particular interventions are proving ineffective, producing unintended consequences or failing to achieve conservation objectives, the implementation framework should provide for their revision.
- 8.1.11.6. EMS further recommends that the review process include broad participation from government departments, scientific institutions, provincial conservation authorities, civil society organisations, Indigenous Peoples and Local Communities, private landowners and other relevant stakeholders. Such an inclusive process would strengthen both the scientific robustness and the public legitimacy of any subsequent revisions to implementation.
- 8.1.11.7. Adaptive governance is now widely recognised as a defining characteristic of effective environmental management. Incorporating a formal learning and review

mechanism within the NBSAP would enhance institutional resilience, improve accountability and increase the likelihood that the Strategy remains effective throughout its implementation period despite changing environmental and policy conditions.

- 8.1.11.8. *EMS recommends that the Implementation Framework include a commitment to an independent mid-term review of the National Biodiversity Strategy and Action Plan, undertaken approximately five years after adoption, with the findings published for public comment and used to inform any necessary revisions to implementation priorities, indicators and actions.*

8.2. Vision, mission and principles

8.2.1. Vision and Mission

- 8.2.1.1. EMS welcomes the Vision and Mission contained within the draft NBSAP and supports their emphasis on reversing biodiversity loss, strengthening ecological resilience and implementing the objectives of the Convention on Biological Diversity and the Kunming-Montreal Global Biodiversity Framework.
- 8.2.1.2. EMS nevertheless considers that the Vision and Mission could provide stronger strategic direction by more clearly articulating the fundamental purpose of biodiversity governance.
- 8.2.1.3. Throughout the Strategy, biodiversity is described as underpinning economic development, livelihoods, ecosystem services, climate resilience and human well-being. However, the Vision would be strengthened by explicitly acknowledging that biodiversity also possesses intrinsic value and that its conservation constitutes a public responsibility extending beyond its economic or utilitarian benefits.
- 8.2.1.4. EMS therefore recommends that the Vision recognise biodiversity as South Africa's shared natural heritage, possessing ecological, cultural and intrinsic value that should be conserved for present and future generations. Such wording would more fully reflect both contemporary conservation thinking and the constitutional commitment to environmental protection.
- 8.2.1.5. The Mission could likewise be strengthened by explicitly recognising that the implementation of the Strategy should maintain and restore ecological integrity through transparent, evidence-based and adaptive governance. This would provide clearer strategic direction for the implementation chapters that follow.

8.2.2. Ecological integrity should become an explicit guiding principle

- 8.2.2.1. EMS welcomes the inclusion of guiding principles within the draft NBSAP. Principles play an important role in ensuring that implementation remains consistent across diverse sectors, institutions and biodiversity programmes.
- 8.2.2.2. EMS nevertheless considers that the Principles section would benefit from explicitly identifying ecological integrity as the organising principle of the Strategy.
- 8.2.2.3. The NBSAP advances a wide range of legitimate public objectives, including biodiversity conservation, ecological restoration, climate resilience, sustainable development, livelihoods, biodiversity-based economic opportunities and social inclusion. While these objectives will often reinforce one another, circumstances inevitably arise in which trade-offs are required.
- 8.2.2.4. The Strategy currently provides limited guidance regarding how such competing objectives should be reconciled.

8.2.2.5. EMS recommends that ecological integrity be recognised as the primary interpretive principle guiding implementation of the NBSAP. This would establish a coherent decision-making framework whereby biodiversity-related actions are assessed according to their contribution to maintaining or restoring ecosystem structure, ecological functioning, species diversity and long-term ecological resilience.

8.2.2.6. Importantly, recognising ecological integrity as the organising principle does not diminish the importance of social justice, economic development or community participation. Rather, it clarifies that these objectives should be pursued in ways that strengthen, rather than compromise, biodiversity conservation.

8.2.2.7. EMS therefore recommends that the Principles section include a specific principle stating that: *The maintenance and restoration of ecological integrity should guide the interpretation and implementation of all objectives and actions contained within the National Biodiversity Strategy and Action Plan*. Such an addition would significantly strengthen policy coherence throughout the Strategy.

8.2.3. Strengthening the Principles of Good Biodiversity Governance

8.2.3.1. EMS further recommends that the Principles section be expanded to include a clearer articulation of the governance principles that should underpin implementation of the NBSAP.

8.2.3.2. Although various governance concepts appear throughout the document, they are not consistently expressed as guiding principles applicable across the Strategy.

8.2.3.3. The Foundation recommends that consideration be given to incorporating explicit principles relating to:

- ecological integrity
- precaution where scientific uncertainty exists
- transparency and open access to biodiversity information
- accountability for biodiversity outcomes
- adaptive governance informed by monitoring and evaluation
- meaningful public participation in biodiversity decision-making
- intergenerational equity
- recognition of biodiversity as part of the national environmental public trust.

8.2.3.4. Collectively, these principles would provide decision-makers with a more coherent framework for interpreting and implementing the Strategy while remaining fully consistent with the constitutional and legislative framework governing biodiversity conservation in South Africa.

8.2.4. Biodiversity governance should reflect contemporary environmental jurisprudence

8.2.4.1. Since the previous NBSAP was adopted, South African environmental jurisprudence has continued to evolve, particularly concerning the relationship between environmental protection, administrative justice, public participation and the constitutional obligation to protect biodiversity for present and future generations. EMS recommends that the final NBSAP acknowledge these developments more explicitly within the Principles section.

8.2.4.2. Recognising the constitutional dimensions of biodiversity governance would reinforce the Strategy's status as South Africa's principal biodiversity policy while strengthening the legal coherence of subsequent implementation measures.

8.2.4.3. This need not require extensive revision. A concise statement recognising that implementation of the Strategy should be consistent with constitutional environmental rights, administrative justice and the public trust responsibilities of the State would provide valuable strategic guidance for all institutions responsible for biodiversity governance.

8.2.5. Recommendation: Adoption of Five Cross-Cutting Principles for Biodiversity Governance

8.2.5.1. EMS welcomes the inclusion of guiding principles within the draft NBSAP. Principles provide the interpretive framework through which the Strategy is implemented and should therefore guide decision-making across all objectives, actions and institutions responsible for biodiversity governance.

8.2.5.2. EMS nevertheless considers that the current Principles section could be strengthened by articulating a concise set of overarching governance principles that apply consistently throughout the Strategy. While the draft refers to a range of important concepts - including mainstreaming, participation, collaboration and implementation - these are presented largely as approaches to delivery rather than as normative principles to guide decision-making.

8.2.5.3. The Foundation therefore recommends that the final NBSAP adopt five cross-cutting principles that collectively provide a coherent framework for interpretation and implementation.

Principle 1: Ecological Integrity

The maintenance and restoration of ecological integrity should constitute the organising principle of the NBSAP. All actions undertaken pursuant to the Strategy should demonstrably contribute to the long-term conservation, resilience and recovery of South Africa's biodiversity. This principle would provide a clear framework for resolving situations where competing objectives require balancing by ensuring that biodiversity conservation remains the central purpose of the Strategy.

Principle 2: Precaution

Where scientific uncertainty exists regarding the biodiversity consequences of a proposed policy, programme or intervention, decision-making should favour the protection of biodiversity and ecological resilience until sufficient evidence demonstrates that adverse impacts are unlikely. This principle reflects established environmental governance principles and is particularly important in the context of accelerating biodiversity loss, climate change and increasing ecological uncertainty.

Principle 3: Transparency and Accountability

Implementation of the NBSAP should be characterised by openness, evidence-based decision-making, regular public reporting and clear institutional accountability for biodiversity outcomes. Public confidence in biodiversity governance depends upon transparent institutions that are willing to explain decisions, publish monitoring information and evaluate implementation against measurable conservation objectives.

Principle 4: Adaptive Governance

Implementation of the Strategy should be informed by continuous learning, scientific monitoring and periodic review. Biodiversity governance should remain sufficiently flexible to respond to new scientific evidence, changing environmental conditions and lessons arising from implementation. Adaptive governance recognises that biodiversity conservation is a dynamic process requiring continual refinement rather than static policy implementation.

Principle 5: Environmental Justice

Implementation of the Strategy should promote fairness, meaningful participation, intergenerational equity and respect for the constitutional environmental rights of present and future generations. Biodiversity governance should seek equitable conservation outcomes while recognising the diverse interests, knowledge systems and responsibilities of all sectors of society.

8.2.5.4. EMS recommends that Chapter 4.4 (Principles) be revised to include a concise set of overarching governance principles applicable across all chapters of the National Biodiversity Strategy and Action Plan. These principles should guide interpretation, implementation, monitoring and future revision of the Strategy and provide a common decision-making framework for all institutions responsible for biodiversity governance.

8.2.6. The Draft's Outcome-Oriented Monitoring Approach Should Be Applied Consistently Across All Thematic Areas

8.2.6.1. EMS strongly welcomes the Draft NBSAP's explicit decision to adopt outcome-oriented indicators rather than relying simply on measures of implementation activity. The draft states clearly that indicators are intended to measure quantifiable evidence of success, including changes in biodiversity status, ecosystem recovery, extinction risk and long-term ecological sustainability.

8.2.6.2. In some thematic areas, proposed indicators remain more closely associated with administrative or socio-economic outputs - for example management plans completed, mitigation measures implemented, visitor numbers, certification schemes established, economic activity generated or areas formally recognised. Such measures may provide valuable information about implementation, but they should not be interpreted independently as evidence that biodiversity outcomes have improved.

8.2.6.3. The appropriate approach is therefore not to replace implementation indicators, but to retain a clear hierarchy between:

implementation indicators, which demonstrate that intended actions have occurred; and

outcome indicators, which demonstrate whether those actions have improved biodiversity condition or reduced relevant pressures.

8.2.6.4. Where implementation actions are completed but ecological indicators fail to improve, or deteriorate, this should trigger review of the intervention rather than continued classification of implementation as successful.

8.2.6.5. EMS recommends that the final NBSAP retain its explicit outcome-oriented monitoring framework and apply it consistently across all thematic areas by ensuring that administrative, financial and socio-economic indicators are linked to corresponding measures of ecological condition wherever biodiversity success is being claimed.

8.2.7. Evidence-Based Biodiversity Governance Requires Transparent and Independent Scientific Evaluation

- 8.2.7.1. EMS welcomes the strong emphasis placed throughout the draft NBSAP on science, monitoring and evidence-based decision-making. The draft appropriately recognises that scientifically credible data, assessments and monitoring are essential to the implementation of national biodiversity commitments, and identifies **robust** species data as providing the scientific foundation for targeted species recovery.
- 8.2.7.2. EMS further welcomes the recognition, in the capacity needs assessment, of the importance of strengthening in-house scientific capacity within government institutions and developing national research mechanisms to support evidence-based policy development and implementation. The draft also identifies a need for standardised research, monitoring and data-collection frameworks and nationally coordinated platforms for validated data sharing. These are important commitments.
- 8.2.7.3. EMS nevertheless recommends that the final NBSAP provide greater clarity regarding what constitutes an adequate evidentiary basis for biodiversity interventions, particularly where decisions may have significant, irreversible or ethically consequential impacts on species, populations, individual wild animals or ecosystems.
- 8.2.7.4. Evidence-based decision-making should require more than the existence of scientific information. It should require that relevant evidence is appropriately robust, current, transparent and capable of supporting the particular intervention being proposed. Where evidence is incomplete, contested or subject to substantial uncertainty, this uncertainty should itself be explicitly acknowledged and incorporated into decision-making in accordance with the precautionary principle.
- 8.2.7.5. The need for robust species data is a threshold requirement for lawful, rational and precautionary decision-making. For a number of species subject to trade, trophy hunting, lethal management, translocation or other forms of removal in South Africa, decisions may be made without current, comprehensive and independently verifiable information on national and provincial population size, distribution, demographic trend or cumulative human-caused mortality. Fragmented occurrence records, local estimates, outdated assessments, anecdotal reports or assumptions that a species is “common” cannot substitute for a defensible population baseline.
- 8.2.7.6. **The absence of adequate data is not neutral and must not be converted into an assumption of abundance, resilience or non-detriment.** Nor should uncertainty be displaced onto the species by authorising exploitation or killing first and expecting subsequent monitoring to reveal whether harm has occurred. Where the State cannot reliably determine population status and trend, or the cumulative effect of authorised and unauthorised mortality, it cannot credibly conclude that additional trade, trophy hunting, killing or management removals are sustainable or non-detrimental.
- 8.2.7.7. The final NBSAP should therefore establish minimum national evidentiary standards for any species subject to an NDF, quota, permit, management plan or other authorisation involving capture, removal or killing. At a minimum, the evidence should be:
- species and geographically specific, including relevant provincial, local-population and subpopulation information
 - current, independently reviewable and based on disclosed and reproducible methodologies

- accompanied by confidence intervals, identified limitations and an explicit assessment of uncertainty
- capable of demonstrating population size, distribution, demographic structure and trend over an ecologically meaningful period
- inclusive of cumulative mortality and removals arising from trade, trophy hunting, lethal control and conflict-management operations, persecution, accidental mortality and illegal activity
- linked to publicly accessible monitoring, reporting and mandatory review intervals.

8.2.7.8. Where these minimum requirements are not met, the precautionary response should be to withhold, suspend or reduce the relevant quota or authorisation- not to infer that the proposed activity is sustainable. A positive NDF, removal quota or lethal-management decision should not be issued, renewed or increased on the basis of missing, outdated, non-transparent or unverifiable species data. Existing authorisations should be reviewed as credible new evidence becomes available, and the evidentiary burden should rest on the authority or proponent seeking to justify the intervention.

8.2.7.9. EMS is particularly concerned that historical management practice, institutional convention or expert opinion should not, without appropriate supporting evidence, become substitutes for empirical demonstration that a proposed intervention is necessary, proportionate and likely to achieve its stated biodiversity objective. The fact that a management practice has historically been employed does not, by itself, establish either its contemporary ecological necessity or its effectiveness.

8.2.7.10. This distinction is particularly important in relation to interventions capable of producing irreversible consequences. Species removals, lethal population interventions, translocations, intensive management, ex-situ interventions and other significant manipulations of wild populations may have ecological, behavioural, genetic and ethical consequences extending well beyond their immediate management objective. Decisions of this nature warrant a correspondingly rigorous evidentiary standard.

8.2.7.11. Accordingly, EMS recommends that significant biodiversity management interventions should, wherever applicable, be supported by:

- a clearly defined conservation problem and management objective;
- the best available and current scientific evidence
- transparent identification of assumptions, uncertainties and evidentiary gaps
- consideration of reasonable alternatives, including less intrusive alternatives
- clearly articulated ecological and, where relevant, animal well-being implications
- measurable indicators against which the effectiveness of the intervention can subsequently be assessed
- post-intervention monitoring sufficient to determine whether the intended biodiversity outcome was achieved
- appropriate independent scientific scrutiny where interventions are novel, controversial, irreversible or potentially significant in their ecological effects.

8.2.7.12. EMS further recommends that the evidentiary basis for significant management decisions should, subject to legitimate legal limitations concerning sensitive information, be publicly accessible. This should include the scientific information relied upon, the principal alternatives considered, significant uncertainties identified

and the basis upon which the preferred intervention was selected. Transparency is particularly important where biodiversity management decisions are likely to attract substantial scientific or public concern.

- 8.2.7.13. The draft itself recognises the value of accessible biodiversity information and proposes the development of a national biodiversity indicators database and monitoring system with a publicly accessible dashboard to track NBSAP progress. EMS recommends extending this commitment to the evidentiary basis underpinning biodiversity management decisions.
- 8.2.7.14. EMS recommends that the final NBSAP establish a general requirement that significant biodiversity management interventions be based upon the best available scientific evidence, transparent assessment of uncertainty and alternatives, measurable conservation objectives and appropriate post-intervention monitoring. Where interventions are potentially irreversible, contested or likely to have substantial ecological or animal well-being consequences, provision should be made for appropriate independent scientific scrutiny. Where the evidence is insufficient to demonstrate that a potentially harmful or irreversible intervention is necessary and likely to achieve its stated biodiversity objective, the precautionary principle should apply.

9. Ecologically Sustainable use and the biodiversity economy

9.1. The problem begins with the premise

The section 5.6 theory of change assumes that when communities derive tangible benefits from biological resources, this fosters a stronger commitment to safeguarding species and ecosystems. This frames the policy problem as ineffective governance of use: improve regulation, institutions, compliance, incentives and enforcement, and conservation outcomes are expected to follow. That may occur under particular ecological, social and institutional conditions, but it is not a universal causal law and should not be treated as one.

The Draft does not fairly consider the alternative hypothesis: that the commodification and expanding commercial demand for wild animals, plants and their derivatives may themselves drive biodiversity loss, animal harm and governance failure. If that hypothesis is supported in a particular context, optimising the market does not address the source of the risk. The appropriate response may be to restrict, phase out or prohibit the activity. Commercial use must therefore be treated as an exception requiring affirmative justification, not as the presumptive foundation of conservation policy.

EMS RECOMMENDS: Rewrite the biodiversity-economy theory of change to test both propositions: whether a proposed use delivers additional, durable and equitable conservation benefits, and whether commercialisation itself creates ecological, welfare, demand, enforcement or governance risks. Place the burden on the proponent to establish that the activity is necessary, precautionary, enforceable and demonstrably preferable to non-extractive alternatives.

9.2. Section 24 does not confer a licence to use

The constitutional phrase ‘ecologically sustainable development and use of natural resources’ is too often treated as though it creates a positive entitlement or policy mandate to use wildlife commercially. Section 24(b)(iii) does the opposite: it requires the State to secure ecological sustainability while pursuing only justified economic and social development. Economic growth is

not synonymous with ecological sustainability, and a proposed industry, value chain or expansion must itself be justified and constrained by the prior duty to protect the environment for present and future generations.

Section 24(b) also contains distinct duties to prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and use. The duties to prevent harm and promote conservation are not conditional upon an activity producing income. Nor may 'use' be allowed to swallow those independent obligations. The NBSAP must accordingly establish that non-use, restriction, restoration or prohibition may be constitutionally required where ecological sustainability cannot be secured.

EMS RECOMMENDS: Insert an express constitutional safeguard: no NBSAP action, incentive or biodiversity-economy programme creates a presumption in favour of use. Any proposed use must first demonstrate consistency with the separate duties to prevent ecological degradation and promote conservation; secure ecological sustainability over the short, medium and long term; apply the mitigation hierarchy and precautionary principle; and show that the economic and social development pursued is justified.

9.3. Ecologically sustainable use is an outcome to be proved, not a policy assumption

The label 'sustainable use' cannot establish its own validity. Sustainability must be demonstrated species by species, activity by activity and place by place, over an ecologically meaningful period. Benefits may be captured by elites; extraction can exceed ecological limits; certification can conceal weak standards; and commercial incentives can entrench capture, confinement, breeding, killing and trade while habitats and free-living populations continue to deteriorate. Recurring laundering, quota manipulation, corruption, weak traceability and interactions between legal and illegal markets should not automatically be dismissed as temporary implementation defects. DFFE must consider whether they are foreseeable structural characteristics of the proposed market.

The Draft should also distinguish utilisation from conservation. A trade or use programme may be lawful, efficiently administered and financially successful while populations decline through habitat loss, cumulative mortality, demographic or social disruption, climate impacts or reduced ecological resilience. Conversely, habitat protection, restoration, connectivity, coexistence and demand reduction may deliver greater conservation benefit without consumptive use. The ultimate test is the flourishing of wild populations in functioning ecosystems - not the volume of permits, products, revenue or transactions.

The definition of conservation proposed in section 8.1.6 should govern this distinction. An activity should not be reported as conservation merely because it involves wildlife or is asserted to finance conservation. Where its principal purpose or outcome is extraction, production, trade, recreation or private profit, it should be classified as a use of biodiversity unless independently verifiable evidence demonstrates an additional and durable conservation benefit to indigenous species in the wild and their natural habitats.

This assessment cannot be confined to isolated permits or species quotas. The NBSAP proposes economy-wide scaling and formalisation across terrestrial, freshwater and marine systems. Before government promotes or finances such programmes, it should undertake strategic, cumulative and climate-sensitive assessment at the appropriate landscape, seascape and value-chain scale. The assessment must apply an ecosystem approach and the mitigation hierarchy: avoid harm first, then minimise and remedy residual harm, with no reliance on compensation where impacts are irreversible or ecological thresholds are uncertain.

EMS RECOMMENDS: Require a published, independent sustainability determination before any activity is designated or supported as ‘sustainable use’. It must establish baselines, ecological limits, cumulative impacts, animal-well-being consequences, distribution of benefits and harms, enforcement feasibility, demand and laundering risks, alternatives, measurable outcomes, review intervals and binding suspension or exit triggers. Where evidence is inadequate or enforcement is not credible, the precautionary response must be refusal or restriction.

9.4. The missing political economy

Wildlife markets do not operate within politically neutral systems. Industry organisations, landowners, intermediaries, exporters, investors, hunting and breeding interests, government agencies and affected communities have unequal access to decision-makers and unequal capacity to shape policy. Quotas, listings, permits, enforcement priorities and definitions of ‘benefit’ may therefore reflect lobbying power, institutional dependence or regulatory capture rather than objective ecological evidence. Treating these questions as technical management matters conceals the distribution of power, profit, risk and harm.

EMS RECOMMENDS: Add political-economy and conflict-of-interest safeguards to every biodiversity-economy action: disclose beneficial ownership, lobbying and financial interests; exclude financially interested persons from independent scientific and well-being determinations; publish dissenting evidence and reasons; assess who receives benefits and who bears ecological and animal harms; and provide accessible review, complaint and remedy mechanisms.

9.5. Compliance is not conservation

The Draft too readily equates improved governance and legal compliance with improved biodiversity outcomes. Compliance shows, at most, conformity with the rules that government has chosen to adopt. It does not establish that those rules are ecologically adequate, ethically defensible or effective in securing recovery. Indicators must therefore measure real-world ecological and well-being outcomes independently of administrative outputs.

EMS RECOMMENDS: Separate administrative indicators from conservation indicators. Report permits, inspections and prosecutions as governance data, but measure success through habitat integrity and connectivity, abundance and demographic structure of free-living populations, ecological function, animal well-being, equitable and durable community benefit, and verified reductions in the drivers of biodiversity loss.

9.6. Transformation is not the expansion of exploitation

The Draft must distinguish transformation from growth. Extending ownership, market access or participation in an ecologically harmful activity does not transform the underlying relationship with Nature; it distributes access to the same model. Redress and equitable benefit are constitutional imperatives, but they cannot be achieved by recruiting new entrants into industries that fail ecological, well-being or public-interest tests. Equally, ‘community’ is not a homogeneous category: benefits, decision-making power and environmental costs may be distributed very differently within and among communities.

Substantive transformation should change who decides, what is valued and which outcomes public policy serves. It should support secure tenure, local authority, dignified and durable livelihoods, ecological restoration, coexistence, cultural relationships with Nature and locally chosen non-extractive enterprises. A historically established practice is not insulated from reconsideration

merely because it is profitable, culturally familiar or already regulated. Continuation must remain compatible with contemporary constitutional, ecological and animal well-being standards.

EMS RECOMMENDS: Redefine transformation as rights-based ecological and social change, not simply increased ownership, throughput or market participation. Require disaggregated evidence of who controls enterprises, who receives durable net benefits, who bears costs and risks, whether participation and consent are meaningful, and whether the activity advances ecological integrity and animal well-being. Do not fund entry into an activity that cannot satisfy those tests.

9.7. GDP growth is not a biodiversity outcome

The proposed 10% increase in the GDP contribution of the biodiversity economy measures economic throughput, not conservation. GDP can rise because more animals or plants are captured, bred, traded, hunted, processed or exported. It does not reveal whether ecosystems are more intact, wild populations are more secure, animals experience less harm, or benefits are equitably distributed.

EMS RECOMMENDS: Delete GDP growth as a headline success indicator or subordinate it to ecological integrity, wild-population recovery, habitat protection, animal well-being, equity and verified local benefit. No activity should count as ‘nature-positive’ merely because it is legal, certified or economically valuable.

Making GDP maximisation the overriding public objective predisposes government to value biodiversity as an economic input and to treat damage as acceptable where it produces market activity. The alternative is not to ignore livelihoods or material needs, but to assess whether economic arrangements improve the conditions for the whole community of life.

EMS RECOMMENDS: Develop a complementary national ecological and well-being accounting framework by 2028. It should report ecosystem integrity, abundance and distribution of wild species, connectivity, animal well-being, pollution and restoration, distribution of benefits and harms, tenure and participation, and human health and livelihood security. Natural Capital Accounting must remain descriptive and must not convert Nature into a price or imply that irreplaceable beings and ecosystems are substitutable assets.

9.8. Legal and sustainable are not synonymous

The target combines ‘safe and legal trade’ with sustainability. Legality is a minimum compliance condition, not evidence that use is ecologically sustainable, ethical or in the public interest. A permit may authorise an activity without resolving cumulative impacts, animal well-being, corruption risk, enforcement capacity or the compatibility of commercial demand with species recovery.

EMS RECOMMENDS: Require independent species- and activity-specific assessments addressing ecological sustainability, legality, animal well-being, enforcement feasibility, traceability, corruption and laundering risk, demand effects, community consent and distributional justice. Apply the precautionary principle where evidence is uncertain or institutions cannot enforce conditions.

9.9. CITES and Non-Detriment Findings

A CITES finding addresses a defined international-trade question and cannot substitute for the State’s broader constitutional, domestic-conservation, animal-well-being and public-interest duties. CITES establishes international controls; it does not compel South Africa to permit trade, nor prevent stronger domestic protection.

The NBSAP should not reproduce a trade-centred theory of conservation in which the central question is how commercial utilisation can be made more efficient. CITES addresses international trade in listed species; it is not a complete theory of biodiversity conservation. Habitat integrity, climate resilience, ecological relationships, animal sentience and well-being, social justice, demand reduction and the intrinsic value of Nature require independent attention. South Africa’s constitutional obligations extend beyond minimum compliance with an international trade regime.

EMS RECOMMENDS: A positive Non-Detriment Finding is not sufficient to authorise use or trade. Require separate welfare, enforcement, socioeconomic, demand and public-interest assessments, and publish the evidence, dissenting scientific views and reasons for decisions.

9.10. Conservation breeding and ex situ measures

The species-conservation actions refer to a ‘one-plan approach’, ex situ efforts, biobanking, rewilding and conservation translocations. These tools can support genuine recovery but can also be used to confer conservation legitimacy on commercial breeding or captive stockpiling that has no credible pathway to habitat protection, rehabilitation or reintroduction.

EMS RECOMMENDS: Define ‘conservation breeding’ narrowly. Require a species-specific, independently reviewed recovery purpose; genetic and behavioural management; suitable habitat; a time-bound rehabilitation or reintroduction plan; post-release monitoring; welfare safeguards; and a prohibition on commercial sale, consumptive use or trade of animals or derivatives where those purposes undermine recovery.

9.11. Further detailed analysis and recommendations

9.11.1. Ecologically sustainable use should remain a means to biodiversity conservation, subject to animal well-being and other public-interest safeguards

- 9.11.1.1. Section 24(b)(iii) of the Constitution requires the State to secure the ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development. The final NBSAP should therefore refer consistently to “**ecologically sustainable use**”, rather than to “sustainable use” as an unqualified policy objective.
- 9.11.1.2. The constitutional formulation is important because it places ecological sustainability before, and as a condition governing, the use of natural resources. It does not establish an autonomous right to use wildlife or create a presumption in favour of utilisation. Nor does it permit economic growth, employment, ownership, transformation or revenue generation to serve as substitutes for demonstrated ecological sustainability. Economic and social development must be justifiable and pursued within ecological limits.
- 9.11.1.3. Accordingly, any activity characterised as sustainable use must first be demonstrated to be ecologically sustainable use. This requires credible and independently verifiable evidence that the activity will not degrade ecological integrity, undermine ecosystem functioning, impair population viability, erode genetic diversity, disrupt important ecological or social relationships, or compromise the ability of the affected species and ecosystems to persist and recover over time.
- 9.11.1.4. Where reliable species data, population baselines, cumulative mortality information or effective monitoring systems are absent, ecological sustainability cannot simply be presumed. The precautionary principle requires uncertainty to weigh against

authorising or expanding trade, trophy hunting, lethal management or other forms of removal.

- 9.11.1.5. Ecological sustainability, however, is not a complete test. An activity may be considered ecologically sustainable in the narrow sense that it does not threaten the continued survival of a population, while nevertheless causing serious, avoidable or disproportionate harm to individual animals. Animal well-being must therefore be treated as an additional, independent and mandatory consideration in the assessment of any proposed use.
- 9.11.1.6. Animal well-being should not be presumed to follow from ecological sustainability, legality, economic benefit or compliance with an approved quota. The fact that a use does not threaten a species with extinction does not establish that its methods, purposes or consequences are ethically, constitutionally or legally acceptable. The assessment must therefore consider species-specific sentience, behavioural and social needs; the nature and extent of the harms imposed; necessity and proportionality; cumulative impacts; and whether less harmful or non-consumptive alternatives are reasonably available.
- 9.11.1.7. EMS recommends greater clarity concerning the relationship between biodiversity conservation and expansion of the biodiversity economy. The draft currently presents the expansion and transformation of biodiversity-based value chains as a principal pathway towards achieving the national target. Its theory of change anticipates that increased participation, enterprise development and economic viability will collectively produce “sustainable use” without depletion of the biological foundation.
- 9.11.1.8. EMS submits that this relationship should not be presumed. Economic growth within biodiversity-related sectors and successful biodiversity conservation are distinct outcomes. An activity may generate income, employment or market growth without necessarily producing a positive biodiversity outcome; conversely, conservation interventions may generate substantial ecological benefits without producing measurable growth in GDP. Accordingly, expansion of the biodiversity economy should remain conditional upon demonstrable compatibility with the conservation and recovery of the species and ecosystems upon which it depends.
- 9.11.1.9. The overarching question should therefore not be simply whether a biodiversity-based activity is economically viable, but whether it maintains or improves ecological integrity and can be sustained without compromising population viability, ecosystem functioning, genetic diversity the long-term resilience of biodiversity and animal well-being.
- 9.11.1.10. The EMS Foundation recommends that section 5.6 and all related provisions of the final NBSAP replace the unqualified expression “sustainable use” with “**ecologically sustainable use**”, consistently with section 24(b)(iii) of the Constitution.
- 9.11.1.11. The NBSAP should expressly establish that ecologically sustainable use and biodiversity-economy initiatives are possible means through which biodiversity objectives may be advanced, rather than conservation outcomes in themselves. No activity should be classified as ecologically sustainable merely because it is lawful, economically viable, generates benefits, complies with a quota or is not expected to cause the extinction of the species concerned. Its permissibility and success must instead be assessed against independently verifiable evidence of ecological integrity, population viability, ecosystem functioning, precaution and long-term

resilience. In addition, any proposed use involving sentient animals must satisfy enforceable and species-appropriate animal well-being, necessity, proportionality and least-harm requirements.

- 9.11.1.12. Ecological sustainability is therefore a necessary constitutional threshold, but it does not displace or exhaust the separate obligation to protect animal well-being.

9.11.2. The assumed causal relationship between economic benefit and conservation requires greater qualification

- 9.11.2.1. The rationale states that when people derive tangible benefits from biodiversity this fosters a stronger commitment to safeguarding species and ecosystems. The theory of change subsequently repeats this proposition, stating that when communities legally and sustainably derive tangible benefits from biological resources, this fosters stronger long-term commitment to safeguarding those resources. EMS recommends that this proposition be more carefully qualified.
- 9.11.2.2. Economic benefit may, under appropriate social, ecological and governance conditions, create incentives for conservation. However, such an outcome should not be treated as automatic. Whether economic utilisation strengthens conservation depends upon factors including governance, tenure, benefit distribution, enforcement, ecological limits, market incentives and the particular form of use involved.
- 9.11.2.3. The theory of change should therefore avoid presenting economic benefit as inherently producing conservation commitment. Doing so risks converting a proposition that should be empirically demonstrated into a policy assumption. This distinction is especially important because the NBSAP adopts an outcome-oriented approach elsewhere. The same standard should apply here: the conservation contribution of biodiversity-based economic activity should be *measured rather than presumed*.
- 9.11.2.4. EMS recommends replacing categorical statements that economic benefits “foster” conservation with wording recognising that biodiversity-based benefits *may contribute to conservation where ecological sustainability, equitable governance, effective regulation and demonstrable conservation outcomes are established*.

9.11.3. Economic growth indicators should not serve as proxies for biodiversity outcomes

- 9.11.3.1. The draft establishes a target of increasing the GDP contribution of the biodiversity economy by 10% by 2035. It acknowledges that this indicator is not currently measured consistently and that relevant information remains fragmented.
- 9.11.3.2. EMS questions the appropriateness of GDP growth as a biodiversity-performance indicator.
- 9.11.3.3. An increase in economic activity associated with biodiversity does not, by itself, establish that biodiversity is better conserved. Indeed, economic expansion may result either from environmentally beneficial activity or from increased extraction, production or consumption. Without corresponding ecological indicators, GDP growth provides little information about whether the biological foundation of the biodiversity economy is becoming more or less secure.

- 9.11.3.4. EMS does not suggest that economic information is irrelevant. Economic participation, livelihoods and benefit distribution are legitimate socio-economic indicators and should be monitored as such. They should, however, be analytically separated from conservation indicators.
- 9.11.3.5 Accordingly, any biodiversity-economy growth target should be accompanied by indicators capable of demonstrating that the relevant sectors maintain or improve the condition of the species, individuals and ecosystems upon which their activities depend.
- 9.11.3.6. EMS recommends either removing the *10% GDP growth target as a biodiversity-success indicator* or explicitly categorising it as a socio-economic indicator that is subordinate to corresponding ecological sustainability thresholds and conservation outcomes.

9.11.4. Legality, sustainability and conservation benefit should be clearly distinguished

- 9.11.4.1. EMS welcomes the draft's emphasis on strengthening permitting, compliance monitoring, traceability and the Scientific Authority, including regular publication of Non-Detriment Findings. These safeguards are important. However, the final NBSAP should distinguish clearly between four separate questions: whether an activity is *legal*, *ecologically sustainable*, whether it makes a *positive contribution to biodiversity conservation* and whether it makes a *positive contribution to animal well-being*. These concepts should not be treated as interchangeable.
- 9.11.4.2. Legal trade is trade conducted within an applicable regulatory framework. That fact alone does not establish that a particular use produces conservation benefits. Similarly, demonstrating that an activity does not presently threaten the survival of a species establishes an important minimum threshold, but does not necessarily demonstrate that the activity contributes positively to species recovery, ecological integrity or improved biodiversity status. This distinction is especially important within a national strategy whose central purpose is to halt and reverse biodiversity loss.
- 9.11.4.3. EMS therefore recommends that the NBSAP evaluate biodiversity use against a hierarchy in which *legality is a minimum requirement*, *ecological sustainability and animal well-being is a necessary condition*, and *measurable conservation compatibility is the relevant biodiversity outcome*.

9.11.5. Ecologically sustainable-use assessments should apply a precautionary evidentiary standard

- 9.11.5.1. A number of the indicators proposed under section 5.6 remain either under development or currently unmeasured. These include indicators relating to illegal trade, benefits derived from sustainable use, inland fisheries, participation in biodiversity enterprises and certification standards.
- 9.11.5.2. Where adequate ecological baselines do not yet exist, uncertainty should not be interpreted as evidence that expanded use is ecologically sustainable. Rather, the precautionary principle should apply.
- 9.11.5.3. Before substantial expansion of the commercial use, killing, harvesting or trade of a wild species is promoted as part of the biodiversity economy, the relevant authority should have sufficient information to determine, as appropriate:

- population status and trend
- distribution and ecological role
- reproductive and demographic characteristics
- cumulative levels of legal and illegal removal
- relevant trade volumes
- genetic and population-structure considerations
- uncertainty within the available data
- capacity for effective monitoring and enforcement
- consequences should assumptions regarding sustainability prove incorrect.

9.11.5.4 The final NBSAP should make clear that expansion of use should not precede the establishment of sufficient ecological baselines and monitoring systems capable of detecting deterioration.

9.11.6. Non-Detriment Findings should be transparent, current and subject to review

- 9.11.6.1. EMS strongly supports the proposed action to maintain an effective Scientific Authority and regularly (annually) publish Non-Detriment Findings for species in trade. This commitment should be strengthened.
- 9.11.6.2. NDFs are critical scientific safeguards precisely because trade decisions must be responsive to changes in population status, levels of exploitation and emerging evidence. The final NBSAP should therefore promote NDFs that are current, transparent and periodically reassessed, particularly where trade volumes, conservation status or ecological conditions change materially.
- 9.11.6.3. Where significant uncertainty exists, that uncertainty should be explicitly recorded rather than concealed within a binary conclusion concerning detriment.
- 9.11.6.4. EMS further recommends that the NDFs are properly footnoted and that supporting methodologies and principal evidence underlying NDFs be made publicly accessible.
- 9.11.6.5. For species for which current population baselines and cumulative mortality data are absent or unreliable, publication of an NDF does not cure the underlying evidentiary defect. An NDF must not rest on untested assumptions of abundance or on generalised range-wide status where trade or other removal affects particular provinces, local populations or subpopulations. The Scientific Authority should be required to identify material data gaps expressly, explain how uncertainty was treated, and refrain from making a positive finding where the available evidence cannot support a scientifically defensible conclusion of non-detriment. This would strengthen scientific scrutiny, public confidence and the adaptive character of biodiversity governance.

9.11.7. Certification should not substitute for ecological evidence

- 9.11.7.1. The draft proposes increasing the proportion of biodiversity-economy subsectors for which sustainability certification standards are established and operational, and includes an action to identify, verify and promote sustainability standards and certification schemes.
- 9.11.7.2. EMS supports credible standards capable of improving environmental practice. However, the existence of a certification scheme should not itself be treated as evidence that an activity is sustainable.

- 9.11.7.3. Certification is a governance instrument. Its conservation value depends upon the substantive ecological standards applied, the quality and independence of verification, transparency, compliance and demonstrated outcomes.
- 9.11.7.4. Certification should supplement rather than replace species- and ecosystem-level monitoring. EMS therefore recommends that certification schemes recognised under the NBSAP be subject to minimum national criteria requiring scientific credibility, independent verification, transparency and demonstrable biodiversity outcomes.

9.11.8. Consumptive and non-consumptive biodiversity uses should not be aggregated without distinction

- 9.11.8.1. The rationale groups a wide range of activities under “biodiversity-based tourism”, including ecotourism, hunting, fishing, harvesting, boating, hiking and cultural and spiritual uses. While all may have economic relationships with biodiversity, their ecological impacts, ethical implications and conservation requirements are substantially different.
- 9.11.8.2. Aggregating these activities within a single biodiversity-economy category can obscure materially different ecological impacts and policy requirements. EMS recommends greater differentiation within the NBSAP between:
- non-consumptive biodiversity-based activities
 - subsistence and customary use
 - commercial consumptive use
 - recreational consumptive use
 - international commercial trade in wild species and their derivatives.
- Such differentiation is particularly important when assessing the conservation contribution of the biodiversity economy. Growth derived from nature-based tourism, for example, should not automatically be treated as equivalent to growth derived from increased biological extraction.
- 9.11.8.3. Biodiversity-economy reporting should disaggregate major forms of biodiversity use sufficiently to allow their respective *economic, ecological and social outcomes to be independently assessed*.

9.11.9. Customary sustainable use should be clearly distinguished from commercial exploitation

- 9.11.9.1. EMS recommends that the final NBSAP preserve a clear distinction between customary and subsistence relationships with biodiversity and large-scale commercial utilisation.
- 9.11.9.2. These activities may differ profoundly in purpose, scale, market structure, ecological impact and social meaning. Policies intended to protect customary sustainable use should not automatically be interpreted as justification for expanding commercial markets in the same species or resources.
- 9.11.9.3. Similarly, community participation should not be measured solely by incorporation into commercial value chains. Communities may derive cultural, spiritual, ecological and livelihood benefits from biodiversity that are not adequately represented through formal market participation.

- 9.11.9.4. The Strategy should therefore protect the diversity of relationships between communities and biodiversity rather than assuming that transformation necessarily requires greater commercialisation.

9.11.10. Animal well-being and the duty of care should be strengthened

- 9.11.10.1. EMS welcomes the action requiring sustainable-use practices to consider animal well-being and humane practices in order to give effect to a duty of care. This provision represents an important recognition that ecological sustainability alone does not exhaust the responsibilities arising from human use of sentient animals and is in line with South African jurisprudence and legislation.
- 9.11.10.2. EMS recommends that this commitment be elevated from an implementation action to an explicit principle applicable to all sustainable-use activities involving animals.
- 9.11.10.3. The wording “consider animal well-being” could also be strengthened. Consideration does not establish a substantive standard. The objective should be to ensure that activities involving animals are consistent with applicable animal well-being obligations and avoid unnecessary suffering.
- 9.11.10.4. The duty of care should extend across the relevant chain of activity, including where applicable capture, handling, restraint, transport, confinement, breeding, sale and killing.
- 9.11.10.5. EMS recommends revising the action to state: *Ensure that all biodiversity-use practices involving animals give effect to applicable animal well-being obligations and a substantive duty of care, including the prevention and minimisation of avoidable suffering throughout capture, handling, transport, confinement, use and killing where applicable.* The principle should also be reflected within the national target and relevant sustainability standards.

9.11.11 Wildlife trade - whether legal or illegal - must be treated as a potential biodiversity threat

- 9.11.11.1. The Draft NBSAP appropriately recognises illegal wildlife trade as a significant conservation concern and proposes implementation of the National Integrated Strategy to Combat Wildlife Trafficking. Its theory of change, however, frames the reduction of illegal trade partly as a means of improving the “integrity of legal trade”. This formulation rests on an artificial distinction between illegal trade as a biodiversity threat and legal trade as inherently legitimate, sustainable or conservation compatible.
- 9.11.11.2. Wildlife trade does not cease to present biodiversity risks merely because it is authorised by a permit, quota, Non-Detriment Finding or other regulatory instrument. Legal status establishes only that an activity has been authorised under the applicable regulatory system. It does not, by itself, demonstrate that the trade is ecologically sustainable, precautionary, beneficial to conservation, compatible with animal well-being or otherwise in the public interest.
- 9.11.11.3. The risks associated with wildlife trade include the direct removal of animals from wild populations; disruption of social groups and ecological relationships; injury, mortality and suffering associated with capture, confinement, breeding, transport and killing; stimulation or maintenance of commercial demand; weak traceability; inadequate population and trade data; corruption; regulatory fragmentation; and

limited monitoring and enforcement capacity. These risks may arise in both authorised and unauthorised markets.

- 9.11.11.3. The existence of legal trade may also create opportunities for laundering illegally acquired animals, plants and derivatives into ostensibly lawful supply chains. Permits and other documents may be falsified, fraudulently obtained, reused or applied to specimens of unlawful origin. Wild-caught animals may be misrepresented as captive-bred; species, quantities, sources, destinations or purposes may be incorrectly declared; and trade may be routed through jurisdictions or facilities in which verification and enforcement are weak. Once unlawfully acquired specimens enter a permitted supply chain, distinguishing them from legally sourced specimens may be difficult or impossible.
- 9.11.11.4. These vulnerabilities are not merely failures at the margins of an otherwise sound system. They may be inherent in trade regimes that involve complex supply chains, multiple authorities, difficult species identification, unverifiable captive-breeding claims, inadequate record-keeping and substantial commercial incentives. Expanding legal markets without first demonstrating effective traceability and enforcement may therefore facilitate, conceal or stimulate unlawful exploitation rather than displace it.
- 9.11.11.5. Nor should the existence of illegal trade be used automatically to justify the creation or expansion of legal markets. The claim that legal supply will reduce illegal trade is an empirical proposition that must be independently demonstrated for the particular species, product and market concerned. Legal trade may instead maintain or increase demand, reduce social stigma, provide laundering opportunities, complicate enforcement and place additional pressure on wild populations. Where the likely market and conservation effects are uncertain, the precautionary principle must apply.
- 9.11.11.6. The central objective of the NBSAP should therefore not be to protect the “integrity of legal trade”. It should be to protect wild species, individual animals, populations, ecological relationships and ecosystems from the risks and harms associated with wildlife trade, regardless of whether the activity is formally classified as legal or illegal.
- 9.11.11.6. The NBSAP should require all existing and proposed wildlife trade to be assessed against independently verifiable evidence concerning:
 - population status, distribution and demographic trends
 - the cumulative effect of legal and illegal removals, mortality and trade
 - ecological sustainability and consequences for ecosystem functioning
 - animal sentience and species-appropriate well-being
 - the conservation consequences of commercial demand the risk of laundering and false captive-breeding or source claims
 - the reliability of identification, marking, permitting and traceability systems
 - enforcement capacity across the entire supply chain
 - corruption, fraud and regulatory-evasion risks
 - the availability of less harmful alternatives, including prohibitions and demand-reduction measures
 - whether the proposed trade produces a demonstrable conservation and public-interest benefit.

- 9.11.11.7. Where reliable population data, traceability or effective enforcement are absent - or where laundering and other regulatory-evasion risks cannot be adequately controlled - the appropriate response is not to presume that regulated trade is sustainable. It is to prohibit, suspend or restrict the trade in accordance with the precautionary principle.
- 9.11.11.8. EMS recommends that the theory of change be revised to recognise wildlife trade itself - whether formally legal or illegal - as a potential driver of biodiversity loss, animal harm and governance failure. Reducing illegal trade should be pursued primarily to protect wild species, populations, individual animals and ecosystems, not to promote or legitimise regulated markets.
- 9.11.11.9. The final NBSAP should expressly state that legality is not evidence of ecological sustainability or conservation benefit; that legal trade systems may enable laundering and other forms of regulatory evasion; and that no wildlife trade should be maintained or expanded unless its ecological sustainability, compatibility with animal well-being, traceability, enforceability and demonstrable conservation benefit have been established through transparent and independently reviewable evidence.
- 9.11.11.10. Success should be measured by reduced exploitation and trade-related harm, improved population and ecosystem outcomes, reduced demand, effective prevention of laundering, and stronger protection for affected animals and species and not by the volume, value, efficiency or perceived integrity of legal wildlife markets.
- 9.11.11.11. The draft appropriately recognises illegal wildlife trade as a significant conservation issue and proposes implementation of the National Integrated Strategy to Combat Wildlife Trafficking. The theory of change, however, states that reducing illegal trade improves the “integrity of legal trade”.
- 9.11.11.12. EMS recommends reframing the primary objective. The principal biodiversity justification for combating illegal wildlife trade is the protection of wild species, populations and ecosystems from unlawful exploitation. Protection of the integrity of regulated markets may be a secondary governance benefit but should not become the principal conservation rationale. The Strategy should therefore measure success principally through reduced illegal exploitation and improved conservation outcomes for affected species, rather than through the functioning of legal trade systems.

9.11.12. Suggested revision of the theory of change

- 9.11.12.1. EMS recommends revising the theory of change so that economic expansion is conditional upon demonstrated biodiversity sustainability rather than being presented as a pathway that inherently produces conservation.
- 9.11.12.2. The current formulation states, in effect, that expansion of biodiversity value chains, regulation of trade and sustainable resource use will produce a transformed biodiversity economy because tangible benefits foster conservation commitment.
- 9.11.12.3. A stronger formulation would be:
IF biodiversity-based activities are permitted and developed only within scientifically established ecological limits, subject to effective monitoring, transparent governance, animal well-being safeguards and equitable benefit-sharing, and their conservation outcomes are periodically evaluated,

THEN biodiversity-related livelihoods and economic activities can contribute to human well-being without undermining the recovery, resilience and ecological integrity of wild species and ecosystems,

BECAUSE biodiversity utilisation is sustainable only where the biological systems upon which it depends are demonstrably maintained or improved over time.

9.11.13. Suggested strengthening of the national target

9.11.13.1. The current national target seeks, by 2035, to achieve a “transformed, inclusive and viable biodiversity economy” that ensures sustainable management, harvesting and use, safe and legal trade and customary sustainable use.

9.11.13.2. EMS recommends that the target begin with biodiversity rather than economic viability. Suggested wording:

By 2035, ensure that all use, harvest and trade of wild species occurs within demonstrably ecologically sustainable limits, maintains ecological integrity and viable wild populations, gives effect to animal well-being obligations where animals are involved, protects customary ecologically sustainable use and equitable community benefits, and supports biodiversity-based economic activities only where these objectives are demonstrably met.

This would bring section 5.6 into closer alignment with the species-conservation objectives in section 5.4 and the overarching purpose of the NBSAP.

10. Human-wildlife coexistence

EMS supports recognition of coexistence as a distinct theme. However, ‘minimising conflict’ is too indeterminate unless the strategy identifies whose conduct creates risk, which interventions are permissible, and how animal well-being and social-group integrity will be protected. Framing wildlife as the source of ‘conflict’ can obscure habitat fragmentation, spatial-planning failures, attractants, food systems, fencing, development and aggressive management practices that generate or worsen interactions.

EMS RECOMMENDS: Use ‘human–wildlife interactions’ or ‘coexistence challenges’ except when describing a specific evidenced conflict. Require authorities first to address human-created drivers through spatial planning, waste and attractant control, ecological connectivity, public education and context-specific prevention.

Indigenous wild animals should, presumptively, be free to live in suitable natural habitat, move through ecologically necessary landscapes, express natural behaviour and perform their ecological roles without unjustified confinement, displacement or interference.

EMS RECOMMENDS: Add a ‘freedom to be wild’ presumption to the coexistence and species-conservation themes. Authorities should demonstrate necessity, legality and proportionality before confinement, capture, removal, social-group disruption, movement restriction or displacement; show that habitat-based and non-intrusive alternatives were genuinely implemented; and publish reasons and post-intervention outcomes.

The NBSAP should establish the following national coexistence hierarchy:

- a. prevent interactions through habitat protection, connectivity, appropriate land-use planning and removal of human-created attractants;

- b. use evidence-based, species-appropriate, non-lethal and non-injurious measures;
- c. protect family and social structures and avoid displacement, fragmentation and repeated harassment;
- d. permit capture, translocation or lethal action only as a genuine last resort under clear law, independent scientific and welfare review, transparent reasons and post-intervention monitoring; and
- e. prohibit methods that cause indiscriminate fear, injury, prolonged pursuit or foreseeable harm to dependent young, non-target animals or members of the public.

Indicators must measure more than the number of incidents or management plans. They should include changes in human behaviour and attractants, habitat connectivity, non-lethal resolution rates, injuries and mortalities, repeat incidents, social-group disruption, complaints, compliance with permit conditions, and independent welfare outcomes.

10.1. Further detailed analysis and recommendations

10.1.1. The shift from “conflict” to “coexistence” should be completed more consistently

- 10.1.1.1. EMS welcomes the decision to establish human-wildlife interactions as a distinct thematic area within the NBSAP. The draft appropriately recognises that human-wildlife interactions have physical, economic, health and conservation dimensions and that management across South Africa remains uneven and fragmented. It also correctly identifies the need to move from reactive responses towards a more coordinated national system.
- 10.1.1.2. EMS nevertheless considers that the conceptual shift from “human-wildlife conflict” to “human-wildlife coexistence” is not yet consistently reflected throughout the section.
- 10.1.1.3. The term “human-wildlife conflict” can unintentionally locate the problem in wildlife itself. Animals do not enter into “conflict” in the institutional or political sense of that term. Rather, negative interactions frequently arise where human activities, settlement patterns, land-use decisions, infrastructure, agricultural practices, fencing, habitat fragmentation or other forms of landscape modification bring people and wildlife into circumstances in which their interests or safety are perceived to collide.
- 10.1.1.4. EMS therefore recommends that the final NBSAP use the language of *human-wildlife interactions or human-wildlife coexistence* wherever possible, reserving “conflict” for situations in which the term is necessary to describe documented adverse interactions. This is not merely a semantic issue. The language used to define a problem influences the range of solutions considered. If wildlife is framed as the source of conflict, management may become disproportionately directed towards controlling animals. If the interaction is instead understood as emerging from a wider socio-ecological system, the policy response is more likely to address the underlying conditions producing the problem.

- 10.1.1.5. EMS recommends that section 5.5 consistently frame human-wildlife coexistence as a *governance and landscape-management challenge*, rather than primarily as a wildlife-management problem.

10.1.2. The Strategy should identify the anthropogenic drivers of negative interactions

- 10.1.2.1. The draft theory of change focuses strongly on identifying where incidents occur, which species are involved and which mitigation measures reduce incident frequency. These are important components of an effective coexistence strategy, but EMS considers that the framework should go further by identifying the underlying drivers that produce recurrent negative interactions, for example:

- habitat loss and fragmentation
- barriers to animal movement and ecological connectivity
- fencing and infrastructure
- expansion of settlements into wildlife habitat
- agricultural practices and farmed animal management
- waste and food attractants
- tourism and recreational pressures
- artificial water provision and other anthropogenic alterations to wildlife distribution
- road and rail infrastructure
- historical land-use decisions
- institutional or management practices that may intensify interaction.

By incorporating these drivers, the NBSAP would shift emphasis from responding to incidents towards preventing the conditions that generate them.

10.1.3. Coexistence should not be measured solely by declining incident numbers

- 10.1.3.1. The draft proposes that, by 2035, the number of reported human-wildlife conflict incidents should decline and the number of mitigation measures implemented in recurrent-conflict areas should increase. It also acknowledges that these indicators are not currently measured systematically and that relevant information is fragmented across multiple sources.
- 10.1.3.1.2. EMS supports the creation of a national reporting system but cautions against treating a reduction in reported incidents as the principal measure of successful coexistence.
- 10.1.3.1.3. Incident numbers can be affected by reporting effort, public awareness, institutional capacity, access to reporting platforms and changes in human behaviour. A decline in reported incidents therefore does not necessarily demonstrate improved coexistence. More importantly, incident reduction can theoretically be achieved through interventions that are inconsistent with biodiversity conservation, for example, by removing wildlife from a landscape rather than improving the conditions under which humans and wildlife coexist.
- 10.1.3.1.4. The measure of success should therefore include both human and biodiversity outcomes. Appropriate indicators could include, where relevant, changes in:
- preventable injury and property loss
 - retaliatory killing

- wildlife mortality associated with management responses
- connectivity and access to habitat
- non-lethal prevention uptake
- public tolerance and perceptions
- effectiveness of attractant management
- recurrence following intervention

10.1.3.1.5. EMS recommends that the coexistence monitoring framework assess *quality of coexistence*, rather than relying predominantly upon reported incident numbers or numbers of mitigation actions implemented.

10.1.4. Prevention and non-lethal management should be the default response

- 10.1.4.1. EMS strongly supports the draft's intention to replace fragmented and reactive responses with coordinated, context-specific mitigation. However, the final NBSAP should provide clearer guidance regarding the hierarchy of interventions to be used.
- 10.1.4.2. EMS recommends that prevention, coexistence planning and non-lethal mitigation should constitute the default approach to human-wildlife interactions.
- 10.1.4.3. Responses should begin with measures directed at reducing the conditions producing negative interactions, including habitat and connectivity interventions, physical exclusion where appropriate, attractant management, early-warning systems, community-based prevention and behavioural adaptation by people.
- 10.1.4.4. Lethal intervention should not be treated as an ordinary or equivalent management option.
- 10.1.4.5. The purpose of a coexistence framework should be to enable people and wildlife to persist within shared landscapes and seascapes, rather than to eliminate wildlife from areas in which interactions occur. This principle is consistent with the broader species-conservation objective of preventing extinction and supporting recovery and would provide policy coherence between sections 5.4 and 5.5 of the NBSAP.
- 10.1.4.6. EMS recommends that an explicit hierarchy of responses in which *prevention, landscape-level solutions and non-lethal mitigation are prioritised over reactive removal or lethal control* is established.

10.1.5. Management interventions should be proportionate and subject to evidentiary review

- 10.1.5.1. The proposed action to capacitate provincial authorities to respond to incidents within 24 hours is understandable where urgent threats to human safety or animal well-being exist. However, rapid response should not become synonymous with rapid intervention against wildlife. EMS recommends that the final Strategy distinguish between immediate emergency response and subsequent management decision-making.
- 10.1.5.2. Where an animal presents an immediate and serious threat to human life, authorities must of course be able to respond urgently. But where the issue is recurrent property damage, crop loss, farmed animal predation, nuisance behaviour or repeated presence within human-modified landscapes, management decisions should be informed by evidence concerning the drivers of the interaction, effectiveness of previous interventions, reasonable alternatives and likely consequences of the proposed response. This distinction is important because

reactive intervention can address the immediate manifestation of a problem without resolving its cause, leading to recurring incidents involving the same or different animals.

- 10.1.5.3. The NBSAP should also encourage post-incident review and learning, particularly in recurrent-conflict areas.

10.1.6. Wildlife mortality associated with coexistence management should be recorded and publicly reported

- 10.1.6.1. The draft proposes a national reporting platform for human-wildlife incidents. EMS strongly supports this proposal and recommends that the reporting framework include not only incidents involving harm to people or property, but also the consequences for wildlife.
- 10.1.6.2. At present, a national incident database that records only the human dimensions of interaction would provide an incomplete picture of coexistence. The platform should therefore record, where applicable:
- species involved
 - nature and location of the interaction
 - suspected or confirmed driver
 - management response
 - whether the response was lethal or non-lethal
 - animals injured, captured, translocated or killed
 - outcomes of translocations or removals
 - whether similar incidents subsequently recurred
 - preventative measures implemented thereafter.
- 10.1.6.3. This information would allow government to assess which interventions actually improve coexistence and which merely displace or repeat the problem. It would also allow the NBSAP to monitor whether coexistence management itself is producing significant mortality or other impacts on wildlife.

10.1.7. Coexistence should be landscape-based rather than species-specific

- 10.1.7.1 The draft acknowledges that current approaches are frequently concentrated around high-profile species such as sharks, baboons, seals, elephants and large predators.
- 10.1.7.2. A national coexistence framework provides an important opportunity to move away from fragmented species-by-species responses.
- 10.1.7.3. While individual species may require specialised management approaches, the underlying drivers of interaction frequently operate at landscape or seascape scale. EMS therefore supports the draft's proposed integrated landscape and seascape approach and recommends that this principle be strengthened.
- 10.1.7.4. Human-wildlife coexistence should be incorporated into spatial planning, protected-area buffer management, ecological corridor planning, municipal development planning, transport infrastructure and agricultural policy rather than being treated solely as a responsibility of conservation authorities after interactions have occurred. This would help ensure that prevention becomes embedded within planning systems rather than remaining dependent upon reactive wildlife management.

10.1.8. The national target should be reframed to reflect genuine coexistence outcomes

- 10.1.8.1. The existing national target seeks to ensure that, by 2035, human-wildlife interactions are effectively managed to minimise conflict and reduce impacts on communities and species. EMS supports the intention of this target but recommends that it place greater emphasis on prevention, coexistence and underlying drivers.
- 10.1.8.2. Suggested wording: *By 2035, human-wildlife coexistence is strengthened through preventative, evidence-based and non-lethal approaches that address the ecological, spatial and anthropogenic drivers of negative interactions, reduce preventable harm to people and wildlife, and maintain viable wildlife populations within connected and functioning landscapes and seascapes.* This formulation would retain the practical intent of the existing target while aligning it more closely with the overarching objectives of ecological integrity, species conservation and coexistence.

10.1.9. A National human-wildlife coexistence strategy to establish minimum national principles

A National Human-Wildlife Coexistence Strategy should be developed, but given the fragmentation identified in the draft, however, the Strategy should do more than consolidate existing species-specific policies. It should establish a common national framework applicable across provinces and species. EMS recommends that principles be incorporated that would still permit context-specific responses while providing a consistent national standard for human-wildlife coexistence governance. The principles could include the following:

- a. prevention before reaction
- b. identification of underlying anthropogenic and ecological drivers
- c. priority for non-lethal interventions
- d. evidence-based and proportionate decision-making
- e. explicit consideration of animal sentience and well-being
- f. protection of ecological connectivity and viable wildlife populations
- g. transparent recording of interventions and wildlife outcomes
- h. participation of affected communities and relevant stakeholders
- i. monitoring of the effectiveness of interventions
- j. periodic review and adaptation based on outcomes.

11. Species conservation and recovery

The species target is welcome but insufficiently ambitious and under-specified. A stable Red List Index can mask serious declines in particular species because it is an aggregated measure that records changes between broad Red List threat categories across many species. Substantial population losses may therefore occur without affecting the overall index if declining species have not yet crossed a category threshold, if improvements in other species offset those declines, or if assessments are outdated or data deficient. A stable index should consequently not be interpreted as evidence that all species are secure; it must be accompanied by up-to-date species-specific information on population abundance, distribution, trends and threats. While a 10% improvement in

‘species protection level’ measures representation in protected areas rather than actual population recovery or ecological functionality.

For purposes of this theme, conservation should be understood in accordance with the definition proposed in section 8.1.6. The maintenance, breeding or numerical increase of animals under captive or intensively managed conditions should not be treated as species conservation unless it forms part of an independently reviewed, time-bound recovery programme directed towards viable populations in the wild and the protection or restoration of their natural habitats.

The target should prioritise free-living, self-sustaining populations in ecologically functional habitats.

The revised CBD global report also cautions that increasing the area nominally placed under restoration does not demonstrate effectiveness. Inconsistent definitions of degradation and restoration can conceal poor ecological outcomes. South Africa’s restoration indicators should therefore measure recovery of ecological condition and function, native biodiversity, connectivity, persistence and animal well-being - not merely hectares enrolled, expenditure incurred or trees planted.

EMS RECOMMENDS: Adopt binding national definitions and outcome standards for ecosystem degradation and restoration, aligned across terrestrial, freshwater, coastal and marine realms. Publish spatial baselines, condition assessments and long-term monitoring data, and exclude activities from restoration totals where they replace diverse ecosystems with simplified production systems or fail to produce independently verified ecological recovery

Enforcement against illegal activities is important, but conservation policy should not imply that illegality is the only serious threat associated with use and trade. Legal activities can also be ecologically harmful, cruel, poorly monitored or contrary to recovery. Compliance reporting should therefore cover authorised removal, captures, translocations, breeding, mortalities, exports, permit breaches and cumulative impacts.

Habitat protection must be treated as inseparable from species protection. The relevant question is not only whether representatives of a species persist somewhere, but whether animals and plants can exist as functioning members of ecological communities. NBSAP actions should therefore protect migration and dispersal routes, social and ecological relationships, seasonal ranges and access to essential resources, and should restore connectivity where fragmentation was caused by development, fencing or other human action.

11.1. Further detailed analysis and recommendations

11.1.1. Species conservation should remain recovery-centred and prioritise viable wild populations

- 11.1.1.1. EMS welcomes the strong emphasis placed in section 5.4 on preventing extinction, supporting the recovery of threatened species and maintaining genetic diversity. The draft appropriately identifies species recovery as a distinct national biodiversity objective and proposes measurable indicators including Red List trends, effective population size, genetic variability and improved representation within protected areas.
- 11.1.1.2. EMS particularly welcomes the commitment to develop and implement comprehensive recovery plans for priority threatened species, to improve representation of range-restricted and threatened species within protected areas, and to incorporate rewilding targets into the National Protected Area Expansion Strategy.

- 11.1.1.3. EMS nevertheless recommends that the final NBSAP more clearly establish the recovery and maintenance of *ecologically functional, genetically viable and self-sustaining populations in the wild* as the principal objective of species conservation.
- 11.1.1.4. Preventing extinction is essential, but avoiding extinction alone represents a minimum conservation threshold. A species may persist numerically while becoming increasingly fragmented, intensively managed, ecologically dysfunctional or dependent upon continuous human intervention. The longer-term objective of species recovery should therefore extend beyond numerical persistence towards maintaining populations capable of expressing their ecological roles and natural behaviours within functioning ecosystems.
- 11.1.1.5. This distinction is particularly relevant to the draft’s proposed use of indicators such as Red List status and effective population size. These are valuable indicators, but they should be complemented, where appropriate, by measures of population connectivity, ecological functionality, natural distribution and the extent to which populations remain viable without intensive management.
- 11.1.1.6. EMS recommends that section 5.4 expressly identify the conservation and recovery of viable, genetically diverse and ecologically functional *wild populations within functioning ecosystems* as the primary objective of species conservation.

11.1.2. In-situ conservation should remain the primary approach

- 11.1.2.1. The draft proposes a “one-plan approach” integrating in-situ and ex-situ conservation and seeks to increase the number of indigenous plant and animal genetic resources secured within biobanks, seed banks and other ex-situ facilities.
- 11.1.2.2. EMS recognises the legitimate conservation role that ex-situ measures may play for some highly threatened species and genetic resources. However, the relationship between in-situ and ex-situ conservation should be more clearly articulated.
- 11.1.2.3. For wild animal species in particular, ex-situ conservation should not become an alternative to conserving the habitats, ecological relationships, behavioural traditions and evolutionary processes upon which viable wild populations depend. Genetic material maintained in a repository, or animals maintained under captive conditions, cannot substitute for functioning populations within intact ecological systems.
- 11.1.2.4. The final NBSAP should therefore establish a clear presumption in favour of in-situ conservation, with ex-situ measures functioning as complementary or emergency conservation interventions where objectively necessary and where they contribute to credible recovery objectives. This would also strengthen the draft’s welcome commitment to incorporate rewilding and species representation into protected-area expansion. Rewilding should not merely involve returning animals or plants to landscapes; it should seek, wherever ecologically appropriate, to restore the conditions under which populations and ecological processes can become increasingly self-sustaining.
- 11.1.2.5. EMS recommends that the final NBSAP expressly state that *in-situ conservation is the primary approach to species conservation*, and that ex-situ interventions should complement rather than replace the protection and restoration of viable wild populations and their habitats.

11.1.3. Species recovery should incorporate animal sentience and well-being

- 11.1.3.1. EMS notes with concern that section 5.4 contains no explicit reference to animal sentience or well-being.
- 11.1.3.2. This omission is significant because a number of the conservation interventions contemplated by the section, including capture, translocation, reintroduction, ex-situ conservation, intensive monitoring and other targeted management interventions, may have substantial consequences for individual animals.
- 11.1.3.3. EMS recommends that species recovery planning incorporate animal well-being as an explicit consideration alongside population viability, genetic diversity and ecological outcomes. This does not require the NBSAP to substitute individual animal welfare for species conservation. Rather, it recognises that contemporary conservation practice should seek to achieve conservation objectives by methods that minimise avoidable harm and respect the sentience and behavioural complexity of the animals affected.
- 11.1.3.4. Recovery plans should therefore assess not only whether an intervention is expected to produce a population-level conservation benefit, but whether the intervention is necessary, proportionate and capable of being implemented in a manner that avoids unnecessary suffering.
- 11.1.3.5. The draft already requires species recovery plans to follow recognised international guidelines for reintroductions and conservation translocations. Incorporating well-being into the national framework would complement this requirement and provide greater consistency across conservation interventions involving sentient animals.
- 11.1.3.6. EMS recommends that section 5.4 require recovery plans and significant species-management interventions involving animals to incorporate *animal sentience and well-being, proportionality and the avoidance of unnecessary harm* into their design, assessment, implementation and monitoring.

11.1.4. Significant interventions should satisfy a clear necessity and evidence test

- 11.1.4.1. Section 5.4 explicitly bases its theory of change upon “evidence-driven action” and identifies robust species data, monitoring and Red List assessment as the basis for targeted recovery measures.
- 11.1.4.2. EMS strongly supports this approach but recommends that the principle be carried one step further. Where species conservation involves significant intervention into wild populations, the evidentiary requirement should extend beyond showing that a conservation concern exists. It should also demonstrate that the particular intervention proposed is necessary, that reasonable alternatives have been considered and that there is sufficient evidence to expect the intervention to deliver the intended conservation outcome.
- 11.1.4.3. The more intrusive, harmful or irreversible an intervention is, the stronger the evidentiary threshold should be. This requirement is particularly important for species that may be widely described as “common” but for which there is no current, standardised and independently verifiable national or provincial population assessment. In those circumstances, perceived abundance, local visibility or historical distribution cannot establish that trophy hunting, trade or lethal management is sustainable. The proposed intervention should not proceed unless

and until the necessary population baseline, trend and cumulative-impact evidence exists.

- 11.1.4.4. Recovery planning should consequently distinguish between the scientific evidence demonstrating the existence of a conservation problem and the evidence demonstrating the necessity and likely effectiveness of the management response selected to address that problem.
- 11.1.4.5. This distinction would strengthen the NBSAP's commitment to evidence-based conservation and reduce the risk of management conventions or historically established practices being continued without adequate evaluation of their contemporary necessity or effectiveness.

11.1.5. The NBSAP should establish a presumption against lethal population management

- 11.1.5.1. EMS recommends that the species-conservation framework provide clearer strategic guidance concerning lethal management.
- 11.1.5.2. Section 5.4 is appropriately framed around preventing extinction, stabilising declining populations, protecting genetic diversity and supporting species recovery. Its theory of change emphasises habitat protection, evidence-driven recovery, monitoring, genetic conservation and enforcement. There is consequently no conservation rationale within this framework for treating lethal population reduction as an ordinary or routine species-management instrument.
- 11.1.5.3. EMS submits that the final NBSAP should establish an explicit presumption in favour of non-lethal management and against the deliberate killing of wild animals as a biodiversity-management response. This principle is particularly important where population-management interventions are proposed on the basis of ecological impacts, spatial constraints, perceived overabundance or human-wildlife interactions. In such circumstances, management should first address the underlying ecological and governance conditions, including habitat fragmentation, artificial boundaries, connectivity, land-use pressures and anthropogenic alteration of ecological systems, rather than defaulting to lethal control of the animals themselves.
- 11.1.5.4. Where intervention is required, non-lethal, preventative and landscape-based alternatives should be exhaustively considered and prioritised.
- 11.1.5.5. This recommendation should be distinguished from humane euthanasia of an individual animal suffering from severe and irreversible injury or illness where intervention is undertaken principally in that animal's own interests. Such circumstances are fundamentally different from killing undertaken as a population-management or utilisation measure.
- 11.1.5.6. EMS recommends inclusion of a principle to the following effect: *Species conservation and population management should prioritise preventative, non-lethal and ecologically restorative interventions. Deliberate lethal population reduction should not constitute a biodiversity-management objective or routine conservation response. Management should instead address the ecological, spatial and anthropogenic drivers giving rise to the perceived need for intervention, with humane euthanasia remaining distinguishable where required solely in the interests of an individual animal experiencing severe and irreversible suffering.*

11.1.6. Genetic diversity should not be considered independently of ecological and behavioural integrity

- 11.1.6.1. EMS welcomes the considerable attention devoted to genetic diversity in section 5.4. The draft proposes effective population-size indicators, DNA-based monitoring, conservation of genetically distinct populations and increased security of genetic resources.
- 11.1.6.2. Genetic diversity is fundamental to species resilience and evolutionary potential. It should, however, be understood as one dimension of biological integrity rather than as a substitute for viable wild populations.
- 11.1.6.3. For many animal species, population resilience also depends upon age and sex structure, social organisation, learned behaviour, dispersal, migration, intergenerational knowledge and relationships with other species and ecological processes. These characteristics cannot necessarily be captured by genetic indicators alone.
- 11.1.6.4. Species-management decisions may therefore have important biological consequences even where total population numbers or measures of genetic diversity appear secure. The selective removal of particular individuals, disruption of social groups or fragmentation of populations may alter behavioural and ecological processes in ways that conventional demographic indicators fail to detect.
- 11.1.6.5. EMS recommends that, where scientifically appropriate, species recovery plans incorporate ecological, demographic, social and behavioural dimensions of population integrity alongside genetic indicators.

11.1.7. “Rewilding” should be defined and linked to ecological integrity

- 11.1.7.1. EMS welcomes the proposal to incorporate “species representation and rewilding targets” into the National Protected Area Expansion Strategy. This is potentially an important and progressive element of the NBSAP.
- 11.1.7.2. However, the term “rewilding” is not further explained in section 5.4. Because the concept may describe very different conservation approaches, greater clarity would assist implementation.
- 11.1.7.3. EMS recommends that rewilding be understood primarily as the restoration of ecological processes, connectivity, species interactions and the capacity of populations and ecosystems to become increasingly self-sustaining, rather than simply as the introduction or translocation of particular species. This interpretation would align rewilding with the overarching principle of ecological integrity proposed elsewhere in this submission and help ensure that rewilding programmes do not themselves become forms of intensive wildlife manipulation.
- 11.1.7.4. The final NBSAP should define rewilding in terms of the *restoration of functioning ecological relationships, processes, connectivity and viable wild populations*, with interventions designed wherever possible to reduce rather than perpetuate long-term dependence upon intensive human management.

11.1.8. Suggested strengthening of the species-conservation national target

- 11.1.8.1. The existing national target states: “By 2035, prevent new extinctions, support the recovery of priority threatened species, maintaining their genetic diversity, and improve species protection level by 10%.”
- 11.1.8.2. EMS supports this target but recommends strengthening it so that population recovery and ecological functionality are more clearly incorporated. Suggested wording: *By 2035, prevent new human-induced extinctions, secure the recovery of priority threatened species, maintain or restore genetically diverse, ecologically functional and viable wild populations within appropriate natural habitats, and improve species protection levels across all ecological realms.* This would retain the intention of the existing target while more clearly expressing the long-term conservation outcome that species recovery should seek to achieve.

12. Financing and implementation

The Draft NBSAP proposes private and blended finance, biodiversity offsets banking, credits, thematic bonds and other market-based instruments. Mobilising resources is necessary, but financialization can create perverse incentives, double counting, speculative claims, weak additionality, displacement of communities and a licence to damage one place in exchange for contested gains elsewhere. Some ecological and animal harms are irreversible and cannot be offset.

EMS RECOMMENDS: Adopt a binding biodiversity-finance safeguards framework before piloting or scaling market instruments. It must include the mitigation hierarchy; explicit no-go areas and non-offsettable impacts; additionality and permanence; leakage and reversal controls; independent verification; public registries; FPIC where applicable; grievance and remedy mechanisms; benefit transparency; conflict-of-interest rules; and animal-well-being safeguards.

The revised global report strengthens the case against treating new private instruments as the principal answer to the implementation deficit. It reports that biodiversity finance remains insufficient, that private finance is underdeveloped, and that harmful subsidies and incentives remain a major unresolved indirect driver of biodiversity loss. Mobilising new finance while continuing public support for biodiversity-damaging activities is incoherent and can leave the net flow of public policy directed against the NBSAP’s objectives.

EMS RECOMMENDS: Add a specific Target 18 implementation action: by 2027, publish a comprehensive inventory of national and provincial subsidies, tax concessions, grants, procurement, infrastructure support and other incentives that may harm biodiversity or animal well-being; disclose beneficiaries and values; and adopt a time-bound, just and transparent plan to eliminate, phase out or reform them. No new biodiversity-economy support should be approved without a biodiversity- and well-being-impact screen.

Public biodiversity finance should prioritise habitat protection, restoration, connectivity, coexistence, independent science, enforcement, open data and community-led stewardship. It should not subsidise activities whose financial viability depends on expanding the killing, capture, confinement, breeding or trade of wild animals or their body parts.

The Harmonious Coexistence framework also supports treating biodiversity as a shared ecological commons rather than divisible private ‘stocks’. This does not erase lawful tenure or the rights of Indigenous Peoples and local communities. It requires governance arrangements that recognise cross-boundary ecological relationships, distribute responsibility fairly and prevent owners, investors

or distant beneficiaries from externalising ecological and animal harms onto communities, future generations and other species.

12.1. Further detailed analysis and recommendations

12.1.1. EMS supports the stronger focus on finance, capacity and monitoring

- 12.1.1.1. EMS welcomes the draft NBSAP's recognition that implementation depends upon adequate financial resources, capable institutions, effective monitoring and sufficiently skilled personnel. Section 5.11 correctly identifies declining real biodiversity expenditure, high vacancy rates, insufficient progress in resource mobilisation and skills development, and previous weaknesses in monitoring as significant constraints upon biodiversity governance. EMS further welcomes proposals to develop biodiversity budget tagging, pursue long-term funding mechanisms, establish ring-fenced funding for community-led initiatives, strengthen government capacity and improve scientific and technical cooperation. The monitoring framework proposed in Chapter 6 is also a substantial improvement on previous arrangements. The draft expressly seeks to establish baselines, data custodians, reporting periods, metadata, caveats, confidence notes and public dashboards, while identifying areas in which evidence remains insufficient.
- 12.1.1.2. However, the final NBSAP would be significantly strengthened by translating this architecture into clearer responsibilities, timelines, financial commitments and review mechanisms.

12.1.2. The final NBSAP should contain an operational implementation framework

- 12.1.2.1. Chapter 6 describes itself as an initial overview of implementation arrangements and expressly states that it does not prescribe detailed processes or timelines. EMS considers this a significant limitation for a national strategy intended to guide implementation until 2035.
- 12.1.2.2. The NBSAP identifies numerous responsible institutions and proposes an extensive range of actions, but implementation accountability will remain weak unless those responsibilities are tied to measurable milestones and clear timeframes. EMS therefore recommends that the final NBSAP include, either within the Strategy or through a formally linked implementation schedule, for each material action:
- the lead institution
 - supporting institutions
 - commencement date or implementation period
 - interim milestones
 - relevant biodiversity outcome indicator
 - baseline status
 - reporting frequency
 - indicative resource requirement;
 - responsible data custodian
 - mechanism for corrective action where progress is inadequate.
- 12.1.2.3. EMS recommends that the final NBSAP be accompanied by an *operational implementation matrix* assigning time-bound responsibilities and measurable milestones to material actions.

12.1.3. Institutional responsibility should extend beyond identifying a “lead”

- 12.1.3.1. The draft usefully identifies lead and supporting institutions for individual actions. This is an important first step. However, designation as a “lead” does not necessarily establish accountability for delivery.
- 12.1.3.2. The final NBSAP should clarify which institution is ultimately accountable for reporting on whether a target or action has been achieved and what procedure applies where implementation is delayed or inadequate.
- 12.1.3.3. Where responsibility is shared across national, provincial or local government, the Strategy should avoid diffusion of responsibility in which no institution can clearly be held accountable for the final outcome.
- 12.1.3.4. EMS recommends that each national target have a clearly identified *accountable authority*, even where implementation responsibilities are distributed among several institutions. This distinction between participation in implementation and accountability for outcomes would materially strengthen the governance framework.

12.1.4. Monitoring should distinguish institutional performance from biodiversity performance

- 12.1.4.1. The draft monitoring architecture appropriately proposes both implementation and output indicators as interim measures while retaining longer-term outcome indicators. EMS supports this distinction and recommends that it be made explicit throughout the reporting framework.
- 12.1.4.2. Institutional performance answers whether planned actions were undertaken. Biodiversity performance answers whether those actions produced the intended ecological outcome. Both forms of reporting are necessary, but they should not be conflated. A department may successfully complete an action while the underlying biodiversity indicator continues to deteriorate. In such circumstances, implementation should not be reported as biodiversity success merely because an institutional deliverable was completed.
- 12.1.4.3. Progress reports should clearly distinguish *Institutional or implementation performance*: whether actions, budgets, plans and programmes were delivered; and *Biodiversity outcome performance*: whether species, ecosystems, ecological processes or identified pressures measurably improved.
- 12.1.4.4. Where implementation outputs are achieved but biodiversity outcomes continue to deteriorate, this should trigger review of the intervention rather than continued reporting of implementation success.

12.1.5. The proposed monitoring system should be independently auditable

- 12.1.5.1. EMS welcomes the proposal for the national monitoring system to generate “auditable evidence”, public reporting and management decisions. This is an important commitment and should be strengthened.
- 12.1.5.2. The monitoring architecture should permit independent scrutiny of methodologies, baselines, material assumptions and reported results. Where data are generated by the institution responsible for implementing the relevant programme, appropriate quality-assurance processes should be established to reduce the risk of institutional self-assessment becoming the sole basis for evaluating success.

- 12.1.5.3. EMS does not suggest duplicating every scientific assessment. Rather, periodic independent verification should be possible for strategically important indicators, particularly where the reported result is contested, uncertain or used to justify significant biodiversity interventions.
- 12.1.5.4. The final NBSAP should expressly provide for *independent verification or audit of selected biodiversity indicators and implementation outcomes*, particularly during formal review periods.

12.1.6. An independent mid-term review should be formally incorporated into Chapter 6

- 12.1.6.1. EMS reiterates its recommendation that the NBSAP include a formal independent mid-term review.
- 12.1.6.2. The draft already recognises the need for adaptive management and proposes a feedback loop through which evidence will inform work plans, implementation priorities and revision of the National Biodiversity Framework.
- 12.1.6.3. However, an internal adaptive-management process is not equivalent to an independent strategic review.
- 12.1.6.4. A ten-year biodiversity strategy should contain a formal point at which the underlying assumptions, institutional performance, ecological outcomes and resource adequacy of the Strategy are reviewed in their entirety.
- 12.1.6.5. EMS recommends that such a review take place approximately halfway through implementation, preferably in or around 2030 or 2031, and include participation from relevant government institutions, independent scientists, civil society, indigenous peoples and local communities, and other appropriately affected or interested stakeholders. The review findings should be published and formally inform subsequent implementation priorities. The review should assess:
- progress towards biodiversity outcomes
 - effectiveness of major interventions
 - adequacy of indicators and baselines
 - emerging biodiversity threats
 - areas of insufficient evidence
 - resource and staffing constraints
 - effectiveness of governance and participation mechanism
 - unintended consequences of implementation
 - whether any actions or assumptions require amendment.

12.1.7. The incomplete Financial Needs Assessment should be addressed before or shortly after finalisation

- 12.1.7.1. EMS notes with concern that the current Financial Needs Assessment has costed only 17 of the NBSAP's 125 activities because of data and consultation constraints. The draft itself emphasises that the resulting estimate of approximately R656.71 million over ten years is partial and excludes major high-cost areas including ecological restoration, protected-area expansion, full species recovery, pollution infrastructure and ecosystem-based climate adaptation.
- 12.1.7.2. This creates a material implementation risk.

- 12.1.7.3. A national strategy cannot be meaningfully assessed for feasibility if the financial implications of the majority of its activities remain unknown.
- 12.1.7.4. EMS recognises that not every action can necessarily be costed with precision before implementation begins. Nevertheless, the final NBSAP should contain a clear and time-bound commitment to complete the Financial Needs Assessment.
- 12.1.7.5. EMS recommends that: *a comprehensive costing of all material NBSAP actions be completed within a defined period following adoption, preferably within the first year of implementation, and thereafter be periodically updated.*
- 12.1.7.6. The resulting assessment should be publicly available and linked to the implementation framework.

12.1.8. Biodiversity finance should be assessed by ecological additionality, not merely capital mobilised

- 12.1.8.1. The draft proposes substantially diversifying biodiversity finance through private capital, blended finance, thematic bonds, biodiversity offsets, biodiversity credits and other market-based mechanisms. EMS recognises the scale of the biodiversity finance gap and the legitimate need to mobilise additional resources.
- 12.1.8.2. However, financial innovation should not become an objective independent of biodiversity outcomes.
- 12.1.8.3. The effectiveness of biodiversity finance should be measured not simply by the quantity of capital mobilised, the number of financial instruments created or the volume of transactions concluded, but by demonstrable ecological *additionality*: whether the financing produces conservation outcomes that would not otherwise have occurred.
- 12.1.8.4. Market-based mechanisms can also create risks where ecological complexity is translated into simplified financial units or where restoration, offsets or credits are treated as interchangeable with the protection of existing biodiversity.
- 12.1.8.5. The final NBSAP should require that innovative biodiversity-finance mechanisms:
 - demonstrate measurable ecological additionality
 - contain clear environmental and social safeguards
 - avoid double-counting of biodiversity benefits
 - disclose methodologies and assumptions
 - provide for independent verification
 - avoid creating incentives for avoidable biodiversity damage
 - remain subordinate to the mitigation hierarchy and protection of irreplaceable biodiversity.
- 12.1.8.6. Financial mobilisation should be reported separately from ecological outcomes.

12.1.9. Biodiversity offsets are inherently limited and must not be used to authorise otherwise unacceptable biodiversity loss

- 12.1.9.1. The Draft NBSAP identifies biodiversity offsets and biodiversity-offset banking among the financial instruments intended to attract biodiversity investment. The EMS Foundation is fundamentally concerned about this approach. Biodiversity offsets should not be presented primarily as financing mechanisms or investment

opportunities. Their use raises prior questions about whether biodiversity loss can legitimately or effectively be compensated for at all.

- 12.1.9.2. Biodiversity is frequently place-specific, historically constituted, ecologically complex and irreplaceable. Ecosystems, habitats, species assemblages, ecological relationships and the lives of individual animals cannot necessarily be recreated elsewhere or reduced to standardised, interchangeable units. Restoration or protection at another location cannot reproduce the particular ecological functions, evolutionary histories, animal communities, cultural associations and relationships with local people that are destroyed at the impacted site.
- 12.1.9.3. Biodiversity offsetting may therefore create a misleading impression that destruction in one place can be cancelled out by protection, restoration or financial investment elsewhere. This risks commodifying Nature, reducing ecological complexity to tradable units and normalising biodiversity loss as an acceptable cost of development. It may also encourage decision-makers and developers to move too readily through the avoidance stage of the mitigation hierarchy on the assumption that damage can ultimately be offset.
- 12.1.9.4. The limitations are not only ecological. The loss of land or ecosystems may affect cultural heritage, Indigenous knowledge, sacred or ancestral places, community relationships with Nature and the well-being of individual animals. These values are not interchangeable and cannot be adequately captured through economic valuation, habitat-hectare calculations or the language of ecosystem services.
- 12.1.9.5. Animal well-being must also be considered independently. Authorising the destruction or fragmentation of habitat may cause displacement, social disruption, injury, mortality and long-term harm to sentient wild animals. Protecting or restoring habitat elsewhere does not reverse the harms imposed on the individual animals and social groups affected at the development site. An offset cannot retrospectively render those harms necessary, proportionate or acceptable.
- 12.1.9.6. There are also serious evidentiary limitations. Knowledge of ecological relationships, species abundance, population trends, cumulative impacts and restoration outcomes is frequently incomplete. It may be impossible to establish whether the proposed offset is genuinely equivalent, additional, appropriately located, sufficiently extensive or capable of enduring for as long as the original loss. In these circumstances, reliance on offsetting may be inconsistent with the precautionary principle.
- 12.1.9.7. The mitigation hierarchy must therefore be applied strictly and sequentially. Avoidance is not merely the first administrative step before an offset is calculated; it is the primary substantive obligation. A development that would cause unacceptable biodiversity loss should be refused rather than authorised on the basis of a proposed offset.
- 12.1.9.8. Where residual impacts remain high or moderate, the environmental authorisation should be refused. If biodiversity offsets are permitted at all, they should be confined to low or very low residual impacts that are demonstrably capable of being addressed without undermining ecological integrity, animal well-being or the rights and interests of affected communities.

- 12.1.9.9. Certain biodiversity must be treated as categorically non-offsettable. Binding ecological no-go rules should prohibit offsets where an activity would affect, among other things:
- irreplaceable or critically important biodiversity
 - critical biodiversity areas and ecological support areas where development would compromise their ecological function
 - threatened ecosystems or the habitat of threatened, endemic, range-restricted or declining species
 - ecological corridors essential to connectivity, movement or climate adaptation
 - wetlands, rivers, estuaries, offshore marine ecosystems or other systems for which restoration or equivalence cannot be reliably demonstrated
 - sites of cultural, spiritual, ancestral, archaeological or community significance
 - habitats essential to the well-being, social integrity or survival of affected wild animals and populations
 - biodiversity losses that would be irreversible or subject to substantial scientific uncertainty.
- 12.1.9.10. Terms such as “exceptional circumstances”, “overriding public interest” or “imperative reasons” should not be used to permit impacts in these areas unless they are narrowly and exhaustively defined in binding law. Broad or undefined exceptions create a risk that private commercial interests will override the public interest in conserving biodiversity and preventing ecological degradation.
- 12.1.9.11. Offsets must not be used retrospectively to legitimise unlawful development, including through section 24G processes, or to facilitate the de-proclamation or withdrawal of protection from protected areas. Nor should offset banking generate credits in anticipation of future biodiversity destruction or create a market incentive for avoidable ecological harm.
- 12.1.9.12. If offsetting is retained as a limited measure of last resort, the applicable requirements should be contained in binding regulations rather than non-binding guidelines. Those regulations should impose enforceable standards governing no-go areas, ecological additionality, location, equivalence, permanence, time lags, cumulative impacts, financial provisioning, independent verification and adaptive management. Any permitted offset should deliver a demonstrable net improvement in ecological condition rather than merely claim “like-for-like” replacement or no net loss.
- 12.1.9.13. Implementation must not depend upon developer self-regulation. Offset obligations should be secured through adequate, ring-fenced financial provision and subject to regular reporting, independent ecological monitoring, public disclosure and effective enforcement by the State. Failure to establish, maintain or achieve the required offset outcomes should result in enforceable corrective measures and appropriate consequences. A comprehensive, publicly accessible biodiversity-offset register should record every proposed and approved offset, its legal basis, ecological objectives, financial provision, responsible parties, monitoring results, compliance status and enforcement action.

- 12.1.9.14. All interested and affected parties - not only a selection of “relevant” parties - should be afforded meaningful opportunities to participate at every stage, including the initial consideration of whether an offset is permissible, the identification of an offset site, the formulation of management and implementation arrangements, and the monitoring of outcomes.
- 12.1.9.15. The EMS Foundation recommends that the final NBSAP not promote biodiversity offsets or offset banking as ordinary biodiversity-finance instruments. It should acknowledge expressly that much biodiversity is unique, intrinsically valuable and incapable of being offset, and that biodiversity offsets cannot compensate for all ecological, animal well-being, cultural, spiritual or community losses.
- 12.1.9.16. The NBSAP should establish a presumption against offsetting; binding ecological no-go rules; and an unequivocal requirement that developments with high or moderate residual biodiversity impacts be refused. If offsets are permitted at all, they should be confined to low or very low residual impacts after genuine avoidance and minimisation have been exhausted and should be governed by binding regulations, independent verification, State enforcement, full public participation and transparent long-term monitoring.
- 12.1.9.17. No offset should be accepted unless it produces demonstrable, additional and enduring ecological gains, protects animal well-being, avoids the displacement of harms onto other communities or ecosystems, and is consistent with the precautionary principle and the constitutional duties to prevent ecological degradation and promote conservation.

12.1.10. Public funding remains an essential State responsibility

- 12.1.10.1. The draft seeks to move away from heavy reliance on government budgets towards whole-of-society financing involving international, private and civil-society partners.
- 12.1.10.2. Diversification of funding is understandable and potentially beneficial. However, EMS recommends that the NBSAP avoid implying that biodiversity conservation can be progressively transferred from the State to markets, philanthropic actors or private investors.
- 12.1.10.3. The constitutional and statutory responsibility of government to protect biodiversity remains irrespective of whether particular conservation activities generate financial returns.
- 12.1.10.4. Some of the most important conservation functions - compliance and enforcement, long-term ecological monitoring, protection of threatened ecosystems, public-interest research and recovery of commercially unattractive species - may not generate investment returns at all.
- 12.1.10.5. Public biodiversity funding therefore remains indispensable.
- 12.1.10.6. The final NBSAP should affirm that *private and innovative finance supplements rather than substitutes for adequate public funding of core biodiversity obligations.*

12.1.11. Staff capacity should be assessed by expertise and institutional continuity, not vacancy rates alone

- 12.1.11.1. EMS welcomes the explicit acknowledgement of high vacancy rates and shortages of qualified biodiversity practitioners. The capacity assessment provides additional detail, identifying frozen critical posts, difficulties retaining scarce technical expertise

and limited career progression for early-career scientists. The proposed indicator of reduced vacancy rates is therefore important but insufficient on its own. A filled post does not necessarily establish that an institution possesses the specialised expertise, continuity and institutional knowledge required for effective biodiversity management.

12.1.11.2. Capacity indicators should therefore consider, where appropriate:

- occupation of critical scientific and enforcement posts
- staff retention
- relevant specialist expertise
- career progression
- continuity of long-term monitoring programmes
- dependence upon temporary or project-funded personnel
- training and succession planning.

12.1.11.3. EMS recommends that human-capacity indicators measure *institutional capability and continuity*, rather than simply overall headcount or vacancy percentages.

12.1.12. Long-term conservation functions should not depend on short-term project funding

12.1.12.1. EMS strongly supports the proposed action to pursue long-term funding beyond project cycles, particularly for continued management after initial conservation interventions. This principle should apply broadly across the NBSAP.

12.1.12.2. Ecological restoration, invasive-species control, species recovery, protected-area management and biodiversity monitoring frequently require sustained intervention over decades. Short-term funding may enable initial implementation but can produce wasted expenditure where follow-up management is absent. The final Strategy should therefore distinguish between time-limited project finance and recurrent funding required to maintain long-term biodiversity outcomes. Where actions create ongoing management obligations, those recurrent costs should be explicitly incorporated into financial planning.

12.1.13. The National Biodiversity Framework should become the operational bridge between strategy and implementation

12.1.13.1. EMS welcomes the proposal to review and update the National Biodiversity Framework so that the NBSAP is more directly domesticated within South Africa's biodiversity governance system. This provides an important mechanism for converting the broad NBSAP into operational medium-term priorities.

12.1.13.2. EMS recommends that the revised National Biodiversity Framework explicitly incorporate:

- the cross-cutting governance principles proposed in this submission
- priority biodiversity outcomes
- time-bound implementation responsibilities
- measurable interim milestones
- institutional accountability
- financial requirements
- procedures for adaptive revision.

- 12.1.13.3. The relationship between the NBSAP and the revised NBF should be made sufficiently clear that the NBF does not dilute or reinterpret the Strategy's biodiversity objectives.

12.1.14. Cabinet reporting should be complemented by regular public reporting

- 12.1.14.1. The draft indicates that NBSAP implementation will inform national reports to Cabinet and South Africa's reporting to the Convention on Biological Diversity.
- 12.1.14.2. EMS supports these reporting obligations but recommends that public accountability occur more frequently than international reporting cycles.
- 12.1.14.3. Regular progress reports should be publicly accessible and issued according to a predetermined schedule. These reports should identify:
- progress
 - mixed progress
 - insufficient evidence
 - deterioration or implementation concern
 - material delays
 - expenditure against planned budget
 - corrective action proposed.
- 12.1.14.4. EMS particularly supports the draft's proposal to identify explicitly where evidence is too weak to make a reliable assessment.
- 12.1.14.5. The final NBSAP should commit to *regular public implementation reports at defined intervals*, with a standardised reporting format allowing performance to be compared over time.

12.1.15. The Implementation Framework should contain a formal corrective-action mechanism

- 12.1.15.1. Monitoring has limited value unless poor performance leads to action. EMS therefore recommends that the implementation framework specify what occurs where:
- a target is materially off track
 - an indicator deteriorates
 - implementation repeatedly fails
 - an intervention proves ineffective
 - funding is insufficient
 - evidence contradicts the assumptions underlying an action
 - significant unintended biodiversity consequences emerge.
- 12.1.15.2. In such circumstances, the responsible authority should be required to identify the cause, propose corrective action and report subsequently on whether the corrective measures were effective. This would make adaptive governance operational rather than aspirational.
- 12.1.15.3. The final NBSAP should establish a *formal report–review–correct cycle* in which material underperformance or ecological deterioration triggers documented reassessment and corrective action.

12.1.16. Proposed minimum implementation architecture

- 12.1.16.1. To consolidate these recommendations, EMS proposes that the final NBSAP implementation framework contain, at minimum, the following elements:

- a. clear accountable authorities for every national target
- b. an operational implementation matrix with interim milestones
- c. defined and publicly reported biodiversity outcome indicators
- d. transparent baselines, methodologies, caveats and confidence levels
- e. completed or time-bound costing of material actions
- f. periodic public implementation reporting
- g. independent verification of selected indicators
- h. a formal mid-term independent review
- i. a corrective-action mechanism for underperformance
- j. long-term funding commitments for recurrent conservation functions
- k. a final evaluation assessing biodiversity outcomes at the conclusion of the Strategy period.

12.1.16.2. Collectively, these measures would materially improve the prospects of the NBSAP achieving its stated biodiversity objectives and would respond directly to implementation and monitoring weaknesses identified from previous strategy cycles.

12.1.17. Suggested addition to Chapter 6

12.1.17.1. EMS recommends that Chapter 6 include an overarching accountability statement along the following lines: *Implementation of the NBSAP shall be transparent, time-bound, evidence-based and publicly accountable. Progress shall be assessed primarily against measurable biodiversity outcomes, supported by implementation indicators and regular public reporting. Where monitoring demonstrates insufficient progress, declining biodiversity outcomes or inadequate evidence, responsible institutions shall review the relevant intervention and implement appropriate corrective measures. The Strategy shall be subject to an independent mid-term review and final evaluation.*

13. Knowledge, participation, Indigenous knowledge and access to justice

EMS welcomes commitments to FPIC protocols, legal support, grievance mechanisms, accessible information and disaggregated participation data. These must be operational rather than aspirational. Meaningful participation requires early disclosure, sufficient time, accessible formats and languages, resources for affected communities and civil society, disclosure of competing interests, and reasoned responses before decisions are taken.

EMS RECOMMENDS: Make the proposed participation standards binding across all NBSAP programmes. Publish participation reports showing who was invited, who participated, what information was disclosed, the issues raised, how they affected the decision, and what remedy is available. Distinguish consent from consultation and do not treat communities as a single homogeneous interest group.

Traditional and Indigenous knowledge must be respected and protected from extraction or commercial appropriation. At the same time, no knowledge claim, whether scientific, commercial or traditional, should automatically displace constitutional duties, ecological limits, animal well-being or

the rights and safety of vulnerable persons. Processes should allow plural knowledge systems to be evaluated transparently and respectfully.

The emerging global review further shows that adopting access-and-benefit-sharing laws or targets is not enough if monetary and non-monetary benefits cannot be traced to the people and communities entitled to them. The NBSAP must not measure success by permits, agreements or enterprises alone. It should disclose what benefits were actually received, by whom, for how long, on what terms, and whether traditional knowledge and community rights were protected throughout the value chain.

EMS RECOMMENDS: Create a public access-and-benefit-sharing monitoring framework and registry, subject to lawful protection of confidential and sensitive knowledge. It should trace monetary and non-monetary benefits from authorisation to final product; report distribution in disaggregated form; record community governance and consent processes; identify non-payment and leakage; and provide accessible complaint, audit and remedy mechanisms.

The principle of subsidiarity is also useful: decisions should be taken as close as reasonably possible to the people and ecological places affected, with higher spheres supporting capacity and intervening where cross-boundary effects, constitutional duties or unequal power require it. Localisation, however, must not become a mechanism for transferring unfunded duties or allowing local commercial or political interests to override national ecological and well-being safeguards.

EMS RECOMMENDS: Include subsidiarity and community stewardship in the participation theme, accompanied by secure resources, access to information, national minimum standards, conflict-of-interest controls and effective appeal and remedy. Support community-led coexistence and restoration pilots whose outcomes are independently evaluated and openly published.

13.1. Further detailed analysis and recommendations

13.1.1. The Foundation supports the move from consultation to meaningful participation

- 13.1.1.1. EMS welcomes the strong emphasis in section 5.12 on access to knowledge, inclusion, justice and meaningful participation. The draft appropriately recognises that participation cannot be symbolic and that access to biodiversity information, rights and decision-making power are necessary conditions for effective involvement in biodiversity governance. It further states that the thematic area seeks to move beyond consultation and passive beneficiaries towards more inclusive participation, co-management and ownership.
- 13.1.1.2. However, the effectiveness of the final NBSAP will depend upon whether “meaningful participation” is translated into a substantive governance standard rather than measured primarily through attendance, representation or numbers of consultation processes.
- 13.1.1.3. Participation should occur sufficiently early to influence the formulation of policy and management options, should provide access to relevant evidence and proposed alternatives, and should include transparent consideration of substantive concerns raised during decision-making.
- 13.1.1.4. EMS recommends that the final NBSAP define meaningful participation as a process in which affected and interested parties have *timely access to relevant information, reasonable opportunity to influence decisions before they are finalised, and transparent feedback explaining how substantive representations were considered.*

13.1.2. Participation indicators should measure influence, not merely representation

- 13.1.2.1. The draft proposes several welcome indicators concerning inclusion, including publication of disaggregated participation data, increased representation of designated groups within decision-making structures and increased numbers of co-management or stewardship agreements.
- 13.1.2.2. These indicators are useful, but participation should not be assessed solely according to who was present. Numerical representation does not necessarily establish meaningful influence over the substance of decisions. EMS therefore recommends that participation indicators also assess, where feasible:
- whether consultation occurred before material decisions were taken
 - whether participants received relevant information in an accessible form
 - whether alternatives were presented and discussed
 - whether material representations were formally recorded
 - whether decision-makers responded to substantive concerns
 - whether reasons for final decisions were publicly available
 - whether participation resulted in identifiable changes to policy, planning or management where warranted.

13.1.3. Access to biodiversity information should be treated as a governance right, not merely a knowledge-management function

- 13.1.3.1. EMS welcomes the proposed development of a national biodiversity indicators database and monitoring system with an accessible dashboard to track NBSAP progress. It also supports measures to improve multilingual access to biodiversity information platforms and strengthen citizen-science participation. These are significant positive provisions.
- 13.1.3.2. EMS recommends, however, that access to biodiversity information be framed more explicitly as an essential component of transparent and accountable environmental governance.
- 13.1.3.3. Publicly accessible information should extend, where appropriate, beyond high-level indicators to include the evidentiary basis for important biodiversity decisions, management outcomes, monitoring results, implementation progress and material data gaps.
- 13.1.3.4. The draft's monitoring architecture already anticipates auditable evidence, public reporting, metadata, confidence notes and the identification of data gaps. EMS recommends that the public-facing components of this system be maximised.
- 13.1.3.5. The national biodiversity monitoring and indicator system should operate according to a presumption of *proactive disclosure*, subject only to legitimate restrictions concerning sensitive ecological information, personal information or other legally protected material.

13.1.4. The national monitoring dashboard should enable independent scrutiny

- 13.1.4.1. The proposed national biodiversity indicators database and dashboard could become one of the most important accountability mechanisms within the NBSAP. For the dashboard to fulfil this role, it should provide sufficient contextual information to enable users to understand the reliability and meaning of reported indicators.
- 13.1.4.2. Where practicable, published indicators should therefore identify:

- baseline
- methodology
- responsible data custodian
- reporting period
- spatial and temporal coverage
- material limitations
- whether the indicator is fully operational or remains under development
- links to underlying reports or source information where publicly available.

13.1.4.3. EMS welcomes the draft's later proposal that the monitoring system record metadata, caveats, confidence notes and indicator-readiness gaps. These elements should be accessible through the public reporting architecture rather than retained solely for internal administrative purposes. This would allow civil society, scientists, communities and other stakeholders to independently assess progress and identify areas requiring greater attention.

13.1.5. Data gaps should be disclosed rather than concealed by incomplete indicators

13.1.5.1. A number of indicators in section 5.12 are not currently measured or rely upon fragmented information sources, including citizen-science participation, representation in leadership structures and co-management agreements. EMS welcomes the draft's openness regarding these gaps.

13.1.5.2. The final NBSAP should preserve this transparency throughout implementation. **Where evidence is inadequate, progress reports should explicitly identify the** relevant indicator as having *insufficient evidence*, rather than inferring progress from incomplete information.

13.1.5.3. This approach is already contemplated within the monitoring framework, which proposes distinguishing between progress, mixed progress, insufficient evidence and implementation concern. EMS supports this distinction and recommends that it be applied consistently across all thematic areas.

13.1.5.4. A transparent acknowledgement that evidence is insufficient is preferable to a nominal performance assessment unsupported by reliable data.

13.1.6. Scientific independence and diversity of expertise should be protected

13.1.6.1. The draft appropriately recognises both scientific and indigenous or traditional knowledge as important components of biodiversity governance. EMS supports this plural knowledge framework.

13.1.6.2. The final NBSAP should additionally recognise the importance of scientific independence and diversity of expertise, particularly where biodiversity-management decisions are contested or carry significant ecological consequences.

13.1.6.3. Evidence should not be treated as institutionally valid merely because it originates within a responsible authority, nor should external science be discounted because it challenges established management practice.

13.1.6.4. Where material scientific disagreement exists, the nature of that disagreement should be acknowledged transparently and, where appropriate, independent expertise should be sought.

- 13.1.6.5. This principle would reinforce the broader recommendation contained in this submission that significant biodiversity interventions be subject to transparent and appropriately independent scientific evaluation.

13.1.7. Citizen science should complement, not substitute for institutional monitoring obligations

- 13.1.7.1. EMS welcomes the proposal to expand community monitoring, biodiversity stewardship and citizen-science participation. Citizen science can substantially increase spatial coverage, strengthen public engagement and generate valuable biodiversity information. It should, however, supplement rather than replace adequately funded institutional monitoring.
- 13.1.7.2. The Strategy should avoid a situation in which public volunteers or community monitors are expected to compensate for persistent shortages in government scientific capacity.
- 13.1.7.3. Government and biodiversity institutions must retain responsibility for maintaining core national monitoring systems, quality assurance, long-term datasets and professional scientific capacity.
- 13.1.7.4. Community participation should therefore be adequately resourced, supported and integrated into scientifically robust monitoring systems rather than treated as a low-cost substitute for institutional capacity.

13.1.8. Indigenous and traditional knowledge must be protected through genuine consent and control

- 13.1.8.1. EMS welcomes the proposed development of Free, Prior and Informed Consent protocols for the ethical access, verification and use of indigenous and traditional knowledge. This is an important safeguard.
- 13.1.8.2. The emphasis should remain on the rights and agency of knowledge holders rather than simply increasing the quantity of knowledge recorded within national databases.
- 13.1.8.3. The indicator proposing an increase in the number of biodiversity-related indigenous knowledge claims recorded and verified in NIKMAS should therefore be interpreted carefully. An increase in recorded claims is not necessarily a measure of improved justice, protection or biodiversity governance.
- 13.1.8.4. The relevant outcome should be whether knowledge holders exercise meaningful control over access to and use of their knowledge, whether consent is genuinely informed and voluntary, and whether benefits and protections are equitably secured.

13.1.9. Environmental education should not be reduced to visitor numbers

- 13.1.9.1. The draft proposes increased visitor numbers to national parks, botanical gardens and zoological gardens as an indicator under the knowledge and participation thematic area.
- 13.1.9.2. EMS questions whether visitor numbers provide a meaningful indicator of increased biodiversity awareness. Attendance may reflect tourism demand, pricing, location, recreational preference or infrastructure availability without demonstrating any measurable change in ecological understanding, conservation behaviour or public participation.

- 13.1.9.3. Visitor statistics may remain useful operational information, but they should not substitute for evidence of learning or improved biodiversity literacy.
- 13.1.9.4. EMS recommends replacing or supplementing visitor-number indicators with measures capable of assessing *changes in biodiversity knowledge, environmental understanding, public engagement or conservation behaviour*.

13.1.10. Public participation data should be accompanied by publication of substantive outcomes

- 13.1.10.1. The draft proposes that 100% of formal biodiversity-related public participation processes publish disaggregated participation data. EMS supports this target, but recommends that DFFE go further.
- 13.1.10.2. For significant policies, strategies, plans and biodiversity-management processes, final participation reports should also summarise:
- principal issues raised
 - material scientific or legal concerns submitted
 - alternatives proposed
 - changes made following participation
 - reasons where substantial recommendations were not accepted.

13.1.11. The participation framework should include access to remedy

- 13.1.11.1. EMS welcomes the proposal to establish accessible legal support systems, formal grievance mechanisms and remedy processes for indigenous peoples and local communities. The principle is important beyond this particular constituency.
- 13.1.11.2. Effective environmental governance requires that stakeholders affected by biodiversity decisions have reasonable avenues through which procedural failures, implementation concerns or alleged non-compliance can be raised and addressed.
- 13.1.11.3. EMS therefore recommends that the NBSAP consider establishing or identifying accessible mechanisms through which material concerns about implementation may be submitted, tracked and responded to. Such a mechanism would complement the monitoring dashboard and strengthen accountability throughout the ten-year implementation period.

13.1.12. Suggested strengthening of the national target

- 13.1.12.1. The existing target seeks to ensure access to scientific and traditional knowledge and empower designated groups to participate meaningfully and access justice.
- 13.1.12.2. EMS supports the target but recommends incorporating transparency and accountability more explicitly. Suggested wording: *By 2035, ensure equitable and timely access to reliable biodiversity information and appropriately protected scientific, indigenous and traditional knowledge; secure free, prior and informed consent where applicable; enable meaningful and influential participation in biodiversity decision-making; provide effective access to justice and remedy; and ensure transparent public reporting of biodiversity decisions and outcomes*. This would retain the transformation and inclusion objectives of the existing target while reinforcing the relationship between knowledge, participation and accountable governance.

14. Governance, evidence and accountability

14.1. Independent and plural expertise

The strategy repeatedly invokes ‘evidence-based decision-making’ but does not adequately address who selects the evidence, how contested evidence is treated, or how conflicts of interest are managed. Institutions and experts involved in commercial use or in implementing an intervention should not be the sole evaluators of its success.

EMS RECOMMENDS: Require declarations of interest, a public conflict-of-interest register, balanced advisory bodies, publication of evidence and minutes, disclosure of minority opinions, peer review for contested high-impact decisions, and independent ecological and animal-well-being expertise.

The NBSAP should require an institutional-gap and enforcement-capacity review, including whether an independent ecological commissioner, ombud or specialist tribunal function would improve accountability.

14.2. Monitoring must be public, disaggregated and decision-linked

The proposed national monitoring and indicator reporting system is a significant improvement. Its value will depend on whether raw and processed data are timely, accessible and capable of triggering correction. A dashboard that reports progress without exposing source evidence, uncertainty or failure will not provide accountability.

EMS RECOMMENDS: Publish indicator definitions, baselines, custodians, methodologies, source datasets, confidence levels, limitations and change histories in open formats. Reports should distinguish outputs from outcomes, disaggregate by species, geography, activity, sex and age where relevant, and identify decline, inadequate evidence and non-compliance—not only progress.

14.3. Clear responsibility, deadlines and consequences

Many actions name a lead body and supporting actors but omit start dates, deadlines, budgets and consequences. Several indicators are ‘not yet measured’ or ‘under development’. The earlier NBSAP’s failure - only five of 22 outcomes fully achieved - should lead to a more disciplined framework, not a new cycle of deferred baseline development.

EMS RECOMMENDS: Within six months of adoption, publish a fully costed implementation plan for all 125 activities, with annual deliverables, accountable officials, procurement and funding status, risk registers and corrective-action protocols. Table progress annually before Parliament and subject it to independent review at least every two years.

15. Ecosystem conservation and protected and conserved areas

15.1. Protected-area expansion should be assessed by conservation quality as well as area

15.1.1. EMS welcomes the emphasis in section 5.3 on expanding a representative, effectively managed and equitably governed system of protected and conserved areas. EMS particularly supports the draft’s recognition that protected-area expansion should improve representation, ecological connectivity and climate resilience, rather than merely increase the nominal extent of the conservation estate.

15.1.2. South Africa has made important progress in expanding its terrestrial and marine conservation estate. The draft records that protected and conserved areas currently

encompass approximately 17% of terrestrial South Africa and around 15% of the marine realm, while simultaneously acknowledging significant deficiencies in the protection of freshwater ecosystems.

15.1.3. EMS nevertheless recommends that the final NBSAP make an explicit distinction between *area-based conservation coverage* and *effective biodiversity conservation*.

15.1.4. The declaration, recognition or registration of an area is an important conservation intervention, but it does not itself establish that the biodiversity within that area is secure. Protected and conserved areas may continue to experience habitat degradation, invasive species, pollution, infrastructure pressures, inadequate enforcement, ecological fragmentation, unsustainable resource use or insufficient management capacity.

15.1.5. Accordingly, hectares declared or recognised should be regarded as an implementation measure rather than the ultimate conservation outcome.

15.1.6. The final NBSAP should state explicitly that progress towards area-based conservation targets shall be evaluated through a combination of:

- spatial extent
- ecological representativity
- connectivity
- ecosystem condition
- management effectiveness
- persistence of biodiversity features
- governance quality
- demonstrated long-term conservation outcomes.

15.1.7. This would ensure that expansion of the conservation estate remains directed towards ecological integrity rather than numerical target attainment alone.

15.2. Area targets should not create incentives to prioritise easily counted land over ecologically important land

15.2.1. The draft establishes a national target of 21% coverage for land-based protected and conserved areas and 20% for marine areas by 2035, while acknowledging the broader global ambition of 30%.

15.2.2. EMS recognises the need for realistic and financially implementable national targets. However, area-based targets can unintentionally create incentives to secure large areas that are comparatively inexpensive or administratively straightforward to recognise rather than areas that make the greatest contribution to biodiversity conservation.

15.2.3. The final NBSAP should therefore ensure that expansion is guided first by conservation need.

15.2.4. Priority should be afforded to areas necessary to protect:

- threatened and poorly protected ecosystems
- range-restricted and threatened species
- ecological corridors
- climate refugia and climate-adjustment pathways
- Strategic Water Source Areas and other ecological infrastructure
- freshwater systems
- genetically or evolutionarily significant populations
- ecological processes operating across landscape and seascape scales.

- 15.2.5. This is particularly important because the National Biodiversity Assessment identifies rivers, wetlands and estuaries among South Africa's most threatened and least protected ecosystems.
- 15.2.6. Expansion targets should be implemented according to *ecological priority and additionality*, rather than the ease with which hectares can be added to national statistics.

15.3. OECMs must demonstrate conservation outcomes before being counted towards national targets

- 15.3.1. EMS supports the appropriate recognition of Other Effective Area-Based Conservation Measures (OECMs) where areas outside formally declared protected areas achieve genuine and durable biodiversity conservation. However, the treatment of OECMs in the draft requires particular care.
- 15.3.2. Section 5.3 acknowledges that the current terrestrial baseline includes an estimated OECM contribution of approximately 2%, while noting that this estimate remains preliminary. The draft further suggests that potentially large areas, including wildlife ranches, may ultimately qualify as OECMs but have not yet been properly defined, verified or measured.
- 15.3.3. EMS considers it essential that OECM recognition should not become a mechanism for increasing national conservation-area statistics without evidence of genuine biodiversity outcomes.
- 15.3.4. The presence of wildlife, low-intensity land use or a conservation-related commercial activity should not in itself be sufficient to establish OECM status.
- 15.3.5. Recognition should depend upon evidence that the area produces *effective, geographically defined, durable and long-term in-situ conservation of biodiversity*, including the ecological functions and biodiversity values for which recognition is claimed.
- 15.3.6. This distinction is especially important for commercial wildlife properties. A property managed primarily for commercial utilisation may under some circumstances contribute significantly to conservation; in other circumstances, intensive management, selective breeding, fencing, habitat modification, predator exclusion, supplementation or other interventions may substantially alter natural ecological processes. The appropriate question is therefore not the label attached to the land use, but the conservation outcome actually achieved.
- 15.3.7. EMS strongly supports the proposed development of national OECM norms, standards and verification mechanisms, but recommends that *no area be counted towards national conservation targets until its eligibility has been individually and transparently verified against rigorous biodiversity criteria*.
- 15.3.8. OECM status should be subject to periodic reassessment and should be capable of being withdrawn where the conservation outcomes upon which recognition depended are no longer maintained.

15.4. OECM verification should be transparent and independently reviewable

- 15.4.1. The draft proposes developing norms and standards defining and verifying OECMs and subsequently evaluating areas for potential recognition. EMS supports these actions and recommends that the verification framework provide for transparency regarding:
- the biodiversity values for which an area is recognised
 - the evidence demonstrating effective conservation

- governance and tenure arrangements
- permitted land uses
- management objectives
- anticipated duration of conservation
- ecological monitoring requirements
- periodic reassessment.

15.4.2. The register of recognised OECMs should be publicly accessible, subject only to legitimate restrictions concerning sensitive ecological information.

15.4.3. Where recognition is contested or where an area makes a substantial contribution towards national area targets, the supporting conservation evidence should be capable of independent scientific scrutiny.

15.4.4. This would protect the credibility of South Africa's reporting under the KMGBF and reduce the risk of nominal conservation coverage becoming detached from actual ecological protection.

15.5. Approved management plans should not be treated as evidence of effective management

15.5.1. One proposed indicator requires 100% of declared protected areas, recognised OECMs and conservation areas to have approved management plans by 2035.

15.5.2. EMS supports universal management planning but cautions against treating the existence of a management plan as a conservation outcome. A management plan is an administrative and planning instrument. Its significance depends upon whether it is adequately funded, implemented, monitored and capable of achieving the ecological objectives for which the area was established.

15.5.3. The final NBSAP should therefore distinguish between plan existence (whether a current and legally appropriate management plan has been approved) and management effectiveness (whether management is demonstrably maintaining or improving the biodiversity values and ecological integrity of the area). The distinction is important because protected areas can be well planned on paper while experiencing deteriorating ecological condition in practice.

15.5.4. The management-plan indicator should be supplemented by outcome indicators examining whether management objectives are being implemented and whether the ecological condition of protected and conserved areas is being maintained or improved.

15.6. Management-effectiveness scores should be complemented by direct ecological indicators

15.6.1. EMS welcomes the proposed national target that 85% of state-managed protected areas achieve a specified METT-SA/R-METT management-effectiveness threshold and the commitment to consolidated national reporting of management-effectiveness scores.

15.6.2. Management-effectiveness tools provide valuable information concerning institutional capacity, planning and management systems. They should nevertheless not become substitutes for measurement of ecological condition.

15.6.3. A protected area may perform comparatively well against administrative or management-process criteria while significant biodiversity components continue to deteriorate.

15.6.4. Where practicable, protected-area effectiveness should therefore be assessed through both management and ecological indicators, including trends in:

- ecosystem condition
- priority species
- invasive species
- habitat fragmentation
- freshwater condition
- ecological connectivity
- pollution or other relevant pressures
- achievement of site-specific conservation objectives.

15.6.5. EMS recommends a *dual assessment framework* in which METT-SA/R-METT scores measure management capability while ecological indicators independently measure whether conservation objectives are actually being achieved.

15.7. Ecological connectivity should be treated as a substantive conservation outcome

15.7.1. EMS welcomes the draft's emphasis on ecological connectivity, including through Transfrontier Conservation Areas, landscape-scale planning and integration of protected areas within broader land-, water- and seascapes. This is especially important under climate change, where static protected-area boundaries may not be sufficient to maintain ecological processes, species movement and shifting distributions.

15.7.2. EMS recommends that connectivity be elevated from a general aspiration to a measurable conservation outcome. The expansion of protected and conserved areas should therefore prioritise not merely representation of biodiversity features but the maintenance and restoration of functional connections between them.

15.7.3. This approach would also complement EMS's recommendations under species conservation and human-wildlife coexistence. Connected landscapes can reduce the need for intensive population management, facilitate natural dispersal and migration, maintain gene flow and enable wildlife to respond to changing ecological conditions.

15.7.4. The revised National Protected Area Expansion Strategy should contain explicit *ecological connectivity targets and indicators*, including measures of functional rather than merely geographic connectivity.

15.8. Fragmentation within protected areas and surrounding landscapes requires greater attention

15.8.1. The draft appropriately recognises that protected areas must be integrated into broader ecological and social landscapes rather than treated as isolated conservation islands.

15.8.2. EMS recommends strengthening this principle.

15.8.3. The ecological integrity of a protected area can be profoundly affected by activities beyond its formal boundary, including land transformation, transport infrastructure, mining, agriculture, urban development, water extraction and other barriers to ecological processes.

15.8.4. Protected-area effectiveness should therefore be understood partly in terms of landscape permeability and ecological relationships with surrounding areas.

15.8.5. The NBSAP should encourage stronger integration between protected-area management, buffer-zone planning, municipal spatial planning, biodiversity sector plans and environmental authorisation processes.

15.8.6. This would help prevent conservation gains achieved through protected-area expansion from being undermined by incompatible development immediately outside those areas.

15.9. Freshwater protection warrants particular strategic attention

15.9.1. The draft identifies rivers and wetlands as among South Africa's least protected ecosystems despite their ecological importance and high threat status.

15.9.2. EMS considers this a significant issue requiring explicit attention within section 5.3.

15.9.3. A combined "land-based" target risks obscuring whether freshwater protection is actually improving if gains are overwhelmingly terrestrial.

15.9.4. The final NBSAP should therefore ensure that terrestrial expansion does not mask continued underrepresentation of rivers, wetlands and associated freshwater biodiversity.

15.9.5. EMS recommends *separate or clearly disaggregated reporting for terrestrial and freshwater protection and conservation outcomes*, with priority targets for particularly threatened and under-protected freshwater ecosystem types.

15.10. Equitable governance should extend beyond participation metrics

15.10.1. EMS welcomes the action to strengthen participation by local communities, traditional authorities and civil society throughout protected-area planning, declaration, boundary determination and management.

15.10.2. The draft itself acknowledges that further work is necessary to determine what equitable governance means and how it should be measured.

15.10.3. EMS recommends that equitable governance not be reduced to numerical representation. Assessment should consider:

- transparency of decision-making
- meaningful participation
- recognition of legitimate rights and tenure
- access to information
- distribution of conservation costs and benefits
- opportunities for grievance and remedy
- accountability of management authorities
- whether participating communities exercise genuine influence over relevant decisions.

15.10.4. Such criteria would align section 5.3 with the broader participation and justice principles already contained in section 5.12.

15.11. Protected-area expansion must be matched by adequate post-declaration resources

15.11.1. EMS supports the draft's recognition that post-declaration support is essential and that landowners and communities require continuing technical and management assistance.

- 15.11.2. This is an important recognition that declaration is the beginning rather than the conclusion of conservation responsibility.
- 15.11.3. Expansion without adequate management resources risks producing nominally protected areas that lack the capacity required to maintain their biodiversity values.
- 15.11.4. Funding plans for expansion should therefore account not only for the administrative or acquisition costs associated with securing additional areas but also for the recurring costs of:
 - ecological monitoring
 - invasive-species management
 - enforcement
 - restoration
 - fire and infrastructure management where appropriate
 - scientific capacity
 - long-term engagement with landowners and communities.
- 15.11.5. No expansion programme should be assessed solely according to hectares secured. Reporting should also identify whether sufficient *post-declaration financial, ecological and institutional capacity* exists to maintain the relevant conservation outcome.

15.12. Suggested strengthening of the national target

- 15.12.1. The existing target seeks to expand a representative system of protected and conserved areas covering 21% of land-based areas and 20% of marine areas while ensuring effective management, equitable governance and integration into broader landscapes and seascapes.
- 15.12.2. EMS supports the general direction of the target but recommends more clearly subordinating quantitative expansion to ecological effectiveness.
- 15.12.3. Suggested wording: *By 2035, expand and maintain a representative, ecologically connected and effectively managed system of protected and conserved areas across terrestrial, freshwater and marine realms, prioritising threatened, under-protected and climate-resilient biodiversity, with all areas counted towards national targets demonstrably delivering durable in-situ conservation outcomes and being transparently and equitably governed.*
- 15.12.4. Quantitative area targets can then sit beneath this overarching outcome rather than defining it.

15.13. Proposed overarching principle for area-based conservation

- 15.13.1. EMS recommends that the following principle guide implementation of section 5.3: *Area-based conservation targets should measure the amount of biodiversity effectively conserved, not simply the amount of land or sea administratively designated for conservation.*
- 15.13.2. This principle would reinforce the NBSAP's broader commitment to outcome-oriented monitoring and ensure that South Africa's progress towards national and global area-based targets represents genuine conservation additionality.

16. Priority textual amendments

Draft component	Amendment sought
Vision and mission	Add thriving, self-sustaining ecological communities, ecological integrity and respect for Nature’s intrinsic value. Make human benefit compatible with—and not determinative of—the protection, recovery and flourishing of the wider community of life.
Definition of conservation	Define conservation as the protection, maintenance, recovery and restoration of biodiversity in its natural ecological context, directed principally towards ecological integrity and viable, genetically diverse, self-sustaining and ecologically functional populations of indigenous species in the wild. Distinguish conservation expressly from wildlife production, captive breeding, intensive management, hunting, trade and other activities whose principal purpose or outcome is extraction, recreation or private profit.
Conservation claims	State that an activity does not constitute conservation merely because it involves wildlife, generates revenue, maintains animals under human control, produces hunting income or is described by its operator as contributing to conservation. Require all claimed conservation benefits to be additional, measurable, durable, independently verified and directed principally towards indigenous species in the wild and their natural habitats.
Proposed new principle	Consider adding “harmonious coexistence within Nature”—a concept not presently included in the Draft—as an operational duty requiring governance within ecological limits, respect for other beings, repair of harm and decisions that contribute to the wider community of life.
Governance principles	Add ecological integrity, intrinsic value, animal sentience and well-being, intergenerational equity, ecological justice, non-regression, transparency, accountability, precaution, necessity, proportionality and least harm as cross-cutting principles.
Animal well-being	In line with South African jurisprudence make animal well-being an independent and cross-cutting requirement applicable to species conservation, wildlife management, translocation, coexistence, trade and ecologically sustainable use. State expressly that ecological sustainability, legality or population viability does not establish compliance with animal well-being requirements.
Regulatory programme	Develop and implement comprehensive Wild Animal Well-being Regulations under NEMBA, including an enforceable duty of care, species-appropriate standards, prohibited and controlled activities, well-being assessments, directives, offences, monitoring requirements and trained inspectors.
2035 targets	Add quantified 2027 and 2030 milestones aligned with the KMGBF and retain 2035 only as a longer-term domestic planning horizon. Each target should identify a baseline, accountable authority, budget, reporting date and corrective-action trigger.
KMGBF delivery	Add a target-by-target alignment annex and annual public scorecard distinguishing ambition gaps, implementation gaps and data gaps. Require corrective action where South Africa is not on track to meet its 2030 commitments.
Species data	Establish minimum national evidentiary standards for any species subject to an NDF, quota, permit, trophy-hunting allocation, trade authorisation, lethal-management intervention or other form of capture, removal or killing. Require current, species- and geographically specific, independently reviewable population, distribution, demographic, trend and cumulative-mortality data.

Draft component	Amendment sought
Evidentiary uncertainty	State that missing, outdated, non-transparent or unverifiable data must not be converted into assumptions of abundance, resilience or non-detriment. Where the evidence is inadequate, the precautionary response should be to withhold, suspend or reduce the relevant quota, permit, NDF or authorisation.
Red List indicators	Clarify that a stable aggregate Red List Index does not establish that all species are secure. Require the Index to be accompanied by species-specific information on abundance, distribution, demographic trends and threats, including declines that have not yet resulted in a change of Red List category.
Species conservation	Prioritise viable, genetically diverse, self-sustaining and ecologically functional populations of indigenous species in the wild and the protection and restoration of their natural habitats. Treat in-situ conservation as primary and regulate ex-situ measures and conservation breeding through strict, independently reviewed recovery and reintroduction criteria.
Conservation breeding	Define conservation breeding narrowly. Require a species-specific recovery purpose, suitable protected habitat, genetic and behavioural management, a time-bound rehabilitation or reintroduction plan, post-release monitoring and animal well-being safeguards. Captive breeding or stockpiling without a credible pathway to recovery in the wild should not be characterised as conservation.
Freedom to be wild	Create a presumption against unjustified confinement, capture, removal, movement restriction, social disruption and displacement of indigenous wild animals. Require any intervention to demonstrate necessity, proportionality, ecological justification and the absence of less harmful alternatives.
Human-wildlife coexistence	Adopt a prevention, non-lethal, non-injurious and least-harm hierarchy. Require national standards and publication of permits, incidents, methods, injuries, mortality, social-group consequences, repeat interventions and animal well-being outcomes.
Ecologically sustainable use	Replace the unqualified term “sustainable use” with “ecologically sustainable use”, consistently with section 24(b)(iii) of the Constitution. State that section 24 creates no entitlement or presumption in favour of use. Require proof of ecological sustainability, justified development, cumulative and climate impacts, alternatives, compliance with the mitigation hierarchy, equitable outcomes, effective enforcement and animal well-being.
Relationship between use and conservation	State that ecologically sustainable use may be a means through which conservation objectives are advanced, but is not a conservation outcome in itself. Require any claimed conservation contribution to be measured rather than presumed and distinguish use, production, extraction and commercial management from conservation.
Transformation	Define transformation as rights-based ecological and social change, not simply increased ownership, market participation, extraction, commercial access or GDP. Require disaggregated evidence of meaningful control, free and informed participation, durable net benefit and the distribution of ecological, social and animal well-being harms.
Biodiversity-economy indicators	Replace or subordinate GDP growth, market activity and enterprise participation indicators to ecological integrity, species recovery, animal well-being and distributive-justice outcomes. State that economic growth is not a proxy for conservation success.
Accounting	Develop ecological and animal well-being accounts that report ecosystem integrity, species abundance, population trends, connectivity, animal well-being and distributional outcomes without pricing Nature or treating biodiversity as substitutable natural capital.

Draft component	Amendment sought
Non-Detriment Findings	Require NDF methodologies, population baselines, trade and mortality data, assumptions, uncertainty, dissenting scientific views and reasons for conclusions to be publicly accessible and independently reviewable. State that a positive NDF is necessary where applicable but is not sufficient to establish ecological sustainability, animal well-being, conservation benefit or public-interest justification.
Wildlife trade	Recognise wildlife trade - whether formally legal or illegal - as a potential driver of biodiversity loss, animal harm, demand, corruption and governance failure. Do not frame the objective of combating illegal trade primarily as protecting the “integrity of legal trade”. Require assessment of laundering, false captive-breeding claims, traceability, enforcement capacity, demand effects and cumulative removals.
Trade restrictions	State expressly that legality does not establish ecological sustainability or conservation benefit and that South Africa may adopt stronger domestic restrictions, precautionary prohibitions and demand-reduction measures notwithstanding the existence of CITES controls or a positive NDF.
Biodiversity finance	Require all biodiversity-finance mechanisms to demonstrate measurable ecological additionality and animal well-being benefits. Separate capital mobilised from ecological outcomes and prohibit double counting, speculative conservation claims and financial mechanisms that create incentives for avoidable biodiversity damage.
Biodiversity offsets	Do not promote biodiversity offsets or offset banking as ordinary biodiversity-finance instruments. Recognise that much biodiversity is unique, intrinsically valuable and incapable of being offset. Require developments with high or moderate residual biodiversity impacts to be refused and confine any offsetting, if permitted at all, to low or very low residual impacts after genuine avoidance and minimisation have been exhausted.
Offset no-go rules	Establish binding no-go rules for irreplaceable or critically important biodiversity, threatened ecosystems and species habitats, essential ecological corridors, and sites of cultural, spiritual, ancestral or community significance. Prohibit the use of offsets to legitimise unlawful development retrospectively. Require binding regulation, independent verification, adequate financial provision, State enforcement, full public participation and transparent long-term monitoring.
Protected and conserved areas	Measure area-based conservation through ecological condition, representativity, connectivity, management effectiveness, persistence of biodiversity values and the recovery of viable species populations—not hectares alone. Quantitative expansion should be subordinate to ecological effectiveness.
OECMs	Require rigorous, transparent and periodically reviewed evidence of durable in-situ conservation outcomes before any area is counted as an OECM. Wildlife presence, commercial wildlife use, a management plan or designation as a wildlife ranch should not, by themselves, qualify an area for inclusion.
Harmful incentives	Inventory and disclose biodiversity- and animal-well-being-harmful subsidies, tax benefits, grants and other incentives by 2027, and eliminate, phase out or reform them under a just and time-bound plan.
Participation and disclosure	Require meaningful participation at all material stages of biodiversity decision-making and proactive disclosure of relevant evidence, methodologies, permits, reasons, monitoring results and compliance information. Participation should be measured by influence on decisions rather than attendance or representation alone.
Implementation	Complete costings, baselines, timelines and institutional responsibilities. Publish open, disaggregated data; distinguish implementation outputs from biodiversity outcomes; establish

Draft component

Amendment sought

independent review; and prescribe corrective consequences where implementation fails or ecological and animal well-being indicators deteriorate.

Long-term reform

Undertake a participatory review of an integrated Ecological Responsibility framework, ecological trusteeship and specialist oversight without delaying action under the Constitution, NEMA, NEMBA and other existing law.

17. Proposed additional national target

Animal Well-Being and Ethical Wildlife Governance

By 2030, all biodiversity-related laws, policies, permits, management plans, funded programmes and interventions recognise animal sentience and apply enforceable, species-appropriate well-being, precaution, necessity, proportionality and least-harm standards; and by 2035, independently verified injury, mortality, severe distress and harmful human intervention affecting wild animals show a sustained reduction from published baselines.

Proposed indicators:

- percentage of relevant legal and policy instruments containing enforceable well-being standards;
- percentage of permits and management plans subject to independent welfare and well-being assessment and public reporting;
- numbers and rates of capture, injury, mortality, translocation, confinement and lethal intervention by species, method and authority;
- percentage of coexistence cases resolved through preventive, non-lethal and non-injurious measures;
- compliance, inspection, enforcement and corrective-action rates; and
- population- and social-group-level effects, including repeat intervention and dependent-young impacts.

18. Principal Recommendations

- 18.1. The EMS Foundation respectfully recommends that the Department make the following amendments before finalising the National Biodiversity Strategy and Action Plan 2026–2035:
- 18.2. Recognise ecological integrity as the organising principle of the NBSAP. The Strategy should make clear that biodiversity conservation and the maintenance and restoration of ecological integrity provide the primary interpretive framework through which all other objectives, including ecologically sustainable use, economic participation and development are assessed.
- 18.3. Define conservation and distinguish it from wildlife use and commercial management. The NBSAP should define conservation as the protection, maintenance, recovery and restoration of biodiversity in its natural ecological context, directed principally towards ecological

integrity and viable, self-sustaining populations of indigenous species in the wild. Captive breeding, intensive management, hunting, trade, wildlife production, revenue generation or the maintenance of commercially valuable animals must not be treated as conservation without independently verifiable evidence of an additional and durable net benefit to species in the wild and their natural habitats. Activities whose principal purpose is production, extraction, trade, recreation or private profit should be described and assessed as uses of biodiversity, rather than presumed to constitute conservation.

- 18.4. Strengthen the constitutional and ethical foundations of the Strategy. The final NBSAP should more clearly incorporate the constitutional principles of precaution, transparency, accountability, meaningful public participation, intergenerational equity and environmental justice, together with recognition of Nature’s intrinsic value. Its interpretation and implementation should be consistent with the State’s duty under section 24 of the Constitution to prevent ecological degradation, promote conservation and secure ecologically sustainable development and use of natural resources.

The Strategy should also adopt harmonious coexistence within Nature as a separate and additional operational principle proposed by EMS, requiring governance within ecological limits, respect for the wider community of life, the prevention and repair of harm, and conditions in which people, wild animals, species and ecosystems can flourish.

- 18.5. Recognise animal sentience and well-being as independent, cross-cutting requirements. The Strategy should ensure that species management, conservation translocations, human-wildlife coexistence measures, wildlife trade and all activities described as ecologically sustainable use incorporate enforceable, species-appropriate animal well-being standards. Ecological sustainability, legality or population viability must not be treated as sufficient evidence that an activity is compatible with animal well-being. Relevant decisions should also apply necessity, proportionality, precaution and least-harm requirements.
- 18.6. Apply a stronger precautionary and evidentiary standard to biodiversity interventions. Significant, harmful or potentially irreversible interventions should be based on current, independently verifiable and species- and geographically specific evidence; clearly stated objectives; transparent assessment of uncertainty and alternatives; cumulative-impact information; measurable outcomes; and appropriate post-intervention monitoring. Assumptions that a species is “common”, local occurrence records or outdated assessments cannot substitute for reliable population baselines and trend data. Where the available evidence is inadequate, the relevant quota, permit, NDF, trade authorisation, trophy-hunting allocation or lethal-management intervention should be withheld, suspended or reduced.
- 18.7. Prioritise the recovery of viable, ecologically functional wild populations. Species conservation should extend beyond preventing extinction or maintaining minimum population numbers. It should seek to conserve genetically diverse, self-sustaining, free-living populations capable of expressing their ecological, behavioural and social roles within functioning ecosystems. A stable aggregate Red List Index should not be treated as evidence that all species are secure: substantial declines in particular species may be concealed where category thresholds have not yet been crossed, improvements in other species offset those declines, or assessments are outdated or data-deficient. Red List indicators should therefore be accompanied by species-specific information on abundance, distribution, demographic trends and threats.
- 18.8. Establish a clear presumption in favour of preventive, non-lethal and non-injurious wildlife management. Lethal population reduction should not be treated as an ordinary conservation or coexistence response. Management should first identify and address the ecological,

spatial, social and governance conditions that produce negative interactions and should prioritise preventive, non-lethal, non-injurious and landscape-based interventions. Any harmful intervention should be shown to be necessary, proportionate, evidence-based and the least harmful reasonably available option.

- 18.9. Reframe human-wildlife coexistence as a governance and landscape issue. The Strategy should move beyond incident counting and reactive wildlife management by examining habitat fragmentation, land-use planning, fencing, infrastructure, attractants, settlement patterns and other human-created drivers of negative interactions. Responsibility should not be displaced onto wild animals for conflicts substantially produced by human decisions, development or failures of governance.
- 18.10. Measure coexistence through outcomes for both people and wildlife. Reduced reported incidents should not be the sole indicator of success. Monitoring should include wildlife injury and mortality, social-group disruption, dependent-young impacts, repeat incidents, displacement, connectivity, the effectiveness and animal well-being consequences of interventions, and the proportion of cases resolved through preventive, non-lethal and non-injurious measures.
- 18.11. Use the constitutionally appropriate standard of ecologically sustainable use. Consistently with section 24(b)(iii) of the Constitution, the NBSAP should refer throughout to “ecologically sustainable use”, rather than to sustainable use as an unqualified objective. Ecologically sustainable use should be treated as a possible means of advancing biodiversity conservation, not as an independent conservation outcome or an entitlement to use wildlife. Its ecological sustainability must be demonstrated through independently verifiable evidence and cannot be presumed from legality, economic benefit, market participation or compliance with a quota. Activities involving sentient animals must additionally satisfy enforceable animal well-being, necessity, proportionality, precaution and least-harm requirements.
- 18.12. Separate economic indicators from biodiversity and animal well-being indicators. Growth in biodiversity-economy GDP, market activity or enterprise participation may be socio-economic measures, but they are not evidence of conservation success or ecologically sustainable use. The proposed increase in GDP contribution should be expressly subordinate to independently verified ecological, species-recovery, animal well-being and distributive-justice outcomes. Economic and social development must be justifiable and pursued within ecological limits.
- 18.13. Distinguish legality, ecological sustainability, animal well-being and conservation benefit. The fact that an activity or trade is legally authorised does not establish that it is ecologically sustainable, compatible with animal well-being or beneficial to conservation. Similarly, a finding that a level of use does not threaten population survival does not demonstrate a positive conservation benefit or justify the harms imposed on individual animals. Legality, ecological sustainability, animal well-being, conservation benefit and public-interest justification are distinct requirements and should be separately and transparently assessed.
- 18.14. Strengthen the evidentiary and transparency requirements governing Non-Detriment Findings. NDF methodologies, population baselines, trade and mortality data, assumptions, uncertainty, dissenting scientific views and reasons for conclusions should be publicly accessible and independently reviewable. A positive NDF should not be issued or maintained where current, geographically relevant population and cumulative-removal data are absent or unreliable. Nor should an NDF be treated as sufficient evidence that trade is compatible with domestic conservation duties, animal well-being or the broader public interest.

- 18.15. Recognise wildlife trade, whether legal or illegal, as a potential biodiversity, animal well-being and governance threat. The NBSAP should not frame the principal objective of combating illegal wildlife trade as protecting the “integrity of legal trade”. Legal wildlife trade may itself cause ecological and animal harm, stimulate or maintain demand, increase pressure on wild populations and create opportunities for laundering illegally acquired animals and derivatives through permitted supply chains. No wildlife trade should be maintained or expanded unless its ecological sustainability, compatibility with animal well-being, traceability, enforceability and demonstrable conservation benefit have been established through transparent and independently reviewable evidence. Where population data, traceability or enforcement are inadequate, or laundering risks cannot be effectively controlled, the precautionary response should be to prohibit, suspend or restrict the trade.
- 18.16. Apply a presumption of proactive disclosure to biodiversity information. The proposed national biodiversity monitoring system and public dashboard should provide accessible population baselines, methodologies, data sources and custodians, confidence levels, limitations, assumptions, relevant trade and mortality information and identified evidentiary gaps. Disclosure should be restricted only where necessary to protect genuinely sensitive ecological or personal information and not to shield decision-making from public scrutiny.
- 18.17. Ensure that meaningful participation measures influence decisions, rather than merely recording representation. Participation should be assessed according to whether affected people and interested organisations receive adequate and timely information, are afforded a genuine opportunity to influence decisions, and receive transparent reasons explaining how their substantive representations were considered. Attendance, demographic representation or the number of consultations held should not, without more, be treated as evidence of meaningful participation.
- 18.18. Distinguish implementation outputs from biodiversity outcomes. The completion of management plans, workshops, declarations, strategies, certification schemes or programmes should not itself be reported as biodiversity success. The NBSAP’s outcome-oriented monitoring architecture should be applied consistently by requiring evidence that implementation activities have produced measurable improvements in ecological condition, species recovery, animal well-being or relevant pressures.
- 18.19. Strengthen protected-area and OECM targets around ecological effectiveness. Area-based conservation should be measured through ecological representativity, condition, connectivity, management effectiveness, persistence of biodiversity values and protection of viable species populations, rather than hectares alone. Expansion of nominal coverage should not be treated as conservation success where ecological condition, protection or management remain inadequate.
- 18.20. Require rigorous and transparent verification before areas are counted as OECMs. No site should contribute towards national or global conservation targets merely because it hosts wildlife, is described as a wildlife ranch or has a conservation-associated land use. Recognition should depend upon demonstrated, durable in-situ biodiversity conservation outcomes, effective governance, protection from incompatible activities and periodic independent reassessment.
- 18.21. Prioritise freshwater and other under-protected ecosystems. Aggregate terrestrial coverage should not obscure continuing deficiencies in the protection of rivers, wetlands and other poorly represented or highly threatened ecosystems. Expansion priorities should be determined by ecological need, representativity, connectivity, condition and vulnerability, rather than by the ease or cost of adding land to numerical targets.

- 18.22. Complement management-effectiveness tools with direct ecological indicators. METT-SA/R-METT scores, approved management plans and similar governance tools are useful but should not substitute for monitoring actual ecosystem condition, priority-species populations, ecological processes, connectivity, invasive species, animal well-being and site-specific conservation outcomes.
- 18.23. Provide a fully operational implementation framework. Each material action should identify a clearly accountable authority, baseline, budget, interim milestones, completion date, reporting frequency, relevant outcome indicators and the process for corrective action where implementation is inadequate. The allocation of responsibility to a “lead” institution should not obscure the duties of supporting authorities or weaken accountability.
- 18.24. Complete the Financial Needs Assessment within a defined period. The current assessment has costed only 17 of the Strategy’s 125 activities and expressly excludes several major cost areas. A comprehensive costing exercise should be completed within the first year following adoption, with identified funding responsibilities, transparent assumptions and provision for periodic revision.
- 18.25. Ensure that biodiversity finance demonstrates ecological additionality and complies with strict safeguards. Private, blended and market-based finance should be judged by measurable conservation and animal well-being outcomes, rather than by capital mobilised alone.
- 18.26. Do not promote biodiversity offsets or offset banking as ordinary biodiversity-finance instruments. The NBSAP should recognise that much biodiversity is unique, place-specific, intrinsically valuable and incapable of being recreated or substituted elsewhere. Developments with high or moderate residual biodiversity impacts should be refused. If offsetting is permitted at all, it should be confined to low or very low residual impacts after genuine avoidance and minimisation have been exhausted and should be subject to binding no-go rules, independent verification, adequate financial provision, State enforcement, full public participation and transparent long-term monitoring. Offsets must not be used retrospectively to legitimise unlawful development.
- 18.27. Affirm that private finance supplements rather than substitutes for public responsibility. The State remains constitutionally and institutionally responsible for biodiversity monitoring, species recovery, protected-area management, law enforcement, the prevention of ecological degradation and the protection of ecologically important areas, regardless of whether these functions attract private investment or generate a financial return.
- 18.28. Establish regular public reporting and a formal corrective-action mechanism. Where biodiversity or animal well-being indicators deteriorate, species decline, interventions fail, harmful unintended consequences arise or evidence remains inadequate, the responsible institutions should be required to reassess the intervention, identify and implement corrective measures, and report publicly on the response and subsequent outcomes. Authorisations should be suspended or amended where continued implementation cannot be justified.
- 18.29. Provide for an independent mid-term review of the NBSAP. A formal review around 2030 or 2031 should evaluate ecological outcomes, species-specific trends, animal well-being, implementation performance, institutional capacity, expenditure, emerging threats, evidentiary gaps and unintended consequences. Its findings should be published, subjected to public scrutiny and used to adjust targets, interventions, budgets and implementation arrangements.

19. Conclusion

- 19.1. EMS requests that these comments be considered carefully and constructively in finalising the NBSAP. Once DFFE has reviewed all submissions, it should publish a comprehensive comments-and-responses report showing how material comments were evaluated, whether they were accepted, partly accepted or rejected, and the reasons for those decisions.
- 19.2. The EMS Foundation welcomes the publication of the Draft National Biodiversity Strategy and Action Plan 2026–2035 and recognises the considerable technical, scientific and institutional work that has informed its development. The Draft contains important advances, including a stronger monitoring architecture, improved recognition of participation and justice, greater attention to species recovery and human-wildlife coexistence, and acknowledgement of South Africa's financial and institutional constraints.
- 19.3. Those advances do not, however, resolve the Draft's central conceptual and implementation weaknesses. The final NBSAP must be capable of transforming the systems, institutions, incentives and assumptions that drive biodiversity loss and not merely making those systems more efficient, inclusive or profitable. It should not continue to subordinate Nature to human use, market value or economic growth.
- 19.4. Ecological integrity should therefore be recognised as the organising principle of the final NBSAP. It should provide the primary interpretive framework through which economic development, biodiversity use, finance, institutional transformation and other objectives are evaluated. Nature's intrinsic value, ecological limits, intergenerational equity, precaution, ecological justice, non-regression, transparency, accountability, animal sentience and animal well-being must be made operational throughout the Strategy.
- 19.5. EMS further proposes that harmonious coexistence within Nature be adopted as a separate and additional operational principle. This concept does not presently appear in the Draft and should not be confused with the more limited human-wildlife coexistence theme. Harmonious coexistence within Nature should require people, institutions and economic systems to operate within ecological limits; recognise humans as members of, rather than superior to, the wider community of life; respect the intrinsic value and interests of other beings; prevent and repair harm; and promote conditions in which people, wild animals, species and ecosystems can flourish.
- 19.6. The final NBSAP should define conservation clearly. Conservation should mean the protection, maintenance, recovery and restoration of biodiversity in its natural ecological context, directed principally towards ecological integrity and viable, genetically diverse, self-sustaining and ecologically functional populations of indigenous species in the wild. In-situ conservation and the protection and restoration of natural habitats should be primary.
- 19.7. Conservation should not be conflated with wildlife production, captive breeding, intensive management, hunting, trade or other activities whose principal purpose or outcome is extraction, recreation or private profit. An activity does not become conservation merely because it involves wildlife, generates revenue, maintains animals under human control, produces hunting income or is described by its operator as contributing to conservation. Any claimed conservation benefit must be additional, measurable, durable, independently verified and directed principally towards indigenous

species in the wild and the ecological integrity of their natural habitats.

- 19.8. Conservation breeding should be defined narrowly. It should require a species-specific recovery purpose, suitable protected habitat, genetic and behavioural management, a time-bound rehabilitation or reintroduction plan, post-release monitoring and animal well-being safeguards. Captive breeding, intensive production or the stockpiling of animals or specimens without a credible pathway to the recovery of the species in the wild should not be characterised as conservation.
- 19.9. The Strategy should use the constitutionally appropriate formulation of ecologically sustainable use, rather than “sustainable use” as an unqualified objective. Section 24(b)(iii) of the Constitution requires the ecologically sustainable use of natural resources while promoting justifiable economic and social development. It does not create an entitlement or presumption in favour of using wildlife. Ecological sustainability must be demonstrated through current, transparent and independently verifiable evidence and cannot be inferred from legality, economic benefit, market participation, the existence of a quota or the continued availability of animals for commercial use.
- 19.10. Ecologically sustainable use may, in appropriate circumstances, be a means through which independently defined conservation objectives are advanced, but it is not a conservation outcome in itself. Any claimed conservation contribution must be demonstrated rather than presumed. The assessment must address cumulative and climate impacts, alternatives, the mitigation hierarchy, equitable outcomes and the adequacy of compliance and enforcement. Economic growth, GDP contribution, capital mobilised, market participation and enterprise development must not be treated as proxies for conservation success.
- 19.11. Ecological sustainability is also not a complete test. An activity may not threaten the continued survival of a population but may nevertheless cause serious, avoidable or disproportionate harm to sentient animals. Animal well-being must therefore be treated as an independent, enforceable and cross-cutting requirement applicable to species conservation, wildlife management, capture, confinement, breeding, translocation, rehabilitation, coexistence, trade and ecologically sustainable use. Ecological sustainability, legality, economic benefit or population viability does not establish compliance with animal well-being requirements.
- 19.12. Relevant decisions should apply species-appropriate standards of precaution, necessity, proportionality and least harm. The Strategy should create a presumption against the unjustified confinement, capture, removal, movement restriction, social disruption and displacement of indigenous wild animals and require evidence that less harmful alternatives have been considered. The final NBSAP should also require the development and implementation of comprehensive Wild Animal Well-being Regulations under NEMBA, including an enforceable duty of care, species-appropriate standards, prohibited and controlled activities, well-being assessments, monitoring requirements, directives, offences and trained inspectors.
- 19.13. The Draft’s commitment to evidence-based and outcome-oriented governance is important, but it must be applied consistently. Missing, outdated, geographically inappropriate, fragmented, non-transparent or unverifiable species data must not be converted into assumptions of abundance, resilience or non-detriment. Any NDF, quota, permit, trophy-hunting allocation, trade authorisation, lethal-management intervention or other decision permitting capture, removal or killing should require current, species- and geographically specific, independently reviewable data on population size, distribution,

demographics, trends and cumulative mortality.

- 19.14. Where the available evidence cannot support a scientifically defensible conclusion, the precautionary response should be to withhold, suspend or reduce the relevant quota, permit, NDF or authorisation. Publication of an NDF does not cure deficiencies in the underlying evidence, and a positive NDF is not sufficient to establish ecological sustainability, animal well-being, conservation benefit or public-interest justification.
- 19.15. Aggregate indicators must also be treated cautiously. A stable Red List Index does not establish that all species are secure. Severe declines in particular species may remain concealed where category thresholds have not yet been crossed, improvements in other species offset those declines, or assessments are outdated or data deficient. National monitoring must therefore include species-specific information on abundance, distribution, demographic trends and threats.
- 19.16. Wildlife trade, whether formally legal or illegal, must be recognised as a potential driver of biodiversity loss, animal harm, demand, corruption and governance failure. The purpose of combating illegal trade should not be framed primarily as protecting the “integrity of legal trade”. Formally legal trade may itself place pressure on wild populations and create opportunities for laundering, permit fraud, misdeclaration, false captive-breeding claims and the movement of unlawfully sourced animals or specimens through ostensibly lawful supply chains.
- 19.17. Legality, compliance with CITES and a positive NDF do not, by themselves, establish ecological sustainability, animal well-being, conservation benefit or public-interest justification. South Africa must remain able to adopt stronger domestic restrictions, precautionary prohibitions and demand-reduction measures where the evidence, traceability systems or enforcement capacity are inadequate or where trade creates unacceptable ecological, animal well-being or governance risks.
- 19.18. Biodiversity finance should remain subordinate to biodiversity protection. Financial mobilisation is not a conservation outcome, and Nature should not be reduced to simplified, priced or interchangeable units of natural capital. All biodiversity-finance mechanisms should demonstrate measurable ecological additionality and animal well-being benefits, distinguish capital mobilised from conservation outcomes, and prevent double counting, speculative conservation claims and incentives for avoidable biodiversity damage. Private finance should supplement rather than substitute for the State’s constitutional and institutional responsibilities.
- 19.19. Biodiversity offsets and offset banking should not be promoted as ordinary biodiversity-finance instruments. Much biodiversity is unique, place-specific, intrinsically valuable and incapable of being recreated or substituted elsewhere. Developments with high or moderate residual biodiversity impacts should be refused. If offsetting is permitted at all, it should be confined to low or very low residual impacts after genuine avoidance and minimisation have been exhausted.
- 19.20. Binding no-go rules should apply to irreplaceable or critically important biodiversity, threatened ecosystems and species habitats, essential ecological corridors, and sites of cultural, spiritual, ancestral or community significance. Offsets must not be used retrospectively to legitimise unlawful development and should be subject to binding regulation, independent verification, adequate financial provision, State enforcement, full public participation and transparent long-term monitoring.
- 19.21. Human-wildlife coexistence should address the human-created conditions that produce

negative interactions rather than defaulting to the control, displacement or killing of wild animals. It should be governed by a hierarchy favouring prevention and non-lethal, non-injurious and least-harm responses, supported by national standards and transparent information on permits, incidents, methods, injuries, mortality, social-group consequences, repeat interventions and animal well-being outcomes. This practical theme should operate consistently with, but should not replace, the broader proposed principle of harmonious coexistence within Nature.

- 19.22. Protected Area and OECM targets should measure ecological condition, representativity, connectivity, management effectiveness, persistence of biodiversity values and the recovery of viable species populations and not hectares alone. No area should be counted as an OECM without rigorous, transparent and periodically reviewed evidence of durable in-situ conservation outcomes. Wildlife presence, commercial wildlife use, a management plan or designation as a wildlife ranch should not, by themselves, qualify an area for inclusion.
- 19.23. Across all themes, the NBSAP should distinguish administrative and economic outputs from biodiversity and animal well-being outcomes. The completion of plans, establishment of certification schemes, mobilisation of finance, expansion of markets or designation of areas must not be reported as conservation success unless measurable improvements in ecological integrity, species recovery and animal well-being are demonstrated.
- 19.24. The final Strategy must also be implementable and accountable. Each material action should have a baseline, responsible authority, budget, interim milestones, reporting date, outcome indicator and corrective-action mechanism. The Strategy should include quantified 2027 and 2030 milestones aligned with the Kunming–Montreal Global Biodiversity Framework, retain 2035 only as a longer-term domestic planning horizon, complete its outstanding costings, publish open and disaggregated data, and provide for independent review.
- 19.25. Where implementation fails, evidence remains inadequate, species decline or ecological and animal well-being indicators deteriorate, the responsible authority should be required to investigate, implement corrective measures and report publicly. Relevant permits, quotas, NDFs and authorisations should be suspended, reduced or amended where their continuation cannot be justified.
- 19.26. Meaningful participation, transparency and access to remedy are essential to the legitimacy of the NBSAP. Participation should be measured by whether people and organisations receive the information necessary to participate effectively, can influence decisions and are provided with reasoned responses—not merely by attendance, representation or the number of consultations held. Evidence, methodologies, permits, reasons, monitoring results and compliance information should be proactively disclosed.
- 19.27. EMS accordingly requests DFFE to revise the Draft NBSAP in accordance with the recommendations in this submission; publish a reasoned comments-and-responses report; complete the missing costings, baselines and implementation arrangements; incorporate enforceable 2027 and 2030 milestones; and, if the revisions are material, afford the public a further reasonable opportunity to comment before final adoption.
- 19.28. Ultimately, the success of the NBSAP should be judged by whether South Africa's ecosystems and ecological processes are more intact, connected and resilient; whether indigenous species are recovering and capable of persisting as viable, genetically diverse, self-sustaining and ecologically functional populations in the wild; whether

sentient wild animals are better protected from avoidable and disproportionate harm; whether people, animals and ecosystems are able to flourish within ecological limits; and whether the legal, economic and institutional systems driving biodiversity loss have been effectively transformed.

- 19.29. Those outcomes and not the completion of activities, expansion of markets, mobilisation of finance, number of hectares designated or repetition of unverified conservation claims, must determine the success of the National Biodiversity Strategy and Action Plan.

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