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

Government Notice 7650, Government Gazette No. 54938 of 2 July 2026

## July 2026

**TRANSMITTED BY EMAIL**

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| To: | **Dept of Forestry, Fisheries and Environment** | dcaguidelines@dffe.gov.za; mcindi@dffe.gov.za |
| CC: | **The Honourable David Maynier** | Minister@dffe.gov.za |
| From: | **EMS FOUNDATION - EXECUTIVE DIRECTOR** | michele@emsfoundation,org.za |
| Total pages: | 29 | |

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# 1. INTRODUCTION

1. The EMS Foundation ("EMS") welcomes the opportunity to comment on the Draft Guidelines for the Management of Damage-Causing Animals in South Africa ("the Draft Guidelines"), published by the Department of Forestry, Fisheries and the Environment ("DFFE" or "the Department") in Government Gazette No. 54938 of 2 July 2026.

2. EMS is a South African social justice organisation whose work includes wildlife protection, biodiversity governance, animal well-being, environmental justice and the promotion of lawful, humane and evidence-based approaches to human-wildlife coexistence. EMS has participated extensively in national and provincial policy processes concerning biodiversity, protected areas, threatened and protected species, elephants, large carnivores, primates, wildlife trade and human-wildlife interactions, amongst others.

3. EMS supports the development of a coherent national framework aimed at preventing harmful interactions between people and wildlife and reducing indiscriminate killing and suffering. The Draft Guidelines contain some constructive elements. These include recognition that predation and feeding on crops are natural ecological processes; acknowledgement that human activities can cause or aggravate interactions; reference to a duty to take preventative measures; inclusion of non-invasive deterrents; and provision for monitoring and reporting.

4. Those features are, however, undermined by the form, language and substance of the instrument. The Draft Guidelines are non-binding; use permissive language for most important safeguards; confer broad and inadequately structured discretion on issuing authorities; lack an express set of guiding principles; provide insufficient evidentiary and procedural protection before irreversible interventions are authorised; and continue to endorse methods that carry serious risks of suffering, indiscriminate harm and impacts on non-target animals.

5. The Department's explanatory material states that the Guidelines are intended as an "interim measure"; are not intended to dictate how so-called damage-causing animals should be managed; and are not intended to prohibit particular methods. That concession is important. An instrument that neither binds decision-makers nor excludes unacceptable methods cannot credibly deliver a nationally uniform, lawful and humane system. Nor should an interim instrument become an indefinite substitute for binding regulation.

6. EMS therefore does not support the finalisation of the Draft Guidelines in their present form. Substantial revision 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.

# 2. EXECUTIVE SUMMARY OF EMS RECOMMENDATIONS

7. EMS recommends that the Department:

   - reconsider the abandonment of binding National Norms and Standards under section 9 of the National Environmental Management: Biodiversity Act 10 of 2004 ("NEMBA");
   - disclose the reasons, evidence, representations and decision-making process that led to the replacement of the proposed Norms and Standards with non-binding Guidelines;
   - prescribe a definite timetable for the development of binding national regulation and state when the interim Guidelines will expire or be reviewed;

- insert an express set of guiding principles founded on prevention, precaution, necessity, proportionality, the least harmful effective intervention, animal well-being, ecological integrity, transparency and accountability;
- replace permissive expressions such as "should", "may", "is encouraged to", "if practicable", "where appropriate", "within reason" and "to the extent possible" with mandatory requirements wherever minimum safeguards are intended;
- revise the definition and designation of a "damage-causing animal" so that it depends on verified evidence concerning a particular incident and animal, and not on perception, species-based assumptions, ordinary ecological behaviour, inconvenience or minor loss;
- require a compulsory, independent and documented assessment before any invasive or lethal intervention is authorised, save where immediate action is strictly necessary to protect human life;
- prohibit invasive or lethal intervention where the interaction was materially caused by reasonably avoidable human conduct or negligence, subject only to a narrowly framed human-life emergency exception;
- delete poison collars, poison-ejecting apparatuses and leghold traps from the list of approved regulated methods and initiate the legislative process necessary to prohibit their use;
- prohibit the use of hounds or dogs in damage-causing animal management and impose substantially stronger, species-appropriate safeguards for cage trapping, darting and call-and-shoot operations;
- delete the provision allowing free-living animals to be transferred to captive breeding facilities under an undefined "conservation" rationale, or subject it to rigorous non-commercial conservation, ethical and release requirements;
- address urban and peri-urban wildlife management expressly, including municipal responsibilities, waste and attractant management, spatial planning, public safety, entry onto private property, and a prohibition on routine weapons-based, explosive, projectile and chemical deterrence;
- establish a national reporting system and publicly accessible database containing permits, methods, outcomes, injuries, deaths, non-target impacts and enforcement action, subject to appropriate protection of personal and genuinely sensitive location information; and
- require a formal independent review of implementation within two years, with public participation and publication of the review report.
- explain how the Draft Guidelines were rationally developed in the acknowledged absence of national records concerning DCA permits, methods and outcomes;
- disclose the status, findings and relationship of the UNEP/Global Environment Facility human-wildlife conflict project and promised national policy to the present Draft Guidelines;
- prohibit retrospective, blanket, open-ended and prophylactic DCA authorisations;
- prohibit commercial benefit arising from the classification, capture or killing of an animal as damage-causing; and
- regulate or prohibit not only the use but also the manufacture, possession, importation, sale and distribution of inherently harmful devices.

- disclose the signed and dated ministerial approval for Government Notice 7650 and clarify whether the consultation was validly authorised by the responsible Minister before publication.

# 3. THRESHOLD CONCERN: LEGAL STATUS AND ENFORCEABILITY

## 3.1 Guidelines cannot deliver the promised national uniformity

8. The Department previously developed Draft Norms and Standards under section 9 of NEMBA and published versions for public comment in 2010 and 2016. It now proposes non-binding Guidelines, principally because not all species commonly implicated in damage or predation involving farmed animals are listed as threatened or protected and because non-compliance with norms and standards does not automatically constitute an offence.

9. This explanation does not adequately justify the change. Section 9 expressly authorises the Minister to issue national norms and standards for achieving the objectives of NEMBA. Binding national standards can guide administrative decision-making, constrain discretion, inform provincial legislation and policy, and be incorporated into permit conditions. The fact that further legislative or regulatory work may be required to secure comprehensive enforcement is a reason to undertake that work; it is not a sufficient reason to substitute voluntary guidance for national minimum safeguards.

10. The Draft Guidelines seek to "propose a uniform approach", while simultaneously stating that they do not intend to dictate how animals should be managed. These objectives are incompatible. A uniform national approach cannot be achieved where each authority and operator may choose whether to follow the stated safeguards.

11. The distinction is especially serious because the Guidelines concern decisions that may result in capture, chemical immobilisation, prolonged restraint, pursuit, injury, poisoning or killing. The applicable minimum safeguards should not depend on province, permit wording or individual official preference.

12. The Department should explain:
    - when, by whom and under what authority the decision was made not to proceed with the proposed Norms and Standards;
    - the complete factual, scientific, legal, animal-welfare and socio-economic basis for that decision;
    - the stakeholders and interest groups consulted and the representations received;
    - whether concerns raised by predator-control, agricultural, hunting or wildlife-use interests contributed to the decision;
    - why binding minimum requirements could not be adopted while further enforcement mechanisms were developed;
    - how inconsistent provincial legislation and practice will be reconciled; and
    - how DFFE will respond when an issuing authority or permit holder disregards a provision expressed only as "should".

## 3.2 The problem created by "should"

13. Most protections in the Draft Guidelines are framed as recommendations. Examples include that traps "should" be checked; authorities "should" consider deterrent measures; an animal "should" not be killed where damage resulted from negligence; interventions "should" be monitored; and records "should" be kept.

14. The instrument does not explain the legal consequence of non-compliance. A permit condition might make an individual provision enforceable, but this depends upon the issuing authority selecting and incorporating that provision. It offers no protection where no permit is required or where a provincial authority omits, weakens or inconsistently applies the condition.

15. The final instrument should distinguish clearly between:

- mandatory national minimum requirements, expressed as "must" or "may not" and incorporated into every relevant permit and provincial authorisation;
- factors an authority must consider and record; and
- genuinely optional examples or good-practice recommendations.

16. The Department should publish a model set of mandatory permit conditions and require issuing authorities to incorporate them without dilution.

## 3.3 An interim measure requires a defined end point

17. The explanatory material calls the Guidelines an interim measure but specifies no end date, regulatory programme or review timetable. EMS recommends that DFFE publish:

- a timetable for developing binding national requirements;
- the responsible officials and intergovernmental structures;
- milestones for harmonising provincial legislation and permit systems;
- a date, no later than two years after commencement, for independent review; and
- a sunset or reconsideration provision preventing the Guidelines from operating indefinitely without evidence-based review and renewed public participation.

## 3.4 Absence of national data and the evidentiary foundation

18. In its response to NCOP Question No. 357 of 2024, DFFE confirmed that neither the Department nor SANBI maintained national records concerning the management of threatened or protected species under DCA permits. DFFE explained that many permits were issued by provincial conservation authorities to private individuals.

19. DFFE further confirmed that permits had continued to be issued to provincial conservation authorities while the Guidelines were in abeyance. The Department therefore authorised the capture, transport, killing and other restricted activities involving protected species without maintaining a complete national account of the resulting interventions and outcomes.

20. This is not merely a record-keeping deficiency. It raises a fundamental question about the evidence on which the Draft Guidelines were developed. In the absence of comprehensive national data, DFFE could not reliably determine:

- the numbers and species of animals captured, translocated, injured or killed;
- the methods most frequently authorised and used;
- the frequency and nature of non-target impacts;

- whether preventative measures were implemented;
- whether authorised interventions reduced recurring harm;
- whether permit conditions were complied with;
- whether methods had consistent outcomes across provinces; or
- the cumulative effects of interventions on populations, social groups and ecosystems.

21. The Department must disclose the data, assessments and other evidence used to select the regulated methods and minimum requirements. If the evidence is incomplete, that uncertainty must result in a precautionary approach and stronger protection, not permissive national endorsement.

22. The NCOP response records that the Permit and Enforcement Planning Committee agreed in October 2024 that provincial issuing authorities would report quarterly on numbers of DCAs killed. DFFE should disclose:

- every quarterly report received since that agreement;
- which provinces complied or failed to comply;
- the species and numbers reported;
- how the data informed the Draft Guidelines; and
- why paragraph 17 relies substantially on annual operator reporting when government had already recognised the need for quarterly provincial reporting.

## 3.5 Relationship with the GEF human-wildlife conflict project

23. The same NCOP response stated that the Guidelines process had been placed in abeyance pending a UNEP/Global Environment Facility project co-led by DFFE. One intended outcome was a national human-wildlife conflict policy that would inform later, more detailed initiatives.

24. DFFE should explain:

- whether the project and national policy have been completed;
- the findings, reports and recommendations produced;
- the stakeholders who participated;
- how the Draft Guidelines were informed by that work;
- whether the Guidelines have preceded the national policy that was intended to guide them; and
- how the current consultation relates to the stakeholder-engagement process promised in the NCOP response.

25. If the national policy and evidence-gathering project remain incomplete, DFFE should explain why it is rational and procedurally appropriate to endorse specific invasive and lethal methods before the overarching policy, evidence base and stakeholder process have been completed.

## 3.6 Uncertainty regarding ministerial authorisation

26. Government Notice 7650 is dated 2 July 2026. Mr David Maynier was sworn in as Minister of Forestry, Fisheries and the Environment on 1 July 2026, replacing Mr Willem Aucamp in that portfolio. EMS understands that the notice may have been approved or signed by Mr Aucamp. The published Gazette does not, however, identify the Minister who authorised the notice,

reproduce a signature, record the date on which approval was given, or contain the customary operative wording inviting representations.

27. Publication on 2 July 2026 does not by itself establish that the decision was taken on that date. The notice may have been lawfully approved before the change of office and published administratively thereafter. Nevertheless, the omission of the approving functionary's identity and approval date prevents the public from verifying whether the consultation process was validly initiated by the functionary empowered to do so.

28. DFFE should disclose the signed and dated ministerial approval, the record of decision, the instruction submitting the notice for publication and any delegation or other authority relied upon. If Mr Aucamp purported to approve or authorise the notice after he had ceased to be Minister of Forestry, Fisheries and the Environment, that would raise a material question as to whether the consultation process was lawfully initiated.

29. EMS accordingly requests DFFE to clarify:

- who decided to publish the Draft Guidelines for consultation;
- the date on which that decision was taken;
- the statutory authority under which it was taken;
- whether the decision preceded the change in ministerial office on 1 July 2026; and
- why the published notice omits the responsible Minister's name, signature, approval date and operative invitation for public comment.

30. DFFE should also confirm that no person who submits comments will suffer prejudice as a result of any defect or uncertainty in the notice or the stated consultation period.

31. If the notice was not validly authorised, EMS requests that it be withdrawn and republished under the authority of the incumbent Minister, with a fresh and adequate period for public comment.

# 4. CONSTITUTIONAL, STATUTORY AND ADMINISTRATIVE FRAMEWORK

## 4.1 Section 24 and NEMA principles

32. Decisions under the Guidelines engage section 24 of the Constitution. The environment is protected not only for utilitarian benefit, but through ecologically sustainable governance and reasonable legislative and other measures. The national environmental management principles in section 2 of the National Environmental Management Act 107 of 1998 ("NEMA") should guide every organ of state exercising an environmental function.

33. Relevant principles include avoidance and minimisation of disturbance to ecosystems and loss of biodiversity; application of a risk-averse and cautious approach; consideration of negative impacts on environmental rights; transparent decision-making; public participation; accountability; and the requirement that environmental management be integrated.

34. The Guidelines should incorporate these principles expressly rather than leaving them implicit.

## 4.2 Animal well-being is constitutionally relevant

35. The Draft Guidelines list the Animals Protection Act 71 of 1962 ("APA") but fail to integrate animal well-being into the decision whether an intervention is justified.

36. South African courts have recognised that animal welfare and conservation are intertwined constitutional values; that constitutional values demand a caring attitude towards animals and the

environment; and that animal welfare is connected to the environmental right. Animal well-being must accordingly inform:

- whether intervention is necessary;
- which intervention is selected;
- how it is executed;
- its effect on dependent offspring and social groups;
- the duration of restraint, pursuit or confinement;
- risks to non-target animals; and
- whether the outcome justifies the harm caused.

37. Compliance with a biodiversity permit cannot authorise cruelty or displace the APA. The final Guidelines should say so expressly. Every permit should state that it does not exempt the holder from the APA or any other applicable welfare, veterinary, weapons, hazardous-substances, occupational-safety or municipal law.

## 4.3 Administrative justice

38. A decision to authorise an invasive or lethal method is administrative action or, at minimum, an exercise of public power subject to legality, rationality, relevant considerations and procedural fairness. The Guidelines should therefore require:

- objective and relevant evidence;
- identification of the statutory power exercised;
- disclosure and management of conflicts of interest;
- consideration of reasonable alternatives;
- written reasons;
- a complete record of the application, assessment and decision;
- time-limited and method-specific authority;
- inspection and compliance monitoring;
- reconsideration, appeal or review mechanisms; and
- appropriate public notice and participation where the intervention affects public land, residential communities, protected species, social groups of animals or matters of significant public concern.

## 4.4 Public interest in the treatment of animals

39. In *Smuts and Another v Botha*, the Supreme Court of Appeal recognised that the use of animal traps and the treatment of animals in a commercial enterprise are matters of public interest. The Court held that the public has a legitimate interest in being informed about practices that directly affect animals and recognised animals as sentient beings capable of suffering, worthy of protection independently of their reflection on human values.

40. This supports a presumption of transparency concerning DCA authorisations. An applicant or operator should not ordinarily be able to claim confidentiality over conduct affecting wildlife, biodiversity, animal well-being or public safety merely because it occurs on private property or in a commercial agricultural operation involving farmed animals.

41. Permits, applications, inspection reports, welfare incidents, operator identities, reasons and outcomes should be publicly accessible, subject only to lawful and narrowly tailored redaction of personal information and genuinely sensitive conservation-location data.

# 5. CLAUSE-BY-CLAUSE COMMENTS

## 5.1 Paragraph 1: definitions

### 5.1.1 "Damage-causing animal"

42. The term places the focus on the animal rather than the interaction and its causes. It risks converting ordinary ecological behaviour into a negative characteristic attributed to an individual animal or species.

43. The proposed definition should be revised so that designation is incident-specific and temporary. It should require:

- reliable evidence identifying the species and, where the proposed response is individualised, the particular animal responsible;
- proof of actual substantial loss or damage, or a genuine, immediate and objectively verifiable threat to human life or serious physical safety;
- a direct causal connection between the identified animal and harm;
- exclusion of mere presence, fear, inconvenience, nuisance, anticipated loss unsupported by evidence, or ordinary ecological behaviour;
- assessment of anthropogenic causes, including habitat transformation, fencing, waste, food attractants, provisioning, inadequate care and protection of farmed animals, land-use change and negligence;
- proof that reasonable preventative measures appropriate to the species and site were implemented and maintained; and
- reasons why further preventative or non-invasive measures would not adequately address the interaction.

44. The definition should not allow a species, population, troop, pack or other social group to be designated merely because an individual animal is alleged to have caused harm. Group-level intervention requires separate evidence and ecological justification.

### 5.1.2 "Substantial loss" and "substantial damage"

45. These central thresholds are undefined. Paragraph 5(4)(c), moreover, refers to any "actual damage" or loss of livelihood, revenue or property, thereby apparently lowering the definition's substantiality threshold.

46. The Guidelines should provide objective criteria including:

- the nature, extent, duration and frequency of harm;
- the complainant's livelihood and socio-economic circumstances;
- whether the loss is insured or reasonably preventable;
- the value of the loss relative to the scale of the relevant operation;
- ecological and social context; and
- whether the harm materially impairs use, livelihood or safety.

47. Paragraph 5(4)(c) should be aligned with the definition by inserting “substantial” before “damage” and “loss”.

### 5.1.3 “Imminent threat”

48. “Imminent threat” must mean an immediate, objectively verifiable and serious threat, not a speculative, historical or generalised perception based on species identity.

49. The assessment should record the animal’s observed conduct, proximity, available escape or avoidance measures, presence of attractants, conduct of people at the scene and why immediate intervention is necessary.

50. The Guidelines should distinguish emergency action necessary to protect life from ordinary permit-based management. Any emergency action should be reported promptly and reviewed independently after the event.

### 5.1.4 “Competent person” and “adequately trained person”

51. The definition of a competent person is circular because competence depends only on whether the issuing authority regards the person as competent. The definition of an adequately trained person similarly leaves the content of “appropriate training” to each authority.

52. The Department should prescribe minimum national requirements:
    - accredited theoretical and practical training;
    - species-specific knowledge and assessment;
    - animal-behaviour and animal-well-being competence;
    - legal and permit training;
    - demonstrated ability to identify target and non-target animals;
    - emergency, veterinary and incident-response competence;
    - periodic renewal and reassessment;
    - a national or interoperable provincial register; and
    - suspension or removal for breach of permit conditions, cruelty, false reporting or unsafe conduct.

### 5.1.5 Scope contradiction

53. The definition includes a group of wild invertebrate animals, but paragraph 3(b) says the Guidelines apply to wild vertebrate animals. The scope must be corrected. If invertebrates are retained, the methods and safeguards plainly require separate consideration; most of the current instrument is drafted for vertebrate wildlife.

### 5.1.6 Preferred terminology

54. EMS recommends using “human-wildlife interaction” and “harmful interaction” rather than “conflict” wherever possible. Where the statutory or regulatory expression “damage-causing animal” must be retained, the document should make clear that it is an incident-specific legal designation, not an inherent characteristic.

### 5.1.7 Human-wildlife and human-human conflict

55. What is described as human-wildlife conflict frequently includes conflict between people concerning acceptable land use, allocation of costs, standards of care and protection for farmed animals, development in wildlife habitat, ethical attitudes, cultural beliefs, knowledge and the interests government elects to prioritise.

56. The Guidelines should require decision-makers to identify these human dimensions rather than resolving stakeholder disputes by directing the consequences at animals. Perceptions, fear, historical hostility towards particular species and commercial preference are not substitutes for verified evidence.

## 5.2 Paragraph 2: purpose

57. Paragraph 2 contains an apparent numbering error: subparagraph (e) appears as “(2)”. This should be corrected.

58. The purpose should be amended to prioritise:

- prevention and coexistence;
- removal of anthropogenic causes;
- protection of biodiversity and ecological processes;
- animal well-being;
- avoidance of indiscriminate and unnecessary harm;
- transparent, evidence-based and accountable administration; and
- consistent national minimum safeguards.

59. “Affordable” management should not mean that a cheaper harmful method may be preferred over a reasonably available preventative method without considering who created the risk, longer-term cost, ecological harm and public interest.

60. Cost comparisons should consider the full duration and consequences of each option. This includes recurring permit and contractor costs, repeated deaths or injuries among farmed animals after ineffective removal, ecological and non-target impacts, veterinary costs and the costs of respectful and lawful handling of animals’ remains, public-health and safety risks, and the durable benefits of prevention infrastructure, shepherding, protective monitoring and improved care of farmed animals. A method that appears cheaper at the moment of intervention may be less effective and more costly over time.

## 5.3 Paragraph 3: application

61. Paragraph 3 should state expressly that:

- the Guidelines create no exemption from the APA or other applicable law;
- a permit is not proof of compliance with animal-welfare legislation;
- where legislation provides stronger protection, the stronger protection applies;
- the Guidelines apply to organs of state, municipalities, protected-area authorities, contractors and private persons;
- outsourced management does not displace the duty or accountability of the authorising organ of state; and
- emergency action is governed by a separate, narrowly framed provision.

## 5.4 New paragraph: guiding principles

62. The Draft Guidelines contain no dedicated guiding-principles section. EMS recommends inserting a new paragraph after paragraph 3:

***Guiding principles***

Every person and authority applying these Guidelines must:

(a) prioritise prevention and long-term coexistence;

(b) apply a risk-averse and cautious approach where consequences or scientific evidence are uncertain;

(c) require objective, species-specific and site-specific evidence;

(d) select the least harmful effective intervention;

(e) ensure that any intervention is necessary and proportionate to verified harm;

(f) consider the well-being of the target animal, dependent offspring, associated social groups and non-target animals;

(g) avoid or minimise harm to biodiversity and ecological processes;

(h) address human conduct and land-use practices contributing to the interaction;

(i) record and publish reasons, subject only to lawful and narrowly tailored confidentiality;

(j) monitor outcomes and revise ineffective or harmful practices; and

(k) comply with NEMA, NEMBA, the Animals Protection Act and all other applicable legislation.

63. Species-specific animal-behaviour expertise should be integral to this framework. For socially or behaviourally complex species, the assessment must address learning, habituation, territoriality, social organisation, dependent offspring, group fragmentation, displacement and the behavioural consequences of repeated deterrence or removal.

## 5.5 Paragraph 4: duty of care

64. EMS supports recognition that predation and feeding are natural ecological processes and that activities creating interaction carry corresponding responsibilities.

65. However, "should, to the extent possible" is too weak. Paragraph 4(2) should impose a positive duty to take reasonable preventative measures. Relevant measures should include secure waste management, removal of attractants, appropriate care and protection of farmed animals, maintenance of barriers, protection of vulnerable farmed animals, avoidance of provisioning and modification of conduct that predictably increases risk.

66. The Draft also contains a duplicated paragraph 4(2)(b), which must be corrected.

67. Paragraph 4(3)(a) should not present obtaining veterinary assistance and killing an injured animal as casually interchangeable alternatives. It should require immediate veterinary assessment wherever reasonably possible and permit emergency euthanasia only where necessary to prevent ongoing suffering, carried out by an appropriately qualified or authorised person using a lawful and humane method.

68. Captured non-target animals should not merely be released "as soon as possible". Release should be immediate where safe and appropriate, with veterinary assessment where injury, exposure or distress may have occurred, and mandatory reporting to the authority.

69. EMS proposes replacing paragraph 5(9) with: No invasive or lethal management intervention may be authorised where the interaction or harm was materially caused by reasonably avoidable human error, negligence, provisioning, failure to secure attractants, inadequate care or protection of farmed animals, or non-compliance with a reasonable prevention requirement, unless immediate intervention is strictly necessary to protect human life and no less harmful effective measure is reasonably available.

## 5.6 Paragraph 5: assessment and authorisation

70. Paragraph 5 is the central decision-making provision, yet it does not require an inspection unless other biodiversity legislation already does so. This perpetuates provincial inconsistency.

71. A compulsory assessment should precede every intervention involving capture, darting, pursuit by dogs, poison, trapping, injury or killing, except a genuine human-life emergency.

72. The assessment must include:

- a site inspection by an independent or suitably authorised official;
- verification of species and, where relevant, individual identification;
- evidence of the nature, scale, value, duration and recurrence of harm;
- analysis of habitat, corridors, seasonality and ordinary species behaviour;
- identification of attractants and anthropogenic causes;
- verification of preventative measures and their maintenance;
- consideration of additional non-invasive measures;
- animal well-being and social-group consequences;
- risk to dependent offspring;
- risk to non-target animals and ecosystem functions;
- expected effectiveness and duration of the proposed intervention;
- cumulative impacts of previous interventions; and
- written reasons demonstrating necessity, proportionality and absence of a less harmful effective alternative.

73. Paragraph 5(6) qualifies prevention by reference to cost and practicality. Costs are relevant but cannot be assessed in isolation. The authority must consider the scale and resources of the applicant, who created or benefits from the risky activity, the recurring cost of reactive interventions, public and ecological costs, and available technical or financial assistance.

74. Paragraph 5(7) should expressly require consideration of impacts on dependent young, family units, troops, packs, breeding structures, dispersal, territorial stability, ecological function and neighbouring communities.

75. Paragraph 5(8)(c), which states simply that proposed measures “may include” killing, is insufficient. Killing must be an exceptional last resort, authorised only on clear and convincing evidence that:

- verified harm meets the required threshold;
- immediate action is necessary;
- reasonable preventative and non-lethal measures have been properly implemented, monitored and independently evaluated;
- no less harmful effective alternative is available;
- the proposed method is lawful, target-specific and demonstrably humane;
- dependent offspring and social consequences have been addressed; and
- the authority has given written reasons.

## 5.7 Paragraph 5(8)(b)(iv): captive breeding

76. EMS objects to the provision allowing a captured free-living animal to be introduced into a registered captive breeding facility where breeding is said to be "aimed at the conservation of the species".

77. Registration and a stated conservation aim do not establish genuine conservation benefit. The clause creates a pathway from free-living wildlife into commercial breeding, trade, display, hunting or exploitation under an undefined conservation label.

78. EMS recommends deletion. If retained, the provision must require:

- an identified and independently reviewed in situ conservation objective;
- proof that removal from the wild is necessary for that objective;
- a genetic and demographic management plan;
- a defined rehabilitation and release or reintroduction plan with measurable milestones;
- independent ethical approval;
- prohibition of commercial exploitation, including sale, hunting, trade, exhibition or use of the animal's body or any part or derivative;
- permanent individual identification and traceability;
- inspection and public reporting; and
- a plan for lifetime care if release is not achieved.

## 5.8 Paragraph 6: capture and translocation

79. Translocation can cause serious welfare and ecological consequences and should not be presented as an automatically benign alternative.

80. It should require:

- an independent ecological feasibility and risk assessment;
- Welfare and well-being assessment;
- veterinary assessment and disease screening;
- habitat assessment;
- consideration of genetic integrity;
- consideration of territoriality, social organisation and dependent animals;
- assessment of likely displacement of resident animals;
- written consent after disclosure of risks;
- species-appropriate capture, transport and release standards;
- mandatory tracking unless a documented animal-well-being reason precludes it; and
- a funded post-release monitoring and response plan with defined success and failure criteria.

81. "If practicable" in paragraph 6(5) is too vague. Where tracking is necessary to assess survival, welfare and recurrence, it should be mandatory and funded before authorisation.

## 5.9 Paragraph 7: deterrent methods

82. The description of a method as “non-invasive” or “non-lethal” does not establish that it is humane, lawful, effective or ecologically acceptable. A deterrent may cause fear, distress, injury, displacement, disruption of social organisation or increased conflict without killing an animal directly. Paragraph 7 should therefore distinguish genuinely preventative and coexistence-based measures from coercive aversive methods directed at animals.

83. EMS’s experience of baboon management demonstrates the danger of treating aggressive deterrence as benign. Repeated chasing and the use of paintball markers, bear bangers and similar devices can scatter and displace troops, separate individuals, disrupt natural movement and foraging, and drive baboons into residential areas to seek cover. This may increase opportunistic foraging and human-baboon encounters rather than produce stable, durable coexistence. Apparent short-term movement away from a particular point is not proof that a method is effective.

84. The Guidelines should expressly prohibit the routine use of weapons-based, projectile, explosive or chemical deterrents against wildlife, particularly in urban, peri-urban and residential areas. This prohibition should include paintball markers, pepper balls or sprays, bear bangers, screamers or primers, gel blasters, water cannons, strobing or high-intensity lights, and drones used to chase or harass animals. Continuous harassment, deliberate troop scattering and night-time pursuit should not be recognised as acceptable wildlife-management practices. Chemical immobilisation is not a deterrent and must be governed separately as an invasive veterinary intervention. Any action genuinely required to protect human life in an immediate emergency must be narrowly governed by applicable law and must not become a route for routine aversive management.

85. Deterrence must not substitute for addressing the human causes of interaction. Before any animal-directed measure is considered, the responsible authority and land users should be required to secure waste, regulate food outlets and public facilities, enforce prohibitions on deliberate feeding, remove or manage attractants, improve building and infrastructure design, protect ecological corridors and natural refuges, and incorporate wildlife movement into municipal spatial planning. Authorities should not repeatedly drive animals away from human-created attractants that they have failed to control.

86. Any permissible deterrent programme should be founded on an independent species-specific behavioural, ecological and animal-well-being assessment; clear proof of lawful authority; defined objectives and geographical limits; meaningful public participation; trained and accountable personnel; publicly available operating protocols; and measures protecting residents, children, companion animals and other wildlife. Entry onto private property must be based on consent or clear lawful authority, and deterrent programmes must not be used to justify intimidation, unsafe conduct or unaccountable intrusion.

87. Monitoring must examine the consequences for the whole troop or social group, not merely whether animals temporarily leave a particular place. It should record displacement, troop fragmentation, altered movement and foraging, repeat incursions, non-target effects, injuries, deaths, veterinary interventions, complaints and unauthorised property entry. Baseline data, success and failure criteria, prompt incident reporting, independent veterinary response, public disclosure and enforceable stop-rules should be mandatory. Where a method scatters animals, transfers the problem elsewhere or increases harmful encounters, it must cease.

88. The preferred approach in urban and peri-urban areas should be coexistence-based and human-behaviour-led: reliable waste and attractant control, trained non-weaponised monitoring teams, early-warning systems, public education, household and business compliance, protection of movement routes, and coordinated municipal response. The objective must be to reduce harmful

interactions while preserving social cohesion, natural behaviour, habitat access and animal well-being, not simply to force wildlife beyond an administrative boundary.

## 5.10 Paragraph 8: regulated methods

89. Listing a method in national Guidelines risks conferring legitimacy even where the text says that a method remains prohibited if legislation prohibits it. The final instrument should distinguish:

- prohibited methods;
- exceptional methods subject to heightened scrutiny; and
- methods that may be authorised under ordinary species-specific safeguards.

90. A method should not be included merely because it has historically been used or can be regulated by permit. DFFE must provide the current scientific and animal-well-being evidence supporting each method, including its effectiveness, selectivity, injury rate, non-target consequences and available alternatives.

91. The final Guidelines must also contain a general prohibition applying to methods that are absent from the list. No person should be permitted to use an omitted method merely because it is not expressly mentioned. Any method should be prohibited if it:

- is indiscriminate or cannot reliably target the animal responsible;
- creates an unreasonable risk to non-target animals or people;
- causes unnecessary suffering;
- destroys dens, shelters or refuges used by multiple species;
- uses poison or hazardous substances without effective containment;
- prevents prompt inspection, release or veterinary assistance; or
- is inconsistent with the APA or other applicable law.

92. The prohibited list should include snares, body-gripping or walk-through snap traps, poison baits, denning, helicopter pursuit or killing, and any substantially similar method. A future or newly marketed method must not be presumed lawful simply because it was not known or listed when the Guidelines were finalised.

### 5.10.1 Disproportionate focus on jackal and caracal predation

93. As observed in recent public analysis of the Draft Guidelines, although the instrument is presented as a national framework applicable to a wide range of human-wildlife interactions, its structure, examples, deterrents and regulated methods are disproportionately oriented towards predation involving farmed animals by black-backed jackal and caracal. This agricultural and predator-control emphasis narrows what should be a comprehensive coexistence framework.

94. The focus is apparent in the prominence given to jackal-proof fencing, poison collars, call-and-shoot operations, leghold traps, packs of hounds and poison-ejecting apparatuses. The Draft Guidelines devote considerably less attention to the systemic causes and prevention of other forms of interaction, including habitat fragmentation, development in movement corridors, municipal waste, urban expansion, tourism practices, road infrastructure and interactions involving primates, elephants, large carnivores and other species.

95. A national framework should not simply generalise methods historically associated with controlling predators of farmed animals to all wildlife. Different taxa, social systems, landscapes and types of interaction require different evidence, expertise, prevention measures and safeguards. Methods designed around jackal or caracal control may be ineffective, ecologically

damaging or wholly inappropriate when applied to socially complex, long-lived, urban-adapted or threatened species.

### 5.10.2 Lethal predator control cannot be presumed effective

96. The Draft Guidelines appear to assume that removing a predator implicated in an incident involving farmed animals will prevent future incidents. That causal assumption must be tested rather than accepted. South African research concerning recolonising black-backed jackals and caracals in the Karoo has reported an association between culling and increased predation of farmed animals in the following year. Proposed explanations include rapid recolonisation of vacant territories and disruption of established territorial or social patterns. The evidence does not justify treating indiscriminate or repeated lethal control as an effective default response.

97. The Guidelines should require issuing authorities to consider whether removal may:
    - create a vacant territory that is rapidly recolonised;
    - disrupt stable territorial or social organisation;
    - alter predator age structure or behaviour;
    - increase movement by inexperienced or dispersing animals;
    - generate repeated cycles of removal without reducing loss; or
    - produce ecological consequences that outweigh any short-term benefit.

98. For predator-related applications, the applicant and issuing authority should be required to provide measurable evidence that the proposed intervention is likely to reduce verified predation involving farmed animals over an appropriate period. Success should be measured by a subsequent reduction in verified incidents, not by the number of predators captured or killed. Where earlier lethal interventions have not produced a durable reduction, repetition should not be authorised without compelling new evidence and independent review.

### 5.10.3 Incident-specific permits and prohibition of blanket authority

99. Every authorisation involving capture, pursuit, injury or killing should:
    - be issued before the activity occurs;
    - relate to a verified incident;
    - identify the responsible individual animal where reasonably possible;
    - specify the maximum number of animals;
    - specify the method and operator;
    - apply to a defined location;
    - operate for a short and defined period; and
    - expire when the verified incident has been addressed.

100. The Guidelines should expressly prohibit retrospective permits, annual blanket exemptions, open-ended authorisations, permits issued for prospective or prophylactic killing, species-wide control and population reduction presented as incident-specific DCA management.

### 5.10.4 Prohibition of financial benefit

101. No applicant, landowner, permit holder, operator, contractor, issuing authority or third party should derive commercial benefit from the classification, capture or killing of an animal as damage-causing, or from the animal’s body or remains.

102. The prohibition should include:

- sale of a hunt to a client;
- retention, sale or display of the animal's body or remains;
- sale or commercial exploitation of the animal's body, remains or any part or derivative;
- transfer into a commercial breeding, exhibition or wildlife-use operation;
- payment structures that reward contractors according to the number of animals captured or killed; and
- any arrangement creating an incentive to classify or retain an animal as damage-causing.

103. Any unavoidable handling or transfer of an animal's remains should be independently authorised, supervised, recorded and audited. This safeguard is essential for species targeted in high-priced trade, for which DCA designation could otherwise become a route to hunting, trade, captivity or other commercial exploitation.

## 5.11 Paragraph 9: cage traps

104. A universal 24-hour inspection interval is inadequate. Risk varies by species, weather, trap location, public access, predator exposure and availability of water and shelter.

105. The Guidelines should require:

- remote activation alerts where reasonably available;
- species- and climate-specific physical inspection intervals substantially shorter than 24 hours;
- continuous or frequent oversight in extreme weather or public areas;
- immediate removal after detection;
- adequate ventilation, shade, weather protection and water;
- a predetermined veterinary, release, rehabilitation or other lawful plan before setting the trap;
- a prohibition on setting traps when response personnel are unavailable;
- reporting of every target and non-target capture; and
- independent investigation of injury, escape, prolonged confinement or death.

106. The phrase "to the extent possible" in paragraph 9(1)(f) should be deleted. Removal within an appropriate maximum period must be mandatory.

107. The use of live bait raises separate welfare concerns and should be prohibited unless DFFE demonstrates that it can lawfully and humanely be justified under narrowly defined circumstances.

## 5.12 Paragraph 10: poison collars

108. EMS recommends deletion of paragraph 10 and commencement of the legislative process required to prohibit poison collars.

109. Poison collars create foreseeable risks to non-target animals, scavengers, domestic animals, workers and the wider environment. Their safeguards depend heavily on correct placement, continuous control, prompt discovery of an affected animal's body and self-reporting.

110. Endorsing sodium monofluoroacetate as the recommended poison is incompatible with the stated objectives of reducing indiscriminate killing and suffering where safer preventative approaches are available.

111. At minimum, no poison method should remain in the final Guidelines unless DFFE publishes a method-specific independent risk and welfare assessment, registration status, environmental-fate evidence, non-target incident data, enforcement record and reasoned comparison with less harmful alternatives.

## 5.13 Paragraph 11: darting

112. EMS supports the requirement for professional authorisation, but the clause should additionally require:

- species-appropriate veterinary protocols;
- prior assessment of terrain, weather, water, roads and fall risk;
- monitoring from darting until full recovery or euthanasia;
- availability of reversal agents and emergency equipment;
- recording of the drug, dose, time, operator, animal response and outcome;
- reporting of complications; and
- a clear lawful purpose for immobilisation established before darting.

## 5.14 Paragraph 12: call and shoot

113. Paragraph 12(b) provides only that the operator should, "to the extent possible", target an individual animal known to cause damage. Individual identification must be mandatory.

114. Call and shoot should not be authorised:

- for general population reduction;
- on the basis of species identity alone;
- where dependent offspring are likely to be orphaned;
- where public safety cannot be assured;
- near protected-area boundaries if it may alter animal behaviour or lure animals from protected habitat; or
- unless follow-up, verification of outcome and recovery of the animal's body are assured.

## 5.15 Paragraph 13: leghold traps

115. EMS recommends deletion of paragraph 13 and prohibition of leghold traps.

116. The traps restrain an animal physically, are not reliably individual-specific, can capture non-target animals and may leave an animal confined for the proposed 24-hour inspection interval. Labelling the method a "last resort" does not cure its inherent risks.

117. Paragraph 13(2)(c) also appears technically unclear or erroneous in suggesting that the stated pan tension will "release the jaws" when the target animal activates the trap. The entire technical basis should be independently reviewed rather than reproduced in final national guidance.

118. The proposed 1.75 kg pan-tension setting does not make a leghold trap target-specific. Numerous non-target mammals, domestic animals and other animals exceed that weight. The

Draft Guidelines provide no peer-reviewed scientific basis demonstrating that this threshold prevents non-target capture in South African ecosystems.

119. DFFE should disclose all testing and evidence supporting the threshold, including sample sizes, habitats, species present, non-target capture rates and injuries. The assessment must also address jaw force, spring strength, duration of restraint and the fact that padding does not eliminate all forms of injury or distress.

120. If DFFE proceeds towards prohibition, the regulatory response should extend beyond use to the manufacture, importation, advertisement, sale, distribution and possession of these devices. Restricting field use while leaving harmful devices freely available would materially weaken enforcement.

## 5.16 Paragraph 14: complete prohibition on hounds or dogs

121. EMS calls for a complete prohibition on the use of hounds or dogs in damage-causing animal management. Paragraph 14 must be deleted in its entirety and replaced with an express prohibition. No permit, authorisation, exemption or management plan should permit the use of dogs for this purpose.

122. The prohibition must cover every use of hounds or dogs to pursue, flush, track, locate, corner, restrain, capture or facilitate the killing of an animal designated or suspected to be damage-causing. The method is inherently difficult to control, cannot reliably be confined to a particular identified animal and creates unacceptable risks to target and non-target animals, dependent young, social groups, domestic animals, the dogs themselves, neighbouring landowners and the public. Operational conditions or purported safeguards cannot cure these fundamental defects. DFFE should initiate any legislative or regulatory measures necessary to establish and enforce this prohibition nationally.

## 5.17 Paragraph 15: poison-ejecting apparatus

123. EMS strongly recommends deletion of paragraph 15 and legislative prohibition of poison-ejecting apparatuses.

124. National endorsement of a spring-driven device dispensing powdered sodium cyanide is incompatible with precaution, animal well-being, public safety and protection of non-target species. Warning signs, placement restrictions and daily checks cannot eliminate the inherent risks.

125. The restriction concerning threatened predator species does not protect unlisted non-target wildlife, domestic animals, workers, children or the public. It also depends on an operator accurately determining which species “occur or are likely to occur”.

## 5.18 Paragraph 16: animals’ remains and lead

126. The issuing authority should not have an open-ended power to determine what happens to the body of a killed animal “as it deems appropriate”. The respectful and lawful handling of the animal’s remains must comply with biodiversity, veterinary, hazardous-substances, pollution, waste, public-health, forensic and permit requirements.

127. Where an animal was killed under authority, the animal’s body may constitute evidence relevant to species identification, shot placement, method compliance, poison exposure, age, sex, reproductive status and cause of death. The Guidelines should require preservation of evidence and, where appropriate, veterinary or forensic examination before the remains are released, transferred or otherwise handled.

128. Paragraph 16(3) manages lead contamination after the animal has been killed rather than preventing it. EMS recommends a prohibition on lead ammunition in authorised wildlife-management interventions, subject only to a narrowly justified and temporary exception where no lawful effective alternative exists.

129. The bodies of animals affected by poison should be handled only by appropriately trained and equipped persons under a documented hazardous-waste protocol. Burial or burning should not be prescribed without confirming compliance with pollution, fire, waste, water and municipal law.

## 5.19 Paragraph 17 and Annexure A: monitoring and reporting

130. Monitoring cannot depend primarily on annual self-reporting by operators. A report made months after an incident is inadequate for enforcement, veterinary response, non-target impacts and adaptive management.

131. The Guidelines should require:

- prompt reporting after every regulated intervention;
- immediate reporting of human injury, animal injury, non-target capture, escape, missing dogs, suspected cruelty, poison incident or death;
- submission of permits, inspection reports, photographs, veterinary reports and operator records;
- the identity and accreditation of every operator;
- method, duration, location and conditions;
- target and non-target species, sex, age class and reproductive or dependent status;
- the outcome, including recurrence and whether the claimed objective was achieved;
- assessment of ecological and social-group effects;
- enforcement action and permit suspensions; and
- post-translocation and longer-term monitoring.

132. Issuing authorities should submit standardised quarterly data to a central national system. DFFE should publish annual national and provincial summaries disaggregated by species, method, authority, outcome, non-target impacts and compliance.

133. Quarterly provincial reporting is not a novel proposal: DFFE informed the NCOP that the Permit and Enforcement Planning Committee agreed in October 2024 that provincial issuing authorities would report quarterly on DCAs killed. The final Guidelines must incorporate and expand that pre-existing undertaking rather than rely on less frequent annual operator reports.

134. DFFE should publish the quarterly information already received, identify gaps in provincial compliance and explain how historical permit data informed the selection of methods and safeguards in the Draft Guidelines.

135. The public should have access to permits, written reasons and outcome reports, subject only to redaction of personal information and location data where disclosure would create a demonstrable conservation or safety risk.

136. Annexure A should be expanded to capture:

- anthropogenic causes and attractants;
- preventative measures and proof of maintenance;
- individual-animal identification evidence;

- dependent offspring and social-group information;
- non-target risk;
- veterinary information;
- reasons for method selection;
- alternatives considered;
- permit number and conditions;
- operator accreditation;
- outcome and recurrence;
- compliance inspection; and
- the issuing authority's written decision and reasons.

## 6. URBAN AND PERI-URBAN WILDLIFE

137. The Draft Guidelines are framed predominantly around rural landowners and predation involving farmed animals. South Africa also faces complex interactions involving wildlife in towns, residential areas, tourism destinations, public roads, schools and municipal spaces.

138. Urban and peri-urban interactions often arise from planning failures, habitat fragmentation, inadequate waste systems, development across movement corridors, food outlets, deliberate feeding and inconsistent municipal enforcement. These conditions cannot properly be addressed by repeatedly directing deterrent or lethal measures at animals.

139. The Guidelines should impose duties on municipalities and other organs of state to:

- incorporate wildlife coexistence into spatial, waste, tourism and infrastructure planning;
- secure municipal waste and public food sources;
- protect ecological corridors and refuges;
- regulate feeding and attractants consistently;
- publish operational protocols and permits;
- provide public notice of potentially hazardous operations;
- regulate access to private property;
- prevent unsafe use of projectiles, explosive-noise devices, chemical irritants, traps or other equipment near people, homes, schools, roads and animals;
- record and publicly report injuries, deaths, veterinary incidents and complaints; and
- assess whether management tactics cause troop, group or territorial fragmentation, displacement into residential cover, habituation or increased opportunistic foraging.

140. Municipal contractors must be subject to the same legal duties, competence requirements, oversight and transparency as officials. Outsourcing does not transfer the municipality's constitutional or statutory accountability.

# 7. INSTITUTIONAL GOVERNANCE AND PUBLIC ACCOUNTABILITY

## 7.1 Standardised decision framework

141. DFFE should develop a mandatory decision record requiring the issuing authority to answer sequentially:

1) What verified harm occurred?
2) Which animal caused it and what evidence establishes that conclusion?
3) What human or environmental factors contributed?
4) Which prevention measures were implemented, for how long and with what result?
5) What additional measures remain reasonably available?
6) Is intervention necessary?
7) Is the proposed method likely to be effective?
8) Is there a less harmful effective alternative?
9) What are the animal-well-being, social-group, ecological and non-target consequences?
10) What permit conditions, monitoring and reporting are required?
11) What reasons justify the decision?

## 7.2 Conflicts of interest

142. Persons who stand to benefit financially from an intervention, the animal's body or remains, capture, relocation, breeding transfer, any material derived from the animal, or repeat management work should not independently verify the incident or determine the appropriate intervention.

143. Applicants, experts, operators and officials should declare relevant financial and institutional interests. The decision record should disclose how conflicts were managed.

## 7.3 Public participation and affected communities

144. Individual emergency incidents will not always permit prior public participation. However, policies, area-wide programmes, recurring permits and operations affecting public land or communities should be preceded by meaningful public participation.

145. Affected communities should receive accessible information about proposed methods, risks, complaint channels, incident reporting and review mechanisms. Particular attention must be given to children, schools, workers and communities exposed to dangerous devices or operations.

146. Consistently with *Smuts and Another v Botha*, trapping and other commercial or private practices affecting animals are matters of legitimate public concern. The fact that conduct occurs on private land does not justify secrecy where it affects sentient animals, biodiversity, environmental governance or public safety.

## 7.4 Capacity and resourcing

147. Uniformity requires more than guidance. DFFE should provide accredited training, technical protocols, veterinary access, national data standards, audit capacity and support for non-lethal prevention, particularly for subsistence farmers and resource-constrained communities.

148. Lack of institutional capacity should not be addressed by lowering welfare, scientific or evidentiary standards. Where an authority cannot safely oversee a method, it should not authorise it.

# 8. PROPOSED HIERARCHY OF INTERVENTIONS

149. The Guidelines should establish the following binding hierarchy:

1) remove or reduce anthropogenic causes and attractants;
2) implement land-use, care and protection measures for farmed animals, waste, infrastructure and behaviour changes;
3) apply species- and site-appropriate non-invasive deterrents;
4) monitor and adapt preventative measures;
5) consider carefully controlled non-lethal intervention only where justified;
6) consider capture or translocation only after ecological, veterinary and welfare assessment; and
7) consider lethal intervention only as an exceptional last resort meeting a heightened evidentiary threshold.

150. A departure from the hierarchy should require written reasons. Cost, convenience, historical practice, public pressure or an unsupported claim that non-lethal methods “do not work” should not be sufficient.

# 9. REVIEW OF SCIENTIFIC SUPPORT

151. The Department should publish the complete evidence base used to select the regulated methods and minimum requirements. For each method this should include:

- effectiveness in South African conditions;
- target specificity;
- frequency and nature of injury;
- animal-well-being effects;
- impacts on dependent young and social groups;
- non-target and ecosystem effects;
- human and occupational safety;
- cumulative consequences;
- comparative effectiveness of less harmful alternatives; and
- areas of uncertainty.

152. The Guidelines should not freeze contested or outdated practices into national policy. An independent multidisciplinary scientific and ethical panel should review the evidence, including expertise in ecology, animal behaviour, veterinary science, animal welfare, environmental law, public health and coexistence.

153. The evidence review should examine explicitly whether the Guidelines’ strong orientation towards black-backed jackal and caracal control is scientifically justified and appropriate for a national, multi-species instrument. It should include research on compensatory responses, recolonisation, territorial disruption, predator ecology, comparative outcomes for farmed animals and the effectiveness of shepherding, protective monitoring, improved care of farmed animals and other non-lethal measures.

154. DFFE should not measure a management method’s success by the number of animals removed. The relevant outcomes are whether verified harm declines, whether the reduction is durable, whether non-target and ecological impacts are avoided, and whether the method advances coexistence.

## 10. CONSOLIDATED AMENDMENTS REQUESTED

155. Before finalising the Draft Guidelines, EMS requests that DFFE:

- restore binding Norms and Standards for core national protections;
- provide a defined transition from interim guidance to binding regulation;
- insert guiding principles;
- correct the scope, numbering and duplication errors;
- define substantial damage and imminent threat objectively;
- prescribe national competence and accreditation standards;
- impose an enforceable duty of prevention;
- require compulsory independent assessment and written reasons;
- establish a heightened threshold for lethal intervention;
- delete the captive-breeding pathway or impose rigorous non-commercial conservation safeguards;
- prohibit poison collars, poison-ejecting apparatuses and leghold traps;
- prohibit the use of hounds or dogs in damage-causing animal management and strengthen cage-trap, darting and call-and-shoot safeguards;
- prohibit lead ammunition in authorised management interventions;
- establish urban and municipal coexistence requirements, including human-behaviour-first prevention and a prohibition on routine weapons-based, explosive, projectile and chemical deterrence;
- create prompt incident reporting and a national public database;
- require conflict-of-interest disclosure;
- provide public participation for policies, programmes and area-wide operations;
- publish the scientific evidence supporting each authorised method; and
- conduct an independent public review within two years.
- disclose the national DCA data, quarterly provincial reports and evidentiary basis used to develop the Guidelines;
- explain the relationship and sequencing between the GEF national policy project and the Draft Guidelines;
- prohibit retrospective, blanket, open-ended and prophylactic permits;
- prohibit commercial benefit from DCA designation, capture, killing or any handling or transfer of the animal's body or remains;
- create a general prohibition covering harmful and indiscriminate methods omitted from the listed methods;
- regulate manufacture, importation, sale, distribution and possession of prohibited devices;
- require species-specific behavioural expertise and full comparative assessment of the costs and effectiveness of lethal and non-lethal measures; and

- give effect to the public-interest and transparency principles recognised in *Smuts and Another v Botha*.
- disclose the signed and dated approval and record of decision for Government Notice 7650 and, if it was not validly authorised by the responsible Minister, withdraw and republish it with a fresh and adequate public-comment period.

## 11. CONCLUSION

156. South Africa needs a coherent national framework for preventing and responding to harmful interactions between people and wildlife. Such a framework must begin from the recognition that predation, foraging and movement are natural ecological processes, and that many harmful interactions are created or intensified by human land use, habitat transformation, waste, inadequate care and protection of farmed animals, infrastructure and behaviour.

157. The Draft Guidelines contain some positive recognition of prevention and non-invasive measures. Those elements are nevertheless weakened by an instrument that is expressly interim, predominantly non-binding and not intended to prohibit methods. Its permissive language, broad discretion, inadequate evidentiary safeguards and continued endorsement of inherently harmful or non-selective methods risk legitimising the very practices it purports to constrain.

158. Wildlife should not bear the consequences of preventable human conduct by default. Decisions resulting in capture, injury or death must be exceptional, evidence-based, necessary, proportionate, transparent and subject to meaningful oversight. Animal well-being must inform whether an intervention is justified, not merely the manner of its execution.

159. EMS accordingly cannot support finalisation of the Draft Guidelines in their present form. EMS requests substantial revision and the adoption of binding national minimum safeguards capable of delivering lawful, consistent, humane and ecologically responsible governance.

160. EMS thanks the Department for the opportunity to comment and requests that it publish:

- a response-to-comments report;
- the evidence and reasons supporting the final instrument;
- the implementation and enforcement plan; and
- the timetable for binding national regulation and review.

# REFERENCES


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