

# Formalising protection for unique & highly endangered coastal biodiversity in the Eastern Cape



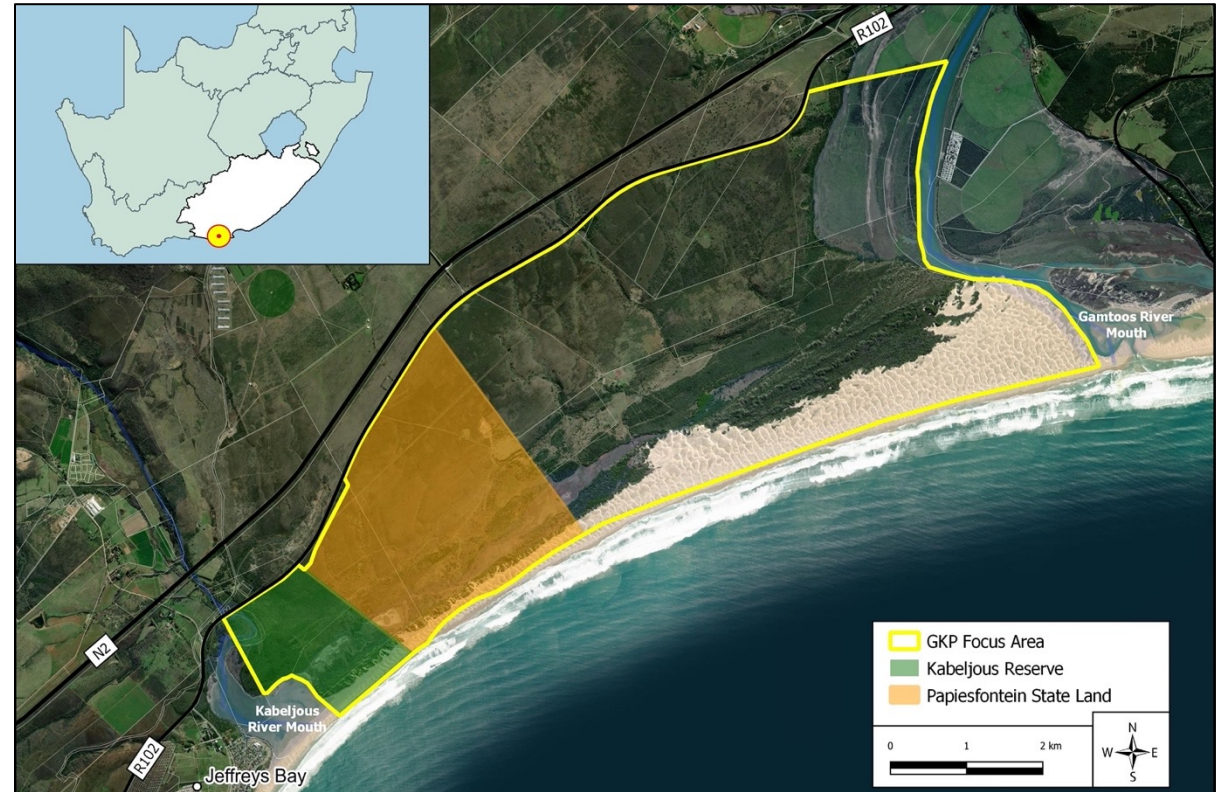
Greater Kabeljous Partnership -

Briefing for the Portfolio Committee on Forestry, Fisheries and the  
Environment

20 February 2024

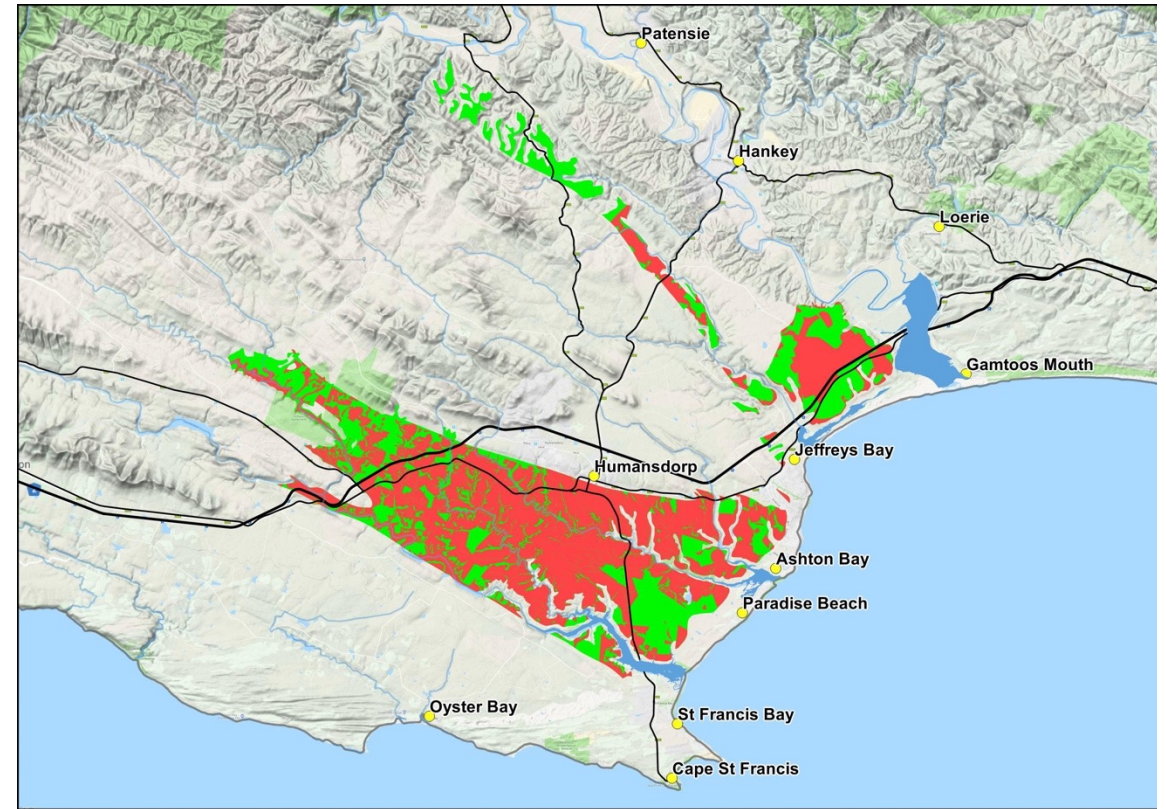
## Partnership seeks formal protection for Greater Kabeljous area

- Greater Kabeljous area comprises:
  - **Kabeljous land** – owned by Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).
  - **Papiesfontein land** – owned by Eastern Cape Department of Human Settlements (DHS).
  - **Privately owned** land stretching up to Gamtoos River
- The **Greater Kabeljous Partnership** was formed by a group of long-standing environmental activists, conservation practitioners and concerned Jeffreys Bay citizens to advocate for the **formal protection** of the Greater Kabeljous land.



## Protection is aligned with government's strategic conservation priorities

- Aligned to government's **Protected Area expansion priorities**:
  - Recognised as a high conservation priority by **Eastern Cape Protected Areas Expansion Strategy** and the **National Protected Area Expansion Strategy**.
- Recognised by the **Eastern Cape Biodiversity Conservation Plan** as a **Critical Biodiversity Area (CBA)** with a high degree of irreplaceability.
- Includes **5 different ecosystem** types:
  - Humansdorp Shale Renosterveld – endangered ecosystem under NEMBA and is at **risk of ecological collapse** due to high rates of habitat loss and fragmentation over the past 3 decades.
  - One of the last places in the world where an ecologically viable unit of Humansdorp Shale Renosterveld can still be conserved.



Humansdorp Shale Renosterveld:  
Remaining Extent

### Humansdorp Shale Renosterveld:

- Remaining Extent
- No Natural Remaining

## Area contains large and important wetlands

- Impressive network of **large and important wetlands**:
  - Recognized for their conservation importance since the 1980's.
  - SANBI – classified as vulnerable and in need of protection.
  - SANBI National Biodiversity Assessment (2018) - estuaries and wetlands are amongst the most threatened and least protected ecosystem types in South Africa.



## Habitat to highly threatened plant & bird species

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- At least **16 plant species of special concern**:
  - 3 of which are endangered.
  - 2 of which are critically endangered.
- **5 Bird species** of special concern:
  - Including the endangered Black Harrier: Southern Africa's scarcest endemic raptor – less than 1,000 mature individuals remaining worldwide.
  - Extremely vulnerable to extinction.



## Culturally significant for many Khoisan people

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- The land in question has **deep cultural significance for numerous Khoisan people** and groupings who trace their heritage back to the area.
- Greater Kabeljous was a **popular area for Khoisan people**, as the area had a rich variety of food sources nearby.
- To date archaeologists have **documented 85 archaeological sites** on the land, including shell middens, shell scatters, stone-age artefacts, and burial sites.



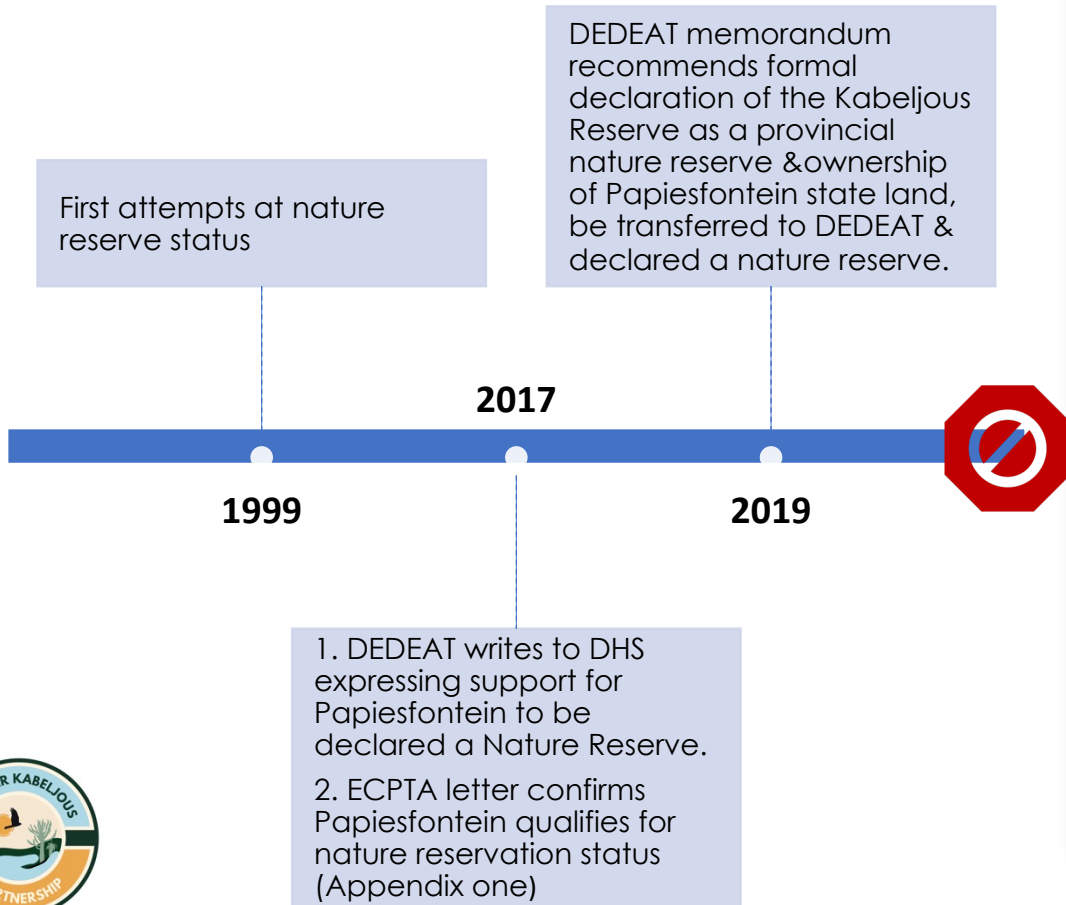
***Gamtkwa Khoisan Council reburial ceremony of 600-year-old Khoisan remains on Papiessfontein land.***

## Khoisan people support protection of the land

- The formation of the Greater Kabeljous Partnership has been **welcomed by Gaob Edmund Stuurman** who traces his family's original Gamtoos Valley Kraal to the land between the Gamtoos, Loerie and Kabeljous rivers:
- *“The Stuurman family is pleased that this partnership has been formed to protect the cultural and environmental value of this land. We will work closely with the Greater Kabeljous Partnership to advance a common vision for this area, and to protect and celebrate our Khoikhoi and San heritage.” – Gaob Stuurman*



## Statutory protection of the land was close to being achieved in the past





## Little tangible progress by DEDEAT to protect the land

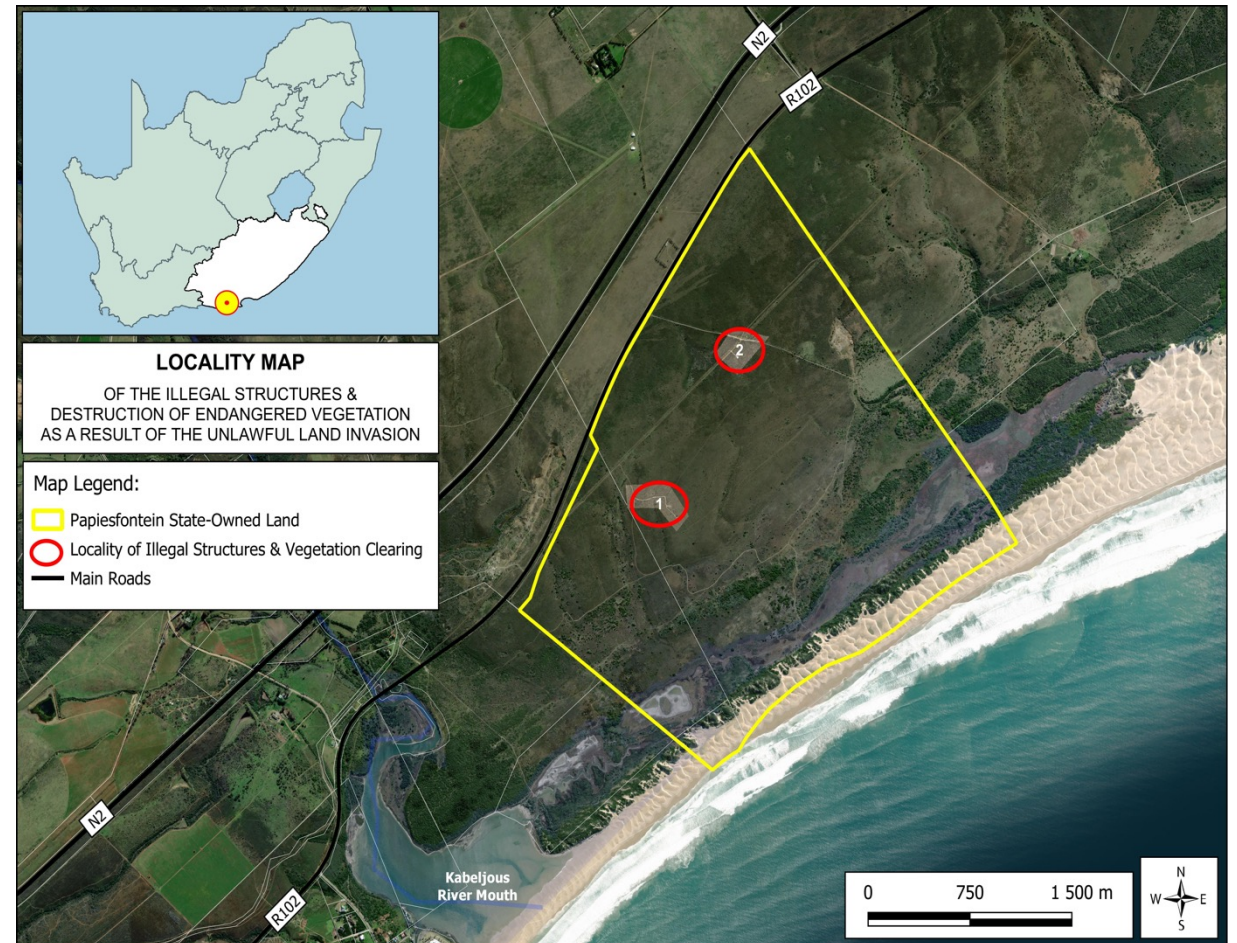
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- Since 2019, there has been **no tangible progress** to transfer the Papiessfontein land from DHS to DEDEAT (despite DHS supporting this step) so both the Kabeljous and Papiessfontein land parcels can be declared Natures Reserves.
- With the help of DFFE, **DEDEAT needs to facilitate the transfer of the Papiessfontein land** as soon as possible.



## Recent illegal land occupation threatens important biodiversity

- On **5 December 2022**, the Papiessfontein state land was illegally occupied by a small group.
- They built **illegal structures and blocked public access** to the land.
- **Aerial footage** taken in April 2023 and again in January 2024 shows the **illegal settlement is expanding**.
- The occupiers have also made an **illegal connection to the bulk water line** between Churchill dam and the Nelson Mandela Bay municipality to steal water.



## Almost 2,400 m<sup>2</sup> of endangered vegetation cleared in 2 sites

- **Site one: total endangered vegetation cleared = 1,484 m<sup>2</sup>**
  - **April 2023 footage:** approximately **1183 m<sup>2</sup> of endangered vegetation cleared** to create **access roads**; **two illegal structures** erected (which required further destruction of vegetation) and **parking** and turning areas for vehicles. A **dump site** for building rubble was also visible within the endangered natural vegetation.
  - **January 2024 footage:** around **301 m<sup>2</sup> of additional endangered vegetation** has been cleared to create a **large gathering area** with a fire pit, as well as other structures.



## Almost 2,400 m<sup>2</sup> of endangered vegetation cleared in 2 sites

- **Site two: total endangered vegetation cleared = 893 m<sup>2</sup>**
  - **April 2023:** Site two: approximately **425 m<sup>2</sup> of endangered vegetation cleared** to create an **access road**, to construct a **large illegal building**, as well as some smaller structures.
  - **January 2024:** clearing of endangered vegetation around the large illegal building has **increased**, with an estimated **468 m<sup>2</sup>** of additional areas cleared to date.



## Land occupation poses a threat to the environment

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- Fragmentation and degradation of some of the last and best remaining areas where the endangered Humansdorp Shale Renosterveld can still be conserved.
- Degradation of environmental quality due to poor waste management and no formal sewage treatment systems.
- Uncontrolled livestock and domestic animals.
- Increased risk of wildfires.
- Increased risk of poaching and unregulated activities.



## Land occupation poses a specific threat to endangered species

- Independent report by members of the FitzPatrick Institute of African Ornithology (University of Cape Town):
  - site occupied by the illegal land occupiers is the **same site used by the endangered Black Harrier** for breeding, foraging and roosting.
  - concluded “*the presence of illegal squatters in the Kabeljous area is a **serious threat to the continued presence and future breeding of the threatened birds***” in the area.
- Vegetation clearing impacts directly on populations of endangered and critically endangered plant species.



## No progress on steps taken by government against occupiers

- **Provincial Department of Human Settlements (as the landowner):** **eviction application** to have the illegal occupiers evicted from the Papiessfontein land – there has been **no progress** on this for the past year despite multiple follow-ups.
- **Kouga Local Municipality:** **filed an application** to compel the Member of the Executive Council for the Department of Human Settlements to ensure that any and all unlawful and/or unauthorised activities; and interference with and damage to the environment on the property is prohibited, halted and prevented, with immediate effect – again no progress on this application.



## No progress on steps taken by government against occupiers cont.

- **Provincial Environmental Law Enforcement:** despite occupiers clearing more than 300 m<sup>2</sup> of endangered vegetation (in clear violation of NEMA EIA regulations) – **no action** has been taken to date by responsible DEDEAT officials in the Sarah Baartman regional office.
- **Civil Society:** The lack of progress and communication from government has resulted in private intervention – Conservation Outcomes raised funding to instruct law firm Cullinan & Associates to engage with authorities to insist on an **urgent investigation into the environmental transgressions within the NEMBA listed Endangered Ecosystem.**





## Our 3 requests to the Portfolio Committee

1. GKP is calling on the Portfolio Committee to ensure that DFFE expedites the process to **transfer the Papiesfontein state land to an appropriate organ of state with a conservation mandate**, namely DEDEAT.
2. GKP is also calling on this Portfolio Committee to **help expedite the formal declaration of the area as a provincial Nature Reserve** in terms of the National Environmental Management: Protected Areas Act.
3. The Portfolio Committee is requested to **call the responsible DEDEAT officials** before it so that they can explain their **unacceptable delays** to the Committee, and thereby ensure that the Committee maintains its oversight mandate of the DFFE until this important matter has been concluded.



## Contact details.

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- For more information you can contact:
- michael@greaterkabeljous.org
- Or visit: [www.greaterkabeljous.org](http://www.greaterkabeljous.org)



**Appendix 1. ECPTA letter dated 13/06/2017 confirming Papiiesfontein state land qualifies for nature reserve status**

13 June 2017

To whom it may concern.

**RE: Outcome of the Biodiversity Stewardship Programme Review Panel Meeting:  
Papiesfontein state land**

Eastern Cape Parks and Tourism Agency (ECPTA) is the provincial conservation and tourism agency mandated with the expansion and management of provincial protected areas (e.g., Nature Reserves) in the Eastern Cape province, in terms of the Eastern Cape Parks and Tourism Agency Act (No. 2 of 2010).

Early in 2017, the Eastern Cape Parks and Tourism Agency (ECPTA) and Conservation Outcomes conducted a biodiversity assessment for an area of state land that is commonly known as Papiesfontein. The area of state land is situated close to the Kabeljous river estuary in the Kouga Local Municipality and is comprised of the following 3 land parcels:

- Portion 23 of Kabeljauwsrivier Farm 321, Humansdorp, Eastern Cape. Extent: 95,3082 ha (ninety-five comma three zero eight two) hectares, held under Title Deed Number T13563/1987.
- Portion 24 of Kabeljauwsrivier Farm 321, Humansdorp, Eastern Cape. Extent: 3,4193 ha (three comma four one nine three) hectares, held under Title Deed Number T13563/1987.
- Portion 5 of Papiesfontein Farm 319, Humansdorp, Eastern Cape. Extent: 429,1224 ha (four-hundred and twenty-nine comma one two two four) hectares, held under Title Deed Number T13563/1987.

The purpose of the biodiversity assessment was to determine the conservation value of the Papiesfontein area, to consider the contribution that the Papiesfontein area would make to the provincial biodiversity conservation and protected area targets of the Eastern Cape, and to determine the appropriate protected area status that the Papiesfontein state land would qualify for.

The biodiversity value of the Papiesfontein state land was considered by the Eastern Cape Biodiversity Stewardship Programme Review Panel on the 11<sup>th</sup> May 2017 in East London. The Review Panel consisted of



numerous representatives of ECPTA, including Ms. Bev Geach, Ms. Malaika Koali-Lebona, Mr. Dean Peinke, Mr. Brian Reeves, Dr. Thabiso Mokořjomela, Mr. Kagiso Mangwale, Mr. Thando Mendela, Ms. Zingisa Xuba, Mr. Thembelihle Mjamba, Mr. Thembanani Nsibande, Mr. Zintle Mazaleni and Ms. Nomatile Nombewu from the Eastern Cape Parks and Tourism Agency (ECPTA).

It is with great pleasure that Review Panel has determined that the Papiessfontein state land qualifies for **Nature Reserve** status, as outlined by the Biodiversity Stewardship framework and contemplated in Section 23 of the National Environmental Management: Protected Areas Act (Act 57 of 2003).

In reaching its decision, the Review Panel was of the opinion that Papiessfontein contains irreplaceable biodiversity and unique landscape features that are of exceptional conservation value. Papiessfontein received an exceptionally high biodiversity evaluation score for a Nature Reserve for the following reasons:

- The area is located within the high spatial priority areas of the *Eastern Cape Protected Areas Expansion Strategy*.
- The area is recognized as Critical Biodiversity Areas by both the *Eastern Cape Biodiversity Conservation Plan* and the *Baviaanskloof Mega Reserve Conservation Plan*.
- Based on systematic biodiversity assessments, the Papiessfontein land contains areas with 100% irreplaceable biodiversity and habitat types. Therefore, the Papiessfontein state land has the potential to contribute significantly to the conservation of a very unique and sensitive ecosystem.
- The area contains a large network of wetlands that are recognized as conservation priorities by the *National Freshwater Ecosystem Priority Areas*.
- The area has an exceptionally high level of habitat heterogeneity and includes 5 different vegetation types, the largest of which is the nationally endangered Humansdorp Shale Renosterveld. The Papiessfontein state land is some of the last remaining areas with this very unique vegetation types.
- The Papiessfontein land plays an important role in maintaining sensitive ecological processes and it forms an integral part of sensitive natural systems within the larger landscape
- The area contains an exceptional number of endemic and threatened species, including species that are listed as critically endangered, endangered, vulnerable and declining.
- The Papiessfontein state land is adjacent to the Kabeljous Nature Reserve and, therefore, it would contribute significantly towards the expansion of an existing protected area.
- The Papiessfontein land would make a tremendous contribution to achieving provincial conservation targets.



For further enquiries and correspondence, please contact Wentzel Coetzer, the Biodiversity Stewardship Facilitator of the Greater Kromme Stewardship initiative, at 072 534 5914 or [wentzel@conservation-outcomes.org](mailto:wentzel@conservation-outcomes.org).

Yours sincerely,



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