



Per Electronic Communication

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31 July 2026

SUBMISSION ON THE DRAFT GUIDELINES FOR THE MANAGEMENT OF DAMAGE-CAUSING ANIMALS IN SOUTH AFRICA

1. Introduction

The [Wildlife Animal Protection Forum South Africa](#) (WAPFSA) welcomes the opportunity to engage with the Department of Forestry, Fisheries and the Environment (DFPE) on its [Draft Guidelines for the Management of Damage-Causing Animals](#), published on 2 July 2026 Government Gazette No. 54938, to advocate for humane and science-based solutions.

The Wildlife Animal Protection Forum South Africa (WAPFSA) is a national alliance of diverse non-governmental organisations explicitly designed to protect wild animals and their natural environments. Founded in 2017, the collective currently comprises thirty member organisations. They collaborate across multiple fields including science, law, animal welfare, and social justice to present a unified voice when engaging with local and international governments.

2. Formal Endorsement of the EMS Foundation Substantial Submission

The Members of WAPFSA endorse the content of the substantial submission made by the EMS Foundation. The foundation is a founding member of this alliance. This submission was delivered to the Department of Forestry, Fisheries and the Environment on the 29 July 2026.

For your ease of reference, this is a link to the EMS Foundation submission:

<https://emsfoundation.org.za/submission-on-the-draft-guidelines-for-the-management-of-damage-causing-animals-in-south-africa/>

3. WAPFSA Overarching Observations on the DFFE Draft Guidelines for the Management of Damage-Causing Animals in South Africa

While the Draft Guidelines contain constructive elements, they must, in our opinion, be strengthened to ensure effective implementation. WAPFSA supports a coherent national framework to prevent human-wildlife conflict and reduce the indiscriminate killing of, and or wild animal suffering.

Key positive features of the national guidelines should include:

- (a) Recognizing predation and crop-raiding as natural ecological processes.
- (b) Acknowledging that human activities can trigger or worsen conflicts, with particular reference to non-human primates and elephants.
- (c) Establishing a clear duty to implement preventative measures.
- (d) Promoting non-invasive deterrents.
- (e) Mandating robust monitoring and reporting systems, with particular reference to non-human primates and elephants.

The Draft Guidelines unfortunately, fundamentally undermine their efficacy. Crucially, this instrument is non-binding and relies on permissive language for key safeguards, while granting broad, unstructured discretion to issuing authorities. Furthermore, it lacks explicit guiding principles and fails to provide adequate evidentiary or procedural protections before irreversible interventions are authorized. Most concerning, the guidelines continue to endorse methods that risk severe suffering, indiscriminate harm, and negative impacts on non-target animals.

Importantly, by DFFE acknowledging that these Guidelines serve merely as a temporary mechanism, do not mandate specific management strategies for "damage-causing animals," and fail to proscribe any particular interventions, the Department makes a critical admission.

A framework that lacks the power to bind decision-makers or ban inhumane practices cannot establish a standardized, lawful, or ethical national system. Furthermore, a provisional policy must not be permitted to serve as a permanent proxy for enforceable regulation.

4. WAPFSA Recommendations

4.1 South Africa requires a unified national framework for human-wildlife coexistence, centered on two core principles: natural ecological integration and systemic human accountability. This framework must recognize foraging, predation, and movement as vital natural behaviours, while directly addressing how human infrastructure, land use, poor livestock protection, and waste drive these conflicts.

4.2 Careful attention should be paid to the consistent use of language.

For example:

- (a) *"needs a coherent national framework"* needs to change to *"requires a unified national framework"* in order to sound more authoritative, and
- (b) replace *"harmful interactions between people and wildlife"* with a modern professional term *"negative human-wildlife interactions."*

4.3 It is important to acknowledge ecological principles.

For example: natural processes: treat wildlife movement, foraging, and predation as normal ecosystem functions rather than threats, and
habitat context: acknowledge that transformed landscapes and shrinking spaces force animals closer to people.

4.4 The importance of recognising human accountability.

For example:

- (a) infrastructure impact: address how fences, roads, and buildings disrupt animal paths and safety, and
- (b) livestock management: improve the daily care and protection of farmed animals to stop preventable losses, and
- (c) provision of adequate fencing and maintenance of such fencing especially for elephants, and
- (d) citizens living near elephants should not encourage elephants with the construction of water features and such, and
- (e) citizens selecting to live in areas inhabited by primates must take the responsibility to primate proof their homes and businesses, and
- (f) waste control: manage human garbage and food waste properly so it does not attract wild animals.

4.5 Recognition of Wildlife Well-Being.

Wildlife management must prioritize animal well-being as a core justification for any intervention rather than treating harm as an acceptable default. Humane frameworks require that decisions resulting in animal capture, injury, or death remain exceptional, evidence-based, and strictly overseen.

For example:

- (a) Constitutional Court Jurisprudence: High-profile rulings (such as the landmark 2016 NSPCA lion bone case) shifted the law from viewing animals merely as resources to recognising their intrinsic value as sentient beings.
- (b) Biodiversity Act (NEMBA): In 2023, the government formally amended the [National Environmental Management: Biodiversity Act \(NEMBA\)](#) to explicitly mandate that decision-makers consider animal "well-being" which is defined as physical, mental, and physiological health.

4.6 The Avoidance of Costly, Unnecessary Public Investigations and Litigation.

Robust government environmental and wildlife policies prevent costly legal battles by providing clear legal standards reducing regulatory ambiguity. Government conservation policies must align with empirical environmental science and robust constitutional principles to withstand legal challenges, prevent administrative failure, and protect public funds.

The current examples include:

- (a) The investigation into decisions taken by the City of Cape Town, CapeNature and SANParks instigated by UNESCO with regard to the culling and caging of Chacma baboons on the Cape Peninsula, <https://wapfsa.org/wapfsa-shares-concern-unesco-world-heritage-sites-the-cape-floral-kingdom/> and
- (b) Litigation in the Western Cape High Court with regard to questionable aggressive Chacma baboon management in the Overstrand in the Western Cape, <https://emsfoundation.org.za/court-order-secures-interim-limits-on-aversive-baboon-management-in-bettys-bay/> and
- (c) The investigation of destruction of elephants at Dinokeng Game Reserve in Gauteng and Limpopo Province, <https://emsfoundation.org.za/clarifying-the-proposed-destruction-of-elephants-at-dinokeng-game-reserve/>

4.7 Recognition of the Core Principles of Ethical Wildlife Interventions

- (a) Coexistence First: Mitigate human-wildlife friction by altering human practices before turning to animal control.
- (b) Justified Necessity: Base actions on clear evidence of significant harm rather than loose labels or convenience.
- (c) Proportional Oversight: Ensure transparency, accountability, and minimal welfare disruption during any required management.

5. [Experts](#) Raise Concern Because of Contradictory Phrasing, Provincial Inconsistencies and Enforcement Loopholes

- (a) Labelling the document as "minimum standard guidelines" is a structural contradiction, as an actual minimum standard implies a strict rule, not optional guidance.
- (b) Guidelines are not automatically binding, different provinces can issue vastly different permit conditions. One province might mandate strict safeguards (e.g., shaded traps checked every 24 hours), while another could issue permits entirely lacking those welfare protections.
- (c) Safeguards only become legally binding if a permit official explicitly writes them into individual permit conditions. If left out of the permit, they carry no legal requirement.

6. **WAPFSA Calls for the 2023 Revised TOPS Regulations (National Norms and Standards) to Be Republished for Public Comment**

Under Section 9 of the [National Environmental Management: Biodiversity Act 10 of 2004 \(NEMBA\)](#), the Minister of Forestry, Fisheries and the Environment is empowered to issue National Norms and Standards to manage, conserve, and monitor South Africa's biological diversity.

1. While the overarching framework is defined by this 2004 Act, the South African [Department of Forestry, Fisheries and the Environment \(DFFE\)](#) published significant new policy documents, norms and standards and TOPS Regulations in 2023 to reform how this mandate is executed.

The Minister of Forestry, Fisheries and the Environment, Ms Barbara Creecy, [withdrew](#) Regulations pertaining to Threatened or Protected Species (TOPS) and the associated species list. The withdrawal of the notices was published in Government Gazette No. 48349 (Government Notice No. 3238) on 31 March 2023.

The minister sought [legal advice](#) on the coming into effect of the revised TOPS Regulations and the Species List after the Wildlife Ranching South Africa and the Professional Hunters Association of South Africa launched an urgent interdict application in the Gauteng High Court to suspend the commencement of the above-mentioned regulations and species list. Due to the urgent timeframes of the litigation, the department required additional time to consider the varied issues raised in the court application. For this reason, an out of court settlement was reached between the parties. In terms of the settlement agreement, the minister agreed to withdraw the revised Regulations Pertaining to Threatened or Protected Terrestrial Species and Freshwater Species, and its associated species list.

The content of the TOPS regulations and Species List are closely linked to the three government notices listed below. For this reason, the Minister has also decided to withdraw the following Government Notices published in the Government Gazette, No. 47984, of 3 February 2023:

(a) Notice No. 3010: Revised national Norms and Standards for the Management of Elephants in South Africa;

(b) Notice No. 3011: Norms and Standards for the Trophy Hunting of Leopard in South Africa; and

(c) Notice No. 3013: Repeal of the notice amending the alien and invasive species list and list of critically endangered, endangered, vulnerable and protected species and amendment of the commencement of the notice prohibiting the carrying out of certain restricted activities involving rhino horn, and the regulations pertaining to trade in rhino horn.

The withdrawn notices were set to have come into effect on 1 April 2023.

This out of court settlement was confirmed by a [published announcement](#): 31st March 2023 Wildlife Ranching South Africa and the Professional Hunters Association of South Africa.

The Wildlife Animal Protection Forum of South Africa (WAPFSA) questions why the 2023 revised national norms and standards pertaining to the revised TOPS Regulations and the Species List cannot be republished, noting that substantial preparatory work was already completed.

2. Summation

Substantial revision of these Draft Guidelines is required. In addition, the core safeguards governing proof, prevention, authorisation, animal well-being, prohibited methods, monitoring, transparency and enforcement should be contained in binding national Norms and Standards or other enforceable legislation.

The undersigned Members of WAPFSA, therefore, do not support the finalisation of the Draft Guidelines for the Management of Damage-Causing Animals in South Africa in their present form.

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