

SO YOU WANT TO CONSERVE YOUR LAND

Conservation options for protected areas on private, communal and municipal land

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Many people want to conserve their land. This note aims to provide some insight into the options available and some novel solutions. It is also in recognition of the crucial role that private individuals play in conservation. Many animals would not be with us today if it were not for the foresight and action of several farmers (e.g. the Mountain Zebra, Bontebok, Addo elephant) and most of our threatened ecosystems have survived because of the commitment of landowners. Further, farmers manage by far the largest areas of threatened habitat in South Africa. Fragments of natural veld require innovative management and protection to secure their ecological integrity and this will not be achieved through traditional statutory reserves. Shrinking budgets, lack of agency capacity and other socio-economic priorities have limited the management and expansion of the formal conservation network. There is thus a desperate need for creating private and communal protected areas, especially in the rare and threatened habitats that are under-conserved in formal reserves.

To accommodate the diversity of landowners' needs, cater for different tenure relationships, ownership scenarios, and management objectives, the country must offer a range of options for Private conservation. To be most effective and understandable, however, the scheme should show national legislative cohesion and fundamentally form part of a national protected area network. This requires clear conservation objectives, criteria for inclusion and long term protection of areas, which is provided by new legislation on biodiversity and protected areas from the Department of Environmental Affairs and Tourism.

A guiding principle should be that the level of financial (or other) incentives for conserving must increase in conjunction with the biodiversity value and the long-term protection enjoyed by land.

Suggestions for a framework of private protected areas

The National Environmental Management: Protected Areas Act provides the framework of a protected area system that will accommodate private conservation. Several provinces may need to publish updated regulations or ordinances concerning private conservation.

Some landowners are pursuing biodiversity conservation as an economic venture or as a retreat, yet tightening economies may force many farmers to sacrifice what little natural habitat remains, unless strong inducements are provided to retain those pieces critical to conservation. In times of limited resources, growing landuse pressures and increasing threats, (especially fires and invasive plants) the co-management of areas is crucial. We need robust structures in our legislation to accommodate this. To avoid current problems of subdivision of conservation worthy land for development or inheritance, creative mechanisms such as transferable development rights and exemption of estate taxes can be employed.

An international lesson is the need to approach on-farm conservation in a **building-block manner**, allowing landowners to join voluntarily, placing few restrictions over land and gradually work towards greater conservation security with owners of conservation worthy properties who wish to receive greater rewards. We urgently need to develop a framework to guide this, as most people are naturally reluctant to sacrifice any rights immediately, and would benefit from having a clear explanation of the rewards they would receive in return for conservation restrictions.

A framework is proposed below (based on biodiversity importance, landowner needs and conservation mechanisms involved) that could be adopted around the country. The names of the designations are unimportant and several existing schemes could be modified to suit this arrangement.

Table : A simple framework outlining conservation options for private land including where they would be applicable, what restrictions should apply and some ideas for what incentives or compensation should be offered.

<i>Designation</i>	<i>Where applicable</i>	<i>Restriction of rights/ security</i>	<i>Compensation or Incentives</i>
1- Voluntary reserves <i>e.g. Conservancies</i>	<ul style="list-style-type: none"> Any land may be suitable, but not recommended for rare habitats and important ecosystems, unless as part of a plan to progress to greater security 	<ul style="list-style-type: none"> Very few, but need to retain natural character 	<ul style="list-style-type: none"> Symbolic. Emotive appeal of conserving. Basic extension services. Assistance with management plans.
2- Management agreement reserves <i>e.g. Private & Communal Nature Reserves</i>	<ul style="list-style-type: none"> Best for small isolated areas or fragments of rare and threatened habitats Wetlands and catchments Areas adjacent to statutory reserves but of lower conservation importance 	<ul style="list-style-type: none"> Partial, must be managed for biodiversity. Specific agreements for fire, alien, animal meta- population management. 	<ul style="list-style-type: none"> Some direct assistance, possible rate rebates. Advanced extension services. Access to game animals & other resources. Possible self- regulation on minor issues.
3- Contract reserves <i>e.g. heritage sites, contractual parks</i>	<ul style="list-style-type: none"> Priority areas adjacent to statutory reserves or sufficiently large to be self contained ecosystems. (Need to complement reserves) Critically important and threatened sites. Land properties donated or sold to conservation trusts. 	<ul style="list-style-type: none"> Significant restriction of rights, except access and residence. Owners retain title property zoned for conservation and contract bound for minimum 30 years 	<ul style="list-style-type: none"> Substantial, assistance with management costs, rate exemptions and increased marketing, tourism incentives. If applicable estate/income tax deduction. (Incentives become repayable if contract broken)

Current Options for private conservation.

1- Voluntary schemes

Conservancies - These are dedicated forums for farmers, private landowners, and formal conservation bodies to interact and manage issues and common resources.

Certificates of adequate enclosure & game reserves - These certificates are an old Cape Province tool for farmers wishing to fence in and manage game herds. In other provinces "game reserves" achieve similar aims. They are a pre-requisite for game management, but are a clumsy addition to the overall conservation toolbox.

Natural Heritage Sites - The Department of Environmental Affairs and Tourism runs the Natural Heritage Program, which lists and recognizes sites of National significance, based on a wide range of criteria. This program is aimed at small areas, and it is unclear how it fits into the broader conservation network. It is being revitalized into a broader program.

Private Nature Reserves (PNR) – These are currently voluntary, but should ideally fall under the auspices of Management Agreement or Contractual Reserves. Individuals with conservation-worthy land can register a PNR with the provincial Nature Conservation authorities. A site inspection and certain conditions are usually sufficient to satisfy the provincial agencies after which it is accepted and published by the Premier.

2- Management Agreements

The next level of landowner commitment usually involves the sacrificing of certain rights or the assumption of some responsibilities. Management agreements are not readily found in South African legislation, although many aspects of contractual parks would qualify. They are usually employed in areas where classical reserve scenarios would not be effective and are often accompanied by fencing and land management subsidies.

3- Contractual Parks/Reserves

Landowners with property bordering national parks or with land of national conservation significance can enter contractual agreements with South African National Parks. These agreements (called **Schedule II Parks**) usually run for a minimum period of 30 years and are negotiated separately in each instance.

Protected Natural Environment (PNE) - This is an effective and potentially underused category that prescribes closely what development is not permitted. Land is registered by property and zoned Open Space III, thereby limiting subdivision and subsequent development. The premier can promulgate regulations governing a PNE. It can include urban and rural land and individuals can be co-opted into PNEs. There is usually a requirement of the site having "outstanding natural beauty, or important ecological processes".

Title Deed Restrictions - An owner may at any stage request the Office of the State Attorney to alter or add restrictions to title deeds. This usually happens when a property is to be bequeathed and there is a possibility of it changing character against the wishes of the original owner. Similarly, if a group of landowners, e.g. a conservancy, wish to safeguard their heritage or the atmosphere of a place, they can choose to register Title Deed Restrictions that are binding on any new owners of any property sold or passed on by any of its members, to prohibit sub-division or unwanted development.

New options that SA should introduce

There are several other useful alternatives that are little used in SA, especially expanded versions of the contractual reserves and management agreements. These are flexible and negotiated between parties, usually the owner and a conservation agency, and do not involve the sale or purchase of land.

Provincial and Municipal Contractual protected areas- These are under-utilised in SA and should become common practice with all provincial, municipal and private conservation agencies.

Private- Province co-management agreements - Basically, a binding contract is entered into between the owner of a portion of real estate and the Provincial agency responsible for conservation to ensure that the land in question is managed for biodiversity. They can be as flexible and as binding as necessary, and should be a pre-requisite before any direct or financial incentives for conservation are offered to private individuals.

Covenants – These are binding contracts, often in perpetuity, that take the form of a servitude. If land or development rights are donated or bequeathed to an agency or conservation trust, these should be exempt from estate or donations tax, and deductible from Capital Gains Tax. If conservation worthy land is placed under a covenant (conservation servitude) then the drop in land value due to that agreement should be income tax deductible. All Conservation worthy land that is identified in conservation plans, managed appropriately and regularly audited should be exempt from Municipal property rates. If either of these mechanisms is abused or if the contract is breached, then the cumulative tax deductions or rate rebates become immediately payable with interest.

Who to Contact:

[9 provincial contacts](#)

[Director park development: SANParks.](#)

