IMPROVING PARTNERSHIP-BASED GOVERNANCE FOR SPECIAL MANAGEMENT AREAS: LESSONS FROM THE NUWEJAARS WETLAND SPECIAL MANAGEMENT AREA

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SUMMARY

Recognizing its constitutional obligation to ensure environmental sustainability, the Provincial Government of the Western Cape (PGWC) has adopted a bioregional planning approach to promote sustainable development in the province. One of the mechanisms designed by the PGWC and advocated for implementing bioregional planning at the local level is the Special Management Area (SMA). A SMA is described in the Bioregional Planning Framework of the PGWC as a "formally recognized" area where environmental sustainability is promoted in practice, and which is managed as an area of "excellence and good practice" in accordance with international standards (PGWC 2003, p.106).

Through a personal interest in conservation efforts on the Agulhas Plain, the researcher became aware of the Nuwejaars Wetland Special Management Area (NW SMA). Of particular interest to the researcher was firstly, that a SMA may be declared on land under private ownership, offering an alternative to the purchase or expropriation of environmentally sensitive land by the state for the establishment of statutory protected areas. Secondly, the governance and management of a SMA, as a sustainability initiative, is delegated to private landowners. This delegation of decision making powers to landowners is significant given the complexity of the sustainability challenge, compounded by the deeply embedded consequences of South Africa's apartheid history. As a means to address this, the PGWC has made it clear in the Bioregional Planning Framework that those affected by SMA initiatives must be included as partners in the planning, development, implementation and management of the initiative.

This research is motivated by a desire to understand the nature of such a partnership arrangement, how it was established and sustained and how it functions to ensure successful transitions to sustainability. The researcher decided to explore these questions by examining the NW SMA.

A preliminary investigation of the NW SMA revealed that the partnership arrangement of this initiative had all but collapsed, due to a number of factors that included the lack of adequate guidelines for SMA governance, thus placing the overarching goal of sustainability at risk. It became evident that the NW SMA features many of the contextual complexities that typically challenge the

implementation of local sustainability initiatives in the South African context, and that lessons learned from the NW SMA initiative could contribute meaningfully to informing recommendations for improving guidelines for partnership-based governance for SMAs in the South African context. This observation gave rise to the research question: How should partnership-based governance for Special Management Areas be improved to address the challenges of sustainability in the South African context?

In order to answer this question, the researcher adopted a case study method, electing the NW SMA as the unit of study. According to Yin (2009, p.2), the case study method is the preferred research method when: "how" and "why" questions are being posed; the investigator has little control over the events; and the focus is on "contemporary phenomenon within a real-life context".

The NW SMA is promoted by key stakeholders, including SANParks[1], as a potential national model for replication in South Africa (Carinus 2009; SANParks 2009b; SMA Company 2007). The researcher therefore presents the NW SMA as a "critical case" (Yin 2009, p.47) and adopts a single case study method to develop an in-depth understanding of the successes and failures of the governance arrangement and their implications for local sustainability.

The aims of this study are twofold. Firstly, the research seeks to contribute to the understanding of partnership-based governance for local sustainability initiatives within the South African context, focusing on the governance of SMAs. Secondly, on a practical level, the study aims to generate a set of recommendations for improving partnership-related guidelines for SMA governance, drawing on a review of relevant literature, a policy study and lessons learned from the NW SMA case study.

To fulfil these aims, the researcher set out to achieve the following five objectives: firstly, to establish the key governance principles and objectives for SMAs from the relevant policy and legislative framework; secondly, to determine

[1] SANParks is the custodian of South Africa's national parks, including the Agulhas National Park which adjoins the Nuwejaars Wetland SMA and other protected areas assigned to it in terms of the National Environmental Management: Protected Areas Act (Act 57 of 2003). SANParks is also a key stakeholder in a variety of conservation initiatives undertaken in the Cape Floristic Region and specifically on the Agulhas Plain, where it is the executing agency for the UNDP-GEF Agulhas Biodiversity Initiative, parent project for the project: Protection of Wetland in the Cape Floristic Region. The Nuwejaars Wetland SMA Initiative forms an integral part of the ABI Project and SANParks is providing technical and operational support to the SMA (SANParks 2008).

how these principles and objectives are translated in planning, through an analysis of the stated intentions of the NW SMA, as communicated in its project planning and development documentation; thirdly, to investigate to what extent these principles and objectives were upheld in the implementation of the NW SMA, through a document study and interviews with key stakeholders; fourthly, to draw on relevant literature, policy and legislative frameworks and the case-study findings to evaluate the effectiveness of partnership in the NW SMA and finally, make recommendations for stronger guidelines for partnership-based governance for SMAs in the South African context.

A selection of literature on partnership-based governance for sustainability was examined. The examination revealed a shift in focus of the literature from government to governance, particularly in the South African context, while a more subtle shift from stakeholder participation to partnership-based governance was also noted. The concept of partnership, its definition and characteristics, was also explored as was its contribution to governance for sustainability. Finally, the literature provided a number of key elements and design features for successful partnership formation and functioning against which the Western Cape's governance guidelines for SMAs could be evaluated.

The document study of the PGWC's bioregional planning approach, and its underpinning policy and legislative framework, identified the main characteristics, principles, objectives, directives and guidelines that refer to the establishment and governance of SMA initiatives. The bioregional management guidelines were found to address, in some ways, three key challenges: firstly, to promote, foster and build the capacity to manage complex and integrated programmes and projects in a dynamic context, and to be able to better anticipate and manage planning and development challenges; secondly, to develop meaningful stakeholder involvement and participation; and thirdly, to establish strong, co-operative institutional arrangements.

The study of the NW SMA project documentation revealed major departures from the principles and directives of the bioregional planning approach in the planning and governance arrangements of the SMA. It was also clear from the findings of the case study interviews that the NW SMA is failing to achieve the intended overarching goal of sustainability, due to a breakdown in the partnership arrangement. This breakdown was found to be fuelled by a number of factors that include: the exclusion of the Elim community; dominance of the economic and conservation agenda over the social agenda; lack of appreciation of

interdependence and necessary collaboration between partners; concentration of power in the hands of a few landowners; lack of consistency between original intentions and the funding agreement; lack of external monitoring or adaptive management; and lack of facilitation and a formalised conflict resolution process. The breakdown of the partnership arrangement has unsurprisingly led to conflict and placed severe strain on the relationships between the Elim community and other partners, placing the long term sustainability of the SMA's positive impact on biodiversity conservation at risk.

The researcher has suggested that in order for SMA initiatives to achieve both the governance requirements and the desired sustainability successes, partnership arrangements must be formally established and designed to intentionally incorporate the key elements and processes necessary for a representative, inclusive and collaborative partnership. Furthermore, strong governance guidelines are needed to ensure that diverse interests are upheld and integrated in a balanced manner throughout the life cycle of the initiative, while sustainability and developmental agendas are met. Without strong guidelines, SMA initiatives are at risk of being dominated by private-sector interests, which could result in failure to achieve the necessary transitions to sustainability, especially those relating to human development.

Based on the insights gained from the literature study, the policy study and analysis of the case, the researcher has made a number of recommendations for improving guidelines for partnership-based governance for SMAs in the South African context. These recommendations focus on: stakeholder involvement; the balanced integration of the social, economic and ecological agendas; the strengthening of appraisal and collaboration between partners; addressing power asymmetries; ensuring external monitoring and adaptive management; and formalising procedures for conflict management.

Only when the social, ecological and economic objectives are pursued with equal vigour by each of the public, private and community partners in a collaborative manner, can SMA initiatives achieve genuine sustainable development in the South African context.

Key words: bioregional planning; Special Management Area; partnership; partnership-based governance; sustainability initiative.

CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS

ABI	Agulhas Biodiversity Initiative
DCD	Department of Constitutional Development
DEADP	Department of Environmental Affairs and Development Planning
DMF	Development and Management Framework
DPLGH	Department of Planning, Local Government and Housing
EMP	Environmental Management Plan
EMS	Environmental Management System
GEF	Global Environment Facility
IDP	Integrated Development Plan
LOA	Landowners' Association
NEMA	National Environmental Management Act (No. 107 of 1998)
NEM: PAA	National Environmental Management: Protected Areas Act (No. 57 of 2003)
NEPAD	New Partnership for Africa's Development
NW SMA	Nuwejaars Wetland Special Management Area
PGWC	Provincial Government of the Western Cape
SANParks	South African National Parks
SDF	Spatial Development Framework
SDP	Spatial Development Plan
SMA	Special Management Area
UNDP	United Nations Development Programme
WSSD	World Summit on Sustainable Development (2002)

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1 INTRODUCTION

1.1 Background

In South Africa, the Bill of Rights requires the State to "promote conservation and secure ecologically sustainable development and natural resource use, while promoting justifiable economic and social development" (Republic of South Africa (RSA) 1996, Chapter 2). In response, the State has developed a comprehensive regime of environmental legislation, and implemented a range of measures to address environmental sustainability and natural resource management (Müller 2007, 2008).

These responses have been influenced by the international and local sustainability agenda, the national transformation agenda of the post-1994 democratic government, and a global shift from centralized government to decentralized governance. Evidence of these influences can be seen in the shift away from conventional command-and-control approaches to conservation and development, towards more integrated development strategies and inclusive participatory governance. This shift is demonstrated by the integrated approach to environmental conservation and human development, where the State's obligations are simultaneously addressed through establishing protected areas which facilitate eco-tourism. These protected areas are retained as public-value assets which provide opportunities for skills development, education, employment, and recreation for local communities.

Such integration has however proved difficult across much of South Africa, where sensitive natural environments requiring special management fall within the boundaries of privately-owned land. The National Environmental Management: Protected Areas Act (NEM: PAA) (Act 57 of 2003), does provide for the State to purchase or expropriate the privately-owned land and establish a State protected area (RSA 2003). However, purchasing land requires significant resources and the expropriation of property, also allowed for in the Constitution to empower the State to pursue its land reform programme (RSA 1996), has been strongly resisted by landowners, particularly in instances of intergenerational farming and where farming generates work opportunities and supports livelihoods.

As an alternative to the purchase or expropriation of environmentally sensitive land, the State has, in accordance with the NEM: PAA (2003), the option of reaching an agreement with private landowners on how the area should be managed (RSA 2003). This has given rise to various models of privatized conservation, such as conservancies, stewardships and private nature reserves. However, these private models are not necessarily legally

binding and do not guarantee long-term environmental sustainability. These private models also present a challenge for the State because they provide limited opportunity to address South Africa's goals of land reform and economic empowerment of disadvantaged communities. The mainstreaming of privatized conservation has thus been problematic, in terms of achieving broad-based environmental sustainability in the context of privately-owned land, and has remained a challenge for the State.

As a means to address this challenge, the Provincial Government of the Western Cape (PGWC) has made provision in their bioregional planning approach for the establishment of Special Management Areas (SMAs) on land under private ownership. SMAs are intended to ensure the protection of critically sensitive natural environments and promote sustainable development at a local level within the province. A Special Management Area (SMA) is a "formally recognized" area where environmental sustainability is promoted in practice and the SMA is managed as "an area of excellence and good practice ... in accordance with international standards" (RSA 2003, p.106).

Importantly, SMAs allow for the environment and its resources to be managed by private landowners, as opposed to state agencies as in the case of statutory protected areas. This provides for a shift in the centre of decision-making, about matters of local sustainability, from government to a 5th level of governance[2], with the governance structures constituted outside of the formal government domain.

Figure 1 illustrates this decentralization of decision making from national to provincial to district and local levels. This decentralization is extended, in the case of SMAs, to a 5th level of governance involving civil society organizations, local community organizations and the private sector, all in partnership with government.

Figure 1: Decentralization of decision making to a 5th level of governance (S van Breda)

2 The concept of '5th level governance' was introduced to the researcher by a senior member of the Overberg District Municipality during interviews held in 2010. He distinguished between governance at the local and district levels. The levels of governance referred to in this context should not be confused with the constitutionally defined concept of spheres of government which places both district and local municipalities within the local sphere of government.

This shift in decision making powers to the non-government sector is significant given that the complexities - compounded by the deeply embedded consequences of South Africa's apartheid history, specifically social and economic inequality and poverty, - inherent in achieving sustainability, necessitate a developmental and transformative approach to sustainability.

Recognizing the potential for a conflict of interests, the PGWC has made the approval of any application for the establishment of a SMA conditional on all aspects of the initiative - including governance – adhering to the principles and objectives of the bioregional planning approach of the PGWC. These principles are underwritten by South Africa's Local Agenda 21 and call for the consultation and involvement of interested and affected parties, community participation, and the establishment of partnerships (PGWC 2003).

More specifically, the PGWC has made it clear in their Bioregional Planning Framework that, in order to safeguard the diverse interests in development and to win the cooperation of all those affected by such initiatives, those affected by the establishment of a SMA initiative, including local communities, should be involved as partners in the planning, development, implementation and management of the initiative (PGWC 2000).

For these reasons, 5th level governance is expected to involve some level of partnership between civil society, the private sector and local government. Access to resources of the state, including public funding and support services offered by state agencies, provides an incentive for the private sector and communities to work together towards sustainability.

1.2 Research question

Of interest to the researcher was how the governance arrangement for SMAs is designed to ensure that the social, economic and ecological dimensions of the sustainability agenda are integrated in a balanced manner throughout the life cycle of the initiative given that decision making powers are shifted from government, representing the public interest, to the private sector landowners who typically have strong financial interests.

The researcher elected to undertake a preliminary investigation of the Nuwejaars Wetland SMA (NW SMA) in order to develop an understanding of how the governance arrangement was established to accommodate a partnership approach considered necessary to facilitate the desired transitions to sustainability.

This initial investigation revealed weaknesses within the governance arrangement of the NW SMA and that a lack of attention had been paid to the general principles and objectives prescribed in the bioregional planning approach of the PGWC. Relationships within the partnership had broken down and the initiative was at risk of not achieving its desired sustainability outcomes.

On closer investigation, it became apparent that inclusive and representative partnership formation, participatory and collaborative governance, and the institutionalisation of the necessary structures, systems and procedures to maintain a partnership arrangement were inadequate. There was also little evidence of facilitation, conflict resolution or empowerment for participation, to support the partnership.

An examination of the relevant policy and legislation revealed that the principles and objectives for the governance of these sustainability initiatives are well documented, however, the governance guidelines are not.

The above observations gave rise to the following research question: How should partnership-based governance for Special Management Areas be improved to address the challenges of sustainability in the South African context?

1.3 Motivation for research

As explained in Section 1.1, the establishment of SMAs are critically important for achieving sustainable development at the local level in South Africa. However, from an initial investigation of the Nuwejaars Wetland SMA - considered a 'model' SMA - it appears that this mechanism currently lacks adequate governance guidelines to safeguard the diversity of interests of affected parties, and advance the broader sustainability agenda as required in the South African context.

The concern is that, if the governance arrangement fails to ensure strong partnership formation and functioning, animosity between stakeholders can arise jeopardising the achievement of sustainability objectives and ultimately the success of the SMA.

Despite the apparent inadequacy of the current governance guidelines, the bioregional planning approach is intended to become policy in the Western Cape Province (PGWC 2003). This was confirmed by a senior member of the Overberg District Municipality interviewed in April 2010. He explained that the PGWC was in the process of having bioregional planning legislated as an 'Article 8 document' in terms of the Land Use Planning Ordinance (LUPO). This legislation would make bioregional planning mandatory

and require municipalities to incorporate SMAs into their Integrated Development Plans, Spatial Development Frameworks, and Spatial Development Plans.

It is clear then that further research is needed firstly, to investigate the failures and successes of the NW SMA as well as the adequacy of the current governance guidelines to ensure the attainment of the broad-based sustainability goals of the SMA, and secondly, to make recommendations for strengthening the governance guidelines for SMA initiatives. Without providing for the inclusion and upliftment of socio-economically disadvantaged communities through strong partnership-based governance, it will become increasingly difficult to guarantee the protection of sensitive environments, an effort that requires the support and cooperation of all those affected by and able to affect the desired transitions to environmental sustainability.

1.4 Research aims and objectives

This research aims to:

- contribute to the understanding of partnership-based governance for sustainability at the local level within the South African context, with a focus on the governance of SMAs
- determine, through an in-depth study of the 'model' Nuwejaars Wetland SMA, the strengths and weaknesses of its governance arrangement
- determine the adequacy of the governance guidelines, provided in the bioregional planning documentation, for promoting sustainability
- make recommendations for the development of stronger partnership-related guidelines for SMA governance and suggest pointers for further research.

In order to achieve the above research aims, the following research objectives are posited to:

- establish key governance principles and objectives for SMAs from the relevant policy and legislative framework
- determine how these principles and objectives were translated in planning through an analysis of the stated intentions of the 'model' NW SMA, as communicated in the project planning and development documentation

- investigate to what extent these principles and objectives were upheld in the implementation of the NW SMA, through a document study and interviews with key stakeholders
- draw on relevant literature, policy and legislative frameworks, and the case-study findings to evaluate the effectiveness of partnerships in the Nuwejaars Wetland SMA, and make recommendations for stronger guidelines for partnership-based governance for SMAs in the South African context.

1.5 Research design and methodology

In order to best answer the research question: "How should partnership-based governance for Special Management Areas be improved to address the challenges of sustainability in the South African context?" the combination of a literature review, policy analysis, and a single in-depth case study was carried out. Principles found in the literature and in policy were used to evaluate the findings of the case study, which were in turn used to recommend improvements to the existing SMA governance guidelines.

Yin (2009, p.18) explains a case study as "an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident". He suggests that one would want to use the case study method because one wants to "understand a real-life phenomenon in depth, but such understanding encompasses important contextual conditions – because they are highly pertinent to ones phenomenon of study". According to Yin (2009, p.2), the case study method is the preferred research method when: "how" and "why" questions are being posed; the investigator has little control over the events; and the focus is on "contemporary phenomenon within real-life context".

For Eisenhardt (1989, p.534), the case study method is "a research strategy which focuses on understanding the dynamics present within single settings" and can be used to "provide description, test theory or generate theory" (Eisenhardt 1989, p.535). Neale et al. (2006 p.3) suggests that the "case study gives the story behind the result by capturing what happened to bring it about, and can be a good opportunity to highlight a project's success, or to bring attention to a particular challenge or difficulty in a project".

The selection of the Nuwejaars Wetland SMA for the case study was based on the fact that the NW SMA is one of only a few SMAs established for implementing bioregional

planning on private land in the Province[3]. It is promoted by key stakeholders, including SANParks, as a potential national model for SMA replication in South Africa (Carinus 2009; SANParks 2009b; SMA Company 2007). The NW SMA was therefore identified by the researcher as a significantly critical and relevant case for study.

The decision to adopt a case study method was taken knowing that "conventional wisdom" (Flyvbjerg 2006, p.219) views case study research as having limitations. The case study method has been viewed as "a less desirable form of inquiry than experiments or surveys", based on concerns over: a "lack of rigour"; their "limited basis for scientific generalization"; their cumbersome nature, being time consuming and narrative heavy; researcher bias; and their dabbling with "causal relationships", considered the domain of "experimental" methods (Yin 2009, pp.14-16).

Despite these concerns, there is a strong argument for the use of the case study method where there is the need to "understand complex social phenomena" (Yin 2009, p.4), generate "novel theory", "unfreeze thinking" and "reframe perceptions" (Eisenhardt 1989, p.546). Flyvbjerg (2006) suggests that the 'conventional wisdom' about case study research is based on misunderstandings of which he identifies five: (a) theoretical knowledge is more valuable than practical knowledge; (b) one cannot generalize from a single case, therefore, the single-case study cannot contribute to scientific development; (c) the case study is most useful for generating hypotheses, whereas other methods are more suitable for hypotheses testing and theory building; (d) the case study contains a bias toward verification; and (e) it is often difficult to summarize specific case studies (Flyvbjerg 2006, p.219). Flyvbjerg examines and corrects each one, concluding with the Kuhnian insight that "a scientific discipline without a large number of thoroughly executed case studies is a discipline without systematic production of exemplars, and a discipline without exemplars is an ineffective one. Social science may be strengthened by the execution of a greater number of good case studies" (Flyvbjerg (2006, p.219).

"Case studies can involve either single or multiple cases" (Yin 1984 in Eisenhardt 1989, p.534). The researcher acknowledges that multiple-case study design is generally preferred over single-case study design for reasons that relate to analytical benefits and theoretical replication. However, the researcher's decision to adopt a single-case study design was based on Yin's (2009, pp.47-49) five rationales: Firstly, the case represents a "critical case" and can be used to make a significant contribution to knowledge and theory building. It can even be used to confirm or challenge propositions or help to refocus future investigations. Secondly, the case represents a relatively "unique case" given the newness of SMAs. Thirdly, the case is "representative or typical" in that it captures the circumstances and conditions that are commonplace in the South African

[3] The Strandveld SMA (Baardskeerdersbos) and the Hard Dunes SMA (north east of Bredasdorp) feature on the Bredasdorp GIS map produced by E. Wessels

context. Therefore, lessons learned from such cases are assumed to be informative about the experiences of the average person, institution or organization. Fourthly, the case has "relevancy" because the opportunity to investigate, observe and analyse the phenomenon has been limited due its newness. Fifthly, the case makes possible future "longitudinal" studies and the opportunity to identify how conditions have changed over time.

According to Eisenhardt (1989, p.534), "case studies typically combine data collection methods". Yin (2009, p.18) explains that "case study inquiry copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as a result depends on multiple sources of evidence". Given the "richness of the phenomenon and the extensiveness of the real-life context" (Yin 2009, p.2), the researcher undertook to use multiple sources of evidence that included various internal project documents and semi-structured interviews with key stakeholders representing the government, private and community sectors, in order to generate the case study findings. Linking the case study findings to existing literature was considered important for "enhancing the internal validity, generalizability and theoretical level" of the recommendations generated (Eisenhardt 1989, p.545).

1.5.1 Literature review

An initial search for literature was performed using Google Scholar, Science Direct, EBSCO, and Springer Link. The keywords and phrases used in this search included governance for sustainability, partnerships for sustainability, public-private partnerships, stakeholder participation, collaborative decision making, Special Management Areas, and bioregional planning. On finding a number of relevant journal articles, further searching was directed by the list of references found in these articles.

A wealth of information was discovered on the topics of governance for sustainability, collaborative decision making, stakeholder participation, and public-private partnerships, both from an international and local perspective. The search revealed almost no published work on SMAs except for one journal article on the Nuwejaars Wetland SMA published in a Department of Agriculture's journal, Agriprobe. This is probably because only a few SMAs have been established with the NW SMA being the most significant. The documentation sourced for the policy analysis and the in-depth case study did provide additional information on SMAs. These documents are listed in Appendix A and Appendix B.

1.5.2 Policy analysis

A number of important policy documents were examined that were able to shed further light on SMAs as a bioregional planning mechanism. These included the PGWC Bioregional Planning Framework (2000), the Western Cape Spatial Development Framework (2005), the Rural Land Use Planning and Management Guidelines (2009), the Draft Policy on Buffer Zones for National Parks (2010) and the White Paper on Local Government (1998). In addition, the National Environmental Management Act of 1998, the Western Cape Planning and Development Act of 1999 as well as the Act's amendment bill of 2002 was examined to better understand the principles underpinning participatory planning and development. The guide to the National Land Care Programme of 2001/2002, and the Integrated Development Plans of the Overberg District Municipality, the local Overstrand Municipality and the Agulhas Municipality were also surveyed. A full listing of the policy and legislative documentation accessed for this study is provided in Appendix A.

1.5.3 Case study research

The researcher has a personal interest in biodiversity conservation on the Agulhas Plain and has followed the State's efforts to purchase private land and create statutory protected areas in this area. The researcher became aware of the SMA in the Nuwejaars Wetland area as an alternative to the purchasing or expropriation of the land by the State, primarily because the farmers wanted to retain ownership of land.

An initial exploratory meeting with the Agulhas Biodiversity Initiative's conservation planning manager revealed that the NW SMA was being promoted by some parties as a 'potential national model' for replication in South Africa. However, he felt that there were some serious challenges to this, specifically regarding issues of inadequate governance for sustainability and inequitable beneficiation.

A study of the NW SMA project documentation was then made to identify how governance principles, directives and guidelines had been translated from policy level to project level in the explication of the intentions and management plans for the initiative. These documents were analysed in terms of key themes identified and tabulated during the policy analysis. Comparisons between the policy documentation and project documentation were made. Findings reflected the omissions, departures and areas of compliance evident in the project documentation. The project documentation studied for this purpose is listed in Appendix B.

The document study revealed a significant level of consistency between the principles and objectives of the Bioregional Planning Framework of the PGWC and those of the NW SMA Development and Management Framework. This was not surprising as the planning consultancy that drew up the bioregional planning documentation for the PGWC also drew up the planning and development framework for the NW SMA. Despite this strong alignment of principles, the design of the governance structures and legal frameworks was one that concentrated decision making power in the hands of a few private landowners.

The researcher then undertook an investigation of the NW SMA in practice. Relevant documents were analysed, including development and management documents, funding applications and agreements, media releases, PowerPoint presentations as well as legal documents such as the Nuwejaars Wetland Landowners' Association (LOA) constitution. In-depth interviews with key stakeholders were conducted in order to establish which aspects of the governance arrangement had worked and which aspects had failed, for what reasons, and with what implications for the governance of the initiative and the achievement of its sustainability objectives.

Table 1 below provides a list of the key stakeholders interviewed during the first five months of 2010. The interviewees have been referenced in the dissertation using the respective codes, for example 'Elim/1' to refer to the first representative of the Elim community. Actual names have not been used in order to protect the identities of those interviewed.

Table 1: Key stakeholders interviewed (Note: actual names have not been used in order to protect the identities of those interviewed)

Sector		Code	Affiliation	Date	Place
Community: Representing the Elim community interests		Elim/1	Pastor of the Elim Moravian Church, elected by the Provincial Board of the Moravian church to represent the Elim community on the NW LOA.	20 May 2010	Moravian Church offices, Elim
		Elim/2	Chairman of the Elim Oversight Committee, Elim's internal governance structure.	20 May 2010	Oversight Committee offices, Elim
Private sector: Representing the interests of the private sector landowners – mostly farmers		LOs/1	NW SMA Project coordinator appointed by the landowners	21 May 2010	NW SMA offices, Bredasdorp
Government: Government and government agencies representing the public sector interests	***National***	SP/1	Senior member of SANParks, serving as project coordinator of the ABI project, the 'parent' project of the NW SMA initiative.	20 May 2010	SANParks office, Bredasdorp
		SP/2	Senior member of SANParks, serving as a project coordinator of the ABI project, the parent project of the NW SMA initiative.	29 Jan 2010	SANParks office, Cape Town
	Provincial	DeptAgri/1	Senior member of the Provincial Department of Agriculture, specifically the Land Care programme	24 May 2010	Government offices, Bredasdorp
	District	ODM/1	Environmental Manager, Overberg District Municipality (ODM) which oversees both the Agulhas and Overstrand Local Municipalities under which the NW SMA falls.	15 April 2010	Per telephone
	Local		Attempts to interview a representative from either of the local municipalities, who were involved with the NW SMA, proved unsuccessful.		

The interviews were conducted in a semi-structured manner, based on questions compiled during the document studies. However, these were not rigidly adhered to, but rather used to steer the interviews and explore personal experiences and interpretations of the interviewees. The interviews were digitally recorded and transcribed, and responses were clustered into four broad themes: stakeholder interests, the planning and development process, the challenges of partnership, and outcomes and lessons learnt.

Both the document study and interview material was evaluated against the SMA policy guidelines as provided in the Manual for the Application of Bioregional Planning in the Western Cape (2003) and relevant literature to determine the quality and effectiveness of the initiative's governance for sustainability.

1.5.4 Limitations

Further to the limitations of the single case study method discussed in section 1.5, the researcher acknowledges that the findings of this study have been limited due to restricted access to project implementation information. Access was limited due to the understanding, on the part of the private sector landowners, that the Nuwejaars Wetland SMA was a 'private SMA'. As a result, audited accounts, minutes of meetings, and other records that would have provided a strong indication of whether objectives were met, were not available to the public. The researcher was therefore forced to rely on the limited documentation released by stakeholders and found on the internet (Appendix B) as well as the interviewee responses as referred to in section 1.5.3 above.

1.6 Outline of dissertation

Chapter 2 of this dissertation provides a review of the literature on partnership-based governance for sustainability. Concepts from relevant sources are explained, compared and contrasted, grouped into common themes and critically evaluated for use in addressing the research question.

The policy and legislative environment is covered in Chapter 3, in order to facilitate understanding of the local context in which SMAs are promoted and established, as well as the authority under which they are allowed to operate. In particular, this chapter focuses on two pivotal documents: the Bioregional Planning Framework for the Western

Cape (PGWC 2000), and its supplement, the Manual for the Application of Bioregional Planning in the Western Cape (PGWC 2003).

The conceptual and policy context of the dissertation gives way to the empirical in Chapter 4, which examines the Nuwejaars Wetland SMA as a potential model for SMAs in South Africa. The case study delves deeper into the background and intentions of the NW SMA, before analysing its real-life outcomes in Chapter 5.

Chapter 6 contains a discussion of the findings in Chapter 5, identifying the weaknesses of the NW SMA governance arrangement and evaluating them in terms of principles of successful partnership derived from the literature review. The problems highlighted in the discussion section are addressed by a number of recommendations in Chapter 7, followed by the presentation of conclusions in Chapter 8.

2 LITERATURE REVIEW

2.1 Introduction

A selection of the literature on partnership-based governance for sustainability was examined, in order to better understand and evaluate the Western Cape's governance guidelines for Special Management Areas, which relies on partnerships to manage protected land and achieve sustainability goals.

The examination revealed a shift in focus of the literature from government to governance, while a more subtle shift from stakeholder participation to partnership-based governance was also noted. These developments are outlined in Sections 2.2 and 2.3 below. Section 2.4 examines the concept of partnerships and its contribution to governance for sustainability. The intention was to discover the definition and characteristics of partnership, the associated benefits and challenges, the potential of partnerships to support the achievement of sustainability goals through governance, and the conditions required for successful partnerships. ~~Finally,~~ The literature provided a number of key elements and design features for successful partnership formation and functioning. These key elements are discussed in further detail in Section 2.5. ~~below.~~ Section 2.6 draws on the bioregional planning literature to provide an overview of some of the central concepts relevant to Special Management Areas in general, and the evaluation of the NW SMA case study in particular.

2.2 From government to governance: the role of stakeholder participation

The advent of representative democracy and the adoption of a progressive Constitution in 1994 have spurred new forms of governance in South Africa (Hauck & Sowman 2001). Evidence for this is found in new policies, legislation and the restructuring of government, promoting decentralisation and the devolution of more power to local levels (De Koning 2009; Buccus et al. 2007; Müller 2007; Hauck & Sowman 2001; Department of Constitutional Development (DCD) 1998). The 1998 White Paper on Local Government commits municipalities to work with local communities to "find sustainable ways to meet their needs and improve the quality of their lives" (DCD 1998, p.23) implicitly promoting the participation of marginalized communities (Tapscott 2007). These policies and restructuring efforts aim to promote "equity, public participation,

local governance, partnership arrangements and accountability in natural resource management" (Hauck & Sowman 2001, p.174). In this way, users can now participate in resource management decisions and in matters of local government (Tapscott 2007; Hauck & Sowman 2001).

The promotion of participatory governance processes in South African has raised much debate about how to translate these into actual participation (Thompson 2007). Approaches to participation are said to have progressed from awareness-raising, to acknowledgement of the value of local perspectives and local knowledge, to a means of meeting the sustainable development agenda. After a phase of criticism, the most recent approach is a "post-participation consensus" over best practice (Reed 2008 p.2418). Some measure best practice by the degree to which stakeholders are engaged, namely Arnstein (1969), Pretty (1995), Farrington (1998), Richards et al. (2004) and significantly, Lawrence (2006) who proposed that the transformation of communities involved is the ultimate goal of participation. Others focus on the objectives of participation, of which Warner's (1997) contributions are particularly relevant. He suggests that building consensus is a central requirement in achieving the objective of sustainability. For Bouwen and Taillieu (2004), participation is a complex system of structures and processes that build and support the sharing of legitimate authority.

The benefits of participation include reducing community marginalisation, increasing public trust, and empowering stakeholders. Decisions made through stakeholder engagement are seen to be more durable, based on higher quality informational inputs, improved levels of cooperation, and better ownership and support of their implementation (Reed 2008; Sullivan & Warner 2004). The challenges of participation revolve around issues of power, "consultation fatigue" (Reed 2008 p.2421), delayed decision-making, and a lack of capacity and expertise of some participants to engage meaningfully (Reed 2008; Younge & Fowkes 2003). In the South African context, stakeholder participation that involves disadvantaged communities is hampered by a lack of organisation, mobility, and resources. There is a tendency to focus on immediate, basic needs for survival, while ecological sustainability issues are of less concern (Younge & Fowkes 2003).

Stakeholder participation plays a central role in partnership-based governance of sustainability initiatives. As a result, there is much overlap in the literature on stakeholder participation and sustainability partnerships, which is the focus of the following section.

2.3 From participation to partnership

Partnerships have emerged in response to growing pressure to find practical solutions to complex problems that cannot be effectively addressed by governments alone (Witte et al. 2003). They are being established as a response to the limited – and some argue, declining – ability of governments to devise and implement rules or to provide public goods, in the context of increasingly global and complex interactions between social, economic and environmental systems (Hamann et al. 2011; Witte et al. 2003).

The 2002 World Summit on Sustainable Development (WSSD), with its 'much publicized partnership initiative' (Backstrand 2006) and distinguishing Type II outcomes, was catalytic in its influence on the development of these partnerships. Since the 2002 World Summit there has been an important transition to a broader understanding of environmental governance that includes businesses and non-governmental organisations (O'Riordan 2004; Witte et al. 2003). This transition has marked the beginnings of a shift towards "improvisational solutions-orientated partnerships that may include non-government organisations, willing governments and other stakeholders" (World Resources Institute (WRI) 2002, p.30). This shift reflects the recognition that in order to be effective, efficient and legitimate, governments and international organisations need to work with partners from all other sectors at a variety of levels (Witte et al. 2003). This understanding of governance emphasizes a "less formal, more collaborative and integrated approach" (Witte et al. 2003, p.61). Indeed, partnerships are sometimes seen as a new model of governance, variously referred to as new, collaborative or network governance, among other terms (O'Riordan 2004; Donahue 2004; Moon 2002; Ruggie 2002; Rhodes 1997 in Hall 1999).

The intention of such partnerships was to help achieve sustainability objectives, specifically implementing Agenda 21 and the Millennium Development Goals (Kara & Quarless 2002). However, despite a plethora of general recommendations made, for how partnerships should be organised and how they should operate, the overall approach adopted during the period after the WSSD was vague. This resulted in an "anything goes" policy for partnerships, characterized in practice by "a too-broad range of organisational forms, procedural rules and objectives" (Witte et al. 2003, p.62).

Perhaps in response to this vagueness, the last decade has seen a proliferation of writing on partnerships. Theorists have written from different practical and theoretical perspectives, for different scales of application, using a variety of models and frameworks (Austin 2007; Brinkerhoff 2007; Meadowcroft 2007; Glasbergen et al. 2007;

Brinkerhoff 2002). There is a strong focus on public-private partnership especially in the infrastructure and service delivery sector (United Nations Economic Commission for Europe 2008). South African literature seems to focus further on the role of government in public-private partnerships, with any guidelines usually directed at this sector (Buccus et al. 2007). However, including the community in partnerships at the local level introduces a different dynamic, especially in the South African context where issues of (Hauck & Sowman 2001).

Despite the difficulties implementing stakeholder participation and the vagaries of partnerships, partnership-based governance is still recognised by the literature as an effective and necessary means of achieving sustainability objectives. The next section describes this type of governance in more detail.

2.4 Partnership-based governance

The literature on partnership-based governance provided insight into the definition and characteristics of ideal partnerships, collaborative partnerships, the potential of partnerships to support a transition to sustainability, the challenges of partnerships, and the principles for successful partnerships. These themes provide a useful backdrop to the key design elements of partnership-based governance structures and processes described in section 2.5.

2.4.1 Definition of partnership

The ideas in these paragraphs are sourced from Brinkerhoff (2002) who states that definitions of ideal partnerships are somewhat problematic as they tend to be subjective and not universally applicable, while their practical outworking is unclear.

She suggests that partnership be defined according to mutuality and organisational identity, to differentiate between partnerships and other types of inter-organisational co-operation. She explains that mutuality refers to mutual dependence and interdependence, and entails respective rights and responsibilities leading to maximized benefits for each party. Furthermore, that mutuality refers to more frequent interaction between partners, as well as equality in decision making, based on trust and respect. Organisational identity is explained as being rooted in an organisation's own mission, values, constituencies and competitive advantage. She goes on to say that maximizing

and maintaining both mutuality and organisational identity is central to defining partnership. She recommends that potential partners together define what mutuality and organisational identity mean to a particular partnership, in order to avoid domination, co-option or absorption of one organisation by the other.

This author also suggests that partnerships should aim to promote equity as far as possible, as well as engage all parties potentially affected by or who could potentially contribute to a particular initiative.

According to Brinkerhoff (2002), the literature views partnership as arguably the most ethical approach to sustainable development, because it encompasses participation and empowerment, promotes the building of partnership values and accountability, and includes long-term commitments such as capacity building. She indicates that some authors view partnership as instrumental in reaching other objectives effectively and efficiently. Furthermore, that network theory, political economy and new governance models that examine relations between public and private sector organisations and civil society, are said to theorize from this perspective.

Witte et al.(2003) have also contributed significantly to the conceptualisation of partnerships. They provide an analysis and interpretation of partnerships based on the same conceptual framework as global public policy networks. Although presented from the perspective of global environmental governance, focusing on the role of governments, and drawing on the global public policy framework, these insights do have direct relevance for partnership-based governance of local sustainability initiatives and are worthy of consideration when evaluating the governance guidelines of Special Management Area initiatives. The authors suggest that partnerships bring actors together from various sectors and backgrounds and place them in a position where they are able to build relationships that might otherwise have ended in confrontation (Witte et al. 2003). However, partnerships require the commitment and sustained involvement of all participants, substantive and sustained investment in management and process by all participants, and monitoring and assessment by all parties in order to be effective.

Witte et al. (2003, p.64) caution that a "mechanistic" interpretation of partnerships is naïve, and suggest that a "political conception" of partnerships is necessary to highlight the critical issues of democratic control and power sharing. This is however not a new notion. Arnstein (1969, p.9) explains partnership as the redistribution of power through "negotiation between citizens and power

holders" who agree to "share planning and decision-making responsibilities" through structures and according to agreed ground rules.

2.4.2 Characteristics of an ideal partnership

According to Witte et al. (2003), the properties and characteristics of networks can be applied to partnerships. For the purpose of clarity, the researcher has replaced the term 'networks' with that of 'partnerships' in their following elaboration of the three characteristics of ideal partnerships:

- **Interdependence** - which refers to the explicit understanding that any single party is dependent on the action and support of all other parties to achieve its objectives
- **Flexibility and learning capability** - referring to the evolving nature of partnerships, through co-operation and by learning from successes and failures, and the flexible structure of partnerships that allows for openness and the accommodation of partners
- **Complementarity** - whereby the partnership is sustained by its diversity, through the combining and co-ordinating of corresponding resources as well as knowledge and technology transfer between partners

Partnerships exist in many forms, on different scales and for a variety of functions. However, they all share the expectation that the partners can achieve their objectives more effectively and efficiently through strategic alliances with others rather than by acting independently, and by sharing complementary resources (Hamann et al. 2011).

The different types of partnerships will have different concerns for "legitimacy, accountability, transparency and power asymmetries" (Witte et al. 2003, p.67). These authors acknowledge that there is no universal solution to successful partnership management. Rather, they suggest that the process will be dictated by each context and the scope of the partnership (Witte et al. 2003).

2.4.3 Collaborative partnerships

Collaborative partnerships attempt to address both the conflict inherent in sustainable development issues - the 'task/problem issues', as well as the potential conflict when partners are fundamentally different in terms of their world views, values, and problem solving approaches - the 'relational issues'. An important outcome of collaboration is "a social learning process that feeds back into the actual governance structure" (Bouwen & Taillieu 2004, p.149).

Gray (1989) identifies elements that point to the need for collaboration: uncertainty or disagreement over how to define the problems in which the parties are involved; parties have vested interests; parties are not all well organised; there is a history of conflict between parties; there are disparities in power and resources; there is differential access to expertise and information; and parties have difficulty recognising their interdependence. Gray (2007, p.33) then presents a "four-phase model of collaborative partnership development" that offers a valuable practical base on which to build partnership-based local sustainability initiatives, such as SMAs.

The four phases of the model are briefly summarised as follows:

- the **problem-setting** phase, during which relevant partners are identified and encouraged to commit to a collaborative partnership;
- the **direction-setting** phase, during which issues are explored and agreements reached to address them;
- the **implementation** phase, which entails putting the agreements in place and ensuring that follow-through occurs; and
- the **institutionalisation** phase, which involves the structuring and regularisation of the on-going interactions among stakeholders

Gray (2007, p.32) also provides a concise account of some of the factors that can contribute to "collaborative inertia". These include issues of identity (deep-seated identity differences and threats of loss of identity), cultural differences, past histories of misunderstanding and mistrust, power differences, time and resource constraints, institutional constraints, an absence of necessary process skills among the partners and different framing of the issues.

Given these challenges, Gray (2007; 1989) recognizes that building a collaborative partnership requires skilled leadership to integrate diverse points of view. The author suggests that although some partnerships may be executed by the partners themselves, external and neutral third parties with experience and legitimacy should conduct these activities over the life time of the partnership. These external specialists would need to understand the socio-economic and political context of the partnership as well as of the key actors (Gray 2007). Furthermore, that governments should play a key role in promoting partnerships and serving as intermediaries, although in developing countries, governments may lack political will and capacity and therefore NGOs tend to perform the leadership role (Gray 2007).

2.4.4 Potential to support achievement of sustainability goals

Partnerships are acknowledged in the literature as a crucial support mechanism in the achievement of social, economic and ecological sustainability goals through governance (Meadowcroft 2007). An environmental governance agenda alone might not necessarily encourage "socially-just processes", whereas this is mandatory for the governance of sustainability initiatives (Zerner 2000 in Brechin et al. 2002, p.48). Vollmer (2009, p.1) agrees that the collaboration found in partnerships is necessary to meet sustainability goals: "meeting human needs while nurturing and restoring the planet's life support systems requires a continuous process of scientific innovation, new knowledge and learning, and collaborative approaches". Reed (2008) notes that the complexity of environmental problems requires transparent and flexible decision making and openness to different knowledge bases and values, all of which are characteristic of partnerships. This author goes on to add that the participation of stakeholders in decision-making processes is now widely accepted and promoted as a way to achieve this.

Brechin et al (2002, p.53) propose a number of recommendations for rethinking sustainability interventions in developing countries, that they believe satisfy "ecological, pragmatic, and moral" criteria. Although writing about biodiversity conservation as a social and political process, their analysis is directly applicable to sustainability. The authors assert that social and political processes have to focus on questions of human organisation, such as 'Who decides?' (Related questions generated by Witte et al. (2003) are listed in section 2.5.6.) These questions are addressed by six key elements of human organisation, which include the need to establish processes founded on principles of social justice, the need to establish legitimacy and authority, the need to formalise arrangements for decision making and power sharing, the need to ensure accountability, the recognition of the impact of external forces, and the need to formalise reflection and self-correction processes (Brechin et al. 2002). Adherence to these principles creates a strong, robust governance environment that is conducive to the achievement of sustainability goals.

2.4.5 Challenges of partnership

Hamann et al. (2011) note that the concept of partnerships is often controversial, with opposing commentators highlighting either the potential public interest benefits (Zadek & Radovich 2006) or risks (Martens 2007).

A frequent criticism is the lack of clarity and inconsistent practice of partnerships, and there is still broad disagreement on whether the shift towards networked governance represents a positive development (Witte et al. 2003; O'Riordan 2004; Monbiot 2004). Other critics question the ability of partnerships to function effectively given the complex social-political context and other recognised challenges (Corry et al. 2004 in O'Riordan 2004), and suggest that by entering into partnerships with binding commitments, governments are abdicating their responsibility to promote sustainable development (Witte et al. 2003). It is also of concern whether partnership arrangements undermine formal governmental processes through a process of privatisation. Critics have also accused the private sector of using environmentalism partnerships as 'greenwash' to manipulate consumers and offset public pressure, while allowing problematic practices to continue (Witte et al. 2003).

One of the most significant challenges identified by (Hauck & Sowman 2001) in their review of co-management case studies was the lack of commitment and buy-in from government. In some instances, this was due to a lack of capacity within relevant government departments to support these initiatives. In others, it was the confusion that resulted from the restructuring processes occurring in government. There was also a lack of co-ordinated support from government. Low levels of compliance, or even occasional "illegal activities" tended to cause officials to "revert to old styles of management, threatening the legitimacy and sustainability of newly formed co-management arrangements" (Hauck & Sowman 2001, p.174). The authors noted a high level of scepticism, largely from the scientific community, of the ability of users to manage resources.

Partnerships often confront significant managerial and leadership challenges in fulfilling their potential (Vangen & Huxham 2003). These include the challenges of coherence, accountability, evaluation and learning, which emphasize the importance of suitable structures and rules needed to support partnerships (Witte et al. 2003). Although all parties should be held responsible for applying the rules, Witte et al (2003) suggest that governments have a particular responsibility to their citizens to deliver "effective, transparent, accountable and legitimate instruments of governance" (Witte et al. 2003, p.72). However, government officials are often impatient for results and are sceptical of long-

term processes, and need to acknowledge the time and effort required in building successful partnerships. "This is a significant hurdle to overcome if co-management is to succeed in South Africa" (Hauck & Sowman 2001, p.174).

2.4.6 Principles for successful partnership

With the benefits and challenges of partnerships in mind, it is apparent that this form of governance requires particular conditions to be successful. The literature is upfront, however, in acknowledging that there is no single model that can be developed for partnerships, due to varied conditions, historical background, and community needs (Hauck & Sowman 2001). Rather, the main objective is to develop principles or conditions that together form "a strategy of collaborative decision-making" that would help to establish management roles and responsibilities (Hauck & Sowman 2001, p.174).

To this end, Covey and Brown (2001, p.7) suggest four conditions for successful partnership. The first is "balancing power asymmetries", which is based on the recognition that each of the parties have an influence on each other's well-being. Though the parties do not have to be equal in power, they have to recognize each other as able to impose significant costs or provide valuable benefits. The second condition is "acknowledging critical rights", which include legal and normative frameworks, as well as procedural structures within the partnership. Thirdly, participants need to negotiate both 'converging' and 'conflicting' interests, because "the former are vital to identify options for mutual gain, and the latter enable the effective management of conflict". Fourthly, participants will need to manage relations with their stakeholder constituencies, especially if the partnership enjoys disparate levels of support among these constituencies. The research findings of Hamann et al. (2011) confirm that the success factors identified are not independent, but mutually reinforce or constrain one another.

Hamann et al. (2011) contribute to a better understanding of success factors of cross-sector partnerships in emerging economies, through an analysis of South African case studies that highlight the important role of socio-economic and other contextual factors. Of particular significance is their recognition of the tension between the dialogue and implementation motives within partnerships, which are associated with different organisational logics. On the one hand, effective dialogue requires that the purpose of the interaction is not defined too narrowly or restrictively, and that sufficient flexibility is also maintained in the organisational structure with regard to membership and partners' roles and responsibilities. On the other hand, effective implementation requires a greater

focus on defining the purpose and more structured and formalised organisational arrangements, which are likely to include legal agreements. Managing this tension effectively is identified by the authors as a key success factor. Other success factors include building and maintaining trust, transparency, managing power imbalances, and adaptation and learning (Hamann et al. 2011; Buccus et al. 2007).

2.5 Key design elements of partnership-based governance

The state's trend towards decentralisation and restructuring has certainly created opportunities and challenges for sustainability and social justice (Brechin et al. 2002). However, achieving these sustainability objectives requires changes to institutional structures and processes (Gibson 2001). These changes in turn require a core set of tools to manage governance for sustainability (Kemp et al. 2005). In the section that follows, key design elements of the tools for partnership-based governance found in the literature are presented.

2.5.1 Strong moral foundation for social process

According to the literature, a strong moral foundation for social process requires stakeholder analysis and systematic representation, adopting the core principles of social justice, an agreed set of standards, agreed general rights and responsibilities, and a framework to guide the partnership process.

Analysing stakeholders

Stakeholder analysis is used to achieve the systematic representation of those relevant to decision-making processes (Grimble & Wellard 1997). It identifies those who are affected by or can affect a decision and prioritises them for involvement in the decision-making process (Reed 2008).

Correct identification of stakeholders depends on a clear understanding of the problem and its boundaries (Reed 2008). Identification is usually on-going as the analysis continues, for example, through expert opinions or interviews (Reed 2008). In cases where pertinent issues are unclear or knowledge is incomplete (as is typical of sustainability initiatives) then stakeholders themselves should participate in the analysis (Reed 2008).

In the South African context, greater attention needs to be paid to how representative the structures are, or are perceived to be, and how appropriate the participatory methods and techniques are, in order to create a sense of legitimacy as well as promote sustainability (Hauck & Sowman 2001).

Adopting the core principles of social justice

Once the stakeholders have been identified and analysed, the question becomes how to treat them during the decision-making process. Brechin et al (2002) note that a strong moral foundation is required centred on three broad principles of social justice:

- the right to participate at all levels as equal partners
- the right to self-representation and autonomy
- the right to political, economic and cultural self-determination.

Defining what these principles mean within a particular context will require a concerted effort in terms of dialogue and negotiation (Brechin et al. 2002). This should be an inclusive and transparent process, to ensure fairness and legitimacy. The intention is not to suffocate the partnership, but to address the important issues of "accountability (as an instrument to address concerns over legitimacy), capacity building (as a mechanism to overcome power asymmetries), and monitoring and evaluation (as a mechanism to foster compliance)" (Witte et al. 2003, p.74).

Agreeing on a set of standards, objectives, rights and responsibilities

The identified stakeholders then need to work together, in a socially-just manner, to draw up and agree upon a systematic framework guiding the partnership (Witte et al. 2003). This guides the design, implementation and evaluation of sustainability initiatives and defines commitments, expectations and boundaries of accountability (Brechin et al. 2002). Indeed, a shared understanding of partnership is "fundamental to building working relationships, trust and communication" (Hauck & Sowman 2001, p.180). Coherence can be enhanced through governments ensuring that initiatives and resources are not diverted to non-priority issues (Witte et al. 2003). Limitations need to be identified and impacts considered at the start of any participatory process, to avoid frustration and potential conflict (Reed 2008).

2.5.2 Support processes

Facilitation and conflict management

Highly skilled facilitation is particular important for sustainability initiatives, given the likelihood of conflict during discussion of difficult issues. A successful facilitator needs to be perceived as impartial, open to multiple perspectives and approachable. They need to be capable of maintaining positive group dynamics, handling dominating or offensive individuals, encourage participants to question assumptions and re-evaluate entrenched positions, and get the most out of reticent individuals (Reed 2008).

Leadership

New approaches to leadership are needed for new-style cross sector collaboration initiatives. Key requirements of such leaders include "a commitment to collaboration, capacity for facilitating interest-based negotiation and an ability to establish and foster trust" (Hamann 2009, p.2). "Project champions'' from the community, NGO or academic institution are key to building public support, motivating partners and keeping local users up to date on changes (Hauck & Sowman 2001, p.182). Day-to-day implementation of the partnership often requires dedicated partnership managers or coordinators, who must balance their facilitative roles with moving the initiative forward (Hamann et al. 2011).

Capacity building and resource endowment

Building capacity in partners empowers them to participate and collaborate more effectively (Brechin et al. 2002). Hauck & Sowman (2001) state that a capacity-building component must be built into the partnership development process, as the lack of it can be a contributing factor to project failure. They suggest that the capacity building is also strengthened by the allocation of rights and responsibilities to users and the incorporation of user input into management practices. The authors warn that initiating, planning and establishing partnerships requires much time and resources, and should not be underestimated. A necessary pre-condition then is a commitment from funders to provide support for a realistic time period in which to achieve project goals.

Knowledge transfer and integration

The transfer of knowledge can occur when social scientists actively participate in collaboration across disciplines. The aim is to expand, synthesize and jointly produce knowledge of sustainability as a social and political process (Brechin et al. 2002). The transferred knowledge is then integrated into the decision-making process.

Reed (2008) notes that combining and balancing local knowledge with scientific knowledge allows a more thorough understanding of the complexity and dynamics of an issue, which in turn leads to more robust decisions. However, some have expressed concern that integrating scientific and local knowledge bases may involve trade-offs between meaningful participation and scientific rigour (Abbot et al. 1997 in Reed 2008), while others believe that the two knowledge forms are fundamentally compatible (Walter et al. 1997 in Reed 2008; Romig et al. 1995).

2.5.3 Problem identification, appreciation and envisioning

Stakeholders need to be willing to participate and committed to work towards a collaborative agreement, else the partnership may fail (Gray 2007). A phase of research before the partnership arrangement is implemented helps to gain better insight into local socio-economic conditions, institutional structures, and the balance of power between prospective partners. This is critical for the successful development and implementation of partnerships (Hauck & Sowman 2001). An aspect of this pre-partnership phase is a joint appreciation of potential partners' interdependencies and their differing perspectives, which serves to raise awareness among stakeholders. These can be "mapped" to serve as the basis for discussion and the forging of a common vision (Gray 2007, p.35).

Once these preliminary steps have been taken and the partnership appears promising, partners should engage in setting out a shared vision. This will include an identification of key stakeholders, an aligning of objectives, an agreement as to what the needs are, and clear communication of what each partner is able to contribute to the initiative (Vollmer 2009). The process of creating a vision is also a process of building consensus over what outcomes the partners wish to see (Moore et al. 1999 in Gray 2007). Building consensus for a common vision is likely to require conflict resolution strategies (Hauck & Sowman 2001). During this time, stakeholders have the opportunity to identify "broad contextual influences

and trends", "individual and collective aspirations", "common futures", and their "preferred strategies" for moving forward (Gray 2007, p.35). Realisations produced during this process can help to end conflict and improve working relationships between stakeholders.

The issue of access rights over resources may need to be addressed at an early stage. The research of Hauck & Sowman (2001, p.181) presents an important lesson that access rights over resources "instils a sense of ownership over the resource", and provides an important incentive for local community participation and the sustainable management of resources. They consider the inequitable distribution of resources and the allocation of rights as being "highly political" and an ongoing challenge for government and partnership arrangements.

2.5.4 Governance arrangements

Governance arrangements typically provide the structure, systems and procedures for:

- decision-making and power sharing (parameters of participation)
- administration (information, communication, recording)
- networks and collaborations
- resource management
- financial management and auditing

Brechin et al. (2002) consider it important to establish governance arrangements that include strong governance structures and defined boundaries for participation. They recognise the mutually-supporting relationship that exists between these two elements of governance. On the one hand, complete participation could increase the complexity of negotiation due to the potentially vast differences of culture, gender, ethnicity amongst others, and the often understated power dynamics produced by these differences. On the other hand, complete participation does in the long term have the potential to stabilise power relationships, if supported by strong local organizations, self-enforcement mechanisms, and a policy environment conducive to minimising social conflict and damaging practices. The authors also suggest that governance structures and parameters of participation will need to be tailored and regularly renegotiated within the context of the intervention, because they build on socially-constructed and contextually-negotiated meanings of legitimacy.

These governance arrangements should be formalised in a memorandum of understanding, in order to assist in resolving any conflict or up-scaling of the activities of the partnership (Business Partners for Development (BPD) 2002 in Hamann 2009).

2.5.5 Authority and legitimate power

In order to ensure the fair enforcement of the required restraint of behaviour necessary for achieving sustainability, it is important to establish legitimacy and construct authority. This may be achieved through "human institutions such as laws, organizations and cultural practices" (Brechin et al. 2002, p.46). Since legitimacy is "socially defined", and divergent beliefs about what constitutes "just, fair or appropriate" authority (Weber 1978 in Brechin et al. 2002, p.46) can generate tension and conflict, Brechin et al (2002, p.46) suggest an approach that involves the "negotiation of agreements that participants see as legitimate and feasible".

Gray (2007, p.43) calls this "institutional entrepreneurship", which she defines as "the promotion and institutionalization of all new norms and agreements to ensure that the new rules, procedures and practices are fully understood, affirmed, adopted and adhered to by all partners and their back-home constituents, and monitored for consistency". She warns that new structures and changes to routines and practices can engender resistance. Institutional entrepreneurs should thus guard against creating unnecessary structural arrangements and rules that may hamper the flexibility required in collaboration to meet its objectives, minimise partnership learning, or intensify power asymmetries among partners (Gray 2007).

2.5.6 Monitoring and accountability

Monitoring

Monitoring responsibilities and evaluating organisational performance helps to guide enforcement and learning. Witte et al. (2003) emphasize that partnerships are intended to assist or work alongside government policy and policymaking, and the public should be able to review the participants, processes and outcomes of partnerships. In terms of monitoring within the partnership, "multi-sectoral staffing" can "help weaker partners maintain some control over the partnership

process and allow them direct access to critical information" (Witte et al. 2003, p.77).

Monitoring and evaluation are considered critical for a number of reasons (Witte et al. 2003). Firstly, they both help a partnership to learn from experience, which is a crucial precondition for improvements of partnership processes and outcomes. Secondly, evaluation is crucial for examining costs and benefits, and determining whether objectives are being accomplished. Thirdly, monitoring and evaluation help to create transparent proceedings of a partnership by providing a way for the public to make informed judgements on a partnership's legitimacy, effectiveness or efficiency. Finally, monitoring and evaluation can help to uncover "free-rider" and "rent-seeking" behaviour of partners (Witte et al. 2003, p.78). Hauck & Sowman (2001) add that monitoring is an important way to encourage compliance, and ensure long-term effectiveness of the partnership process. Therefore creating effective monitoring procedures is a key strategy for successful management, and helps to assess implementation, enforcement and training methods and adapt these if necessary. Witte et al. (2003) do acknowledge that proper monitoring and evaluation require a good understanding of the given partnership and a dedication of substantial resources.

Witte et al. (2003) offer a list of questions that should be asked of any partnership as part of a monitoring and evaluation strategy. These questions indicate the multidimensional nature of partnerships that requires careful monitoring:

- Who participates?
- Is representation of stakeholder interests equitable?
- Who decides who may sit at the table?
- Who has made the selection rules?
- How are decisions being made?
- What types of decision-making rules are employed?
- Who sets the rules?
- Who benefits from the partnership?
- What determines the stability or instability of the partnership?
- Who or what is instrumental in ensuring the stability of the partnership?
- To what extent has the partnership been 'formalized' in terms of agreements, contracts, a secretariat and so forth?
- How do partnerships control results?

If a partnership is found to be failing monitoring standards, enforcement will be necessary to remind partners of their commitment to joint decisions, and to encourage compliance. If enforcement does not occur, the implementation of jointly-developed management strategies can be weakened (Hauck & Sowman 2001). The lack of trust and confidence in enforcement can undermine co-management efforts and mechanisms need to be established within the management system to address this. Compliance is increased when there is agreement on rules and trust between partners (Hauck & Sowman 2001).

Accountability

Hamann et al. (2011, p.11) define accountability as "a political and procedural measure for ensuring that partnerships are fair, inclusive and legitimate". The authors go on to suggest that partnerships should be accountable to those who are impacted by them, particularly to the poorest and most vulnerable. Benner et al. (2004) point out that partnerships should not only be accountable for the outcomes of an initiative, but also for the partners' behaviour, and the processes that they follow. These highlight the overall necessity for transparency (Benner et al. 2004).

The accountability and legitimacy of partnerships should, according to Witte et al. (2003) be fostered through incentives intended to encourage compliance with agreed rules, and incorporate a number of different accountability mechanisms, "with the participation of diverse actors providing a natural accountability" (Witte et al. 2003, p.75). According to Brechin et al. (2002) accountability should be achieved through mechanisms that partners agreed on to guide and enforce the arrangement. The authors note the difficulty in enforcing the commitment of a wide range of partners, but their discussion on this point is limited, as is their contribution on performance appraisal, other than a comment about the lack of "explicit frameworks for appraising social process" and the risk of "self-serving practices" in the "absence of performance accountability" (Brechin et al. 2002, p.49).

2.5.7 Institutionalised reflection and adaptation

Formalising reflection and self-correction processes in a partnership is crucial in the context of sustainability initiatives, given their complexity (Brechin et al. 2002). Managers and stakeholders must constantly react to change, and must

therefore prepare timeously for "collective learning", in order to allow for better understanding and more suitable responses (Brechin et al. 2002, p.50).

Gray (2007, p.39) notes that "reflective intervening", where participants assess their concerns, objectives and progress, helps to isolate problems and work towards solving them. This type of reflection encourages ownership of and commitment to collaboration, especially if facilitated by someone outside the partnership.

According to Reed (2008), the literature suggests that participation, whatever the underlying philosophy, should emphasise continual and two-way learning between different participants, whether stakeholders or researchers (Chase et al. 2004, Johnson et al. 2004, Lynam et al. 2007 in Reed 2008). The adaptive management literature emphasizes the need for continual learning in long-term participatory processes, where participants monitor the results of their decisions and change them if necessary (Gunderson & Holling 2002 in Reed 2008).

Flexibility and adaptability to change are two strengths of partnerships, and these qualities need to be supported by governance structures and processes, as well as sound monitoring and evaluation (BPD 2002 in Hamann 2011; Hardy et al. 2003). Furthermore, given that partnering organisations are often not accustomed to working together, it is argued that special measures need to be put in place to help partners build capacity to understand the differences between them (BPD 2002 in Hamann 2011). Learning is thus not only an important outcome of successful partnerships (Ruggie 2002), but also a crucial input. The ability of partnership organisations to "institutionalise learning" has also been shown to be a key success factor in business alliances (Doz 1996 in Hamann et al. 2009, p.6).

2.6 Bioregional planning

Bioregional planning is based on the concept of bioregionalism. The definition adopted by Callahan (1993) is presented as follows:

> *Bioregionalism is an awareness that bioregions are whole systems comprised of sets of diverse, integrated, natural subsystems and run by ecological laws and principles. Bioregionalism recognizes that humans, as one species among many, must work in cooperation with these laws if there is to be a sustainable future. The ecological laws*

and principles form the basis for the design of all long-term human systems: economic, technological, agricultural, and political.

Brunckhorst (2000) emphasizes the biocultural nature of bioregions, suggesting that bioregions are not purely ecologically defined regions, but essentially cultural landscapes that are defined not only by ecological and biophysical features, but also by the human communities, social systems and political economies within or affecting them. To be useful in a management context, he argues that bioregions must reflect a human identity with the local regional landscape, a sense of place, in addition to the ecological processes operating across those landscapes.

Bioregionalism has implications for land–use planning and management. Bioregional planning focuses on landscape or regional scales of land-use planning and management (Brunckhorst 2000). It stresses the integration of social, economic and ecological factors in regional planning and management, and seeks to bring all stakeholders together to own and build a dynamic plan for a bioregion (Breckwoldt 1996).

Bioregionalism provides 'an innovative and unifying planning model designed to maintain the integrity and intrinsic value of ecosystems while promoting sustainable development' (Callahan 1993 p.3). The bioregional planning approach designed by Miller (1995), is based on the understanding that people and protected areas can coexist at the bioregional scale through the 'judicious use of land-use categories that combine biodiversity conservation with human habitation and managed resource extraction' (Miller 1995 p.43). According to Miller (1995) bioregional planning requires the incorporation of four important elements: Firstly, core wild areas that contain the wild plant and animal communities, their habitats and ecosystems needed for their long-term survival. These areas are kept relatively free from further human intervention and are typically established under national legislation as national parks. Secondly, buffer zones, immediately surrounding the core areas, where landowners and users are encouraged to manage their resources with minimum negative impact. Thirdly, the core and buffer areas are linked with other core and buffer areas by corridors that provide suitable habitats for plant and animal migration and options for adapting to climate change. Fourthly, the core areas, buffer zones and corridors are nested within bioregions where resident communities, landowners and resource users live and work. The goal of bioregional management being 'to establish voluntary cooperative programmes across the entire region that provide appropriate treatment of those sites critical for biodiversity maintenance and restoration, while supporting local livelihoods and lifestyles' (Miller 1995 p.44). To avoid duplication, the important aspects of stakeholder cooperation, participation, empowerment and guidelines for the implementation of bioregional planning that form part of Miller's model are not discussed here as they form a integral part of the following chapter.

2.7 Conclusion

An initial review of the literature on partnership-based governance for sustainability revealed several interesting points, two of which are highlighted in this dissertation.

Firstly, the role of stakeholder participation was highlighted by the literature (particularly by local authors) as an essential element of a decentralising democracy in which the state was shifting some of its power to local levels of governance. It was noted that though beneficial in reducing community marginalisation, practical implementation of stakeholder participation has been difficult due to imbalances in power and a lack of capacity. Stakeholder participation plays a central role in partnership-based governance, and there is much overlap of these themes in the literature.

Secondly, the literature showed how partnership between organisations had emerged as a response to the diminishing ability of governments to manage resources and provide public goods. The World Summit on Sustainable Development in 2002, during which the Multi-stakeholder Partnership Initiative was announced, was presented as an important catalyst in the development of these partnerships. Partnership began to be touted as a less formal, collaborative means of achieving sustainability objectives, and indeed, as a whole new form of governance. Unfortunately the concept initially remained too broadly defined for it to fully meet expectations, and in South Africa implementation has been hampered by severe socio-economic inequality.

Despite these challenges to stakeholder participation and partnerships, the literature still considers partnership-based governance as the most suitable - and arguably the most effective - means of achieving sustainability goals. Much more has been published on the topic since the World Summit, and the literature reviewed for this dissertation has helped to build a solid understanding of this type of governance.

A loose definition of partnerships describes their goal of maximising mutuality and organisational identity, while ideal characteristics include interdependence, flexibility and learning capability, and complementarity. A collaborative partnership helps to address the conflict inherent in certain sustainability issues, as well as potential conflict between different partners. The collaborative approach is also essential in meeting the diverse goals of sustainability. Despite the obvious benefits, partnerships can be challenging due to a lack of clarity, inconsistent practice, potential for 'greenwash', a lack of adequate government support, and general scepticism by partners. Though there is no single model for successful partnerships, authors have suggested several conditions

that contribute to success, including balancing power asymmetries, transparency, and acknowledging critical rights.

As the achievement of sustainability objectives frequently requires change to institutions and conventional processes of governance, many authors have suggested tools or guiding principles for partnership-based governance. These can be roughly grouped into seven broad elements, namely: a strong moral foundation for social process; support processes; problem identification, appreciation and envisioning; governance arrangements; authority and legitimate power; accountability, appraisal and monitoring; and institutionalised reflection and adaptation.

Finally, the potential and limitations of partnerships presented by the literature indicate the precarious position these governance arrangements hold. On the one hand, partnerships do not offer an easy option. They are volatile constructs that require much attention and careful management. Institutions are required to change their organisational structures and cultures. Learning to operate in a highly dynamic environment, and coping with the pressures it generates, is a tremendously complex task. All stakeholders have to learn to play by the new rules for partnerships. Fruitful collaboration in partnerships can only work if all actors are willing to question previously unquestioned routines and beliefs. This willingness is a lot to expect of "powerful actors who are used to not having to learn" (Witte et al. 2003, p.82).

3 POLICY AND LEGISLATION

3.1 Introduction

Having reviewed the literature on partnership-based governance, it is necessary to examine the policy and legislation that governs the establishment and operation of Special Management Areas in South Africa.

SMAs are one of the mechanisms advocated by the PGWC for implementing bioregional planning at the local level. A document study of the PGWC's bioregional planning approach, and its underpinning policy and legislative framework, was undertaken to identify the main characteristics, principles, objectives, directives and guidelines that refer to the establishment and governance of SMA initiatives.

Bioregional planning has evolved as an internationally recognised land-use planning and management approach (Breckwoldt 1996). This approach has been implemented as a management system by global institutions such as the United Nations Environmental Programme (UNEP), the International Union for Conservation of Nature (IUCN), and the World Resources Institute (WRI) to promote sustainable development initiatives across the globe (PGWC: Department of Environmental Affairs and Development Planning (PGWC) 2003). Bioregional planning is based on the understanding that "biodiversity conservation is a prerequisite for sustainable development and that for biodiversity conservation to succeed, the maintenance of environmental integrity – defined by ecological, economic and social criteria – must be one of the primary determinants of bioregional delimitation in land-use planning" (PGWC 2003, p.47).

Since October 2000 the PGWC has advocated a bioregional planning approach as a means to facilitate the balanced integration of conservation and development interests in land use and settlement planning. This approach is described in a document entitled The Bioregional Planning Framework for the Western Cape (PGWC: Department of Planning, Local Government and Housing (DPLGH) 2000) and is supplemented by the Manual for the Application of Bioregional Planning in the Western Cape (PGWC 2003). In December 2002, the PGWC announced its intention to prepare provincial policy for bioregional planning that would mandate municipalities to adopt the approach in the preparation of their Integrated Development Plans (IDPs) and Spatial Development Frameworks (SDFs) (PGWC 2003).

At the time of this study (2010), the bioregional planning policy was not yet finalized. The following sections draw substantially on the Bioregional Planning Framework and

resources. Long-term monitoring of environmental factors and impacts of management practices is institutionalised, while an adaptive management approach, drawing on experience and lessons learnt, is implemented in order to facilitate appropriate improvements.

The PGWC recognises, in its adoption of bioregional planning, the relationship between environmental integrity, human well-being and economic efficiency within a defined geographical space. Environmental integrity refers to the "wholeness" of the environment and is determined by its "intrinsic, systemic and instrumental value" (PGWC 2003, p.85). Bioregional planning recognises that human-made environments affect the quality and integrity of natural environments and must therefore be planned in a manner that maintains the value of the natural environment. Human well-being refers to both material well-being (implying a lack of poverty) and spiritual well-being, which creates conditions for the development of the individual to become "richly connected" to the place and to "obtain new powers, emotionally, intellectually and physically", so as to be able to play his or her rightful role as a member of society (PGWC 2003, p.42). In promoting and achieving sustainable development, bioregional planning must serve to address the historical inequalities that have been detrimental to human well-being. Economic efficiency means that available resources are to be used optimally, and at the lowest cost. Because it is recognised that unconditional optimisation can create serious conflict, it is suggested that efficiency should never be considered separately from both environmental and social justice.

The defined geographical space, referred to as a bioregion, is thought to be best determined through dialogue by local communities, government and scientists, in accordance with environmental and social criteria, not political boundaries (Miller 1996). Boundaries of human communities, and human culture and history are accepted as important social criteria.

3.3 Bioregional planning approach

Through its bioregional planning approach, the PGWC aims to meet South Africa's obligations in terms of relevant international protocols and conventions, specifically Agenda 21, the Convention on Biological Diversity, and the New Partnership for Africa's Development (NEPAD), and adhere to the central themes of South Africa's Local Agenda 21. Furthermore, the PGWC claims, through its bioregional planning approach, to provide a framework to facilitate the meeting of requirements of relevant South African legislation, specifically: the South African Constitution (Act 108 of 1996), the Western Cape Planning and Development Act (Act 7 of 1999), the Western Cape Planning and

Development Amendment Bill (Bill 11 of 2002), the Development Facilitation Act (Act 67 of 1995), the Local Government Municipal Systems Act (Act 32 of 2000), the White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity (1997), the National Environmental Management Act (Act 18 of 1998) (subsequently amended) and the White Paper on Spatial Planning and Land Use Management. In so doing, the PGWC commits to a plethora of principles, objectives and directives contained in these obligations and legislation, some of which have direct relevance for this study on SMA governance.

Agenda 21 calls for decision making and implementation that integrates social, economic and environmental issues at all levels. In addition, provision must be made for private property rights, as well as the rights of indigenous people and other local communities. This level of integration requires a shift towards cross-sectoral co-ordination and co-operation, in turn necessitating the introduction of new institutional structures, systems and procedures. Significantly, Agenda 21 places the responsibility for implementing its key objective, sustainable development, with local governments and their communities.

NEPAD emphasises the importance of participatory development processes designed to achieve a range of objectives that amongst others, includes the promotion and protection of democracy and human rights (Buccus et al. 2007). The NEPAD Environment Initiative focuses specifically on the importance of establishing a healthy environmental base for achieving sustainability, and suggests that a healthy and productive environment can contribute greatly to employment, social and economic empowerment and a reduction in poverty. Nurturing a healthy environmental base is said to require a carefully structured and fair system of financing and environmental governance that secures institutional, legal, planning, training and capacity building requirements.

South Africa's Local Agenda 21 echoes the call for integration across economic, social and environmental spheres, and the promotion of the sustainable use of natural resources. These are to be accomplished through:

- meeting the basic needs of local communities
- consulting and involving interested and affected parties
- promoting community participation
- establishing partnerships
- providing access to the skills, knowledge and information enabling people to play a meaningful role in society
- setting targets for achieving specific goals
- promoting public awareness and education
- monitoring and reporting on progress towards sustainability

(Department of Environmental Affairs and Tourism (DEAT) 1998 in PGWC 2003)

South Africa's Local Agenda 21 is described as "a local, government led, community-wide, and participatory effort to establish a comprehensive action strategy for environmental protection, economic prosperity and community well being in a local jurisdiction or area" (DEAT 1998 in PGWC 2003, p.30).

The South African Constitution (Act 108 of 1996) and its enabling legislation places an obligation on all to ensure that the imperatives for achieving sustainable development - environmental integrity, human well-being and economic efficiency - are promoted in a balanced manner.

Certain principles, contained in the Western Cape Planning and Development Act (Act 7 of 1999), prescribe the basis on which integrated development planning is to take place. Firstly, the principles of role-player participation and human resources development prescribe that all sectors of the economy (government and non-government) should be encouraged to contribute toward planning and development. Secondly, the principles of sustainable development promote sustained protection of the environment, the establishment of viable communities and the meeting of basic needs of all communities in an affordable manner. Thirdly, the principles of decision-making and dispute resolution emphasize consultation with a broad range of experts and experienced persons during decision making.

The White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity (1997), also refers to the equitable sharing of the country's biological resources, and participation by interested and affected persons in conservation decisions.

Further to the above commitments, the PGWC undertakes to build on the objectives and proposals of the WRI, UNEP and IUCN contained in the Global Biodiversity Strategy and National Biodiversity Planning (1995) publications. Of relevance here is the IUCN proposal, that new methods and mechanisms should be developed to provide for participatory planning, conflict resolution, and community involvement in the distribution and management of resources, as well as the establishment of inter-sectoral and inter-agency task forces to facilitate bioregional planning.

3.4 Bioregional planning methodology

The intended purpose of the bioregional planning methodology developed by the PGWC is to guide the integration of local government planning and community group projects, and meet context-specific social, environmental and economic criteria. The

methodology is also intended to mobilize people to take action within the area they regard as home, and create a greater understanding of the challenges of ensuring sustainability on the local scale.

Although the institutional responsibilities for implementing the bioregional planning methodology are distributed across provincial, district and local levels, local municipalities are responsible for the establishment of sustainable public-private partnerships making use of Special Management Areas.

Key directives of the bioregional planning methodology relevant to the establishment and governance of Special Management Areas include the delimitation of planning units, value-based decision making, qualitative development through critical regionalism, monitoring and compliance, and adaptive management. These directives are explained briefly below.

3.4.1 Delimitation of planning units

Smaller planning areas, such as SMAs, should be delimited through intensive public consultation, to promote participation in planning and management. These units will generally correspond with "homogenous community groupings" which have a "common character and identity", and share "similar norms and values" which guide decision making on planning and development (PGWC 2003, p.70). (Note: this point is critiqued in the conclusion of this chapter).

3.4.2 Values-based decision making

The bioregional planning approach supports the notion that planning and development decisions should be based on agreed values, norms and ethics that give equal importance to the conservation of nature and the improvement of the quality of life of people living in the area.

It is suggested that the values be determined through collaboration and participation of all relevant stakeholders in order to draw from local, indigenous and scientific knowledge. Values should be incorporated into solid and achievable guidelines for planning, design, decision-making, implementation and management of projects.

3.4.3 Qualitative development through critical regionalism

Critical regionalism is defined as "a sensory understanding and appreciation of the environment and its component things" (Kelbaugh 1997 in PGWC 2003, p.111). The principles of critical regionalism have been incorporated in the bioregional planning methodology to ensure development results in an improvement in quality of the human-made environment. The five principles are seen to provide a framework for planning, design and management of development:

- Sense of place – how a place is perceived and differentiated from other places, and how this perception connects with a person's values
- Sense of history – how local history, culture, traditions and values of the people and the area are appreciated
- Sense of craft – how traditional craftsmanship is revived to create places of which people are proud
- Sense of nature – how the unique natural attributes of the environment and dominant local forces of nature are appreciated
- Sense of limits – how physical and temporal boundaries frame and limit human places and activities

(Kelbaugh 1997 in PGWC 2003)

It is recognized that critical regionalism is a complex concept to apply, and municipalities will need to formulate detailed guidelines in respect of the places under their jurisdiction.

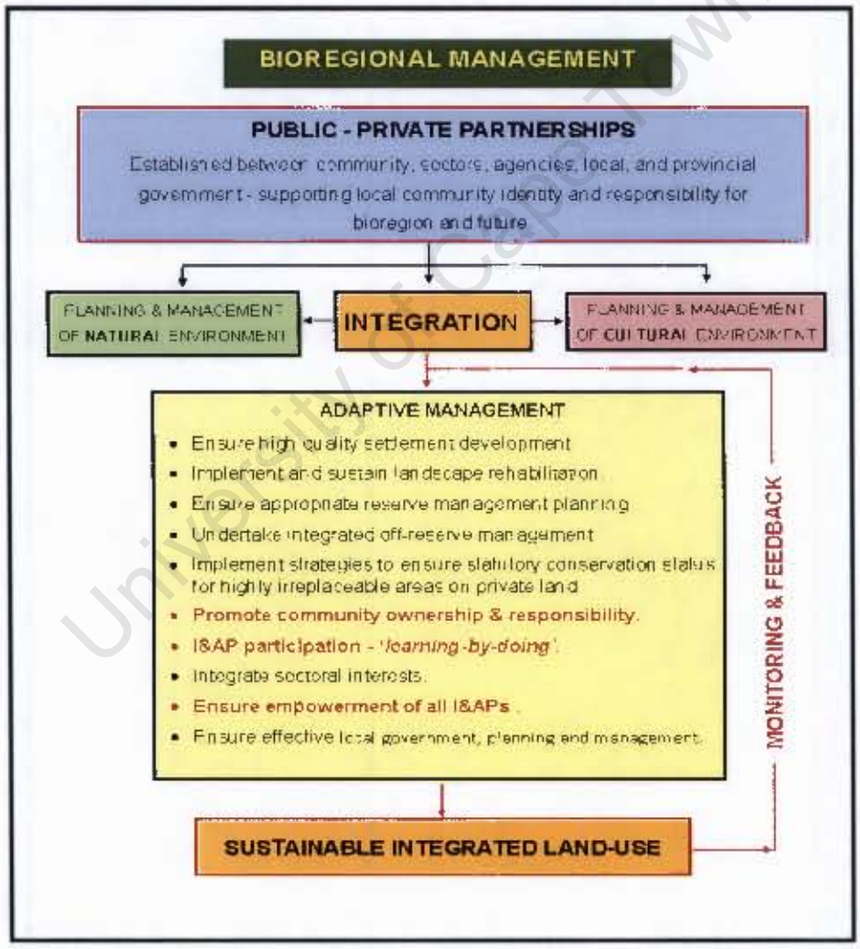
3.4.4 Monitoring and compliance

The integration of values and ethical principles into the planning, design, decision making and management of an area is a process that requires continual monitoring to ensure compliance with these agreed-upon principles. It is recommended that such monitoring be achieved through regular audits, amongst other methods. It is emphasized that the purpose of monitoring is not to obstruct or punish, but to "facilitate co-operation" (PGWC 2003, p.89).

3.4.5 Adaptive management

The bioregional planning approach advocates an adaptive management strategy for bioregional management and promotes public-private partnership between communities, agencies and government, as the institutional arrangement best suited for achieving the intended objectives. Figure 2 below illustrates the centrality of both public-private partnership and adaptive management in bioregional planning, with community ownership and responsibility, stakeholder participation and stakeholder empowerment constituting important elements of adaptive management.

Figure 2: A flow diagram illustrating the feedback loop in adaptive bioregional management (PGWC 2003)



Adaptive management emphasizes the assessment of outcomes based on effective long-term monitoring of management, which provides feedback for guiding adjustments. The ongoing evaluation of performance against policies and goals helps to highlight opportunities for improvement.

In this regard, the PGWC recommends two tools for measuring performance in terms of achieving sustainable development. The first is the "ecological footprint tool" (PGWC 2003, p.126) and the second is the use of environmental indicators – those used for the National State of the Environment Reporting published by DEAT during 2002 (PGWC 2003, p128). Significantly, neither are orientated towards matters of governance, and are not discussed further in this dissertation.

3.5 Bioregional management guidelines

The PGWC supports the notion that planning and management takes place "in the context of an integrative relationship between ecological processes and the needs and perceptions of local communities" (PGWC 2003, p.120). The management of this relationship is referred to in the Global Biodiversity Strategy as bioregional management (WRI 1992).

The bioregional management guidelines provided by the PGWC for the practical implementation of bioregional management attempt to address the three key challenges identified by Miller (1996), namely, to:

- promote, foster and build the capacity to manage complex and integrated programmes and projects in a dynamic context, and to be able to better anticipate and manage planning and development challenges
- develop meaningful stakeholder involvement and participation
- establish strong, co-operative institutional arrangements

How to meet these three challenges is described in more detail below.

3.5.1 Capacity creation

There are three broad guidelines for capacity building. Firstly, identify and assess the skills and capacities of the organizations and individuals through a detailed and systematic evaluation. Any gaps should be filled by establishing a new structure to coordinate existing skills and develop new ones, and by building on existing capacity through networking. Secondly, develop leadership for bioregional

management. This is a task to be undertaken by a well-respected local individual or organisation with leadership capabilities and knowledge of the local communities and its resources. Thirdly, establish a 'backbone of authority' to ensure that minimum goals, standards and criteria are met, in a manner that promotes co-operation and the mobilisation of skills and capacities. The redistribution of power over land and resources is seen as a means to develop authority and responsibility and ensure its distribution between public and private interests, and is achieved through providing incentives, a fair sharing of benefits and placing authority at community level.

3.5.2 Development of meaningful stakeholder participation

Meaningful stakeholder involvement can be achieved through three actions. Firstly, get to know the stakeholders, their concerns, interests and perspectives. Focus initially on a few issues of common interest to a wide set of stakeholders, linking conservation activities with socio-economic development and offering incentives for involvement and commitment to the programmes, such as benefit sharing and compensation for time and expenses. Secondly, ensure stakeholder access to transparent decision-making processes, information that is relevant, and skills development for participation from an early stage. Thirdly, support these efforts with coordinating mechanisms that ensure negotiated commitments are honoured and do not fall prey to changing budgets, and that projects that respond to community needs are implemented speedily.

3.5.3 Establishment of strong, co-operative institutional arrangements

It is important to genuinely involve stakeholders as partners in co-operative management, and not merely placate them with menial work or small gains. Furthermore, strong co-operative institutional arrangements should be put in place to facilitate funding flows, programmes of high quality, creative and innovative research of an interdisciplinary nature, and the introduction and adjustment of innovations and technology in a way that allows communities and institutions to adapt to them.

3.6 Requirements specific to the establishment and management of SMAs

The bioregional planning manual of the PGWC stipulates basic requirements for the establishment and management of SMAs. These requirements refer to the legal framework, environmental management and financial management of an SMA. Although SMAs may be declared on public as well as private land, this section focuses on aspects relevant to the establishment of SMAs on private land.

3.6.1 Legal framework

Two elements formalise an SMA legally. Firstly, the land unit constituting an SMA must be designated by the Surveyor General and registered at the office of the Registrar of Deeds. Secondly, an SMA declared on privately-owned land must be ratified by a contractual agreement between the landowners and the relevant municipality. The contractual agreement is considered to constitute the legal framework of an SMA, one that should determine the obligations of the parties involved.

Where the SMA is required as a condition of approval for land use rezoning or the granting of new or additional land use rights, the contractual agreement must ensure compliance with the statutory conditions of approval. The contractual agreement must also provide for the SMA to be managed in accordance with an appropriate Environmental Management System (EMS) or an Environmental Management Plan (EMP) that conforms to international standards for environmental management, such as SANS or ISO 14001 (Standards South Africa (International Organization for Standardization) 2005).

3.6.2 Environmental management

Where an SMA is declared on private land and the responsibility for the management of the environment and its resources has been assigned to the landowners, the EMS must include the landowners' obligations pertaining to the preparation and execution of all the requirements.

It is a requirement of the PGWC that the EMS must also address six fundamental aspects. Firstly, an environmental policy must be drawn up that works alongside Integrated Development Plan (IDP) policy and attends to local environmental requirements in a way that ensures the commitment of all interested and affected

parties. It must provide a framework for determining and reviewing environmental objectives, and be appropriately documented, implemented, maintained and communicated.

Secondly, the environmental policy must be translated into an SMA working plan that incorporates the identification and evaluation of potential environmental impacts of any planned activities. The plan must take into account any legal and statutory requirements applicable to the relevant environment, and include the environmental objectives of relevant Integrated Development Plans and Spatial Planning Frameworks. It must also detail the establishment and implementation of an effective Environmental Management Plan.

Thirdly, appropriate environmental management standards for implementation and operations must be adhered to. These include:

- defining roles, responsibilities and authorities to facilitate sustainable environmental management
- identifying training needs and awareness and competence limitations
- providing for effective communication channels between all parties
- ensuring effective implementation of all EMS requirements
- providing for effective control over operations
- ensuring appropriate project management and document control
- identifying emergency needs and contingency measures

Fourthly, where an SMA includes private farm land, the SMA must provide a framework for undertaking sustainable agriculture, in accordance with the principles prescribed in the PGWC's bioregional planning manual. This framework should include guidelines to facilitate the relationship between the landowners and farm workers, including tenure arrangements which should be in accordance with the Extension of Security of Tenure Act (1997) and the Province of the Western Cape: Policy for Settlement of Farm Workers (Provincial Gazette No. 5572, 1/9/2000).

Fifthly, monitoring and corrective procedures must be put in place to ensure regulation of operational performance and achievement of objectives. These procedures include those for monitoring impacts of development and management actions on the environment; non-conformance with the Environmental Management System; managing environmental records including the results of audits, evaluations and reviews; and the undertaking of formal environmental audits and submissions to the relevant authority.

Finally, management review of the Environmental Management System must be scheduled at set intervals to ensure appropriateness and effectiveness, whilst also taking into account the results of environmental audits.

3.6.3 Financial management

The owners of land within an SMA are required to establish a trust fund, which must ensure that the necessary financial resources are available for effective long-term management of the SMA. It is suggested that funds may be generated from, for example, a percentage of property sales or a percentage of total revenue of the enterprises operating within the SMA. The management of the SMA and the trust fund must be managed by a constituted organisation such as a Landowners' Association or a Section 21 Company.

3.7 Conclusion

Special Management Areas are a mechanism for the implementation of bioregional planning at the local level and the promotion of sustainable development. The establishment and management of SMAs is governed by the Provincial Government of the Western Cape's Bioregional Planning Framework for the Western Cape (2000) and is extended by the Manual for the Application of Bioregional Planning in the Western Cape (2003).

Although the bioregional planning approach is not yet official policy, municipalities are required to adopt it in the preparation of their IDPs and SDFs. Bioregional planning fully involves local community's acceptance and participation in governing areas of valuable natural resources, in order to properly balance environmental integrity, human well-being and economic efficiency. Through the bioregional planning approach, the PGWC intends to meet international and local obligations for sustainable development.

Principles of the bioregional planning methodology relevant for the establishment of SMAs include the delimitation of smaller planning units, decision making based on shared values, qualitative development through critical regionalism, continual monitoring to ensure compliance, and adaptive management. Of particular concern is the principle of delimitation according to homogenous community grouping. It appears that the PGWC has adopted it from an international version of bioregional planning, and

has overlooked the implications of incorporating such an interpretation of human settlement patterns in South African policy. Locally, apartheid planning and policies have largely determined human settlement patterns. These patterns need to be renegotiated, not reinforced, in order to create appropriate human settlements for long-term sustainability of all communities.

Applicable bioregional management guidelines include measures to build capacity, develop meaningful stakeholder engagement, and establish strong co-operative institutional arrangements. These are emphasised as guidelines only, and that IDPs, SDFs and SDPs are required "to give practical effect to these guidelines in order to facilitate their implementation" (PGWC 2003, p. 123). Reference is also made to the Western Cape Planning & Development Amendment Act (1999) in this regard. However, the researcher could find no evidence in the relevant provincial or municipal IDPs, SDFs or SDPs of a specific strategy for the implementation of SMAs in general, or SMAs to be established on land under private ownership. This could be due to the fact that the bioregional planning approach has not yet been officially declared policy, which would place a legislative responsibility on local governments to comply with this directive. In this case, it would appear that implementation is running ahead of policy.

The bioregional planning manual states the importance of establishing appropriate institutional structures in all municipalities and co-operative arrangements to facilitate the SMA process, as well as providing appropriate internal funding. However, these matters of governance are not elaborated on, nor is it clear how these matters relate to SMAs established on private land. What is covered by the manual in regard to SMAs is the legal framework required for the establishment and management of an SMA, the six fundamental aspects that must be present in an SMA's Environmental Management System, and the financial management requirements.

Finally, the forging of public-private partnerships is also advocated by the Bioregional Planning Framework as a means to address the environmental sustainability challenges, yet there is no reference to guidelines on partnership formation and functioning within the SMA context.

4 CASE STUDY: NUWEJAARS WETLAND SMA

4.1 Selection of case study

The researcher undertook an in-depth study of the NW SMA initiative to investigate the nature of the governance arrangement, and the government-landowner agreement underpinning the initiative. This was done in order to generate a better understanding of how the transitions necessary for achieving sustainability are facilitated by partnership-based governance where the centre of decision-making is outside of the government domain.

The selection of the NW SMA was significant for three reasons: Firstly, this SMA initiative is a working example of 5th level partnership-based governance for local sustainability where the centre of decision-making power has intentionally been shifted from the government to the non-government sector. This makes the formation and functioning of the public-private-community partnership integral to the success of the initiative. Secondly, the NW SMA initiative features many of the contextual complexities that typically challenge the implementation of local level sustainability initiatives. These include: diverse stakeholder interests, a strong for-profit sector, a marginalised community, a poorly capacitated local government, increasing developmental pressure, and a critically-sensitive natural ecosystem on private land zoned for agricultural use. Thirdly, the NW SMA initiative has been promoted by government and government agencies as a potential national model for integrated land use management in South Africa (SANParks 2009b; SMA Company 2007). The initiative is supported by various stakeholders including:

- the Agulhas Biodiversity Initiative (ABI)[4]
- Department of Agriculture (PGWC)[5]
- SANParks

[4] The Agulhas Biodiversity Initiative (ABI) is a UNDP-assisted project with SANParks as the Executing Agency (SANParks 2009a). It has been established to ensure the long term protection of the Agulhas Plain, an area covering about 270 000 ha (SANParks 2009a). The ABI project is funded by the Global Environmental Facility (GEF) and has been mandated to acquire a target number of hectares on the Agulhas Plain under conservation (Allardice 2009).

[5] The Department of Agriculture in the Western Cape is responsible for the management of agricultural resources and the Department has a Memorandum of Cooperation with SANParks for the joint implementation of landscape initiatives within the Western Cape province of South Africa. The Department is a key partner of SANParks for the delivery of the Agulhas Biodiversity Initiative, including for and development of the Nuwejaars Wetland SMA.

- Cape Nature[6]
- South African National Biodiversity Institute (SANBI)[7]
- Development Bank of South Africa (DBSA)[8]

(PGWC 2003)

The case study investigation showed that the NW SMA partnership-based arrangement had all but collapsed. Evidence revealed significant departures from the principles, objectives and directives of the PGWC's bioregional planning approach and those of the project development plan itself. However, the study helped to identify the challenges and opportunities of partnership-based governance and the implications they have for the desired sustainability outcomes. These, together with insights gained from the literature review and the policy study, proved valuable in making recommendations for stronger governance guidelines for SMA initiatives. These are discussed later in Chapters 6 and 7.

The following sections present a brief description of the NW SMA initiative, an outline of the commitments and intentions specified in the NW SMA Development and Management Framework and various other project documentation.

4.2 Description of the Nuwejaars Wetland SMA

The Nuwejaars Wetland Special Management Area consists of 44 000 hectares situated within the Nuwejaars River Wetland System on the Agulhas Plain (SANParks 2009a).

Figure 3 indicates the location of the NW SMA relative to the main centres of the South Western Cape and its proximity to the Agulhas National Park.

[6] Cape Nature is the Western Cape provincial conservation agency responsible for off reserve conservation. SANParks and Cape Nature have various agreements in place and SANParks is busy with a final draft on a tri-party cooperation agreement between SANParks, Cape Nature and the provincial Department of Agriculture to support landuse management on the broader landscape, including the Nuwejaars Wetland SMA initiative.

[7] The SANBI is responsible for the strategic national vegetation priorities planning as well as the implementation of the national Working for Wetlands programme and for this SANParks has a Memorandum of Agreement for the implementation of the wetlands programme, which is critical for the Nuwejaars Wetland SMA and their wetland management programme.

[8] The DBSA made available start-up funds and professional support for the planning and implementation of the Nuwejaars Wetland SMA initiative.

Figure 3: Location of the NW SMA study area (Google Maps)

Of relevance to the governance of the NW SMA, is its location within the Overberg District Municipality, represented by all the shaded areas in Figure 4. The western portion of the SMA falls under the jurisdiction of the Overstrand local authority and the eastern portion of the SMA falls under the jurisdiction of the Agulhas local authority. Dated 2007, this map reflects the SMA as incorporating the land of twenty one landowners, excluding Elim on the north western boundary.

Figure 4: Regional context of the NW SMA (SMA Company 2007)

The Agulhas Plain, within which the NW SMA is situated, forms part of a Cape Floristic Region Biodiversity Hotspot. The area is recognised for its high levels of endemism, high irreplaceability and ecological vulnerability (Cowling et al. 2003; SANParks 2009a). The Agulhas Plain is unique in terms of the diversity of habitat types, red data plant species, local endemics and wide variety of wetlands (freshwater springs, rivers, estuaries, lakes, vleis and pans) that occur within a relatively small area (Cleaver & Brown 2005). The area constitutes one of the largest lowland fynbos and Renosterveld habitats in the world (SMA Company 2007).

The biodiversity value of the NW SMA itself is extraordinarily high. The SMA covers large lowland areas with many wetlands and hundreds of plant and animals species. It is home to nineteen different vegetation types including the endemic Elim Asteraceous Fynbos and large sections of Limestone Fynbos. However, about half of the area has been cultivated and large parts of the remaining natural vegetation have been severely degraded by fragmentation, over utilization for flower harvesting and/or grazing, and invasion by a variety of alien invasive plants that continue to spread all having a massive negative impact on fynbos biodiversity and persistence (Euston-Brown & Wessels 2009).

Contrasting Figure 5 and Figure 6 below illustrates the impact of cultivation and land degradation on the natural vegetation cover of the NW SMA. Euston-Brown & Wessels

(2009) note that there are 100 threatened plants known to occur in the SMA, with only 21% of the Elim Asteraceous Fynbos and 7% of the Renoster Fynbos types remaining.

Figure 5: Original natural vegetation types of the NW SMA (Euston Brown & Wessels 2009)

Figure 6: Natural vegetation remaining (Euston Brown & Wessels 2009)

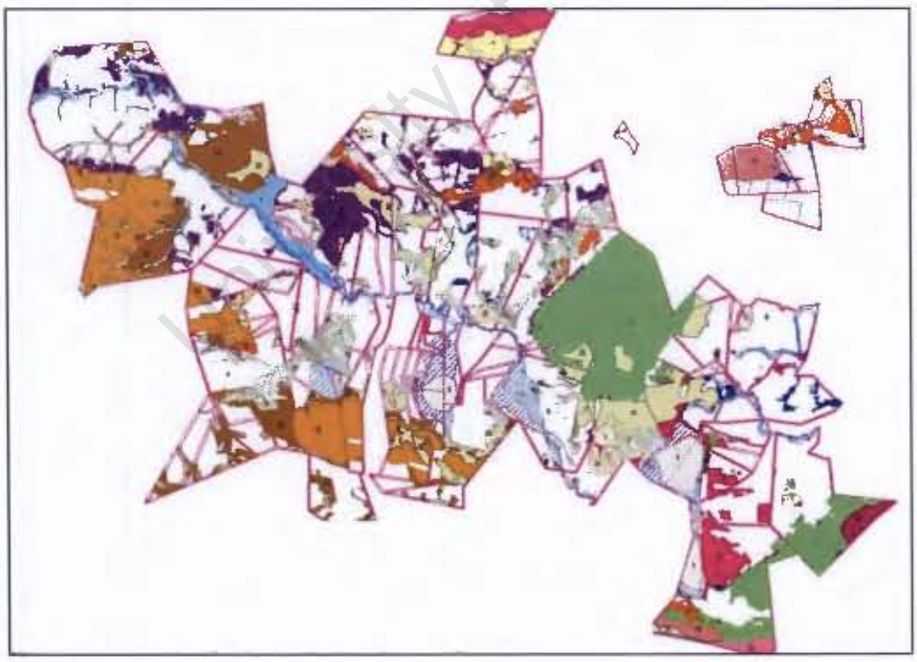


Table 2 below provides a listing of the vegetation types found in the NW SMA. It also indicates the diversity of biophysical features that contribute to the richness of the natural environment. Wetlands cover about 7065 hectares of the NW SMA or about 16% of its total area. Figure 7 shows the extent of wetland coverage in the NW SMA. 24% of the wetlands and Milkwood forest area is under cultivation. These wetlands are regarded as the most important to rehabilitate (Euston-Brown & Wessels 2009).

Table 2: Legend for analysing vegetation types in Figure 5 and Figure 6 (Euston-Brown & Wessels 2009)

Figure 7: Wetland areas of the NW SMA (Euston-Brown & Wessels 2009).

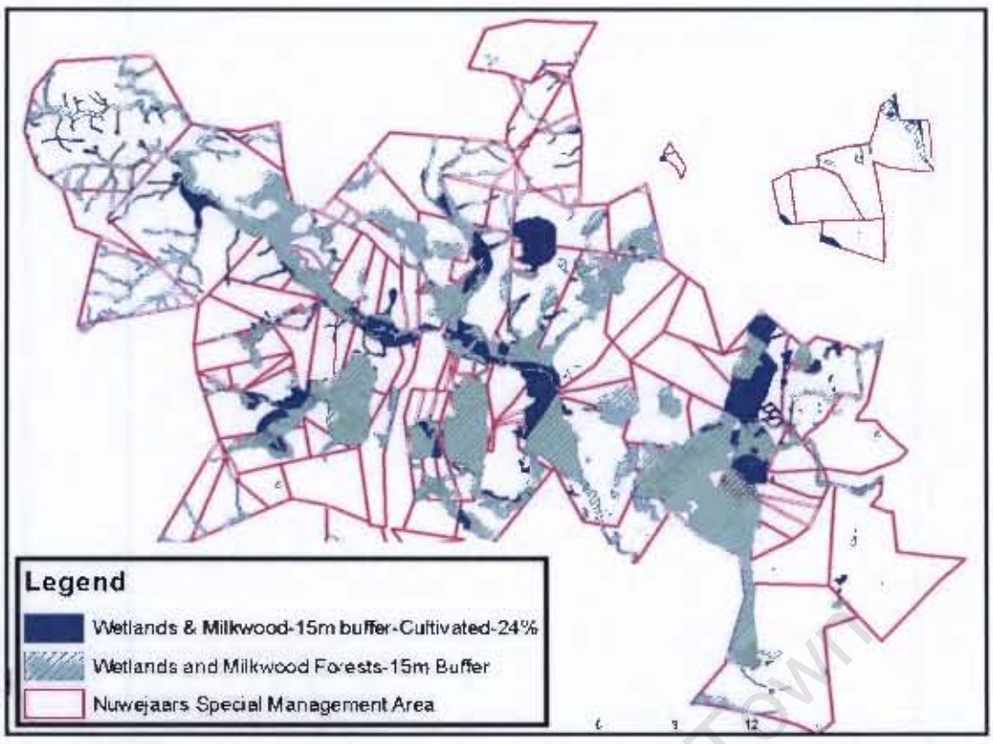


Figure 8 shows a section of the Nuwejaars River Wetland System during the wet season. During the dry season, much of the surface water disappears and the area provides valuable grazing land for livestock.

Figure 8: A section of the Nuwejaars Wetland area during the wet season (Louw 2009)

The Nuwejaars River Wetland System, is under pressure from habitat clearance for production activities, wetland drainage for agriculture, inappropriate agricultural practices, alien plant infestation, inappropriate fire regimes, unsustainable harvesting of wild fynbos and development (SANParks 2009a). It is generally recognised that the long term future of this biodiversity needs to be secured while at the same time maintaining the economic activities in the area, especially farming (Nuwejaars Wetland Landowners Association (NW LOA) 2009).

4.3 Main stakeholders and their interests

4.3.1 The State and the Provincial Government of the Western Cape

The provincial government wished to promote local sustainable development in the area. Establishing the NW SMA to implement their bioregional planning approach was seen as a means to achieve this. In addition to ecological sustainability goals, the SMA was intended to address issues of social justice and poverty alleviation through rural development, land reform, and social development (PGWC 2003).

4.3.2 Conservation agencies

SANParks, as implementer of the State's constitutional obligation to conserve representative examples of the regions biodiversity, recognised the need to rehabilitate and bring under conservation the areas of high biodiversity value within the Nuwejaars Wetland area on privately-owned land (SANParks 2009b). SANParks has limited financial support from government and limited management capacity to play a role on private land, and thus it supports an eco-tourism and biodiversity resource utilisation approach to ensure financial sustainability of such initiatives. Private-sector managed options such as SMAs are therefore appealing.

The Agulhas Biodiversity Initiative (ABI), a UNDP-assisted project with SANParks as the Executing Agency (SANParks 2009a), has been established to ensure the long term protection of the Agulhas Plain, an area covering about 270 000 ha (SANParks 2009a). The ABI project, funded by the Global Environmental Facility (GEF), had already been mandated to acquire a target number of hectares on the Agulhas Plain under conservation (Allardice 2009). ABI was therefore in support of bringing areas within the Nuwejaars Wetland area under conservation.

The priority status, which is to a large degree derived from the extensive studies conducted in the area, has resulted in various National and Provincial conservation authorities engaging with the landowners to secure this biodiversity.

4.3.3 Landowners

The landowners also considered the important biodiversity value of the area as the primary reason for the establishment of a SMA (NW LOA 2008). The landowners recognised that poor environmental management and inappropriate farming methods had significantly impacted the agricultural lands and the ecosystem as a whole. They proposed that the health of the whole system be restored and managed in terms of international best practice to ensure long term sustainability of the environment and resources (SMA Company 2007).

The landowners considered that giving up a portion of their environmentally-sensitive land (zoned for agricultural use) for conservation would be a huge biodiversity offset, in exchange for which they would expect the government to protect their long-term ownership of the land, and ensure the provision of funding support and access to support from state agencies and operations (e.g. Working for Water) (SMA Company 2007). They regarded the retaining of long-term ownership of their land as their core motivation for the initiative. The landowners also sought opportunities to meaningfully increase their current levels of net income. They believed that this could not be achieved through current farming practices, but through diversification of land use and by increasing the economic and environmental value of their lands (SMA Company 2007). The biodiversity of the area was seen as an opportunity to reintroduce and breed wildlife, and market a unique tourism product.

Negotiations resulted in several landowners committing to setting certain portions of their land aside for biodiversity conservation, while still maintaining their economic activities on the other portions, especially farming. The State and the landowners believed that the establishment of an SMA would provide the opportunity to implement the innovative land-use planning and integrated environmental management necessary to ensure rehabilitation, conservation and environmental sustainability, while at the same time allowing the landowners to retain ownership of their land and continue farming. In principle at least, the landowners recognised the fundamental importance of addressing

social aspects, such as poverty and inequality, for achieving a sustainable future (SMA Company 2007).

4.3.4 The Elim community

Elim is a village on the Agulhas Plain with a rich cultural history. It was established in 1824 by German missionaries as a Moravian mission station. The main road of Elim, seen in Figure 9, has been declared a national monument ensuring the preservation of the original dwellings.

Figure 9: A section of Elim's main road showing some of the original dwellings (S Van Breda 2010).

The Elim land, consisting of six farms totalling about 7000 hectares, is still owned by the Moravian Church and the German missionary influence remains strong (Louw 2009).

Figure 10: A view of Elim Village (S Van Breda 2010)

The community of Elim, approximately 2500 to 3000 members, do not own their houses or land, but lease it from the Church (Elim/2). The Elim 'Opsienersraad' (Oversight Committee) provides the basic municipal services to the community.

Fifty to 60% of the population are pensioners, as there are limited opportunities for training and employment and many young people leave to find work elsewhere (Elim/2). In order to reverse this trend, the Elim community desire training and employment opportunities in conservation and eco-tourism, training and support for setting up their own small businesses, sharing in the benefits derived from eco-tourism in the area, and empowerment through participation in the decision making of the SMA.

4.4 Commitments and intentions of the Nuwejaars Wetland SMA

The commitments and intentions of the landowners, in establishing the NW SMA, are described in the NW SMA Development and Management Framework. The details included in this section are extracted mostly from this document and won't be referenced repeatedly. Where other sources are referenced, this will be indicated.

During 2003, eleven landowners came together and resolved, by way of a signed Statement of Intent, to establish a SMA on the combined extent of their properties (Germishuys 2007; SMA Company 2007). Elim was not included at this initial stage. The NW SMA would be established as a sustainability initiative to address the diverse and pressing social, economic and environmental needs and interests in the area.

At this early stage it was understood that the management of the SMA would be achieved through a "public-private-community partnership" (SMA Company 2007, p.1) . A key requirement was that the initiative complied with the relevant provincial and regional planning directives (SMA Company 2007). In 2003, following this resolution, the eleven landowners registered a Section 21 Company, namely the SMA Company, to facilitate the implementation, funding and future management of the intended NW SMA (SMA Company 2007).

In October 2004 a planning consultancy[9] was appointed to assist with the strategic, spatial and economic planning of the SMA. The consultancy would draft a development and management framework that would outline how the SMA would be established and managed. Due to the immense importance of the initiative as a potential national model

[9] Dennis Moss Partnership Inc.

for integrated land use management, the Development Bank of South Africa (DBSA) made available public funds and professional support for the planning and implementation of the SMA initiative (SMA Company 2007). The eleven founding landowners were represented during the planning phase by a Steering Committee consisting of four landowners, a SANParks official also serving as coordinator of the Agulhas Biodiversity Initiative, and a representative from the Development Bank of SA. The initiative was also supported by various other important stakeholders such as the Agulhas Biodiversity Initiative, Department of Agriculture and Cape Nature (SMA Company 2007).

The NW SMA Development and Management Framework was finalised in 2007, and outlines how the initiative should be established and managed. There is a clear undertaking to comply with the development planning principles, objectives, directives and guidelines advocated in the bioregional planning policy of the PGWC (SMA Company 2007).

Implementation of the initiative is to take place through six programmes, briefly summarized and presented in Table 3 below.

Table 3: A brief summary of the intended implementation programmes of the NW SMA initiative (Germishuys 2007).

Program 1: Environment	To include the rehabilitation of the designated core conservation areas and cultural human-made features throughout the SMA.
Program 2: Tourism	To include the education and training of prospective operators and entrepreneurs, facilitation of resource and amenities development, marketing and branding, monitoring of compliance with standards, and general management.
Program 3: Biodiversity Products	To include the purchasing, translocation, breeding, marketing and harvesting of game as a primary economic driver of the SMA and the harvesting of other natural products such as wildflowers, thatch, etc.
Program 4: Human Resources	To include all aspects of the enhancement of the well-being of all inhabitants of the SMA, including education, training, skills development, eradication of poverty and inequality, land reform and BEE.
Program 5: Land Development	To include all development aspects such as fencing, roads and infrastructure, tourist amenities, and ensuring compliance with construction guidelines and standards.
Program 6: Agriculture and Agri-Industry	This program deals primarily with the co-ordination of common activities related to agriculture and agri-industry, the transfer of knowledge, marketing and branding of products, accreditation with ISO 14000 or any other standards organisation, and monitoring and auditing to ensure compliance with the SMA goals.

The following sub-sections highlight commitments from the Development and Management Framework that have relevance for the establishment and governance of the NW SMA initiative.

4.4.1 Commitment to sustainable development

In the framework's vision, mission, aim, goals and objectives, the SMA commits to ensuring the rehabilitation and protection of the Nuwejaars Wetland ecosystem, enhancing the heritage and culture of the sub-region, and generating benefits for all stakeholders. The aim is to create "an optimally developed society in harmony with its environment" (SMA Company 2007, p.108), to build a democratic society, and to eradicate poverty. These are to be achieved by balancing the three sustainability imperatives of economic efficiency, human well-being and environmental integrity in development and land use, through stakeholder participation and co-operative integrated land development.

4.4.2 Commitment to inclusivity, human well-being and socio-economic upliftment

The initiative declares that the core conservation area, buffer areas and connecting corridors will provide an area where the community can pursue livelihoods, "subject to agreed-upon values and ethics" (SMA Company 2007, p.21). Towards improved human well-being, the SMA commits to strategies for equity and justice, social self-determination, cultural diversity, and the satisfying of basic community needs.

In terms of socio-economic upliftment, the primary objective of the SMA Company is to help the community establish small to medium enterprises (SMMEs), supported by mentorship programs, skills training and stewardships, and to support black economic empowerment (BEE). The Core Directives prescribed by the founding members of the NW SMA initiative include the ensuring of long-term ownership of land by the landowners, the meaningful improvement of their current levels of net income, and the adding of environmental and economic value to their land in the NW SMA.

The Human Resources Program, referred to in Table 3, is intended to address economic empowerment of the stakeholders by establishing lasting relationships based on trust, and broadening ownership to include all members of the affected community. It is also intended to promote community participation, inclusivity

and human development, and increase the production capacities of the local community and create opportunities for entrepreneurship and ownership.

Of concern to the researcher was the designation of social development aspects as a separate program, indicating a potential weakness in the commitment to an integrated development approach intended to ensure that social objectives are not dominated by economic objectives. This design weakness could potentially have contributed to the findings described in Chapter 5.

4.4.3 Commitment to participative organisational and management structures

The establishment, implementation and management of the NW SMA is to be undertaken by an overarching governance body, as well as separate management entities for each of the implementation programs briefly summarized in Table 3. The SMA Company will serve as the overarching governance body and the program management entities will be in the form of trusts. The members of the NW SMA, together with relevant conservation agencies and NGOs, will ideally, be responsible for the functions of organization and management, and the SMA Company will serve as principle decision maker.

The organisational structure is intended to allow all stakeholders the opportunity to participate in collective decision making. Management of the conservation areas specifically, will be in terms of "a corporate agreement and partnership approach" (SMA Company 2007, p.56).

4.4.4 Commitment to monitoring and evaluation

The SMA commits to an adaptive management strategy of regularly measuring and evaluating each aspect of the initiative against a set of sustainability measurement indicators, incorporated into the Environmental Management System. These indicators place a strong emphasis on social equity, recognizing that "the long term sustainability of the NW SMA is intimately linked to social justice in the community at large" (SMA Company 2007, p.32). The continual evaluation is intended to identify opportunities for improvement, which can then be acted upon. The NW SMA Development and Management Framework is intended as a "control instrument and reference framework of undertakings against which activities can be measured and audited" (SMA Company 2007, p.4).

5 CASE STUDY FINDINGS

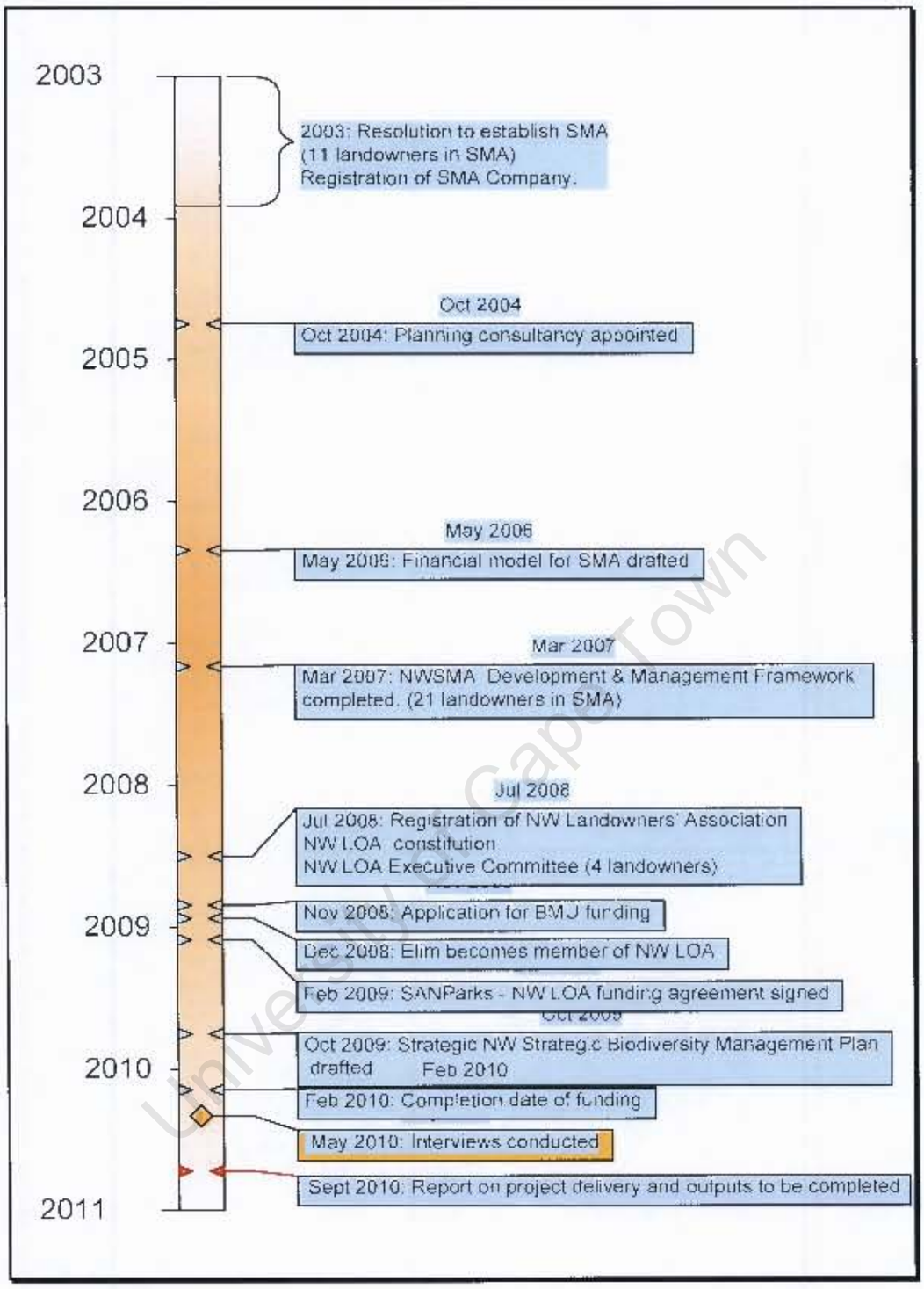
The researcher conducted a document study and personal interviews with various key stakeholders (listed in Section 1.5.3 Table 1) in order to establish the degree to which public-private-community partnership-based governance was implemented in the NW SMA. It was discovered that ecological and economic aspects of sustainability were adequately addressed in the planning phase, and the Statement of Intent indicated that an integrated approach based on public-private-community partnership would be followed. However, genuine participation and collaboration were lacking in the planning process and in the composition and constitution of the governance structures – breaking original commitments described in Section 4.4 above.

The lack of genuine partnership could be discerned in the SMA's:

- initiation phase
- planning process
- delimitation of the SMA
- governance structures
- legal framework
- funding application and agreement
- management plan

These are discussed in the following sections. A timeline showing the sequence of events, from the initiation of the NW SMA to the end of the funding period, is presented for reference purposes in Figure 11 below.

Figure 11: NW SMA planning and implementation timeline (S van Breda 2011)



5.1 Initiation of the Nuwejaars Wetland SMA

An examination of the Development and Management Framework (DMF) of the NW SMA revealed that the initiative was started by a small group of eleven landowners. Their Statement of Intent indicated a commitment to an integrated approach based on a public-private-community partnership. There was however no evidence of a clarification of what was understood by 'public', 'private' and 'community', or who would constitute these partners.

In the case of the NW SMA, the founding principles decided by the landowners and adopted by the initiative (to retain long-term ownership of land, increase net income, and ensure environmental and economic value-add) do not reflect the broader principles of true public-private-community partnership for sustainability outcomes. The initiative was strongly supported by government conservation agencies based on the condition that the SMA gave effect to the relevant provincial and regional planning directives, in particular those of the bioregional planning approach. Despite these conditions, Elim, an obvious community partner, located clearly within the bioregion, was not included at this stage, but only at the time that the funding application was submitted. This reveals a potential problem in terms of the commitment to inclusive planning, governance and management. The inclusion of marginalized communities in a partnership arrangement that has sustainability as its goal, would require a broadening of the range of objectives to beyond conservation and private sector economic interests, to incorporate objectives that serve to reduce socio-economic inequality, such as poverty alleviation and job creation.

5.2 Planning process

During the planning process, the landowners were represented by a Steering Committee consisting of four landowners and two representatives from government agencies. An external planning consultancy was appointed to assist with the strategic, spatial and economic planning of the SMA, and to draft a framework that would outline how the SMA would be established and managed.

The Development and Management Framework document (DMF) closely resembles the bioregional planning framework document of the PGWC in terms of principles and objectives, as well as the land use classification, and spatial planning categories. This is

not surprising as the same planning consultancy[10] wrote both documents. The governance section of the DMF was found to be weak as it lacks crucial information about the formation and functioning of public-private-community partnership as part of the development and management process. It is possible that this was the case because Elim was not yet included, and therefore there was no need to accommodate the notion of a marginalized community as a partner in the development and planning of the NW SMA. The DMF did however recommend that consideration be given to "including Elim in due course" (SMA Company 2007, p.3).

The financial model, drawn up by a different consultant, revealed a similar exclusion. Financial provision was made for the conservation and income generating aspects of the SMA, but did not make financial provision for a partnership arrangement broadly recognized as requiring significant capacity and financial resources.

Thus Elim did not have the opportunity to participate in detailed planning. As a result, the setting of objectives and core directives only reflected the needs and interests of the private sector farmers, conservation agencies, and provincial government.

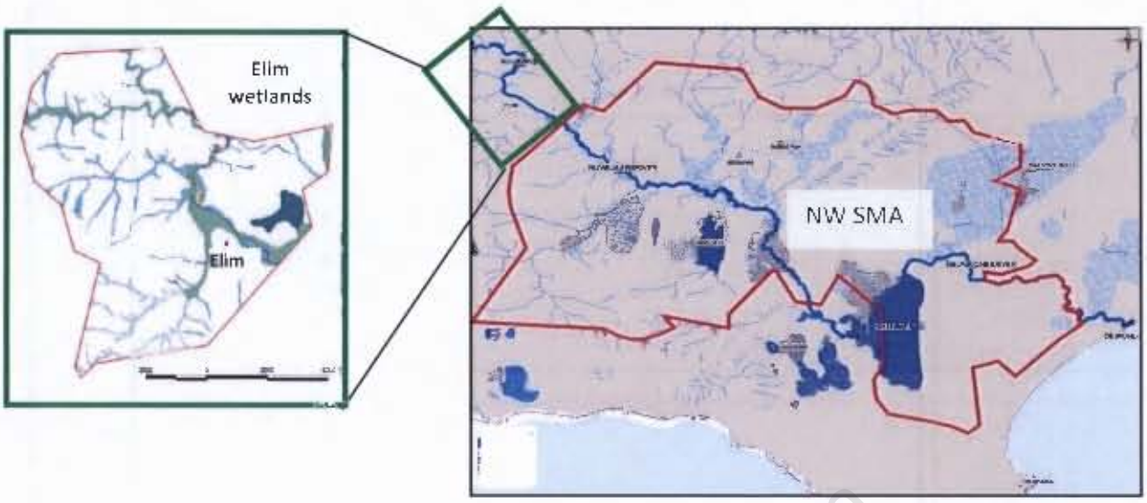
5.3 Delimitation of the SMA

By 2007, the size of the SMA was increased to include the collective properties of twenty one landowners. This is said to have been done in accordance with the bioregional planning policy's biophysical and social criteria (SMA Company 2007), but Elim was still excluded despite it falling clearly within the biophysical boundaries of the Nuwejaars Wetland bioregion and adjacent to the delimited SMA as indicated in

Figure 12 below. The SMA was instead delimited according to the other social criteria based on the common character, cohesiveness and homogeneity of the people living in the SMA, and determined by "unique socio-economic structures" (SMA Company 2007, p.19).

[10] Dennis Moss Partnership Inc.

Figure 12: Location of the Elim wetlands on the Nuwejaars River, adjacent to the NW SMA (Louw 2009).

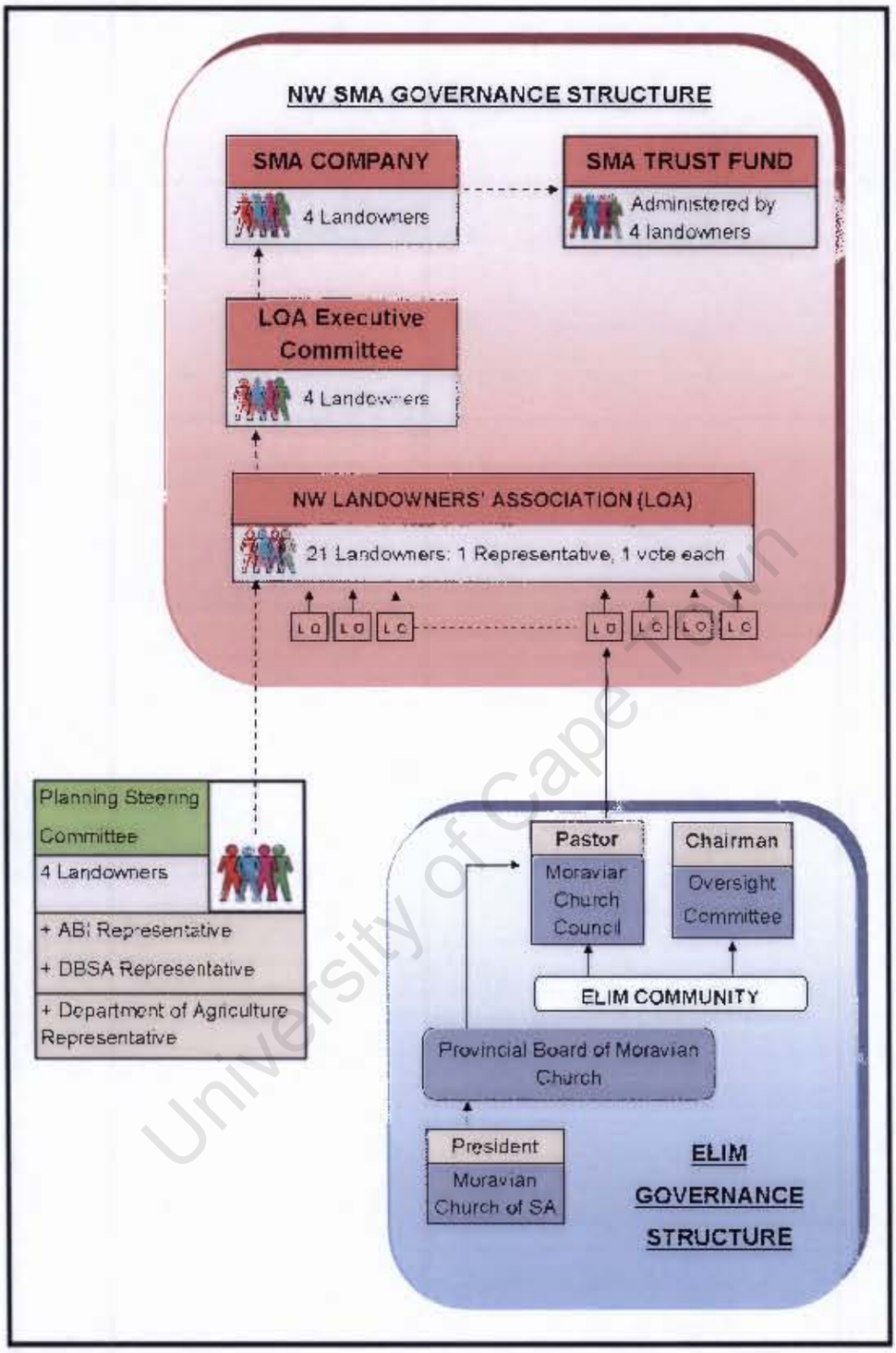


It was discovered during interviews that the farmers did not want to include Elim, due to anticipated difficulties this would present in decision making and the potential it would create for conflict. SP/1 reported that the landowners felt that "to be inclusive creates a lot of extra management issues". This was echoed by SP/2 who indicated that the Elim community was not included in the SMA initially because the "inclusion would be too difficult for the white farmers and they thought that it would be easier to make decisions on their own".

5.4 Governance structures

The Nuwejaars Wetland SMA governance structure is not structured to support a representative public-private-community partnership. As can be seen in Figure 13 and the sections that follow, the governance structure allows for the dominance of four key landowners in decision making. At the time of the study, these four landowners were the same four landowners that constituted the Steering Committee during the planning phase of the initiative.

Figure 13: the Nuwejaars Wetland SMA governance structure (P van Breda 2011)



The Landowners' Association (LOA) is structured on a 'one landowner, one vote' basis. The Elim community is represented on the LOA by the Moravian Church, as a landowner, not as a community with diverse interests and needs, a characteristic that distinguishes it from other individual landowners.

LO/1 and SP/1 reported that the landowners made it clear that the Elim community would not be treated differently to the other landowners, and had insisted that each landowner be allowed only one representative (LO/1; SP/1). The LOA structure therefore dilutes the power of the Elim community, assigning them only one of twenty one votes. This was clearly not acceptable to the Elim community leadership as illustrated by Elim/1's comment that the SMA management "needs to acknowledge that the Elim situation is quite different from the private landowners ... we are a community and we have to see that things benefit the whole of the community" (Elim/1)

The LOA structure also does not accommodate the dual leadership structure of Elim's own governance system, where both the pastor (representing the Moravian Church) and the chairman of the Oversight Committee play leadership roles in the community. LO/1 noted that when the Elim leadership had requested dual representation on the LOA the management of the SMA had again insisted that Elim was not to be treated differently to other landowners. According to SP/1, the management of the SMA had only been prepared to deal with the Elim landowner, the Moravian Church, represented by the pastor. This resulted in the Moravian Church representative (the pastor) and not the community-elected Elim representative, being assigned to represent the community in the Association. This resulted in "massive friction" between the Church and the Elim Oversight Committee, and between the Oversight Committee and the landowners (LO/1).

All powers of the LOA are vested in an elected LOA Executive Committee, composed of four landowners. This Executive Committee also serves as the board of the SMA Company, considered the overarching governing body (SMA Company 2007) responsible for managing the trust fund and making decisions about how the money is spent. According to Elim/2, there is no representation for the Elim community on the SMA Company board. Elim/2 testified that requests for the community's representation on this decision-making committee went unheeded.

5.5 Legal framework

The Constitution of the LOA was intended to serve as the overarching legal framework of the SMA. It is a legally binding document that underpins the governance of such an

initiative. It also reveals (or fails to reveal) the extent to which the terms are binding, what powers are allocated to whom, lines of accountability, the delineation of rights, roles and responsibilities, and outlines the decision-making process.

However, there is no provision in the Constitution of the LOA for the distribution of roles and responsibilities, nor the protection of participatory rights required for partnership-based governance. In fact, there is nothing contained in the constitution that formalises partnership. Furthermore, collaborative decision-making processes are not adequately provided for. The only (and very vague) reference to partnerships or participation is found in a section about annual general meetings and also "special general meetings", which must be called by not less than a quarter of the membership (NW LOA 2008, p.21). This restriction poses a problem for the Elim community that typically stands alone in terms of its concerns and interests. The Constitution is centred on land-use agreements and notarial agreements, ensuring that landowners and their successors become members of the LOA. It is also drafted to honour the core objectives of the founding members, namely, retaining land ownership and increased income generation, and not a broader set of objectives that represent the interests of the Elim community members.

Though the Constitution should determine the governance structure to provide for equitable representation and joint decision making, neither the governing structure nor its legal framework accommodate public-private-community partnership as a new form of governance. Their design is based on the traditional business-as-usual format and does not reflect the innovative or creative approach deemed necessary for sustainability initiates by the Development and Management Framework (SMA Company 2007). There is also no indication of community involvement in their design that could have influenced the objectives adopted, decision-making processes, and the distribution of power.

5.6 Funding application and agreement

SANParks made an application to the German government for funding for the NW SMA (referred to as BMU funding in Figure 11). The landowners were made to understand that this public funding (R20 million at the time) could only be channelled to the private sector landowners if Elim, as a previously-disadvantaged community, was included in the SMA. This is supported by SP/2, who explained that the farmers were warned that "they would not access funding without a black partner." The farmers were thus finally persuaded to include Elim as a member (SP/2).

The funding application submitted by SANParks had already specifically included the Elim community as part of the primary target group and as a beneficiary.

The following extracts from the funding application (SANParks 2008, p.10) illustrate the insertions (in italics) requested to emphasise the inclusion of the Elim community and refer to the distribution of benefits:

- "The primary target group will be ...the local communities (*refer specifically to the previously disadvantaged community of Elim, the historic German mission station in the SMA*)".

- "Any project undertaken as part of the SMA should have meaningful benefits for the affected community as a whole and not only for a selected few. In this regard, specific reference is made to the *(refer specifically to the previously disadvantaged community of Elim, the historic German mission station in the SMA*)".

- "the activities to be funded by the project applied for in this document will effectively be undertaken by historically disadvantaged people".

- "the SMA explicitly supports the establishment of lasting relationships that will improve the general well-being of individuals and communities living in the SMA".

The extracts above also finally make explicit the meaning of 'community' intended by SANParks and the German funders. This is significant in terms of the commitment made in the application to public-private-community partnership.

The Moravian Church signed on as a member of the LOA soon after the funding application was submitted to the German government. On receipt of the funds, SANParks and the LOA signed a funding agreement for R20 million (SANParks 2009a; SANParks 2009b). However, this funding agreement did not make specific reference to the original intentions of the NW SMA, specifically public-private-community partnership, and did not elaborate in any way how this was to be achieved or how benefits would be shared. Instead, it focused primarily on: the signing of notarial agreements with all landowners, binding them and their successors to the LOA Constitution; the development of a management plan; and the submission of an application to the Minister of the Department of Environmental Affairs and Tourism for protected area status.

This demonstrates how the original intentions of the NW SMA, elaborated in the DMF, were all but dropped by the resultant funding agreement between SANParks and the LOA. SP/2 reported that, as one of the co-ordinators of the Agulhas Biodiversity Initiative, he had been mandated to secure private land on the Agulhas Plain for conservation. He was required to facilitate ten agreements between SANParks and landowners in the area, and the establishment of the NW SMA would satisfy this target in one joint agreement (SP/2). The agenda of more powerful stakeholders, the landowners and the conservation agencies, prevailed once again over the needs and interests of the Elim community.

5.7 Management plan

The SMA initiative was to be implemented through six programmes (SMA Company 2007). The management plan was therefore supposed to direct the integrated management of each of the six programmes of the NW SMA. In fact, the plan was drawn up as a Strategic Biodiversity Management Plan, with a strong focus on the biodiversity conservation aspects. In contrast, there is minimal detail provided for the social development programme and the integration of social aspects within the other programmes. Elim/2 felt strongly about this bias, stating that the project was "not just about conservation and game and assets", but about "the day-to-day decisions concerning the economic benefits for the whole area, not just the landowners".

Although it was generally appreciated that an integrated approach was needed in the planning and development of the initiative in order to achieve sustainability outcomes (LO/1; DeptAgri/1), the management plan does not indicate how the required integration of social, economic and environmental aspects is to be implemented with regard to the programmes. In addition, the document refers to a spirit of partnership, inclusivity, agreement and collaboration by all stakeholders, but does not provide any plan for how this should be achieved in practice.

Management plans should be clear about roles and responsibilities as these help to define the nature of the partnership arrangement, but the NW SMA's management plan is sorely lacking in this regard. Both DeptAgri/1 and LO/1 confirmed that "the roles and responsibilities are no clear enough".

The management plan also retains as core directives the securing of long-term ownership of land and the generation of increased income for the farmers, but has not brought forward the broader objectives of social sustainability from the NW SMA

Development and Management Framework, thus departing from the initial vision, mission and goals drawn up in that document. This bias in the management plan can be traced back to a governance and decision-making structure that is not representative of all partners in the partnership.

The management plan also places the responsibility for monitoring the objectives, principles and actions of the SMA in the hands of the LOA Executive Committee members - the same four landowners that constitute the SMA Company, the overarching governing entity of the SMA, and the managers of the SMA Trust Fund who make decisions about how the funds are spent (SMA Company 2007; NW LOA 2008). This centralisation of power in the hands of the same four landowners has not been perceived in a positive light by the less-empowered members of the Elim community. This was illustrated by Elim/1's comment that "Elim is part of the governance structure only as one member of the Landowners' Association" and that "the LOA has vested the powers of management in the hands of four people, the LOA Executive Committee, who run the whole project" (Elim/1).

The high levels of frustration that built up within the Elim community, as a result of all these circumstances, culminated in a demonstration of defiance when members of the Elim community ploughed up highly-valuable, biodiversity-rich land, with full knowledge that such action went against the agreement made by members of the LOA (SP/1). The SMA management responded to this defiant action by suspending all project activities on the Elim land: alien clearing, fire management and wetland rehabilitation. The SMA management also lobbied the Department of Environmental Affairs and Development Planning (DEADP) to lay charges against the culprits. An ultimatum was eventually issued to the chairman of the Elim Oversight Committee demanding that the land be rehabilitated, or he would personally face a R5 million fine (LO/1). This situation was not yet resolved at the time of the interviews. Elim remained excluded from the SMA (ODM/1), both in terms of project activities, and physically in terms of the erecting of high fencing between Elim and the rest of the SMA.

5.8 Conclusion

Overall, the Nuwejaars Wetland SMA was found to be dominated by private sector and conservation agency interests. The local community of Elim was deliberately left out of initial discussions and planning for the establishment of the SMA, and were only brought in much later to leverage funding from the German government and make it possible for the members of the SMA to access public funding.

This exclusion and the lack of representation on both the LOA Executive Committee and the SMA Company, which wields ultimate decision-making power and authority on all matters concerning the SMA, has unsurprisingly led to conflict and placed severe strain on the relationships between the Elim community and other partners.

If this dominance by landowners and conservation agencies is allowed to continue, it is unlikely that the SMA and its positive impact on biodiversity conservation will be sustainable in the long term.

6 DISCUSSION

It was clear from the findings described in Chapter 5 that the Nuwejaars Wetland SMA is failing to achieve the intended overarching goal of sustainability, due to a breakdown in the partnership arrangement.

This breakdown has been fuelled by the:

- exclusion of the Elim community
- dominance of the economic and conservation agenda over the social agenda
- lack of appreciation of interdependence and the need for collaboration between partners
- concentration of power in the hands of a few
- lack of consistency between original intentions and funding agreement
- lack of external monitoring or adaptive management
- lack of facilitation and a formalised conflict resolution process

These seven factors are discussed in more detail below.

6.1 Exclusion of the Elim community

Reed (2008) emphasises the importance of correctly identifying stakeholders. Understanding who is represented by 'community' in a public-private-community partnership is necessary in order to involve those affected by the decisions being made. Correctly defining the community in a sustainability initiative such as a SMA will assist in providing local knowledge for a better understanding of the context of the problems, and generating integrated solutions. Covey and Brown (2001) remind that partners do not have to be equal in power, but they have to recognise each other as able to impose significant costs or provide valuable benefits. In addition, Hauck & Sowman (2001, p.181) point out that "access rights over resources instil a sense of ownership over the resource" and incentivises local community participation.

In the case of the NW SMA, the delimitation process avoided the inclusion of the Elim community despite the fact that it falls within the biophysically determined boundaries of the Nuwejaars Wetland ecosystem. Landowners felt that including Elim would make decision making and management difficult. The term 'community' referred to in the Development and Management Framework was not defined or distinguished to include

'marginalised community'. As Elim was not involved at the time the document was drawn up, it must be assumed that 'community' referred to the farming community and perhaps their farm workers.

The biophysical criteria used in bioregional planning to delimit a bioregion were sidelined in favour of the social criteria. The bioregional planning approach suggests that the delimitation of a bioregion should be based on the "common character, cohesiveness and homogeneity of the people living in the SMA, and determined by unique socio-economic structures" (SMA Company 2007, p 19). These social criteria, drawn from the bioregional planning documentation of the PGWC and adopted from the international bioregional planning approach (Breckwoldt 1996), are problematic in the South African context. Here, the social settlement patterns determined by apartheid development policy require redress not reinforcement, and sustainability requires social and economic integration, not landowner-community segregation. Adherence to these social criteria isolates and further marginalises local communities, leading to the failure of social sustainability objectives.

The value of Elim was eventually recognised by the private landowners because the incorporation of Elim would contribute about 6000 hectares to the SMA (LO/1). Elim was persuaded to become a member very late in the development process, for reasons unrelated to the need for partnership for achieving sustainability. They were included to leverage funding from the German government for the initiative, and also because their inclusion would contribute significantly to meeting the requirements of the Agulhas Biodiversity Initiative to secure private land under conservation. The Elim leadership clearly experienced this as manipulation (Elim/1), the lowest form of participation, according to Arnstein (1969), and the cause of much exasperation and hostility.

The situation was possibly allowed to arise because local government was not sufficiently involved to ensure local community involvement or to monitor the situation. As a result, the Elim community perceive that they have simply been used to access funding for the landowners because they have not benefited from the funding as promised. They are angry, frustrated, and lacking trust in the other partners. They are no longer willing to co-operate, and have even engaged in defiant behaviour that has threatened conservation and sustainability outcomes. In turn, their actions have reinforced private landowners' negative perception of their community and strengthened the position of the private landowners to exclude Elim from further involvement because of the difficulties such involvement causes. The central purpose of the SMA, sustainable development, is at risk of failure due to the exclusion of crucial stakeholders.

6.2 Dominance of the economic and conservation agenda over the social agenda

Witte et al. (2003) and Brechin et al. (2002) recommend joint problem identification and direction setting in order to achieve an equitable representation of diverse interests, both in planning and implementation. This process requires monitoring to ensure representation of the different interests is maintained (Hauck & Sowman 2001). Brechin et al. (2002) note that defining what social justice means in a particular context will require a concerted effort in dialogue and negotiation, and should be inclusive and transparent to ensure fairness and legitimacy.

Rather than identifying problems and objectives through multi-stakeholder engagement, consultants were appointed to draft the NW SMA Development and Management Framework and prepare the financial model prior to the Elim community becoming a member. The funding application was also drawn up prior to Elim's involvement. The Strategic Biodiversity Management Plan was also drafted by a consultant, by which time Elim was a member, but was still not consulted in the drafting process. The management plan was drafted as a Strategic Biodiversity Management Plan with little focus on the intended social development programme or the integration of social aspects within the other programmes. These processes were dominated by a few landowners and government conservation agency representatives. Elim therefore did not have the opportunity to influence how the intentions of the NW SMA Development and Management Framework were to be translated in practice.

The Elim community were concerned about the lack of employment opportunities, poor business skills within the community and the lack of training facilities in Elim (Elim/2). Elim/2 indicated that the community had expected that the SMA initiative would provide employment opportunities, access to training and small business development.

However, the initiative was implemented without formalising the partnership arrangement and without signing a contractual agreement with the local municipality, which was stipulated as a requirement in the bioregional planning manual of the PGWC. Such a contract would have determined the obligations of the parties involved.

As a result, issues of equity, social justice, shared beneficiation and the social and economic empowerment needs of the Elim community have been neglected. The social programme and the integration of social aspects in the other programmes, from which the Elim community should have benefited, were sidelined in favour of the conservation and economic orientated programmes. Public funding had been used for assets such as fencing, trucks, and game animals (SP/2).

6.3 Lack of appreciation of interdependence and the need for collaboration between partners

Vollmer and Program (2009) note that collaboration between partners is necessary to achieve sustainability objectives. This is explained in terms of the "technical complexity and social embeddedness" of sustainability issues (Bouwen & Taillieu 2004, p.137). Collaboration provides the opportunity for social learning as it facilitates appreciation of interdependence and increased understanding, accommodates deliberation, deals with relational aspects, and is able to build trust over time (Gray 2007; Bouwen & Taillieu 2004). Hamann et al. (2011) agree that partners can achieve their objectives more effectively and efficiently through strategic alliances with others rather than by acting independently, and by sharing complementary resources.

In the case of the NW SMA, collaboration was absent from decision making, which was instead unilateral. The setting of objectives and planning the way forward did not involve the broader group of affected players in a collaborative process. The LOA Executive Committee, also serving as the SMA Company, needed to implement the initiative and spend R20 million within a tight timeframe (one year) determined by the funders. However, The Elim community required more time for decision making given their complicated internal governance system (Elim/2). The landowners needed to acknowledge that Elim was a community and in a position different to themselves, and as such had to ensure that the whole community was able to benefit (Elim/1). Unfortunately the private landowners were very focused on their own needs.

There are several reasons that could be given for why so little collaboration and appreciation of the partnership took place. Firstly, the ideas of partnership and collaboration at the local level are relatively new. The partners involved probably did not have the skills or understanding to initiate new approaches, and so they preferred to continue following processes they were familiar with. There was also no capacity building for any of the partners in which they could learn about the benefits of collaboration with different stakeholders, or how to collaborate practically (DeptAgri/1). Secondly, landowners and possibly also conservation agencies did not actively recognise the long-term value of social sustainability, despite explicit references to these principles in the NW SMA Development and Management Framework. Rather, they saw the Elim community's needs as competing interests (DeptAgri/1; LO/1), and as they were unwilling to compromise or make trade-offs, they were not eager to collaborate.

Local government, representing the public interests, was identified as a weak link in the partnership, where perhaps they should have played more of a facilitation role to engage all the partners in jointly addressing the priorities of the initiative (DeptAgri/1). There was no one in the municipality to look after the long term conditions of the

project, and frequent changes in management at local and district level exacerbated difficulties.

The lack of collaboration has resulted in a SMA in which landowners have protected their interests, the community has not benefited as promised, and negative attitudes and behaviour have reinforced already deep divisions between the partners.

6.4 Concentration of power in the hands of a few

Brechin et al. (2002) agree that a strong foundation is needed for socio-political processes, based on the principles of social justice. This will require new democratic governance structures, and a legal framework that defines the distribution of roles and responsibilities and gives authority to protect rights. Brinkerhoff (2002) adds that to avoid domination, partners should together define what mutuality and organisational identity mean to a particular partnership.

There was evidence of a power struggle for the ownership of the NW SMA initiative and the right to determine how it should be managed. The landowners considered themselves to be the initiators of the SMA and, as such, they rejected any claims that it was a SANParks or ABI initiative (LO/1). They apparently saw SANParks, who facilitated the funding for the initiative, as wanting "to force their way of doing things" onto the SMA (LO/1). The landowners are said to have "revolted against" SANParks' ways, declaring that "no way do you tell a farmer what to do and how to do it on his farm, least of all tell him how to do his financial management" (LO/1). The landowners felt that they had to get SANParks to understand that they only sought the "expertise" of SANParks (LO/1). The position of power held by the landowners was illustrated in a simple statement made by DeptAgri/1: "It is a huge challenge to manage this process. It is very risky and it can get nasty, so you have to give the landowners what they want" (DeptAgri/1). The self-assumed authority of the landowners and their "resistance to power redistribution" (Arnstein 1969, p.3) was further illustrated in their response to the Elim community when the landowners were asked to meet with the Elim community in Elim. According to SP/1, the landowners responded that Elim was "not cornerstone", and though they would receive assistance, "if it is going to keep management too busy, they would rather leave the arrangement" (SP/1).

This imbalance in power was formalised through a governance system that gave ultimate authority to four landowners. These four LOA Executive Committee members also serve as the board members of the SMA Company and managers of the trust fund. The SMA Company is the overarching governing body and decides how funds are spent.

Concentrating the decision making powers and associated responsibilities in the hands of the four executive members has, according to LO/1, led to the eminent "burnout" of these individuals because they are carrying too much responsibility on their own.

The government conservation agencies supported the landowners in the planning and management of the SMA, thinking that it was the only way they were going to secure the Nuwejaars Wetland area under conservation. This relationship of reciprocal dependency appears to have reinforced the landowners' position of power, allowing them to determine how the SMA was planned and implemented. The restriction on representation – one landowner, one representative – meant that the Elim community had no genuine chance of being elected onto the LOA Executive Committee, and therefore were denied access to the main decision-making body, the SMA Company.

The ineffectiveness of Elim's representation appears to have been further disrupted by a number of changes in community leadership during 2009 - a critical time in the process. According to Elim/2, both the chairman and vice chairman of the Oversight Committee resigned and a new pastor arrived. The pastor acknowledged that he was not well informed about the SMA and was unable to give it the necessary attention because of his other commitment as spiritual leader to the community. In addition, even within the Elim leadership there seemed to be power struggles between members of the community and the Moravian Church authorities (Elim/2). Such inadequate "political socioeconomic infrastructure and knowledge-base, plus difficulties of organizing a representative and accountable citizen's group in the face of futility, alienation and distrust" demonstrate the typical "roadblocks to achieving genuine levels of participation" by the "have-nots" (Arnstein 1969, p.3).

The imbalance in power between the partners of the SMA occurred because the governance model used for the Landowners' Association was not appropriate, as it was designed for homogenous communities with similar interests who simply required leadership or management. Public-private-community partnerships require a different governance structure that explicitly provides for an equitable balance of power for the partners. No one from the government was involved to make sure that structures were democratic, and the initiative was launched without a contract with the government (SP/1). There was however a Landowners Association constitution in place which, according to SP/2, made provision for the signing of land use agreements and the registering of servitudes. Government conservation agencies were not concerned with issues of community empowerment or representation, perhaps considering it beyond their scope.

Hauck & Sowman (2001) suggest that a capacity-building component be built into a partnership development process to avoid project failure. Elim/1 and DeptAgri/1

indicated that both the community and the farmers needed compulsory training in "process management" and in negotiation skills. The unequal sharing of power was able to continue as there was no capacity building for participation or implementation, apart from a 'participation planning course' run for the Elim community seven years previous to the implementation of the initiative and possibly related to their previously planned inclusion into the Agulhas National Park . Even this course did not inspire much confidence from the Elim community's perspective, as it revealed differences between what the members of the community wanted and what the leaders of the Oversight Committee said was good for the town (DeptAgri/1). Disagreement within the Elim community was clearly interpreted by the other parties as internal conflict and a matter that should be resolved by "getting the right people in and the wrong people out" (DeptAgri/1).

The impact of the imbalance in power has seen the Elim community still largely excluded in terms of decision making, even though they are represented by one member on the Landowners' Association.

6.5 Lack of consistency between original intentions (Development and Management Framework) and funding agreement

Hauck & Sowman (2001) declare that successful partnership requires that all parties must be involved in all aspects of a project. It makes sense to evaluate funding agreements to ensure that the requirements do not deflect, restrict or conflict with the original intentions or objectives of a sustainability initiative.

In the case of the NW SMA, the funding agreement was conditional on a very short time frame of effectively one year (see Figure 11) as compared to what is required for sustainability initiatives in the South African context. As such, the objectives became distorted and condensed into one overriding objective: preparing the necessary documentation for the submission of an application to the Minister for protected area status for the NW SMA.

The lack of consistency between the objectives originally intended and those listed in the funding agreement occurred because the NW SMA initiative was nested within the larger ABI project, through the funding arrangement. The priorities of this parent project overshadowed the priorities of the smaller project. There was also no accountability in that the government did not ensure that there was continuity between the original intentions and the funding deliverables.

The impact of the lack of consistency and significant time pressures has been that relational issues within the partnership were neglected. Management felt that the project was "too much, too quickly and too intense" (LO/1). R26 million rand was spent in ten months, with only four months left over to finish meeting all the funding requirements and report on all the projects (LO/1). In addition, new funds had to be found to sustain the projects.

6.6 Lack of external monitoring or adaptive management

The literature is clear that monitoring of a partnership and its governance is essential, as it serves to inform management and correct weaknesses or failures, and helps the initiative to achieve its objectives (Hauck & Sowman 2001; Witte et al. 2003). Reed (2008) promotes adaptive management which accommodates learning and creates opportunity for change and improvement. This style of management is useful and appropriate where there is complexity and uncertainty. Benner et al. (2004) state that partnerships should be accountable for the partners' behaviour, and the processes that they follow, in addition to accountability for the outcomes of an initiative.

The formation and functioning of the NW SMA partnership arrangement were not actively monitored from the outset. Therefore problems of participation and collaboration were not made explicit or reported in time, and steps were not taken to improve the situation. The performance of management was not monitored against the initial objectives of the initiative from the beginning, so efforts became increasingly focused on economic and conservation objectives. As a result, original goals for social upliftment were left unfulfilled.

The lack of monitoring could be attributed to the fact that systems and procedures for monitoring, evaluation and reporting of both partnership and management performance were not put in place from an early stage. In addition, provisions for monitoring, evaluation and reporting were vague. Both the SMA Company and SANParks were assigned responsibilities for monitoring. The DMF assigned the responsibility for monitoring results and facilitating environmental audits to the SMA Company, with assistance from government conservation agencies (SMA Company 2007). The funding agreement assigned monitoring responsibilities to SANParks (SANParks 2009a). However, there was resistance from SANParks to get involved in monitoring projects on private land, because the law states that they do not serve off-reserve[11] projects. The Game Rangers Association of South Africa was eventually appointed as monitoring

[11] Off-reserve areas are non- statutory conservation areas

agency. Again this appointment illustrates a strong bias towards conservation and economic interests. Interestingly, the PGWC guidelines for bioregional planning and management do not provide guidelines for monitoring, evaluation or reporting.

The impact of inadequate monitoring, and the lack of adaptive management, has been devastating. The partnership with the Elim community has been allowed to collapse, and departures from initial objectives have been allowed to occur, again placing the goal of sustainable development at risk of failure.

6.7 Lack of facilitation and conflict management

Both Gray (2007) and Reed (2008) note that good facilitation is essential for the effective functioning of a partnership, and that this requires strong skills and experience from the facilitator. Conflict between partners does not have to be a negative outcome, as it can serve to enrich understanding of a problem and encourage the finding of more suitable solutions.

Where the NW SMA is concerned, no independent facilitation of the partnership formation or its functioning took place. Although there was some 'facilitation' enacted by SP/1, one of the ABI coordinators, in order to include Elim as a member of the SMA, it cannot be considered independent given that ABI had vested interests in certain outcomes of the initiative, and facilitation on his part may even be considered a conflict of interest. Regardless, conflict was not adequately managed or resolved from the early stages of the process, and dispute resolution procedures provided for in the constitution of the Landowners' Association were not followed. The inappropriate handling of conflict worsened the situation. In response to on-going conflict between the Elim community and the private landowners, the DeptAgri/1 offered the advice that "it is simple - you have to get the wrong people out and bring the right people in" (DeptAgri/1). This suggests that conflict was considered an unnecessary evil, and should be eliminated from the process rather than worked through.

The lack of facilitation and conflict management was due to the lack of specific provision for adequate, formalised and independent facilitation. This was a serious oversight as it is a necessary design element of successful partnership-based initiatives. In addition, there was no partnership development strategy formulated as part of the planning process, nor did the budget and funding agreement provide for the hiring of an independent facilitation service. The guidelines for bioregional planning and management do not provide guidelines for facilitation or conflict management for partnership-based initiatives.

The conflict resolution procedure contained in the LOA constitution allows for one party to invite another party to a meeting to attempt to resolve the conflict. Only if these negotiations fail can the parties refer the dispute to arbitration. This approach is problematic when there are strong power asymmetries because the weaker party is unlikely to initiate a meeting with a stronger party unless there is facilitation. There was not much incentive for the landowners to resolve the conflict because the conflict served to reinforce their motivation for not including the Elim community in the first place – that there would be problems.

The result of the lack of facilitation and conflict management has been poor communication flow and misunderstandings, which were soon translated into high levels of frustration. Negotiations about trade-offs and compromise have broken down, and the relationship between landowners and the Elim community have soured. Elim/2 stated that he eventually withdrew his involvement in the SMA because of "uncertainty about the private landowners involvement in Elim" and because of "unfulfilled promises". Ultimately, the partnership has been eroded to the point where it is unclear how sustainability objectives will be achieved.

6.8 Conclusion

The sustainability objectives of the Nuwejaars Wetland SMA have been jeopardised by a failing partnership arrangement between the private landowners, conservation agencies and the local community of Elim.

The initial exclusion of the Elim community due to fears of 'complicating the situation' and their subsequent marginalization within the governance arrangements of the SMA has set the partnership up for conflict. This has been made worse by the dominance of conservation and economic agendas over the social agenda. This has resulted in a situation where the social upliftment objectives identified in the NW SMA Development and Management Framework have not been integrated into the Strategic Biodiversity Management Plan, thus effectively formalising this dominance.

A short timeframe, lack of skills, and almost no capacity building of the partners has meant that there has been a lack of mutual appreciation of interdependence and the need for collaboration during decision making. The NW SMA partnership has also suffered from an imbalance in power, with the organizational structures weighted in favour of the landowners. The imbalance in the distribution of decision making power and responsibility has resulted in the continued exclusion of the Elim community as well as signs of individual "burnout" by the four executives who have chosen to shoulder all

the responsibility for the SMA (LO/1). The intentions and objectives of the NW SMA have not been consistent throughout, changing form from the NW SMA Development and Management Framework to the funding agreement with SANParks, which has caused the social agenda to slip even further down on the list of the initiative's priorities.

A lack of external monitoring, the outcome of which could have been used for the purposes of adaptive management, can be traced to a lack of specific provision in terms of documentation, and has allowed partnership with the Elim community to collapse. Facilitation and conflict management have been virtually non-existent, with no support from an independent specialist, culminating in some leaving the partnership in despair. The chances of achieving sustainable development outcomes look ever slimmer.

7 RECOMMENDATIONS

Much of the literature on governance for sustainability places strong obligations on local government to ensure that there is a balanced integration of social, economic and environmental interests (Blair & Evans 2004). This research on SMA governance suggests that when there is a shift in the centre of decision making power from local government to a 5th level of governance, these obligations need to be transferred to the new governance structure. This poses significant challenges for horizontal structures and processes such as public-private-community partnerships.

The challenges of partnership-based governance of SMAs can be addressed to some extent through better planning, organization and the appropriate allocation of resources (Buccus et al. 2007). Though the complexity of the sustainability challenge is amplified when the integration of diverse community interests and responses are required, these elements cannot be considered as optional extras.

The following recommendations address the main challenges identified in Chapters 5 and 6, synthesizing the learning and insights gained from the literature review, the bioregional planning policy study, and lessons drawn from the NW SMA case study. They attempt to strengthen, in a practical way, key elements and processes of partnership formation and functioning important in the planning, development, implementation and management of SMAs.

7.1 Be fully inclusive

As can be seen in the case of the NW SMA, not including potential stakeholders from the outset can have damaging consequences for a partnership, and is likely to limit or even derail the achievement of sustainable development objectives. Inclusivity could be improved by using the 'snowballing' approach when identifying stakeholders, by establishing structures, systems and procedures to support multi-stakeholder engagement, and by encouraging joint problem identification.

7.1.1 Use the 'snowballing' approach when identifying stakeholders

The stakeholder base should be as inclusive as practicably possible (Hall 1999). This can be achieved using the 'snowballing' approach, whereby stakeholders

entering the process invite others who they think should be involved. Thus access is secured for all interested and affected parties. Civil society organisations should also be encouraged to participate as they can play a supportive role within local community groups, for example, in providing training for participation (Buccus et al. 2007).

Stakeholder engagement processes tend to undergo natural attrition, as the peripheral interest groups fall away once they feel their interests are being adequately represented or if their interests are not aligned with those of the initiative. A record should be kept of all stakeholders and their level of participation. This should be monitored as some fall out may occur due to factors beyond the control of some stakeholders, which may require some intervention to re-engage these persons.

7.1.2 Establish structures, systems and procedures to support multi-stakeholder engagement

Stakeholder engagement is typically characterised by deliberation, lively debate and even contestation. This should not be seen as something negative, but should be supported by accommodating structures, effective systems and well-communicated procedures. The design of these structures, systems and procedures for engagement should be established in a manner that ensures neutrality and a distributed power base. For some participants it may be the first time that they have participated in such an exercise. The details of who engages, when, where and how are critically important for ensuring a distributed power base.

Structures include forums and work groups, while systems refer to, for instance, communication and information exchange systems, and transport systems. Procedures refer to the steps to be followed when setting up meetings, raising grievances, and culminate in 'rules of engagement' between stakeholders.

Rules of engagement should be discussed, agreed upon and documented before commencing discussions. These rules refer specifically to how participants will conduct themselves during forum sessions. This helps to promote respectful behaviour, creating opportunities for all to speak, and democratising the process (Buccus et al. 2007) – all of which help to maximise inclusivity. The intention of rules of engagement is not to restrict participation, but to provide a foundation of respect on which constructive engagement can take place. The rules of

engagement can also be referenced by any participant or the facilitator at any time, and used to hold others accountable.

Significant attention to detail is required to ensure sustained inclusivity. Important details that should not be overlooked include times and duration of meetings, personal introductions, seating arrangements, name tags, language translation, availability and presentation of information, and the facilitation and recording of meetings.

7.1.3 Understand 'public', 'private' and 'community'

The adaptive bioregional management model of the PGWC advocates public-private partnerships, between government and communities, "as the institutional arrangement for bioregional management" (PGWC 2003, p.125). The bioregional management guidelines also recommend "involving stakeholders as partners" (PGWC 2003, p.120). Given this emphasis on community involvement, it would be reasonable to assume that public-private partnership in this context implies public-private-community partnership. This interpretation was adopted in the planning and development documentation of the NW SMA ((SMA Company 2007). However, it was noted by the researcher that the terms 'stakeholders', 'affected community', 'community at large' and 'local community' are used in the documentation without defining who constitutes these groupings. This is seen as a significantly important omission and one that has potentially contributed to the problematic outcomes discussed in Chapter 6.

The notion of 'community' is contextual and should be negotiated by all stakeholders. Where there is resistance to such partnership, attitudinal change will need to be facilitated. Efforts focused on improving understanding about the nature, form and objectives of a partnership can go a long way to unblocking resistant attitudes (Plummer 2002).

7.1.4 Encourage joint problem identification

Initially, the stakeholder engagement process aims to provide an opportunity for all to express their understanding of the local issues, and the composite sustainability challenges being faced. Stakeholders will generally relate to the problems in terms of how they are affected. These expressions will reveal a great

deal about their interests, needs, concerns and values. This stage should be allocated plenty of time as it sets the landscape on which the development process will proceed.

Competing interests will emerge and should be expected. However, it is not necessary to try to force common ground, but rather to expose the differences and diversity of interests, needs and values. These should all be acknowledged and recorded for consideration during the development process. As a sustainability initiative, the social, economic and ecological interests should all be allocated significant importance.

Interactive, relational activities can also generate better understanding of different viewpoints and help to unblock resistant attitudes. Stakeholders should suggest objectives for the initiative and be encouraged to identify potential opportunities, imagine alternative futures, and envision positive scenarios to address the local sustainability challenges presenting in the area. This should be a creative and innovative process. No contributions should be discarded, however unrealistic they may appear to others. Again, plenty of time should be allowed for this exercise as it may take a while before stakeholders feel confident enough to express their ideas. All contributions should be captured and mapped. Facilitation will be important, and consideration should be given to bringing in extra assistance for the mapping process.

7.2 Give significant attention to social, economic and ecological agendas

Most likely due to its complexity, there is a tendency for the social agenda to be side-lined by more easily 'implementable' economic or ecological agendas. Yet social justice is one of the three equally-important core objectives of a sustainable development initiative, and should not be dominated by the other two agendas. Creative thinking, hard work and perseverance are needed to develop a shared vision for each aspect of sustainability and outline relevant objectives.

7.2.1 Develop a shared vision and objectives for each aspect of sustainability

The purpose of this process is for the parties to generate a deeper and shared understanding of the problems and the most appropriate way to address them

within the context of bioregional planning and management. Facilitation remains important during this process. Social, economic and ecological aspects to the problems identified must be equally considered, and a refined understanding of the problems should be mapped or documented in some way so that it can be referenced later.

Contributions from local, social, technical and scientific knowledge bases are important. Specialists will need to be involved during this phase to provide expert information, knowledge and advice. This phase marks the beginning of the formal planning and development stage of such initiatives. It should only commence once all parties feel adequately informed and prepared to proceed. The members of the partnership, together with the specialists, can then begin a process of identifying and analysing the local composite problems, taking into consideration the various interpretations, interests and concerns expressed during the broad stakeholder engagement process.

The parties should come together to develop a shared vision, goals and objectives to address the problems identified and to promote social, economic and ecological sustainability. This exercise can serve as an important catalytic process as parties see their interests and concerns being incorporated in the formulation of the solutions. It is important that the goals and objectives are aligned with those of the bioregional planning approach. They should include social, economic, financial, physical, political and institutional objectives that address public, private and local community interests. Priorities should be agreed in consultation with partnership members. The requirements of existing or potential funding arrangements should also be taken into consideration, providing they do not conflict with or detract from the broad intentions of the SMA initiative.

7.2.2 Negotiate representation of diverse interests on SMA governing body

Representation across the public, private and community sectors is important, however, it should not be assumed that these sectors are homogenous (Arnstein 1969). Ways will need to be found to ensure that the diversity of interests within and across these groupings is represented within the governance structure. In practice, it is not feasible to accommodate representatives of all interest groups within the formal governance structure. However, through clustering of interest groups and electing representatives from each, acceptable representation can be achieved that also ensures a balance in public, private and community

representation. The clustering and election of representatives, through a formal election process, should be facilitated as a participatory and interactive process. 'Interest mappings' generated during the earlier stakeholder engagement stage may be useful to the clustering exercise.

Representatives should, together with the interest groups they represent, draft a manifesto indicating the interests to be represented, promoted and protected in the process going forward. In this way, representatives can be held accountable by their constituencies and restrained from pursuing personal interests. Representatives will need to maintain ongoing communication and engagement with their constituencies throughout future decision making processes, providing feedback and receiving input to take back into the processes.

7.2.3 Explicitly integrate social aspects in the strategic development and management plans

A lack of clarity and detail as to how to achieve social sustainability objectives was one of the main reasons for poor integration in the NW SMA.

The strategic development plans and management programmes should include details of:

- underlying socially-relevant principles and objectives (which should be consistent with the broader principles and objectives of an SMA)
- roles, responsibilities and relationships
- composition of operational/organisational structures and systems
- capability and capacity requirements
- relevant legal requirements
- financial requirements and budgets
- risk assessments and safeguards
- how members of the SMA will be involved (reflecting a participatory collaborative approach)
- how social, economic and environmental aspects will be integrated
- management plans including targets, incentives, trade-offs, and distribution of benefits
- monitoring, assessment, evaluation, reporting and review procedures
- auditing procedures

7.2.4 Ensure funding applications and agreements align with social sustainability objectives

Funding agreements are legally binding. Once signed, they set the direction for the project, irrespective of what the planned intentions were. It cannot be assumed that private or public sector partners will voluntarily promote the social sustainability objectives when drafting funding agreements, as evidenced in the case of the NW SMA. The best way to ensure that the social sustainability objectives are adequately specified is to allow all partners to participate in the drafting of these documents, or as a minimum to allow them to vet the documents before they are submitted or signed. This may require facilitation in cases where partners are not familiar with legal documents.

7.3 Strengthen appraisal and collaboration between partners

Collaboration between partners is essential if diverse sustainable development objectives are to be achieved. Besides simply encouraging participation in discussion groups, collaboration can be strengthened by generating a common understanding of what a partnership is, explicitly committing to inclusivity, participation and collaboration in the partnership agreement, establishing structures to support partnership functioning, and ensuring that sufficient funding is available to support the collaboration process.

7.3.1 Ensure common understanding of 'partnership' and 'collaboration'

Partnership and collaboration are both complex and dynamic processes that are mutually reinforcing. Collaborative partnership is stronger than partnership without collaboration, or collaboration without partnership. An understanding of collaborative partnership and its potential benefits and challenges are best gained through experience. For this reason, it is best to introduce the practice during the early stages of a development process, through relational activities, so that parties learn how to make space for each other, accommodate trade-offs, build trust and experience the benefits of social learning. The formal strategic planning process, implementation and management will build on this foundation.

7.3.2 Explicitly include commitment to inclusivity, participation and collaboration

The commitment to inclusivity, participation and collaboration should be formally captured and detailed in a Memorandum of Understanding (MOU), to be signed by all the partners. This first written agreement serves to give direction to the process going forward as it clarifies and formalises the commitment of the parties and the overarching purposes of the initiative. It also provides a point of reference for the monitoring of both partnership performance and the development process.

7.3.3 Establish structures, systems and procedures to support partnership functioning

Structures, systems and procedures to support partnership functioning should be established. However, care should be taken to allow for some flexibility as rigid structures, systems and procedures may hamper spontaneity, creativity, innovation and the emergence of unplanned ideas and actions that could contribute to the solving of complex sustainability problems.

A partnership operating base (Buccus et al. 2007) should be established to accommodate the collaborative activities of the partnership, its support organizations and services (agencies providing the facilitation, monitoring, auditing, capacity building services), and any enabling support networks (government or quasi-government institutions and non-government organisations). Careful consideration should be given to matters of location and accessibility so as to ensure that no parties to the partnership are prejudiced in any way. The base should provide an administration and information and resource management facility and a neutral work space for groups to meet, discuss, debate and collaborate.

Systems and procedures for administration, document management, communication, financial management and auditing, monitoring and evaluation should be put in place to ensure transparent, accountable and effective functioning. Systems and procedures should be documented were appropriate and made available to all parties, and in so doing, ensuring accountability.

7.3.4 Ensure funding applications and agreements accommodate partnership processes

Collaborative partnerships are time- and resource-intensive processes that have financial implications for a project. Funding applications and agreements should include budget lines to provide for the financing of the structures and support services required to sustain the functioning of the governance partnership. Also, the budget should provide for the continuation of the participatory, collaborative and transdisciplinary approach adopted during the foundation and direction setting phases, into the implementation and management phase of the initiative.

In addition, funding timeframes should allow for democratic processes and the development of a strong partnership foundation before implementation begins.

7.4 Ensure equal balance of power

Partners are likely to differ in terms of experience, financial status, and organisational size. This can lead to some partners exerting greater influence on proceedings than others, resulting in an imbalance of power. This was found in the NW SMA, where the landowners held the bulk of the power, and Elim community interests were side-lined. A fair distribution of power is necessary to enable "the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future" (Arnstein 1969, p.2). A more equal balance in power between partners can be promoted by formalising fair representation in the constitution and organisational arrangements, and by building capacity for participation and collaboration.

7.4.1 Formalise fair representation in the constitution

New forms of governance require new structures and legal frameworks. The dynamic and decentralized nature of multi-party partnership arrangements present a significant challenge in terms of formalising legally the representation, rights, roles and responsibilities of the parties, and relationships and lines of accountability between them. This research did not generate any recommendations that address this key challenge, however, it is identified as a matter requiring further research.

7.4.2 Build capacity for participation and collaboration

Multi-party, collaborative decision-making processes are relatively new and require the application of new skills and understanding "through a substantial learning programme" (Evans et al. 2005, p.30). Members of the partnership, those involved as representatives in the governance partnership and their constituencies, should all be empowered to participate at some level of the collaborative development process. They will require skills, resources, access to meaningful information and human capacity to participate.

Capacity building should not be regarded as an optional extra, but should be integrated throughout the life cycle of the initiative. Capacity building is an important investment in the development process because participants recognise that they are of value to the process and this translates into their cooperation and support. Appropriate skills training, education and capacity building programmes should be designed, targeting the needs of the various parties. Capacity building should not be seen as a need of local 'poor' or marginalised communities only; all parties, including government and the private sector, will need to acquire new skills and understanding to participate constructively (Egan 2004 in O'Riordan 2004).

Capacity-building plans should include a budget indicating the financial resources that will be required to support the staffing, training and effective operation of the capacity-building programmes and to support those who will require financial assistance to participate (Buccus et al. 2007). It is an aspect of the project that may need to be managed by a specialist, at least during the initial stages. Information sharing, awareness raising and skills training are important aspects of any development process, and the long-term benefits of such investment for the initiative should not be underestimated.

7.5 Ensure external monitoring and adaptive management

The governance partnership needs to ensure that the programmes remain loyal to the vision, goals and all the objectives of the SMA initiative, through independent or participatory monitoring and evaluation. Although each programme may be internally managed, those involved with the management of programmes should report to and be accountable to the governance partnership. Independent monitoring should assess

performance in terms of all the objectives, allocating equal emphasis to the three dimensions of sustainability in the feedback report. Participatory monitoring should allow each interest group to assess how effectively their interests and concerns have been met in relation to others.

7.6 Formalise procedure for conflict management

The lack of a formal procedure for conflict management has made it extremely difficult for the partners of the NW SMA to resolve the tensions that have arisen from poor communication, and work collaboratively in achieving sustainable development objectives. It is thus recommended that SMA guidelines should very clearly outline the conflict management process to ensure stable partnership-based governance. Engaging the services of an independent facilitator, and agreeing on a process at the start of the initiative could assist in better conflict management.

7.6.1 Engage services of independent facilitator

The complex dynamics of multi-party engagement processes and the skills required to support them should not be underestimated. For this reason, any independent facilitators appointed should have experience in working in multi-party engagement processes that are inclusive, participatory and collaborative in nature. The success of the initiative will rest largely on their ability to guide the development process and nurture trust between parties. Care should be taken that the independence and integrity of the specialists appointed is of a high level in order to gain and maintain the trust and respect of all participants.

7.6.2 Agree up front on process for conflict management

There may be a history of conflict between parties, a lack of trust and other relational issues that can undermine the functioning of the partnership. It needs to be understood by all parties that the different interests and matters of concern will continually be addressed during the development process. Sustainability initiatives are by definition exploratory because of their complex and uncertain nature, and they typically give rise to emerging issues that have not been anticipated. Any decision making will need to consider the interests and concerns of all parties as they emerge.

8 CONCLUSION

In attempting to address the challenges of environmental sustainability on privately-owned land, the Provincial Government of the Western Cape made provision, in their bioregional planning policy, for the establishment of Special Management Areas (SMAs). SMAs shift the responsibility of managing natural resources in a sustainable manner to the private landowners. This is in line with the decentralisation principles of South Africa's Local Agenda 21. Management takes place through the formation and functioning of a partnership between public, private and community stakeholders as a means to protect the diverse interests of those affected.

The principles and directives for governing these sustainability initiatives are clearly documented in relevant policy and legislation. However, practical integration through the vehicle of partnerships has been weak in the case of the Nuwejaars Wetland SMA, and is jeopardising the achievement of sustainability objectives and ultimately the success of the SMA. This is of concern as the NW SMA is being held up as a potential national model for replication elsewhere in South Africa. This dissertation has thus focused on establishing why these weaknesses exist, and how partnership-based governance could be improved for SMAs in the South African context.

The researcher investigated the case of the Nuwejaars Wetland SMA situated on the Agulhas Plain in the Western Cape, and found that the partnership arrangement was failing, to the detriment of social and ecological sustainability goals. Through interviews with key stakeholders and a study of the project documentation, it was found that despite commitments to the contrary, the local community of Elim have been repeatedly excluded from significant decision making and have not received the benefits promised by the SMA. The economic and conservation agendas of more powerful stakeholders have prevailed over social sustainability objectives, and the balance of power was heavily tilted in favour of the landowners, and formalised in the governance structure and legal framework. A lack of facilitation, monitoring and conflict management meant that there was little if any collaboration between partners, which resulted in severely damaged relationships and even damage to ecologically-sensitive land.

Recommendations for the improvement of partnership-based governance addressed these problems in a practical way, using principles gleaned from the literature review. Increasing inclusivity could be achieved by using the 'snowballing' approach when identifying stakeholders, establishing structures and systems to support multi-stakeholder engagement, improving the understanding of a public-private-community partnership, and encouraging joint problem identification. The dominance of the conservation or economic agenda over the social agenda could be avoided by developing a shared vision and objectives for each aspect of sustainability, negotiating

for the representation of diverse interests on the SMA governing body, explicitly integrating social aspects into the strategic development and management plans, and ensuring all funding applications and agreements align with social sustainability objectives. Collaboration between partners could be strengthened by ensuring a common understanding of 'partnership' and 'collaboration', explicitly including a commitment to collaboration in a Memorandum of Understanding, establishing structures and procedures to support partnership functioning, and ensuring the partnership process is accommodated in the budget of the initiative. Formalising fair representation in the constitution and in organisational structures would help to ensure a more equal power balance, as would the building of capacity for participation. Monitoring should be independent or participatory in order to effectively implement adaptive management. Finally, formalising a procedure for conflict management could be improved by engaging the services of an independent facilitator, and agreeing beforehand on the process to be followed.

These recommendations are intended to strengthen the partnership-related guidelines for SMAs. Only when the social, ecological and economic objectives are pursued with equal vigour by each of the public, private and community partners in a collaborative manner, can such initiatives contribute to achieving the 'just transitions' (Swilling & Annecke 2012) to sustainability required in the South African context.

Appendix A: Policy and legislative documentation accessed for the study on bioregional planning and SMAs

Provincial Government of the Western Cape (PGWC): Department of Planning, Local Government and Housing (DPLGH), 2000. *Bioregional Planning Framework for the Western Cape Province*. DPLGH, Cape Town.

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RSA: Department of Environmental Affairs (DEA), 2010. *Draft Policy on Buffer Zones for National Parks.* DEA, Pretoria.

Appendix B: The Nuwejaars Wetland Special Management Area internal documentation accessed for the project document study

Source/author	Document	Date	Brief overview
Dennis Moss Partnership Inc.	Manual for the application of Bioregional Planning in the Western Cape Province.	2003	Prepared for DEADP, PGWC.
Urban Econ Development Economists	Nuwejaars SMA Financial Model	May 2006	Drawn up together with Dennis Moss Partnership and in consultation with the 12 farmers involved at the time.
Dennis Moss Partnership Inc.	NW SMA Development and Management Framework	March 2007	Prepared for the SMA Company.
H. Germishuys	Publication: "Nuwejaars Wetland Ecosystem"	2007	Published in Agriprobe, 4(3), 9–12.
SANParks	Funding Application	August 2008	Submitted to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), Berlin, for the granting of a contribution to project funding for the "Protection of the wetland in the Cape Floristic Region". Submitted by SANParks through the UNDP.
Louis Smith of Marais Muller Jekiso Attorneys	Constitution of the NW Landowners Association (LOA)	July 2008	NW LOA Registered July 2008. Constitution signed by the NW LOA chairperson November 2008.
Louis Smith of Marais Muller Jekiso Attorneys	Progress Report: NW SMA legal process to date	December 2008	Report sent to Nik Sekhran, UNDP Regional Technical Advisor, as a reporting requirement of the funding awarded.
SANParks	SANParks – NW LOA Funding Agreement	February 2009	Signed by M.D. Mabunda (CEO of SANParks) and D. Human (Chairperson of the NW LOA)

SANParks	Media release: "Project on the Agulhas Plain receives international funds".	February 2009	A SANParks media release communicating that international funds, of 2 Million Euros (R20 Million at the time), have been channelled to the NW SMA initiative and that the funds will be managed by the SMA Company.
R. Allardice	A Power point presentation: "The establishment of a protected environment on the Agulhas Plain".	September 2009	A Power point presentation providing valuable information on the drivers and objectives of the NW SMA initiative, the funding support from the German Government, Agulhas Biodiversity Initiative, and the WWF through the Table Mountain Fund.
W. Louw	Publication: "Nuwejaars Wetland Special Management Area (SMA): Connecting communities and conservation agencies".	May 2009	Published in proceedings C.A.P.E. Partners' Conference, Cape Town, 13 May 2009.
R. Allardice	Publication: "The Nuwejaars River Nature Reserve: A privately owned Special Management Area".	August 2009	Published in proceedings Fynbos Forum: Working together for a living landscape, a conference held in Bredasdorp, Western Cape Province, 4-7 August.
T. Carinus	Publication: "Together for a sustainable future".	August 2009	Published in proceedings Fynbos Forum: Working together for a living landscape, a conference held in Bredasdorp, Western Cape Province, 4-7 August.
Richard Davies	Nuwejaars SMA Strategic Biodiversity Management Plan	October 2009	This plan draws significantly from the NW SMA Development and Management Framework above.

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