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The Director-General
Department of Forestry, Fisheries, and the Environment
Attention: Ms. Tsepang Makholela

Email: whitepaper@dfre.gov.za

CONSULTATION ON THE DRAFT WHITE PAPER ON CONSERVATION AND SUSTAINABLE USE OF SOUTH AFRICA'S BIODIVERSITY, 2022 (GG No 46687)

Dear Ms Makholela,

Please convey to the Minister our sincere appreciation for the opportunity to comment on the draft white paper.

Predation Management South Africa (PMSA) is a national entity representative of the National Woolgrowers' Association of SA (NWGA), South African Mohair Growers' Association (SAMGA), Red Meat Producers' Organisation (RPO), and Wildlife Ranching SA (WRSA). Associate members include the Livestock Welfare Coordinating Committee (LWCC) and SA Hunters & Game Conservation Association (SAHGCA). In the interest of sustainability, these organizations strive to coordinate efforts that seek to address current issues around predation on livestock and wildlife, through the PMSA. The socio-economic impact of predation is considered a priority threat to these commodities, which all contribute substantially to the rural economy of South Africa. PMSA further serves as a collaboration platform for the nine provincial predation management forums (PMF's).

PMSA's comments are provided below in the spirit of developing and enhancing sustainable rural economies, supported by an anthropocentric ('People First') government that provides an enabling and progressive legislative environment within which rural communities may prosper. Western conservation ideals (mostly bio-centric/preservationist) should never supersede the basic rights of our rural communities:

The Draft White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity, paragraph 5 policy issue identification, place sole emphasis on section 24 of the Constitution of the Republic of South Africa, 1996 (Constitution), which is concerned with the fundamental right in the constitution. Generally, fundamental rights are divided into three different generations or categories. First-generation or 'blue' rights are civil or political rights of individuals, including, for example, the right to equality and the right to life. In most instances, the State is required to refrain from infringing these rights. Second-generation or 'red' rights are socio-economic rights which place a positive duty on the State to realise their substantive content. These rights may, for example, include the right to access food, education, and housing. Third-generation or 'green' or group rights typically have environmental rights. Section 24 is unique in that it contains aspects of each of the three classifications containing a traditional human right and a socio-economic right (Kotzé 2007).

If the draft white paper is merely adopted with the current environmental bias such as the objective to "create large, contiguous connected terrestrial conservation landscapes that enhance naturalness and wildness", it may also interfere with the property clause, section 25 of the constitution. Section 25 specifically prohibits interferences with vested property rights (Brits 2021). It can also be argued that with the powers of government to purchase land as an environmental protection tool, authorities may be abused (Bolton 2008).

Nevertheless, the policy is salient to the content of section 39 of the constitution, which requires "[w]hen interpreting any legislation, and when developing the common law or customary law, a forum must promote the spirit, purport and objects of the Bill of Rights" (Bill). Section 39 imposes a peremptory duty, and interpreters of statutes must understand the phrase in question and the importance of its constituent elements.

With this introduction, it is the submission of PMSA that the spirit of the constitution is not embedded in the proposed draft white paper. The draft paper has the sole purpose of conservation, neglecting the fundamental rights of commercial agriculture, a second-generation right, and having draconian results on food security and the agricultural economy, which can be regarded as second-generation rights.

Furthermore, the draft regulations do not entertain other fundamentally important and relevant legislation affecting biosecurity which is, amongst others, the following:

- The Game Theft Act 105 of 1991.
- The Fencing Act 13 of 1963.
- The Stock Theft Act 57 of 1959.
- Animal Disease Act 35 of 1984.
- National Parks Act, 57 of 1976.
- The National Roads Act 7 of 1998.

Biosecurity is paramount, and must never be sacrificed or compromised in the name of “conservation”:

Fences represent an essential structure that mediates the biological exchange between the “natural” and “human-modified” domains (Du Plessis, 2013). Today, fencing in southern Africa has been primarily applied for the purposes of private ownership and/or disease control. The human-wildlife conflict threats posed to conservation goals are relegated more to secondary management functions (Ferguson, 2012). This is evident on the western boundary fence of Kruger National Park, which is demarcated as a fence designed to contain foot-and-mouth and other notifiable diseases within the park. Biosecurity risks are inherently higher in transfrontier/larger “public protected” areas where conservation and policing have insufficient resources and limited jurisdiction. It is estimated that foot-and-mouth disease cost South Africa R700-million in 2019 (MG, 2022), and the current situation is significantly more devastating.

The draft White Paper on Conservation and Sustainable use of South Africa’s Biodiversity:

- a) does not fully acknowledge the importance of fence protection against the illegal harvesting of endangered species and other natural resources (firewood and bushmeat) and protection of rangelands from overutilization.
- b) in addition, it is not clear on how small-scale and emerging farmers are to be equipped to manage predators dispersing from neighbouring protected areas, as well as biosecurity risks associated with the cross-boundary movement of animals.

Goal 7: Biodiversity Economy Transformation does not fully explain how the proposed transformation will affect existing agriculture and socio-economic systems that depend on the biodiversity economy. According to section ranger Andrew Desmet (WNA, 2013), the removal of fences between the Kruger National Park and Mozambique has exacerbated problems associated with poaching supported/facilitated by local communities.

In agriculture, fences play a vital role in protecting surrounding farmland from predators dispersing from protected areas. For example, black-backed jackals are opportunistic predators occupying a variety of protected areas. They can move between protected areas and surrounding “human-modified” domains where they are susceptible to persecution (Pardo *et al.*, 2021). Predator species are generally very adaptable and disperse to fill any area with a sufficient prey population, domestic or wild, protected, or non-protected.

It is important to note that these predators are equally problematic for small-scale farmers, commercial farmers, and wildlife ranchers. Livestock predation costs South Africa over R3 billion per year (Van Niekerk *et al.*), and does not only affect private sector, but community livestock is also affected. Recent research on black-backed jackals at the Maria Moroka Nature Reserve has shown that they utilise Springbok as a primary food source and that this usage peaked when Springbok lamb. These periods do not only coincide with the Black-backed jackal pupping and dispersal seasons but also with sheep lambing seasons (Avenant and Morwe, 2021).

With reference to Section 11.5, it is not clear how these draft white paper goals will be funded sustainably. South Africa is struggling to manage existing protected spaces, and any expansion of public (state) protected areas or new biosecurity programmes requiring more resources would be unrealistic.

This draft White Paper does not:

- a) show sufficient evidence-based research to support the removal of fencing in and around protected areas, and how this will be approached and negotiated with host communities and the agricultural sector;
- b) recognise the importance of fence management and how the lack of fence boundaries could adversely impact disease control, biosecurity, meat, and wool exports, increased need for predation control, poaching, rural farming economies and tourism.

The Economic Consequences of Predation:

- Predation has an irrefutable and very significant economic impact on landowners, who are the only parties that face the financial downside consequences of predation. Research that quantifies the extent of the financial burden to just domestic stock losses suggests a cost more than R3.2 billion per annum (Van Niekerk et al.)
- Predation erodes the financial feasibility of land-based enterprises focussed on production and there is no compensation or mechanism for compensation to recompense landowners that are affected (Van Niekerk et al., Kruger, 2019).
- Commercial and communal, small, and large stock farmers suffer losses as a result of predation (Kerley et al., 2019)
- The state also suffers indirect losses because of the lost value added, taxes, employment creation, etc that come about as a result of the losses due to predation.
- Protected areas including national parks contribute to predation losses for the state and farmers (Dikobe, 1997). See livestock losses campaign by Kruger National Park to compensate for losses in communities adjoining the park as a result of predation (<https://www.sanparks.org/scientific-services/our-stories/its-not-about-the-cow-compensation-for-livestock-losses-adjacent-to-the-kruger-national-park>)
- Aligned to research on the topic, any policy that addresses/affects predation management requires a holistic, scientifically justifiable base, with a balance of interests of all affected parties.

Although well-advanced, much more livestock predation research needs to be conducted and applied before this white paper can be accepted as a guideline for biodiversity management.

Livestock & Predation Management Programme

PMSA is the custodian of this programme, which has established itself as the longest predator research and monitoring project in Africa's history. It has been running for 14 years, with findings and formulated results on 27 monitor farmers, situated across 6 provinces, covering private and communal farms comprising a total area of 136 214 hectares.

This programme, funded by PMSA and conducted by Niel Viljoen, originated in 2008 when farms were identified to be monitored and predation management tools assessed in support of appropriate and environmentally friendly predation management training in SA. This comprehensive data and the success of the programme has drawn the attention of multiple universities and forms the basis of many research projects, attracting international interest.

Livestock Predation and its Management in South Africa: A Scientific Assessment

This report, an historic first (nationally and globally), provides a scientific assessment of predation on livestock in South Africa. The report was endorsed by both the Minister of Environmental Affairs and Agriculture, Forestry and Fisheries in 2018, and set the stage for improved policy formulation and management of livestock predation in SA, reducing conflict whilst contributing to sustaining both agricultural production and biodiversity. DFFE and DALRRD are being afforded a single document containing detailed and current insight and knowledge on this complex situation as a basis for **contemplating policy development, including substantiated policy direction for predation management in the Draft Biodiversity White Paper.**

Predation Management Centre (PMC) (University of Free State, Bloemfontein)

PMC aims to fulfil the purpose of extracting valuable information from reliable sources and providing a platform where such information can be accessed by people who need it. Thereby assisting effective predation management in SA. Quinette Kruger is the Centre Manager for this coordinated research platform.

Public Protected Areas (National Parks, Provincial, and Municipal Reserves)

Agricultural producers neighbouring and near to protected areas experience losses due to predators and other wildlife escaping from these parks. Livestock losses due to predators and damage to crops due to other wildlife (eg, bush pigs) escaping from these parks (eg, Karoo National Park, Square Kilometer Array (SKA), Namaqua- and Garden Route National Parks) are examples.

Proper structures for liaison, consultation, management, and development of strategies to prevent / limit these losses, should be put in place, as well as effective management of damage causing animals on both private land and public protected areas. These liaison structures should be representative of all affected parties.

Legislation regarding management of predators and damage causing animals on protected areas needs to be clarified and should not have a blanket approach to prevent certain management interventions without considering the conditions and threat posed to adjacent communities and landowners.

More uniform standards on efficient fencing of protected areas, including National Parks, should also receive attention.

Systems Approach To Damage Causing Animals

The White Paper does not adequately deal with damage causing animals and human-wildlife conflict and its impacts on agricultural production and biodiversity. In areas where there are consistent challenges with damage causing animals that impact on agricultural production, a case by case approach to deal with individual problem causing animals has not been effective and, in many provinces, affected producers have to wait several weeks for responses from local authorities. Resources and budgets of conservation agencies are limited and these challenges are not prioritized. In some areas, communal farmers are severely impacted with little recourse.

A systems approach where landowners and communities in an area come together and draft a proposal on dealing with the local challenges, can be a viable solution. A proper assessment of the root causes for conflict should be done and interventions identified to address these in a responsible way. A DCA management plan can be developed and approved by government, allowing local communities in a defined geographic area, to manage human-wildlife conflict and DCA's effectively and responsibly without having to depend on authorities to re-act on a case by case situation. Roles and responsibilities can be clearly defined. A community based Damage-Causing Animal (DCA) Forum similar to the local Predator Management Forums can be established in each area to oversee development and implementation of the plan.

DFFE Mandate

The draft white paper refers arbitrarily, in various forms, to aspects of sentience of non-human animals, humane treatment of animals, and the welfare/well-being of animals. It is unclear what the relevance of these aspects are to DFFE's regulatory mandate, and further clarity is required in order to comment on such matters.

I trust you will consider these comments in the spirit that they are intended and welcome any enquiries to the PMSA Secretariat.

Kind regards

A handwritten signature in black ink, appearing to read 'Niel du Preez', written in a cursive style.

NIEL DU PREEZ

CHAIRMAN: PMSA

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