

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

CASE NO: 2026-024184

In the matter between:

**LIBERTY FIGHTERS NETWORK**

First Applicant

(A voluntary association without gain *universitas*)

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

Second Applicant

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

and

**PREMIER OF THE WESTERN CAPE,**

First Respondent

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

**SUCCESSOR IN TITLE**

**SPEAKER OF THE WESTERN CAPE**

Second Respondent

**PROVINCIAL PARLIAMENT, MR.**

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

**SUCCESSOR IN TITLE**

<b>WESTERN CAPE PROVINCIAL MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, MR. ANTON BREDELL N.O., OR HIS SUCCESSOR IN TITLE</b>	Third Respondent
<b>OFFICE OF THE COMMISSIONER OF THE ENVIRONMENT</b>  (a constitutional office established in terms of section 71 of the Constitution of the Western Cape, 1997, currently vacant)	Fourth Respondent
<b>SOUTH AFRICAN NATIONAL PARKS</b>	Fifth Respondent
<b>CAPENATURE</b>	Sixth Respondent
<b>CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY</b>	Seventh Respondent
<b>CHAIRPERSON OF CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM, MR. ROBERT McGAFFIN N.O., OR HIS SUCCESSOR IN TITLE</b>	Eighth Respondent

JUDITH ANNE SOLE

Ninth Respondent

WILDLIFE ANIMAL PROTECTION  
FORUM OF SOUTH AFRICA

Tenth Respondent

BABOON ADVISORY GROUP

Eleventh Respondent

<p><b>REPLYING AFFIDAVIT TO THE FIFTH RESPONDENT'S ANSWERING AFFIDAVIT</b></p>
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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 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 that any words or phrases appearing in ***bold italics*** throughout this affidavit are abbreviations or defined terms which have been identified and introduced in the Founding Affidavit, or earlier in this affidavit for ease of reference and consistency.
4. I confirm that this Replying Affidavit is delivered strictly in response to *res nova* raised in the Answering Affidavit deposed to by Ms Delsey Fahlaza Monaledi on behalf of **SANParks**. For convenience, **SANParks**, the **City** and **CapeNature** are collectively referred to herein as the "**Respondents**", unless the context indicates otherwise.
5. This Replying Affidavit is confined strictly to new matter raised by **SANParks**. To the extent that **SANParks** repeats matter advanced by the **City** and **CapeNature**, the Applicants do not repeat their replies, but incorporate such replies by reference as set out in the Applicants' Replying Affidavit delivered on 12 February 2026 in respect of the **City** and **CapeNature** ("**First Replying Affidavit**"), insofar as same is applicable *mutatis mutandis*.

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6. Save as is expressly admitted herein, each and every allegation contained in the **SANParks** Answering Affidavit which is inconsistent with the Founding Affidavit and/or the **First Replying Affidavit** is denied. No allegation not specifically traversed herein should be construed as admitted, and the Applicants' non-engagement with repetitive or previously answered matter is not to be treated as acquiescence.
7. Where **SANParks** advances legal submissions rather than factual allegations, the Applicants respond on legal advice. To the extent that **SANParks** places facts in issue, **SANParks** is put to the proof thereof.
8. Subsequently, I will emphasise the following subject headings and address the relevant paragraphs in the Answering Affidavit dealing with them:-
  - 8.1. **SANParks'** Reliance on Statutory Powers (Protected Areas Act);
  - 8.2. Urgency and the 'Self-Created' Urgency Allegation;
  - 8.3. Separation of Powers / 'Polycentric' Decision-Making;
  - 8.4. Standing / *Locus Standi*; and
  - 8.5. Punitive Costs and Characterisation of the Applicants.

#### **SANParks' Reliance on Statutory Powers (Protected Areas Act)**

9. **SANParks** relies on provisions of the *National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)* ("**NEM:PAA**"), including sections 3, 17, 55 and 56, to contend that it is empowered to manage fauna

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within Table Mountain National Park ("**TMNP**") and to control, remove or eradicate species it considers undesirable (**SANParks** Answering Affidavit, paragraphs 25–31 and 29–30).

10. The Applicants do not dispute that **SANParks** has a statutory mandate to manage **TMNP**. The Applicants' case, however, is that the **Respondents** have not placed before Court any identifiable, traceable administrative decision taken by a competent authority, under an identified empowering provision, authorising the implementation of the **Final Action Plan** and the irreversible measures contemplated thereby.
11. **SANParks'** reliance on general powers under **NEM:PAA** does not cure the absence of a discrete decision, the decision-maker, the date of decision, the empowering provision relied upon for the specific measures, and the record and reasons for such decision(s).
12. To the extent that **SANParks** contends that the **CPBMJTT's** approval or processes constitute **SANParks'** approval, **SANParks** must identify the lawful basis for such delegation or association, including compliance with section 238 of the **Constitution**, and the delegation instrument (if any). No such delegation instrument is produced by **SANParks**.
13. Further, the signature page reflecting approval of the **Final Action Plan** records that the Plan was "APPROVED FOR THE CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM" and not that it was independently approved by **SANParks** as a discrete exercise of statutory power. The

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Applicants have already dealt with this aspect in the *First Replying Affidavit*, which is incorporated herein.

### **Urgency and the 'Self-Created' Urgency Allegation**

14. **SANParks** contends that urgency is self-created because the Memorandum of Agreement is dated 6 July 2023, the BSMP was adopted in September 2023, and the *Final Action Plan* was adopted in November 2025 (**SANParks** Answering Affidavit, paragraph 13 and subparagraphs 13.1 to 13.9).
15. The Applicants' response to the urgency attack is set out in the *First Replying Affidavit* and is incorporated herein. In addition, and insofar as **SANParks** persists with the November 2025 'adoption' date, the approval signature page reflects approval only at the end of January 2026, which materially undermines the alleged delay premise relied upon by **SANParks**.
16. In any event, **SANParks** does not engage with the core question in Part "A": namely that the implementation steps contemplated are irreversible, and that substantial redress in due course will not be available once baboons are removed, displaced, confined, sterilised, or euthanised.

### **Separation of Powers / 'Polycentric' Decision-Making**

17. **SANParks** contends that the relief sought is 'policy-laden', 'polycentric', and that an interdict would cause separation of powers harm (**SANParks** Answering Affidavit, paragraphs 83.11 to 83.15).

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18. This contention is misplaced. The Applicants do not ask this Court to substitute policy choices or to manage baboons. The Applicants seek interim preservation and legality oversight: namely that the **Respondents** identify and produce the lawful decisions, records, and authorisations relied upon before irreversible implementation proceeds.
19. Courts are not precluded by separation of powers concerns from granting interim relief to prevent irreparable harm where legality is in issue, particularly where the relief is tailored to preserve the *status quo* pending lawful processes and record-based scrutiny.

#### **Standing / Locus Standi**

20. **SANParks** alleges that the Applicants do not establish their standing or interest (**SANParks** Answering Affidavit, paragraph 14).
21. The Applicants' *locus standi* is dealt with comprehensively in the Founding Affidavit and, insofar as further challenged by the **Respondents**, in the **First Replying Affidavit**. The Applicants invoke standing under section 38 of the **Constitution**, and **NEMA** including in the public interest and in the interest of their members. **SANParks'** standing objection raises no new matter beyond what has already been answered and is incorporated herein.

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### **Punitive Costs and Characterisation of the Applicants**

22. **SANParks** seeks punitive costs and characterises the Applicants as '*notorious litigants*' (**SANParks** Answering Affidavit, paragraph 22).
23. The costs issue is not properly determinable at this stage on affidavit characterisations. The Applicants have approached this Court for urgent interim relief to prevent irreversible environmental harm and to secure legality oversight. Insofar as **SANParks** relies on extraneous commentary unrelated to the merits of this dispute, it is denied that such commentary justifies punitive costs.
24. The Applicants will address character attacks and costs at the hearing, if required.

### **Conclusion**

25. **SANParks'** Answering Affidavit introduces a statutory-mandate narrative but does not cure the jurisdictional defect identified by the Applicants: the absence of a traceable, lawful administrative decision and record authorising the irreversible implementation steps contemplated by the **Final Action Plan**.

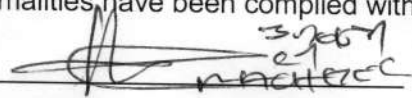
**WHEREFORE** the Applicants respectfully request the relief set out in the Notice of Motion.

  
**REYNO DAWID DE BEER**

Deponent

Signed and sworn to me at AKASIA SAPS on this 12<sup>th</sup> 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.

  
3/26/26  
MACHETE C

COMMISSIONER OF OATHS

Full Names: MACHETE CILIA

Address: 01 Piet Snydersbach Street  
ROSSLYN 0200

Designation: CONSTABLE

