

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 *nominee officio* as executive official of 1st Applicant)

and

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

First Respondent

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

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**

Fourth Respondent

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

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

SIXTH AND SEVENTH RESPONDENTS' ANSWERING AFFIDAVIT : PART A

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I, the undersigned,



ROBERT McGAFFIN

do hereby make oath and say that –

1. I am an adult town planner and land economist. I am employed by the Seventh Respondent, the City of Cape Town (**the City**) as the Executive Director: Spatial Planning and Environment. My offices are at 5th Floor, Podium block, Civic Centre, Cape Town.
2. I am duly authorised to oppose this application and to depose to this affidavit on the City's behalf, and also on behalf of the Sixth Respondent, CapeNature. CapeNature's Chief Executive Director, Dr Ashley Desmond Naidoo has also deposed to an affidavit.
3. I am also the current Chairperson of the Cape Peninsula Baboon Management Joint Task Team (**the CPBMJTT or the Task Team**) and am cited in that capacity as the Eighth Respondent.
4. Part A of the application is opposed by the Sixth and Seventh Respondent, i.e. CapeNature and the City. I refer to the Sixth and Seventh Respondent together as the Task Team Respondents.
5. The Fifth Respondent, South African National Parks (**SANParks**), which is also a member of the Task Team, has also delivered a notice of opposition.
6. The facts and circumstances set out in this affidavit fall within my personal knowledge, except where the context indicates otherwise, and are true and correct.
7. Where I make submissions of a legal nature, I do so on the advice of the Task Team Respondents' legal representatives, which I believe to be true and correct.

INTRODUCTION AND NATURE OF THE APPLICATION

8. In Part A the Applicants have brought an application for interdictory relief in respect of the management of Chacma baboons in the Cape Peninsula, which

will primarily affect the actions to be taken by the City, CapeNature and SANParks in their joint management of the said baboons under the ambit of the CPBMJTT agreement.

9. Notice of this application was first received in an email sent to the City and CapeNature on Thursday, 5 February 2026 at 11h25, merely two court days before Tuesday, 10 February 2026 (at 12h00), the date and time which the Applicants require the answering affidavits to be delivered. This has placed the City and CapeNature under oppressive time constraints which has precluded us from fully and properly addressing both the legal and factual issues pertaining to the relief which will be sought at the hearing on Tuesday, 17 February 2026.
10. The oppressive time constraints imposed by the Applicants have not allowed sufficient time for the legal representatives of the Task Team Respondents to consult, examine documentary records, or properly address all the relevant facts.
11. As a result, we have been seriously prejudiced in regard to our opposition to the relief claimed by the Applicants. It is simply not possible to deal adequately in affidavit form with all the relevant matters in the limited time available. That said, we are of the view that the basis and form of relief sought by the Applicants in part A is so materially flawed that we have determined to put up our opposition to the interdictory relief being sought as best we can within the time permitted, so as to enable the determination of Part A by the above Honourable Court as soon as possible. Consequently, this affidavit deals in truncated form with only certain of the principal issues which are relevant to the substantive relief which the Task Team Respondents understand is to be sought at the hearing on 17 February 2026.
12. My failure to deal with any particular allegation or contention in the founding affidavit should accordingly not be construed as an admission thereof. This is the more so because, I am advised, a number of the grounds on which it will be contended that the relief claimed by the Applicants should be refused, concern matters of law and legal principle, which can be addressed in argument.



13. By way of background, on 6 July 2023 the City, CapeNature and SANParks concluded a Memorandum of Agreement (**the 2023 MOA and the 2023 MOA Parties or the authorities**).
14. The MOA marked a historic milestone in co-operation and collaboration between the different organs of state holding a mandate in respect of the management of the said baboons, being an issue which had, for many years been a cause of conflict, litigation and contestation both between organs of state and different interest groups within the various affected communities of Cape Town.
15. The purpose of the 2023 MOA is to enable co-operation by the 2023 MOA parties through the implementation of a Baboon Strategic Management Plan (**BSMP**) for the sustainable management of the baboon population on the Cape Peninsula, and joint-decision making processes. The BSMP was finalised by the Task Team in September 2023, following an exhaustive and comprehensive public and stakeholder participation process, and which included consultation and review by a panel of independent experts as well.
16. On 20 November 2025 all three of the authorities forming part of the Task Team issued a joint statement publicly communicating that the Task Team had finalised and adopted the Final Baboon Management Action Plan dated October 2025 (**the Action Plan**) which details the practical implementation of the BSMP in accordance with principles and tools approved in the BSMP. A copy of the joint statement is annexed marked as "**AA1**." A link to the Action Plan was provided in the media statement.
17. On 9 December 2025 the First Applicant, the Liberty Fighters Network (**the LFN**) purported to lodge a complaint (together with Monkey Valley Resort (Pty) Ltd and its managing director Ms Judy Sole (**Sole**)) with the Office for the Commissioner of the Environment provided for in the Western Cape Constitution (**the Environment Commissioner**) and (**the LFN complaint**). This person or office does not exist currently, there has *de facto* never been a Provincial Environment Commissioner established. since the adoption and coming into effect of the Western Cape Constitution in 1998 which ostensibly creates such a position. As I explain below, a Provincial Bill which seeks to remove the provisions of the Provincial Constitution dealing with the Commissioner lapsed at the end of the



last provincial parliamentary term but is now going to be revived in the Provincial Legislature.

18. The Part A interdict sought by LFN seeks to halt the implementation of the Action Plan.
19. The application is fatally flawed, for at least the following reasons.
 - 19.1. It is brought at a time when the City, Cape Nature and SANParks have been extensively and uniquely engaged in a co-operative effort, through the Task Team, and working closely in collaboration with NPOs, academics, and affected local communities (through their stakeholder representatives on the Cape Peninsula Baboon Advisory Group (**BAG**), and have devised and are implementing a holistic approach to the complex problem of managing and controlling baboon populations in the Cape Peninsula, through the BSMP and more recently the Action Plan. This tripartite compact among organs of state in different spheres of government is a hitherto unprecedented endeavour of intergovernmental co-operation. It aims to provide sustainable solutions for managing the Chacma baboons, given the authorities' respective constitutional and statutory competencies, guided by the BSMP.
 - 19.2. The various constitutional mandates attached to each sphere of government and organs of state, as they impact on baboon management, including environment, waste management, public nuisance, and veterinary services, which previously have vexed the parties in determining who can do what, has ultimately resulted in a collaborative, negotiated and transparent management agreement as to the way forward, which is to the benefit of the parties, the affected members of the public and the baboons.
 - 19.3. The effect of the interdictory relief sought, if granted, will be to prevent the authorities from managing the Chacma baboons, other than through very limited, ineffectual and unaffordable means. Given the finite management resources available, in this scenario unmanaged troops will once again face severe welfare harms and cause extensive



damage in urban areas, including extensive damage to property, harm and loss of pets as well as significant trauma to communities. If granted, the interdict will “lock” baboons and people into ongoing conflict, the very conflict that the Action Plan seeks to remedy. This conflict has poor outcomes for baboons, for people and for relationships within communities.

19.4. The Applicants do not challenge:

19.4.1. the BSMP’s validity, or even acknowledge its existence, and no relief is sought relating thereto, despite it being in existence since 2023 and establishing the policy basis for the actions which are to be implemented in the Action Plan; or

19.4.2. the existing guidelines, existing BTTG03 (Appendix J to the Action Plan) (**existing guidelines**), which have been in place since their adoption in November 2019 and will continue to apply.

19.5. It is inappropriate and undesirable for the Applicants to ask a court to intervene at this stage, in what is a complex and polycentric matter, requiring a careful consideration of various potential measures and interventions to a dynamic and evolving problem, as evidenced in the Action Plan.

19.6. The interdicts sought inaptly invite this Court to substitute its order for the BSMP, the Action Plan and the existing guidelines, contrary to the separation of powers doctrine. An interdict is a discretionary remedy. A consideration is whether, and to what extent, a restraining order will probably intrude into the exclusive terrain of another branch of Government. That enquiry must, alongside other relevant harm, have proper regard to what may be called separation of powers harm. I respectfully submit that a Court is unlikely to exercise its discretion in this manner, given the obvious breaches of the separation of powers doctrine the order entails, in the absence of any clear evidence of unlawfulness, or a demonstration on the part of the Applicants that the

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Constitution mandates the intrusion. In this case, the evidence points the opposite way.

- 19.7. The Applicants have failed to make out any case for the relief they seek. They say that the central issue in the application concerns the statutory authority of 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 Western Cape Biodiversity Act 6 of 2021 has not yet come fully into operation, yet they don't elaborate on any specific provisions, and their description of the statutory position is inaccurate and incomplete. The statutory framework for CapeNature's competencies are addressed below. I also explain that the BSMP is designed in a manner that each of the authorities perform their respective functions relating to the baboons, in a co-ordinated, deliberative, participatory and sustainable manner. There is simply no merit to this claim.
- 19.8. The interdict sought in Part A of the application, properly construed, is one for final interdictory relief, and will endure for a protracted period. This means that the Applicants are required to establish a clear right to the interdicts they demand. It also means that the ordinary principles applicable to the resolution of factual disputes in applications for final relief apply in this case. But even if I am wrong in that regard, and the relief sought is an interim interdict, quite simply, the Applicants have failed to establish any *prima facie* right, let alone a clear right. They have not alleged the primary facts necessary to demonstrate an entitlement to an interdict of either kind or any failure by the Task Team respondents, to manage baboons effectively. They have failed to engage at all with the Action Plan or the BSMP. And, as a matter of law, they have not established any basis for the Task Team Respondents to be interdicted from implementing the measures in the Action Plan as they demand.



- 19.9. The Applicants have also failed to demonstrate that they have suffered or will suffer any cognisable injury.
- 19.10. Moreover, the Applicants have an alternative remedy, which is to engage with the Task Team, in an effort to ensure the adoption and implementation of their desired measures, through the BAG. They have not participated historically or at all, and recently they have declined the opportunity proffered to meet with the Task Team.
- 19.11. In addition, the application suffers from multiple procedural and substantive deficiencies. To mention but a few:
- 19.11.1. Standing and Lack of Authority : the Applicants have not demonstrated their standing to bring the application or that Mr de Beer (**de Beer**) has established the requisite authority to do so;
- 19.11.2. Non-joinder : the Applicants have failed to join Shark Spotters NPC as a respondent although the NPC has concluded a three-year contract with the City and it is tasked with implementing certain aspects of the Action Plan, and has a direct interest in the relief sought; and
- 19.11.3. Lack of urgency : the Applicants have unduly delayed the application since 2023. It should have brought direct challenges against the 2023 MOA and the BSMP after the adoption of the BSMP. The applicants have further delayed since the Action Plan was published in November 2025, with an implementation schedule planned for December to February 2026, and underway.
- 19.12. The application fails at the first hurdle, as the Applicants have failed to establish a clear right alternatively a prima facie right. Moreover, and in any event, the Applicants have failed to satisfy the remaining requirements for final alternatively interim interdictory relief.



19.13. I respectfully submit that the application should be dismissed on any one of these bases.

20. The remainder of this affidavit is structured as follows:

20.1. First, I set out the relevant background. I address the establishment of the Task Team, the BSMP and the adoption of the Action Plan, and the support of the BAG. I also explain the legal framework governing the different roles and responsibilities of the Task Team Respondents and SANParks.

20.2. Second, I explain the position relating to the Environment Commissioner.

20.3. Third, I address the multiple procedural and substantive deficiencies in the application.

20.4. Fourth, I demonstrate that the Applicants have failed to make out a case for the interdictory relief they seek.

20.5. Lastly, I respond to the founding affidavit paragraph-by-paragraph, to the extent necessary.

21. Prior to dealing with these issues, I briefly summarise the relief sought.

The relief sought

22. LFN has brought an application in two parts, referred to in the Notice of Motion as Part A: Urgent Interim Relief and Part B: Further/ Structural Relief.

Part A

23. Part A has a number of components.

24. The first component is that the application be heard as one of urgency, alternatively as semi-urgent.

25. The second component is a rule *nisi* calling upon the Respondents to show cause on a return date to be heard with Part B why an order in terms of prayers 3 to 5 should not be made final.



26. The third component is for confirmation that LFN be represented by De Beer, its nominated official, and that LFN and De Beer are permitted to bring this application in their own capacities, in the interests of LFN's members, and in the interests of the public.
27. The fourth component is purportedly cast as an interim interdict directing that, pending the finalisation of the referral for an investigation by the Applicants dated 9 December 2025 to the Fourth Respondent (i.e. the Environment Commissioner), interdicting and restraining the Task Team 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 Action Plan, insofar as such steps are permanent, irreversible, or create a *fail accompli*, including *inter alia*:
- 27.1. capture, removal, relocation, translocation, confinement in any sanctuary or enclosure, or any forced movement of any baboon troop (para 5.1);
 - 27.2. any vasectomy programme or any reproductive intervention (para 5.2);
 - 27.3. any euthanasia, lethal control, destruction, or lethal authorisation in respect of any baboon (para 5.3);
 - 27.4. concluding, signing, implementing, or giving effect to any agreement with any third party concerning a baboon sanctuary and/or enclosure programme (para 5.4);
 - 27.5. commencing or continuing any construction, installation, electrification, fencing, enclosure building, or other infrastructure works aimed at sanctuary confinement (para 5.5);
 - 27.6. taking any step that directly or indirectly renders the Applicants' complaint to the Fourth Respondent nugatory (para 5.6).

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28. The fifth component is that paragraphs 2 to 5 (which includes the interdict set out in paragraphs 27.1 to 27.6 above) operate with immediate effect as interim relief pending the return date.
29. The sixth component is orders directing the Environment MEC and the Task Team Respondents and SANParks to deliver within ten court days separate affidavits under oath and providing their records, as set out in prayer 7 of the Notice of Motion, pertaining to decisions relied upon as lawful authority to implement the Final Action Plan and permits and authorisations, including any CapeNature permitting process “referred to in the public statements”.
30. The seventh component provides for the Applicant or any other party to apply to court for the extension of the rule *nisi* pending the determination of Part B and/or any review proceedings which may be prosecuted in due course.

Part B

31. Part B has three components.
32. The first component pertains to the Environment Commissioner (prayers 9 to 11). LFN seeks an order declaring that the failure of the First Respondent (**the Premier**), and in so far as applicable the Second and Third Respondents (the Speaker and the Environment MEC), to operationalise the Office of the Commissioner constitutes conduct inconsistent with the constitutional obligation to perform constitutional duties diligently and without delay. LFN then seeks far-reaching and invasive structural relief, namely an order directing the Premier to (i) appoint a Commissioner within 90 days of the date of the order, alternatively (ii) take all necessary steps to ensure the appointment of a Commissioner no later than 1 June 2026, and to file a report to court under oath.
33. The second component pertains to the 2023 MOA. LFN seeks declaratory relief that the 2023 MOA is invalid *ab initio*, alternatively unlawful and of no force and effect, whether in its entirety or in such parts as the Court may determine, alternatively, to order the Commissioner, when the office has been appropriately filled, to investigate the legality of the 2023 MOA and to act accordingly within its authority.



34. The third component is the confirmation of the *rule nisi* sought in Part A.
35. The Task Team Respondents oppose the relief in Part A on the grounds set out herein.
36. The contents of this affidavit are only for purposes of the Part A relief. Given the extreme time pressure for preparing answering papers, it does not deal with each and every allegation in the founding affidavit. Should the matter be delayed or struck from the roll for lack of urgency, the Task Team Respondents reserve the right to file further affidavits, to the extent necessary.

THE RELEVANT FACTUAL BACKGROUND

The 2023 MOA

37. The 2023 MOA is annexure A to the founding affidavit. At the time when the 2023 MOA was concluded, the BSMP was subject to public participation and was being finalised.
38. The preamble to the 2023 MOA records the following, amongst other aspects:-
 - 38.1. The Cape chacma baboon plays an important role on the Cape Peninsula, and in the Western Cape Province, contributing to the Cape Peninsula's rich biodiversity, and being a considerable tourism resource;
 - 38.2. It is acknowledged that the sustainable management of a baboon population on the Cape Peninsula is desirable;
 - 38.3. Keeping baboon troops in natural areas promotes a safe and healthy environment for residents and landowners of urban, rural and private land, and protects baboons from conflict and contributes to their well-being;
 - 38.4. The Cape Peninsula landscape is mostly managed as an open access system and baboons have access to developed areas which leads to conflict when baboons become a nuisance, damage property and/or threaten the safety of people;

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- 38.5. The City, SANParks and CapeNature committed to establishing a Joint Task team and to develop an approach for the sustainable management of the baboon population on the Cape Peninsula.
39. The purpose of the 2023 MOA is to enable co-operation by the 2023 MOA parties through the implementation of the BSMP for the sustainable management of the baboon population on the Cape Peninsula and joint decision-making processes.

Extensive public participation in respect of the BSMP

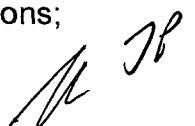
40. A draft BSMP was produced on 26 January 2023 and made available for public comment. The public comment period was extended to 31 March 2023. A stakeholder engagement workshop was held in Tokai on 3 March 2023 and numerous online public meetings were also held. All the comments received were collated and considered in the Task Team's finalisation of the BSMP.
41. A total of 166 individuals, organisations, and community representatives, including the Cape of Good Hope SPCA (**SPCA**), provided written comments, with over 800 individual comments received. The BSMP workshop in Tokai was attended by 98 individuals, organisations and community representatives.

The BSMP

42. LFN has not placed the BSMP before the Court, nor addressed its import - despite the Action Plan having been developed to implement the already approved tools in the BSMP - and the fact that the BSMP is an annexure to the Action Plan. A copy of the BSMP, which was approved in September 2023, is annexed marked as "**AA2**".
43. The BSMP sets out the mandates and governance of SANParks, CapeNature and the City (section 4.p.8).
44. There was extensive public engagement in respect of the BSMP before it was finalised (section 5, p.8).
45. The purpose of the BSMP is the sustainable management of the baboon population of the Cape Peninsula (section 7, p.10). The BSMP makes provision for the establishment of a Baboon Advisory Group (section 10.3, p.22).



46. As appears from the problem statement in the BSMP (section 6, pp.9-10):-
- 46.1. There has been an increase in the baboon population on the Peninsula, and specifically in areas bordering on the urban interface.
 - 46.2. A number of factors and especially the resultant habituation and increasing number of baboons to urban areas on the Cape Peninsula has impacted on the well-being of baboons due to access to an anthropogenic derived diet and harm resulting from dogs, vehicular traffic and irate residents in urban areas.
 - 46.3. Similarly, residents are experiencing increased baboon incursions on to and into private properties, damage to their property such as gutters, roofs and solar panels, and conflict between baboons and pets, especially dogs.
 - 46.4. Section 9 of the BSMP deals with implementation of the BSMP (pp.11-20). Table 1 sets out outcomes, outputs, responsibilities and timeframes.
 - 46.5. That implementation plan includes the steps which LFN is now (more than two years later) seeking to interdict (i.e. those in prayers 5.1 – 5.5 of the Notice of Motion, set out above in paragraph 26).
47. Outcome 1 is: a wild baboon population is sustainably managed and conserved on the Cape Peninsula (Section 9, pp.11-13). Of relevance for present purposes is the following:-
- 47.1. The ecological and management capacity for baboons on the Cape Peninsula is established, based on the available foraging ranges and management regime;
 - 47.2. Population control methods are investigated and implemented where appropriate, including removal (euthanasia, culling and translocation), contraception and sterilization);
 - 47.3. The actions include, based on research outputs on population dynamics, implementing baboon population management actions;



- 47.4. The estimated timeframe is “ongoing”.
48. Outcome 2 includes that permitting activities in terms of the Cape Nature Conservation Ordinance are provided, acted on and complied with (translocation, capture, hunting, or use restricted methods such as paintball markers and removal). The corresponding action expressly includes issuing of permits for capture, translocation, and euthanasia to requesting parties when needed in accordance with established protocols and conditions of use. The estimated timeframe is also ongoing.

Previous litigation

49. There has been previous litigation in respect of the Task Team’s baboon management on the Peninsula. The application was brought by Ryno Engelbrecht, the Baboon Matters Trust NPO, Beauty without Cruelty NPO and Jo-Anne Trennith Bosman against the three authorities and others under Case Number 9095/24.
50. A court order was granted by agreement (annexed marked “AA3.”), in terms of which that application was withdrawn, with each party to pay their own costs.
51. The preamble to the order recorded that:

AND WHEREAS the First Respondent (the City), Second Respondent (SANParks) and and Third Respondent (CapeNature) who together constitute the Cape Peninsula Baboon Management Joint Task Team (the JTT) have undertaken to co-operate with one another through the implementation of the JTT’s Baboon Strategic Management Plan (BSMP) by fulfilling their respective roles and responsibilities as detailed in the BSMP, in an Agreement concluded on 6 July 2023, and the JTT are doing so through their best endeavours within a reasonable time frame and will continue to do so in the lifespan of the JTT;

WHEREAS in pursuit of the BSMP the City has on 11 November 2024 entered into a short-term contract with a service provider for the provision of baboon ranger services in the Cape Peninsula from 1 to 31 December 2024;

AND WHEREAS the JTT, resolved to select a non-profit organisation to provide the implementation of baboon management services, including community engagement and any ranger services of the BSMP in the Cape Peninsula for a three-year period, to give effect to elements of the BSMP;

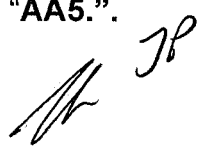
AND WHEREAS the City Council approved on 5 December 2024, to appoint Shark Spotters NPO for a three year period for the purposes of, inter alia the implementation of baboon management services, including any community engagement and ranger aspects of the BSMP with the City providing funding over the three financial years,

subject to budgetary approval, and all the JTT parties contributing in a manner consistent with their functional areas and statutory duties; conditional upon the City Council granting approval in December 2024 for the City to conclude a memorandum of agreement with Shark Spotters NPO.

Appointment of Shark Spotters NPC / Cape Baboon Partnership

52. After the litigation was settled, a memorandum of agreement was signed between the City and Shark Spotters NPC, formalising a three-year partnership for Shark Spotters to assist the authorities with the implementation of the BSMP, commencing on 1 January 2025.
53. The operational tasks to be undertaken by Shark Spotters include - amongst others - the baboon ranger programme on selected troops, assisting in the roll-out of an infrastructure programme to establish hard boundaries between natural areas and the urban environment where suitable (this includes fencing, as dealt with below), and implementing a baboon population research programme.
54. Shark Spotters' baboon management branch is known as the "Cape Baboon Partnership" with the stated aims of connecting communities, authorities and the environment for the adaptive management of baboons on the Cape Peninsula. As dealt with below, the Cape Baboon Partnership is tasked with implementation of specific items under the Action Plan.

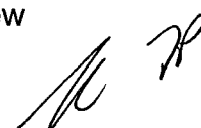
The Baboon Advisory Group

55. Following the conclusion of the 2023 MOA and the finalisation of the BSMP by the Task Team, the stakeholder engagement forum, BAG was established. A copy of the terms of reference for the BAG is annexed marked "AA4.". The purpose of the BAG is to advise the Task Team on achieving the intended outcomes of the BSMP and to support its implementation within communities at a local level, while ensuring relevant feedback between constituencies and the Task Team. The BAG was established as an advisory body, and as part of the BSMP.
56. The BAG was established at an inaugural meeting on 12 February 2025, with members adopting the terms of reference. A joint statement dated 14 February 2025 issued by SANParks, CapeNature and the City is annexed marked "AA5.". 

The members of the BAG were nominated by their respective communities, ratepayers associations, stakeholders, academic and research institutions, animal welfare institutions, and organisations who have a direct interest in baboon management on the Cape Peninsula. The then current members of the BAG are listed on “AA5”. Since then, the Kommetjie Residents and Ratepayers’ Association and the SPCA representatives have been replaced, and there are two nominations pending approval for Baboon Watch WC. Paragraph 5.1 of the terms of reference envisage that there may be additional nominations to the BAG over time.

The Action Plan

57. The Action Plan is annexed to the founding affidavit marked “D”. However LFN has not placed any of the appendices to the Action Plan before the Court.
58. The Task Team compiled the Action Plan to detail the management actions to be implemented between November 2025 and November 2030. It sets out defined management actions based on scientifically informed principles and an approved set of tools already detailed in the BSMP.
59. The process that was followed to finalise the Action plan is set out in the Action Plan (section 1.2). Various steps were also publicly communicated during the process.
 - 59.1. In May 2025 the draft action plan was presented to the BAG.
 - 59.2. In June 2025 an expert review panel was appointed. The panel reviewed the draft Action Plan in July 2025 (**the expert review**).
 - 59.3. The Task Team received the expert review and prepared a comments and response report in reply to the expert review (**the expert review comments and response report**).
 - 59.4. The draft action Plan, the expert review, and the expert review comments and response report was submitted to the BAG for comment. It was also publicly available on the Cape Baboon Partnership website. (A joint statement dated 12 August 2025 communicating that the expert review and the expert review



comments and response report were available, and that the BAG would be engaged is annexed marked “AA.6”.)

- 59.5. All written submissions received from the BAG and public were recorded and documented in a comment and response report which is annexed to the Action Plan as “M”.
- 59.6. The Task Team reviewed the Action Plan and considered all submissions in preparing the final Action Plan.
- 59.7. In November 2025 the three member organisations of the Task Team (i.e. the authorities) approved the final Action Plan. It was formally signed in January 2026. A copy of the signatory page is annexed marked “AA.7”.
60. As elaborated in the Action Plan, there are 13 baboon troops on the Cape Peninsula. There has been escalating conflict for baboons and communities. The Action Plan sets out management measures to be implemented and management for the troops. The overall population of baboons on the Peninsula has increased. Baboon numbers have to be managed at sustainable levels, with upper limits set for the south and north subpopulations based on population capacity figures.
61. Appendix N to the Action Plan is the proposed implementation schedule, which includes a budget for the action items (**the implementation schedule**). I annex a copy of the implementation schedule marked “AA.8”. (The failure of LFN to place this highly relevant appendix before the Court for purposes of Part A is a serious omission).
62. The aspects of the wide-ranging Action Plan which appear to be the most implicated by the relief sought in paragraph 5 of the Notice of Motion (i.e. the steps which LFN seeks to interdict) are those dealt with below, namely the erection of the northern fence, the relocation of the two Constantia Nek troops, and the Cape of Good Hope Baboon Sanctuary (the plan for the Seaforth and Waterfall Troops), as set out in section 6 of the Action Plan and the implementation schedule.

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63. The northern fence (section 6.1):

63.1. Preventing baboons from accessing urban areas and farmland in the northern region will be achieved through the establishment of the northern boundary fence line from Zwaanswyk in the south to Constantia nek in the North (**the northern fence**);

63.2. Baboon rangers will patrol and maintain the northern fence;

63.3. No baboons will be allowed north of the fence or over Constantia Nek;

63.4. The northern fence will be financed and built as a partnership between the Cape Baboon Partnership and the private landowners, and the day to day management of the northern fence will be by the Cape Baboon Partnership;

63.5. The implementation schedule refers to:-

63.5.1. signed agreements with all private landowners to be in place in December 2025, and construction of the northern fence to commence in January 2026; and

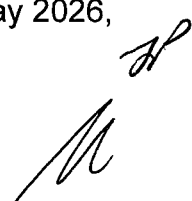
63.5.2. the fact that the City has made funds available to the Cape Baboon Partnership, in a partnership with the private landowners, and the total cost is estimated at R17 million.

64. Mr Gregg Oelofse, who has been involved in the engagements with the landowners, has confirmed that these are underway, and at an advanced stage, as detailed when considering the balance of convenience below.

65. Relocation of the Constantia Nek Troops:

65.1. The plan for the Constantia Nek Troops is that once the northern fence reaches Groot Constantia, the troops will be captured, and all healthy animals released as two troops on the Table Mountain National Park / mountain side of the northern fence (section 6.7.2);

65.2. According to the implementation plan, this will take place in May 2026, budgeted within the Cape Baboon Partnership.



66. The Cape of Good Hope Sanctuary (section 6.7):
- 66.1. A purpose built baboon sanctuary will be established on the Peninsula on land to be made available by a private landowner near the Cape Point Reserve (**the sanctuary**);
 - 66.2. The agreement between the private landowner and Cape Baboon Partnership is to be in place in December 2025;
 - 66.3. A first trial enclosure with a minimum hectare size of 1.5 ha will be built (in January 2026);
 - 66.4. The Seaforth troop will be released into the trial enclosure and an evaluation will be done of their welfare (with permits and captive animal management plans from CapeNature) (January 2026);
 - 66.5. Following confirmation of success of the Seaforth Troop and environmental authorisation, if required, enclosures two and three will be built and the Waterfall Troop relocated;
 - 66.6. Should the baboon sanctuary fail with respect to animal welfare outcomes or operational funds such that the situation cannot be remedied, the baboons will be humanely euthanised by the authorities in accordance with a CapeNature permit with oversight by the SPCA.
 - 66.7. The City has made a once-off allocation of funds to the Cape Baboon Partnership to fund the necessary infrastructure for the sanctuary as well as 12 months operational costs for the sanctuary. The budget is R10 million.

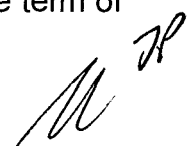
The structural relief to appoint an Environment Commissioner

67. Finalisation of the LFN complaint is premised on the success of the wide ranging and invasive structural relief sought in Part B requiring the appointment of the Environment Commissioner, effectively to deal with LFN's complaint.
68. There has been previous litigation in this division in which similar relief was sought as the Applicants are now seeking in the first component of Part B in this



application (*Winston Erasmus v the Premier, the Speaker and the Environment MEC*, under case number 4159/2018). It is apparent from the judgment that when a draft Bill to provide for the office of the Environment Commissioner was published in 2001, a Nature Conservation Board had been established in the Western Cape, and further and strengthened national environmental legislation had been passed. The judgment details various further developments that took place in considering the desirability of such an office. Ultimately, the Western Cape Constitution First Amendment Bill (**the Bill**) of 2021 was introduced, which *inter-alia* sought to remove the provisions dealing with the Commissioner. The Western Cape Parliament's Standing Committee on Premier and Constitutional matters held various briefings, meetings and public hearings.

69. The Department of Environmental Affairs and Development Planning in the Western Cape made a presentation to the Standing Committee in May 2021 which, *inter alia*, gave a detailed breakdown of national and provincial legislation that provides adequately for the protection of the environment, legislation that caters for the function of the Environment Commissioner, and specifically legislation that caters for the function of investigating complaints in respect of environmental administration, including under NEMA, and the Public Protector Act, 1994. A copy of relevant extracts from the presentation is annexed marked "**AA9**".
70. At a further briefing on 26 May 2023 the Department remained opposed to the amendment, and reiterated that the filling of this vacancy – meaning the creation of and establishment of a Commissioner for the Environment – is not desirable as it will involve an overlap and a duplication of roles and functions already provided for in legislation. A minute of the meeting on the Parliamentary Monitoring Group's website is annexed marked "**AA10**."
71. The Task Team Respondents' attorney requested an update on the status of the Bill from Province's Legal Services. In response she received two letters:
 - 71.1. In the first the Premier wrote to the Speaker on 3 February 2026 asking whether it was envisaged that the Provincial Parliament would revive the Bill (providing for the repeal of the provisions that established the Environmental Commissioner), which Bill had lapsed when the term of



the previous parliament ended, or whether the Bill ought to be re-introduced by the Provincial Executive (annexed marked “AA11”).)

- 71.2. The Speaker wrote back on 6 February indicating that steps will be taken to revive the Bill and that there was no need for its re-introduction (annexed marked “AA12”).)
72. The Provincial Parliamentary process will have to run its course, with public hearings, and the outcome of that process is likely to take many years. Given the intention of the legislation is to remove the provisions relating to the Commissioner, will mean that a Commissioner will not be appointed during that period, and the appointment of a Commissioner at any stage exceedingly remote.
73. Even if a Provincial Commissioner is appointed, the ambit of investigative powers of that person are unknown. However, such powers would not be able to unreasonably interfere with the exercise of any constitutional mandate any of the authorities exercised in respect of the management of the baboons and there is no reason to believe that any such person would in fact have the power or agree to the investigation which the Applicants propose.

THE PURPORTED CHALLENGE TO THE LEGAL STATUS AND AUTHORITY OF CAPE NATURE’S PARTICIPATION IN THE 2023 MOA AND TASK TEAM

74. As mentioned, the central (and sole) legal issue identified in the application papers in relation to the interdictory relief relating to the MOA is a claim that CapeNature lacks the statutory authority 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.
75. In paragraph 70 of the founding affidavit the Applicants contend that the participation of CapeNature in the establishment and functioning of the Task Team, and in the formulation and implementation of the Action Plan is “tainted by illegality”, rendering the agreement, the resulting governance structure and all consequential actions susceptible to review and invalidation.
76. These allegations are based on vague assertions pertaining to the fact that only certain portions of the Western Cape Biodiversity Act 6 of 2021 (WCBA) have

come into operation. However, the Applicants do not identify which provisions have come into force, nor make out any case that CapeNature has purported to rely on provisions of the WCBA which have not come into effect.

77. In terms of section 9 of the WCBA, the Western Cape Nature Conservation Board (**the WCNCB**) as established by the Western Cape Nature Conservation Board Act, continues in existence as a juristic person and a provincial public entity responsible for the conservation of biodiversity in the Province, and is known as CapeNature. It discharges its mandate in terms of Schedule 4 of the Constitution of the Republic of South Africa, 1996 which sets out functional areas of concurrent national and provincial legislative competence, and is a public entity as envisaged in terms of Schedule 3(c) of the Public Finance Management Act, 1999.
78. The WCNCB was established in terms of s 2 of the Western Cape Nature Conservation Board Act, 15 of 1998 which created its objects, powers, and functions.
79. In 2021, the WCBA was enacted. The implementation of the WCBA is being undertaken in a phased manner. With effect from 15 November 2022, sections 1 to 39, 81 to 86, 88 (subsections (4) to (9)) came into force. On the same date the WCNCB Act and the Nature Reserves Validation Ordinance, 1982 were repealed.
80. Pending the coming into force of further subsections of section 88(1), the Nature Conservation Ordinance, 19 of 1974 as amended (**the Ordinance**) remains in force. The Ordinance governs two important and relevant functions of CapeNature: the regulation of the keeping of wild animals in captivity (including in transit); and the hunting of wild animals. The Ordinance defines “wild animals” to mean, “any large vertebrate or invertebrate animalbelonging to a non-domestic species and includes any such animal which is kept or has been born in captivity”. For purposes of the discussion that follows, a chacma baboon (*Papio ursinus*) is a wild animal as envisaged by this definition.
81. Section 10 of the WCBA describes the duties of CapeNature, as follows:



- (1) In relation to the conservation of biodiversity, and subject to section 7(1)(a), CapeNature must—
- (a) recommend to the Provincial Minister, areas to be declared as provincial protected areas, protected environments, mountain catchment areas and biodiversity stewardship areas according to the Provincial Protected Areas Expansion Strategy;
 - (b) manage provincial protected areas and other areas where it is designated as the management authority;
 - (c) promote and enable biodiversity stewardship;
 - (d) maintain a register of provincial protected areas, protected environments, mountain catchment areas and biodiversity stewardship areas;
 - (e) after undertaking an assessment and verification, make recommendations or comments to the Provincial Minister on written representations or objections received in terms of section 33 of the Protected Areas Act on the declaration or the withdrawal of the declaration of a protected area;
 - (f) after consultation with the Head of Department, advise the Provincial Minister on—
 - (i) subordinate legislation and policy to be made by the Provincial Minister in respect of biodiversity related matters; and
 - (ii) the exercise of the Provincial Ministers powers in terms of section 7(1)(b), (c), (d) and (e);
 - (g) establish a system for monitoring and reporting on—
 - (i) the status of biodiversity in the Province;
 - (ii) the status of invasive species;
 - (iii) the sustainable use of indigenous biological resources;
 - (iv) the management of provincial protected areas, protected environments, world heritage sites, mountain catchment areas and biodiversity stewardship areas; and
 - (v) compliance with authorisations issued under this Act, in order to—
 - (aa) enable the timely detection and mitigation of adverse effects; and
 - (bb) facilitate the evaluation of the effectiveness of this Act;
 - (h) prepare biodiversity management plans as contemplated in section 43 of the Biodiversity Act, when requested to do so by the Provincial Minister;
 - (i) provide advice to landowners to improve biodiversity or the conservation of the environment on their land or how to manage the interface between humans and indigenous biological resources;
 - (j) advise the Provincial Minister on the export of indigenous biological resources for research;
 - (k) make recommendations to the Provincial Minister on matters that require research;
 - (l) report to the Provincial Minister on the state of biodiversity in the Province within two years of this Act coming into effect and at intervals of not more than four years thereafter, as required by the Provincial Minister;
 - (m) on land managed by CapeNature, manage, conserve and promote natural and related cultural heritage resources through best practice, access and benefit sharing, and sustainable use practices;
 - (n) review and comment on the consistency of spatial development frameworks and applications for environmental, water, agricultural and mining authorisations with the objectives of the Biodiversity Spatial Plan;
 - (o) in areas under its control, take measures that are necessary or desirable for the conservation of biodiversity or the management of adverse effects thereon;
 - (p) inspect and investigate non-compliance and offences in terms of this Act; and
 - (q) in areas under its control, take measures that are necessary for the safety of visitors.
- (2) CapeNature must—
- (a) manage the development and promotion of eco-tourism activities and facilities on land managed by CapeNature;
 - (b) facilitate research, monitoring and training on biodiversity conservation; and
 - (c) in relation to land under its control, promote—
 - (i) community-based conservation of biodiversity;

- (ii) conservation- and ecotourism-related work generation, local economic development opportunities and the biodiversity economy;
- (iii) access to protected areas for recreational, educational, research, cultural, spiritual and traditional purposes; and
- (iv) environmental awareness, education and youth development

82. Section 11 of the WCBA governs the powers of CapeNature, and includes subsection 11(4), which provides:

(4) CapeNature may at any time, in relation to any specimen of any species, undertake or authorise any action, including a restricted activity or restricted method, if the specimen—

- (a) poses an imminent threat of injury or death to humans or any domesticated species;
- (b) is wounded, diseased or injured;
- (c) is causing damage to crops or plants on cultivated land or other property;
- (d) has or may have an adverse effect on indigenous species, ecosystems or the environment; or
- (e) should be captured or killed in the interests of conservation.

83. The Provincial Minister has yet to gazette a list of species and a list of “restricted activities” or “restricted methods” as envisaged in terms of section 49(7) of the WCBA. These are likely to include hunting the chacma baboon and taking them into captivity. Until such time as this occurs, the prohibition on these activities is governed by the Ordinance.

84. Relevant provisions of the Ordinance are the following:

84.1. Section 16(1) of the Ordinance obliges CapeNature to conduct research, experiments, surveys and investigations in connection with any fauna in the interests of nature conservation. It further obliges CapeNature to publish or disseminate information on nature conservation acquired through its endeavours for the purposes of educating on nature conservation.

84.2. Section 18 empowers CapeNature to permit the hunting of any wild animal (which would include the baboons).

84.3. Sections 27, 28 and 29 govern the hunting of protected wild animals (which include the baboons). In essence, the hunting of the baboons is generally proscribed unless CapeNature has issued a permit or licence to a specific person for that purpose.

- 84.4. Sections 28 and 31 prohibit the capturing and captivity of the baboons, subject to certain restrictions including a permit issued by CapeNature.
- 84.5. Section 42 criminalises the possession of any wild animal (or its carcass), subject to certain exceptions.
85. The following Nature Conservation Regulations published in terms of s82 of the Ordinance are of relevance:
- 85.1. Regulation 38 prohibits the transportation of wild animals, subject to certain qualifications. (published in PN No 955 of 1975)
- 85.2. Regulation 42A (which was published in PN 491 of 2010 to curb the feeding of baboons and vervet monkeys) and which provides:
- (1) No person may feed or attempt to feed any baboon (*Papio hamadryas ursinus*) or vervet monkey (*Cercopithecus pygerythrus*) in a built up area or public place.
- (2) Subregulation (1) shall not apply in respect of a baboon (*Papio hamadryas ursinus*) or vervet monkey (*Cercopithecus pygerythrus*) that is—
- (a) kept in captivity; or
- (b) being transported
- in accordance with the provisions of the Ordinance.
86. As appears from these statutory provisions, CapeNature's main functional areas are:
- 86.1. the management for conservation purposes of provincial protected areas, protected environments, mountain catchment areas and private land subject to biodiversity stewardship.
- 86.2. The promotion of biodiversity in these areas.
- 86.3. The protection of flora and fauna in these areas.
- 86.4. Scientific research and education in conservation management and biodiversity.
87. Given these powers, CapeNature plainly has the necessary authority to conclude the 2023 MOA and to participate in the Task Team and in the implementation of the Action Plan.



88. The Applicants do not make any specific similar claims in relation to the City or SANParks in the founding affidavit. Under a section headed '*Summary of Raised Constitutional and other Issues*', in two paragraphs the Applicants pose the following questions, but do not proceed to allege why the CPBMJTT, the MOA or the Action Plan would be unlawful:

"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**."

"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."

89. As pointed out by the Applicants, the 2023 MOA expressly records that any co-operation and joint decision-making contemplated thereunder is subject to the participating parties having the necessary lawful authority.
90. The Applicants seemingly ignore:
- 90.1. The co-operative governance obligations imposed by the Constitution on organs of state.
- 90.2. The preamble to the WCBA, which provides that the different organs of state must act in accordance with the principles of cooperative government and intergovernmental relations and make decisions that affect the environment in a coordinated and holistic manner and recognizes that it is desirable that the law develops a framework for integrating and coordinating environment and nature conservation considerations into planning and decision making by all organs of state to fulfil their obligations.
- 90.3. Section 2 of the NEMA principles, which applies to the actions of all organs of state that may significantly affect the environment; and include that sustainable development requires the consideration of all relevant factors, including that there must be intergovernmental co-ordination and harmonisation of policies, legislation and actions relating to the environment.

COMPETENCIES OF THE CITY AND SANPARKS IN RESPECT OF THE 2023 MOA 



91. The Applicants have not made out any case in the application in respect of alleged lack of competencies of the City and SANParks. Those authorities plainly have the competencies for purposes of the 2023 MOA, the BSMP, and the Action Plan. The preamble to the 2023 MOA records competencies of SANParks and the City. I deal briefly with competencies below.

The City's competency

Polycentric Discharge of City's Duties

92. There is no dispute that the City has a role to play in managing the urban-wildlife interface. What is disputed is whether the Applicants have brought a competent challenge, predicated on a breach or threatened breach of the City's duties and their related rights. The City will argue that they have not.

93. In exercising its powers and discharging its duties, the law affords the City considerable leeway to make sensible and sustainable choices, given its administrative, technical and political expertise and the information available to it. The law also affords the City the power to determine the circumstances for exercising its powers to provide particular services.

94. The following provisions of the Constitution govern the City's duties in relation to service provision. They form the legal framework for evaluating the lawfulness of the City's actions.

94.1. Section 152(1) spells out the objects of local government. The relevant objects are ensuring the provision of services to communities in a sustainable manner (paragraph (b)), promoting social and economic development (paragraph (c)), promoting a safe and healthy environment (paragraph (d)) and encouraging community involvement in local government matters (paragraph (e)).

94.2. Section 152(2) founds the obligation on the City to give effect to those objects, but in carefully calibrated and qualified terms: '*A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).*'

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- 94.3. Section 153 requires the City, among other things, to budget and plan processes to prioritise 'the basic needs of the community, and to promote the social and economic development of the community'.
95. The City seeks to promote a safe and healthy environment. Its relevant competencies under Part B of Schedule 5 to the Constitution include the control of public nuisances, public places and local amenities, fencing and fences as well as cleansing and refuse removal. Municipal planning is also a local government competency under Part B of Schedule 4 to the Constitution.
96. Sustainable budgeting and expenditure find expression in the Local Government: Municipal Systems Act, 2000. Section 4(2)(d) echoes the constitutional directive to '*strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner*' within the City's financial and administrative capacity.
97. Section 73 obligates the City to provide municipal services equitably, prudently, economically and in a way that is conducive to improving standards of quality over time. A '*basic municipal service*' is one that '*is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety of the environment*'.
98. Section 73 of the Systems Act requires the City to provide municipal services in an environmentally sustainable way. The definition of '*environmental sustainability*' is likewise delimited by the qualification that the City is expected to do only what is reasonably possible:
- 'environmentally sustainable'**, in relation to the provision of a municipal service, means the provision of a municipal service in a manner aimed at ensuring that—
- (a) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances;
 - (b) the potential benefits to the environment and to human health and safety are maximised to the extent reasonably possible under the circumstances; and
 - (c) legislation intended to protect the environment and human health and safety is complied with.
99. This provision aligns with section 24(b) of the Constitution, which provides that legislative and other measures for protecting the environment be reasonable.

100. Under these laws the City makes choices on the appropriate allocation of public resources to respect, protect, promote and fulfil the rights in the Bill of Rights and its statutory duties. The allocation of public resources to those ends is quintessentially policy-laden, involving an array of technical expertise and requiring administrative or executive judgement.
101. The City's urban baboon programme is managed across multiple City departments, including (amongst others)
- 101.1. Environmental Management, which plays a co-ordination role;
 - 101.2. Urban Waste Management, responsible for waste management, waste collections, and law enforcement;
 - 101.3. Environmental Health, responsible for preventing transfer of diseases from baboons to humans and vice versa and for providing support to minimise close contact for certain species;
 - 101.4. Recreation and Parks, responsible for open-space planning and management and facilities in baboon-affected areas.
102. It is within the domain of the City's executive powers and functions to determine how public resources are drawn upon and ordered. Yet much of the Applicants' relief would strip the City of the wide, polycentric discretion it exercises in determining which resources to devote to keep baboons out of urban spaces.

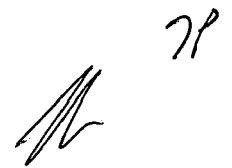
SANParks' competency

103. I do not address SANParks competency, but anticipate that they will do so, given their opposition of Part A.
104. As is evident from what I have set out above, the participation in the 2023 MOA by the authorities is sanctioned by the Constitution and various legislation. There is no merit in the claims made by the Applicants.

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THE INDIRECT ATTACK ON THE ACTION PLAN – VEXATIOUS AND AN ABUSE OF RULE 53

105. LFN has not brought judicial review proceedings against the signature and adoption by the authorities of the Action Plan, or any of the earlier steps taken – the MOA and formation of the Task Team, the BSMP.
106. Instead, it seeks to halt implementation of steps under the Action Plan pending the finalisation of the LFN complaint by the Environment Commissioner that *de facto* does not exist and is not likely to ever be appointed.
107. For the investigation of the LFN complaint to occur, LFN first has to succeed in the component of the Part B relief pertaining to the appointment of the Environment Commissioner.
108. That relief sought in Part B will no doubt be opposed by the provincial government parties cited, given the legislative process underway to remove section 171. Part B will take a long time to be determined. The respondents opposing the application would have to file answering affidavits and LFN would have to reply to more than one set of answering papers. The application has not been brought on the basis that Part B must be dealt with on any urgent, semi-urgent or expedited basis. The initial hearing would not be in 2026, and could be in 2027, or even 2028, and no doubt with appeals to follow.
109. Furthermore, even if LFN ultimately succeeds in that component of Part B, i.e. in the appointment of the Environment Commissioner, it could take many months - if not longer - for the Environment Commissioner's office to establish procedures for dealing with complaints and investigations, and then to actually determine whether to investigate the LFN complaint. Ultimately, the Environment Commissioner may decline to do so.
110. The effect is that if an interdict (pending the finalisation of the LFN complaint) were to be granted, it would be in place for a very long period of time, and the Action Plan could not be implemented, creating further harm (to baboons and humans) as described below, as the authorities would effectively be precluded from implementing any baboon management strategy.

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111. The further difficulty with the relief sought by LFN is that the application does not actually engage with the Action Plan, or raise legal challenges against the Action Plan, by way of review or otherwise.
112. The founding papers are also silent on the BSMP and the existing guidelines, which are also not mentioned or challenged, by way of review or declarator. The potential effect of the interdictory relief sought would be to interdict their implementation too, absent any challenge to the underlying policy or guidelines.
113. LFN seeks to halt the implementation of the Action Plan - not on the basis of any challenges raised in respect of the Action Plan, the BSMP or the existing guidelines in the application – but solely on the basis of its claim that the LFN complaint must first be dealt with by a *de facto* non-existent Environment Commissioner, whose future appointment is entirely remote.
114. I am advised that according to the Constitutional Court, legal action that is not likely to lead to any procedural result is vexatious. This is so where a case has little or no basis in law (or at least no discernible basis) and where whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant; and it involves an abuse of the process of the court.
115. There is virtually no chance that LFN's complaint will ever be dealt with by the Environment Commissioner. In all the relevant circumstances, seeking to interdict the steps in the Action Plan is vexatious. This is compounded by LFN's lack of standing, dealt with below.
116. To compound matters, in prayer 7 of Part A, LFN seeks an order directing the Environment Minister, the Task Team, and the authorities, to deliver affidavits under oath and their records pertaining to decisions relied upon as lawful authority to implement the Final Action Plan and permits and authorisations, including any CapeNature permitting process.
117. As dealt with above, LFN has not brought a direct challenge against the Action Plan (and has brought no challenge against the BSMP or the existing guidelines) despite having access to all these documents, and in circumstances where the



BSMP and existing guidelines are appended to the Action Plan, and their purpose and content fully explained.

118. Yet LFN's relief in Part A contemplates that it will in future bring review challenges to the adoption of the BSMP by way of review proceedings, and seeks an order directing that the respondents identify all such decision, produce records and furnish reasons for the decisions.
119. It is plainly incumbent on LFN to have identified the decisions which it seeks to challenge by way of review proceedings, and to invoke Rule 53 of the Uniform Rules of Court or any other mechanism to obtain a record.
120. The LFN seeks to subvert the requirements of Rule 53 and legality reviews – by requiring the respondents to identify all such decisions and give their reasons. There is no procedural or substantive basis for LFN's approach, and I respectfully submit that this too qualifies as vexatious.
121. The sixth component of the relief sought in Part A referred to in paragraph 29 is not competent and I respectfully submit, regardless of the outcome of Part A, ought not to be granted.

LACK OF URGENCY

122. LFN has delayed since 2023 in taking any action in relation to the 2023 MOA, including the adoption of the BSMP in September 2023, more than 2 years and 5 months ago.
123. LFN now seeks to halt implementation of the Action Plan pending the finalisation of its complaint by a de facto non-existent Environment Commissioner.
124. Again, it has delayed unreasonably. The steps which it seeks to halt are management tools which were already approved in the BSMP. It should have brought direct challenges against the 2023 MOA and the BSMP after the adoption of the BSMP.
125. Nevertheless, if the court is of the view that the relevant date for purposes of urgency pertains just to the approval of the Action Plan, there is still a patent lack of urgency.



- 125.1. The Action Plan is dated 31 October 2025. The joint statement was issued on 20 November 2025 (AA 1). The Action Plan states that it has been compiled to detail the management actions to be implemented between November 2025 and November 2030.
 - 125.2. The Action Plan clearly sets out a detailed implementation schedule, it sets out the action items, timing per month, and the budget for each action item. This includes actions to be taken in December 2025, January 2026 and February 2026.
 - 125.3. LFN sought a “moratorium” from the Task Team Respondents on 28 November 2025 in correspondence marked “very urgent” (Annexure “B”).
 - 125.4. The Task Team responded on 8 December 2025 (Annexure “E”). It did not agree to a moratorium, provided LFN with a copy of the 2023 MOA, and indicated that the Task Team was available to meet with LFN.
 - 125.5. Despite the fact that the Action Plan had been approved, implementation was commencing, and the Task Team did not accede to a moratorium, LFN still did not approach the Court in December 2025.
 - 125.6. It is no answer to lack of urgency and delay for LFN to rely on having submitted the LFN complaint on 9 December 2025, and the Task Team not agreeing to halt implementation of the Action Plan pending the appointment of the Environment Commissioner and an investigation of the LFN complaint, as it now seeks to do.
 - 125.7. LFN was well aware that there has been no Environment Commissioner since 1997 (it is dealt with in the LFN complaint).
126. LFN’s application was filed electronically on 5 February 2026, more than 3 months after the date of the final Action Plan (31 October 2025). The Respondents have been given 3 court days to prepare answering papers. The hearing of Part A is set down for 17 February 2026. There is no proper



explanation for the delay, or why it has to be heard on such an extremely truncated and prejudicial timetable, given the wide ranging interdicts sought.

127. In the circumstances of all of the above, Part A of the application should be dismissed, alternatively struck from the roll, with costs, due to a patent lack of urgency.

LACK OF STANDING AND AUTHORITY

128. The deponent to the founding affidavit contends that LFN and de Beer hold a direct and substantial interest in the present matter. Orders confirming their authority and standing are sought in prayers 3 and 4 of the Notice of Motion.

129. The Task Team Respondents deny that any such interest has been made out, or that LFN and de Beer have standing to bring this application and that de Beer has established the requisite authority to do so.

130. *First*, the Applicants' sole claim to standing is based on a claim that the application raises material constitutional issues. But the Applicants plead no source of the constitutional duty and no breach or threatened breach of the Constitution or of a constitutional duty imposed on any of the parties under the National Environmental Management Act, 1998 (**NEMA**) or the National Environmental Management : Biodiversity Act, 10 of 2004 (**the Biodiversity Act**). Instead, their challenge is limited to the fact that the Environment Commissioner has not been appointed.

131. In any event, the principle of subsidiarity prohibits direct reliance on the Constitution where specific and detailed legislation giving effect to a right sought to be enforced has been passed, in this case NEMA and the Biodiversity Act.

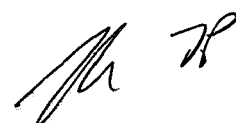
132. *Second*, neither of the Applicants pleads that the 2023 MOA, the BSMP or the Action Plan or any actions taken or to be taken in terms thereof directly and personally affects them. De Beer does not allege that he owns property in any of the baboon-affected areas. The LFN is based in Gauteng, as to the best of my knowledge de Beer is a resident in Gauteng.

133. The Applicants fail to demonstrate a violation of the Constitution or any statutory prohibitions which has caused the Applicants any damage. Their cause of action



is based on the common law of interdicts. Their pleaded standing for purposes of the Constitution is thus irrelevant.

134. They thus have not established standing under section 38(a) of the Constitution.
135. *Third*, the founding affidavit says nothing about interests and objectives of the LFN, and no claim is made that the application is brought to advance their objectives set out in their Constitution, nor is any evidence produced in the founding affidavit demonstrating that the deponent is duly authorised in terms of their respective provisions.
136. LFN did not annex a copy of its Constitution, or at the very least, the relevant extracts of the Constitution, to the founding affidavit. This necessitated that the Task Team Respondents' attorneys deliver a Rule 35(12) notice to obtain a copy of the Constitution.
137. In paragraph 13 of the founding affidavit, LFN reproduces section 2 of the Constitution which sets out the objectives of LFN.
138. LFN does not plead how bringing this application falls within the scope of LFN's objectives.
139. The only mention of the environment in the objectives of LFN is in section 2(h) (as reproduced in paragraph 13 of the of founding affidavit), namely "to promote the aims of the 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 further these aims."
140. The bringing of this litigation does not fall within that aim of LFN. It does not constitute developing and implementing ecological policies.
141. LFN claims standing under section 38(d) of the Constitution based primarily on various previous litigation in which it was involved, and none of which are remotely related to the present issues and secondly on their "genuine and established record as human rights activists, consistently acting in the interests of their members and the broader public". That does not suffice.



142. The Applicants, therefore, have not established standing under section 38(d) of the Constitution.
143. It is also telling that none of the community organisations in the baboon-affected areas have joined issue with the Applicants in this case, as applicants. Rather, many have availed themselves of the opportunity to influence the work of the Task Team by seeking nomination to the BAG—a prudent and effective alternative to litigation.
144. Furthermore, the LFN complaint was submitted by LFN together with its members Monkey Valley Resort (Pty) Ltd and Sole. The correspondence to the Task Team was also stated to be on behalf of LFN and Monkey Valley. However, in the court application, Sole is not cited as an applicant but rather as the Ninth Respondent. In paragraph 28 of the founding affidavit (in the section dealing with citation of respondents), Sole is described as being the operator of the Monkey Valley Resort.
145. I deal further with the citation of Sole below.
146. LFN has not provided any information in respect of its membership, nor any concrete evidence that this application is being brought with the support of its members, and after consultation with the National Working Committee of LFN. In paragraph 7 of the founding affidavit De Beer relies on section 38(1) of the LFN Constitution as giving him authority to institute legal proceedings.
147. In the decision of *Liberty Fighters Network v Core Computer Business (Pty) Ltd and Others* [24942+3/2022] [2024] ZAEGC 5 (12 August 2024) the respondents disputed the authority of de Beer to institute proceedings on behalf of LFN. The court pointed out that it is an established procedure that authority to represent another in court should have a legal basis such as a power of attorney, a corporate resolution, an individual affidavit attesting to that fact or a cession agreement. Such authority must be alleged and proved.



148. The Court found that:-

- 148.1. De Beer had filed the complaint on behalf of the LFN but had not provided any discernible evidence to found and support his authority to institute and prosecute the complaint.
- 148.2. While the Constitution of the LFN in section 38(1)(e) may afford the President the power “*at any reasonable time [to] institute or defend legal proceedings*” this does not inherently prove authority. This provision can never have the effect of empowering the president of the LFN with unfettered power to act on behalf of its members and the general public interest as is the case here.
- 148.3. De Beer had no legal authority to represent the public interest.

149. The Task Team Respondent’s delivered a Rule 7(1) Notice. The response simply refers to the statement made under oath in paragraph 8 of the founding affidavit by de Beer that he consulted with the LFN’s Working Committee, and took a decision in terms of section 38(1)(e) of the Constitution to institute the application. De Beer has not provided any details or documentary proof of that consultation i.e. the content thereof, when it took place, and so forth. There is no minute or resolution of the National Working Committee produced.

150. The same can be said in the present proceedings as found by the Court in *Liberty Fighters Network v Core Computer Business (Pty) Ltd and Others*. As these material deficiencies are the subject of a previous judgment, which set out the requirements, and de Beer has been afforded an opportunity to provide proof of his authority, and failed to comply with these known requirements, de Beer ought to be mulcted in costs *de boniis propriis*.

ABUSE OF PROCESS – MISJOINDER OF SOLE AS A RESPONDENT

151. Although de Beer initially lodged his complaint with the Task Team on behalf of Sole and Monkey Valley, he has cited Sole (and not Monkey Valley) as a respondent in her personal capacity in order that she “*may provide further information to the court enabling it to reach a decision which is in the interest of the public and justice.*”

152. Monkey Valley ought to have been cited as an applicant. The citation of Sole as a respondent is a misjoinder. This is confirmed by the delivery of Sole's notice of opposition, which although cast as "notice of opposition", indicates that she will be supporting the relief sought by LFN and De Beer.
153. Proceeding in this manner has obvious procedural disadvantages for the Task Team Respondents, who do not have an opportunity to answer Sole's affidavit. The rights of the Task Team Respondents in relation to this are expressly reserved.

NON-JOINDER OF SHARK SPOTTERS NPC / CAPE BABOON PARTNERSHIP

154. As mentioned, the City has concluded a three year memorandum of agreement with the Cape Baboon Partnership, commencing in January 2025.
155. The Action Plan, including the implementation schedule, sets out specific roles and tasks that Cape Baboon Partnership will continue to play. These include material steps in respect of the construction and operation of the northern fence, relocating the Constantia Troops to the mountain side of the northern fence, and the sanctuary. Substantial funds have been budgeted for Cape Baboon Partnership. The City is in the process of concluding an addendum to the agreement with the Cape Baboon Partnership.
156. Cape Baboon Partnership has a material interest in the relief sought in Part A which seeks to interdict steps under the Action Plan, and should of necessity have been joined as a party to the Part A proceedings.

SEPARATION OF POWERS HARM

157. I am advised that in accordance with the Constitutional Court's approach in *National Treasury and Others v Opposition to Urban Tolling Alliance* 2012 (6) SA 223 (CC) (**OUTA**) the test for an interim interdict must be applied cognisant of the normative scheme and democratic principles that underpin the Constitution and that, in respect of the balance of convenience, the Court may not fail to consider the probable impact of the restraining order on the constitutional and statutory powers and duties of the state functionary or organ of state against which the



interim order is sought.¹ The Court held that: *“The balance of convenience enquiry must now carefully probe whether and to which extent the restraining order will probably intrude into the exclusive terrain of another branch of government. The enquiry must, alongside other relevant harm, have proper regard to what may be called separation of powers harm. A court must keep in mind that a temporary restraint against the exercise of statutory power well ahead of the final adjudication of a claimant’s case may be granted only in the clearest of cases and after a careful consideration of separation of powers harm.”*²

158. The Applicants’ preference of a particular policy option in the face of potential alternatives is not the legal test. So as far as their case promotes a policy of their preference, it does not raise a dispute capable of resolution by application of law.

159. The Applicants request that this Court direct the implementation of complex, polycentric and policy-laden decisions, all of which fall within the respective authorities’ competency.

160. The interdictory relief sought by LFN heavily implicates separation of powers harm, in at least two ways:-

160.1. seeking to halt implementation of the Action Plan (without a direct attack on the Action Plan or the BSMP, the underlying policy), taking into account the role of the Task Team and the authorities, and the polycentric and policy-laden nature of the BSMP and the Action Plan;

160.2. seeking to halt implementation of the steps in the Action Plan pending finalisation of the LFN complaint which requires the first component of the Part B relief to be successful, when there are no prospects of success, or very poor prospects of success.

161. I deal briefly with each of those below.

¹ OUTA, para 46.

² OUTA, para 47.

The role of the Task Team and the authorities

162. Under the 2023 MOA, the BSMP and the Action Plan (together with BAG), the City, CapeNature and SANParks are engaged in a co-operative effort, in collaboration with local communities, to devise and implement a holistic approach to the complex problem of managing and controlling baboon populations, based on the policy set out in the BSMP.
163. It is inappropriate and undesirable for LFN to ask a court to halt the steps in the Action Plan, in what is a complex and polycentric matter, requiring a careful consideration of various potential measures and interventions to a dynamic and evolving problem.
164. Halting the implementation of the Action Plan, on the basis sought by LFN, will severely constrain the ability of the authorities to implement their respective statutory obligations. It intrudes into their budgetary and policy functions.

The structural relief to appoint an Environment Commissioner

165. In paragraphs 67 to 71.2 above I deal with the wide ranging and invasive structural relief sought in Part B pertaining to the Environment Commissioner, and explain why there are no prospects of success in respect of that relief .
166. For the investigation of the LFN complaint to occur, LFN first has to succeed in the component of the Part B relief pertaining to the Commissioner. The structural relief sought is intrusive and implicates serious separation of powers concerns.

THE INTERDICT IS IN EFFECT A FINAL INTERDICT

167. The interdict sought by LFN in Part A is in effect a final interdict. Firstly, there are no prospects of success in respect of the Part B relief. Secondly, the Part B relief will take a long time to be determined. Thirdly, if that component of the Part B relief does not succeed, the interdict will remain in place indefinitely because the LFN complaint will never be finalised. Even if that component of the Part B relief succeeds, there will still be considerable delay in the LFN complaint being determined, as described above.



168. But even if I am wrong in that regard, and the interdict sought is interim in nature, no case has been made out in respect of interim or final interdictory relief. The Applicants do not plead the requirements for either form of interdict in the founding papers.

NO PROPER CASE MADE OUT FOR INTERIM OR FINAL INTERDICTIONARY RELIEF

I No clear right or *prima facie* right though open to some doubt

169. I refer to what is stated above. I deny that the Applicants have established any clear right (or even *prima facie* right (though open to some doubt)) to the relief sought.

170. In any event, it is not enough simply to invoke constitutional rights or legislative provisions without pleading how these are allegedly implicated in the dispute. Here, the Applicants lay no foundation to suggest that any rights are engaged or limited.

II No reasonable apprehension of irreparable harm

171. The Applicants have not alleged or proven any breach of legislation or the Constitution, and ignore the positive results that the authorities have achieved through the BSMP and the Action Plan. As explained in the BSMP the baboon population is increasing, and not under threat.

172. The Applicants have not demonstrated a reasonable apprehension of irreparable harm.

III Suitable alternative remedy

173. The Applicants have another satisfactory remedy.

174. They (or the First Applicant's representatives) could have availed themselves of the opportunity to influence the work of the Task Team, by seeking nomination to the BAG—a prudent and effective alternative to this litigation. There is no evidence that the Applicants have ever participated in the multiple public participation processes undertaken since 2023.

175. The Terms of Reference for the BAG (AA4), provide—



- 175.1. the membership of the BAG is not static, as nominations may be invited from time to time (clause 5.1);
- 175.2. the JTT may, at its discretion, appoint specialist advisory members to sit on the BAG (clause 5.4);
- 175.3. members organisations of the BAG may, where necessary, nominate alternatives to represent them on the BAG in addition to a primary member (clause 5.5).
176. Despite having chosen not to put themselves forward for appointment to the BAG, the Applicants may nonetheless affiliate themselves with organisations that have been so nominated and appointed.
177. In these ways they could have influenced the implementation of the policy contained in the BSMP. And even if the Applicants do not become members of the BAG or affiliates of members of the BAG, the participatory nature of the JTT's activities will give any baboon-affected person, organisation or other group the space to be heard through ongoing community consultation.

IV Interdict a discretionary remedy

178. I am advised that an interdict is a discretionary remedy.
179. In light of what is stated in paragraphs 19.5 and 19.6 and 114 to 121 above, I respectfully submit that a Court is unlikely to exercise its discretion in this manner, given the obvious breaches of the separation of powers doctrine the order entails.
180. I now turn to deal with the balance of convenience and the harm that will result if the interdict sought is granted, in the event that it is in substance an interim interdict.

THE BALANCE OF CONVENIENCE

181. Implementation of the Action Plan, in accordance with the implementation schedule (and budget) is on-going.

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182. In respect of the northern fence, construction is set to commence by the end of February or early March 2026. Verbal agreement has already been reached with all the landowners. Attorneys have been briefed to draft the written agreements with the landowners and the Cape Baboon Partnership. The northern fence line has been surveyed and finalised. SANParks has approved alignment of the fence on the TMNP / SANParks land. The funds for the northern fence were approved in January in the City's Adjustment Budget. The Addendum to the MOA with the Cape Baboon Partnership is anticipated to be finalised by 9 February 2026 (the Addendum).
183. The written agreement between the private landowner and the Cape Baboon Partnership for the sanctuary is already being prepared by the private landowner's attorney. The funds for the sanctuary are also included in the City's January Adjustment Budget. The sanctuary implementation forms part of the Addendum. The Landscape Architects (Square One) have been appointed to design the sanctuary, and the Environmental Impact Assessment Requirements have been confirmed. Confirmation of land-use zoning (which is in process) will allow for the first enclosure to be constructed in March/April 2026. The capture and transfer of the Seaforth troop will be planned once the first enclosure has been built. The permit application and associated management plan was submitted to CapeNature on 27 January 2026.
184. The balance of convenience clearly favours the continued implementation of the Action Plan, which is thoroughly motivated, reasonable and demonstrates that all options have been considered.

THE HARM THAT WILL RESULT IF THE INTERDICT IS NOT GRANTED

185. On the other hand, significant harm will result if the interdict is granted.
186. The primary steps that will be halted if the interdict is granted include-
- 186.1. the fence and the relocation of the Constantia Troops,
 - 186.2. the establishment of the sanctuary; and
 - 186.3. lethal management (culling).

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187. In this regard, the Action Plan includes a commitment by the authorities to exhaust all possible interventions prior to the use of lethal management (culling). The Task Team has recorded in the Action Plan's response to the SPCA that should the authorities undertake a cull of large numbers of baboons in the future (in the event for example that the sanctuary fails), the SPCA will be engaged early, and no cull will take place without the full oversight of the SPCA. Lethal management of individual baboons will continue to be aligned to the existing Guidelines and in future aligned with the revised Guidelines. Significantly, lethal management of all forms will remain as a last resort or for established welfare reasons.
188. The Task Team's response to comments from the SPCA on the sanctuary are at p.5 of Appendix M to the Action Plan. A sanctuary remains an option that the authorities have proposed as an alternative to culling the Seaforth and Waterfall troops. This proposal is specific to these two troops for the following reasons:
- 188.1. Baboon fencing is not a viable option for either of these two troops;
 - 188.2. There are no other viable alternatives for successfully keeping the troops out of the urban areas;
 - 188.3. An investment and resource effort into a purpose built sanctuary for these two troops offers a better outcome than culling;
 - 188.4. The engagement process on the draft action plan shows a clear lack of support by the public for large scale culling of troops and the authorities have recommitted to culling remaining as a very last resort;
 - 188.5. Should the welfare outcomes at the sanctuary be poor the authorities will take the responsibility for humanely euthanising the animals;
 - 188.6. The authorities are definitive that the sanctuary option is only for the Seaforth and Waterfall troops and no other baboons will be moved to this or any other sanctuary;
 - 188.7. A committed goal of the sanctuary is to use the opportunity for public education and awareness.

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189. On the other hand if the interdict is granted, the position will return to that between 2021 and 2024 when baboon mortalities as a result of human conflict were at their highest.
190. All four troops that have been recommended for removal were all originally small groups that fissioned from larger troops. These highly habituated troops no longer respond to non-lethal deterrents. In areas where fencing cannot be feasibly implemented within an acceptable time frame then removals are considered essential. When authorities reduced lethal management the mortality in urban areas increased. Urban causes of death are associated with severe suffering of baboons and thus not removing individuals humanely often results in their removal inhumanely.
191. Given the Peninsula baboon population is geographically isolated with no natural predators it is predicted to continue to grow and to exceed the maximum population limit (a fact which is not challenged by the applicants).
192. The Task Team budget for implementing management solutions with regards to the Cape Peninsula baboon population is not unlimited. All three authorities must justify financial expenditure against the full spectrum of social and environmental needs on a municipal, local and national level.
193. Given the finite management resources available, in this scenario unmanaged troops will once again face severe welfare harms and cause extensive damage in urban areas, including extensive damage to property, harm and loss of pets as well as significant trauma to communities. If granted, the interdict will “lock” baboons and people into ongoing conflict, the very conflict that the Action Plan seeks to remedy. This conflict has poor outcomes for baboons, for people and for relationships within communities. A few examples cited by Mr Oelofse include the two persons who had a very nasty encounter with the Seaforth troop in December (all caught on CCTV) who are very traumatised by the event that took place inside their own property and an elderly widow who lives with a carer in Seaforth who is afraid to attend her doctor’s appointments as she is worried the baboons will break in again when she is out.

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194. Given the relief sought, the effect of the interdict would result in only the unaffordable and ineffectual alternatives being available, severely constraining the authorities' ability to manage the baboon population. This will be limited for example, to fencing in Simonstown (which is unlikely to have the desired effect). This is estimated to cost in excess of R40 million and would take a minimum of four years to achieve when considering environmental authorisations and tender processes. These high costs and time constraints for delivery alongside the highly likely poor outcome (i.e. baboons likely to move to the next suburb) makes fencing in Simon's Town a low outcome option against very high expenditure, and is thus not viable.

COSTS

195. De Beer seeks the protection of the *Biowatch* principle to insulate the Applicants from an adverse costs order. The Task Team Respondents deny that he is entitled to such benefit, given that no constitutional rights or issues are implicated, and even if the court finds to the contrary, vexatious litigation of this nature falls within the exceptions to the *Biowatch* principle. This issue will be addressed further in argument.
196. Given the manner in which the application has been brought and the timing thereof, and the costs to which the City and CapeNature have been put to in responding to it:
- 196.1. in the event that this Court concludes that de Beer lacked the necessary authority, the City seeks costs against him *de boniis propriis*.
- 196.2. in the event that this Court dismisses the application or strikes it from the roll, attorney and client costs are sought alternatively costs on Scale C including the costs of two counsel.

AD PARAGRAPH-BY-PARAGRAPH RESPONSE

Ad para's 2 – 19

197. I deny that the contents of the founding affidavit are true or correct, to the extent that they contradict what is stated herein.

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198. For the reasons given in paragraphs 128 to 150 above, the Task Team Respondents deny that LFN and de Beer have standing to bring this application or that de Beer has the authority to bring this application on behalf of LFN, or that they are entitled to the relief sought in prayers 3 and 4 of the notice of motion.

Ad para 23

199. As the deponent is well aware, no such office exists. I refer to what is stated in paragraphs 67 to 72 above.

Ad para 25

200. In terms of section 9 of the WCBA the Western Cape Nature Conservation Board as established by the Western Cape Nature Conservation Board Act continues in existence as a juristic person and a provincial public entity responsible for the conservation of biodiversity in the Province, and is known as CapeNature.

Ad para 27

201. The Task Team Respondents deny the Applicants' description of the Task Team. The role and function of the Task Team is set out in the 2023 MOA.

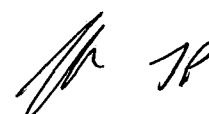
Ad para 28

202. It is denied that Sole has a direct and substantial interest in the subject matter of the proceedings. It is an abuse of process to cite Sole as a respondent in circumstances where LFN's complaint and correspondence to the Task Team is on behalf of Monkey Valley Resort and Sole. This amounts to a misjoinder. I refer to what is stated in paragraphs 150 to 152 above.

Ad para 30

203. I deny that the citation of BAG is competent or correct. I refer to what I have stated in paragraphs 55 to 56 above in respect of BAG and the formation of BAG under the BSMP.

204. The BAG does not have a separate legislative nor juristic personality, having been formed as consultative stakeholder group for the purposes of advising and



supporting the Task Team in the implementation of the BSMP. The Terms of Reference for BAG expressly states that it is not constituted in law.

205. Membership of BAG is voluntary and is held in a representative capacity only, i.e. each member of BAG is there in a representative capacity, being sourced from affected communities, ratepayers' associations, welfare organizations, and academic institutions, such as the Green Group Simon's Town NPC, Southern African Faith Communities' Environmental Institute (SAFCEI), and Cape of Good Hope SPCA.

206. The information in respect of BAG is publicly available, including section 10.3 of the BSMP, and the Terms of Reference of the BAG.

Ad para 31

207. I deny that it is permissible to cite these parties on the basis that - as respondents – they may provide further information to the Court enabling it to reach a decision which is in the interest of the public and justice. Sole has delivered a “notice of opposition”. ostensibly as an interested party supporting the relief sought by providing additional information the court may require.

Ad para's 34, 37, 56 and 59

208. The contents of these paragraphs are denied. The Applicants have not brought a direct legal challenge in this application in respect of the Action Plan.

Ad para 35

209. The contents of this paragraph are denied. I refer to what I have set out above in respect of the relief sought in Part B.

Ad para 36

210. For the reasons given above, I deny that the matter is urgent. There is no “pending” constitutional complaint to the Environment Commissioner. *De facto*, as the deponent is well aware, no such office exists. I refer to what is stated in paragraphs 67 to 72 above.

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211. The Task Team's joint statement is dated 20 November 2025. The matter is set down 3 months after that date. The Task Team communicated to LFN in early December 2025 that it would not halt implementation of the Action in the light of LFN's complaint.

Ad para 37

212. The contents of this paragraph are denied. I refer to what I have stated above in respect of the LFN complaint and the failure to challenge the Action Plan directly, and the failure to bring review proceedings and to invoke Rule 53.

Ad para 39

213. As dealt with above, in effect, the Applicants seek what is in essence a final interdict.

Ad para 40

214. The contents of this paragraph are denied.

Ad para 41

215. The contents of this paragraph are denied. As set out above, decisions pertaining to the operationalisation of the Environment Commissioner, and halting of the Action Plan implicates separation of powers, and are polycentric policy matters.

Ad para's 42 – 52

216. I am advised that it is trite that (i) it is not proper for a party in motion proceedings to base an argument on passages in documents which have been annexed to the papers when the conclusions sought to be drawn from such passages have not been canvassed in the affidavits (ii) the reason is manifest — the other party may well be prejudiced because evidence may have been available to it to refute the new case on the facts (iii) in motion proceedings, the affidavits constitute both the pleadings and the evidence and the issues and averments in support of the parties' cases should appear clearly therefrom (iv) a party cannot be expected to trawl through lengthy annexures to the opponent's affidavit and to speculate on



the possible relevance of facts therein contained (v) Trial by ambush cannot be permitted.

Ad para 50

217. It is denied that Annexure H is a public statement issued by BAG. It is an update from three BAG members nominated by the Simon's Town Civic Association updating their community.

Ad para 52

218. It is denied that LFN and de Beer are public interest actors.

Ad para 53

219. For the reasons dealt with above, I deny that there is any urgency and that it arises because of the reasons given by LFN. It is misleading to only refer to the correspondence dated 21 January 2026, given the preceding correspondence.

Ad para 54

220. I deny that there is a basis to halt steps under the Action Plan pending finalisation of LFN's complaint.

Ad para 55

221. The BMSP includes implementation actions and timelines. The Action Plan includes the implementation schedule and budget, with implementation from November 2025. It is correct that the implementation of the Action Plan - including steps the Applicants seek to halt - is already underway.

Ad para 56

222. The contents of this paragraph are denied. LFN has not brought a direct challenge to the Action Plan in this application. It also does not deal with the harm of not implementing the Action Plan, including the steps LFN seeks to halt.

Ad para 57

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223. The contents of this paragraph are denied. The moratorium was sought pending finalization of LFN's complaint to a *de facto* non-existent Environment Commissioner. The joint statement was issued on 20 November 2025.

Ad para 58

224. I deny that LFN has accurately described the LFN complaint.

Ad para 59

225. LFN has not made out any basis for interdicting the Action Plan pending the finalization of the LFN complaint. LFN has not brought a direct challenge to the Action Plan. LFN has also not engaged with the Task Team, despite the authorities offer to do so.

Ad para 60

226. I deny that the issues listed and questions posed in paragraphs 60.1 – 60.5. are all raised in the application in terms of the relief sought in the Notice of Motion and founding affidavit as pleaded. I refer to what is stated above concerning the respective roles and competencies of the authorities. LFN has not brought review proceedings in respect of the 2023 MOA, the BSMP or the Action Plan and has not made out a basis for the grounds of review referred to in these paragraphs.

Ad para's 61 – 70

227. I refer to what I have stated in paragraphs 74 to 90 above and deny any alleged lack of legal status and authority of CapeNature.

Ad para 71

228. I deny that the 2023 MOA "purports" to establish a co-operative framework – it does so in the form of the Task Team, not a joint "structure" as alleged.

Ad para 73

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229. The finalization of Action Plan was preceded by a number of steps, set out in paragraph 59 above. I deny that the Action Plan sets out a five-year programme of “interventions”.

Ad para 75

230. The letter is Annexure B (not C). It was sent on the basis that LFN acts for its members Monkey Valley Report (Pty) Ltd and its managing director Ms Judy Sole, as well as in the organization’s capacity i.e. as the LFN. I deny that this paragraph accurately reflects the contents of the letter.

Ad para 76

231. The contents of this paragraph are denied. I refer to paragraph 14.1 of the of the letter dated 28 November 2025. That paragraph is headed “Immediate Request for Moratorium”. The request was as follows: “14 Pending production of the documents above, LFN hereby requests that: 14.1 All implementation steps connected to the Final Action Plan be immediately suspended, including capture, relocation, vasectomising, lethal-control preparation, fencing, sanctuary planning, and troop-management interventions.”

Ad para 77

232. The reference to correspondence between “the parties” is vague. I deny that the Applicants consistently reiterated their concerns, sought engagement, and requested a moratorium on irreversible actions.

233. I have set out section 14.1 of the 28 November 2025 letter requesting a moratorium. In that letter the request for engagement is in paragraphs 15 and 16. It was made by “our members” (presumably Ms Sole and Monkey Valley) and was that a multi-party engagement session be convened within 21 calendar days, including representatives of SANParks, CapeNature, the City, scientific experts, eco-tourism stakeholders, LFN and Monkey Valley Resort. The request was that the engagement should focus on lawful, non-lethal, and proportionate alternatives consistent with environmental best practice and statutory mandates.

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234. In the Task Team's response of 8 December 2025, amongst other aspects, the Task Team indicated that it was available to meet with the LFN on the matters raised in the letter of 28 November 2025.
235. In its response of 9 December 2025 (Annexure "G" to the founding affidavit), LFN confirmed that LFN and their members at Monkey Valley welcome constructive engagement. However, they indicated that they would only participate in the Task Team's proposed meeting via the Office of the Environment Commissioner (once appointed). The Task Team thereafter reiterated the availability of its members to meet with the LFN on the matters raised in the correspondence. After LFN had made the LFN complaint to the de facto non-existent Environment Commissioner, LFN did not "request a moratorium on irreversible actions".
236. In paragraph 7 of its letter of 9 December 2025 to the Task Team (Annexure "G") it simply indicated that should any of the authorities represented in the Task Team proceed to implement any irreversible aspects of the Baboon Action Plan while the complaint before the Environment Commissioner remains pending and the constitutional oversight mechanism remains inoperative, they shall without further notice approach the High Court on an urgent basis for appropriate interim relief "including a moratorium on the implementation of the Baboon Action Plan, pending the lawful determination of the dispute."

Ad para 78


237. I deny that the Task Team declined to engage substantively with the legality concerns raised.

Ad para 79

238. I deny that the LFN Complaint (Annexure "F") is a formal constitutional complaint invoking sections 71 and 72 of the WC Constitution, or that the responses were not satisfactory.

Ad para 80

239. The LFN complaint is marked for the attention of Environment Commissioner, but care of the Premier, the Speaker and the Environment MEC. I refer to what I have

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stated above and deny that LFN “again expressly requested” that no such steps be taken.

Ad para 81

240. I deny that the Applicants made it clear that this “request was reasonable, precautionary and aimed at preserving the status *quo ante*.”

Ad para 82

241. The Applicants have omitted to mention the Task Team’s response of 24 December 2025 (record p.86).

242. I deny that Annexure H is a public statement issued by the BAG. It is a statement made from three BAG members nominated by the Simon’s Town Civic Association in their individual capacities.

Ad para 83

243. I refer to what I have stated in the section above dealing with lack of urgency. The Task Team’s letter dated 21 January 2026 (Annexure “I”) is a response to LFN’s email dated 29 December 2025 (record pp.84 – 85) and prior correspondences received.

Ad para 84

244. WAPFSA addressed the letter to inter alia the Task Team, the City and CapeNature. The letter, however, does not request a reply, or that any steps be taken to halt the Action Plan.

Ad para’s 85 - 93

245. I deny that there has been any obscuring of decision-making through the Task Team as alleged in these paragraphs. The joint statement of 20 November 2025 clearly states that the Action Plan has been approved and signed by SANParks, CapeNature, and the City. On 8 December 2025 LFN was provided with a copy of the 2023 MOA. The contents of these paragraphs are vague and unsubstantiated.



Ad para's 94 – 95

246. I deny that there is a “public outcry” against the final Action Plan as intimated by the heading to these paragraphs.

247. There was substantial public consultation in respect of the BSMP. The draft Action Plan was reviewed by an Expert Panel. I refer to the joint statement of 12 August 2025. The Task Team engaged with BAG. Comments from BAG and members of the public were considered before adoption of the Action Plan.

248. I refer to what I have stated above in respect of Annexure J.

Ad paras 96 – 104 (Rule 53)

249. I refer to what I have stated in paragraphs 116 to 119 above. It is incumbent on the Applicants to identify the decisions they seek to challenge and to follow the proper procedures. They had a copy of the 2023 MOA and the BSMP and Action Plan are publicly available.

CONCLUSION

250. In all the circumstances, the Task Team Respondents seek to have the application dismissed with costs, as set out in paragraphs 195 to 196.2 above.



ROBERT MCGAFFIN

I CERTIFY THAT:

1. The Deponent has acknowledged to me that:
 - 1.1 He knows and understands the contents of this declaration;
 - 1.2 He has no objection to taking the prescribed oath;
 - 1.3 He considers the prescribed oath to be binding on his conscience;
2. The Deponent thereafter uttered the words: “I swear that the contents of this declaration are true, so help me God”.



3. The Deponent signed this declaration in my presence at the address set out hereunder on this ^{10th} day of **FEBRUARY 2026**



COMMISSIONER OF OATHS

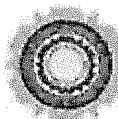
JUSTINE MICKAYLA PARIES

Commissioner of Oaths
Practising Attorney,
Thomson Wilks Inc.
18th Floor, 2 Long Street
Cape Town
Telephone: 021 424 4599



CITY OF CAPE
TOWN

20
NOVEMBER 2025



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



South African
NATIONAL PARKS



CapeNature

JOINT
STATEMENT

Final Action Plan for baboons includes a sanctuary, fencing, waste strategy, Wildlife by-law and by-law enforcement

The Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) consisting of representatives from SANParks, CapeNature, and the City of Cape Town, has finalised and adopted the Action Plan which details the practical implementation of the Cape Peninsula Baboon Strategic Management Plan. Read more below:

The Action Plan is available here: <https://baboons.org.za/final-action-plan-2025/>

Earlier this year, the CPBMJTT proposed a draft Action Plan for the practical implementation of the Cape Peninsula Baboon Strategic Management Plan (CPBSMP) that provides the framework for the sustainable management of the baboon population. The proposed Action Plan was submitted to an independent expert panel in July for review and comment; and also shared with the Cape Peninsula Baboon Advisory Group for review and comment.

The CPBMJTT considered all of the submissions in finalising the Action Plan. The plan has now been signed and approved by SANParks, CapeNature, and the City of Cape Town and will be implemented in the interest of establishing a healthy, well-managed, sustainable, free-ranging baboon population with minimal human interference, overlap and conflict and a reduction in day-to-day aversive measures.

The Action Plan includes key interventions, among which:

Removal of troops

- **Seaforth troop – to be relocated to a newly established sanctuary on the peninsula by February 2026**

The baboons will be captured, undergo a veterinary health assessment and healthy males will be vasectomised. All of the healthy animals will be moved and released into a purpose-built baboon sanctuary located on the peninsula. The first trial enclosure of 1,5 hectares will be built on privately owned land on Plateau Road. The sanctuary will be assessed within six months, and if feasible, an Environmental Impact Assessment will be undertaken for two more enclosures on the same land

- **Waterfall troop – to be relocated to the new sanctuary by September 2026**
-

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Once it is confirmed that the Seaforth troop has been successfully relocated to the sanctuary, the plans for the second and third enclosures will proceed. Once complete, the baboons will be captured, undergo a veterinary health assessment and healthy males will be vasectomised. All of the healthy animals will be moved and released into a purpose-built baboon sanctuary on Plateau Road.

- **CT1 and CT2 troops – to be released on the mountain side by May/June 2026**

The troops will be captured once the northern fence has been installed up to Groot Constantia. All of the baboons will undergo a welfare assessment and the healthy animals released on the Table Mountain National Park side of the fence, south of Constantia Nek. Any baboon that breaches the fence or moves over Constantia Nek, apart from dispersing males, will be humanely euthanised.

Northern fence – to be complete by July 2026

- Preventing baboons from accessing urban areas and farmland in the northern region will be achieved through the establishment of the northern boundary fence line from Zwaanswyk in the South to Constantia Nek in the North.
- The fence will consist of a semi-contiguous baboon-proof barrier built to specification. Baboon rangers will patrol and maintain the fence line, and no baboons will be allowed north of the fence or over Constantia Nek.
- The northern fence will be financed and built as a partnership between private land owners and the Cape Baboon Partnership who will also be responsible for the day-to-day management of the fence.

Baboon Waste Management Strategy

- The City will implement a Baboon Waste Management Strategy to mitigate the impact on baboon health and behaviour
- The strategy will include a defined roll-out of residential baboon-proof bins in high impact areas by May 2026
- The strategy will address the management of residential waste collection; regulation of residential recycling and composting, and waste management in public spaces, commercial areas, in public resorts (Miller's Point and Soetwater); and waste management by the SA Navy, SANParks, and Porter Estate

Urban Wildlife Management By-law – to be Gazetted by November 2028

- The City will develop an Urban Wildlife Management By-law to support and strengthen existing wildlife protection and management legislation to ensure baboons and other wildlife are protected and managed in natural spaces
- A zero-tolerance approach will be enforced against anyone found to be harming, feeding or habituating baboons and the intention of the by-law is to also strengthen capacity for enforcement
- The by-law will include baboon mitigation measures that will be required for any new developments in areas adjacent to defined baboon habitat

Incursions

- Regular incursions by troops or individual baboons into the urban area will no longer be accepted; authorities will keep baboons out through setting hard boundaries such as baboon-proof fences or rangers using aversion tools, or a combination of these
- Infrequent access by troops, individual baboons and dispersing males will be considered tolerable and acceptable

Population control



- The maximum sub-population number for the northern troops is set at 250 at any given time. The sub-population in this area is currently estimated at 234 (Urban Baboon Programme Annual Population Census, 2024).
- The maximum sub-population number for the southern troops excluding the deep Cape Point troops (but including GOB) is set at 175 at any given time. The current population is 164.
- If the upper population limits, as set in this Action Plan, are exceeded for longer than six months (which is the time period to allow natural processes to take place) the relevant population numbers will be reduced by the authorities. Animals will be humanely euthanised to achieve these outcomes. Animals targeted for euthanasia will include chronically sick, permanently injured and very old individuals as identified in the monthly troop counts.
- No new troops will be allowed to establish in transformed areas that will require a new team of rangers or fencing.
- The implementation of a community-based communication system will be expanded and improved to warn residents when baboons may be close so that residents can take proactive mitigation steps
- The Cape Baboon Partnership will develop and roll-out education and awareness tools for informing the public on how to respect baboons in their habitat, baboon-proof their behaviour and their homes/businesses
- The three authorities will develop and provide formal public communication to all residents living/operating businesses in areas where baboons may move through less than 10 times a year, to demonstrate care, kindness, respect and tolerance towards the baboons

Welfare and care

- The establishment of water points in any area on City-owned land where baboon-proof fences limit access to natural water sources
- A formal application for underground power cables will be submitted to reduce the number of baboon electrocutions throughout southern subpopulation ranging areas. Greasing of electricity poles will continue in the interim to limit contact with powerlines and reduce electrocutions
- New baboon fences will be built in such a way that, where possible, provision is made for movement of other wildlife through the fences, including panels that can be opened during wildfires allowing for escape routes for baboons as well as other wildlife
- Baboon suffering, human-induced or natural, will be addressed immediately. A new response protocol has been agreed to between the Cape Baboon Partnership and the SPCA
- Health assessments are to be undertaken by veterinarians to determine the cause(s) of any health issues that are reported or where health issues are suspected (e.g. hair loss, significant weight loss, marked behavioural change)

The Action Plan is based on the principles that baboons are a valuable and integral part of the natural ecology and biodiversity of the Cape Peninsula; and that free-ranging baboons living in natural habitats form part of our collective biodiversity and cultural heritage.

The free-ranging baboon population is deserving of conservation and active wildlife management interventions to promote their health, welfare and sustainability.



- There is a limit, however, to the number of free-ranging baboons the Peninsula can sustain in terms of the natural ecology, baboon health and welfare, and management resources.

As such, the baboon population on the Peninsula requires constant management. Also, baboons spending time in urban areas have poor outcomes in terms of health and welfare and this results in habituation, changes in diet, feeding patterns and behavioural change, changes in troop dynamics, increased human and urban-induced injuries and deaths, and greater risk of zoonotic diseases spreading.

- Baboons should not live in or utilise agricultural or urban areas. While overlap may happen on the edges of these areas, the management priority is to minimise the amount of time baboons spend in human-dominated environments and prevent further habituation.

The Action Plan will be regularly reviewed to ensure the actions, assessments, and outcomes are in line with regulatory requirements, strategic direction, emerging trends, and new knowledge. The next formal review will take place in 2030.

End

For more information contact: cpbmjtt@capetown.gov.za

For news and updates, follow us on:



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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



THE CAPE PENINSULA BABOON MANAGEMENT

JOINT TASK TEAM

Cape Peninsula Baboon Strategic Management Plan (CPBSMP)

2023/24 to 2033/34

(to be reviewed in 2028/29)

Contact the Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) at cpbmjtt@sanparks.org

1. Preamble

The Chacma baboon (*Papio ursinus ursinus*) is indigenous to and plays an important ecological role on the Cape Peninsula. Chacma baboons play a key role in seed dispersal thereby contributing to Cape Town's rich biodiversity and is a local, national and international tourism attraction. Throughout their sub-Saharan range, baboons prefer to use low-lying land for foraging; and prefer high-lying areas such as caves, cliffs and tall trees in which to roost. However, on the Cape Peninsula, a substantial portion of all available low-lying land has been transformed into residential, commercial, industrial and agricultural landscapes. This has resulted in human-baboon conflict, whereby baboons, with no threat of predation from indigenous predators, regularly enter the urban space to access easy pickings including high-energy human derived foods. The number of incidents of baboons accessing urban space has been exacerbated by the recent growth in the baboon population, which has seen a doubling of numbers in areas such as Constantia, Tokai, Kommetjie, Da Gama and Simon's Town from 248 individuals in 2006 to 498 in 2022.

Over the past 20 years, the City of Cape Town, SANParks and CapeNature have worked together with various communities and in committees and forums towards managing the human-baboon interface. The City of Cape Town, since 2009, contributed significant resources to addressing the human-baboon conflict in the urban space. During this management phase, the baboon population increased, and the programme became unsustainable.

A new strategy for sustainable baboon management on the Cape Peninsula is needed which involves SANParks, CapeNature and the City of Cape Town, together with other stakeholders and role players, including residents of the Cape Peninsula.

After roundtable discussions on baboon management within the Cape Peninsula on 7 June 2022, the Cape Peninsula Baboon Management Joint Task Team, consisting of representatives from South African National Parks (SANParks), the City of Cape Town and CapeNature, deliberated on a Terms of Reference and work plan. The outcomes were to deliver a draft Memorandum of Agreement between the three authorities and a Strategic Management Plan for baboon management in the Cape Peninsula to span the following ten years.

2. Glossary and list of abbreviations

Glossary

<i>Aversion techniques</i>	methods employed to deter baboons from a certain area or from a certain behaviour (e.g. paint ball markers, bear bangers etc. to deter baboons from the urban space.
<i>Baboon</i>	Chacma baboon (<i>Papio ursinus ursinus</i>)
<i>Baboon-proof</i>	rendered inaccessible to baboons by covering, locking or stowing away.
<i>Baboon-friendly</i>	infrastructure and related services are designed and managed in such a manner to not attract, allow access or accidentally harm baboons.
<i>Ecological and management capacity</i>	the population of a species (in this case baboons) that can be sustained by an area.
<i>Capacity</i>	of the available space, food, shelter, water etc. over long periods of time including wet and dry cycles and which should not include urban areas. Ecological and management capacity is not a static figure and will vary as ecological and management resources change.

<i>Compliance promotion</i>	non-regulatory tools such as communication, advocacy, education and awareness programmes designed to facilitate and enable voluntary compliance by stakeholders.
<i>Ethology</i>	the study of wild animal behaviour.
<i>Human-induced deaths</i>	human-induced deaths of baboons refer to baboons that are either killed by humans in a direct manner e.g. shooting, poisoning, dog attacks, motor vehicle collisions, etc. or an indirect manner through the transformed and urbanised environment e.g. electrocutions, human-related fire etc. This category also includes baboons seriously injured from these causes and subsequently euthanised.
<i>Hunt</i>	as defined in the Nature and Environmental Conservation Ordinance No. 19 of 1974 as by any means whatsoever to hunt or search for, to kill, capture or attempt to kill or capture, or to pursue, follow or drive with the intent to kill or capture, or to shoot at, poison, lie in wait for or wilfully disturb.
<i>Local solutions</i>	site or area specific measures designed and implemented to enable context specific actions to keep baboons wild.
<i>Negative interaction</i>	in the context of this BSMP: where interaction between humans and baboons leads to negative results, such as loss of property, damage to property, and may end in defensive and retaliatory killing.
<i>Predation</i>	the ecological process where one living organism (the predator) kills another (the prey) for food. The Cape Peninsula has lost all large predators that would have naturally preyed on baboons like leopards and Cape lions.
<i>Regulatory requirements</i>	the provisions of national, provincial and municipal legislation applicable or relevant to the Cape Peninsula baboon population.
<i>Splinter troop</i>	a small troop of baboons that splits from the main troop, that usually comprises of a lower ranking male and lower ranking females.
<i>Sustainable baboon management</i>	implementation of best practice to maintain baboon populations as close as possible to natural social structures and behaviour by mimicking natural processes that foster the well-being of baboons and people in the urban-wildland interface. Implementation of best practice implies a sustainable management model where authorities, business, landowners and communities contribute resources and effort to implementation.

<i>Sustainable Cape Peninsula baboon population</i>	a baboon population that can be maintained within the finite natural landscapes of the Cape Peninsula and which can be managed through sustainable baboon management.
<i>Virtual fence</i>	animals (in this case baboons) wear collars that communicate with GPS and reception towers to form boundaries that control movement without the use of physical fences. When baboons reach the limit of the 'virtual fence' auditory deterrents play through speakers like predatory noises e.g. lion and hyena calls, and unpleasant noise e.g. bear bangers and whistles.
<i>Waste</i>	all waste, but with particular focus on organic waste such as kitchen scraps, food packaging, expired foods and compost heaps or waste including food residues. These wastes attract baboons because they can more easily feed on human derived food wastes than on other natural sources of food.
<i>Wild baboon population</i>	a baboon population which lives in the natural environment, outside of urban areas.

List of Abbreviations

BAG	Baboon Advisory Group
CCT	City of Cape Town
CN	CapeNature
COGH SPCA	Cape of Good Hope SPCA
CPBMJTT	Cape Peninsula Baboon Management Joint Task Team
CPBSMP	Cape Peninsula Baboon Strategic Management Plan
CPJBOT	Cape Peninsula Joint Baboon Operational Team
MoA	Memorandum of Agreement
SANavy	South African Navy
SANParks	South African National Parks
TMNP	Table Mountain National Park
WCG	Western Cape Government

3. Introduction

There are currently about 630 baboons in approximately 16 troops on the Cape Peninsula, stretching from the Cape of Good Hope section of the Table Mountain National Park to Constantia (see Figure 1: Approximate locations of baboon troops on the Cape Peninsula). About seven (7) troops are located in and adjacent to the Cape of Good Hope section of the Table Mountain National Park while the remaining nine (9) troops occupy an area stretching north to Constantia. The troops north of Cape of Good Hope section of the Table Mountain National Park come into contact with developed areas. These troops range from troops that spend large amounts of time in urban areas (Da Gama (DG) and Waterfall (WF) troops) to troops that are located most of the time in the natural area of the Cape Peninsula such as Mountain Troop 1 (MT1) and to troops that spend time on private farms (Plateau Road Troop (PR)). Baboon troops readily shift their areas of use in response to environmental factors, such as season, fire, troop dynamics, troop size, landscape development and access to reliable high-calorie food rewards. On a broad scale, the expansion of the troop ranging areas, as well as the formation of new splinter troops is largely related to the growing baboon population on the Cape Peninsula.

The Cape Peninsula landscape, including Table Mountain National Park, SANavy, provincial government, municipal and private land, is mostly managed as a non-gated, open access system where wildlife, including baboons, can move freely in their natural habitat with access to a range of transformed land under direct human use. In terms of South African law, free-roaming wild animals are regarded as *res nullius*, something which has no owner.

When baboons access residential, commercial, industrial and agricultural areas they may be harmed directly by humans or indirectly by the urban landscape. As direct interaction with humans increase, conflict arises and they can become a perceived nuisance, damage property may threaten the safety of people and their households. Regular human and baboon encounters and access to food resources have resulted in baboons losing their natural fear of humans and in some cases resorting to aggression to obtain food directly from humans. Easy access to human refuse bins and sites and food from alien plants has also increased interaction with humans and in some places artificially increased the baboon numbers.

In the Peninsula, human attitudes towards baboons vary on a range of issues including baboons accessing non-protected area land, management approaches, management philosophies and acceptable management interventions. Consequently, there are frequent negative interactions between humans and baboons. Many injuries and deaths experienced by baboons which have left natural landscapes are the result of conflict with humans (e.g., shootings or vehicle accidents) exposure to dangers inherent within urban areas (e.g., electric burns from exposed high-voltage wires or domestic dog bites). The baboons on the Cape Peninsula are characterized by a diverse range of permanent injuries including the loss or partial paralysis of limbs, feet and/or hands. It is important as context to this plan that the following circumstances are recognised:

1. Due to the absence of natural predation, habituation of baboon troops and individuals to human presence, and regular access by several troops and individuals to human-derived food, the Chacma baboon population on the Cape Peninsula has reached a status where population numbers have increased significantly, with very limited low-lying wildland space, elevated levels of human-wildlife conflict are experienced, and the effectiveness of applied aversion methods has reduced.
2. Given the constraints since 2020 on the application of the relevant methods and tools available to the previous programme to manage baboons on the Cape Peninsula, the numbers of human induced baboon deaths have increased significantly. In 2023, 44.8% of all baboon mortalities were human-induced i.e. killed by shooting, poisoning, dog attacks, motor vehicle accidents, electrocutions and human related fires (NCC, 2023). This is contrasted with a reduction to 14% of baboon deaths that were human induced between 2013 and 2019. This was achieved while the full set of aversion methods and management tools were being implemented by the authorities in the previous program.
3. The spatial ecology of the baboon population indicates an increasing number of pressure points where human-wildlife conflict management has been rendered virtually ineffective, leading to the realisation that the required natural space and resources on the Cape Peninsula for certain troops may have been exceeded (Hoffman, 2011; Hoffman and O'Riain, 2012). In order to return the situation to a more sustainable level, management intervention is called for so as to significantly step-up waste management and baboon proofing of properties and infrastructure, to fence strategic hotspots, and to manage the population sustainably through removal, including, euthanasia, culling and translocation of baboons when appropriate. While contraception and sterilization have been suggested by interest groups as feasible population control methods, such methods have not been used or researched on wild populations of baboons and would require further investigation.

While there is improvement, there has also been insufficient response to the call to make waste and human food areas "baboon proof" in business areas, farms, and residential areas, naval and other private and public areas. Such interventions are within the mandate of the City of Cape Town, but their success is also dependent on the cooperation and responsible behaviour of residents, visitors, businesses and landowners.



Figure 1: Approximate locations of baboon troops on the Cape Peninsula

4. Mandates and Governance

SANParks is a national public entity established in terms of the National Environmental Management: Protected Areas Act, 2003, to protect, conserve and control the national parks and other protected areas assigned to it and their biodiversity; and to manage those areas and biodiversity in accordance with the Act, the retention of national parks in their natural state, and as far as possible, the preservation and study of wildlife within national parks and the protection of visitors in national parks, including the Table Mountain National Park.

CapeNature is a public entity established in terms of section 9 of the Western Cape Biodiversity Act, 2021, and in terms of Schedule 3(c) of the Public Finance Management Act, 1999, responsible for nature conservation in the Western Cape Province.

In terms of the Constitutional Schedules 4 & 5 and the Local Government: Municipal Structures Act, 1998, the City of Cape Town is responsible for matters within its constitutional and legal mandate associated with a metropolitan municipality, including land use planning, building regulations, waste management, public nuisance, fences, traffic, electricity, environmental health, safety and security and the enforcement of City By-laws.

5. Approach to the sustainable management of baboons on the Cape Peninsula

The CPBMJTT drafted the first version of the CPBSMP after it had considered the inputs and suggestions made during the Round Table meeting held on 7 June 2022 and the series of City of Cape Town community engagements held in August and September 2022. Further, available knowledge, research, international best practice and operational experience informed the approach taken in the identification of the specific outcomes that structure this strategy and its implementation. The CPBMJTT draft CPBSMP 26th of January 2023 followed a public comment period from 27 January and was extended to 31 March 2023. A stakeholder engagement workshop was held at the "The Range in Tokai" on 3 March 2023. All the comments received were collated and considered in the finalisation of the CPBSMP. A total of 166 individuals, organisations, and community representatives, including the Cape of Good Hope SPCA, provided written comments, with over 800 individual comments received. The CPBSMP workshop was attended by 98 individuals, organisations and community representatives.

In order to address the challenges and work towards a sustainable population of baboons, SANParks, CapeNature and the City of Cape Town need to work together with all stakeholders to address the baboons' spatial and temporal use, including population dynamics. Baboon studies have shown that limiting access to high-quality and predictable food sources and human-transformed and human-dominated habitats, reduces the time spent by baboons in those environments, resulting in reduced levels of human-baboon conflicts and the potential of human-induced baboon injuries and mortality. As baboons are highly adaptable, methods and tools for limiting access to human-dominated habitats will

constantly need to be reviewed. It is thus essential for the CPBSMP to adopt an adaptive management approach where ongoing improvement can respond to the changing effectiveness of the strategies, tools and methods.

A new approach that is included in this CPBSMP is the option of strategic fencing. This has been noted as a viable solution by experts in the sustainable management of baboons on the Cape Peninsula. Fencing is, however, area and community specific and the viability of such an intervention needs to be assessed for each community and area. Another addition, is the inclusion of community partnerships, which pertains to including baboon affected communities in driving and participating in solutions to resolve baboon related issues in the urban space.

6. Problem statement

Baboons are known to be a highly adaptable and opportunistic species, and one of the most challenging wildlife species to manage globally. The City of Cape Town's Urban Baboon Programme was implemented in 2009 to keep baboons out of urban areas and in their natural habitat, as far as possible, in the interest of the safety and security of baboons, residents and visitors alike. The programme was implemented using approved guidelines and protocols for baboon management, referred to as the 2019 Baboon Technical Team (BTT) guidelines, and the use of aversion tools in accordance with approved protocols. The 2019 BTT guidelines include the following -

- BTTG0 Guideline for Assessment of Health, Condition and Injury in a Baboon in Urban Areas, Cape Peninsula
- BTTG01 Guideline for Response to Severe Injury / Disease a Baboon in Urban Areas, Cape Peninsula
- BTTG02 Guidelines for Assessment of Condition in a Baboon in Urban Areas, Cape Peninsula
- BTTG03 Guidelines for Categorising & Managing Damage Causing Baboon/s (DCB/s) in Urban Areas, Cape Peninsula
- BTTG04 Guidelines for Dispersing/Displaced Male Baboons in Urban Areas, Cape Peninsula

Unfortunately, the programme became increasingly unsustainable over time. This was due to, amongst others: an increase in the baboon population on the Cape Peninsula and specifically in areas directly bordering on the urban interface; legal challenges to the use of aversion tools and other interventions intended to keep baboons out of the urban areas and in their natural habitat; the increasing habituation of certain baboon troops and individual dispersing males to human derived food sources; the subsequent splintering of baboon troops; the lack of baboon-proof bins; irresponsible behaviour by people, businesses, and landowners in terms of waste management; and the lack of baboon-proofing of properties, vegetable gardens, and fruit trees by residents and businesses.

These factors and especially the resultant habituation of an increasing number of baboons to urban areas on the Cape Peninsula has impacted on the well-being of baboons due to

access to an anthropogenic derived diet and harm resulting from dogs, vehicular traffic and irate residents in urban areas. Similarly, residents are experiencing increased baboon incursions on to (and into) private properties, damage to their property such as gutters, roofs and solar panels, and conflict between baboons and pets, especially dogs.

The CPBMJTT has been established by agreement between the parties specifically to address these challenges by implementing the CPBSMP, working collaboratively with residents, businesses and other stakeholders.

7. Vision and purpose of the CPBSMP

Vision

A sustainable and wild baboon population living in natural landscapes on the Cape Peninsula where people live in harmony alongside nature.

The *purpose* of the CPBSMP is

The sustainable management of the baboon population of the Cape Peninsula.

The outcomes shown in section 10 below are based on input arising from a period of participation by a diverse set of stakeholders during discussions at the Round Table meeting on 07 June 2022, the City of Cape's community engagements later in 2022, the written public comments received by the CPBMJTT and the CPBSMP stakeholder workshop held in March 2023.. The outcomes are also informed by research and operational experience and are reflective of the desire for a sustainable approach to baboon management on the Cape Peninsula.

The outcomes are related and there are areas of crossover and linkage between them. They have shaped the formulation of the Implementation Plan (in Table 1), which includes actions, estimated timeframes and responsibilities.

It is not the purpose of this baboon strategic management plan to deal with detailed day-to-day operational issues, but to guide the suite of suitable actions towards achieving the identified outcomes.

8. Outcomes

The following outcomes contribute to achieving the above vision and purpose of the CPBSMP:

Outcome 1: A wild baboon population is sustainably managed and conserved on the Cape Peninsula;

Outcome 2: Authorities at national, provincial and local level provide for regulatory requirements and the promotion of compliance and law enforcement;

- Outcome 3: Stakeholder engagement and partnerships inform solutions and local action to keep baboons in the natural landscapes and thereby reduce human–baboon conflict;**
- Outcome 4: Effective waste management and waste holding facilities in the natural, rural and urban areas ensure that baboons are unable to access human derived foods;**
- Outcome 5: Stakeholder communication, education and awareness on all aspects of baboon management for residents, businesses and tourists enable the conservation and well-being of baboons and the mitigation of human-baboon conflict;**
- Outcome 6: Infrastructure and services on residential, commercial and state-owned properties are designed and operated to minimise impacts on baboons; and**
- Outcome 7: Adaptive management of the baboon population is informed by continuous monitoring, evaluation, scientific research and stakeholder feedback.**

9. Implementation of the strategy

The following Table sets out outcomes, outputs, responsibilities and timeframes:

Table 1: Implementation plan

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
Outcome 1: A wild baboon population is sustainably managed and conserved on the Cape Peninsula			
1.1 The Peninsula baboon population is monitored	1.1.1 Undertake and publish biennial baboon count	Every 2 years	SANParks supported by CN and CCT (CCT will lead in 2023)
	1.1.2 Respond to and report injured or sick baboons to the CGHSPCA	Ongoing	SANParks, CCT and CapeNature
1.2 The ecological and management capacity for baboons on the Cape Peninsula is established, based on the available foraging ranges and management regime	1.2.1 Investigate and map areas that are suitable natural foraging habitat for baboons	December 2023	SANParks supported by CN and CCT
	1.2.2 Review the ecological and management capacity and troop ranges for the baboons on the Cape Peninsula based on the natural foraging habitat available, population	Dec 2023	SANParks supported by CN and CCT

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
	dynamics and management regime		
	1.2.3 Use proven methods and investigate novel methods to reduce spatial overlap between baboons and people in urban areas	Ongoing	SANParks, CCT and CapeNature
1.3 Population control methods are investigated and implemented where appropriate, including removal (euthanasia, culling and translocation), contraception and sterilization	1.3.1 Investigate and determine appropriate population control methods.	Ongoing	SANParks and CN supported by CCT
	1.3.2 Publish research outputs and the options for population control contemplated	Ongoing	SANParks and CN supported by CCT
	1.3.3 Based on research outputs on population dynamics, implement baboon population management actions	Ongoing	SANParks and CN supported by CCT
1.4 Management strategies / actions are identified and formulated in partnership with communities to keep baboons out of urban areas	1.4.1 Initiate process and timeframes	October 2023	CCT supported by SANParks, CN
	1.4.2 Undertake series of dialogues with the communities seeking place-based solutions	October 2023 and ongoing	CCT supported by SANParks, CN
	1.4.3 Develop, implement and review strategies/actions	Ongoing	CCT supported by SANParks, CN
	1.4.4 Liaise with safety and security organisations such as neighbourhood watches	Dec 2023 and ongoing	CCT supported by SANParks, CN
	1.4.5 Liaise with other CCT departments (e.g. Urban Waste Management), provincial authorities (CapeNature) and national authorities (SANParks) to improve the coordination of baboon management related activities	Ongoing	CCT, SANParks and CapeNature
1.5 Strategic and virtual fences are identified, investigated, prioritised,	1.5.1 Spatially identify, evaluate and prioritise potential fence interfaces	Initiated June 2023 and ongoing	SANParks and CCT supported by CN

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
budgeted for, erected and maintained	1.5.2 Undertake detailed investigation and feasibility analyses, including issues of land access, community support and willingness or ability to pay, as well as estimated capital and operational costs.	Dec 2023	SANParks and CCT supported by CN
	1.5.3 Identify funding mechanisms / vehicles and partnerships through which fencing can be installed and maintained via agreement with community and other stakeholders	December 2023	SANParks and CCT supported by CN
1.6 Guidelines for dealing with aggressive and dangerous individual baboons, dispersing, raiding, troop splintering	1.6.1 Review guidelines in consultation with stakeholders	December 2023	CN supported by SANParks and CCT
1.7 Guidelines for situations such as sick, injured, or distressed baboons, and cruelty situations	1.7.1 Review guidelines in consultation with the NSPCA and CGH SPCA	December 2023	CN supported by SANParks and CCT
1.8 A Grant-in-Aid to tend to sick, and injured baboons and other wildlife in the urban space has been investigated and, if feasible, established and promoted	1.8.1 Investigate and establish a possible Grant in Aid through mechanisms enabled within the City of Cape Town	June 2024	CCT supported by SANParks and CN
Outcome 2: Authorities at national, provincial and local level provide for regulatory requirements and the promotion of compliance and law enforcement			
2.1 Applicable laws and bylaws and the relevant responsible authorities and contact details are clearly documented and available to stakeholders	2.1.1. Compile accessible document and make available via all websites	March 2024 and ongoing	CN with support from SANParks and CCT
2.2 Permit for activities in terms the Nature Conservation Ordinance – are provided, acted on	2.2.1 Permits for restricted activities and methods (such as Paint Ball Marker use interfering /chasing	Ongoing	CN supported by SANParks and CCT

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
and complied with (translocation, capture, hunting or use restricted methods such as paintball markers and removal).	/herding/, capture translocation, and euthanasia) are issued when needed to requesting parties in accordance with established protocols and conditions of use		
2.3 Investigations are conducted into illegal activities and result in the enforcement of provincial conservation legislation when appropriate	2.3.1 Enforce provincial legislation	Ongoing	CN supported by SANParks and CCT
2.4 Enforcement of various City bylaws, specifically waste management bylaw, is undertaken by the CCT	2.4.1 Enforce CCT by-laws	Ongoing	CCT supported by SANParks and CN
	2.4.2 Residents and stakeholders report issues of non-compliance to the relevant service units of the City of Cape Town in accordance with the document provider (Action 2.1.1)	Ongoing	CCT supported by SANParks and CN
	2.4.3 Investigation of non-compliance is conducted by appropriately skilled and resourced officials	Ongoing	CCT supported by SANParks and CN
	2.4.4 Appropriate enforcement actions and statutory remedies, including administrative, civil and criminal enforcement are applied when appropriate	Ongoing	CCT supported by SANParks and CN
2.5 Enforcement of national legislation is conducted by SANParks in terms of their jurisdiction	2.5.1 Enforce national legislation	Ongoing	SANParks supported by CN and CCT
2.6 The CPBMJTT engages with other authorities, e.g., CGH SPCA to enable enforcement of their legislation (Animals Protection Act 71 of 1962)	2.6.1 Support CGH SPCA to enforce their legislation	Ongoing	CN with support from SANParks, and CCT

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
2.7 The CPBMJTT promotes compliance to all relevant legislation with respect to waste management attracting baboons on all state/government-owned land (SANParks, City and Western Cape Government) including SANavy-managed property	2.7.1 Enforce legislation on all state/government owned land	Ongoing	CCT supported by SANParks and CN.
	2.7.2 Identify areas and facilities located on government owned land which require intervention	Ongoing	CCT supported by SANParks and CN.
	2.7.3 Engage relevant institutions or facility managers to advise and facilitate improved waste practices	Ongoing	CCT supported by SANParks and CN.
	2.7.4 Initiate appropriate administrative, civil or criminal enforcement remedies where non-compliance persists.	Ongoing	CCT supported by SANParks and CN.
2.8 Promote compliance by businesses and landowners and estates	2.8.1 Communicate to business and landowners' legal requirements as well as the tourism industry	Ongoing	CCT with support from SANParks and CN
	2.8.2 Undertake regular compliance inspections		
	2.8.3 Respond to complaints of non-compliance		
Outcome 3: Stakeholder engagement and partnerships enable local solutions and action to keep baboons wild and reduce human-baboon conflict			
3.1 A Cape Peninsula Baboon Advisory Group (BAG) is established by the CPBMJTT and comprises nominated representatives of recognised community groups, such as Ratepayers Associations, advocacy groups and research institutions.	3.1.1 Call for mandated representatives from recognised community organisations is published in local and citywide media	BAG will meet bi-annually with the CPBMJTT and ad hoc as and when required	By rotation according to JTT chairpersonship SANParks, then CN and then CCT
	3.1.2 The appointment of nominated representatives is confirmed in writing by the CPBMJTT		
	3.1.3 Convene the BAG annually (first meeting to be convened within 6 months of the finalisation	Annually	By rotation according to JTT chairpersonship


Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
	and sign-off of the CPBSMP)		SANParks, then CN and then CCT
	3.1.4 Representatives of the BAG directed to report back to their organisations	Annually	By rotation according to JTT chairpersonship SANParks, then CN and then CCT
3.2 Resident communities, businesses and landowners form citizen partnerships such as Community Volunteer Groups / neighbourhood watches, support groups, and WhatsApp groups (could assist as early warning)	3.2.1 Facilitate and support citizens and communities	Ongoing	CCT supported by SANParks and CN
	3.2.2 Motivate for additional staff resources and capacity to support community initiatives and structures via Council's annual budget planning process	Ongoing	CCT supported by SANParks and CN
	3.2.3 Supporting resources are developed and provided to established groups, including operational protocols and guidelines, awareness workshops and training opportunities (see section 1.4)	Ongoing	CCT supported by SANParks and CN
	3.2.4 Educate residents on the challenges of baboon management and the importance of not attracting baboons onto private properties in urban areas	Ongoing	CCT supported by SANParks and CN
3.3 The establishment of Special Rating Areas and other mechanisms is investigated in order to secure and manage community resources for the purposes of baboon monitoring and management, as well as strategic fences	3.3.1 Identify potential mechanisms to manage community resources such as community groups, neighbourhood watches, communication channels etc.	Ongoing	CCT supported by SANParks and CN
	3.3.2 Evaluate challenges and opportunities for identified mechanisms in consultation with relevant specialists such as in Finance, Enterprise & Investment and Urban Management	Ongoing	CCT supported by SANParks and CN

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
	3.3.3 Provide feedback via the BAG to nominated community and stakeholder representatives	Ongoing	CCT supported by SANParks and CN
3.4 Support citizen partnerships by means of permits, advice and oversight	3.4.1 Support citizens in terms of permits from CapeNature in terms of regulated activities and advice on human wildlife conflict situations	Ongoing	CN supported by SANParks and CCT
Outcome 4: Effective waste management in the natural, rural and urban areas ensures that baboons are unable to access waste			
4.1 Waste management including the provision of baboon-proof bins, associated infrastructure and services to reduce accessible waste, waste collection (including organisation and processes to deal with wet, dry and recycled waste) are effective and reliable	4.1.1 Reduce and replace public bins with baboon - proof bins	Ongoing	CCT and SANParks supported by CN
	4.1.2 Ensure baboon-proof bins are available for private residences and businesses	December 2023	CCT supported by SANParks and CN
	4.1.3 Ensure that waste collection is timeously undertaken	Ongoing	CCT supported by SANParks and CN
	4.1.4 Ensure that the waste management system (including wet, dry, and recycled waste) is baboon proof	Ongoing	CCT supported by SANParks and CN
	4.1.5 Businesses enhance their waste management by installing baboon-proof waste enclosures	Ongoing	CCT supported by SANParks and CN
4.2 Managers of land and business establishments ensure proper waste management and compliance with waste management by-laws	4.2.1 Engage SANavy to address issues of waste accessibility to baboons (undertake audit of facilities and response plans for implementation)	Dec 2023	CCT supported by SANParks
	4.2.2 SANParks to ensure that all amenities and infrastructure within the TMNP are baboon-proof (undertake audit of facilities and response plans for implementation)	Audit by December 2023 and implementation by 2024	SANParks supported by CN and CCT

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
	4.2.3 CCT to ensure that all amenities and infrastructure adjacent to the TMNP are baboon friendly (undertake audit of facilities and response plans for implementation)	Dec 2023	CCT supported by SANParks and CN
4.3 Improved land use management and control mechanisms for waste management	4.3.1 Review current waste management requirements with respect to land use management and building control regulatory perspectives	March 2024	CCT supported by SANParks and CN
	4.3.2 Consider additional compliance requirements in land use management , urban design and building plan approval	March 2024	CCT supported by SANParks and CN
	4.3.3 Update, communicate and implement relevant requirements for waste management in implementation of planning, land use and building approvals	July 2024	CCT supported by SANParks and CN
Outcome 5: Stakeholder communication, education and awareness on all aspects of baboon management enable the conservation and well-being of baboons and the mitigation of human-baboon conflict			
5.1 A media strategy and approval protocol is implemented by the CPBMJTT	5.1.1 Develop and media and communications strategy	Initiated September 2023	CCT supported by SANParks and CN
	5.1.2 Regular media statements about the progress with the implementation of CPBSMP; and successes and challenges	Ongoing	By rotation according to CPBMJTT chairpersonship: SANParks, then CN and then CCT
5.2 Education and awareness strategy with stakeholders	5.2.1 Initiate education and awareness programmes for communities in Cape Peninsula	Ongoing	CCT supported by SANParks and CN
5.3 Joint campaigns with stakeholders about the programme, and all other aspects of baboon management and interaction – content can be posted on social media platforms, content	5.3.1 Special content – features, letters, inserts to municipal accounts and opinion pieces – issued to local community papers in areas affected 5.3.2 Stickers for bins in baboon-affected areas	Ongoing	CCT, SANParks and CN and led at any point by the chair of the JTT

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
can be videos, GIFs, graphics, short messages			
5.4 Communications campaigns with priority groups	5.4.1 Identify priority groups and stakeholders in tourism sector	Ongoing	CCT supported by SANParks and CN
	5.4.2 Initiate engagement on awareness and actions appropriate to baboons	Ongoing	CCT supported by SANParks and CN
	5.4.3 Provide information and advice on baboons to tourism operators and for distribution to tourists and host businesses and organisations via Cape Town Tourism	Ongoing	CCT supported by SANParks and CN
	5.4.4 Provide information on tourist interactions with baboons in training material for Tourist Guides via organisational structures such as the Provincial Government Registrar of Tourist Guides	Ongoing	CCT supported by SANParks and CN
Outcome 6: Infrastructure and services are designed and operated to minimise impacts on baboons			
6.1 CCT, SANParks and CN (WCG properties) to ensure that owned and leased infrastructure and operations are baboon friendly	6.1.1 Initiate an audit and review of government owned and leased infrastructure to identify interventions needed	December 2024 and Ongoing	CCT, SANParks and CN
	6.1.2 Ensure properties and infrastructure are secured effectively to deter baboons, including waste storage areas, and that lockable bins are utilised	Ongoing	CCT, SANParks and CN
6.2 Appropriate road markings and signage are installed on CCT roads	6.2.1 Identify areas and road facilities in which appropriate wildlife signage is needed	Ongoing	CCT supported by SANParks and CN
	6.2.2 Procure and install appropriate wildlife signage on City roads	Ongoing	CCT supported by SANParks and CN
6.3 The CPBMJTJ to engage with the SANavy, WCG and private road owners with regard to road	6.3.1 Identify and engage appropriate persons in SA	Ongoing	CCT supported by CN and SANParks

Output	Actions	Estimated Timeframe	Responsibility (Lead and support)
signage and traffic calming	Navy, WCG and private land owners		
	6.3.2 Assist and advise on the location, design, installation and maintenance of appropriate road signage	Ongoing	CCT supported by CN and SANParks
6.4 New development in baboon affected areas is appropriately located and designed	6.4.1 Investigate mechanisms to inform development location and design which minimises risks of baboon raiding	Dec 2023 and ongoing	CCT supported by SANParks and CN
6.5 Electricity installations, capital and operating to be baboon proof on City and privately owned land	6.5.1 Audit existing electrical infrastructure to identify risks and assess and prioritise and implement technically feasible mechanisms to enable baboon proofing of installations (insulating infrastructure or installing underground)	Ongoing	CCT, supported by SANParks and CN
	6.5.2 New electrical infrastructure is baboon-proof at design stage	Ongoing	CCT, supported by SANParks and CN
Outcome 7: Adaptive management of the baboon population is informed by continuous monitoring, evaluation, scientific research and stakeholder feedback			
7.1 Research is facilitated on all aspects of sustainable baboon management and evaluate results to inform adaptive management	7.1.1 CPBMJTT identifies and engages science and research partner(s), and facilitate and authorise applied and other research on baboon population dynamics and human-baboon conflict	Ongoing	SANParks, CN and CCT
	7.1.2. CPBMJTT discusses and agrees on implementation of research outcomes and recommendations towards sustainable baboon management	Ongoing	SANParks, CN and CCT
7.2 Stakeholder (e.g., BAG) feedback during regular engagements (3.1) on CPBSMP implementation and inputs towards improvement are considered	7.2.1 CPBMJTT considers incorporating stakeholder feedback and inputs towards improvement of CPBSMP implementation (adaptive management) following regular engagements	From July 2023 onwards	SANParks, CN and CCT

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10. Governance arrangements for implementation

10.1 Cape Peninsula Baboon Management Joint Task Team (CPBMJTT)

While the City of Cape Town, SANParks and CapeNature have previously cooperated in committees and structures with regard to baboon management, on 6 and 7 June 2022, at meetings hosted by the City of Cape Town and the National Minister of Forestry, Fisheries and the Environment, Minister Barbara Creecy, the agencies committed to establishing a Joint Task Team and to developing an approach for the sustainable management of the baboon population on the Cape Peninsula. SANParks, CapeNature and the City of Cape Town agreed to work towards a Memorandum of Agreement (MoA) on the future of the Cape Peninsula baboon population. The MoA was signed by all three authorities on 6 July 2023. This MoA is linked to the Baboon Strategic Management Plan for the Cape Peninsula which enables cooperation with each other and with stakeholders in fulfilling their respective roles and responsibilities for the sustainable management of the Cape Peninsula baboon population. The three institutions (the parties to the agreement) agree to joint decision making on the undertaking of actions and interventions either individually or jointly as required according to their respective roles and responsibilities and as detailed in the CPBSMP. The parties also undertake to act in the interest of each other and towards the best conservation outcomes in managing the human-baboon interface.

The CPBMJTT will facilitate the engagement of stakeholders including, scientific academic institutions, animal welfare organisations and authorities, civil society including ratepayers' associations, non-governmental organisations, through the development and implementation of the CPBSMP.

10.2 Cape Peninsula Joint Baboon Operational Team (CPJBOT)

The CPBMJTT will establish the Cape Peninsula Joint Baboon Operational Team (CPJBOT) comprising members of all three parties to the MoA in order to facilitate participation in decision making in terms of applicable laws on operational matters.

The chairpersonship and secretariat of the CPJBOT will rotate annually. The CPJBOT will report any operational matters to the CPBMJTT. The CPJBOT will also make recommendations with regards to specific baboon management issues which will then be deliberated and decided upon by the CPBMJTT.

10.3 Baboon Advisory Group (BAG)

The CPBMJTT will establish a Baboon Advisory Group (BAG) comprising nominated representatives of recognised community groups, such as ratepayers' associations,

businesses, landowners, advocacy groups and research institutions. For more detail on the BAG please refer to addendum: Baboon Advisory Group (BAG) Terms of Reference.

The BAG will meet bi-annually with the CPBMJTT and ad hoc as and when required.

11. Monitoring, evaluation, reporting and review

The CPBMJTT will meet on a quarterly basis to assess the success of implementation of the CPBSMP and address problems as they arise, or when required.

Annual review of the CPBSMP implementation will result in a report on annual implementation being published by the CPBMJTT which will be provided to both the principals of the signatories to the agreement, as well as stakeholders.

The CPBSMP will be reviewed in 2028/29 through a process of stakeholder engagement.

12. Stakeholder engagement in developing the plan

The CPBMJTT has drawn on the substantial inputs provided at the round table and through the City of Cape Town's dialogue process. Further stakeholder comment and engagement on the draft CPBSMP enabled its refinement and finalisation.

Given the nature of the challenges associated with a sustainable baboon population on the Cape Peninsula, the authorities and stakeholders need to embrace an approach of adaptive management. This means that static plans need to be shaped into adaptive management tools, thus providing an overarching framework for collective action while also ensuring the flexibility to respond to changes in the context or specific needs as they arise.

13. References

NCC Environmental Services, 2022. Urban Baboon Programme: Annual Population Census. [Annual Baboon Count UBP-2021 2022.pdf \(capetown.gov.za\)](#)

Hoffman, T.S., 2011. *The spatial ecology of Chacma baboons (Papio ursinus) in the Cape Peninsula, South Africa: towards improved management and conservation strategies.*

Hoffman, T.S. and M. Justin O'Riain., 2012. Monkey management: using spatial ecology to understand the extent and severity of human-baboon conflict in the Cape Peninsula, *South Africa. Ecology and Society* 17(3): 13.

"AA3"

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

J. L. Lekhuleni
CASE NO: 9095/24 06/12/24

Before the Hon. Mr Justice Lekhuleni
At Cape Town on 6 December 2024

In the matter between:

RYNO ENGELBRECHT	First Applicant
BABOON MATTERS TRUST NPO	Second Applicant
BEAUTY WITHOUT CRUELTY NPO	Third Applicant
JO-ANNE TRENNITH BOSMAN	Fourth Applicant

and

CITY OF CAPE TOWN	First Respondent
SOUTH AFRICAN NATIONAL PARKS	Second Respondent
WESTERN CAPE NATURE CONSERVATION BOARD	Third Respondent
TABLE MOUNTAIN NATIONAL PARK	Fourth Respondent
THE SOUTH AFRICAN NAVY	Fifth Respondent
THE MINISTER OF ENVIRONMENTAL AFFAIRS	Sixth Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	
Private City 80020, Cape Town 8000	
<i>WDL</i>	Draft ORDER 2024 -12- 06
WCD-005	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN	

AND WHEREAS the First Respondent (the City), Second Respondent (SANParks) and and Third Respondent (CapeNature) who together constitute the Cape Peninsula Baboon Management Joint Task Team (the JTT) have undertaken to co-operate with one another through the implementation of the JTT's Baboon Strategic Management Plan (BSMP) by fulfilling their respective roles and responsibilities as detailed in the BSMP, in an Agreement concluded on 6 July 2023, and the JTT are doing so through their best endeavours within a reasonable time frame and will continue to do so in the lifespan of the JTT;

WHEREAS in pursuit of the BSMP the City has on 11 November 2024 entered into a short-term contract with a service provider for the provision of baboon ranger services in the Cape Peninsula from 1 to 31 December 2024;

AND WHEREAS the JTT, resolved to select a non-profit organisation to provide the implementation of baboon management services, including community engagement and

WDL JP

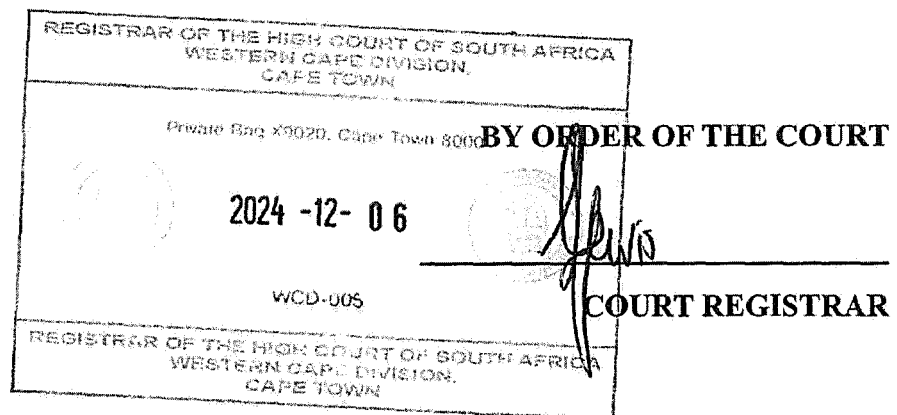
any ranger services of the BSMP in the Cape Peninsula for a three-year period, to give effect to elements of the BSMP;

AND WHEREAS the City Council approved on 5 December 2024, to appoint Shark Spotters NPO for a three year period for the purposes of, inter alia the implementation of baboon management services, including any community engagement and ranger aspects of the BSMP with the City providing funding over the three financial years, subject to budgetary approval, and all the JTT parties contributing in a manner consistent with their functional areas and statutory duties;

AND WHEREAS in the event that the Shark Spotters NPO MoA is not implemented by 1 January 2025, the City has advertised a month to month tender for the provision of baboon ranger services for a period of 12 months;

BY AGREEMENT AMONG THE APPLICANTS AND FIRST TO THIRD RESPONDENTS, IT IS ORDERED:

1. The application is withdrawn.
2. Each party to pay their own costs.



For the Applicants:

DE WAAL BOSHOFF INC.
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For the First Respondent:

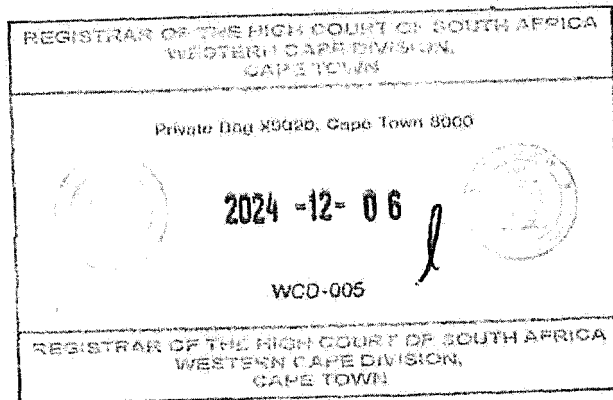
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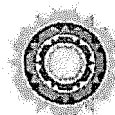
For the Second Respondent:

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CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



South African
NATIONAL PARKS



CapeNature

THE CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM

Terms of Reference for the Cape Peninsula Baboon Advisory Group

1. Background

Following the signing of the Memorandum of Agreement (MoA) establishing the Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) and the finalising by the CPBMJTT of the Baboon Strategic Management Plan (BSMP), there is a commitment to forming a stakeholder engagement forum, to be known as the Cape Peninsula Baboon Advisory Group (CP BAG).

2. Purpose of the CP BAG

The purpose of the CP BAG is to advise the CPBMJTT on achieving the intended outcomes of the BSMP and support its implementation within communities and at a local level, while ensuring relevant feedback between constituencies and the CPBMJTT.

3. Objectives of the CP BAG

The CP BAG is established as an advisory body only.

The objectives of CPBAG are to:

- 3.1 Facilitate constructive interaction between the CPBMJTT and affected communities; stakeholders and key interest groups;
- 3.2 Serve as a channel for two-way communication;
- 3.3 Assist the CPBMJTT to engage with affected communities and stakeholders to identify and address both strategic and local issues and areas of mutual interest and concern, and work towards finding

- equitable solutions that benefit both the community and stakeholders; and
- 3.4 Serve as a vehicle towards developing strategic partnerships with stakeholders.

4. The type of organisation

The CP BAG is an advisory group established by the CPBMJTT and is not constituted in law.

5. Membership of the CP BAG

- 5.1 Nominations are to be invited from time to time and members are to be appointed in writing by the CPBMJTT.
- 5.2 Membership is to be made up of formally constituted groups and organisations falling in the categories listed in clause 5.7 below, represented by properly mandated individuals from those specific organisations, bodies or groups.
- 5.3 Individuals do not serve as members in their personal capacity or own right (see clause 5.7) but as mandated representatives of their organisation/entity;
- 5.4 The CPBMJTT may at its discretion appoint specialist advisory members to sit on the CP BAG.
- 5.5 Where necessary, member organisations can nominate an alternative to represent them in addition to a primary representative.
- 5.6 Membership of the CP BAG shall include at least three members of the CPBMJTT representing each party to the MoA.
- 5.7 List of possible organisations, noting that any other organisation not listed, but falling within the framework of listed categories, can also submit a nomination for representation on the CP BAG. Possible members of the CP BAG should be from areas affected by Cape Peninsula baboons or local formal institutions, such as universities, engaging on the Cape Peninsula baboons.

- 5.7.1 Affected residents/ratepayers/community groups recognised by the City/registered
- 5.7.2 Organs of state (National and Provincial)
- 5.7.3 Organised user groups
- 5.7.4 Conservancies/private nature reserves
- 5.7.5 Relevant interested and affected organisations, including those from the following sectors:

- Organised tourism associations
- Organised business associations
- Special interest NGOs/NPOs
- Academic/research institutions
- Society for the Prevention of Cruelty to Animals (SPCA)

6. Term of office

Members shall be nominated by their organisations to serve a three-year term. All members' term of office shall be reviewed every three years during which time the CPBMJTT can renew the membership or terminate and request new nominations.

7. Termination / suspension of membership and removal from the CP BAG

- 7.1 Representatives and/or members of the CP BAG wishing to terminate their membership must submit a letter of resignation to the CPBMJTT. The resignation letter must be tabled during a CP BAG meeting.
- 7.2 Representatives and/or members may be suspended or requested to vacate their positions from the CP BAG on grounds of, possible conflict of interest, incapacity or misconduct, or any other act contrary to good governance. This must be communicated by the CPBMJTT to the relevant party in writing.
- 7.3 All members and/or alternates must attend all meetings, failing which an apology must be forwarded to the CP BAG chairperson or secretary for record purposes.
- 7.4 Members who fail to send a representative or alternate for three consecutive meetings without notice, shall be removed from the committee.

SANPARKS, CAPENATURE, CITY OF CAPE TOWN

14 FEBRUARY 2025

JOINT STATEMENT

Cape Peninsula Baboon Advisory Group established



The Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) consisting of representatives from SANParks, CapeNature, and the City of Cape Town, is pleased to announce that the Cape Peninsula Baboon Advisory Group was formally established at an inaugural meeting earlier this week. Read more below:

The members of the CPBAG were nominated by their respective communities, ratepayers' associations, stakeholders, academic and research institutions, animal welfare institutions, and organisations who have a direct interest in baboon management on the Cape Peninsula. The nomination process was concluded by the end of 2024 and the inaugural meeting took place in Tokai on Wednesday, 12 February 2025, with members adopting the Terms of Reference.

The Cape Peninsula Baboon Strategic Management Plan (CPBSMP) provides the framework for the sustainable management of the Cape Peninsula's Chacma baboons, and is to be implemented and elaborated upon with area-based solutions developed jointly with affected communities.

The Baboon Advisory Group is established as part of the CPBSMP.

The members of the CPBAG are as follows:

- Luana Pasanisi, representing Green Group Simon's Town NPC

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- Francesca de Gasparis, representing Southern African Faith Communities' Environmental Institute (SAFCEI)
- Bev Stevens, representing Sunnydale Ratepayers' Association
- Lynda Silk, representing Cape Peninsula Civil Conservation NPO
- Sandie MacDonald, representing Cape Peninsula Civil Conservation NPO
- Michelle du Toit, representing Kirstenhof and Environs Residents' Association
- Pat Lockwood, representing Constantia Hills Residents' Association
- Rhian Meats, Kirstenhof and Environs Residents' Association
- Pascal Ellinas, representing Tokai Residents' Association
- Steve White, representing Kommetjie Residents and Ratepayers' Association
- Gordon Chunnett, representing Constantia Ratepayers and Residents' Association
- Garth Kew, representing Simon's Town Civic Association (Da Gama troop)
- Chris Hart, representing Simon's Town Civic Association (Smitswinkel and Seaforth troop)
- Tom Cohen, representing Simon's Town Civic Association (Waterfall troop)
- Jon Friedman, representing Cape of Good Hope SPCA
- Esme Beamish, representing iCWILD (UCT)
- Nicoli Natrass, representing iCWILD (UCT)

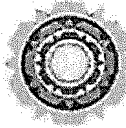
The CPBAG is to advise and support the Cape Peninsula Baboon Management Joint Task Team on achieving the intended outcomes as stipulated in the CPBSMP; support its implementation on a local area level; ensure ongoing and constructive engagement between the constituencies and the CPBMJTT; and assist in developing strategic partnerships with stakeholders.

The CPBAG will play a crucial role in baboon management on the Cape Peninsula, in particular in ensuring collaboration between stakeholders.

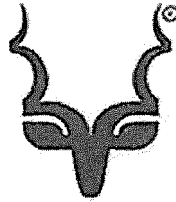
The CPBMJTT is looking forward to working together with the CPBAG in finding constructive solutions and fostering good relations in the interest of communities and the wellbeing of the Chacma baboon population.

End

For more information contact: cpbmjtt@capenature.co.za



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



South African
NATIONAL PARKS



CapeNature

SANPARKS, CAPENATURE, CITY OF CAPE TOWN

12 AUGUST 2025

JOINT STATEMENT

Independent experts' review of draft action plan for baboon management now available

The Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) consisting of representatives from SANParks, CapeNature, and the City of Cape Town, wants to inform residents, interested parties, and stakeholders that the independent expert panel's review of the proposed action plan on baboon management is now available to the public. Read more below:

The CPBMJTT recently presented a proposed way forward with the implementation of the Cape Peninsula Baboon Strategic Management Plan (CPBSMP) to the Baboon Advisory Group. The CPBSMP provides the framework for the sustainable management of the Cape Peninsula's Chacma baboons, and the proposed Action Plan which will give effect to the CPBSMP was submitted to a panel of experts for their review and critique.

The experts were requested to submit input on the following topics:

- Ecological principles for managing a wildlife population that is isolated within the context of an urban environment Whether the action plan presents a
- practical and balanced approach to wildlife management in an urban setting The proposed removal of four troops that inhabit the urban areas of
- Cape Town
- The proposal that no new troops be allowed to become established in new areas
- The emphasis on reducing the extent of and reliance on aversive tools such as paintballing, noise, herding
- The proposed northern baboon fence
- The recommended contraception trial amongst the northern troops where population densities are high
- The need to set upper limits to population numbers of baboons on the peninsula
- The proposed approach regarding dispersing males
- The Revised Guidelines
- The recommendation of an urban wildlife bylaw to offer better protection to baboons on the peninsula
- To provide an overall critique of the proposed action plan

It is important to note that the expert panel was not tasked with instructing the authorities on what actions to take, but rather to independently assess and critique what the CPBMJTT is proposing to be done and to offer alternatives where proposed actions are not supported.

The CPBMJTT recently received the review, and has prepared a comments-and-response report in reply to the panel's input so that there is a clear and transparent record available to affected communities, interested parties, stakeholders, as well as the broader public.

- The review, as well as the comments-and-response report are available here: <https://baboons.org.za>
- It is important to clarify that no decisions have been made as yet regarding the proposed removal of the four troops and the Da Gama 4 from the Cape Peninsula.

The CPBMJTT wants to thank the panel for their invaluable contributions and the time the experts set aside in reviewing the proposed action plan.

Way forward

Next, the CPBMJTT will engage the Cape Peninsula Baboon Advisory Group about the review.

- The Cape Peninsula Baboon Advisory Group is established as part of the CPBSMP and represents: Green Group Simon's Town NPC, Southern African Faith Communities' Environmental Institute (SAFCEI), Sunnydale Ratepayers' Association, Cape Peninsula Civil Conservation NPO, Kirstenhof and Environs Residents' Association, Constantia Hills Residents' Association, Kirstenhof and Environs Residents' Association, Tokai Residents' Association, Kommetjie Residents and Ratepayers' Association,

Constantia Ratepayers and Residents' Association, Simon's Town Civic Association (Da Gama troop), Simon's Town Civic Association (Smitswinkel and Seaforth troop), Simon's Town Civic Association (Waterfall troop), Cape of Good Hope SPCA, and iCWILD (UCT)

The members of the CPBAG represent their respective communities, ratepayers' associations, stakeholders, academic and research institutions, animal welfare institutions, and organisations who have a direct interest in baboon management on the Cape Peninsula.

The CPBAG plays a crucial role in baboon management on the Cape Peninsula, in particular in ensuring collaboration between stakeholders.

Cape Baboon Partnership

The Cape Baboon Partnership is responsible for certain operational tasks, including the provision of baboon rangers, management of the Baboon Hotline, and community liaison and education.

- Residents impacted by baboon troops are encouraged to join the WhatsApp Community Groups for regular updates on troops' movements in their respective areas. Go to <https://baboons.org.za> and scan the QR code to join the group applicable to your area
- Summary reports about every baboon troop are available on <https://baboons.org.za> for those who are interested to know more about the troops' health, movements, and numbers

The CPBMJTT will keep the public informed on the way forward.

End

For more information contact: cpbmjtt@capetown.gov.za

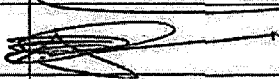


DOCUMENT DETAILS

CAPE PENINSULA BABOON MANGEMENT ACTION PLAN 2025
 IMPLEMENTING THE TOOLS OF THE CAPE PENINSULA BABOON STRATEGIC
 MANAGEMENT PLAN (CPBSMP) 2023/24 TO 2033/24

DOCUMENT CONTROL

Date	Version	Approved by
27 June 2025	Draft Action Plan	Cape Peninsula Baboon
31 October 2025	Final Action Plan	Management Joint Task Team

APPROVED FOR THE CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM

	CapeNature	SANParks	City of Cape Town
Signed by	<i>Elber Cloete</i>	<i>BONGANI NYISI</i>	<i>R. MCGAFFIN</i>
Signature			
Date	<i>29/01/2026</i>	<i>28/01/2026</i>	<i>28/1/2026</i>

Mr *JP*



APPENDIX N OF THE 2025 ACTION PLAN IMPLEMENTATION SCHEDULE

THE CAPE PENINSULA BABOON MANAGEMENT JOINT TASK TEAM

v.1
FINAL
OCTOBER 2025

Contact:

Cape Peninsula Baboon Management Joint Task Team (CPBMJTT) at cpbmjtt@capenature.co.za

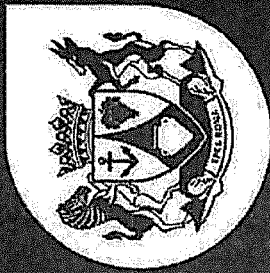
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Action Item	2025					2026					2027						
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Signed agreements with all private landowners in place Construction of fence from Constantia Nek to Orpen Road																	
Northern Fence																	
Relocation once fence reaches Groot Constantia																	
Relocation of CT1 and CT2 to TMNP side of the fence (south of Constantia Nek)																	
Draft strategy workshopped with the BAG Final Baboon Waste Management Strategy appended to the Action Plan Roll out of residential baboon proof bins in agreed areas completed Amendments to Solid Waste Bylaw submitted Public space bin free zones in place Waste Management Plans from SANParks, SA Navy, Porter Estate																	
Baboon Waste Management Strategy																	
Agreements with private landowner and NPC in place Construction of first trial enclosure Release of Seafarth Troop into first enclosure Evaluation of Seafarth Troop welfare in first enclosure Design and EA of purpose-built baboon sanctuary Construction of 2nd and 3rd enclosures Waterfall Troop released into purpose-built baboon sanctuary																	
Purpose-built baboon sanctuary located on the peninsula																	
Initiate EA and public consultation process Construction of fence (if EA received)																	
Slangkop Troop Strategic Fencing																	
Collar Smitswinkel male on relocation of Seafarth Troop to the trial enclosure Evaluate incursion risk into Murdoch Valley Initiate EA and public consultation process																	
Smitswinkel Troop																	
GOB male collared and tracked to reduce incursions into Scarborough																	
GOB Troop Collaring of Male																	
Policy unit approval process initiated Coastal Bylaw to be used for wildlife protection (Urban Wildlife Bylaw gazetted in Nov 2028)																	
Urban Wildlife Bylaw																	
Research programme initiated (findings to be complete for 2030 review)																	
Research (Contraception and Genetic Enrichment)																	
Six month natural reset period starts when CT1 and CT2 are placed mountain side of the northern fence Northern population to be at or below 250 individuals																	
Upper Population Numbers - Northern Management Area																	
Six month natural reset period starts when Waterfall Troop has been released into the purpose-built baboon sanctuary Southern population to be at or below 175 individuals																	
Upper Population Numbers - Southern Management Area																	
Monthly troop counts Monthly troop counts reported monthly Independent count every second year Independent count results reported to JTT																	
Troop Counts																	
Management Guidelines revised Consultation completed and final revised Guidelines appended to the Action Plan																	
Management Guidelines																	
Ongoing																	
Public Information and Awareness																	

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Budget for each Action Item

Action Item	Budget
Northern Fence	The City has made funds available to the Cape Baboon Partnership to implement the Northern Fence in a financial partnership with the private landowners. Total cost is estimated at R17 million.
Relocation of CT1 and CT2 to the TMNP side of the baboon proof fence South of Constantia Nek	Budgeted within the Cape Baboon Partnership.
Baboon Waste Management Strategy	The City has allocated budget for the retrofitting of baboon proof clips to residential bins as set out in high impact areas.
Cape of Good Hope Baboon Sanctuary	The City has made a one-off allocation on funds to the Cape Baboon Partnership to fund the necessary infrastructure for the sanctuary as well as 12 months operational costs for the sanctuary. This budget is R10 million.
Slangkop Troop Strategic Fencing	The City has allocated Capital budget on the FY26/27 for this fencing.
Smitswinkel Troop – collaring and strategic fencing	The City has allocated Capital budget on the FY27/28 for this fencing should it become necessary.
GOB Troop Collaring of Male	Budgeted within the Cape Baboon Partnership.
Urban Wildlife Bylaw	Internal costs to the City through contracted services to appoint a legal expert to assist in the drafting of the Bylaw.
Research (Contraception and Genetic Enrichment)	Budgeted within the Cape Baboon Partnership.
Public Information and Awareness	Budgeted within the Cape Baboon Partnership and within the internal budgets of the City for signage and EE programmes.
Upper Population Numbers – northern management area	No specific budget needed. Part of daily operational actions.
Upper Population Numbers – southern management area	No specific budget needed. Part of daily operational actions
Monthly troop counts	No specific budget needed. Part of daily operational actions
Independent Count every second year	Budgeted within the Cape Baboon Partnership.
Revision of Management Guidelines	No specific budget needed. Consultation process



**Western Cape
Government**

Environmental Affairs &
Development Planning

STANDING COMMITTEE ON PREMIER AND CONSTITUTIONAL

MATTERS:

Constitution of the Western Cape First Amendment Bill

[B1 -2021]: Part 2

**Repeal the provisions regarding the Commissioner for the
Environment**

Public Hearings: May 2021

"AA9"

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Response to Functions & Duties (5)

There is a Provincial Commissioner for the Environment...This function is currently catered for in:

- **National Environmental Management Act, 1998** –
 - Provides for the establishment of fora or advisory committees
- **National Environmental Management: Waste Act, 2008** –
 - Provides for the appointment of a Provincial/National Waste Management Officer to coordinate waste management matters.
 - The Act requires the development of Provincial Norms and Standards. The Act also provides for the establishment of a Waste Management Bureau.
- **National Environmental Management: Air Quality, 2004** –
 - Provides for the appointment of Provincial/National Air Quality Officer to coordinate air quality management matters.
 - The Act also makes provision for the establishment of a National Air Quality Advisory Committee to advise the Minister on any air quality related matters.
- **National Environmental Management: Integrated Coastal Management Act, 2008** –
 - Provides for the appointment of national and provincial Coastal Management Committees to promote integrated coastal management and effective co-operative governance.



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Response to Functions & Duties (6)

- **National Environmental Management: Biodiversity Act, 2004** –
 - Provides for the appointment of the South African Biodiversity Institute (SANBI) to
 - monitor and report on biodiversity matters, the conservation status of all listed threatened or protected species and listed ecosystems and the status of all listed invasive species, the impacts of all categories of genetically modified organisms;
 - act as an advisory and consultative body on matters relating to biodiversity and national botanical gardens
- **National Environmental Management: Protected Areas Act, 2003** –
 - Provides for the assignment of the management of a national park/provincial nature reserves to management authorities (e.g. SANParks and CapeNature) and assigning the management of a marine protected area to a national organ of state.
- **National Water Act, 1998** –
 - Provides for the establishment of Water Catchment Management Agencies, Water User Associations and a Water Tribunal
- **Spatial Planning and Land Use Management Act, 2013** –
 - Provides for the establishment of Municipal Tribunals

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Response to Functions & Duties (7)

- **Western Cape Land Use Planning Act, 2014 –**

The Provincial Minister must monitor provincial land use planning and the impact of one or more of the following matters on provincial land use planning:

- (a) disaster management;
- (b) housing;
- (c) regional planning and development;
- (d) urban and rural development;
- (e) provincial tourism;
- (f) protection of biodiversity, heritage and agricultural resources;
- (g) main public infrastructure facilities and services;
- (h) water and energy resources;
- (i) adaptation to climate change and the mitigation of the impact of climate change;
- (j) renewable energy production and energy conservation; or
- (k) economic development.

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Response to Functions & Duties (8)

The Commissioner ... **must ensure the conservation of the environment in the Western Cape, and give attention to the need to balance the goals of environmental conservation and sustainable development...**

This function is currently catered for:

- National Environmental Management Act, 1998 provides **sustainable development principles** that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment.
- Sustainable development is defined in the National Environmental Management Act, 1998 and is aligned to all statutes governing the environment and development.
- Spatial Planning and Land Use Management Act, 2013 provides **principles** which apply to spatial planning, land development and land use management.
- The National Environmental Management Act, 1998, the various Specific Environmental Management Acts, Spatial Planning and Land Use Management Act, 2013 provide for **regulatory application procedures for listed and specified activities which may impact negatively on the environment**
- The Spatial Planning and Land Use Management Act, 2013 and Western Cape Land Use Planning Act, 2014, provide for the compilation of **Spatial Development Frameworks** at various geographical scales/spheres of government



National Environmental Management Act, 1998 provides for the compilation of **Environmental Management Frameworks**.

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Response to Functions & Duties (9)

The Commissioner is independent and impartial...

This function is currently catered for in:

- The requirement of independence and impartiality of decision-makers is provided for in the **Promotion of Administrative Justice Act, 2000** – administrative actions are reviewable if it is taken *inter alia* because of the unauthorised or unwarranted dictates of another person or body, or if the administrator who took it was biased or reasonably suspected of bias.
- In terms of the **Public Protector Act, 1994**
- the office of the Public Protector must serve impartially and independently and perform his or her functions in good faith and without fear, favour, bias or prejudice.
- ...to investigate any conduct in state affairs, or in public administration in any sphere of government, that is alleged or suspected to be improper or to have resulted in any impropriety or prejudice, to report on that conduct and to take appropriate remedial action...



Response to Functions & Duties (10)

The Commissioner must monitor urban and rural development which may impact on the environment...

This function is currently catered for in:

- The **National Environmental Management Act, 1998** provides that:
 - Each provincial government must ensure that municipalities adhere to the relevant environmental implementation and management plans, and the principles contained in section 2 in the preparation of any policy, programme or plan, including the establishment of integrated development plans and land development objectives
 - State of Environment Reports must be compiled by national and provincial spheres of government
 - Environmental Implementation Plans are compiled and annually reported by national and provincial spheres of government
 - The Medium-Term Strategic Framework for the environmental sector contains objectives and targets associated with urban and rural development
- In terms of the **Western Cape Biosphere Reserves Act**, all land uses and land use plans within a biosphere reserve must comply or be consistent with the framework plan concerned

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LUPA - Provincial Minister must monitor:

Regional planning and development;
Urban and rural development.

Response to Functions & Duties (11)

The Commissioner must investigate complaints in respect of environmental administration...

This function is currently catered for in:

- The **National Environmental Management Act, 1998** provides for:
 - Any Minister, MEC or Municipal Council may refer for **conciliation** under NEMA a difference or disagreement concerning the exercise of any of its functions which may significantly affect the environment, or any appeal brought in relation to a difference or disagreement regarding the protection of the environment; and the (national) Director-General may appoint a conciliator if requested to do so
 - A difference or disagreement regarding the protection of the environment may be referred to **arbitration**
 - The Minister and certain other ministers and MECs may designate persons in organs of state as **environmental management inspectors** or environmental mineral resource inspectors. Such inspectors **must monitor and enforce** compliance with the laws for which they have been designated and may investigate any act or omission which is reasonably suspected to constitute a breach of the law.

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Response to Functions & Duties (12)

The Commissioner must investigate complaints in respect of environmental administration... where “**environmental administration**” as means any action, omission or decision by an organ of state which significantly affects the environment in an adverse manner

This function is currently catered for in:

- The **National Environmental Management Act, 1998** provides for:
 - Section 23: Promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities
 - Section 24: The potential consequences for or impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on to the competent authority.
- Environmental Impact Assessment Regulations promulgated under (ECA (repealed)) and NEMA



Response to Functions & Duties (13)

The Commissioner must investigate complaints in respect of environmental administration...

This function is currently catered for in:

- The **National Environmental Management Act, 1998** provides for:
 - o A duty of care (s28)

The Director-General, the Director-General of the department responsible for mineral resources or a provincial head of department may direct any person who is causing, has caused or may cause significant pollution or degradation to the environment to –

- cease any activity, operation or undertaking;
 - investigate, evaluate and assess the impact of specific activities and report thereon;
 - commence taking specific measures before a given date;
 - diligently continue with those measures; and
 - complete those measures before a specified reasonable date
- o Interested parties, or groups of persons, may apply to court in respect of an environmental breach, or institute private prosecutions etc.

MP



Response to Functions & Duties (14)

The Commissioner must investigate complaints in respect of environmental administration...

This function is currently catered for in:

- In terms of the **Western Cape Monitoring and Support of Municipalities Act**:
 - If the Provincial Minister has reason to believe, based on an assessment, that a municipality cannot or does not fulfil a statutory obligation or that maladministration, fraud, corruption or any other serious malpractice has occurred or is occurring in the municipality, the Provincial Minister must in writing inform the municipality of his or her view and the reasons for that view and –
 - (a) by written notice to the municipality, request the municipal council or municipal manager concerned to provide the Provincial Minister with the information required in the notice; or
 - (b) if the Provincial Minister considers it necessary, cause the matter to be investigated.

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Response to Functions & Duties (15)

The Commissioner must investigate complaints in respect of environmental administration...

This function is currently catered for in:

- In terms of the **Public Protector Act, 1994**, the Public Protector may -
 - investigate, on his or her own initiative or on receipt of a complaint, any alleged-
 - maladministration in connection with the affairs of government at any level;
 - abuse or unjustifiable exercise of power or unfair, capricious, discourteous or other improper conduct or undue delay by a person performing a public function;
 - improper or dishonest act, or omission or offences referred to in certain sections of the Prevention and Combating of Corrupt Activities Act 12 of 2004, with respect to public money;
 - improper or unlawful enrichment, or receipt of any improper advantage, or promise of such enrichment or advantage, by a person as a result of an act or omission in the public administration or in connection with the affairs of government at any level or of a person performing a public function; or
 - act or omission by a person in the employ of government at any level, or a person performing a public function, which results in unlawful or improper prejudice to any other person;

Conclusion (1)

- National and provincial legislation already provide adequately for the protection of the environment (i.e. it has the enabling provisions)
- The filling of the vacancy is not desirable, because it would:
 - involve an overlap and duplication of roles and functions provided for in national and provincial legislation;
 - It will not address any governance gaps; and
 - It will consume scarce state resources.



Constitution of the Western Cape First Amendment Bill; Climate Change in the Western Cape & Integrated Water Response Plan; tabling Western Cape Provincial Powers Bill

Premier & Constitutional Matters (WCPP)

26 May 2023

Chairperson: Mr C Fry (DA)

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Meeting Summary

Video

Constitution of the Western Cape First Amendment Bill

The Committee met virtually to be briefed on the amendments to the Provincial Constitution, which involved changing terms to align with the national Constitution, and the repeal of sections 71 to 77.

The Western Cape government aimed to create awareness about the Climate Change Bill, implement it and respond to it with support from municipalities. The 15-year integrated water response plan had been approved by the Head of Department and the Premier, and an overview of deliverables and a training workshop had been held in April for the government employees.

The Committee was happy with the presentations and congratulated the Department on doing a good job. The only concern expressed was that inadequate funds had been allocated for the maintenance of the infrastructure, which had serious implications for the state of the infrastructure in the future.

Meeting report

Constitution of the Western Cape First Amendment Bill: Technical Amendments

Ms Anita Vosloo, State Law Advisor, Department of the Premier, said that the purpose of the bill was to amend the provincial Constitution to align it with the amendments that had been effected to the national Constitution, and to repeal the provisions relating to the Commissioner for the Environment.

She listed the areas of the amendments to align with the amendments made to the national Constitution to avoid inconsistencies and difficulties with interpretation. These included:

- Aligning the provincial Constitution with the expressions used in the national Constitution;
- Membership of the provincial Parliament;
- Calling dates for elections;
- Money Bills;



- Intervention in local government;
- Taxes and loans

See attached

Constitution of Western Cape First Amendment Bill: Department of Environmental Affairs and Development Planning Briefing

Mr Ayub Mohamed, Chief Director: Environmental Governance, Policy Coordination and Enforcement, Department of Environmental Affairs and Development Planning (DEADP), said that national and provincial legislation already provide adequately for the protection of the environment. The filling of the vacancy was not desirable, because it would involve an overlap and duplication of roles and functions provided for in national and provincial legislation. It would not address any governance gaps, and it would consume scarce state resources from a fiscal policy perspective. Issues raised during consultations were not issues the Commissioner for the Environment would have the power to deal with, and they would not have any power to investigate any complaints against the national government and private entities. The funding required for the effective functioning of the office of the Commissioner for the Environment amounted to R13 018 834 for year one, R10 398 430 for year two, and R10 921 564 for year three.

See attached

Climate change in the Western Cape

Mr Goosain Isaacs, Director: Climate Change, DEADP, said climate change had affected the country in different ways in the past few years, resulting in floods, fire danger weather, and droughts. It was expected that temperatures would rise, and more droughts would be experienced as time went by. Data availability and quality remained a challenge, and some gaps in the picture could be filled by using remote sensing, artificial intelligence (AI) techniques and satellite data. The Department aimed to be net zero by 2050, and have energy security based on renewable electricity generation, socio-environmental resilience, and a climate-adapted infrastructure.

Western Cape's (WC's) policy response

Mr Isaacs said the province's response would involve:

- WC climate change response strategy (CCRS) and implementation plan;
- Smart agri review and update;
- 2050 emissions mitigation pathway;
- Under2 Coalition's net zero by 2050 commitment;
- WC Integrated Drought and Water Response Plan (IDWRP) -- a 15-year water plan;
- Growth for Jobs (G4J) – Energy security and net zero, exploring green hydrogen, low-carbon exports;
- WC infrastructure strategy;
- Municipal support.

The implementation plan response programmes included the adaptation plan, disaster management, community resilience, and resilient built environment, transport and waste sectors. The 2050 emissions pathways had three phases -- the vision development, the development of a greenhouse gas (GHG) emissions profile and inventory for the Western

Cape, and the identification of mitigation measures and a modelling exercise. They were willing to work towards achieving their targets, facilitating access to international climate finance, and creating climate governance.

15-year Western Cape integrated water response plan

Mr James Harvey-Ewusi III, Control Technologist, Western Cape Department of Local Government (DLG), said that due to climate change, water had become scarce in the province. As the local government, they had responded by developing an integrated water approach. A water balance tool was developed for each town consisting of a water balance, a water resource reconciliation graph, a water infrastructure capacity assessment, infrastructure, and water resource interventions. They had to go through the stages of handover -- preparation, noting, refinement, and implementation -- for the plan to be fully functional. The medium term expenditure framework (MTEF) allocations received towards the plan amounted to R45 521 000 for 2023/24, R53 126 000 for 2024/25 and R54 250 000 for 2025/26.

See attached

Discussion

Ms D Baartman (DA) acknowledged the presentations and congratulated the Department for achieving second place in the 'Creating Acceptable Infrastructure' at the Zutari impact awards, and wished them luck for the engineering award. She asked if they were satisfied with the maintenance and repairs percentage of funding that municipalities put aside for infrastructure, as some infrastructure did not last as long as it should because of low maintenance.

Responses

Mr Anton Bredell, Western Cape Minister for Environmental Affairs and Development Planning, acknowledged that water was going to be a crisis because of climate change, but he was excited at the implementation of the water plan, as it would solve the crisis. He said they did not get enough budget behind the lack of investment in infrastructure, and it took convincing the municipalities that there were consequences for not maintaining the current infrastructure. Two officials in the municipalities needed to be trained to be able to explain the water plan to the council and administration of the municipalities.

Mr Alan Winde, Premier of the Western Cape, said that the urgency about water matters should be taken seriously to avoid challenges in the communities, and the next critical thing was the investment in infrastructure. There was a lot of work to be done, and they were doing everything in their power to cover the situation before things got out of hand.

Committee matters

The Committee meeting minutes of 12 April were adopted.

The 2022/23 Committee annual activity report was adopted, with the adjustment of removing Ms L Maseko (DA) as a permanent Member of the Committee.

The Committee's quarterly reports for October-December 2022 and January- March 2023 were adopted by Members.

Resolutions and actions



Ms Baartman said that the Committee should congratulate the Department of Local Government for its achievements, and note that the Department of Environmental Affairs and Development Planning had presented policies that cover the same mandate as the current Environmental Commission and Constitution.

The Chairperson said that according to Section 23 of the Constitution of the Western Cape 1997 and Chapter 7, Rule 170 of the standing rules of the Western Cape Provincial Parliament dated March 2021, he would like to table a draft Western Cape Provincial Powers Bill for consideration by the Committee. The bill aimed:

- to promote the provincial powers of the Western Cape;
- to establish the Western Cape provincial powers committee;
- to require the Western Cape government to report to the Western Cape Provincial Parliament on the assertion and assumption of the provincial powers;
- to provide for the introduction of provincial and national legislation;
- to set the Western Cape's provincial powers; and
- to provide for matters connected therewith.

He said he would forward the bill to the procedural officer for distribution to Members of the Committee so that the bill could be deliberated at the next meeting.

Mr Johan Vermeulen, Senior Procedural Officer, said that it was not the right time to forward the bill to the Speaker's Office because Committee Members should discuss it before it was introduced to them. The bill should have been introduced in accordance with section 170 after the Committee agreed collectively.

The Chairperson said he would ensure the deliberation was on the next agenda.

He adjourned the meeting.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a 'R'.

Kantoor van die Premier
Office of the Premier
I-ofisi ye Nkulumbuso



Reference : PM 2/2/2
Verwysing :
Isingqiniso :

Date : 3 February 2026
Datum :
Umhla :

Mr Daylin Mitchell
Speaker
Western Cape Provincial Parliament
PO Box 648
CAPE TOWN
8001

Per email: daylin.mitchell@wcpp.gov.za

Dear Speaker

THE CONSTITUTION OF THE WESTERN CAPE FIRST AMENDMENT BILL, 2020

1. The Constitution of the Western Cape First Amendment Bill, 2020 (the Bill) was introduced in the Western Cape Provincial Parliament (WCPP) under a cover letter dated 15 December 2020.
2. During the period January 2021 to May 2023 the Bill went through various stages of the parliamentary process, including public participation hearings. On 26 May 2023 officials from Legal Services in the Department of the Premier and the Department of Environmental Affairs and Development Planning again briefed the Standing Committee on the Premier and Constitutional Matters on the purpose and content of the Bill.
3. Rule 209(2) of the Standing Rules of the WCPP states that all business before the House or any committee lapses when the Provincial Parliament's term expires or when the Provincial Parliament is dissolved. As a result, the Bill lapsed when the term of the previous Provincial Parliament expired.

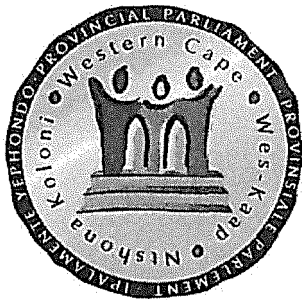
4. To date the Bill has not been revived by the WCPP. The Bill proposes, amongst other things, important amendments to align the Constitution of the Western Cape, 1997, with amendments effected over the years to the Constitution of the Republic of South Africa, 1996.
5. In light of the above, it is requested that the Speaker advises whether the WCPP envisages reviving the Bill so that the legislative process may be concluded, alternatively whether the Provincial Executive should re-introduce the Bill.

Yours faithfully,



MR ALAN WINDE
PREMIER: WESTERN CAPE





Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

KANTOOR VAN DIE SPEAKER
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Datum
Date
Umhla 06 February 2026

Verwysing
Reference
Isalathiso WCPP 2/6/2

Dear Premier

CONSTITUTION OF THE WESTERN CAPE FIRST AMENDMENT BILL, 2020

I acknowledge receipt of your letter of 3 February 2026 and note the contents thereof.

As you correctly pointed out, the Constitution of the Western Cape First Amendment Bill, 2020, lapsed when the term of the previous parliament expired.


Lapsed bills are revived by resolution of the House in consultation with the member of the provincial executive who introduced the bill.

I shall request the Chief Whip to take the necessary steps for the revival of the above bill from the stage it reached during the previous term and to liaise with your office on any related matters in this regard.

In view of the above, there is no need for the re-introduction of the Bill.

I trust that you find the above in order.

Kind regards



HON DAYLIN MITCHELL
SPEAKER WESTERN CAPE PROVINCIAL PARLIAMENT

