AFRICAN CENTRE FOR BIODIVERSITY

SUBMISSION TO THE DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT (DFFE)

IN REGARD TO

DRAFT WHITE PAPER ON CONSERVATION AND SUSTAINABLE USE OF SOUTH AFRICA'S BIODIVERSITY

September 2022

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TABLE OF ACRONYMS

ACB	African Centre for Biodiversity
CBD	Convention on Biological Diversity
COP	Conference of the Parties
CPB	Cartagena Protocol on Biosafety
CSU	Conservation and sustainable use
CSUB	Conservation and sustainable use of biodiversity
DSI	Digital Sequence Information
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
GBF	Post-2020 Global Biodiversity Framework
GM	Genetically modified
GMOs	Genetically modified organisms
OEWG	Open-ended Working Group
PGRFA	Plant Genetic Resources for Food and Agriculture
UNDROP	United Nations Declaration on Peasants and other People Working in Rural Areas
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SBI	Subsidiary Body on Implementation
SDG	Sustainable Development Goal

INTRODUCTION

The African Centre for Biodiversity (previously 'Biosafety') (ACB) was established in 2003 and registered in 2004. The ACB carries out research, analysis, capacity and movement building, and advocacy, and shares information to widen awareness and catalyse collective action and influence decision-making on issues of biosafety, agricultural biodiversity and farmer-managed seed systems, and corporate power and expansion in African agro-food systems. The ACB's work both informs and amplifies the voices of social movements fighting for food sovereignty in Africa.

The overall objective of ACB's work is to strengthen food security in Southern and Eastern Africa by promoting seed diversity and agroecological practices. Specific objectives linked to programs are to secure biosafety in Africa; secure agricultural biodiversity in Africa; and limit corporate expansion while ensuring farmers have alternative systems of support based on agroecology in place.

Under the leadership of Executive Director Mariam Mayet, the ACB has engaged with the Convention on Biological Diversity (CBD), specifically the Cartagena Protocol on Biosafety (CPB), since its inception. These engagements include following the Subsidiary Body on Scientific, Technical and Technological Advice (SBSSTA), the Subsidiary Body on Implementation (SBI), the negotiations on the Post-2020 Global Biodiversity Framework (GBF), and Digital Sequence Information (DSI) under the Open-ended Working Groups (OEWG). Further, ACB representatives will attend the 15th Conference of the Parties (COP 15) in Montreal, Canada from the 7 – 19 December 2022.

It is on this basis, that the ACB submits these comments to the Department on the Draft White Paper on Conservation and Sustainable Use of South Africa's Biodiversity 2022 (i.e. the Draft White Paper).

This written submission follows on from participation in the public consultation on the Draft White paper hosted by the Department of Forestry, Fisheries and the Environment (DFFE) held online on the 9th of August 2022.

KEY POINTS

⇒ The historical inequalities in South Africa have remained despite attempts to redress them over the last two decades. South Africa now holds the dishonourable title of being the world's most unequal nation. The current conservation model and practice are founded on historical colonial practices, entrenched in apartheid, of over-exploitation and exclusion of African people. Despite efforts, the biodiversity conservation sector remains untransformed since South Africa became a democracy in 1994. This Draft White Paper is an ambitious policy seeking to advance a uniquely South African approach to biodiversity conservation, attempting to shift the paradigm in the sector, while aiming to address the systemic challenges of unemployment, poverty, and inequality.

⇒ The progressiveness of this policy symbolises a shift in conservation thinking and practice, particularly in its attempt to use a uniquely African philosophy to guide the conservation and sustainable use of biodiversity (CSUB). This places South Africa as a leader on the continent in shifting colonial conservation practices and reorienting neo-colonial conservation on the continent. We commend the Department for taking such bold steps toward the transformation of the biodiversity sector, a sector emblematic of Apartheid's legacy.

⇒ The Southern African philosophy of Ubuntu, a fundamental component of the Draft Policy, places humans with greater responsibility to care for the natural world, where they are intricately linked to and part of it. It captures the vast array of eco-wisdom that is held in Africa and affirms the intrinsic value of nature and has the potential to advance the rights of nature and Earth Jurisprudence. These elements need to be firmly emphasised in the Draft White Paper.

⇒ The policy must go beyond current developmental discourses and approaches, perpetuating wage labour as the solution to the socio-economic crisis in the country, and rather reinforce reciprocal relationships between people and nature, aligned with Ubuntu. It would be useful for the Department to embark on meaningful consultations and be informed on how best to reclaim and restore Ubuntu as an environmental philosophy and approach. If clear principles and approaches are not articulated, this powerful term and concept could be misappropriated and misrepresented. While there is clear usefulness of Ubuntu in the conservation of natural environments, it is vital to question its effectiveness, particularly in a capitalist and urbanised society, such as South Africa where Africans are continually alienated from the natural environment. This needs to be addressed in the policy. We are concerned that this draft policy continues colonial arguments in a strategic way given the overall framing of the policy, and ultimately allows for business as usual.

⇒ It is important to clearly articulate the way various forms of knowledge will be integrated and considered collectively, particularly with regard to priority setting and decision-making. In all cases where "evidence-based" is mentioned, indigenous, traditional, and other knowledge should be included to ensure that priorities and decisions are based on all forms of existing knowledge and on the precautionary principle – ensuring that priorities are not based solely on western, scientific, technological and/or economic considerations.

⇒ Currently, there is a lack of effective and equitable communal land tenure legislation in South Africa, which highlights concerns regarding the intention to expand conservation areas into communal land. This objective could result in massive land-grabbing and repeat past wrongs, that are being amplified in the international arena under the 30 x 30 target under the GBF. The Draft White Paper must articulate clear approaches and strategies to indicate and illustrate how the transformation will be achieved in practice to prevent this. We are concerned that this policy does not resolve the inherent and ongoing conflicts over access to resources, nor does it clarify how it will transform the relationships and benefit under historically unequal conditions.

⇒ It is important for the policy to outline and address drivers of biodiversity loss related to the goals, objectives, outputs, and outcomes, and give some guidance on how sectoral strategies will consider this Draft White Paper, such as for agriculture, amongst a range of others. Here we refer specifically to the obligations on various Ministries to develop sector Climate Adaptation Strategic Plans in terms of the Climate Change Bill and the 2019 National Climate Change Adaptation Strategy. At present, there is an insufficient discussion on the drivers of biodiversity loss.

⇒ It is inappropriate for Paragraph 6.3. on drivers of biodiversity loss to include subsistence and small-scale fishing in the same basket as commercial fisheries. We therefore believe the reference to subsistence and small-scale fishing must be removed from this paragraph.

⇒ The role of the CSUB especially in productive agricultural areas must be emphasised. Strategies are required to prevent further ecological degradation caused by industrial agriculture and its expansion, and to consider agriculture within socio-ecological systems. Restored ecosystem functions would greatly improve agricultural production, resilience and sustainability. "Agroecological territories," maybe a useful concept to consider as a place to start looking at the agriculture, biodiversity, and food system nexus (Wezel et al., 2016). It is essential to specify ways forward with regard to sector-specific strategies, as well as cross-sectoral strategies. It is necessary to address conflicting strategies, policies, and laws – and start a process to reform these.

⇒ As an overarching policy for biodiversity, there should be clear articulations on what needs to be downscaled and what needs to be upscaled to bring about long-term, systemic change. An example of this is the need to phase out highly hazardous pesticides (HHP) as part of downscaling industrial agriculture. These highly toxic chemicals are known to decimate biodiversity as well as have deleterious effects on farm workers and should be explicitly dealt with as part of an overarching policy on biodiversity.[1]

⇒ It is well known that genetic and agricultural biodiversity are best conserved *in-situ*, i.e. on a farm, and in the hands of their custodians – smallholder farmers and farming communities. It is essential to specify agricultural biodiversity as part of objective 9(3), highlighting the importance of on-farm conservation and sustainable use (CSU). Outputs and outcomes should be specific about the types of in-situ conservation methods and how this will be supported by the state, including plant genetic resources for food and agriculture (PGRFA).

⇒ The Draft White Paper recognises the important role of traditional healers, farmers and others holding traditional knowledge, but the specific mention of smallholder farmers and small-scale food producers is highly recommended. The recognition of traditional,

1 See this example on banning HHPs in India, illustrating that removing HHPs does not result in a loss in crop production https://agricultureandfoodsecurity.biomedcentral.com/articles/10.1186/s40066-021-00348-z

homestead, and smallholder farmer knowledge and practices and their seed systems are fundamental to the CSU of agricultural biodiversity. Further to this, the CSU of agricultural biodiversity rests on the realisation of farmers' rights and their Right to Seed. This is certainly not "Farmers' intellectual property rights," as referred to under expected output 5.2.2, but rather farmers' collective and human rights.

⇒ The link between agricultural biodiversity and food systems is essential, but could be made clearer, including the CSU of biodiversity on-farm, and its link to food and nutrition security in South Africa. The current reference to biodiversity-based food security under Goal 5 is unclear and perhaps misplaced.

⇒ The White Paper argues that social and economic development and human well-being rely on the restoration, protection and conservation of biodiversity and ecosystems. Yet, there are inherent conflicts between economic growth, job creation, and biodiversity conservation; and these are not acknowledged nor addressed in the text. It is further assumed that these will be dealt with when sector specific strategies will be drafted. As mentioned above, the Draft White Paper needs to provide clear direction as to how these conflicts will be addressed and resolved. This is particularly important given the emphasis on biodiversity offsetting. There is no clear explanation of how biodiversity offsets or ecological compensations will be "justified." Biodiversity offsetting is based on achieving no net loss of biodiversity, which are inherently flawed, perverse, market-based solutions to biodiversity loss, providing loopholes for continued ecological degradation and social harm.

⇒ We are extremely concerned with the prioritisation of biotechnology value chains throughout the draft policy. It is clear that genetic and biological material will be used to facilitate the expansion of the biotech industry, bio-trade, and the biodiversity economy (i.e. bioprospecting and wildlife). This is worrying and should not be the orientation of this policy.

⇒ No mention is made of digital sequence information (DSI), traditional knowledge associated with it, or the impact of new breeding technologies emanating from synthetic biology, including genome editing and its impacts on the CSUB and implications on human rights.

⇒ The Draft White Paper emphasises South Africa's leading role in the CSUB on the continent. There are some interesting and progressive elements that could be used to transform biodiversity conservation on the continent from one as a remnant of colonial pasts, to one that is defined by African interests and worldviews. Yet, in the international negotiations, South Africa is silent on many of the aspects discussed and articulated in this policy document.

Context

It has been nearly three decades since democracy in South Africa, yet the country remains deeply scarred by Apartheid's legacy. In many cases, racially-based land dispossession resulted in the establishment of conservation areas, were a major element that advanced Apartheid (Kepe et al, 2005). Despite years of land reform, limited change has occurred.

Land inequalities, central to the struggle against Apartheid, were enshrined in the country's Bill of Rights (Section 25 of the Constitution of the Republic of South Africa) and implemented through the land reform program (Kepe et al., 2005). Further to this, the Bill of Rights also provides for the right to a healthy environment. Section 24 of the Constitution states 'everyone has a right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:

(i) prevent pollution and ecological degradation;
(ii) promote conservation; and
(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Despite attempts over the past two decades to redress forced land removals, and deepening inequalities in South African society, South Africa now holds the dishonourable title of being the most unequal country in the world (World Bank, 2022).

South Africa is one of 17 megadiverse countries of the world and holds a significant amount of the world's biodiversity. It has high rates of species richness, ecological types, and endemism owing to its unique bioclimatic, oceanographic, geological, and topographical conditions, which are under severe threat of habitat loss (Skowno et al., 2019). Biodiversity has co-evolved alongside a rich cultural diversity and abundant traditional knowledge, all still significant to South Africa's dynamic and diverse society today. With global biodiversity plummeting as part of the multiple and converging crises we face, South Africa urgently needs to address biodiversity loss, species extinction, and ecological collapse, and comply with its international obligations under the CBD among others. Currently, the world is negotiating the future of biodiversity under the Post-2020 GBF which, despite massive delays and challenges, is intended to be finalised and adopted at the 15th Conference of the Parties (COP 15) set to be held in Montreal, Canada from the 7 – 19 December 2022.

This Draft White Paper is an ambitious policy in many respects, seeking to advance a uniquely South African approach to biodiversity conservation, shifting the paradigm in the sector, while addressing the systemic challenges of unemployment, poverty, and inequality. This said, there are many issues that remain unresolved in the policy.

The current conservation model and practice are founded on historical colonial practices, entrenched in apartheid, of over-exploitation and exclusion of African people. As mentioned in the Draft White Paper, despite efforts, such as People and Parks and the Land reform program, the biodiversity conservation sector remains untransformed. Conflicts between land rights and biodiversity conservation have been highlighted, and generally have remained unresolved. Deep divides and mistrust in conservation areas remain with limited benefits accruing to those who live in close proximity to protected areas. The colonial nature of protected areas denies the relationship people have with those areas and the biodiversity it holds in terms of the sacred, spiritual, traditional, and livelihood contributions they fulfil.

The Draft White Paper attempts to resolve many of the gaps remaining to transform the biodiversity sector since Democracy. We commend the Department for taking such bold steps toward the transformation of the biodiversity sector, a sector emblematic of the

Apartheid legacy. The intention behind this policy is of critical importance: creating a new overarching policy to guide biodiversity conservation and sustainable use; and seeking to transform this sector that remains untransformed based on the Constitution and Ubuntu.

The progressiveness of this policy symbolises a shift in conservation thinking and practice, particularly in its attempt to use a uniquely African philosophy to guide the CSUB. This places South Africa as a leader on the continent in shifting colonial conservation practices and holds the potential for reorienting conservation on the continent. This is particularly important with the new framework for biodiversity – the Post-2020 GBF – negotiations taking place under the CBD. Yet, in the international negotiations, South Africa seems silent on many of the issues raised and articulated in this policy document.

While we believe this policy guides South Africa's biodiversity sector in the right direction, we would like to use this opportunity to emphasise particularly vital points in the Draft White Paper and suggest areas that require further consideration.

THE OVERALL ORIENTATION, INTENTION AND GOALS OF THE DRAFT WHITE PAPER

The policy aims to fill the policy gap of having an approved, overarching policy on biodiversity, emphasising that the loss of biodiversity has a negative effect on livelihoods and the economy. It seeks to address the continued inequality in access to the benefits from biodiversity and associated ecosystem services, and catalyse rural economic development and biodiversity-based value chains.

The Draft White Paper builds its foundation on Section 24 of the Constitution, thereby situating Rights at the centre of this discussion. This is of critical importance as this operationalises this Section of the Constitution which so far has not been met. The orientation of the Draft White Paper is firmly on equity, justice, and human rights.

The Draft White Paper is aligned with the 2030 Sustainable Development Goals (SDGs) and the 2030 Vision of Living in Harmony with Nature, and goes a step further by focusing on both the ability of people as well as nature to prosper through its impact statement "thriving people and nature." This, while situating people first as one of its principles, also ensures nature thrives in its own right, and goes beyond an anthropocentric view of nature in line with Ubuntu. The Draft White Paper in many ways aims to operationalise Sustainable Development by firmly embedding socio-economic development within functioning, thriving ecological systems.

A major paradigm shift that this policy offers is its focus on the African Philosophy of Ubuntu to guide the future of the biodiversity sector in the country. This emphasises an African-centric approach to conservation and sustainable use, beyond the utilitarian and narrow view of the dominant Western, colonial, version of conservation. Essentially this affirms the intrinsic value of nature, the interdependencies, and in particular the role of humans in caring for nature. The focus on animal, human and planetary well-being is a major shift in terms of how we define our relationship with other sentient beings.

The White Paper is structured around eight goals, each with associated policy objectives, expected outputs, and expected outcomes, as detailed in Table 1. The 16 principles set out on pages 20-23 are important and set the tone for a policy leading the way towards equity, justice, and an ecologically sustainable future. This includes accounting for the social and environmental costs of development, recognising the benefits beyond economic, and to include existence values, sense of place, cultural values, and spiritual values.

DEFINITIONS

The definitions of conservation and sustainable use used in this Draft Policy provide a good basis for reorienting the sector and leading the continent in this way.

The definition of conservation is important as it shifts the paradigm of which conservation is understood and practiced, and hopefully will contribute towards the transformation of the relationship between people and nature, by situating conservation within an African cosmology and worldview. This advances the definition of conservation, which is undefined under the CBD.[2]

The definition used for conservation includes:

Conservation – under the imperative of protection of the environment

a) Protection, custodianship, care, maintenance, rehabilitation, and recovery of biological diversity and its components.
b) In a manner, where justifiable, secures equitable and ecologically sustainable use, access, and sacred appreciation.
c) Of the benefits and values that reset and future generations derive from nature's contribution.
d) Improve the well-being of people consistent with Ubuntu.

The definition applied for sustainable use - in relation to the use of any component of biodiversity, means the use of such components in a responsible way and that:

a) Does not contribute to its long-term decline in the wild, or disrupt the genetic integrity of the population.
b) Does not disrupt the ecological integrity of the ecosystems in which it occurs
c) Ensures continued benefits to people that are fair, equitable and meet the needs and aspirations of present and future generations.
d) In the case of animals, is humane and does not compromise their well-being.

As mentioned in the Draft White Paper, the definition of sustainable use is enhanced from the definition as found in the National Environmental Management, Biodiversity Act (NEMBA) (Act of 2004) as well as the CBD.

Under Definitions, we suggest that the definition of 'well-being' be adapted. Currently, this formulation applies only to animals, yet the policy uses this term in various ways and applies to all (animals, humans, and the Earth).

[2] See https://www.cbd.int/convention/articles/?a=cbd-02

As we are seeing now, the negotiations around the GBF are far from leading the 'transformative changes across economic, social, political and technological factors' being called for, especially by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)[3] (2019) (Clémençon., 2021). This draft policy has the potential to fashion new thinking on the three objectives of the CBD.

Since its inception, the discourse on what constitutes sustainable development has been trumped by the neo-liberal economic hegemony, based on global trade and capitalist supply chains. This is evident in the sustainable development goals and in the CBD, that is also embedded within this paradigm. Therefore, we desperately need a departure from the flawed paradigm guiding biodiversity under the CBD and climate change under the UNFCCC. The Draft policy provides some unique and new thinking, such as the definitions of conservation and sustainable use, and its emphasis on the African eco-social philosophy of Ubuntu and rights. This said, it does not take a radical departure from market-based solutions. Rather it embraces biotechnology and industrial agriculture and is silent or blind on issues around what needs to be downscaled and what needs to be upscaled to bring about systemic change, as detailed further below.

African Approach to Conservation and Sustainable Use

One of the most remarkable elements of the Draft White Paper is its referral to Ubuntu[4], a distinctly African worldview representing the intimate, interdependent, reciprocal relationship between humans and the natural environment, to guide the CSUB. This marks an important shift from the dominant colonial, militarised approach of "fence and protect," lacking recognition of the custodianship role humans have historically and continue to play in maintaining biodiversity and ecosystem health (Garnett et al., 2018; ICCA., 2021). With the advent of colonisation and the intensification of globalisation under the neo-liberal project, this relationship was greatly undermined and denied African existentiality (Chibvongodze, 2016; Murombedzi 2003). Colonial conservation methods such as fenced game parks were introduced, breaking the intricate bond between Africans and the environment. This not only denied access to the environment and wildlife that sustains them, but posed them as a danger, and criminalising their activities (Chibvongodze, 2016). This reinforced a false reality of Eurocentric constructions and hierarchies, racializing ecologies and environmental management. The dispossession of land and preventing Africans from accessing their ecologies did not only serve to establish reserves of labour, but destroyed the moral, cultural and religious connection people had with the nature (Chibvongodze, 2016).

[3] The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) is an independent intergovernmental body established by States to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development. It was established in Panama City, on 21 April 2012 by 94 Governments. While It is not a United Nations body, the United Nations Environment Programme (UNEP) provides secretariat services to IPBES. See further, https://ipbes.net/

[4] Ubuntu is defined in the Draft White Paper as "a unifying vision of community build upon compassionate, respectful, interdependent relationships, and that serves as "a rule of conduct, a social ethic, which underpins the moral and spiritual foundation for African societies. The very essence of Ubuntu hinges on consolidating the human, natural, and spiritual tripartite."

Ubuntu is commonly understood to mean that the humanity of an individual is only complete if it re-affirms that of others (Ramose 2002). Yet, this understanding tends to confine Ubuntu to human relations and fails to consider the human, natural, and spiritual tripartite it encompasses, that are referenced in the Draft Policy (Museku and Madondo, 2012).

This policy is a reminder of how age-old African worldviews are essential and applicable to sustainability discourse and practice, and in many ways, it is the marginalisation of indigenous, pluralist worldviews and cosmologies, and in particular African cosmology, which has resulted in the dire situation and "atomised" relationship between humans and the natural (and spiritual world).[5] The Western conceptualisation of nature has "desacralised" nature and has laid the foundation for scientific and technological exploitation of nature without limits (Museku and Madondo, 2012). Through colonial and neo-imperialist conditions, and particularly through our education systems, anti-nature and anti-African perceptions are reinforced. Therefore, this draft policy offers a fundamental shift, not only in the way nature is to be conserved but also how it is perceived, and the way we understand our relationship to the natural world. This has the potential to reinforce and revive in particular, African philosophies of living, and its "code of conduct" which may have rippling effects throughout society.

Drawing on Museka and Madondo (2012), referred to in the Draft White Paper[6]:

"The African cosmology is world affirming in that it requires harmonious co-existence among human beings, animate and inanimate objects. It promotes horizontal relationships among these members of the universe." "Human and non-human species are of equal value, and all have the same right to existence. Human beings have no special privilege or authority over other creatures, rather they have greater responsibility" (page 262).

This way of thinking places humans with greater responsibility of care, as intricately part of and connected to the natural world. This emboldens the vast array of eco-wisdom that is held in Africa and reaffirms the intrinsic value of nature – and this needs to be firmly emphasised in this piece of legislation. The African philosophy of Ubuntu, as a concept used to guide new conceptualisations and approaches to the conservation and sustainable use of biodiversity from an eco-spiritual perspective has the potential to advance the rights of nature and Earth Jurisprudence (Chigangaidze, R.K., 2022).

This policy has the potential to inculcate and restore destablised traditional economies and understandings of peoples' place within the natural world. Reorienting the biodiversity sector towards Ubuntu requires the sector to reorder the anthropocentric culture of "resourcism," where the relationship between humans and nature is one of extraction and exploitation (Chibvongodze, 2016; Evernden., 1985; Plumwood (2003). The policy must go beyond the current developmental discourse, perpetuating wage labour as the solution to the socio-economic crisis in the country, and rather reinforce reciprocal relationships between people

[5] See the IPBES values assessment: integrating indigenous and local knowledge with scientific knowledge leads to more just and sustainable social and ecological outcomes, for more on the need to integrate diverse and plural worldviews for biodiversity conservation. https://ipbes.net/media_release/values_assessment_published

[6] Museka, G and Madondo, M.M., 2021. The quest for a relevant environmental pedagogy in the African context: insights from *unhu/ubuntu* philosophy. *Journal of Ecology and the Natural Environment*, 4(1), pp258-265

and nature. It would be useful as part of developing a strategy for the sector for the Department to embark on effective and meaningful consultations to be informed on how best to reclaim and restore Ubuntu as an environmental philosophy and approach. At present, there is a danger that this very powerful term and concept be misappropriated and misrepresented if clear principles and approaches are not articulated. While there is clear usefulness of Ubuntu in the conservation of natural environments, it is vital to question its effectiveness particularly in a capitalist and urbanised society, such as South Africa, where Africans are continually alienated from the natural environment (Chibvongodze, 2016), and the danger of market-based solutions in this context, which needs to be addressed in this policy. We are concerned that this draft policy continues colonial arguments in a strategic way given the overall framing of the policy, yet allowing business as usual, as outlined further below.

While the White Paper represents a paradigm shift in the CSUB, promoting transformation of the biodiversity sector in an ecologically sustainable way, based on the principles of Ubuntu, it also suggests that it is based on "modern approaches". It would be useful for the policy to outline the "principles of Ubuntu" and what "modern approaches" are, how these work together or are in conflict, and how these conflicts will be resolved.

It is also important to clearly articulate the way various forms of knowledge, evidence and approaches will be integrated and considered collectively, particularly with regards to priority setting and decision-making. Evidence-based approaches tend to mean scientific evidence, which excludes other forms of knowledge. This points to some inherent potential conflicts or contradictions in the policy, regarding the reliance on evidence-based approaches, as well as the resilience on various forms of knowledge, including traditional and ordinary knowledge, as articulated under Principle 9.4.15.5. Therefore, we suggest in all cases where "evidence-based" is placed, indigenous, traditional and other knowledge, should be included to make sure that decisions are made to include all knowledge, based on the precautionary principle, and do not allow for interventions justified by purely western scientific, technological and economic considerations. This is a vital component of this policy and should be reflected accordingly throughout.

Expanding Conservation areas into Communal areas

The Draft White paper explains that the biodiversity sector has grown, but with limited participation and beneficiation by those historically oppressed and marginalised. The document does not discuss the failures of land reform, and the fact that the land restitution, redistribution and land tenure reform programme has not fulfilled its transformative objectives despite more than two and half decades of implementation (Chitonge, 2022). It speaks to the potential of community land, where only 0.5% of communal land is under formal conservation – and emphasises the potential to re-wild these areas and bring them under formal protection. While there may be potential to re-wild and restore these often highly degraded areas, there is also potential danger in this proposal.

Communal land in South Africa is mostly rural territory owned by the government and administered through a traditional authority. Most communal land was, and still is, held in trust by the state for the benefit of those who occupy and use it, yet often traditional leaders

misleadingly assume authority over deciding its access and use. Much of this tenure system is to be seen in the former Bantustans[7], which made up only 13% of South Africa's land. Tenure insecurity in these areas has been an area of conflict, which has yet to be resolved.

The focus on expanding conservation in communal areas fails to fully account for the conflicts that exist between the establishment of conservation areas and of "Bantustans" under Apartheid, and the current dangers of elite capture. After the Communal Land Rights Act (ClaRA) of 2004, was found to be unconstitutional in 2010, no legislation has since replaced it. Therefore, rural people are still without security of tenure of land and many rural peoples remain in limbo on land rights issues.[8]

The Interim Protection of Informal Land Rights Act of 1996 was adopted to protect people living on communal land. It recognised informal customary land rights as property rights, providing that no one can be deprived of an informal land right without their consent, except by expropriation. This law remains in force due to government's failure to introduce a comprehensive law to deal with communal land (Duda, 2017). While the Traditional and Khoi-San Leadership Act (Act No. 3 of 2019) now has provisions under Section 24 of the Act, that requires any traditional authority partnering with any other person, body, or institution to have prior consultation and majority agreement at the consultation, this entails extremely limited participation requirements as to how communal land gets used, and to whose benefit (although it is a massive improvement from previous drafts which gave traditional authorities complete authority without the need for consultation). There is a deep concern that traditional leaders are therefore able (or perceive themselves as able) to make exclusive decisions on how land is used, with little avenue for redress on the part of those who are adversely impacted. While the many references made in the Draft White Paper to ensure the effective participation and influence by those previously disadvantaged, including women and youth, there is concern that this may not always be the case in reality.

This could result in massive resource and land-grabbing, and repeat past wrongs under a new guise. We are concerned that this policy does not clarify how it will ensure transformative outcomes, and how this will practically transform the relationships and beneficiation under historically and continually unequal conditions. This requires greater attention. If effective communal land tenure legislation does not exist, the outcome of expanding conservation areas into communal land could lead to a worsening of peoples' living conditions, and further exclude them from participating in this sector and benefitting and accessing ecosystem functions. Extreme poverty is already highest in the former homelands (Noble et al., 2014).

The draft policy does not detail how conservation, especially in communal lands will be dealt with, and how communities will still have access to sustainably use natural resources – beyond the current restrictive nature of protected areas, particularly by those who use and rely on nature, and live in close proximity to wild areas. Clear approaches and strategies need to be drawn up to indicate and illustrate how the transformation will be achieved in practice.

[7] https://www.plaas.org.za/communcal-land-tenure-consultations/
[8] https://www.customcontested.co.za/laws-and-policies/communal-land-rights-act-clara/

This concern is linked to international discussions under Target 3 of the Post-2020 GBF, i.e. the 30x30 target.[9] These discussions emphasise the need to center human rights in the establishment and management of conservation areas. They also highlight the dire state of biodiversity, despite years of establishing formal conservation areas. The Draft White Paper seems to be proposing new articulations and approaches to the CSUB, yet these concerns remain unacknowledged. It is surprising that South Africa is envisioning further establishment of formal conservation areas, even though in the negotiations under the GBF their position has been consistent in pushing for only 20% of land to be under formal conservation. We believe this policy, focused on the human rights enshrined in our Constitution, **must ensure that all rights are safeguarded and realised by articulating concrete steps to ensure that the establishment of new conservation areas does not perpetuate further violations and divisions.**

A vast majority of land is under private ownership, primarily by a white minority (DALRRD., 2017), and the link between these private areas and extending benefits to previously marginalised is not adequately dealt with.

AGRICULTURE, AGRICULTURAL BIODIVERSITY, FOOD SYSTEMS

The document discusses the need for conservation to take place both inside and outside formal conservation areas. This is important and reflects discussions happening at the international level. **More emphasis could be put on the role of the CSUB in managed and productive landscapes, and in particular addressing agricultural, mining, and urban areas.**

The Draft White Paper has a very limited section on the drivers of biodiversity loss. Section 6.3 could be expanded, drawing on the IPBES report (2019), and based on the situation locally. This would help in the development of sectoral strategies, and especially situate agriculture, as one of the major drivers of biodiversity loss. It would be useful then to **outline how the policy seeks to address these drivers related to the goals, objectives, outputs, and outcomes, and give some guidance on how sectoral strategies will need to be guided by this White Paper.**

It is inappropriate for Article 6.3. on drivers of biodiversity loss to include subsistence and small-scale fishing in the same basket as commercial fisheries. **We therefore believe the reference to subsistence and small-scale fishing be removed from this paragraph.**

INDUSTRIAL AGRICULTURE DRIVING BIODIVERSITY LOSS

South Africa has a dualistic agricultural system with a small number of large-scale commercial farmers, and a historically and continuously marginalized, large number of small-scale farmers. The deepening disparities between these groups due to the high costs, economies of scale, and input capital, among other barriers to entry, limit emerging farmers from participating actively in the agricultural and food sector. Agriculture in SA reflects a deeply

[9] See https://survivalinternational.org/news/12570

untransformed sector. Further to this, while South Africa is considered a food-secure country, 1 in 4 people were going hungry in 2014 (Oxfam., 2014). This number increased with the advent of COVID-19, and the loss of jobs due to national lockdown measures (StatsSA., 2022). With current spikes in energy and fuel costs, food prices continue to soar, with some staples seeing a 20% increase since August 2021, and a 12,6% overall increase in the cost of the average household food basket.[10]

Despite industrial agriculture expansion and intensification driving biodiversity loss, climate change, soil infertility, and erosion among other crises we face (IPES-Food, 2020., IPBES, 2019), pushing us beyond our planetary boundaries (Rockström et al., 2009), the Government continues to promote industrial agriculture as the sole trajectory to food production in South Africa (ACB., 2020). Such a model relies on the use of corporate seed as well as genetically modified seed, synthetic fertilisers and agrochemicals, locking farmers into an increasingly expensive technological package of external inputs, with massive, undisputed negative impacts both on- and off-farm biodiversity and human health, especially that of farm workers. The entire food system is exceptionally vulnerable to shocks, due to its reliance on imported inputs, and the monocropping of genetically uniform crops and livestock breeds. Experts across the globe are calling for an urgent shift away from industrial agricultural food systems towards more ecologically based, biodiverse practices that are also socially and economically just (De Schutter, 2010; HLPE, 2019; IPES-Food, 2016).

It is vital that we support the transformation of agricultural and food systems that ensure the CSU of agricultural biodiversity, as well as the upstream and downstream impact on biodiversity and society more broadly. A strategy is needed to link farm-scale activities with a landscape approach by integrating farming and non-farming activities throughout a larger area.[11] This requires a concerted effort in restructuring the sector through legal reforms that currently, unwaveringly promote the expansion of industrial agriculture, are ecologically unsustainable, and threaten human, animal, and planetary health.

As an overarching policy for biodiversity, there should be clear articulations on what needs to be downscaled and what needs to be upscaled to bring about long-term, systemic change. An example of this is the need to mention phasing out of highly hazardous pesticides (HHP) as part of downscaling industrial agriculture. These highly toxic chemicals are known to decimate biodiversity as well as have deleterious effects on farm workers and should be mentioned explicitly dealt with as part of an overarching policy on biodiversity.

The Draft White Paper only mentions agriculture in passing, such as section 9.3(b), which speaks to activities related to CSUB that must not be only on natural landscapes but includes abandoned crop fields. The role of the CSUB in productive agricultural areas must be emphasised. Strategies are required to prevent further ecological degradation caused by industrial agriculture expansion and to consider agriculture within socio-ecological systems.

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[10] See August 2022 Household Affordability Index, Pietermaritzburg Economic Justice & Dignity. https://pmbejd.org.za/index.php/household-affordability-index/

[11] See also Lovell, S.T., DaSantis, S., Nathan, C.A., Olson, M.B., Méndez, V.E., Hisashi, C., Kominami, H.C., Erickson, D.L., 2010. Integrating agroecology and landscape multifunctionality in Vermont: An evolving framework to evaluate the design of agroecosystems. *Agricultural Systems*, 103:327-41; Méndez, V.E., Bacom, C.M., and Cohen, R., 2013. Agroecology as a transdisciplinary, participatory, and action-oriented approach. *Agroecology and Sustainable Food Systems,* 37(1):3018

Restored ecosystem functions would greatly improve agricultural production, resilience, and sustainability.

The draft policy needs to also acknowledge its obligations under the UNFCCC, and be guided by the National Climate Change Adaptation Strategy (NCCAS) (2019).[12] This is missing under Section 7.2 on the national policy and legislative context. Climate change will have direct and indirect impacts on biodiversity and ecosystems, and socio-economic and cultural contexts that depend on these areas. **In particular, biodiverse agroecological production is essential for climate change adaptation. Therefore, the role of biodiversity in adapting to climate change, in particular in agricultural and urban areas, should be outlined here and expanded on in sectoral strategies.**

The role of ecosystem restoration and the CSUB on- and off-farm, the way agriculture intersects with its ecological context, and the role of on and off-farm biodiversity in strengthening ecological health and dietary diversity are vital to redress the gross inequalities related to food access and insecurity in the country.

On-farm CSUB and farmers' rights

The genetic erosion of crops is well documented and a great cause for concern (De Schutter, 2009; FAO, 2010; Kyratzis et al., 2019; Mathur, 2011; Tripp and van der Heide, 1996; Van de Wouw et al., 2010). Genetic erosion, due to agricultural policies and seed and plant variety protection laws that are skewed towards an industrialised agricultural approach, is a global concern. Extensive crop diversity is being lost due to the spread of commercial varieties as part of industrial agricultural systems based on monocropping genetically uniform crops, putting the entire future of food production at risk (ACB, 2018a; Correa et al., 2015; De Schutter, 2009; Global Alliance for the Future of Food, 2016). With intensifying climatic variations, crops and farming systems need to be adaptable and resilient and require embedding biodiversity into production systems.

It is well known that genetic and agricultural biodiversity are best conserved in-situ, i.e. on farm, and in the hands of their custodians – smallholder farmers and farming communities. This is in part catered under 9.3(e) stating that biodiversity is best conserved in the wild (in-situ) through conservation and restoration of ecosystems and natural habitats, maintenance and recovery of viable populations of species in managed and natural ecosystems. 9.3(f) as part of the Impact Statement recognises that ex-situ measures should be implemented primarily to complement in-situ conservation measures. We believe **it is essential to specifically mention agricultural biodiversity and in particular the importance of their on-farm CSU.**

The linkage between community seed banks, seed libraries, and on-farm conservation and use by farmers and farming communities with regards to the CSU of plant genetic resources for food and agriculture (PGRFA) is crucial, in terms of maintaining and developing crop

[12] https://www.environment.gov.za/sites/default/files/docs/nationalclimatechange_adaptationstrategy_ue10november2019.pdf

diversity. We believe outputs and outcomes related to this should be specific about types of in-situ conservation methods and how this will be supported by the state, including PGRFA.

There is an emphasis throughout the Draft White Paper on the need to include indigenous and traditional knowledge and knowledge holders including traditional healers, and traditional leaders, and in one case it mentions smallholder farmers in 11.2.2.5. This recognises the important role of traditional healers, farmers and others holding traditional knowledge. This is an important addition, and we urge the Department to specifically mention small-scale food producers, and mention this group in more places throughout the Policy as they hold significant agricultural biodiversity and associated knowledge.

The recognition of traditional, homestead, and smallholder farmer knowledge and practices and their seed systems are fundamental to the CSU of agricultural biodiversity, and rests on the realisation of farmers' rights and the Right to Seed. 5.2.2 of Table 1 speaks to the need to incorporate farmers' intellectual property rights to genetic and biological material into policy and legislation. This is a very important addition, but we suggest that this should be referred to as farmers' collective rights and human rights rather than as farmers' intellectual property. This is in line with 5.1.4. in promoting indigenous communities' rights, and benefits the holders of traditional knowledge. This output should go beyond benefit sharing, as articulated under Goal 5. While South Africa is not a Party to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), farmers' rights as defined under the ITPGRFA, and the Right to seed as articulated under United Nations Declaration on Peasants and other People Working in Rural Areas (UNDROP), to which South Africa was a major supporter, is in line with South African constitution. The ITPGRFA is referenced in Table 1, under 5.2, although without contextualising it.

Goal 5 on equitable access and benefit sharing speaks to various types of genetic and biological resources including wild species, wild relatives of crop species, landraces, primitive and obsolete varieties, modern varieties, breeding lines, and experimental populations and lines with specific genetic characteristics. Objective 10.1.4.1. under Goal 5: Controlling access to SA's indigenous genetic and biological resources, through the introduction of appropriate legislation and establishment of institutional structures, is important, and must be extended to associated traditional knowledge prominently. This is mentioned under expected outcomes 5.1.3, and 6.5.7, and is essential to maintain. This said, the emphasis on biotechnology value chains, bio-trade, and the biodiversity economy is worrying, as discussed further in these submissions.

Expected output 5.2.3. of Table 1 speaks to the need to identify and encourage crop wild relatives for commercial crop production, especially for smallholder farmers. Generally, wild relatives are not used for crop production, but are essential for maintaining the genetic integrity of the population. It is rather landraces and farmers' varieties and populations that should be specified for production.

Expected outcome 5.2. states that indigenous crop wild relatives contribute more to food security and productive agriculture – again, this needs to rather speak to landraces and farmers' varieties, or rather agricultural biodiversity more broadly, and indicate the linkage between biodiversity and agricultural production, in line with farmers' rights and the Right to

Seed. While crop wild relatives are not often used for food, many indigenous wild foods are essential for food security. This element needs to be captured.

BIODIVERSITY-BASED FOOD SYSTEMS

The Draft White Paper speaks to the need to enhance biodiversity in food systems. Objective 10.1.4.2 under Goal 5 mentions access to sources of genetic and biological material promoting biodiversity-based food security, with related outcomes around crop wild relative, and thriving food systems through the CSUB. The link between agricultural biodiversity and food systems is essential, but could be made a bit clearer in Table 1, i.e. biodiversity on-farm, and its link to food and diets in South Africa. There is ample evidence pointing to the need to enhance biodiversity on-farm, and that this has profound impacts on the resilience, productivity, and diversity of agricultural and food systems (IPES-Food., 2016). In this regard, it is important to understand the agricultural and food value chains that vary across the country.

Wezel et al (2016) propose the concept of "agroecology territories," looking at transitions towards sustainable agricultural and food systems to take place at the landscape level, considering three major domains for the transition to take place: adaptation of agricultural practices; conservation of biodiversity and natural resources; and development of food systems embedded in territories. They refer to territories as areas delineated, managed, and organised by certain social groupings, and can include local authorities, and regional municipalities, amongst others. From an agronomic perspective, territory refers to the combination of farming systems with ecosystems that leads to varying production systems. This socio-technical understanding of territory also provides a framework to take up concerns related to conservation, sustainable use, benefit sharing, and valorisation of territorial resources. This may be a useful approach to considering potential ways to deepen the approaches related to the intersections between biodiversity and agricultural and food systems under the Draft Policy.

BIODIVERSITY ECONOMY, AND BIOTECHNOLOGY VALUE CHAINS

SOCIO-ECONOMIC DEVELOPMENT, RURAL DEVELOPMENT, AND JOB CREATION.

The Draft White Policy emphasises the value of nature beyond being simply valued in economic terms, including the cultural, spiritual, and sacred aspects of nature. While we welcome this approach, we note that a central component of the White paper is the strengthening of the biodiversity economy to support rural socio-economic development.

The policy recognises that intact ecosystems and high species diversity are essential for job creation and economic functioning more broadly. The White paper argues that social and economic development and human well-being rely on the restoration, protection, and conservation of biodiversity and ecosystems. It recognises the need for this to sustain agricultural production, due to the benefits from pollinators, pest natural predators, etc. This is explained for various sectors including support for wildlife and livestock, the role of intact catchments for disaster risk reduction and climate change adaptation, harvesting edible

plants, insects, fish, medicinal plants, weaving materials, and the link between biodiversity and language, religion, culture, and folklore.

There are inherent conflicts between economic growth, job creation, and biodiversity conservation. This is not addressed in the text and is assumed to be developed when sector-specific strategies will be drafted. **The Draft White paper needs to provide clear ways to how these conflicts will be addressed and resolved.** This is particularly important with the emphasis being placed on biodiversity offsetting. Expected output 2.4.8 of Table 1 emphasises the need to create regulatory certainty for the implementation of innovative biodiversity offsetting instruments – such as strategic biodiversity offsets and biodiversity offset banking. This is linked to the recent Draft Biodiversity Offset Guidelines, published for comment earlier this year, and are both very worrying developments.

Biodiversity offsets are designed to compensate for damage to biodiversity from development by providing biodiversity gains elsewhere, and therefore result in "net-zero" biodiversity loss. However, biodiversity lacks the fungibility associated with this concept (Bull., 2013), as biodiversity in one location cannot simply be exchanged for that in another (Darbi., 2020). Biodiversity offset policies can generate behaviours that exacerbate biodiversity decline, and has the potential to introduce perverse incentives that could result in worse environmental outcomes, even from soundly designed policies (Gordon et al., 2015., De Gorter et al., 2013). Biodiversity offsets are seen as the last step of a sequence called the "Mitigation Hierarchy" (first avoid, then minimize, and then finally restore/offset negative impacts) (Darbi, 2020., Bergès et al., 2020) as is in the Draft Guidelines, but no clarity is given as to how this hierarchy will be implemented and what constitutes justifiable development. Biodiversity offsetting is inherently perverse and provides loopholes for continued degradation. There are international[13] and local[14] examples illustrating the disastrous nature of these trade-offs. We strongly urge the Department to depart from this approach.

BIODIVERSITY ECONOMY

Goal 7 biodiversity economy transformed focuses on promoting and developing economic opportunities compatible with the CSUB, and creating incentives that support the CSUB. Here they refer to wildlife and bioprospecting as illustrating the potential of the biodiversity economy. Again, there are concerns as this does not address the inherent trade-offs and potential conflicts. The National Biodiversity Economy strategy[15] mentioned and drawn from is limited to these same two sectors, rather than exploring other opportunities such as a rights-based approach, instead of simply beneficiation.

[13] See https://globalforestcoalition.org/biodiversity-offsets/ for Indian example of how biodiversity offsetting and "net gain" resulted in severe implications on human rights, gender justice and social equity.
[14] See Impact Study on Musina Makhado Special Economic Zone and proposals to offset negative impacts: http://enviroxcellence.co.za/assets/document/MMSEZ_Final_Report__Agri_Tourism_Impact__Courtney_Comments__1122020.pdf
[15] https://www.dffe.gov.za/sites/default/files/reports/nationalbiodiversityeconomystrategy.pdf

This section is worrying as it does not fully engage issues of equity and well-being that are put forward by this policy.[16]

Furthermore, contradictions and conflicts have already been highlighted between the Draft White Paper and other policies in the offing, such as the Game Meat Strategy, which, unlike the Draft White Paper that recognises that animals are sentient beings and their well-being is required, the Game Meat Strategy refers to wildlife as resources to be "ruthlessly, systematically and efficiently exploited" (Chèze., 2022., www.dailymaverick.co.za). The commercial and extractive orientation of the Game Meat Strategy promotes intensive breeding and agricultural farming of wildlife, despite the ruling in National Society for the Prevention of Cruelty to Animals V Minister of Justice and Constitutional Development and another ZACC 46, note 58. This highlights the legislative contradictions across Government Departments that need urgent resolution and harmonisation. While animal well-being is a key aspect of this policy, and is even part of the definition of Sustainable Use, it remains unclear how the conflicts and hierarchies between law-making and jurisprudence will be resolved. This also links to the One-Welfare One Health approach, also discussed briefly in the Draft White Paper, and how this intersects with preventing zoonotic spill-over, particularly from industrial livestock production.

We wonder whether this policy will indeed be able to transform the biodiversity sector as it envisioned, or whether it gives a green light for furthering interests in the biodiversity economy – which unfortunately favours private interests and profits over public interests and nature. The policy is explicit on the need to promote biodiversity in the public interest, but the goals, outcomes and outputs do not necessarily align with this. We believe these conflicts must be fully addressed and ironed out in the text and provide clear ways forward to assure coherency and public trust. It is necessary to specify ways forward with regards to sector specific strategies, as well as cross-sectoral strategies, looking at conflicting strategies, policies, and laws – and start a process to reform these. This issue highlights many of the historical and current concerns around mainstreaming biodiversity, taking place at the international level.[17]

Biotechnology value chains

We are concerned with the conflictual priorities regarding biotechnology value chains and the conservation of genetic integrity and associated traditional and indigenous knowledge throughout the draft policy. We believe the need to protect local populations of plants, as outlined in the Draft White Paper, needs to be the focus of this policy, rather than facilitating biotechnology value chains based on risky and uncertain patented technologies. Modern Biotechnology is evolving rapidly, and this is not taken into account in this Draft White Paper. Even the impacts on biodiversity already witnessed by the widespread use of genetically

[16] For examples of adverse impacts of bioprospecting promoting biopiracy and resource depletion see examples such as https://www.learntechlib.org/p/177169/article_177169.pdf; https://www.researchgate.net/publication/317881281_Bioprospecting_Moving_beyond_benefit_sharing ; and https://acbio.org.za/wp-content/uploads/2022/03/10.01.Update_Factsheet_Pelargonium_Patents_en.pdf to name a few.

[17] See https://eco2022cbdalliance.blogspot.com/2022/03/the-good-bad-and-ugly-of-mainstreaming.html for concerns related to the negotiations taking place under the GBF.

modified (GM) crops and their associated chemicals has had on- and off-farm biodiversity, as well as farmers' seed, has not been adequately considered or investigated (SANBI., 2011; Van Wyk., 2007., Van den Berg., 2013). Other countries on the continent are already approving the commercialisation of indigenous crops such as GM cowpea. This will have a massive impact on farmers' seed, crop wild relatives, and their vital genetic resources,[18] as well as farmers' livelihoods. Regulatory systems at present allow for biotechnology to be released which cannot be recalled, lacks liability and redress mechanisms, and will undoubtedly have large-scale ecological impacts in particular on wild and domesticated plant and animal species (ACB., 2020; ACB., 2011). This also further entrenches industrial agriculture.

The intention to facilitate biotechnology value chains is mentioned in a number of places. This is aimed at furthering the biodiversity economy (i.e. bioprospecting) and biotrade, as emphasised in the Draft White Paper. There is a need to minimize the potential risks associated with the release of genetically modified organisms (GMOs) into the environment, taking into account risks to human health. Objective 10.1.2.6, is an important element to keep, and in line with GMO Act and Cartagena Protocol on Biosafety, but this does not seem to be the approach taken throughout the rest of the document.

As mentioned above, 10.1.4.2 is concerning, stating: access to sources of genetic and biological materials promoting biodiversity-based food security. This, taking into account the rest of this discussion in the section on promoting bioprospecting, biotrade, and biotechnology value chains seems more aligned with facilitating access than ensuring equitable benefit sharing. The need for dietary diversity, and the need for biodiverse agricultural systems, are both critical, but the current reference to biodiversity-based food security under Goal 5 is unclear, and perhaps misplaced. This could perhaps rather be under sustainable use and sustainable lifestyles (10.1.3.9), and promoting conservation in areas outside of protected areas. The objectives under this section are incredibly narrow and limited to the valorisation of biodiversity. It is clear throughout the text that genetic and biological material will be used to facilitate the economic interests of the biotech industry, bio-trade, and the biodiversity economy. This is worrying and should not be the orientation of this White Policy.

Further to this, we are concerned that there is no mention of digital sequence information (DSI), the traditional knowledge associated with it, or the impact of new breeding technologies emanating from synthetic biology, including genome editing and its impacts on the CSUB and implications on human rights, in the Draft White Paper.

Conclusion

The Draft White Paper emphasises South Africa's leading role in conservation and sustainable use of biodiversity on the continent. This policy provides some interesting and progressive elements which could be used to transform biodiversity conservation on the continent from one as a remnant of colonial pasts, to one that is defined by African interests and worldviews.

[18] See response from civil society and farmers: https://acbio.org.za/gm-biosafety/coalition-demands-ban-bt-cowpea-nigeria-west-african-countries/

It is vital that the CSUB considers what this means in practice, and does not result in large-scale land-grabbing, human rights violations, biodiversity loss and elite capture, serving imperialist and capitalist interests.

While the Draft White paper has potential, many elements require clarification in terms of what this all means in practice and removing dangerous elements which may perpetuate the exclusion of the masses, and facilitate further exploitation and extraction of biodiversity and our ecological and cultural heritage.

The draft policy has the potential to shift the current paradigm of biodiversity conservation nationally, and fashion new thinking and approaches on the three objectives of the CBD with its emphasis on the African eco-social philosophy of Ubuntu, and human rights-based approaches based on our Constitution, to guide new approaches to the CSUB. That said, this requires a radical departure from market-based solutions and clear articulation around what needs to be downscaled and what needs to be upscaled to bring about systemic change.

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