

## CLEARING A PATH TOWARDS EFFECTIVE ALIEN INVASIVE CONTROL: THE LEGAL CONUNDRUM

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### Summary

Alien invasive plants pose significant ecological, social and economic challenges for South Africa. These species threaten South Africa's rich biodiversity, deplete our scarce water resources, reduce the agricultural potential of land, cause soil erosion and intensify flooding and fires. According to recent estimations, over eight percent of land in South Africa has been invaded by these species and at current rates of expansion their impact could double in the next fifteen years.

In an attempt to curb the impending crises, the South African government has promulgated eleven national and various provincial laws which contain mechanisms for regulating the different threats posed by alien invasive plants. Certain of these laws are framework in nature while the majority are sectoral and aimed at regulating these species for one of the following four main purposes: biodiversity conservation; water conservation; agricultural management; and fire risk management. The responsibility for administering these laws spans four national departments, nine provincial environmental authorities, provincial conservation authorities, numerous local and statutory authorities. This fragmented regime, coupled with the adoption of a command and control approach to regulation, has proven inept in effectively regulating the spread of alien invasive plants in South Africa. This reality led the previous Minister of Environmental Affairs and Tourism, Mr Valli Moosa, to call for the development of a "coherent legislative framework ... streamlined along the lines of the principles endorsed by the Convention on Biological Diversity".

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This article critically analyses the government's attempts to develop such a "coherent legislative framework" to regulate alien invasive plants in light of recent legislative reform. It is divided into two parts. Part one critically considers South Africa's current laws of relevance to alien invasive plants with specific emphasis on their fragmented approach to planning and implementation. Part two provides suggestions on how the current legislative framework can be rationalised to entrench a more integrated, and hopefully successful, approach to the future regulation of alien invasive plants in South Africa.