Appendix xx: National policies and laws promoting biodiversity conservation and climate change adaptation THAT INCLUDE ENABLING ENVIRONMENT FOR IMPLEMENTATION THROUGH RANGELAND STEWARDSHIP AGREEMENTS *(Extracted from Cassidy, 2018, ANNEx 2 Appendix 4.6)*

National policies, strategies and laws promoting biodiversity conservation and climate change are listed in Table 1. There is a strong link between the age of the legislation and the degree to which it supports climate change in particular. For ease of reference, the degree to which biodiversity conservation and climate change adaptation are promoted are shown in colour, ranging from strongly, through weakly to not addressed. These colour codes are also used in Appendix 2 to highlight levels of harmonisation with the Rangeland Stewardship Agreement Approach.

|  |  |  |
| --- | --- | --- |
| Strong | Weak | Not addressed |

Table 1: Descriptions of Key Policies and Laws Supporting Biodiversity Conservation and Climate Change Adaptation

| **Name** | **Key objective / intention** | **Addresses biodiversity conservation?** | **Addresses climate change?** | **Implementing agency** |
| --- | --- | --- | --- | --- |
|  | | | | |
| **Policies and Strategies** | | | | |
| National Biodiversity Strategy and Action Plan (2014) | A nation in balance with nature, with fair access to biological resources, where the benefits deriving from the use of these resources are shared equitably for the benefit and livelihoods of current and future generations, and where all citizens recognise and understand the importance of maintaining Botswana’s biological heritage and related knowledge and their role in the conservation and sustainable use of Botswana’s biodiversity | Yes | Somewhat | DEA |
| National Conservation Strategy (1990) | To pursue policies and measures which: a) increase the effectiveness with which natural resources are used and managed, so that beneficial interactions are optimised and harmful environmental side-effects are minimised; b) integrate the work of the many sectoral ministries and interest groups through Botswana, thereby improving development of natural resources through conservation, and vice versa. Several development goals and conservation goals are specified. | Yes | Somewhat | DEA |
| National Strategy for Sustainable Development (Working Draft) | Not finalised, but based on aspiration of "prosperity for all", and related to UN Sustainable Development Goals | Somewhat | Somewhat | DEA |
| Wildlife Policy (2012 Draft) | To create an enabling environment for the conservation, sustainable use and management of wildlife and biodiversity resources in order to generate development benefits for current and future generations | Yes | Somewhat | DWNP |
| National Forest Policy (2011) | a) Ensure long term sustainable management of forest resources.b) Ensure integrity and productivity of Botswana’s ecosystems. c) Manage movement of plant genetic resources.d) Provide integrated wildland fire management to enhance fire management capacity, promote biodiversity and ecosystem integrity, enhance health and safety and promote benefits.e) Increase participation of local communities, individuals and private sector in sustainable management of forest resourcesf) Forestry production, with the objective of reducing land degradation and pressure on forests through promotion of forest based enterprises.g) Research and development through developing an environment to meet forestry research needs.h) Ecotourism and socio-economic development through exploring the potential for ecotourism and CBNRM development in forest and communal areas and encouraging participation by putting in place financial mechanisms.i) Promotion of management and sustainable use of non-wood forest products by marketing non-wood products; encouraging sustainable harvesting and preparing baseline data on veld products.j) Development of human resource capacity in the forest sector through training and collaboration with educational institutionsk) Domestication of the appropriate ratified multilateral agreementsl) Preservation of indigenous knowledge on national flora through documentation of IK on flora, promoting research relating to traditional medicines and protecting intellectual property rights | Yes | Somewhat | DFRR |
| Wetlands Policy and Strategy (Draft of 2007) | The conservation of Botswana’s wetlands, in order to sustain their ecological and socio-economic functions as well as providing benefits for the present and future well-being of the people. | Yes | Somewhat | DEA |
| Threatened Species Management Action Policy, Implementation Strategy and Action Plan (2007) | To prevent the extinction of Botswana’s flora and fauna, and to provide for the recovery of species that are critically endangered, endangered or vulnerable | Yes | Somewhat | DWNP |
| Predator Management Strategy (Draft of 2013) | Calls for the maintenance of large conservation areas as a way of ensuring all predator species are afforded protection, focusing on zoning and ecosystem approaches | Yes | Somewhat | DWNP |
| Community Based Natural Resources Management Policy (2007) | Conservation-based development, where the protection of ecosystems and biodiversity is balanced against poverty reduction and rural livelihood improvement | Yes | No | MEWT |
| Indigenous Knowledge Systems Policy (Final Draft) | a) Anchor the nation’s expressed vision and mission for safeguarding IK and rights of holders for increased beneficiation. b) Harness capital embedded within traditional/local institutions by giving them space and relevance for sustained contribution to local and national development. c) Integrate and operationalise inclusive and participatory approaches to development planning and implementation embracing Therisanyo. d) Provide the basis for designing programmes and services that are administered in a manner consistent with IKS. e) Provide structure for implementation, enhancing integrity and restoring the pride of Batswana by enabling engagement in sustained IK use for national development. | Somewhat | Somewhat | Rural Development Council |
| Environmental Research Strategy (Draft of 2010) | 1. Enhance national environmental management by seeking effective solutions to existing problems, prevent new ones arising and develop people’s environmental awareness and active participation in resolving and preventing them. 2. Strengthen the environmental dimension in decision making, policies, programmes and plans at national, sectoral and local level. 3. Attend to the material, spiritual, cultural and environmental needs of the people | Somewhat | Somewhat | MEWT |
| Waste Management Strategy (1998) | Focused on minimising waste, maximising reuse and recycling, and promoting environmentally sound disposal, and based on principles of: prevention; polluter pays; co-operation | Somewhat | Somewhat | DWMPC |
| National Policy on Agricultural Development (1991 but being updated) | The conservation of agricultural and land resources for future generations | Somewhat | Somewhat | DAP and DCP |
| Strategy for Economic Diversification and Sustainable Growth | Accelerating economic diversification and growth, and thus reduce dependence on the mining sector, notably diamonds | No | No | Business and Economic Advisory Council |
| Integrated National Wildland Fire Management Strategy (Final Draft of 2012) | To provide a framework for an integrated wildland fire management approach that will enhance the fire management capacity of all stakeholders and so promote biodiversity and ecosystem integrity, enhance human health and safety, and promote social, cultural and economic benefits at all levels of society/ | Somewhat | Somewhat | DFRR |
| Land Policy (2015) | To provide policy direction and guidelines for implementing land related laws and programmes that promote access, equity, efficiency and transparency in land allocation. | No | No | MLH |
| Tourism Policy (1990) | • Increase foreign exchanges earnings and government revenues; • Generate employment mainly in rural areas; • Raise incomes in rural areas in order to reduce urban drift; • Promote rural development and the provision of services in remote areas; • Improve the quality of life by providing recreational opportunities; • Establish a favourable national image to the outside world. | No | No | Dept of Tourism, BTO |
| Ecotourism Strategy (2002) | Minimising negative social, cultural and environmental impacts. Maximising the involvement in, and the equitable distribution of economic benefits to, host communities. Maximising revenues for re-investment in conservation. Educating both visitors and local people as to the importance of conserving natural and cultural resources. Delivering a quality experience for tourists | Somewhat | No | Dept of Tourism, BTO |
| Draft Climate Change Response Policy (Draft of 2016) | To mainstream sustainability and climate change into development planning and in so doing, enhance Botswana’s resilience and capacity to respond to existing and anticipated climate change impacts. | Somewhat | Yes | DMS |
| **Legal Acts** | | | | |
| Environmental Assessment Act (2011) | Requires that environmental assessment studies be carried out for listed activitie sin order to protect natural resources and minimising disruptions to the people’s way of life | Somewhat | No | DEA |
| Tribal Land Act (amended 1993) | Describes the responsibility of Tribal Land Boards relating to tribal land and explains their authority in relation to subsequent land issues. | No | No | Land Boards |
| State Land Act (1966) | Defines state land as unalienated land and reacquired land held by the state for the nation and national interest. | No | No | Department of Lands |
| Forest Act (1968) | Provides for the protection of forests and forest produce. Forest produce includes trees, brushwood, leaves, seeds, grass, reeds, fruits, roots, and bark. Focus is mainly on those areas of State Land gazetted as forest reserve | Yes | No | DFRR |
| Wildlife Conservation and National Parks Act (1992) | Provides for the protection of game animals in Botswana. | Yes | No | DWNP |
| Agricultural Resources Conservation Act (1974, but under review) | Provides for the conservation and improvement of the agricultural resources of Botswana. The Act defines agriculture resources in Section 2 as soils, water, animal life and fauna (animals, birds, reptiles, fish and insects). Its focus is more on crop resources than grazing resources. | Yes | No | DFRR |
| Herbage Preservation Act (1978) | To prevent and control bush and other fires. | Yes | No | DFRR |
| BTO Act (2009) | Allows for the establishment and functioning of a Botswana Tourism Board with authority to regulate the tourism industry through grading of enterprises, and the role of promoting and marketing tourism in Botswana. | No | No | BTO |

In addition to these national level documents, Botswana is also party to the following international and regional agreements related to conservation, climate change and sustainable development:

1. Convention on Biological diversity, including:
2. CBD Cartagena Protocol
3. CBD Kuala Lumpur supplementary Protocol
4. CBD Nagoya Protocol
5. CBD Global Taxonomy Initiative
6. Ramsar Convention on Wetlands
7. Convention on International Trade in Endangered Species
8. United Nations Framework Convention on Climate Change
9. United Nations Convention to Combat Desertification
10. World Heritage Convention
11. Gaborone Declaration on Sustainability
12. Vienna Convention for the Protection of the Ozone Layer
13. Basel Convention on Trans-boundary Movement of Hazardous Waste
14. Rotterdam Convention on the International Trade in Hazardous Chemicals
15. Stockholm Convention on Persistent Organic Pollutants
16. Convention on the Conservation of Migratory Species of Wild Animals
17. Agreement on the Conservation of African Eurasian Migratory Waterbirds
18. International Treaty on Plant Genetic Resources for Food and Agriculture
19. IUCN member
20. Sustainable Development Goals
21. African Convention on the Conservation of Nature and Natural Resources
22. Libreville Declaration on Health and Environment
23. SADC Regional Biodiversity Strategy
24. SADC Protocol on Wildlife Conservation and Law Enforcement
25. SADC Protocol on Fisheries
26. SADC Protocol on Forestry.

Evaluation of harmony among policies and laws, and Level of implementation

Working with the same list of policies, strategies and laws presented in Table 1, Table 2 shows which policies tend to be well harmonised with each other, and with the principles of sustainable development, conservation and adaptation. The qualitative assessment of degree of implementation is based on existing studies, key informant opinions, and an interpretation based on general observations. The colour codes are described in Appendix 1, and indicate a rank ranging from highly harmonised, through weakly, to not at all.

Table 2: Extent of Harmonisation and Implementation of Policies and Laws Supporting Biodiversity Conservation and Climate Change Adaptation

| **Name** | **Level of harmonisation** | **Known state of implementation** | **Gaps in implementation** |
| --- | --- | --- | --- |
|  | | | |
| **Policies and Strategies** | | | |
| National Biodiversity Strategy and Action Plan (2014) | Yes, makes reference to opportunities for synergies with other policies and strategies | Used by DWNP, 2007 principles widely shared, limited success of previous iteration as captured in Section 13 of the 2014 Stocktaking report | Submitted to CBD, but unclear if approved by Parliament. Due for revision |
| National Conservation Strategy (1990) | Yes, most other conservation strategies emerged from this base. | Largely superseded by the policies that it called for | None known |
| National Strategy for Sustainable Development (Working Draft) | Focus is more on development, but need for conservation, as well as for resilience to climate change is acknowledged | Still being developed | n/a |
| Wildlife Policy (2012 Draft) | Insufficient recognition of impact of climate change on small, bounded protected areas used by migratory species | Not yet adopted, but used as a guideline by DWNP officers | Unclear until fully adopted |
| National Forest Policy (2011) | Relatively well harmonised, but focus on forest areas leaves rangelands in wooded savannas less well catered for | Unclear; DFRR is under-resourced and much of the policy's focus is outside of Ngamiland | As a new policy, several of the goals are still to be pursued (see recommendations) |
| Wetlands Policy and Strategy (Draft of 2007) | Not really, as seen as conflicting with development needs (hence not adopted) | That a policy remains draft after 10 years is indicative of serious lack of consensus over the contents | The absence of an adopted, fully supported wetlands policy is a serious gap for wetlands management |
| Threatened Species Management Action Policy, Implementation Strategy and Action Plan (2007) | Recognises importance of maintaining habitats, but does no go far in assessing risk to habitats from climate change | Well-integrated into ongoing DWNP activities | Still challenged by sector-based approaches to conservation, where an ecosystem, or landscape-level approach might be better |
| Predator Management Strategy (Draft of 2013) | While based on concept of ecosystem approaches, does not accommodate changes due to climate change | Still to be adopted | Buffer zones between protected and settlement areas have yet to be established |
| Community Based Natural Resources Management Policy (2007) | Well harmonised with conservation, but climate issues unaddressed | Several directives have been made that work directly against the intention of the policy | Provision of proper incentivesOpportunities fo real local-level decision-making |
| Indigenous Knowledge Systems Policy (Final Draft) | Yes, although the focus is not that strongly on conservation and climate change | Not yet adopted | n/a |
| Environmental Research Strategy (Draft of 2010) | Yes, and provides the opportunity for research to further support proper harmonisation | Not yet adopted | n/a, but note ongoing issues with foreign researchers leading to freeze on permits |
| Waste Management Strategy (1998) | Somewhat harmonised with general environmental conservation principles, but not to climate change | Hampered by understaffing, and low profile of dept. | Principles are in place, but mechanisms to enforce and ensure public cooperation are not. |
| National Policy on Agricultural Development (1991m but being updated) | Not really, primarily due to being outdated. Revised version likely to have strong climate focus | This policy is agreed by most to be out-dated, though most aspects have been implemented | None known. Programmes under this policy are actively developed and promoted |
| Srategy for Economic Diversification and Sustainable Growth | Not really, as its focus is primarily medium-term and on economic sector | Unclear; likely that points were adopted by line ministries for incorporation in ministerial polcies | Unknown |
| Integrated National Wildland Fire Management Strategy (Final Draft of 2012) | Yes. In addition both biodiversity and climate change are articulated in the policy's vision | Although not formally adopted yet, it has been referred to, and principles from it incorporated in, other policy documents | Some fire breaks have been expanded, but DFRR remains understaffed to fully implement all aspects |
| Land Policy (2015) | To some extent, biodiversity issues are addressed through concerns of sound management and appropriate zoning | Improved land registration being rolled out; Increased use of LUCIS and zoning | Unclear, approval of policy is still recent |
| Tourism Policy (1990) | No longer. Approaches and principles have changed. This policy does not allow for adaptive management, and current planning has moved from precautionary principle to ill-defined "limits of acceptable change". | Strong, through Tourism Master Plan, and subsidiary regulations and guidelines | None known |
| Ecotourism Strategy (2002) | Yes, clear intention to protect natural resources as basis for sustainable tourism activities | Ecotourism certification in place | None known |
| Draft Climate Change Response Policy (Draft of 2016) | Yes, addresses all key development sectors including biodiversity and ecosystems | Not yet adopted | n/a |
| **Legal Acts** | | | |
| Environmental Assessment Act (2011) | Somewhat. Institutional arrangements mean that government departments often fail to see that they themselves are subject to the act. | Nearly all acts relating to environmental aspects of Botswana have extremely low levels of implementation and enforcement. This is due to constraints associated with the remoteness of most communities and wilderness areas, and with centralisation of governance.  This lack of enforcement could represent a resource-by-resource opportunity to develop and implement by-laws for the different act, relevant to local areas. | |
| Tribal Land Act (amended 1993) | The 1993 de-tribalisation of the act has removed local level mechanisms to control access and particularly to exclude outsiders. A challenge for land and biodiversity management. |
| State Land Act (1966) | For the most part, state land does not involve local communities. However, Mababe and Phuduhudu villages are notable exceptions. These villages have no legal mandate to make decisions on resources where they live because it is on state land. |
| Forest Act (1968) | Some harmonisation due to recognition of sustainable use of resources within a conservation context. |
| Wildlife Conservation and National Parks Act (1992) | Challenges come less from the act itself and more from directives made under the umbrella of the act - primarily related to removing access to and control of wildlife by local communities, and resulting in increase human-wildlife conflict |
| Agricultural Resources Conservation Act (1974, but under review) | Out-dated, and has been shifted from one sector to another, as environmental focus has shifted. Principles are however still relevant and harmonised with sustainable development. |
| Herbage Preservation Act (1978) | Out-dated, and calls for fire surpression in a country where ecosystems are fire-adapted and even fire-created. Will likely be replaced once Wildfire Strategy approved. |
| BTO Act (2009) | No |

NEW or pending legislation relevant for the green climate fund project

The Climate Change Policy and Response Strategy draft is scheduled for presentation to Parliament in 2020. Similarly, the GCF National Programme. Both draft documents include a strong focus on restoration of rangelands.

With the 2019 regime change in Botswana, significant shifts are expected in the regulatory environment. The recent State of the Nation Address (9th November 2020) provides an indication of future regulations and policies that indicate significant opportunities for alignment:

1. The Land Administration Procedures Capacity and Systems (LAPCAS) project was to provide technological solutions for effective management of land. As part of the LAPCAS initiative, Government will establish a National Spatial Data Infrastructure (NSDI) by 2023, which will allow for geo-spatial data sharing. The availability of the NSDI is expected to contribute to the Digital Government Transformation (SmartBots) and also enhance the implementation of the National Spatial Plan (NSP). As part of Activity 1.4.1, CI will engage and potentially embed the Rangelands Stewardship Information Portal within this broader system.
2. In an effort to promote citizen economic empowerment, Government is developing the Economic Inclusion Law, which seeks to strengthen the enforcement of citizen economic empowerment initiatives to ensure meaningful participation of citizens in the economy. The law is expected to be presented to Parliament before the end of this financial year.” As part of activity 3.1.1. All activities under Component 3 are aligned to the intent assumed to be part of this new law.
3. The beef industry has been besieged with challenges over time and this has affected the different stakeholders within the industry. Government is however, committed to revive the beef industry and to this end utilize the adopted Beef Cluster Model to ensure its competitiveness and sustainability. It is expected that through this model, cattle farmers will get the true market value of their product which will present an opportunity to improve the

economic returns to Botswana farmers.