



WILDLIFE ANIMAL PROTECTION FORUM SOUTH AFRICA

Honourable Barbara Creecy
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Friday 19th of May 2023

Dear Honourable Minister Barbara Creecy,

WILDLIFE FORA CONSULTATION

The *Wildlife Animal Protection Forum South Africa* (WAPFSA) is a network of diverse South African-based organisations that share certain values, knowledge and objectives and are comprised of expertise from different sectors including, but not limited to scientific, environmental, legal, animal welfare, animal rights, social justice, indigenous knowledge and public advocacy backgrounds.

WAPFSA thanks the Honourable Minister for establishing the Wildlife Well-being Forum.

In 2005, the Minister of Environment, Marthinus van Schalkwyk, established a consultative Wildlife Forum to engage quarterly with private entities about wildlife policy with the main objective being sustainable use. The Terms of Reference of this Forum were deliberately exclusive, discriminatory and exclusionary, thereby deliberately denying membership to other wildlife stakeholders including those working to protect and ethically conserve wild species within a one-health and welfare framework and striving to monitor and engage with all the issues discussed in the Wildlife Forum.

In February 2018 representatives of twenty-three wildlife and environmental protection organisations founded the Wildlife Animal Protection Forum South Africa (WAPFSA) and officially requested official acknowledgement from Minister for the Environment, Edna Molewa to engage with our sector.

However, not only were other stakeholders denied admission to this Forum, but no other parallel fora were established by the Government to evenly consult with other key interested and affected parties and stakeholders in the wildlife and biodiversity conservation and protection sector, despite continuous requests from the wildlife protection sector to be included.

The Wildlife Forum remains a limited and partial platform for stakeholder engagement which meets with government representatives behind closed doors to shape wildlife policy in South Africa. This has created a dysfunctional, inequitable and dualistic situation in relation to wildlife stakeholder engagement.

Following the recommendations of the High-Level Panel, in 2021, the process to establish a parallel forum, the Wildlife Well-being Forum, was initiated. We are pleased that this collaborative forum was finally launched on the 5th of May 2023, to include principles of inclusiveness, diversity, openness and transparency.

During the launch of the Wildlife Well-being Forum a member of WAPFSA, the EMS Foundation, raised the issue of perpetuated inequality when it became apparent that members of the exclusive Wildlife Forum have been invited to join the Wildlife Well-Being Forum. WAPFSA welcomes inclusivity, transparency, accountability and openness but we must insist that DFFE employs an equal and even-handed approach to stakeholder engagement.

The minutes of the Consultative Wildlife Forum are not publicly available even though government policy discussions and decisions relating to the sustainable use of South Africa's biodiversity should be transparent. Members of WAPFSA have had to resort to the legal and time-consuming process of submitting a number of applications in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA), to obtain such minutes. Response to various PAIA applications has returned with relevant parts of the Wildlife Forum minutes redacted – including member and organisational names - in order to try and omit information which is of public interest.

Our legislation states that the treatment and management of South African wildlife is a matter of public interest and all consultative meetings with the industry representatives should be open to all relevant stakeholders, Interested and Affected Parties and observers.

In addition, many of the organisations that work within the animal protection sector are also working within the wildlife conservation framework, indicating that conservation and protection are not two different and diverging sectors to be consulted separately and most importantly, under a different set of conditions.

The notion of public participation in all spheres of government is embedded in the Constitution of the Republic of South Africa. The Promotion of Administrative Justice Act, Act 3 of 2000 (PAJA) is also linked to public participation. Procedural fairness stipulates the necessity for a participatory process, PAJA necessitates a process of public participation through section 4 of the Act, which to its extent allows for more informed and defensible decisions with a greater potential of support by the public.

The [National Policy Development Framework](#) approved by Cabinet in 2020, highlighted that a number of laws were overturned by the courts because of technical deficiencies in their Constitutionality and the process of consultation. The policy framework recommended truly inclusive public participatory processes and made clear that *“stakeholder consultation is non-negotiable and must strive for genuine stakeholder involvement rather than simple malicious compliance with the Constitution and other laws”*.

In terms of Privacy, the treatment of personal information and personal interests in the public space, in the case [Bernstein and Others v Bester NO and Others](#) 1996 (4) BCLR 449 (CC); 1996 (2) SA 751 (CC), the Constitutional Court clearly established that: *[...] the fact that no right is to be considered absolute, implies that from the outset of interpretation, each right is always already limited by every other right accruing to another citizen. In the context of privacy, this would mean that it is only the inner sanctum of a person, such as his/her family life, sexual preference and home environment, which is shielded from erosion by conflicting rights of the community. This implies that community rights and the rights of fellow members place a corresponding obligation on a citizen, thereby shaping the abstract notion of individualism towards identifying a concrete member of civil society. Privacy is acknowledged in the truly personal realm, but as a person moves into communal relations and activities such as business and social interaction, the scope of personal space shrinks accordingly.*

The continued existence of the exclusive Wildlife Forum, which has historically operated in a bubble and behind closed doors, under a non-disclosure clause is unfair, unconstitutional, unnecessary and non-compliant with a number of laws, policies and guidelines.

As mentioned, during the public launch of the Wildlife Well-being Forum members of the Wildlife Forum have been given the opportunity to apply and join a more inclusive and transparent process. We respectfully, therefore, request the closure of the Consultative Wildlife Forum as established in 2005.

Alternatively, we ask that the Wildlife Forum be reconstituted to conform with the way that the Wellbeing Forum is constituted. To achieve this, industry representatives could observe Well-being Forum meetings but not participate and Well-being Forum representatives could observe Wildlife Forum meetings but not participate. This will promote transparency and efficiency while avoiding conflict during meetings.

WAPFSA also requests the unredacted disclosure of all minutes and records from the aforementioned Wildlife Forum for public scrutiny.

WAPFSA acknowledges and values the Honourable Minister's continued efforts toward achieving fair processes and a more transparent and inclusive way to engage with stakeholders and civil society in relation to wildlife policy and we look forward to a positive and constructive working relationship with your department and other stakeholders.

Please acknowledge receipt of this communication and WAPFSA members look forward to receiving your feedback on this important issue.

Kind regards,



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FORUM SOUTH AFRICA**

SIGNING MEMBERS OF WAPFSA:

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Beauty Without Cruelty (South Africa)	Chairperson	Toni Brockhoven
Betty's Bay Baboon Action Group	Co- Founders	Renee Bish and Peter Oxford
Centre for Animal Rehabilitation and Education	Director	Stephen Munro
EMS Foundation	Director	Michele Pickover
Four Paws (SA)	Director	Fiona Miles
Future 4 Wildlife	Veterinarian	Dr Brett Bard
Gifted for Good	Env. Education	Jabu Myeni
Global White Lion Protection Trust	CEO Founder	Linda Tucker
Institute for Critical Animal Studies (Africa)	Director	Les Mitchell
Monkey Helpline	Co-Founder	Steve Smit
Panthera Africa Big Cat Sanctuary	Co-Founders	Lizaene Cornwall and Cath Nyquist
Parliament for the People	Reg Farming	Vivien Law
Rhinos in Africa	Founder	Megan Carr
South Peninsula Khoi Council	Senior Chief	Stephen Fritz
Southern African Fight for Rhinos	Director	Lex Abnett
Vervet Monkey Foundation	Founder	Dave Du Toit
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