



Nicolaas Botha December 16, 2024 10:03 pm

CONTINUED ADMINISTRATIVE FAILURES PLAGUE DEPARTMENT

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5 December 2024

Wildlife Ranching South Africa (WRSA) has been compelled to initiate legal proceedings against the Department of Forestry, Fisheries, and the Environment (DFFE) due to its repeated administrative failures. At the heart of the issue is the Department's inability to comply with its statutory obligations under the National Environmental Management: Biodiversity Act (NEMBA) to set and allocate annual hunting quotas for African Elephant, Black Rhinoceros, and Leopard. This negligence threatens not only South Africa's conservation efforts but also the economic stability of rural communities dependent on sustainable wildlife management.

For further details, please refer to the press release below or contact:

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PRESS RELEASE

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CONTINUED ADMINISTRATIVE FAILURES PLAGUE DEPARTMENT

WRSA TAKES LEGAL ACTION AGAINST MINISTER OVER THE CONTINUED ADMINISTRATIVE FAILURE TO SET ANNUAL QUOTAS FOR AFRICAN ELEPHANT, BLACK RHINOCEROS, AND LEOPARD

Wildlife Ranching South Africa (WRSA) has been left with no choice but to take legal action against the Department of Forestry, Fisheries, and the Environment (DFFE) due to its persistent administrative failures. The issue at hand is Dr. Dion George, the Minister of DFFE and his Department's inability to perform the most basic of requirements in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to set and allocate annual hunting quotas for African Elephant, Black Rhinoceros, and Leopard, in a manner prescribed by the National Environmental Management: Biodiversity Act (NEMBA), Act 10 of 2004 and regulations.

Despite repeated attempts to engage with DFFE and ensure adherence to the most basic requirements of NEMBA, WRSA's efforts have been met with silence, delays, and inadequate responses. This failure jeopardizes not only conservation efforts but also the economic livelihoods of rural communities and the wildlife sector.

A PATTERN OF ADMINISTRATIVE NEGLIGENCE

The recent publication of **Government Gazette No. 51644**, titled *"Consultation on the Intention to Set and Allocate Annual Export Quotas for Elephant, Black Rhinoceros, and Leopard Hunting Trophies for the 2024 and 2025 Calendar Years,"* exemplifies the

Department's ongoing shortcomings. Published on November 22, 2024, the gazette falls short of its legal obligations in several critical areas:

- **Lack of Sufficient Information:** No specific population numbers or quantifications of quotas were outlined.
- **Absence of Scientific Rationale:** No foundational data or research to support this potential quota allocation.
- **Unreasonable Consultation Timeline:** The public comment period, ending December 23, 2024, leaves insufficient time for meaningful participation, particularly given the holiday season.
- **Timely Annual Allocations:** Quotas must be issued promptly, either prior to or at the start of the year to ensure their full potential can be realized within the designated calendar year.

"Once again, the DFFE has proven incapable of fulfilling even the most basic statutory requirements," stated Richard York, CEO of WRSA. *"This gazette is a disservice to conservation, the wildlife sector, and the public, failing to provide the necessary information for informed contributions."*

LEGAL ACTION TO COMPEL ACCOUNTABILITY

Faced with ongoing administrative failure, WRSA has approached the High Court to demand action. The legal motion emphasizes:

- **A Clear Breach of Duty:** The Minister of DFFE is required by NEMBA to set quotas annually to ensure sustainable wildlife utilization.
- **Provinces in Limbo:** The lack of quotas hinders provinces from executing their conservation mandates effectively.
- **Repeated Administrative Failures:** This is not an isolated incident; the Department's failure to act has become a recurring issue over several years.

WRSA has approached the High Court seeking, amongst other relief, the following:

- Declaring the Minister's failure to set a national annual quota for African Elephant, Black Rhinoceros, and Leopard to be unlawful and invalid and that the decision be reviewed and set aside.
- Declaring the Minister's failure to allocate to the provinces annual quotas to be unlawful and invalid and that it be reviewed and set aside.
- Declaring that the Minister is obligated, annually, before the end of September in the year prior to the year in which the annual quota applies, alternatively prior to the first day of January in the year in which the annual quota applies, further alternatively by such date as the court may determine to be the due date:
 - To set a national annual quota of each of the subject species that can be hunted in and exported from the Republic.
 - To allocate to provinces annual quotas of the subject species that can be hunted in and exported from the Republic.
- That the Minister be ordered and directed:
 - To take all such steps necessary in order to decide and to set a national annual quota of each of the subject species that can be hunted in and exported from the Republic for the 2024 and 2025 calendar year (and yearly thereafter), and to decide and set such national annual quota.
 - to take all such steps necessary in order to decide and to allocate to provinces annual quotas of each of the subject species that can be hunted in and exported from the Republic for the 2024 and 2025 calendar year (and all subsequent years), and to decide and allocate to provinces such annual quotas in terms of regulation 3 (2) (k) of the CITES Regulations.

- That once the Minister has complied with the above, the Minister be ordered and directed to publish the aforesaid quotas for the 2024 and 2025 year and for subsequent years.

- That it be declared that the Minister has acted in breach of his lawful obligations and duties in failing to decide and to set a national annual quota, alternatively, in failing timeously and/or properly to decide to set a national annual quota for the calendar years 2016, and/or 2017, and/or 2018, and/or 2019, and/or 2020, and/or 2021, and/or 2022, and/or 2023.

- That it be declared that the Minister has acted in breach of his lawful obligations and duties in failing to decide and to allocate to provinces annual quotas, alternatively in failing timeously and/or properly to decide and to allocate to provinces annual quotas for the calendar years: 2016, and/or 2017, and/or 2018, and/or 2019, and/or 2020, and/or 2021, and/or 2022, and/or 2023.

- That the Minister be ordered and directed to report back to court monthly on all steps taken in order to timeously:
 - Decide and to set the national annual hunting quota for the 2025 calendar year (or such other applicable subsequent year/s).
 - Decide and to allocate to provinces annual quotas for the 2025 calendar year (or such other applicable subsequent year/s)

A CALL FOR TRANSPARENCY AND ACCOUNTABILITY

On November 25, 2024, WRSA formally requested clarification from DFFE regarding the requirements for public commentary on the gazette. Ten days later, the Department remains unresponsive, further demonstrating its inability or unwillingness to engage meaningfully with stakeholders.

“This silence speaks volumes about the DFFE’s disregard for the industries and communities that depend on its competence,” said York. “How can the general public, conservationists, or industry stakeholders make informed submissions when the Department cannot answer even the most basic questions? Allowing one-third of the public participation process to expire without providing clarity is not only negligent, it verges on outright incompetence.”

“Our legal action is not adversarial but a necessary step to protect conservation and economic interests of the very people who are on the front line conserving these species.” York added.

A CALL FOR LEADERSHIP

Dr. Dion George, the Minister of DFFE, has faced mounting criticism for his inability to address these systemic failures. His office’s lack of coordination and transparency has eroded trust within the conservation and wildlife sectors.

“The timing of the public comment period, concluding two days before Christmas, is indicative of the DFFE’s detachment from reality,” York remarked. “Is the Department seriously expecting quotas to be set and utilized effectively between Christmas and New Year? This level of planning or lack thereof is unacceptable.”

WRSA’S COMMITMENT TO CONSERVATION

South Africa is a global leader in species conservation and the WRSA through its fellowship with the Sustainable Use Coalition of Southern Africa (SUCo-SA) continues to advocate for the sustainable utilization of wildlife resources, aligning with South African law and international obligations. *“Our industry thrives on a delicate balance of conservation and economic sustainability. This balance is threatened when the very frameworks meant to support it are neglected,” York asserted.*

The South African hunting industry contributes billions of rands annually to the rural economy, supporting thousands of jobs and uplifting local communities. Beyond its economic impact, hunting has been instrumental in species conservation, playing a pivotal role in the recovery of endangered species such as the White Rhino, Black Wildebeest, Bontebok and Cape Mountain Zebra. These hunting quotas are not merely regulatory measures, they are essential for sustaining conservation operations by generating critical funding for anti-poaching initiatives, habitat expansion, and the long-term conservation of species and biodiversity. The revenue derived from hunting ultimately ensures the viability of conservation programs that protect species and safeguard biodiversity while fostering socio-economic development in rural areas.

THE ROAD AHEAD

The wildlife sector cannot afford another year of administrative stagnation. The continued gross negligence of the DFFE has left WRSA with no choice but to pursue legal action to safeguard the interests of ranchers, rural communities, the species concerned and the conservation of South Africa's iconic wildlife. This is not merely a legal battle but a fight for administrative accountability, sustainability, ensuring the long-term viability of conservation efforts, the economic stability of the wildlife sector, and the livelihoods of countless individuals who depend on responsible wildlife management. WRSA calls on all stakeholders to join in holding the DFFE accountable for its obligations. *"We remain committed to conservation through sustainable utilization,"* York concluded. *"This legal step is about safeguarding our industry, our heritage, and our natural resources for generations to come."*

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