



TRANSMITTED BY EMAIL

TO: **Overstrand Municipality** Date: 24 December 2022

ATT: Executive Mayor Annelie Rabie Your ref: Overstrand Baboon Management Programme

EMAIL: annelierabie@overstrand.gov.za Our ref: E040

COPIES TO: **1. The Baboon Management Joint Task Team
2. The Municipal Manager
3. Cape Nature Overberg
4. Human Wildlife Solutions**

FROM: Mr Ricky Stone ricky@greencounsel.co.za

Total pages: 3

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Dear Executive Mayor Rabie,

DECISION TO REMOVE MALE BABOONS FROM THE PRINGLE BAY TROOP: REQUEST TO INVOKE EXECUTIVE POWERS TO SUSPEND THE DECISION, PROVIDE COPIES OF THE DECISION & THE REASONS

1. We act for the EMS Foundation (South Africa) ("our client").
2. The mission of the EMS Foundation is the advancement and protection of the rights and general welfare of wild animals, children, elderly persons and other vulnerable groups in South Africa and Africa, for the purpose of alleviating suffering, disrupting inequality in all its forms, raising public awareness, empowering, and providing dignity. More information on our client and the work that they do can be found on their website – www.emsfoundation.org.za.

Expertise grounded in experience

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3. On 23 December 2022, our client discovered from an article on News24¹ that a decision had been taken to remove four (4) adult male Chacma baboons from the Pringle Bay troop (“the removal decision”), and to apparently relocate them to a rehabilitation facility in Limpopo. Our client was also alerted to a press release titled *Four more baboon victims of questionable wildlife management in the Kogelberg Biosphere* which is dated 22 December 2022 (“the press release”).
4. Our client is concerned to learn of the statements and allegations contained in the press release and they have accordingly contacted the authors of the press release for more information, and to also offer their conservation and wildlife expertise, and potential financial assistance, to the community and the Kogelberg Villages Environmental Trustees (the NPO to be incorporated that is referred to in the press release). We enclose a copy of the press release as “A” in the unlikely event that it has not been brought to your attention.
5. It seems that the removal decision was taken by the Baboon Management Joint Task Team (“BMJTT”) which our client understands from the News24 article “*is led by experienced members of Cape Nature, DEA&DP and Independent scientific advisors*”. Further, that the BMJTT has taken the removal decision in terms of the Overstrand Baboon Management Programme.
6. At this stage and based on the conflicting and polarised positions conveyed in the News24 article *vis-à-vis* the press release, our client is aggrieved by the removal decision which deeply offends its founding principles as a Foundation to, amongst other things, advance and protect of the rights and general welfare of wild animals.
7. We are therefore instructed to demand that you invoke your executive powers as Executive Mayor of the Overstrand Municipality and immediately suspend the removal decision pending: -
 - 7.1. further investigation by our client and the consequent interactions between our client, your Municipality, and the BMJTT (including Cape Nature and Human Wildlife Solutions);
 - 7.2. a meeting between all relevant stakeholders to be convened in your Council Chambers (or a similarly appropriate venue) as early in January 2023 as possible; and
 - 7.3. the outcome of potential (but hopefully unnecessary) urgent legal proceedings to interdict and judicially review the removal decision.

¹<https://www.news24.com/news24/community-newspaper/hermanustimes/four-baboons-from-the-pringle-bay-troop-removed-20221222?fbclid=IwAR1SI1yUcfkoKDE87h99ee0yhd0gSQkkNDgf-Olvh7n9dU6o0YZNO9ZhofY&mibextid=Zxz2cZ>.

8. We are similarly instructed to request, on an urgent basis, electronic copies of the removal decision and the reasons therefor, including copies of all relevant information and documentation which was before the BMJTT when it made the removal decision.
9. Kindly construe our request for written reasons as the formal request for the reasons for the administrative action as contemplated in section 5 of the Promotion of Administrative Justice Act, 3 of 2000 ("PAJA").
10. Furthermore, that notice to principal is notice to agent, and you are therefore requested to ensure that the responsible administrator receives a copy of this PAJA request, acknowledges receipt thereof, and provides the reasons for the removal decision in terms of PAJA as a matter of urgency.
11. We look forward to receiving your response, and a copy of your directive suspending the removal decision as soon as possible, Executive Mayor.
12. Our client's rights are explicitly reserved.

Yours faithfully,



CULLINAN & ASSOCIATES INC.

Per Mr. Ricky Stone

PRESS RELEASE

22 December 2022

Four more baboon victims of questionable wildlife management in the Kogelberg Biosphere

The Pringle Bay baboon troop is about to lose four of its five adult males – leaving only one young, inexperienced male to head the troop. The social fabric will once again be destroyed creating further problems for management. The plan was announced on the 20th of December, despite assurance only 6 days previously that no decisions about the baboons had been made or were pending.

The adults to be removed (including the guardians of two 6-week-old babies) will be relocated to zoo-like conditions in Limpopo Province, thousands of kilometres to the north. They will be sterilized as a condition of acceptance and there will be very significant costs involved in relocation, quarantine, testing, housing and upkeep for the rest of their lives. As a rule, reputable rehabilitation centres are reluctant to accept healthy adults as opposed to orphaned or injured juveniles and it is widely agreed that relocating such animals does not address the issues at stake.

The decision, of course, coincides with the annual influx of tourists and holidaymakers for the festive season – a clear prioritisation of commerce over wildlife, just as COP15 (an international convention on Biodiversity) winds up its proceedings at the opposite end of the continent.

This type of decision making has been a pattern since 2019, when the Overstrand Municipality (OM) contracted a commercial operator to manage the troop. The conflict has increased between humans and baboons, with more home entries and despite forceful tactics by the service provider, Human Wildlife Solutions (HWS), who cause deliberate pain to the animals as strategy.

Unfortunately, there has also been an increase in human–human conflict, not helped by an all-round lack of transparency. Community disagreements about how to handle the troop have increased.

Mayor Rabie recently expressed her frustration publicly, and her intention to spend nothing more on the problem.

Yet in the seven years before the HWS appointment, the community itself, via the Pringle Bay Ratepayers Association (PBRA) and Cape Nature (CN), successfully discouraged baboon town incursions within the urban area.

This community-funded monitoring program was widely regarded by residents as successful but it was dogged by funding limitations. In recent community meetings, “many expressed a preference for ‘the old way’ of monitoring”ⁱ.

In 2019 OM contracted HWS to manage the baboons, without adhering to legislation^{1 2}, which requires public consultationⁱⁱ and participation. Since the inception of the contract, some controversial decisions have been made with disastrous consequences.

Examples include:

1. In November 2020 the then 19-strong troop was forcibly relocated beyond their natural range, limiting access to food sources, only 10 of the original individuals remained when they managed to return to Pringle Bay on their own accord in September 2021.
2. No babies born into the troop since the HWS contract have survived since November 2019 (notwithstanding the birth of two newborns, less than two months ago)
3. There is much research questioning the efficacy of adult male baboon removal. Other baboons from nearby populations tend to move in to “fill the vacancy” created by the relocation. This results in neighbouring troops being destabilised, power and resource-control vacuums are created, and adjustments can include behavioural adaptations which are all unintended consequences of the removal policy. Thus creating a larger problem than the original issue.

Baboon management options are subject to strict guidelines. A holistic framework seeks to guide response to the complex urban and peri-urban interactions between humans and baboons. The guidelines are based on principles and practice informed by decades of research and policy changes.

The removal of the four adults from the Pringle troop and the location to which they are to be sent are both highly questionable.

There is a well-documented lack of willingness by HWS to actively discourage incursions by the 4 targeted males, thus augmenting the ‘incident report’. HWS categorises them as ‘dispersing males’, who should according to the guidelinesⁱⁱⁱ, be relocated to their original environment – which, of course, is NOT Limpopo.

While communication with interested and affected parties and representatives of the community at the Overstrand Municipality’s Baboon Liaison Group (BLG) has recently deteriorated, it is the baboons that suffer the consequence of these all-too-human disagreements.

The community is seeking to provide leadership by establishing the Kogelberg Villages Environmental Trustees (K.V.E.T.). Registration of this group as an NPO is in progress and a proposal will be submitted to the municipality in January 2023. An NPO is cost-effective, and it is required to be fully transparent. It is also able to raise additional funds over and above the budget reserved for baboon management by the municipality. Most importantly, it is a community-driven project.

¹ The Municipal Structures Act together with The Municipal Systems Act

² The Bill of Rights

Collaboration between the residents and municipal officers is a critical requirement for mutual benefit – but especially for the benefit of the baboons.

Where consultation has not happened, the outcomes have proven detrimental to both humans and the extraordinary biosphere in which Pringle Bay is situated.

When Mayor Rabie was elected many of us were grateful that she committed in her victory speech to placing the environment at the centre of her government. Mayor Rabie has also publicly expressed her personal views on animal welfare on several occasions. We appeal to you Mayor Rabie, to reaffirm your commitment to the environment, to our unique biosphere, and to the humane treatment of the Chacma baboons. Please stay this capture and relocation decision and work with us on sustainable solutions.

The town exists because humans, including tourists, are attracted to that environment. Excising baboons from it, removing them forcefully from town precincts, insisting on short-term, simplistic policies without proven benefit, and ignoring the interdependence and balance between the town and its location ... none of these will work, the critical balance of the ecology will be irreparably damaged by these actions.

Media inquiries

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The following sections provide more detailed information about the above.

1. Background

The scenic coastal village Pringle Bay in the transitional zone of the UNESCO designated Kogelberg Biosphere Reserve has been plagued by internal conflict for the past three years. The indigenous baboons of the area are at the centre of the controversy, while at COP15 the world looks to how we can protect the remainder of the world's biodiversity in absolute contrast to what is happening in the Overstrand Municipality of the Western Cape, South Africa.

Human-wildlife conflict in Pringle Bay escalated gradually after the rapid urban development that followed the introduction of electricity in 1993. The baboon-human conflict in Pringle Bay is, in part, due to loss of habitat (read access to food) caused by urban development and the easy availability of food in the residential area. In 2012 the community, under the auspices of the PBRA and CN, introduced voluntary monitoring of the baboons by concerned citizens to discourage baboons from entering the town. ^{iv}

The introduction of a community-funded monitoring program by the PBRA was widely regarded by residents as successful but proved to be unsustainable due to funding limitations. In more recent community meetings run by the PBRA, it was noted that “many expressed a preference for “the old way” of monitoring”^v as opposed to the current baboon management approach.

In 2019 OM contracted HWS to manage the baboons, without adhering to legislation^{3 4}, which requires public consultation and participation.

In a report by HWS released in October 2019, a statement was made that contradicts more recent reports by the same entity, i.e., “*the Pringle Bay troop is probably more habituated to humans, it has largely been kept out of town for the past few years, using rangers employed by the residents’ association. These baboons are more used to feeding out of town, and therefore respond to management much better than the Voëlklip troop, which has not been managed for many years, and addicted to human-derived foods (HDRs).*”^{vi}

Since November 2019 when HWS assumed responsibility for managing baboons, human-wildlife and human-human conflict has shown a marked increase. The data^{vii} shows that the towns are experiencing more home entries by the baboons despite forceful tactics by the service provider.

In November 2020 the troop of 19 healthy members was forcibly relocated into a part of the Kogelberg Reserve that has not been part of their natural range. Between 2017 to 2019 they did not visit this area for longer than 48 hours at a time^{viii}. This removal resulted in limiting the baboons’ access to adequate natural food sources. As a consequence of the forced relocation, half of the troop had died (from hunger) or disappeared by the time the remaining troop members managed to return to Pringle Bay in September 2021.

In November the birth of two babies was welcomed in the village. Until then all babies born into the troop after HWS was contracted in 2019 had not survived.

2. Recent problematic developments

On the 14th of December 2022 at OM in Hermanus, Kogelberg Village residents were assured by members of the OM mayoral committee that no decisions had been made regarding the future of the baboons. However, on the 20th of December, it was announced in the Baboon Liaison Group meeting that four adult males from the Pringle Bay troop would be imminently removed, including the guardians of the two 6-week-old babies, leaving only one young male. This decision coincides with the annual influx of tourists and holidaymakers for the festive season and was made by the Baboon Management Joint Task Team (BMJTT) on behalf of the entire Pringle Bay community without prior consultation

³ The Municipal Structures Act together with The Municipal Systems Act

⁴ The Bill of Rights

Is the relocation of baboons an effective management strategy? Pringle Bay falls between the mountain range of Hangklip and the villages of Rooi-Els and Bettys Bay. By removing male baboons from Pringle Bay, a leadership vacuum is created and dispersing or displaced male baboons from these neighbouring areas or even further afield are likely to fill this void. The relocation of male baboons is highly unlikely to solve the existing challenges and no scientific evidence exists that shows that this method has previously had long-term success elsewhere.

3. The impact

The decision to relocate the baboons in question has been taken without consultation with residents and advocates for the humane treatment of the Pringle Bay baboons. This is of serious concern, given that there is evidence that the relocation of male baboons is a very flawed “solution” dogged by unintended consequences.

Rehabilitation centres are often reluctant to accept adult males as opposed to orphaned juveniles, perhaps given their greater attraction for international donors and visiting volunteers, babies are cuter...

The concerned residents and taxpayers have the right to ask about the financial implications of the proposed removal of the four baboons that are currently targeted for transfer to a rehabilitation facility in Limpopo, more than 1680 kms from the baboons’ home. Who is paying for this costly process, including the veterinary expenses, weeks in quarantine, transport and their future care?

4. Actions being taken

Concerned residents and advocates for the humane treatment of baboons have frequently brought their concerns to the attention of the authorities in the past years. These attempts have sometimes been humoured and at other times ignored, leaving residents with a sense that decisions might be made without input from all relevant stakeholders and that public engagement might be at best, superficial. The irony is that the stakeholders at the centre of the controversy – the baboons – have no say and no rights regarding their destiny.

5. Conclusion

The growing number of residents concerned about the humane treatment of the Pringle Bay baboons are calling for an urgent stay on the decision to relocate the four baboons in question. The troop needs to be allowed to once more form a cohesive unit, breaking the destructive cycle imposed through the current baboon management approach.

A community effort is needed to ensure that public and household waste is baboon-proofed and to ensure other supplemental foods, such as bird seed, are not available to baboons. Combined with management by monitors that understand baboon behaviour to maintain the troops as cohesive units and calmly steer the baboons away from the urban area and give advance warning to residents of baboons close by.

According to The Constitution of the Republic of South Africa, 1996, Chapter 2: The Bill of Rights 24, everyone has the right—

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

It is the moral obligation of Overstrand Municipality to work towards a more compassionate and humane society. The safety and well-being of not only humans, but also baboons must be taken into consideration in finding a solution to this issue. We call on local authorities and relevant stakeholders to work with residents and advocates for the humane treatment of animals to find a long-term, sustainable solution to the ineffective baboon management in Pringle Bay.

END

DOCUMENT REFERENCES

ⁱ Pringle Bay Ratepayers' Association - Report back on Public Meetings - Baboon Management - 12/13 September 2022 – [Facebook](#)

ⁱⁱ Public Participation in Local Government December 2016 – <http://www.cplo.org.za/wp-content/uploads/2016/02/BP-421-Public-Participation-In-Local-Government-December-2016.pdf>

ⁱⁱⁱ BABOON TECHNICAL TEAM (BTT) MANAGEMENT GUIDELINES: Guidelines-for-Baboon-Management-March-2019 - <https://hwsolutions.co.za/wp-content/uploads/2019/03/Guidelines-for-Baboon-Management-March-2019.pdf>

^{iv} Understanding Human-Wildlife Conflict: A Geographic Study of the Pringle Bay Chacma Baboon Troop. Parsons (2021)

^v Pringle Bay Ratepayers' Association - Report back on Public Meetings - Baboon Management - 12/13 September 2022

^{vi} Human Wildlife Solutions Overstrand Monthly Report November 2019 - <https://hwsolutions.co.za/wp-content/uploads/2020/01/HWS-Overstrand-Monthly-Report-Nov19.pdf>

^{vii} Pringle Bay Ratepayers' Association Facebook Page – 9 September 2022 - BABOON MANAGEMENT MEETINGS - YOUR CONTRIBUTION (This information has been extracted from published HWS reports) <https://www.facebook.com/103560531073603/posts/pfbid0W11r3oxBgCHURgJoDVc2Lq4JZMeEGn2HZo2uf276QRWCyZrqCiuw21tU6Yg7qiEW1/?mibextid=cr9u03>

^{viii} Understanding Human-Wildlife Conflict: A Geographic Study of the Pringle Bay Chacma Baboon Troop. Parsons (2021) - <https://commons.ru.ac.za/vital/access/services/Download/vital:57259/SOURCE1?view=true>