

**COURT ONLINE COVER PAGE**

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**


**CASE NO: 2026-024184**

In the matter between:

**LIBERTY FIGHTERS NETWORK,REYNO DAWID DE BEER NO REYNO DAWID DE BEER NO** Plaintiff / Applicant / Appellant

and

**PREMIER OF THE WESTERN CAPE, MR. ALAN WINDE N.O., OR HIS SUCCESSOR IN TITLE,SPEAKER OF THE WESTERN CAPE PROVINCIAL PARLIAMENT, MR. DAYLIN MITCHELL N.O., OR HIS SUCCESSOR IN TITLE,WESTERN CAPE PROVINCIAL MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, MR.ANTON BREDELL N.O., OR HIS SUCCESSOR IN TITLE,OFFICE OF THE COMMISSIONER OF THE ENVIRONMENT,SOUTH AFRICAN NATIONAL PARKS,CAPENATURE,CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY,CHAIRPERSON OF CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM, MR. ROBERT McGAFFIN N.O., OR HIS SUCCESSOR IN TITLE,JUDITH ANNE SOLE JUDITH ANNE SOLE ,WILDLIFE ANIMAL PROTECTION FORUM OF SOUTH AFRICA,BABOON ADVISORY GROUP** Defendant / Respondent



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**Notice of Motion (Long Form)**

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ELECTRONICALLY SIGNED  
BY:

**Registrar of The High Court,  
Western Cape Division, Cape  
Town**

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

CASE NO:

In the matter between:

**LIBERTY FIGHTERS NETWORK**

(A voluntary association without gain *universitas*)

**REYNO DAWID DE BEER N.O.**

(cited *nomine officio* as executive official of 1<sup>st</sup> Applicant)

and

**PREMIER OF THE WESTERN CAPE,**

**MR. ALAN WINDE N.O., OR HIS**

**SUCCESSOR IN TITLE**

**SPEAKER OF THE WESTERN CAPE**

**PROVINCIAL PARLIAMENT, MR.**

**DAYLIN MITCHELL N.O., OR HIS**

**SUCCESSOR IN TITLE**

First Applicant



Second Applicant

First Respondent

Second Respondent

**WESTERN CAPE PROVINCIAL  
MINISTER FOR LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND  
DEVELOPMENT PLANNING, MR.  
ANTON BREDELL N.O., OR HIS  
SUCCESSOR IN TITLE**

Third Respondent

**OFFICE OF THE COMMISSIONER OF  
THE ENVIRONMENT**

(a constitutional office established in terms  
of section 71 of the Constitution of the  
Western Cape, 1997, currently vacant)

Fourth Respondent



**SOUTH AFRICAN NATIONAL PARKS**

Fifth Respondent

**CAPENATURE**

Sixth Respondent

**CITY OF CAPE TOWN METROPOLITAN  
MUNICIPALITY**

Seventh Respondent

**CHAIRPERSON OF CAPE PENINSULA  
BABOON MANAGEMENT JOINT TASK  
TEAM, MR. ROBERT McGAFFIN N.O.,  
OR HIS SUCCESSOR IN TITLE**

Eighth Respondent

**JUDITH ANNE SOLE**

Ninth Respondent

**WILDLIFE ANIMAL PROTECTION**

Tenth Respondent

**FORUM OF SOUTH AFRICA**

**BABOON ADVISORY GROUP**

Eleventh Respondent

<p><b>NOTICE OF MOTION</b></p>	
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***KINDLY TAKE NOTICE FURTHER*** that the Applicants intend to apply to the above Court on **Tuesday, 17 February 2026** at **10h00**, or as directed by the Court, for an order in the following terms:

**PART A: URGENT INTERIM RELIEF**

1. That the forms and service provided for in the Rules are dispensed with and that this application be heard as one of urgency in terms of Rule 6(12), or alternatively as semi-urgent in terms of the Western Cape Practice Directives;
2. That a *rule nisi* do issue calling upon the Respondents to show cause on a return date to be heard with PART “B” *infra* as determined by the Court why an order as set out in Items 3 to 5 *infra*, should not be made final;
3. That it is confirmed that the First Applicant, **LIBERTY FIGHTERS NETWORK** (“**LFN**”), as a voluntary association not for gain (*universitas*) be represented by the Second Applicant, its nominated official Mr. **REYNO DAWID DE BEER N.O.** (“**De Beer**”);

4. That the Applicants are permitted to bring this application in their own capacities, also in the interests of LFN's members and in the interests of the public;
5. Pending the finalisation of the referral for an investigation by the Applicants dated 9 December 2025 to the Fourth Respondent, interdicting and restraining the Third Respondent, and Fifth to Eighth Respondents, and all persons acting through them, under their authority, or as their agents, contractors or delegates, from taking any steps to implement, give effect to, or operationalise the Final Cape Peninsula Baboon Management Action Plan (2025) dated 31 October 2025, or as amended (hereafter referred to as the "Final Action Plan"), insofar as such steps are permanent, irreversible, or create a *fait accompli*, including *inter alia*:



- 5.1. capture, removal, relocation, translocation, confinement in any sanctuary or enclosure, or any forced movement of any baboon troop;
- 5.2. any vasectomy programme or any reproductive intervention;
- 5.3. any euthanasia, lethal control, destruction, or lethal authorisation in respect of any baboon;
- 5.4. concluding, signing, implementing, or giving effect to any agreement with any third party concerning a baboon sanctuary and/or enclosure programme;
- 5.5. commencing or continuing any construction, installation, electrification, fencing, enclosure building, or other infrastructure works aimed at sanctuary confinement;

- 5.6. taking any step that directly or indirectly renders the Applicants' complaint to the Fourth Respondent nugatory.
6. That paragraphs 2 to 5 *supra* operate with immediate effect as interim relief pending the return date.
7. Directing that the Respondents as per Item 5 *supra*, deliver within 10 (ten) court days, their separate affidavits under oath, and providing their records, setting out:
- 7.1. every decision relied upon as lawful authority to implement the Final Action Plan;
- 7.2. the identity and capacity of each decision-maker;
- 7.3. the date of each decision;
- 7.4. the reasons and record relied upon; and
- 7.5. all permits and/or authorisations obtained or applied for (including any CapeNature permitting process referred to in public statements).
8. The Applicant, or any other party, may apply to this Court for the extension of the *rule nisi* (if necessary) pending the determination of PART "B" and/or any review proceedings prosecuted in due course.



## **PART B: FURTHER / STRUCTURAL RELIEF**

9. Declaring that the failure of the First Respondent, and insofar as applicable the Second and Third Respondents, to operationalise the *Office of the*

*Commissioner for the Environment*, the Fourth Respondent, as created in terms of section 71 of the *Constitution of the Western Cape, 1997*, read with section 237 of the *Constitution of the Republic of South Africa, 1996*, constitutes conduct inconsistent with the constitutional obligation to perform constitutional duties diligently and without delay.

10. Directing the First Respondent to:

10.1. appoint a suitable man or woman, after a proper public participation process, to fill the Fourth Respondent within ninety (90) days of the date of this order; alternatively



10.2. take all steps necessary to ensure the lawful appointment of either a man or woman to fill the Fourth Respondent by no later than 1 June 2026, and to file a report under oath with this Court within thirty (30) days thereafter, setting out in detail:

10.2.1. the steps taken to comply with this order;

10.2.2. the applicable appointment process and timeline; and

10.2.3. the reasons for any delay or inability to comply sooner.

11. Granting leave to the Applicants, upon filing of the report referred to in paragraph 10 *supra*, alternatively on failure of the First Respondent to comply with Item 10 *supra*, to re-enrol the matter on the same papers, duly supplemented if necessary, for this Court's consideration of the report and the granting of further and/or alternative relief, including structural, supervisory, or compliance-directed orders.

12. Declaring that the agreement, *inter alia* establishing the Eighth Respondent, together with his *Cape Peninsula Baboon Management Joint Task Team*, and giving rise to the Final Action Plan, entered into by and between the Fifth to Seventh Respondents on or about 6 July 2023, is invalid *ab initio*, alternatively unlawful and of no force and effect, whether in its entirety or in such parts as this Court may determine, alternatively, to order the Fourth Respondent, when the office has been appropriately filled, to investigate the legality of this agreement and to act accordingly within its authority.
13. Confirmation of the *rule nisi* as per PART “A”.



### COSTS

14. In respect of PART “A” that the costs be costs in the cause.
15. In respect of the final consideration of both PART “A” and PART “B”, costs, jointly and severally, the one paying the others to be absolved, or as occasioned costs as allowed for self-represented litigants in the event of opposition.
16. Further and/or alternative relief.

**TAKE NOTICE** that the accompanying Founding Affidavit of **REYNO DAWID DE BEER** will be used in support of this application.

**TAKE FURTHER NOTICE** that the Applicants in this application will receive notice and service of all process during this application at the address and contacting details as referenced hereunder, and specifically consent to electronic service.

**TAKE FURTHER NOTICE** that should any Respondent wish to oppose this application he/she/it must:-

**In Respect of PART “A”**

- a) By **Thursday, 5 February 2026**, give notice to the Applicants of his/her/its intention to oppose and, in the notice, appoint an address within fifteen (25) kilometres of the court at which he/she/it will accept notice and service of all documents in these proceedings; and
- b) By **Tuesday, 10 February 2026 at 12h00** deliver his/her/its Answering Affidavit, if any; and
- c) The Applicants may deliver their Replying Affidavit by **Thursday, 12 February 2026 at 10h00**.



**In Respect of PART “B”**

- a) give notice to the Applicants of his/her/its intention to oppose, in respect of a **non-state organ Respondent** within ten (10) days, alternatively in respect of **any organ of state Respondent** within fifteen (15) days, after service of this application, and, in the notice, appoint an address within fifteen (25) kilometres of the court at which he/she/it will accept notice and service of all documents in these proceedings; and
- b) Within fifteen (15) days after having given notice of his/her/its intention to oppose, deliver his/her/its Answering Affidavit, if any; and
- c) The Applicants may deliver their Replying Affidavit within ten (ten) days after the period set in terms of (b) above.

**KINDLY TAKE FURTHER NOTICE** that if no notice of intention to oppose by any Respondent in respect of PART “B”, the application will be set down for hearing on a date determined by the Registrar in terms of the Uniform Rules of Court read with the Practice Directives.

**KINDLY SET DOWN PART “A” OF THIS APPLICATION ACCORDINGLY.**

SIGNED AT **PRETORIA** ON THIS **4<sup>TH</sup>** DAY OF **FEBRUARY 2026**.



  
**REYNO DAWID DE BEER**

Nomine Officio as 2<sup>nd</sup> Applicant and for 1<sup>st</sup> Applicant *Liberty Fighters Network*

Address: 24 Lith Road

The Orchards X 11

Acasia, 0201

Service Address with 25km of court building:

Monkey Valley Resort

Noordhoek

Office: +27 (0)72 745 2869

Mobile: +27 (0)67 735 7288

Email(1): [reyno@libertyfighters.org](mailto:reyno@libertyfighters.org)

Email(2): [debeerreyno@gmail.com](mailto:debeerreyno@gmail.com)

[Accept service by Electronic Mail]

TO: REGISTRAR OF THE HIGH COURT  
CAPE TOWN

AND TO: **PREMIER OF THE WESTERN CAPE, MR. ALAN WINDE N.O., OR  
HIS SUCCESSOR IN TITLE**

First Respondent

Legislature Building, 7 Wale Street

Cape Town, 8001

Telephone: 021 483 4630

Email(1): [Alan.Winde@westerncape.gov.za](mailto:Alan.Winde@westerncape.gov.za)

Email(2): [Premier.Winde@westerncape.gov.za](mailto:Premier.Winde@westerncape.gov.za)

Email(3): [Tammy.dedecker@westerncape.gov.za](mailto:Tammy.dedecker@westerncape.gov.za)



AND TO: **SPEAKER OF THE WESTERN CAPE PROVINCIAL PARLIAMENT,  
MR. DAYLIN MITCHELL N.O., OR HIS SUCCESSOR IN TITLE**

Second Respondent

Legislature Building, 7 Wale Street

Cape Town, 8001

Mobile: 0725387934

Phone: 021 483 2430

Email(1): [speaker@wcpp.gov.za](mailto:speaker@wcpp.gov.za)

Email(2): [reagen.allen@wcpp.gov.za](mailto:reagen.allen@wcpp.gov.za)

AND TO: **WESTERN CAPE PROVINCIAL MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, MR. ANTON BREDELL N.O., OR HIS SUCCESSOR IN TITLE**

Third Respondent

Legislature Building, 7 Wale Street

Cape Town, 8001

Mobile: 0832869376

Phone: 021 483 3915

Email(1): [anton.bredell@westerncape.gov.za](mailto:anton.bredell@westerncape.gov.za)

Email(2): [graham.paulse@westerncape.gov.za](mailto:graham.paulse@westerncape.gov.za)



AND TO: **OFFICE OF THE COMMISSIONER OF THE ENVIRONMENT**

Fourth Respondent

c/o First to Third Respondents

Same contacting details as for the First to Third Respondents

AND TO: **SOUTH AFRICAN NATIONAL PARKS**

Fifth Respondent

643 Leyds Street, Muckleneuk

Pretoria

Phone: 012 426 5000

Parks Manager: Table Mountain National Park (SANParks)

Email(1): [TableM@sanparks.org](mailto:TableM@sanparks.org)

Email(2): [Babalwa.Dlangamandla@sanparks.org](mailto:Babalwa.Dlangamandla@sanparks.org)

**AND TO: CAPENATURE**

Sixth Respondent

c/o Chief Executive Officer: Dr. Ashley Naidoo

PGWC Shared Services Centre

corner Bosduif and Volstruis Streets, Bridgetown

Phone: 087 087 8250

Email(1): [info@capenature.co.za](mailto:info@capenature.co.za)

Email(2): [customercare@capenature.co.za](mailto:customercare@capenature.co.za)

**AND TO: CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY**

Seventh Respondent

1) Executive Mayor: Mr Geordin Hill-Lewis

Civic Centre, Podium Block, Fifth Floor

12 Hertzog Boulevard, CAPE TOWN

Phone: 021 400 1301

Email(1): [Geordin.hilllewis@capetown.gov.za](mailto:Geordin.hilllewis@capetown.gov.za)

Email(2): [Geordin.hilllewis@capetown.gov.za](mailto:Geordin.hilllewis@capetown.gov.za)

Email(3): [mayor.mayor@capetown.gov.za](mailto:mayor.mayor@capetown.gov.za)

2) Deputy Mayor and Mayoral Committee Member – Spatial Planning

and Environment: Mr Eddie Andrews

Email: [Edwin.Andrews@capetown.gov.za](mailto:Edwin.Andrews@capetown.gov.za)

3) Executive Director: Spatial Planning and Environment – City of Cape

Town: Mr Rob McGaffin

Email: [enviro@capetown.gov.za](mailto:enviro@capetown.gov.za)



AND TO: **CHAIRPERSON OF CAPE PENINSULA BABOON MANAGEMENT  
JOINT TASK TEAM, MR. ROBERT McGAFFIN N.O., OR HIS  
SUCCESSOR IN TITLE**

Eighth Respondent

c/o Mr Robert McGaffin

Civic Centre, Podium Block, Fifth Floor

12 Hertzog Boulevard, CAPE TOWN

Email(1): [cpbmjtt@capetown.gov.za](mailto:cpbmjtt@capetown.gov.za)

Email(2): [cpbmjtt@sanparks.org](mailto:cpbmjtt@sanparks.org)

Email(3): [cpbmjtt@capenature.co.za](mailto:cpbmjtt@capenature.co.za)



AND TO: **JUDITH ANNE SOLE**

Ninth Respondent

Monkey Valley Resort

Noordhoek

Mobile: 082 924 6028 / 082 925 5612

Email(1): [judy@monkeyvalleyresort.com](mailto:judy@monkeyvalleyresort.com)

Email(2): [traxdb@gmail.com](mailto:traxdb@gmail.com)

AND TO: **WILDLIFE ANIMAL PROTECTION FORUM OF SOUTH AFRICA**

Tenth Respondent

c/o Administrator and Coordinator: Ms Megan Carr

Mobile: 083 251 1978

Email: [administrator@wapfsa.org](mailto:administrator@wapfsa.org)

AND TO: **BABOON ADVISORY GROUP**

Eleventh Respondent

c/o Tom Cohen, Chris Hart, Garth Kew, and

Simon's Town Civic Association

2 Jubilee Square, St. Georges Street

Simon's Town

Email(1): [waldohelives@icloud.com](mailto:waldohelives@icloud.com)

Email(2): [chrisjonllo@gmail.com](mailto:chrisjonllo@gmail.com)

Email(3): [krok@mweb.co.za](mailto:krok@mweb.co.za)

Email(4): [stcamail@gmail.com](mailto:stcamail@gmail.com)



**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

CASE NO:

In the matter between:

**LIBERTY FIGHTERS NETWORK**

(A voluntary association without gain *universitas*)

**REYNO DAWID DE BEER N.O.**

(cited *nomine officio* as executive official of 1<sup>st</sup> Applicant)

and

**PREMIER OF THE WESTERN CAPE,**

**MR. ALAN WINDE N.O., OR HIS**

**SUCCESSOR IN TITLE**

**SPEAKER OF THE WESTERN CAPE**

**PROVINCIAL PARLIAMENT, MR.**

**DAYLIN MITCHELL N.O., OR HIS**

**SUCCESSOR IN TITLE**

First Applicant



Second Applicant

First Respondent

Second Respondent

**WESTERN CAPE PROVINCIAL  
MINISTER FOR LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND  
DEVELOPMENT PLANNING, MR.  
ANTON BREDELL N.O., OR HIS  
SUCCESSOR IN TITLE**

Third Respondent

**OFFICE OF THE COMMISSIONER OF  
THE ENVIRONMENT**

(a constitutional office established in terms  
of section 71 of the Constitution of the  
Western Cape, 1997, currently vacant)

Fourth Respondent



**SOUTH AFRICAN NATIONAL PARKS**

Fifth Respondent

**CAPENATURE**

Sixth Respondent

**CITY OF CAPE TOWN METROPOLITAN  
MUNICIPALITY**

Seventh Respondent

**CHAIRPERSON OF CAPE PENINSULA  
BABOON MANAGEMENT JOINT TASK  
TEAM, MR. ROBERT McGAFFIN N.O.,  
OR HIS SUCCESSOR IN TITLE**

Eighth Respondent

JUDITH ANNE SOLE

Ninth Respondent

WILDLIFE ANIMAL PROTECTION  
FORUM OF SOUTH AFRICA

Tenth Respondent

BABOON ADVISORY GROUP

Eleventh Respondent

**FOUNDING AFFIDAVIT**



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I, the undersigned,

**REYNO DAWID DE BEER**

**(ID NO. 760623 5089 080)**

Declare under oath as follows:

**INTRODUCTION**



1. I am a major male, South African citizen, the Second Applicant and also a member and the President of **LIBERTY FIGHTERS NETWORK ("LFN")**, the First Applicant, of address and contacting details as per the accompanied notice of motion. I bring this application in my *nomine officio* capacity as an inseparable organ of **LFN**.
2. The facts contained in this affidavit are, to the best of my knowledge and belief, both true and correct.
3. I confirm and verify that any annexure attached to this affidavit and filed herewith is what it purports to be, and that it appears as described in this affidavit for the purpose for which it is intended.
4. I confirm that any words or phrases appearing in ***bold italics*** throughout this affidavit are abbreviations or defined terms which have been identified and introduced earlier in this affidavit for ease of reference and consistency.

*[Handwritten signature]* . n.p

## CITATION OF APPLICANTS

5. **LFN** is a well-known voluntary association, referred to as a common law *Universitas*, specialising in advancing social justice on the grassroots level, operating as a non-governmental organisation with perpetual succession and without an eye on gain, existence separate from its members and ability to own property in its own name with a common cause amongst its members clearly identified in its Constitution and both **LFN** and I have been credited in local, national and international media *via* newspapers, radio and television. Its service and contacting details are as per the Notice of Motion.
6. The **LFN** Constitution is a comprehensive document, with most of its provisions being irrelevant to these proceedings. Accordingly, I will only quote the relevant sections applicable to this matter. Should any interested party require a full copy, they are kindly invited to request it in terms of Rule 35(12) of the Uniform Rules of Court ("**Rules**").
7. Article 38(1)(e) of the **LFN** Constitution, pertinently authorises me to lodge this application in that I, *inter alia*:-
- (e) be the head and chief directing officer of **LFN**, in consultation with the NWC, and the leader of the Organisation who may also at any reasonable time institute or defend legal proceedings;
8. I respectfully confirm that I have duly consulted with **LFN**'s National Working Committee, and that, pursuant to such consultation, I have taken an informed and considered decision in terms of the *supra* clause to institute this application. This decision has been made not only in the interest of our members, but also in the broader public interest.



*A. AP*

9. This application raises material constitutional issues, and save for those Respondents cited merely as interested parties, the Respondents are all organs of state. In such circumstances, it is an established principle of our constitutional jurisprudence that a litigant who approaches a court to vindicate constitutional rights or to challenge the constitutionality or lawfulness of state conduct should not ordinarily be mulcted in costs, even if unsuccessful. This principle, articulated *inter alia* in the *Biowatch* line of authority<sup>1</sup>, recognises the chilling effect that adverse costs orders may have on constitutional litigation brought in the public interest. A departure from this norm is warranted only where a court finds that the litigation is frivolous, vexatious, or manifestly inappropriate. The present application is brought *bona fide*, raises substantial constitutional and legality questions, and is neither frivolous nor vexatious. Accordingly, there is no substantial or undue costs risk attendant upon the Applicants' decision to approach this Court for relief.
10. Further, Article 1 of the **LFN** Constitution establishes **LFN** as a juristic person in that it states:-



<sup>1</sup> *Biowatch Trust v Registrar Genetic Resources and Others* (CCT 80/08) [2009] ZACC 14; 2009 (6) SA 232 (CC) ; 2009 (10) BCLR 1014 (CC) (3 June 2009)

*A. n.p.*

### 1. Establishment and Name

- (1) There is hereby established an Organisation of residents within South Africa, to be known as the **Liberty Fighters Network** in English, which is an independent common law *universitas*.
- (2) The Organisation established by subsection (1) is:
  - (a) an association not for gain; and
  - (b) a corporate body having perpetual succession, legal existence, and all the legal powers of a juristic person able to own assets in its own name.
- (3) As a matter of convenience, **Liberty Fighters Network**:
  - (a) is referred to throughout this Constitution as "the Organisation"; and
  - (b) may be referred to in any notice, correspondence or legal document by the shortened form of name "**LFN**" in English.
- (4) Notwithstanding anything to the contrary contained within this Constitution, **LFN** may register and act as a political party to stand for any election in South Africa.
- (5) Notwithstanding anything contained in this Constitution, the Organisation may form alliances or affiliations with other Organisations or political parties with the same or similar objectives.



11. It is respectfully submitted that, in my capacity as the **LFN** President, I function as an organ of the said entity, which, by its nature as a voluntary association not for gain, does not exist separately from its duly authorised office bearers. It is for this reason that I am cited in these proceedings in my *nomine officio* capacity and, therefore, I am the *alter ego* of **LFN** in person for all practical and legal purposes before this court.
12. Accordingly, for the purpose of representing **LFN**, it is submitted that, within the framework of the *Constitution of the Republic of South Africa, 1996* ("**Constitution**"), **LFN** is entitled to the equal protection and benefit of the law, including the right of access to an independent and impartial court, as contemplated in section 34 of the **Constitution**. Furthermore, in terms of section 38 of the **Constitution**, **LFN** is vested with the requisite standing to

*A. n. P.*

approach this Court in order to seek relief aimed at protecting or enforcing the rights of ourselves, its members as well as those of the broader public whom it serves.

13. Further, the objectives of *LFN*, outlining our organisational mandate, are given as:-

## 2. Objectives

The aim and objectives of the Organisation are:

- (a) to recruit and unite South African residents into one single Organisation in order to share their economic and social welfare;
- (b) to protect the land and housing security of members, to advance their residence prospects, and to serve their individual and collective interests;
- (c) to foster unity, co-operation and comradeship amongst all residents within the scope of the Organisation and other related industries or spheres;
- (d) to support democracy as a popular self-rule, but that the current practice of democracy negates this ideal and reduces the citizen to a mere subject. *LFN* aims

to restore power to the people, so as to realize the promise enshrined in our country's Constitution;

- (e) to enhance the Preamble to our Constitution, *LFN* envisions a South Africa, free of corruption, which is a **Sovereign, Secular, Democratic Republic**;
- (f) to resolve securing for all South African residents:

**Justice**, social economic and political - for everyone including the last person

**Liberty** of thought, expression, belief, faith and worship

**Equality** of status and of opportunity in all spheres of life, for individuals and communities and to promote among them all fraternity assuring the dignity of the individual and the Unity and integrity of the Nation;

- (g) to bear true faith and allegiance to the *Constitution of the Republic of South Africa, 1996* as by law established and to the principle of real socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of South Africa;



*L. R.P.*

- (h) to promote the aims of **LFN** as promised in its Constitution and Manifesto:
    - i) to develop and implement ecological policies consistent with the philosophical basis of the Organisation as expressed in the policies for a sustainable society;
    - ii) to that end to win seats at all levels of government;
    - iii) to organise any non-violent activity which will publicise and further these aims.
  - (i) to establish relationships with other Organisations, Organisation federations, labour organisations or political parties for the benefit of members of the Organisation and the people in general;
  - (j) to strive to realise the concept that each resident has got the right to adequate housing, land and service delivery to that immovable property;
  - (k) to realise the understanding amongst all residents that there is a desperate need for affordable housing developments for our residents;
  - (l) to encourage the revival, development and stop deterioration of our cities, towns, districts, historical townships and informal settlements;
- (m) to advance the need to create proper housing for all South African citizens and creating the awareness of Government and other authorities to urgently attend to housing needs of foreign nationals without encouraging or allowing any xenophobic action to occur;
- (n) to prevent and fight against all illegal evictions from any dwelling or land, as well as disconnection of any utility or cease of service to any dwelling or land without first obtaining a Court Order; and
- (o) to advance and give inputs to the necessary authorities and role players regarding the Constitutional rights and responsibilities of all our citizens as contained in the Bill of Rights and the African Charter.



14. To this end, **LFN** is not new taking on matters within its scope of objectives in the interest of its members and the public. In particular, **LFN** has been involved in several court cases of public interest over the years of which the most famous ones were matters in relation to our challenge of the COVID-19 National State of Disaster<sup>2</sup>, our ongoing representation of former President Jacob Zuma

<sup>2</sup> De Beer and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 184 (2 June 2020) ('De Beer 1'); Minister of Cooperative Governance and Traditional Affairs v De Beer and Others (21542/2020) [2020] ZAGPPHC 280 (30 June 2020) ('De Beer 2'); De Beer N.O.

*[Handwritten signature]*

before the African Commission on Human and Peoples' Rights ("**ACHPR**")<sup>3</sup>, as well as matters involving human rights abuses before the **ACHPR** specifically involving alleged judicial misconduct against the Constitutional Court.

15. Notably, **LFN** has assisted its members in several significant court cases. This includes the ground-breaking *Kenmere*<sup>4</sup> case, where Modiba J allowed us to intervene, represent, and argue on behalf of our members in an occupational dispute — a precedent later confirmed by the Constitutional Court in the unreported *Ndebele*.<sup>5</sup> This case is also relevant in justifying the Applicants' informal representation, in so far required.



16. Additionally, in the *Offerman*<sup>6</sup> case, the Court permitted me to assist our elderly member, Mrs. Swanepoel, in her occupational land dispute. At the beginning of 2025, in the full court appeal of *Reineke*<sup>7</sup> in the Gauteng Division, our member, Mr. Reineke, successfully represented himself against the formidable legal challenge posed by FirstRand Bank Ltd, with our support. **LFN** has also provided assistance in cases which caught media attention involving two of our members — our acting secretary, Ms. Patience Mavuso, in her matter against

and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 676 (23 October 2020) ('*De Beer 3*'); De Beer N.O and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2021] ZAGPPHC 67 (19 February 2021) ('*De Beer 4*'); Minister of Cooperative Governance and Traditional Affairs v De Beer and Another (Case no 538/2020) [2021] ZASCA 95 (1 July 2021) ('*De Beer 5*')

<sup>3</sup> De Beer v Electoral Commission of South Africa and Others (0028/24EC) [2024] ZAEC 29 (6 November 2024)

<sup>4</sup> 10 & 10a Kenmere CC v Ndebele and Others (2018/31110) [2019] ZAGPJHC 199 (19 June 2019) ('*Kenmere*')

<sup>5</sup> Ndebele and Others v 10 & 10A Kenmere CC and Others (CCT 38/20) [2020] ZACC (19 August 2020) (Unreported) ('*Ndebele*')

<sup>6</sup> Offerman and Another v Swanepoel and Another (6477/18P) [2022] ZAKZPHC 4 (10 February 2022) *para.* 38

<sup>7</sup> Firststrand Bank Limited v Reineke and Another (A103/2024) [2025] ZAGPPHC 42 (21 January 2025)

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FNB<sup>8</sup>, and Ms. Valerie Naidoo, in her case against Changing Tides 17 (Pty.) Ltd *aka* SA Home Loans.<sup>9</sup>

17. In the matters concerning Ms. Mavuso and Ms. Naidoo, the respective banking institutions have allegedly acted with gross negligence and/or *mala fides*, prompting them to enter into confidential settlements.
18. **LFN** has been, and continues to be, involved in various legal proceedings against organs of state, various banks and credit providers on behalf of its members, wherein it has developed a comprehensive body of defences — such as those elaborated *infra* — against the questionable practices allegedly employed by them. It is *inter alia* on this basis that **LFN** and I contend we hold a direct and substantial interest in the present matter, not only on behalf of ourselves and our members, but also in the public interest at large.
19. From the facts set out *supra*, it is evident that **LFN** and I have a genuine and established record as human rights activists, consistently acting in the interests of our members and the broader public.



#### CITATION OF RESPONDENTS

20. The First Respondent is the **PREMIER OF THE WESTERN CAPE, MR. ALAN WINDE N.O., OR HIS SUCCESSOR IN TITLE (“Premier”)**, cited herein in his

<sup>8</sup> Ciaran Ryan, 'FNB home repossession goes horribly wrong', MoneyWeb (12 November 2024), <https://www.moneyweb.co.za/news/companies-and-deals/fnb-home-repossession-goes-horribly-wrong/>, (Accessed 5 February 2025)

<sup>9</sup> Ciaran Ryan, 'Durban woman reclaims home after bank illegally sold it at auction', MoneyWeb (28 August 2024), <https://www.moneyweb.co.za/news/south-africa/durban-woman-reclaims-home-after-bank-illegally-sold-it-at-auction/>, (Accessed 5 February 2025)

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official capacity as the political executive responsible to head the Western Cape Province, as contemplated in section 125 of the **Constitution** and section 35 of the *Constitution of the Western Cape, 1997* ("**WC Constitution**") with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.

21. The Second Respondent is the **SPEAKER OF THE WESTERN CAPE PROVINCIAL PARLIAMENT, MR. DAYLIN MITCHELL N.O., OR HIS SUCCESSOR IN TITLE** ("**Speaker**") is the speaker of the Western Cape Parliament appointed in terms of section 20 of the **WC Constitution** with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.



22. The Third Respondent is the **WESTERN CAPE PROVINCIAL MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, MR. ANTON BREDELL N.O., OR HIS SUCCESSOR IN TITLE** ("**WC Minister**") is the member of the Western Cape Provincial cabinet appointed in terms of section 42 of the **WC Constitution** responsible for, *inter alia*, environmental affairs with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.

23. The Fourth Respondent is the **OFFICE OF THE COMMISSIONER OF THE ENVIRONMENT** ("**Commissioner**") a constitutional office established in terms of section 71 of the **WC Constitution**, currently vacant, in care of the **Premier, Speaker**, and the **WC Minister**, which office ensures the conservation of the environment in the Western Cape Province, and must give attention to the need to balance the goals of environmental conservation and sustainable

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development with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.

24. The Fifth Respondent is **SOUTH AFRICAN NATIONAL PARKS** ("**SANParks**"), was initially established as a public entity in terms of the now repealed *National Parks Act, 1976 (Act No. 57 of 1976)* and continues to exist in terms of the *National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)*, with the mandate to conserve, protect, control and manage national parks and other defined protected areas and their biological diversity (biodiversity), with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.
25. The Sixth Respondent is **CAPENATURE** ("**CapeNature**") is the chief custodian of the Western Cape's natural environment, and is the widely used name for the Western Cape Nature Conservation Board, constituted in terms of section 9 of the *Western Cape Biodiversity Act, 2021 (Act No. 6 of 2021)* ("**WCBA**") with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.
26. The Seventh Respondent is the **CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY** ("**City**") a metropolitan municipality established in terms of section .151 of the *Constitution* and the *Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)* with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.
27. The Eighth Respondent is the **CHAIRPERSON OF CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM, MR. ROBERT McGAFFIN**



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**N.O., OR HIS SUCCESSOR IN TITLE ("CPBMJTT")** is a collective structure purportedly established pursuant to an agreement concluded between **SANParks, CapeNature**, and the **City**, and is represented to function as a joint or advisory forum in relation to baboon management on the Cape Peninsula. The **CPBMJTT** is not, to the Applicants' knowledge, a juristic person or an organ of state with independent statutory powers, and does not enjoy legal personality (*persona ficta*). It is cited herein in its representative capacity only, for purposes of completeness, identification, and the effective adjudication of the relief sought, particularly insofar as the conduct and communications emanating from the **CPBMJTT** are relied upon by the Applicants, with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.



28. The Ninth Respondent is **JUDITH ANNE SOLE ("Ms Sole")**, an interested party and environmental activist, who operates the *Monkey Valley Resort*, situated on the slopes of Chapman's Peak and adjoining, and/or forming part of, the Table Mountain National Park. **Ms Sole** has a direct and substantial interest in the subject matter of these proceedings by virtue of the location and operation of the resort and its interaction with the affected baboon troops with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.
29. The Tenth Respondent is the **WILDLIFE ANIMAL PROTECTION FORUM OF SOUTH AFRICA ("WAPFSA")** is an interested group or network of organisations (30+), administered and represented by **Ms Megan Carr**, who is described as its founder and administrator. **WAPFSA** presents itself as a collaborative network representing the interests of wild animals, wild animals

*M. Carr*

held in captivity, biodiversity, and the environment. It is cited herein as an interested party only, by virtue of its publicly stated involvement and interest in matters relating to wildlife management and conservation, with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.

30. The Eleventh Respondent is the **BABOON ADVISORY GROUP** ("**BAG**") an interested group or informal structure comprising persons whose full identities, capacities, and legal status are presently unknown to the Applicants. **BAG** is publicly associated with individuals referred to as "**Tom Cohen**", "**Chris Hart**", and "**Garth Kew**", who are understood to have been nominated or associated with the **Simon's Town Civic Association**. **BAG** is cited herein as an interested party only, by virtue of its apparent involvement in, and influence on, baboon management matters relevant to these proceedings, with contacting details as per the Notice of Motion and further particulars unknown to the Applicants.



31. No costs orders are sought against **Ms Sole**, **WAPFSA**, or **BAG** and they are merely cited as parties who may provide further information to the court enabling it to reach a decision which is in the interest of the public and justice.
32. The Applicants will further comply with Rule 16A in the event any other person or entity would like to intervene as an *amicus curiae*, or otherwise, and also provide proof to the court of such compliance before the hearing.
33. At this juncture, the Applicants deem it appropriate to cite only these Respondents as the parties against whom relief is presently sought, or in

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respect of *Ms Sole*, *WAPFSA*, and *BAG*, interested parties who may provide better context to the issues at hand. The Applicants, however, expressly reserve their right to join any other party who may appear to have a direct and substantial interest in the outcome of these proceedings.

### SUCCINT SUMMARY OF THE CASE

34. This application concerns the lawfulness, constitutionality, and immediate suspension of the implementation of the so-called *Final Cape Peninsula Baboon Management Action Plan (2025)* ("**Final Action Plan**"), dated 31 October 2025, which contemplates permanent and irreversible interventions in respect of wild baboon troops on the Cape Peninsula, including capture, forced removal, confinement in sanctuaries or enclosures, surgical sterilisation, and euthanasia.
35. The Applicants challenge, *inter alia*, (a) the authority and legality of the **CPBMJTT** and the agreement under which it purports to act; (b) the absence of identifiable, lawful administrative decisions taken by competent statutory authorities authorising the contemplated interventions; and (c) the failure of the Western Cape executive to operationalise the **Commissioner**.
36. The matter is urgent. The **CPBMJTT** has expressly stated in writing that the **Final Action Plan** has been "approved" and that implementation will proceed notwithstanding the Applicants' pending constitutional complaint to the **Commissioner**, and has refused to provide an undertaking that no irreversible steps will be taken.



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37. Unless restrained by this Court, implementation of the **Final Action Plan** will create a *fait accompli*, rendering both the Applicants' complaint and any subsequent review proceedings nugatory.

#### PURPOSE OF APPLICATION

38. The purpose of this application is twofold.
39. First, in PART "A", the Applicants seek urgent interim interdictory relief to preserve the *status quo ante* by restraining **SANParks, CapeNature, the City** and the **CPBMJTT** from implementing any permanent, irreversible, or *fait accompli* measures arising from the **Final Action Plan**, pending the finalisation of the Applicants' referral dated 9 December 2025 to the **Commissioner** and/or the determination of review proceedings.
40. Secondly, in PART "B", the Applicants seek declaratory and structural relief aimed at addressing the systemic constitutional failure of the Western Cape executive to operationalise the **Commissioner**, and to ensure lawful, accountable, and constitutionally compliant environmental governance going forward.
41. The application is not brought to dictate policy choices, but to ensure that decisions affecting the environment, biodiversity, and wildlife are taken by lawfully empowered authorities, in accordance with constitutional obligations, administrative justice, and proper oversight.



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## ANNEXURES

42. It is necessary, at this juncture, to introduce and contextualise the various annexures marked "A" to "J", and to explain their relevance, content, and interrelationship for purposes of this application.
43. Annexure "A" is the publicly circulated, signed agreement entered into between **SANParks**, **CapeNature**, and the **City** on or about 6 July 2023, which agreement has, *inter alia*, established the **CPBMJTT**.
44. Annexure "B" is a consolidated series of electronic mail communications exchanged between the Applicants and the **CPBMJTT**, acting on behalf of **SANParks**, **CapeNature**, and the **City**, spanning the period from 28 November 2025 up to and including 21 January 2026.
45. Annexure "C" is the first formal letter dated 28 November 2025, addressed by the First Applicant to the **CPBMJTT**, the **WC Minister**, **SANParks**, **CapeNature**, and the **City**, concerning the **Final Action Plan**, wherein the authority, mandate, and legal standing of the **CPBMJTT** were expressly questioned.
46. Annexure "D" is the **Final Action Plan** referred to in paragraph 39 *supra*, as circulated in the public domain. Together with its appendices A, B, C, D, E, F, G, H, I, J, M, and N (with no appendices K and L being publicly available), the full document comprises approximately 276 pages. For reasons of practicality and proportionality, the Applicants have attached only the core 47-page **Final Action Plan**. The complete public version is accessible at <https://baboons.org.za/final-action-plan-2025/>.



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Any party requiring the full public document may request same in terms of Rule 35(12), if so advised.

47. Annexure "E" is the response letter dated 8 December 2025, authored by the **CPBMJTT** in reply to the First Applicant's letter of 28 November 2025 (Annexure "C").
48. Annexure "F" is the formal complaint lodged by the Applicants with the **Commissioner** on 9 December 2025, raising constitutional and legality concerns arising from the implementation of the **Final Action Plan**.
49. Annexure "G" is the Applicants' reply dated 9 December 2025 to the **CPBMJTT**'s response letter referenced in paragraph 41 *supra*, wherein the Applicants reiterated their concerns and requested that no irreversible steps be taken pending proper oversight.
50. Annexure "H" is a public statement issued by the **BAG** dated 12 January 2026, which conveys a clear indication that implementation of the **Final Action Plan** was proceeding apace, seemingly notwithstanding the fact that a formal complaint had already been lodged with the **Commissioner**.
51. Annexure "I" is the letter dated 21 January 2026 from the **CPBMJTT**, responding to the First Applicant's email communication of 29 December 2025, which correspondence forms part of the series of electronic communications attached as Annexure "B".
52. Annexure "J" is a publicly circulated letter dated 23 January 2026, authored by **WAPFSA**, and addressed to the cited state organ Respondents and the **CPBMJTT**, confirming that the Applicants are not the only public-interest actors



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who have raised serious concerns regarding the implementation of the Final Action Plan.

### URGENCY

53. The urgency arises because the **CPBMJTT**, on behalf of **SANParks**, **CapeNature**, and the **City**, stated in writing that the **Final Action Plan** “has been approved” and that they “will be proceeding with the implementation”, and that the Applicants’ complaint lodged with the **Commissioner** “does not prevent” implementation. A copy of the correspondence dated 21 January 2026 is attached marked “I”.
54. The underlying Respondents have further refused to provide the written undertaking sought by the Applicants that “no permanent, irreversible, or fait accompli actions” will be implemented pending the oversight process. This refusal is expressly recorded in the correspondence attached as “I”.
55. Recent publicly circulated information confirms that implementation steps are underway, including a permitting process, sanctuary construction planning, relocation, and vasectomy measures. A copy of the statement dated 12 January 2026 is attached marked “H”.
56. The harm is self-evidently irreparable: once baboons are removed, relocated, surgically altered, confined behind electrified fencing, or euthanised, the *status quo ante* cannot be restored by a later judgment.



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57. The Applicants have acted diligently. The Applicants raised these concerns formally on 28 November 2025 and sought a moratorium pending proof of authority and lawful oversight. A copy is attached marked "B".
58. The Applicants thereafter lodged a constitutional complaint on 9 December 2025 to the **Commissioner** and notified the **CPBMJTT** of that complaint. Copies are attached marked "F" and "G".
59. Notwithstanding these steps, **SANParks**, **CapeNature**, the **City**, and the **CPBMJTT** persist in implementation. No substantial alternative remedy exists other than urgent interdictory relief.



#### SUMMARY OF RAISED CONSTITUTIONAL AND OTHER ISSUES

60. This application raises the following principal constitutional and legality issues:
- 60.1. The failure of the **Premier**, and insofar as applicable the **Speaker** and the **WC Minister**, to operationalise the **Commissioner**, as required by section 71 of the **WC Constitution**, read with section 237 of the **Constitution**.
- 60.2. Whether the agreement concluded on or about 6 July 2023 between **SANParks**, **CapeNature**, and the **City**, and the **CPBMJTT** purportedly established thereunder, lawfully confers any decision-making authority to approve or implement measures of the nature contemplated in the **Final Action Plan**.

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- 60.3. Whether the conduct of the **SANParks**, **CapeNature**, the **City**, acting through or under the auspices of the **CPBMJTT**, constitutes unlawful administrative action, alternatively unlawful exercises of public power, in the absence of identifiable decisions, lawful delegations, reasons, and records.
- 60.4. Whether the implementation of the **Final Action Plan**, in the face of a pending constitutional complaint and without independent oversight, is rational, reasonable, procedurally fair, and constitutionally permissible.
- 60.5. Whether urgent interim relief is required to prevent irreparable harm and the frustration of constitutional and review remedies.



## LEGAL STATUS AND AUTHORITY OF CAPENATURE

61. A central issue in this application concerns the statutory authority of the Sixth Respondent, **CapeNature**, to enter into biodiversity agreements, co-management arrangements, or joint governance structures, and to participate in or authorise actions contemplated in the **Final Action Plan**, in circumstances where the **WCBA** has not yet come fully into operation.
62. The Applicants aver that only selected provisions of the **WCBA** have been brought into force by proclamation, and that substantial portions of the Act — including provisions conferring substantive powers, mechanisms, and governance instruments relating to biodiversity agreements, co-operative arrangements, and regulatory authority — remain legally inoperative and without force or effect.

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63. It is a foundational principle of South African constitutional and administrative law that a statute, or any provision thereof, has no legal effect until it has been duly brought into operation. Uncommenced provisions are legally inert and cannot confer powers, impose duties, or authorise conduct. An organ of state may not lawfully rely on a statutory provision that has not yet commenced as a source of authority.
64. While the Applicants accept that **CapeNature** continues to exist as an institutional entity notwithstanding the repeal of its predecessor legislation by virtue of transitional continuity and the presumption against a regulatory vacuum — such continued existence does not equate to an unrestricted or expanded grant of powers. The existence of an entity must be distinguished from the scope of its lawful authority.
65. **CapeNature** may lawfully perform only those functions and exercise only those powers which are expressly conferred by law, or which arise by necessary implication from validly commenced statutory provisions or applicable national environmental legislation. It may not lawfully exercise powers that derive exclusively from provisions of the **WCBA** that have not yet come into operation.
66. To the extent that **CapeNature** has purported to rely on the **WCBA** as a source of authority to enter into biodiversity agreements, joint task team arrangements, co-management structures, or to participate in decisions or actions contemplated in the **Final Action Plan**, such reliance is unlawful insofar as the enabling provisions of the **WCBA** have not commenced.



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67. Any agreement, arrangement, or course of conduct that is premised on non-commenced provisions of the **WCBA** is *ultra vires*, constitutes an error of law, and falls to be reviewed and set aside under the principle of legality, alternatively under the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("**PAJA**"), where applicable.
68. This unlawfulness is compounded where such agreements or actions contemplate permanent, irreversible, or far-reaching environmental interventions — including capture, confinement, sterilisation, or destruction of wildlife — without a valid statutory foundation, without independent oversight, and without compliance with constitutional requirements of lawfulness, rationality, and accountability.
69. In the premises, **CapeNature** could not lawfully confer, share, or exercise authority under or through the agreement concluded on or about 6 July 2023 (Annexure "**A**"), nor could it lawfully participate in the approval or implementation of the **Final Action Plan**, to the extent that such conduct depends on powers derived from non-commenced provisions of the **WCBA**.
70. The participation of **CapeNature** in the establishment and functioning of the **CPBMJTT**, and in the formulation and implementation of the **Final Action Plan**, is therefore tainted by illegality, rendering the agreement, the resulting governance structure, and all consequential actions susceptible to review and invalidation.



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## BACKGROUND

71. On or about 6 July 2023, **SANParks**, **CapeNature**, and the **City** concluded a written agreement (Annexure "A") which purports to establish a co-operative framework for baboon management on the Cape Peninsula and, *inter alia*, a joint structure referred to as the **CPBMJTT**.
72. The agreement expressly records that any co-operation and joint decision-making contemplated thereunder is subject to the participating parties having the necessary lawful authority. It does not purport to create a new statutory body, nor does it identify any legislative source conferring independent administrative powers on the **CPBMJTT**.
73. During November 2025, a document styled the **Final Action Plan** was published and circulated in the public domain (Annexure "D"). This Plan records that it was signed off during November 2025 and sets out a five-year programme of interventions.
74. The **Final Action Plan** contemplates, *inter alia*, the capture and removal of specific baboon troops, their confinement in sanctuaries or enclosures behind electrified fencing, the surgical vasectomy of male baboons, and euthanasia as an express contingency should certain phases fail or become financially unsustainable.
75. On 28 November 2025, the Applicants addressed a formal letter to the **CPBMJTT**, **SANParks**, **CapeNature**, the **City**, and the **WC Minister** (Annexure "C"), wherein the Applicants expressly questioned the authority, mandate, and



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- legal standing of the **CPBMJTT** and demanded proof of lawful authority, decisions, and records authorising implementation of the **Final Action Plan**.
76. In that correspondence, the Applicants further requested a written undertaking that no permanent, irreversible, or *fait accompli* steps would be taken pending clarification of authority and lawful oversight.
77. A series of electronic communications followed between the parties from 28 November 2025 to 21 January 2026 (Annexure "B"). In these communications, the Applicants consistently reiterated their concerns, sought engagement, and requested a moratorium on irreversible actions.
78. On 8 December 2025, the **CPBMJTT** responded in writing (Annexure "E"), declining to engage substantively with the legality concerns raised and warning that punitive costs would be sought should litigation be instituted prior to a proposed meeting.
79. On 9 December 2025, in the absence of satisfactory responses and in light of the gravity of the contemplated interventions, the Applicants lodged a formal constitutional complaint with the **Commissioner** (Annexure "F"), invoking sections 71 and 72 of the **WC Constitution**.
80. The Applicants thereafter formally notified the **CPBMJTT** of the complaint duly lodged with the **Commissioner** on 9 December 2025, and again expressly requested that no permanent, irreversible, or *fait accompli* steps be taken pending the outcome of an investigation by that constitutional office (Annexure "G").



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81. The Applicants made it clear that this request was reasonable, precautionary, and aimed at preserving the *status quo ante*. In the same correspondence, the Applicants reiterated their willingness to engage constructively with all relevant parties, including by way of meetings, consultations, or further submissions, provided that such engagement occurred under the auspices, or with the involvement, of the **Commissioner**, so as to ensure independent oversight, legality, and constitutional compliance.
82. Despite this, a public statement dated 12 January 2026 was issued by the **BAG** (Annexure "H"), indicating that implementation of the **Final Action Plan** was proceeding, including reference to permitting processes, sanctuary construction timelines, and the planned removal of specific baboon troops.
83. On 21 January 2026, the **CPBMJTT** addressed a further written response to the Applicants (Annexure "I"), expressly stating that the Final Action Plan had been "approved", that implementation would proceed, that the Applicants' complaint did not prevent implementation, and that no undertaking would be given to refrain from irreversible actions.
84. On 23 January 2026, **WAPFSA** circulated a public letter (Annexure "J") addressed to the relevant state organs and the **CPBMJTT**, confirming that serious concerns regarding the **Final Action Plan** are shared by multiple public-interest and conservation actors.



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## OBSCURING OF DECISION-MAKING THROUGH THE CPBMJTT

85. A further and material difficulty confronting the Applicants throughout has been the persistent obscuring of decision-making authority by the manner in which the **CPBMJTT** has been positioned, presented, and utilised in all communications and public-facing processes.
86. In practice, the **CPBMJTT** has consistently been held out as the primary — and at times sole — decision-making body responsible for the approval and implementation of the **Final Action Plan**, notwithstanding the fact that it is a statutory organ of state, does not enjoy independent legal personality, and has no identifiable source of original administrative power.
87. As a result of this positioning, it has never been made clear to the Applicants, or to the public at large, which specific decisions were taken by which of the underlying organs of state, namely **SANParks**, **CapeNature**, and the **City**, in their respective capacities and under their respective empowering legislation.
88. All material communications, responses, refusals of undertakings, and statements of intent to proceed with implementation have been issued under the banner of the **CPBMJTT**, creating the impression that it is a legitimate decision-maker, while simultaneously shielding the applicable individual Respondents from direct accountability for discrete administrative decisions.
89. This manner of operating has had the effect of collapsing distinct statutory mandates into a single opaque structure, thereby frustrating the Applicants' ability to identify the true decision-makers, to ascertain whether lawful authority



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- existed, and to meaningfully exercise their rights to reasons, review, and judicial oversight.
90. The obscuring of decision-making in this manner is not a mere technicality. It strikes at the core of the constitutional principle of legality, which requires that public power be exercised by identifiable authorities, acting within the bounds of clearly defined statutory powers, and in a manner that is transparent, accountable, and reviewable.
91. Where, as in the present matter, irreversible environmental interventions are contemplated, the duty of clarity and accountability is heightened. The use of a joint task team as a front-facing structure cannot lawfully substitute for formal decisions taken by competent authorities, nor can it be used to mask the absence of such decisions.
92. In the premises, the Applicants submit that the reliance on the **CPBMJTT** as the apparent *locus* of authority, without disclosure of the underlying decisions, delegations, and records of the Fifth to Seventh Respondents, renders the purported approval and implementation of the **Final Action Plan** procedurally unfair, irrational, and unlawful.
93. This systemic obscuring of authority further justifies the interim interdict sought, the record-production relief requested, and the Applicants' reservation of their rights to institute review proceedings once the true legal landscape of decision-making has been disclosed.



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### PUBLIC OUTCRY AGAINST THE FINAL ACTION PLAN

94. The Applicants are not isolated in their opposition to the implementation of the **Final Action Plan**. As evidenced by Annexure "J", a broad coalition of animal welfare, conservation, and public-interest organisations has raised substantive concerns regarding the ethical, ecological, financial, and governance implications of the proposed interventions.
95. The existence of such public concern underscores the need for lawful authority, transparent decision-making, and independent oversight, particularly where the contemplated measures are permanent and irreversible.



### REVIEW, RECORDS, AND THE APPLICANTS' APPROACH TO RULE 53

96. The Applicants record that, at this stage, they have not formally invoked the review procedure contemplated in Rule 53 of the Uniform Rules of Court for the setting aside of specific administrative decisions.
97. This is not due to any waiver of review rights, nor an election to forgo review proceedings, but arises directly from the fact that the Respondents have failed to identify, disclose, or furnish the underlying decisions, decision-makers, delegations, records, or reasons upon which they purport to rely as lawful authority for the implementation of the **Final Action Plan**.
98. The Applicants are confronted with a situation in which irreversible action is threatened and, by the Respondents' own admission, is already proceeding, yet the Applicants are unable to ascertain with certainty whether any lawful

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administrative action has in fact been taken, by whom, under what statutory authority, and on what factual or legal basis.

99. In these circumstances, the Applicants submit that it would be procedurally artificial and constitutionally untenable to compel them to institute a formal Rule 53 review without first being placed in possession of the very records and decisions that would define the scope, targets, and grounds of such a review.
100. The Applicants accordingly approach this Court primarily on the basis of the principle of legality and urgent interim relief, seeking to prevent irreparable harm and the creation of a *fait accompli*, while simultaneously requesting that **SANParks**, **CapeNature**, the **City**, and the **CPBMJTT**, be directed to disclose the records, decisions, and authorisations upon which they rely.
101. The relief sought in this regard is not premature, irregular, or prejudicial. Courts have repeatedly recognised that, where an organ of state asserts the existence of lawful authority but withholds the underlying record, a court may, in the interests of justice, direct the production of such records even in advance of, or ancillary to, formal review proceedings.
102. The Applicants expressly reserve their right, upon receipt and consideration of the records sought, to institute or supplement review proceedings in terms of Rule 53, alternatively to seek the setting aside of any unlawful conduct or decisions under the principle of legality, on the same papers duly supplemented where necessary.
103. The Applicants' approach is therefore neither evasive nor procedurally abusive. It is a proportionate and constitutionally compliant response to an opaque and



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escalating exercise of public power, in circumstances where urgency, secrecy, and the risk of irreversible harm demand immediate judicial supervision.

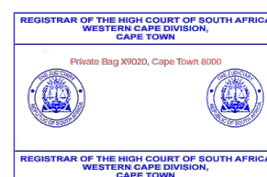
104. To hold otherwise would enable organs of state to defeat review and accountability by simply withholding records while pressing ahead with implementation, thereby undermining the rule of law, access to courts, and the right to just administrative action.

### INTEREST OF JUSTICE

105. This application is brought in the interests of justice, constitutional accountability, and environmental governance.
106. The relief sought is narrowly tailored to prevent irreparable harm, to uphold constitutional obligations, and to ensure that decisions affecting biodiversity and wildlife are taken lawfully and under appropriate oversight.
107. The Applicants have acted *bona fide*, have attempted to resolve the matter without litigation, and have approached this Court only when it became clear that implementation would proceed regardless of legality concerns.

### COSTS

108. The Applicants submit that this is a paradigmatic case of public-interest constitutional litigation. The Applicants accordingly seek that, in respect of PART "A", costs be costs in the cause, and that no adverse costs order be



*[Handwritten signature]* - n.p

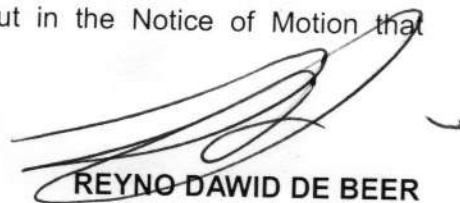
made against them for *bona fide* attempts to vindicate constitutional and legality principles.

109. In the event of opposition, and should the Court find that any Respondent has acted unreasonably, obstructively, or in disregard of constitutional obligations, the Applicants reserve the right to seek appropriate costs orders as set out in the Notice of Motion.

110. The Applicants act in good faith, both in their own right and in the broader public interest, to ensure that administrative action affecting the environment. The Applicants are neither vexatious nor frivolous in bringing this application and have taken all reasonable steps to resolve the matter without litigation, including by way of submitting a formal complaint to the office of the **Commissioner**, which remains unresolved due to the **Premier's** failure to fill this office.

111. The Applicants further request that the Court consider, where appropriate, awarding such occasioned costs as are reasonably compensable in respect of self-represented litigants, including disbursements and preparation expenses incurred in the advancement of this matter, consistent with available jurisprudence.

**WHEREFORE** the Applicants for the relief set out in the Notice of Motion that accompanies this affidavit.

  
**REYNO DAWID DE BEER**

Deponent

*orif*



Signed and sworn to me at Akasia on this 04 day of **FEBRUARY 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit and that he has no objection against taking the prescribed oath, which oath he regards as binding on his conscience and that all other prescribed formalities have been complied with.

*Ramona Ramona* <sup>CST</sup>  
Ramona Ramona  
COMMISSIONER OF OATHS

Address: 01 Piet Reuterbaan Rosslyn

Designation: constable

