

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT CASE NUMBER: **CCT 278/2026**

In the matter between:-

LIBERTY FIGHTERS NETWORK

(A voluntary association without gain, a common-law
universitas)



First Applicant

REYNO DAWID DE BEER N.O.

Second Applicant

(cited *nomine officio* as President and executive official of
First Applicant)

and

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

First Respondent

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

Second Respondent

SOUTH AFRICAN NATIONAL PARKS

Third Respondent

CAPENATURE

Fourth Respondent

CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY

Fifth Respondent

INDEX
[URGENT COMPANION APPLICATION FOR DIRECT LEAVE TO APPEAL: JUDGMENT AND ORDER OF 25 FEBRUARY 2026]

ITEM	DESCRIPTION	PAGE NO.
1	Notice of Motion by Liberty Fighters Network (“LFN”) and Reyno Dawid De Beer N.O. (“De Beer”) to the Constitutional Court; served upon the Premier, WC Minister, SANParks, CapeNature and the City, with the original High Court parties in Schedule A served for notice (20 September 2026).	1-11
2	Founding Affidavit of Reyno Dawid De Beer N.O. on behalf of LFN and De Beer to the Constitutional Court, in support of urgency, condonation and direct leave to appeal against the judgment and order of 25 February 2026 (20 September 2026).	12-41

ITEM	DESCRIPTION	PAGE NO.
3	Annexure “PA1” - Constitution of Liberty Fighters Network (“LFN”), furnished by the Applicants to the Constitutional Court; originally adopted on 9 September 2018 and amended by LFN at its National Conference (23 June 2024). <i>Founding Affidavit reference: paragraph 28.</i>	42-59
4	Annexure “PA2” - LFN National Working Committee Written Record of Consultation and Decision by Reyno Dawid De Beer and Mariska Geldenhuys, furnished by the Applicants to the Constitutional Court, expressly authorising the Constitutional Court proceedings and continued High Court appellate processes (17 September 2026). <i>Founding Affidavit reference: paragraph 29.</i>	60-61
5	Annexure “PA3” - Confirmatory Affidavit of Mariska Geldenhuys, Acting National Secretary of LFN, to the Constitutional Court, confirming the NWC consultation, decision and De Beer’s authority to act for LFN in the proceedings (20 September 2026). <i>Founding Affidavit reference: paragraph 30.</i>	62-65

ITEM	DESCRIPTION	PAGE NO.
6	Annexure “PA4.1” - Judgment of Holderness J in the High Court Part “A” proceedings, delivered to LFN / De Beer and the High Court Respondents in case number 2026-024184 (25 February 2026); electronically filed by the Registrar on 25 March 2026. <i>Founding Affidavit reference: paragraph 37, where the judgment and formal order are collectively identified as Annexure “PA4”.</i>	66-97
7	Annexure “PA4.2” - Formal order of Holderness J in the High Court Part “A” proceedings, dismissing Part “A”, reserving costs and directing written submissions on costs, to LFN / De Beer and the High Court Respondents in case number 2026-024184 (25 February 2026); electronically filed by the Registrar on 31 March 2026. <i>Founding Affidavit reference: paragraph 37, where the judgment and formal order are collectively identified as Annexure “PA4”.</i>	98-101
8	Annexure “PA5” - Application for Leave to Appeal by LFN and De Beer to the High Court and the High Court Respondents against the whole of the judgment and order of Holderness J delivered on 25 February 2026 (2 March 2026). <i>Founding Affidavit reference: paragraph 43.</i>	102-125

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT CASE NUMBER: **CCT 278/2026**

In the matter between:-



LIBERTY FIGHTERS NETWORK

First Applicant

(A voluntary association without gain, a common-law *universitas*)

REYNO DAWID DE BEER N.O.

Second Applicant

(cited *nomine officio* as President and executive official of First Applicant)

and

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

First Respondent

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

Second Respondent

SOUTH AFRICAN NATIONAL PARKS

Third Respondent

CAPENATURE

Fourth Respondent

CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY

Fifth Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that the Applicants intend to make application to this Court, on an urgent basis and subject to such directions as may be issued by the Chief Justice, for the following orders:

PART “A”**URGENCY, CONDONATION, RELATED-MATTER AND PROCEDURAL RELIEF**

For clarity, references in this Notice of Motion to “High Court Part ‘A’” and “High Court Part ‘B’” are references respectively to Parts “A” and “B” of the Applicants’ proceedings in the Western Cape Division under case number 2026-024184, and not to the Parts into which the present Notice of Motion is divided.

1. That, in terms of Rule 12 of the Rules of the Constitutional Court (“the Rules”), this application be dealt with as urgent and that the Court dispense with or abridge the ordinary forms, service requirements and time periods to the extent necessary for coordinated and effective determination with the related application concerning the judgments and orders of 28 August 2026.

2. That condonation be granted in terms of Rule 32 for the Applicants' failure to lodge this application within the period prescribed by Rule 19(2) following the judgment and order of Holderness J delivered on 25 February 2026, for the reasons set out in the Founding Affidavit.
3. That the Court take notice that the Applicants are simultaneously instituting a separate urgent application concerning the recusal and costs judgments and orders delivered by Holderness J on 28 August 2026 in the same High Court proceedings.
4. That the present application and the related application referred to in paragraph 3 *supra* be treated as related proceedings and, insofar as administratively and judicially appropriate —
 - 4.1. be allocated related Constitutional Court case numbers;
 - 4.2. be placed before the Chief Justice for coordinated directions concerning urgency, filing, further affidavits, records and determination;
 - 4.3. be managed and, where appropriate, considered together or in such sequence as this Court may direct; and
 - 4.4. remain procedurally distinct insofar as this application concerns the materially earlier judgment of 25 February 2026 and requires its own condonation enquiry, whereas the related 28 August application seeks only protective condonation under Rule 32 to the extent necessary for the short non-compliance explained therein.

5. That the institution of either Constitutional Court application shall not constitute the withdrawal, abandonment, waiver or peremption of any of the Applicants' pending Applications for Leave to Appeal in High Court case number 2026-024184, and that the Applicants shall notify this Court promptly of any further directive, set-down or determination materially affecting those proceedings.
6. That any interim preservation order granted in Part "A" of the related 28 August application extend, insofar as necessary, to the determination of this application and, where leave is granted, the resulting appeal; alternatively, that this Court grant such equivalent ancillary preservation as it considers just to prevent the appellate remedy from being rendered nugatory.
7. That the record in the two Constitutional Court matters may, to the extent directed by the Chief Justice or Registrar, be constituted by a common core bundle in order to avoid unnecessary duplication while preserving separate application papers and condonation enquiries.
8. That the Chief Justice issue such further directions under Rules 12, 19 and 32 as may be necessary for the urgent and effective determination of this application, including directions concerning sequence, further affidavits, the record and the mode of hearing.

PART “B”**APPLICATION FOR LEAVE TO APPEAL: JUDGMENT AND ORDER OF 25****FEBRUARY 2026**

9. That leave be granted in terms of section 167(6)(b) of the *Constitution of the Republic of South Africa, 1996* (“Constitution”), read with Rule 19, to appeal directly to this Court against the whole of the judgment and order delivered by Holderness J in High Court case number 2026-024184 on 25 February 2026 in respect of High Court Part “A”.
10. That the appeal be upheld and the judgment and order dismissing High Court Part “A” be set aside.
11. That, upon final determination of the appeal, the interim preservation relief sought in High Court Part “A” be granted to the extent that such relief remains competent and effective; alternatively, that High Court Part “A” be remitted for urgent reconsideration by a differently constituted High Court in accordance with this Court’s judgment and directions.
12. That, to the extent necessary to secure effective appellate relief, this Court exercise its powers under Rule 12 and sections 172(1)(b) and 173 of the Constitution to preserve the subject matter notwithstanding that section 18(1) of the *Superior Courts Act, 2013 (Act No. 10 of 2013)* suspends the operation and execution of the dismissal order but does not, without more, recreate the preservation interdict refused by the court *a quo*.

COMMON RELIEF

13. That no adverse costs order be made against the Applicants in this constitutional and public-interest litigation; that, if the Applicants obtain substantial success, their reasonable and proven disbursements and expenses actually incurred in prosecuting these proceedings be reimbursed insofar as legally permissible for self-represented litigants; alternatively, that costs be reserved.
14. Further and/or alternative relief.

TAKE NOTICE FURTHER that the Applicants rely upon the Founding Affidavit of REYNO DAWID DE BEER, the confirmatory affidavit of MARISKA GELDENHUYS and the annexures thereto in support of this application.

TAKE NOTICE FURTHER that the Applicants expressly disclose, in terms of Rule 19(3)(d), that an Application for Leave to Appeal against the judgment of 25 February 2026 was delivered in the High Court on 2 March 2026 and remains pending. The present direct application is brought because the ordinary appellate process has not been determined and supervening events now threaten to render effective appellate relief nugatory. The High Court application is not withdrawn or abandoned.

TAKE NOTICE FURTHER that the present application requires condonation under Rule 32 for the materially earlier judgment of 25 February 2026. That enquiry is distinct from the protective condonation sought, to the extent necessary, in the related application concerning the judgments and orders of 28 August 2026.

TAKE NOTICE FURTHER that in terms of Rule 19(4), any Respondent may, within 10 days from the date upon which this Rule 19 application is lodged, respond in writing

indicating whether the application is opposed and, if so, the grounds of opposition, subject to any abridged timetable directed under Rule 12.

TAKE NOTICE FURTHER that the Applicants consent to electronic service at reyno@libertyfighters.org and debeerreyno@gmail.com and nominate, for purposes of the requirement of an address within 25 kilometres of the office of the Registrar, c/o Ms Patience Mavuso, Unit 46 Carlswald View, 8th Road, Noordwyk, Midrand, while requesting that electronic service be preferred for prompt and reliable receipt.

SIGNED at **CAPE TOWN** on this **20TH** day of **SEPTEMBER 2026**.



REYNO DAWID DE BEER

Second Applicant *nomine officio* and President of First Applicant
 Appearing in person and for First Applicant as its authorised officer
 Monkey Valley Resort, 1 Mountain Road, Noordhoek, Cape Town
Address within 25km of this court for service: c/o Ms Patience Mavuso

Unit 46 Carlswald View, 8th Road, Noordwyk, Midrand

Mobile: +27 (0)67 735 7288

Email(1): reyno@libertyfighters.org

Email(2): debeerreyno@gmail.com

[Electronic service preferred at the email addresses stated above]

TO: REGISTRAR OF THE CONSTITUTIONAL COURT

JOHANNESBURG

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

First Respondent

c/o STATE ATTORNEY

Ref: 354/25/P40 - Hoosain Aayesha

Email: AHoosain@justice.gov.za

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

Second Respondent

c/o STATE ATTORNEY

Ref: 354/25/P40 - Hoosain Aayesha

Email: AHoosain@justice.gov.za

AND TO: SOUTH AFRICAN NATIONAL PARKS

Third Respondent

c/o MKHABELA HUNTLEY ATTORNEYS INC.

Email(1): mkhabela@mhalaw.co.za

Email(2): refilee@mhalaw.co.za

Email(3): mmasetshaba@mhalaw.co.za

Email(4): kamohelo@mhalaw.co.za

Reference: SAN2-0038 / Mr L Mkhabela /

Correspondent: c/o MASERUMULE ATTORNEYS

Email(1): glen@maserumulecpt.co.za

Email(2): jamie@maserumulecpt.co.za

Email(3): ophelia@maserumulecpt.co.za

Reference: Mr Glen Cassells

AND TO: CAPENATURE

Fourth Respondent

c/o FAIRBRIDGES ATTORNEYS

Per: DEIRDRE OLIVIER

Ref: DO/AA/10144964

Email(1): deirdre.o@fairbridges.co.za

Email(2): celani.m@fairbridges.co.za

AND TO: CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY

Fifth Respondent

c/o FAIRBRIDGES ATTORNEYS

Per: DEIRDRE OLIVIER

Ref: DO/AA/10144964

Email(1): deirdre.o@fairbridges.co.za

Email(2): celani.m@fairbridges.co.za

**SCHEDULE A – ORIGINAL HIGH COURT PARTIES TO BE SERVED FOR
NOTICE ONLY**

The following parties were cited in the High Court proceedings under case number 2026-024184. They are not cited as Respondents in this application because no

substantive coercive relief is presently sought against them, but the Applicants intend to serve them with the complete application for notice and procedural transparency and to afford any party claiming a direct and substantial interest an opportunity to approach this Court for appropriate directions.

**A1. SPEAKER OF THE WESTERN CAPE PROVINCIAL PARLIAMENT, MR
DAYLIN MITCHELL N.O., OR HIS SUCCESSOR IN TITLE**

c/o Mr André le Roux (Senior Legal Adviser)

Email: aleroux@WCPP.GOV.ZA

A2. OFFICE OF THE COMMISSIONER FOR THE ENVIRONMENT

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

c/o First and Second Respondents

Service through the State Attorney at the contact details stated above.

**A3. CHAIRPERSON OF CAPE PENINSULA BABOON MANAGEMENT JOINT
TASK TEAM, MR ROBERT McGAFFIN N.O., OR HIS SUCCESSOR IN TITLE**

c/o Mr Robert McGaffin

Civic Centre, Podium Block, Fifth Floor

Email(1): cpbmjtt@capetown.gov.za

Email(2): cpbmjtt@sanparks.org

Email(3): cpbmjtt@capenature.co.za

Senior Legal Advisor: Ms Emlyn Williams

Email: Emlyn.Williams@capetown.gov.za

A4. JUDITH ANNE SOLE

Email(1): judy@monkeyvalleyresort.com

Email(2): traxdb@gmail.com

A5. WILDLIFE ANIMAL PROTECTION FORUM OF SOUTH AFRICA

c/o Administrator and Coordinator: Ms Megan Carr

Email: administrator@wapfsa.org

A6. BABOON ADVISORY GROUP

c/o Tom Cohen, Chris Hart, Garth Kew, and Simon's Town Civic Association

Email(1): waldohelives@icloud.com

Email(2): chrisjonllo@gmail.com

Email(3): krok@mweb.co.za

Email(4): stcamail@gmail.com



IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT CASE NUMBER: **/2026**

In the matter between:-

LIBERTY FIGHTERS NETWORK

First Applicant

(A voluntary association without gain, a common-law
universitas)

REYNO DAWID DE BEER N.O.

Second Applicant

(cited *nomine officio* as President and executive official
of First Applicant)

and

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

First Respondent

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

Second Respondent

SOUTH AFRICAN NATIONAL PARKS

Third Respondent

CAPENATURE

Fourth Respondent

**CITY OF CAPE TOWN METROPOLITAN
MUNICIPALITY**

Fifth Respondent

**FOUNDING AFFIDAVIT IN SUPPORT OF URGENCY UNDER RULE 12,
CONDONATION UNDER RULE 32 AND APPLICATION FOR LEAVE TO
APPEAL UNDER RULE 19**

Contents

INTRODUCTION.....	15
SUMMARY AND BACKGROUND.....	16
NATURE OF THE COMPANION APPLICATION.....	19
CONSTITUTIONAL QUESTIONS TO ANSWER	20
URGENCY	22
THE APPLICANTS, AUTHORITY, THE RESPONDENTS AND INTERESTED PARTIES.....	23
THE COMMISSIONER, THE COMPLAINT AND THE ENVIRONMENTAL GOVERNANCE BACKGROUND	25

THE HIGH COURT PART "A" PROCEEDINGS AND THE JUDGMENT OF 25 FEBRUARY 2026.....	26
THE ORDINARY APPELLATE ROUTE AND THE SUPERVENING EVENTS	28
QUESTION 1: PUBLIC-INTEREST STANDING, ASSOCIATIONAL STANDING AND AUTHORITY	30
QUESTION 2: URGENCY, INTERIM PRESERVATION AND THE RISK OF A <i>FAIT ACCOMPLI</i>	32
QUESTION 3: LITIGANT PROFILING, ACCESS TO COURT AND FAIR ADJUDICATION.....	33
QUESTION 4: EFFECTIVE APPELLATE PROTECTION AND THE SECTION 18 REMEDIAL GAP	34
CONDONATION, DIRECT APPEAL AND THE INTERESTS OF JUSTICE.....	36
SERVICE, RECORD, REMOTE HEARING AND PROCEDURAL SAFEGUARDS .	39
COSTS AND CONCLUSION	40

I, the undersigned,

REYNO DAWID DE BEER

declare under oath as follows:



INTRODUCTION

1. I am REYNO DAWID DE BEER N.O. ("De Beer"), an adult male, cited *nomine officio* as the President and executive official of LIBERTY FIGHTERS NETWORK ("LFN"), a voluntary association without gain and common-law *universitas*. I am accordingly cited in my aforesaid official capacity. LFN and I are collectively referred to as the "Applicants". I presently reside at Monkey Valley Resort, 1 Mountain Road, Noordhoek, Cape Town, with my further contact details appearing from the Notice of Motion.
2. For purposes of compliance with the requirement to provide an address for service within 25 kilometres of the seat of this Court, the Applicants nominate c/o Ms Patience Mavuso, Unit 46 Carlswald View, 8th Road, Noordwyk, Midrand. The Applicants request that service, insofar as permissible and unless otherwise directed by this Court or the Registrar, preferably be effected electronically at the email addresses provided in the Notice of Motion so as to ensure prompt and reliable receipt.
3. This is the companion application expressly contemplated in the Applicants' related Constitutional Court application concerning the recusal and costs judgments and orders delivered by Holderness J on 28 August 2026 ("28 August application"). It concerns the materially earlier judgment and order

A handwritten signature in black ink, appearing to be 'R. D. De Beer', is located at the bottom right of the page.

delivered on 25 February 2026 dismissing High Court Part "A", and therefore requires its own materially distinct condonation enquiry under Rule 32.¹

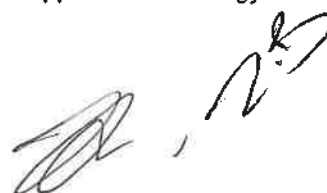
4. The Applicants deliberately keep the two Constitutional Court proceedings procedurally distinct. They nevertheless seek coordinated case management because both arise from the same High Court proceedings under case number 2026-024184, concern overlapping facts and records, and engage the practical effectiveness of constitutional appellate remedies while disputed irreversible environmental measures continue to progress.

SUMMARY AND BACKGROUND

5. The underlying High Court proceedings concern the highly contested management of the Cape Peninsula baboons by **SOUTH AFRICAN NATIONAL PARKS** ("SANParks"), **CAPENATURE** ("CapeNature") and the **CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY** ("City"), collectively referred to where convenient as the "Implementing Respondents". The impugned measures include capture, removal from established natural home ranges, permanent confinement and, in defined circumstances, lethal management.²

¹ See the related 28 August 2026 application, particularly its sections dealing with urgency, the High Court chronology, the post-judgment appellate steps and the 17 September 2026 postponement.

² See paras 32-36 and 55-69 *infra*; see also paras 44-50 *infra* on the appellate chronology.



6. The proceedings were instituted urgently on 5 February 2026 after LFN had lodged a complaint directed to the Office of the Commissioner for the Environment ("Commissioner"), established under the *Constitution of the Western Cape, 1997* ("WC Constitution"), but which office remains without an appointed incumbent. The complaint concerns implementation of the Final Cape Peninsula Baboon Management Action Plan ("Final Action Plan") and associated constitutional, environmental and administrative-law questions.
7. The High Court application was divided into two parts. High Court Part "A" sought only interim preservation of the then *status quo* against permanent or otherwise irreversible implementation pending determination of High Court Part "B". High Court Part "B" concerns, *inter alia*, the continued non-operationalisation of the Commissioner and relief intended to enable the complaint and legality issues to be determined before irreversible implementation overtakes their subject matter.
8. High Court Part "A" was heard on 19 February 2026. On 25 February 2026 Holderness J dismissed it in its entirety, including on findings concerning urgency, standing, authority, the characterisation of the interim relief and the Applicants' litigation conduct. The judgment is reported as *Liberty Fighters Network and Another v Premier of the Western Cape and Others*.³

³ *Liberty Fighters Network and Another v Premier of the Western Cape and Others* (2026-024184) [2026] ZAWCHC 85 (25 February 2026).

A handwritten signature in black ink, consisting of a stylized 'A' followed by a dot and a flourish.

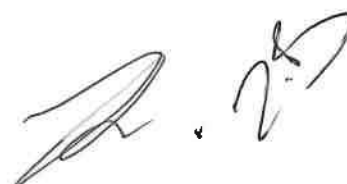
9. The dismissal was not merely a removal from the urgent roll. It left the Applicants without the preservation sought while the Respondents remained able to continue implementing the Final Action Plan. The Applicants therefore delivered an Application for Leave to Appeal on 2 March 2026 against the whole judgment and order.
10. That Application for Leave to Appeal remained undetermined for more than six months. During the same period the Final Action Plan continued to advance. By September 2026 sanctuary infrastructure had progressed sufficiently for the Waterfall troop to be scheduled for permanent removal from its natural home range and relocation to the Kogelfontein sanctuary. The contemplated relocation did not proceed on 12 September 2026, but it was postponed rather than abandoned.
11. The Applicants' subsequent recusal application and the separate reserved costs issue were heard on 28 August 2026. Protective High Court Applications for Leave to Appeal against those two decisions were delivered on 8 September 2026. All three High Court leave applications were then enrolled for 18 September 2026, but on 17 September 2026 the hearing was postponed into the fourth term without interim preservation of the disputed subject matter. That supervening event crystallised the practical necessity for the present direct application.⁴

⁴ The ordinary appellate chronology is set out at paras 44-50 *infra*; condonation and direct appeal are addressed at paras 70-80 *infra*.

Handwritten signature and initials, possibly 'R. 2.5'.

NATURE OF THE COMPANION APPLICATION

12. This application is brought under section 167(6)(b) of the *Constitution of the Republic of South Africa, 1996* ("Constitution"), read with Rule 19 of the Rules of this Court, together with an application for condonation under Rule 32 and an urgent request for coordinated management under Rule 12.
13. The Applicants do not withdraw, abandon, waive or preempt their pending High Court Application for Leave to Appeal of 2 March 2026. Its continued pendency is expressly disclosed for purposes of Rule 19(3)(d). The direct application is brought because the ordinary route, despite having been invoked promptly, has not yet produced effective appellate adjudication and the factual subject matter remains exposed to potentially irreversible change.
14. The related 28 August application seeks narrow preservation and procedural relief capable of protecting the subject matter of both Constitutional Court proceedings. The Applicants accordingly do not seek duplicative interlocutory orders in this companion application. They ask that any preservation order granted in the related matter extend to this application and any resulting appeal, alternatively that this Court issue such ancillary directions as are necessary to keep the appellate remedy practically effective.
15. The companion structure preserves the distinctness of the February condonation enquiry while enabling the Chief Justice and this Court to manage the overlapping record, chronology and urgency in a coherent manner.

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

CONSTITUTIONAL QUESTIONS TO ANSWER

16. The Applicants respectfully submit that the appeal from the 25 February 2026 judgment raises four principal constitutional questions. They are stated separately so that the constitutional character of the proposed appeal and the interests-of-justice basis for direct consideration are readily apparent.
17. They are identified at the outset so that the constitutional character of the dispute and the basis upon which this Court is asked to intervene are readily apparent. The Applicants do not suggest that every question must necessarily be finally determined at the leave-to-appeal stage. They identify the questions which engage this Court's constitutional jurisdiction and materially inform the interests-of-justice enquiry. The questions are:
 - 17.1. Public-interest standing, associational standing and authority;
 - 17.2. Urgency, interim preservation and the risk of a *fait accompli*;
 - 17.3. Litigant profiling, access to court and fair adjudication; and
 - 17.4. Effective appellate protection and the section 18 remedial gap.
18. Each question is stated briefly here and developed under its own section *infra*, with the factual chronology incorporated by cross-reference rather than repeated unnecessarily.
19. The first concerns the proper relationship between section 38 standing, the legal personality of a voluntary association and internal authority to institute litigation. Where an applicant invokes public-interest and associational



standing, may a court treat an alleged defect in internal authority as dispositive of constitutional standing without first applying the distinct legal enquiries applicable to each?⁵

20. The second concerns urgency and effective interim constitutional relief. Where the impugned programme is progressively implemented and the very purpose of the proceedings is to prevent permanent or irreversible consequences before constitutional and environmental questions can be adjudicated, must urgency be assessed by reference to the continuing threatened *fait accompli* rather than by treating the passage of time or earlier stages of implementation as defeating urgency?⁶
21. The third concerns access to court and the use of extraneous litigant characterisation. To what extent may unrelated adverse judgments, descriptions or the frequency of a public-interest litigant's prior proceedings be relied upon to characterise the litigant, and thereafter influence determinations of standing, authority, urgency, abuse or costs, instead of deciding the matter on its own record and legal issues?⁷
22. The fourth concerns effective appellate protection after interim preservation has been refused. Where section 18 of the *Superior Courts Act, 2013 (Act No. 10*

⁵ Question 1 is developed at paras 51-54 *infra*.

⁶ Question 2 is developed at paras 55-59 *infra*.

⁷ Question 3 is developed at paras 60-63 *infra*.

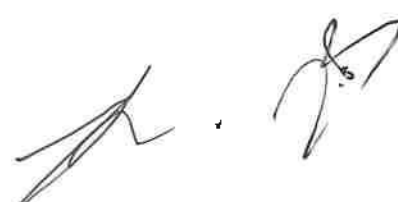
Handwritten signatures and initials in the bottom right corner of the page.

of 2013) ("SC Act") suspends the operation and execution of a judgment under appeal but does not, without more, recreate positive preservation which the court *a quo* refused, what procedural protection is required to prevent the constitutional appeal itself from becoming practically nugatory?⁸

URGENCY

23. The urgency in this companion application is derivative of, and inseparable from, the urgency fully developed in the related 28 August application. It is not newly manufactured by the decision to approach this Court. The original High Court proceedings were urgent from inception and were instituted for the express purpose of preventing irreversible implementation before the underlying constitutional and environmental issues could be determined.
24. The Applicants invoked the ordinary appellate route within days of the 25 February judgment. They could not reasonably have anticipated that an appeal process arising from urgent preservation proceedings would remain without a hearing for more than six months while implementation continued outside the courtroom.
25. The practical risk increased as the sanctuary infrastructure moved from proposal and construction towards operational readiness. The scheduling of the

⁸ Question 4 is developed at paras 64-69 *infra*.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, located at the bottom right of the page.

Waterfall relocation for 12 September 2026 demonstrated that the possibility of permanent confinement was no longer remote or theoretical. The postponement of that operation did not remove the threatened consequence.

26. Until 17 September 2026 the Applicants nevertheless reasonably expected that all three High Court leave applications would be heard on 18 September 2026. They prepared to proceed through that ordinary route. The postponement into the fourth term, without preservation, materially altered the position and created the present necessity for urgent intervention.
27. The urgency is therefore directed to maintaining the practical utility of adjudication, not to obtaining preferential treatment. If the subject matter is irreversibly altered first, a later judgment may decide important questions of law but be unable to restore the *status quo* which High Court Part "A" was instituted to preserve.

THE APPLICANTS, AUTHORITY, THE RESPONDENTS AND INTERESTED PARTIES

28. LFN is a voluntary association without gain and common-law *universitas*, having perpetual succession and legal personality in accordance with its written Founding Constitution. The provisions presently relevant to legal personality, governance and authority are annexed as "PA1", subject to any direction that the common authority material in the related Constitutional Court application be used instead.

Two handwritten signatures in black ink, one appearing to be 'R' and the other 'V.S.', located at the bottom right of the page.

29. For this Constitutional Court proceeding the Applicants do not rely merely upon the authority material considered by the High Court in February. *Ex abundanti cautela*, the present consultation and decision of LFN's National Working Committee ("NWC") have been reduced to writing in the NWC Record of Consultation and Decision dated 17 September 2026, annexed marked "PA2". It expressly authorises this companion application, the related 28 August application and the continued prosecution of the High Court appellate processes.
30. The confirmatory affidavit of Ms Mariska Geldenhuys, the current Acting National Secretary of LFN and the other presently functioning member of the NWC, is annexed marked "PA3". It confirms my office, the consultation, the recorded decision and LFN's support for these proceedings.
31. The Applicants accordingly place fresh and current authority before this Court independently of the disputed historical finding made in the judgment under appeal. That does not render the authority ground of appeal academic: the proposed appeal concerns the legal approach adopted to the authority and standing questions on the record which served before the High Court, while the present proceeding must itself be properly authorised.⁹
32. The **PREMIER OF THE WESTERN CAPE, MR ALAN WINDE N.O., OR HIS SUCCESSOR IN TITLE** ("Premier") and the **WESTERN CAPE PROVINCIAL**

⁹ The authority and standing distinction is developed at paras 51-54 *infra*.



MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, MR ANTON BREDELL N.O., OR HIS SUCCESSOR IN TITLE ("WC Minister") are cited in their respective official capacities. **SANParks, CapeNature** and the **City**, already identified in paragraph 5 *supra*, are cited because substantive preservation or consequential relief may presently operate against them. The remaining original High Court parties are identified in Schedule A to the Notice of Motion and will be served for notice and procedural transparency.

THE COMMISSIONER, THE COMPLAINT AND THE ENVIRONMENTAL GOVERNANCE BACKGROUND

33. Section 71 of the *WC Constitution* establishes the Office of the Commissioner for the Environment. The Applicants' case is that this constitutionally created oversight mechanism has never become operational through the appointment of an incumbent, notwithstanding the environmental governance functions contemplated by the provincial constitutional scheme.
34. On or about 9 December 2025 LFN lodged a formal complaint directed to that office, transmitted through available provincial channels because no Commissioner was in office. The complaint raised concerns concerning the governance arrangements under which the Final Action Plan was being implemented, including the Cape Peninsula Baboon Management Joint Task Team and the relevant intergovernmental arrangements.



35. The significance of that background to High Court Part "A" is limited but important. The Applicants did not seek finally to determine the complaint in the urgent proceedings. They sought to preserve the factual subject matter long enough for the constitutional and administrative processes in High Court Part "B" to be meaningfully adjudicated.
36. The proposed appeal therefore concerns the effectiveness of constitutional oversight as much as the immediate physical fate of the affected baboon troops. If implementation creates an irreversible *fait accompli* first, the complaint and the relief concerning the Commissioner may be materially deprived of practical content.

**THE HIGH COURT PART "A" PROCEEDINGS AND THE JUDGMENT OF 25
FEBRUARY 2026**

37. High Court Part "A" was argued on 19 February 2026 and judgment was delivered on 25 February 2026. The judgment and formal order are annexed collectively marked "PA4".
38. The judgment dismissed the urgent interim relief and made findings concerning, among other matters, urgency, *locus standi* under section 38, LFN's authority, the nature of the interim relief and the Applicants' litigation conduct. The



Applicants respectfully contend that those findings raise constitutional issues extending beyond a conventional factual disagreement.¹⁰

39. The Applicants' primary position is that standing and internal authority were treated as though they formed a single enquiry. Section 38 of the *Constitution* deliberately confers broad standing in constitutional matters, including upon persons acting in the public interest and associations acting in the interests of their members.¹¹ Internal authority is a distinct procedural question ordinarily addressed through the mechanisms and evidence appropriate to that enquiry.¹²
40. The Applicants further contend that the judgment's urgency analysis did not give sufficient weight to the preservatory nature of the relief and to the progressive character of the threatened implementation. Interim constitutional relief exists to prevent the adjudicative process from being overtaken where the requirements for such relief are met.¹³
41. The Applicants also challenge the extent to which unrelated prior litigation and adverse descriptions were imported into the assessment of the present matter. The proposed appeal does not contend that a court may never consider abuse

¹⁰ The four constitutional questions arising from those findings are identified at paras 17-22 *supra* and developed at paras 51-69 *infra*.

¹¹ *Lawyers for Human Rights and Another v Minister of Home Affairs and Another* (CCT38/03) [2004] ZACC 12; 2004 (4) SA 125 (CC), para 17; *Giant Concerts CC v Rinaldo Investments (Pty) Ltd and Others* (CCT25/12) [2012] ZACC 28; 2013 (3) BCLR 251 (CC).

¹² *Unlawful Occupiers of the School Site v City of Johannesburg* (036/2004) [2005] ZASCA 7; 2005 (4) SA 199 (SCA), especially paras 14-16, concerning the proper procedural enquiry into authority.

¹³ *Snyders and Others v De Jager (Interim Relief)* (CCT186/15) [2016] ZACC 52; 2017 (5) BCLR 585 (CC), especially paras 1 and 22-34.

A handwritten signature in dark ink, appearing to be 'Z. 28', is located in the bottom right corner of the page.

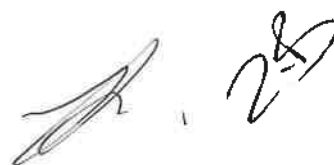
of process or relevant litigation history. It contends that such material must remain legally relevant, procedurally fair and proportionate, and may not displace adjudication of the case actually before the Court.

42. The concern is especially acute in public-interest litigation because repeated resort to court may reflect repeated attempts to obtain constitutional compliance rather than, without more, abuse. The constitutional threshold for restricting allegedly vexatious access to courts is exacting and must be approached consistently with section 34.¹⁴
43. The Applicants delivered their High Court Application for Leave to Appeal against the whole judgment and order on 2 March 2026. It is annexed marked "PA5" and is incorporated insofar as its grounds are consistent with and expanded upon in this affidavit.

THE ORDINARY APPELLATE ROUTE AND THE SUPERVENING EVENTS

44. The Applicants did not allow the 25 February judgment to become stale through inaction. They invoked the ordinary High Court leave procedure within days. The subsequent delay in reaching this Court is therefore not a period of litigation

¹⁴ *Beinash and Another v Ernst & Young and Others* (CCT12/98) [1998] ZACC 19; 1999 (2) SA 116 (CC), especially paras 15–17; *Motjamela v George Local Municipality* (CCT34/26) [2026] ZACC 31, especially paras 20–21.



inactivity but the product of pursuing the very appellate hierarchy ordinarily expected of litigants.¹⁵

45. The High Court leave application was not promptly heard. The separately reserved costs issue remained outstanding for months and the Applicants repeatedly raised the risk that continued delay would undermine appellate effectiveness while implementation proceeded.
46. Recusal concerns, already raised in the 2 March leave application, eventually developed into a formal recusal application. That application and the outstanding costs issue were heard on 28 August 2026. The recusal application was dismissed and a separate costs judgment was delivered immediately thereafter.
47. The Applicants delivered protective High Court Applications for Leave to Appeal against both 28 August decisions on 8 September 2026. The sealed orders became available on 11 September 2026. The related Constitutional Court application sets out the fuller chronology and relies upon the official and working transcript material relevant to those two appeals.
48. On 15 September 2026 the High Court directed that all three leave applications be heard on 18 September 2026. The Applicants objected to the compressed timetable but expressly recorded that they were prepared to proceed. The

¹⁵ This chronology is relied upon in the condonation and direct-appeal enquiry at paras 70-80 *infra*.

A handwritten signature in black ink, appearing to be 'R. V.' or similar, located at the bottom right of the page.

represented organs of state thereafter sought additional time because final written judgments and professional transcripts were not yet available.

49. On 17 September 2026 the High Court postponed the hearing into the fourth term. The Applicants immediately objected to postponement without preservation, requested an undertaking against irreversible implementation and reserved the right to approach the appropriate Court urgently. No preservation undertaking presently protects the subject matter.
50. The Applicants rely upon that chronology not to criticise ordinary judicial case management in the abstract, but because it materially explains both condonation and why direct appellate intervention is now sought. The ordinary route was invoked promptly, diligently pursued and eventually enrolled; it nevertheless failed to produce adjudication before the environmental position became materially more exposed.

QUESTION 1: PUBLIC-INTEREST STANDING, ASSOCIATIONAL STANDING AND AUTHORITY

51. Section 38 of the *Constitution* is designed to facilitate constitutional adjudication by conferring standing upon persons and associations in defined representative and public-interest capacities. The Applicants respectfully submit that this generous constitutional standing regime must not be collapsed into the

Handwritten signature and initials in the bottom right corner of the page.

separate internal question whether a particular official was duly authorised by the association to institute the proceeding.¹⁶

52. LFN asserts standing in its own interest as a legal person, in the interests of its members and in the public interest. I am cited *nomine officio* as its President and executive official and am also personally affected by the judicial treatment and later personal costs consequences arising from the litigation.
53. An authority challenge ordinarily asks whether the juristic or associational litigant has authorised the proceeding. It does not itself answer whether the applicant falls within one or more categories of constitutional standing. The Applicants contend that the judgment under appeal materially blurred those enquiries and thereby narrowed section 38 in a manner warranting this Court's consideration.¹⁷
54. The present fresh authority material removes any practical uncertainty concerning the institution of this Constitutional Court proceeding. It does not retrospectively concede that the High Court was correct to determine the February standing issues in the manner challenged on appeal.

¹⁶ See *Lawyers for Human Rights and Another v Minister of Home Affairs and Another*, above, para 17; *Giant Concerts CC v Rinaldo Investments (Pty) Ltd and Others*, above.

¹⁷ See *Unlawful Occupiers of the School Site v City of Johannesburg*, above, especially paras 14-16.



QUESTION 2: URGENCY, INTERIM PRESERVATION AND THE RISK OF A *FAIT ACCOMPLI*

55. High Court Part "A" was preservatory. It sought to prevent the factual substratum of High Court Part "B" from being permanently altered before the Court could determine the constitutional and environmental issues. That purpose is central to the urgency enquiry.
56. The Applicants respectfully submit that progressive implementation presents a particular difficulty. A programme may begin before litigation, continue during it and only later reach the irreversible step which the litigant seeks to prevent. Treating earlier knowledge of the broader programme as dispositive of urgency risks depriving courts of the ability to intervene when the threatened irreversible consequence becomes imminent.
57. The events after February demonstrate the practical nature of that concern. Sanctuary arrangements advanced during the period in which the High Court leave application remained pending and a concrete Waterfall relocation date was later fixed. The fact that the 12 September operation was postponed does not reverse the progress already made towards implementation or provide legal preservation.
58. The Applicants therefore contend that urgency and interim relief must be assessed functionally: whether a real risk exists that the constitutional proceedings will be overtaken by a *fait accompli*, whether the ordinary process

A handwritten signature in dark ink, appearing to be 'R. J. D.' or similar, located at the bottom right of the page.

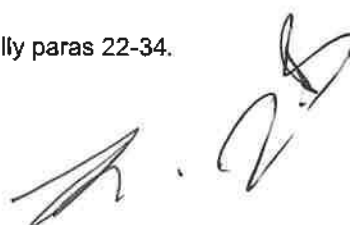
can determine the dispute before that occurs, and whether temporary preservation is required to maintain the effectiveness of the adjudication.¹⁶

59. This does not mean that every environmental challenge automatically warrants an interdict. It means that the recognised requirements for interim relief should be applied to the actual threatened irreversible consequence and not in a manner which allows the passage of procedural time itself to defeat the remedy sought.

QUESTION 3: LITIGANT PROFILING, ACCESS TO COURT AND FAIR ADJUDICATION

60. The Applicants use the expression "litigant profiling" to describe what they contend was the cumulative use of unrelated prior judgments, pejorative descriptions and the frequency of litigation to construct an adverse forensic character of LFN and myself. The Court is not asked to accept that label merely because the Applicants use it.
61. The legal question is whether findings in the present case were reached on the evidence, law and procedural issues properly relevant to this matter, or were materially coloured by extraneous character material. The Applicants accept that genuinely relevant prior conduct may in appropriate circumstances inform

¹⁶ See *Snyders and Others v De Jager (Interim Relief)*, above, especially paras 22-34.

A handwritten signature in black ink, appearing to be 'A. V. S.', is located in the bottom right corner of the page.

questions such as abuse of process; the objection is to collateral character reasoning which substitutes for the enquiry required in the case itself.

62. That issue bears directly upon section 34. Public-interest litigants, including self-represented litigants, must remain subject to the Rules and to legitimate judicial control of abuse. They must equally be able to approach courts without the mere fact of prior unsuccessful litigation becoming a freestanding reason to discount standing, urgency or *bona fides*.¹⁹
63. The Applicants accordingly seek appellate guidance on the permissible use and limits of prior litigation history in constitutional public-interest proceedings, particularly where the prior material relied upon is itself contested, distinguishable or subject to appellate processes.

QUESTION 4: EFFECTIVE APPELLATE PROTECTION AND THE SECTION 18 REMEDIAL GAP

64. Section 18(1) of the SC Act provides, subject to its qualifications, that the operation and execution of a decision which is the subject of an application for leave to appeal or an appeal is suspended pending the decision of that application or appeal.

¹⁹ See *Beinash and Another v Ernst & Young and Others*, above, especially paras 15-17; *Motjamela v George Local Municipality*, above, especially paras 20-21.



65. The Applicants recognise that "operation and execution" is not confined to execution under a writ and that a dismissal order may, depending upon its legal consequences, have operative effects capable of suspension. The present difficulty is narrower: suspension of the order dismissing High Court Part "A" did not recreate the positive preservation interdict which the Court had refused and therefore did not itself prevent continued implementation.
66. The practical result is a remedial asymmetry of particular significance in urgent preservation litigation. A respondent against whom coercive relief has been granted ordinarily benefits from suspension of that operative order upon appeal, subject to section 18 of the *SC Act*. An applicant whose preservation relief has been dismissed may have no equivalent automatic mechanism restoring the *status quo* while the dismissal is challenged.
67. The Constitutional Court has explained that section 18 of the *SC Act* suspends the operation and execution of a judgment so that effect is not given to what the judgment requires pending appeal.²⁰ The Applicants' point is that the 25 February judgment did not require preservation; it refused it. Suspending that refusal does not, without more, create the interdict which was never granted.
68. The Applicants do not seek a declaration that section 18 of the *SC Act* is unconstitutional. They rely upon this remedial gap as a constitutional consideration relevant to sections 34 and 38, the interests-of-justice enquiry

²⁰ *Minister of Finance v Sakeliga NPC (previously known as Afribusiness NPC) and Others* (CCT 62/22) [2022] ZACC 17; 2022 (4) SA 401 (CC), especially paras 7-8.



under Rule 19 and the ancillary preservation relief sought in the related application.

69. The related 28 August application therefore asks this Court to exercise its own constitutional and procedural powers to preserve the subject matter while the leave applications and any resulting appeals are determined. The Applicants submit that this complements rather than circumvents section 18 of the SC Act by protecting the practical utility of appellate adjudication in circumstances which automatic suspension does not cure.

CONDONATION, DIRECT APPEAL AND THE INTERESTS OF JUSTICE

70. Rule 19(2) prescribes a fifteen-day period for an application for leave to appeal directly to this Court. The present application is materially outside that period and the Applicants seek condonation candidly and without attempting to minimise the extent of the non-compliance.
71. The explanation begins with the Applicants' immediate election to pursue the ordinary High Court leave procedure on 2 March 2026. That was not a tactical delay; it was compliance with the ordinary appellate hierarchy. Until the supervening events culminating on 17 September 2026, the Applicants had a reasonable basis to expect that the High Court leave application would be determined and that the ordinary route could still produce effective relief.
72. The ensuing period consisted of continuous steps within the same litigation: the pending 2 March leave application; correspondence and requests for



expedition; the reserved costs process; the recusal controversy; the formal recusal application; the two judgments of 28 August; the two protective leave applications of 8 September; approaches for case management; and preparation for the 18 September hearing.

73. The decisive event was not merely passage of time. It was the enrolment of all three High Court leave applications followed by their postponement into another term while no preservation order or undertaking prevented potentially irreversible relocation and confinement. That event materially changed the prospects of obtaining effective ordinary appellate adjudication before implementation overtook the dispute.
74. The overarching standard for condonation is the interests of justice. Relevant considerations include the nature of the relief, extent and cause of delay, the reasonableness of the explanation, prejudice, the importance of the issues and prospects of success.²¹ The explanation must account for the non-compliance as a whole rather than treating condonation as a formality.
75. Those considerations favour condonation. The Respondents have been engaged in the same litigation throughout and will receive pre-filing service. The delay does not cause them material forensic surprise. Refusing condonation, by contrast, may leave the Applicants with an eventual appellate process

²¹ *Van Wyk v Unitas Hospital and Another (Open Democratic Advice Centre as Amicus Curiae)* (CCT12/07) [2007] ZACC 24; 2008 (2) SA 472 (CC), especially paras 20 and 22; *Grootboom v National Prosecuting Authority and Another* (CCT08/13) [2013] ZACC 37; 2014 (2) SA 68 (CC), especially paras 22–23.



incapable of restoring the factual position which the February application sought to preserve.

76. The proposed appeal has reasonable prospects in the sense required for the interests-of-justice enquiry. It raises arguable constitutional questions concerning section 38 standing and authority, urgency in progressively implemented environmental action, the proper use of interim preservation, access to court and the effect of extraneous litigant characterisation, together with the practical efficacy of appellate remedies.
77. The matter is also of public importance. It concerns free-ranging Cape Peninsula baboons, the implementation of a public environmental management programme and the practical significance of a provincial constitutional oversight office which remains without an incumbent. The Applicants do not suggest that public importance by itself establishes prospects, but it strengthens the interests-of-justice case for determination of substantial constitutional issues rather than their becoming academic through delay.
78. Direct appeal is exceptional. The Applicants rely upon the unusual accumulation of factors now present: immediate resort to the ordinary route; more than six months without determination; overlapping recusal and costs appellate controversies; final enrolment and subsequent postponement of all three High Court leave applications; and an ongoing risk that irreversible implementation will outrun adjudication.



79. The Applicants do not ask this Court to choose artificially between taking over every issue immediately and declining all intervention. The Court may coordinate the two Constitutional Court proceedings, preserve the subject matter, call for written submissions, hold one or more issues in abeyance, direct expedition in the High Court or regulate the sequence in which the pending appellate questions are determined.
80. That flexible case-management approach would respect the ordinary appellate hierarchy while ensuring that it does not become self-defeating. It would also keep the materially different February condonation enquiry separate from the short protective condonation sought in the 28 August application to the extent necessary.

SERVICE, RECORD, REMOTE HEARING AND PROCEDURAL SAFEGUARDS

81. The Premier, WC Minister, SANParks, CapeNature and the City will receive pre-filing service through their attorneys of record and/or official service addresses. The remaining High Court parties identified in Schedule A to the Notice of Motion will be served for notice even though no substantive coercive relief is presently sought against them.
82. The complete High Court record under case number 2026-024184 is available electronically on Court Online. The Applicants propose that the two Constitutional Court proceedings use a common core record to the extent



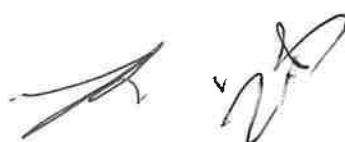
directed by the Chief Justice or Registrar, while retaining separate application papers and condonation enquiries.

83. The Applicants will comply with any Registry direction concerning electronic filing, pagination, record preparation and the nominated service address within 25 kilometres of the Registrar.
84. If an oral hearing is directed, the Applicants respectfully request that remote or hybrid participation be considered. I reside in Cape Town, LFN is self-represented, and urgent travel to Johannesburg entails material logistical expense. This remains a procedural request only, and the Applicants will comply with whatever mode of hearing this Court directs.

COSTS AND CONCLUSION

85. The Applicants seek no punitive costs against any Respondent merely because that Respondent elects in good faith to oppose the relief. This is constitutional and public-interest litigation involving organs of state. The ordinary costs approach applicable to genuine constitutional litigation is addressed in *Biowatch Trust v Registrar, Genetic Resources and Others*.²²

²² *Biowatch Trust v Registrar, Genetic Resources and Others* (CCT80/08) [2009] ZACC 14; 2009 (6) SA 232 (CC), especially paras 15, 20–25 and 60.



86. If the Applicants obtain substantial success, they seek reimbursement only of reasonable and proven disbursements and expenses actually incurred in prosecuting these proceedings, insofar as such recovery is legally permissible for self-represented litigants; alternatively, they request that costs be reserved.
87. For all these reasons I respectfully request that condonation be granted, leave to appeal against the whole judgment and order of 25 February 2026 be granted, and the further relief in the Notice of Motion be determined together with or in coordinated sequence with the related 28 August application.



REYNO DAWID DE BEER

DEPONENT

THUS SIGNED AND SWORN TO before me at Fish Hoek SAPS on this 20 day of **SEPTEMBER 2026**, the Deponent having acknowledged that he knows and understands the contents of this affidavit, has no objection to taking the prescribed oath, and considers the oath binding on his conscience, and that all other prescribed formalities have been complied with.


COMMISSIONER OF OATHS

Full names: Col. G. BonanDesignation: ConstableAddress: Cnr Banks Main Road Fish Hoek

Constitution

Liberty Fighters Network (LFN)

2018
As Amended (2024)



"PA1"

42

This is the Revised Constitution for the Liberty Fighters Network (LFN) as unanimously accepted by its original founding members and introduced to the public on 9 September 2018 at a Conference held in Johannesburg, Gauteng, Republic of South Africa. Hereby the previous Constitution is being repealed in its entirety.

Amendment, 2024: The 2018 Constitution for the Liberty Fighters Network (LFN) had been amended as indicated herein by way of unanimous resolution by its voting members on 23 June 2024 at a National Conference held in Pretoria, Gauteng, Republic of South Africa, and by way of electronic virtual conferencing, and subsequently republished.

Table of Contents

PREAMBLE	5
CHAPTER 1: FOUNDING PROVISIONS	6
1. Establishment and Name	6
2. Objectives	6
3. Scope	8
4. Offices	8
5. Authority of the Constitution	8
CHAPTER 2: ORGANISATION	8
6. Structures within the Organisation	8
7. Spheres of Authority within the Organisation	9
CHAPTER 3: MEMBERSHIP	10
8. Qualification for Membership	10
9. Application and Acceptance	11
10. Subscription and Membership Fees	12
11. Good Standing	13
12. Suspension or Expulsion from Membership and Resignation	13
13. Termination of Membership	15
CHAPTER 4: WARD MEETINGS	15
14. Ward Meetings	15
15. Ward Representatives	16
16. Ward Representatives Committee	16
CHAPTER 5: REGIONS AND REGIONAL OFFICES	17
17. Establishment of Regions	17
18. Regional Office-Bearers	18
19. Powers of the Regional Office-Bearers	18
CHAPTER 6: REGIONAL EXECUTIVE COMMITTEE	18
20. Establishment	18
21. Powers of the Regional Executive Committee	18
22. Composition of the Regional Executive Committee	19
23. Meetings of the Regional Executive Committee	19
CHAPTER 7: REGIONAL CONGRESS	20
24. Governing Body for Regional Structures	20
25. Powers of the Regional Congress	20
26. Composition of the Regional Congress	20
27. Meetings of the Regional Congress	21

CHAPTER 8: PROVINCIAL OFFICES	22
28. Provincial Office-Bearers	22
29. Election of Office-Bearers	22
CHAPTER 9: PROVINCIAL EXECUTIVE COMMITTEES	22
30. Establishment and Powers	22
31. Composition of the Provincial Executive Committee	23
32. Meetings of the Provincial Executive Committee	23
CHAPTER 10: PROVINCIAL CONGRESS	24
33. Governing Body for Provincial Structures	24
34. Powers of the Provincial Congress	25
35. Composition of the Provincial Congress	25
36. Meetings of the Provincial Congress	26
CHAPTER 11: NATIONAL OFFICE	27
37. National Office-Bearers	27
38. Powers and Duties of National Office-Bearers	28
CHAPTER 12: NATIONAL EXECUTIVE COMMITTEE	30
39. Establishment and Powers	30
40. Composition of the National Executive Committee	31
41. Meetings of the National Executive Committee	32
CHAPTER 13: NATIONAL WORKING COMMITTEE	33
42. Establishment and Powers	33
43. Composition of the National Working Committee	33
44. Meetings of the National Working Committee	33
CHAPTER 14: NATIONAL CONGRESS	34
45. Governing Body of the Organisation	34
46. Powers of the National Congress	34
47. Composition of the National Congress	35
48. Meetings of the National Congress	36
CHAPTER 15: REMOVAL OF WARD REPRESENTATIVES, OFFICE-BEARERS AND OFFICIALS FROM OFFICE	37
49. Removal of Members who hold Office	37
50. Discipline of Ward Representatives	37
51. Discipline of Office-Bearers and Officials	37
52. Disciplinary Procedure for Ward Representatives, Office-Bearers and Officials	38
53. Removal by Ballot	39
54. Appeal Procedure	39

55. Vacancies arising from Removal	39
CHAPTER 16: MEETING PROCEDURES	40
56. Rules of Procedure at Organisation Meetings	40
57. Minutes.....	41
CHAPTER 17: BALLOTS	41
58. When a ballot must be taken.....	41
59. Decision of Ballot.....	41
60. Jurisdiction of Ballot.....	41
61. Ballot Procedure	42
CHAPTER 18: ORGANISATION FINANCES.....	42
62. Receipt and Use of Organisation Funds.....	42
63. Financial Year	43
64. Financial Committee	43
65. Banking Authority	44
66. Provincial Finance	44
67. Regional Finance	45
68. Property of the Organisation.....	45
69. Credit and Debt.....	45
70. Liability, Indemnity and Insurance	46
CHAPTER 19: GENERAL PROVISIONS	47
71. Enhancing Participation of Women and the Disabled in the Affairs of the Organisation	47
72. Additional Office-Bearers	47
73. Dissolution by Resolution.....	48
74. Amendments to Constitution.....	49
75. Interpretation	49
76. Notice	50
77. Transitional Provisions	50
78. Commencement of this Constitution	51

PREAMBLE

We, the members of the ***Liberty Fighters Network***, hereby unite to establish a non-racial and non-sexist organisation for all South Africans with the vision to eradicate oppression, exploitation and discrimination within our country as well as the promotion, development and maintenance of an authentic citizenship for every one of us. We believe that a non-exploitative and democratic society depends on the unity of the citizens directed at the eradication of oppression. As citizens we unite to develop ourselves so that we can control our own destiny and take our historic role as the vanguard at the struggle for liberation.

We further in particular strive for a better controlled immovable property industry, driven by the citizens for the constant quest to provide a fair piece of land to all our citizens irrespective of our race and to create an environment where our farmers are protected and a true partnership exists between farmers and our people in general for the benefit of all.

We also strive for a total reformed judicial system where everyone will have the right to have his or her case heard in a Court by an independent and competent judicial officer where formal legal representation by a legal practitioner will not be required and historic British dress codes and practices have been done away with.

The Organisation represents:

- A fresh start for a new South Africa. It is an organisation uncontaminated by the past; and
- A multiracial leadership emanating from diverse political backgrounds, united behind common principles to bring hope to the nation; and
- A genuine federal framework of government with original constitutional powers at the lowest possible level.

CHAPTER 1: FOUNDING PROVISIONS

1. Establishment and Name

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

2. Objectives

The aim and objectives of the Organisation are:

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

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

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

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

Liberty of thought, expression, belief, faith and worship

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

- (g) to bear true faith and allegiance to the *Constitution of the Republic of South Africa, 1996* as by law established and to the principle of real socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of South Africa;
- (h) to promote the aims of **LFN** as promised in its Constitution and Manifesto:
 - i) to develop and implement ecological policies consistent with the philosophical basis of the Organisation as expressed in the policies for a sustainable society;
 - ii) to that end to win seats at all levels of government;
 - iii) to organise any non-violent activity which will publicise and further these aims.
- (i) to establish relationships with other Organisations, Organisation federations, labour organisations or political parties for the benefit of members of the Organisation and the people in general;
- (j) to strive to realise the concept that each resident has got the right to adequate housing, land and service delivery to that immovable property;
- (k) to realise the understanding amongst all residents that there is a desperate need for affordable housing developments for our residents;
- (l) to encourage the revival, development and stop deterioration of our cities, towns, districts, historical townships and informal settlements;
- (m) to advance the need to create proper housing for all South African citizens and creating the awareness of Government and other authorities to urgently attend to housing needs of foreign nationals without encouraging or allowing any xenophobic action to occur;
- (n) to prevent and fight against all illegal evictions from any dwelling or land, as well as

disconnection of any utility or cease of service to any dwelling or land without first obtaining a Court Order; and

- (o) to advance and give inputs to the necessary authorities and role players regarding the Constitutional rights and responsibilities of all our citizens as contained in the Bill of Rights and the African Charter.

3. Scope

The Organisation may operate anywhere in the world and is open to anyone

["Republic of South Africa" replaced with "world" and "any South African resident" replaced with "anyone"
- Date: 23 June 2024]

4. Offices

- (1) The National Working Committee of the Organisation:
 - (a) may determine the location of the Organisation's head office; and
 - (b) must maintain at least one office in the Republic at all times.

5. Authority of the Constitution

This Constitution is the source of all rights and responsibilities within the Organisation, and is the final authority concerning any dispute within the Organisation.

CHAPTER 2: ORGANISATION

6. Structures within the Organisation

- (1) The Organisation is organised into the following structures and general spheres of authority:
 - (a) members, who collectively are the foundation of democratic organisation in the Organisation;

- (b) ...
- (c) ...
- (d) ...
- (e) national working committee (referred to as "NWC") which operates at national level;
and
- (f) national congress (referred to as "NC"), which operates at a national level.

[Sub-paragraphs (b) to (d) deleted - Date: 23 June 2024]

7. Spheres of Authority within the Organisation

Within the Organisation, authority to effect the aims and objectives of the Organisation is allocated as follows:

- (1) ...
- (2) ...
- (3) Within the sphere of operations:
 - (a) the policy-making authority of the Organisation is exercised by the NC;
 - (b) the development of Organisation policy, between meetings of the NC is exercised by the NWC, subject to the decisions and policies of the NC;
 - (c) the National Office-Bearers, exercise the executive authority of the Organisation, subject to the decisions and policies of the NWC and the NC.

[Sub-paragraphs (1) & (2) deleted; "national sphere" replaced with "sphere"; "the NEC, and" deleted - Date: 23 June 2024]

CHAPTER 11: NATIONAL OFFICE

37. National Office-Bearers

- (1) The national Office-Bearers of the Organisation are:
 - (a) the President;
 - (b) ...
 - (c) ...
 - (d) the National Treasurer;
 - (e) ...
 - (f) the National Secretary; and
 - (g) ...
- (2) Each national office-bearer
 - (a) must be elected for a term of 5 years by the NC, in accordance with the provisions of subsection (3);
 - (b) assumes office on the first working day following the close of the NC meeting at which they were elected; and
 - (c) hold office until the earliest of the date on which:
 - (i) the office-bearer resigns or dies;
 - (ii) the office-bearer is removed from office in terms of sections 52 and 53; or
 - (iii) their successor assumes office after being elected by the NC.
- (3) At an ordinary meeting of NC:
 - (a) any member in good standing may be nominated and seconded for election as a national office-bearer referred to in subsection (1);
 - (b) if only one person is nominated for a particular National Office-Bearer post, that person must be declared elected; and
 - (c) if more than one person is nominated for a particular national office-bearer post, a vote must be taken for that office by ballot, and the candidate with the highest number of votes must be declared to that office.

[Sub-paragraphs (1)(b), (c), (e), & (g) deleted - Date: 23 June 2024]

38. Powers and Duties of National Office-Bearers

- (1) The President must:
- (a) preside over meetings of the NC (in absence of the elected Chairperson of the NC), NWC and conduct those meetings in accordance with this Constitution;
 - (b) in consultation with National Office-Bearers ensure enforcement and observance of the rules and orders of this Constitution;
 - (c) after consultation with the National Treasurer and/or National Office-Bearers co-sign the national banking accounts and sign minutes of meetings of the NC, NWC and Provided that where the President is absent or unavailable he/she may authorise one of the other National Office-Bearers to co-sign in his/her stead;
 - (d) together with other National Office-Bearers, generally supervise the affairs of the Organisation and perform duties incidental to the office subject to the resolution of the NWC or congress and more importantly in compliance with the Constitution of the Organisation;
 - (e) be the head and chief directing officer of **LFN**, in consultation with the NWC, and the leader of the Organisation who may also at any reasonable time institute or defend legal proceedings;
 - (f) present to the NWC a comprehensive statement of the state of the nation and the political situation generally; and
 - (g) Under the overall supervision of the NWC, orient and direct the activities of the Organisation.
- (h) The President also hold the office of National Treasurer until such time as the NC elects one.
- (2)

- (3) If the President are unable to perform the duties of the President, the NWC must appoint someone from the NWC to act as President until:

- (a) the President is able to perform the duties of the President;
or
- (b) a new President is elected.

(4) The National Treasurer must:

- (a) supervise the financial affairs of the Organisation;
- (b) endorse all accounts for payment and sign cheques on the national banking accounts of the Organisation;
- (c) submit and present statements of the national accounts for each month to the NWC and NEC, and for each annual period to the NC; and
- (d) perform duties usual to the office of the Treasurer, or as are reasonably required by the NC, NWC

(5) The National Secretary:

- (a) is responsible for keeping books and accounts of the Organisation as required in terms of prevailing laws, and by the NWC.
- (b) must assist the National Treasurer in submitting statements of income and expenditure of the Organisation to each meeting of the NC, NWC
- (c) is responsible for preparing, and circulating to the NWC the annual report of activities of the Organisation, including in it:
 - (i) statements of income and expenditure, and a balance sheet, all certified by the Organisation's auditors; and
 - (ii) the auditor's report.
- (d) is responsible:
 - (i) for the correspondence of the Organisation and for tabling it at meetings of the
 - (ii) for sending out notices and minutes of all meetings of the NC, NWC and any other committee;
 - (iii) to supervise the work of the provincial secretaries and all officials of the Organisation; and
 - (iv) for the general organising and coordination of work of the Organisation and for the general office work and administration of the affairs and activities of the Organisation;
- (e) may institute and defend legal proceedings in the name of the Organisation in urgent circumstances; and
- (f) must undertake any other duty that is necessary or requested by the NC, NWC

(g) must be in full time service of the Organisation.

(6) ...

(7) ...

[NEC replaced with NWC; sub-paragraph (1)(h) inserted; Sub-paragraphs 2, 6, & 7 deleted; "Deputy President" deleted - Date: 23 June 2024]

CHAPTER 12: NATIONAL EXECUTIVE COMMITTEE

[Entire Chapter 12 deleted; "Deputy President" deleted - Date: 23 June 2024]

39. Establishment and Powers

(1) ...

(2) ...

CHAPTER 13: NATIONAL WORKING COMMITTEE

42. Establishment and Powers

- (1) The NWC develops the policy of the Organisation between meetings of the NC, and has the necessary powers usual for such a body to give effect to the aims and objectives of the Organisation, including the power to:
 - (a) give broad direction concerning organisational, political, educational and policy issues within the Organisation;
 - (b) pass resolutions not inconsistent with the resolutions passed by the NC;
 - (c) establish and determine the nature, membership and scope of sub-committees;
 - (d) ratify decisions of the NEC;
 - (e) approve the annual audited financial statements and balance sheet of the Organisation and submit these to the NC;
 - (f) determine budget guidelines;
 - (g) establish or dissolve region and provincial structures of the Organisation and demarcate the jurisdiction of such Wards and provinces and delegate powers to the PC and PEC; and
 - (h) appoint acting National Office-Bearers to fill vacancies occurring in the positions of the National Office-Bearers consistent with this Constitution.
- (2) National Office-Bearers and Organisation officials attending meetings of the NWC have full speaking rights but no voting rights.

43. Composition of the National Working Committee

The NWC is composed of the national Office-Bearers listed in section 37(1). :Provided that if ever they deem it necessary, the NWC may co-opt additional NWC members.

[Part from "Provided" inserted - Date: 23 June 2024]

44. Meetings of the National Working Committee

- (1) The NWC must meet at least once a year at the place and on the date and time fixed by the President from time to time.
- (2) ...

- (3) A special meeting of the NWC may consider only the special business that necessitated the special meeting.
- (4) The National Secretary must give notice of a NWC meeting in writing to each National Office-Bearer:
 - (a) at least 14 days before a general NWC meeting; or
 - (b) at least 7 days before a special NWC meeting.
- (5) For purposes of commencing a meeting of the NWC and, in order for the meeting to continue at least 3 (three) of the NWC members must be present.
- (6) If, in terms of subsection (5), a meeting cannot be commenced within 1 hour after the time fixed for it to begin:
 - (a) the National Secretary must fix a new time and date for the meeting, which must be no less than 2 days, and no more than 7 days, after the original date for that meeting; and
 - (b) the National Secretary must give written notice in writing to each National Office-Bearer of the new date for the meeting.
- (7) Despite subsection (5), a meeting scheduled in terms of subsection (6) may be commenced at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

[Sub-paragraph 2 deleted - Date: 23 June 2024]

CHAPTER 14: NATIONAL CONGRESS

45. Governing Body of the Organisation

The NC is the highest governing body of the Organisation.

46. Powers of the National Congress

- (1) The NC may:

Organisation, failing which the liquidator may dispose of the remaining assets in terms of the applicable law.

[Sub-paragraph (2)(a) deleted - Date: 23 June 2024]

74. Amendments to Constitution

- (1) Subject to subsection (2) and (3), any provision of the Constitution may be repealed or amended by resolution passed by a 2/3 (two-thirds) majority at a meeting of the NC:
 - (a) a notice of the proposed amendment has been sent to the National Secretary;
 - (b) the National Secretary has circulated the proposal
 - , and
 - (c) the proposal has been placed on the agenda for that meeting.
- (2) A proposal may not be placed on the agenda of a meeting of the NC if it would result in the repeal of any provision that is required in terms of any law to be included in the Constitution, unless the proposal also includes a replacement provision that satisfies the requirements of the that law.
- (3) An amendment takes effect only upon being approved by the relevant legislative body, if applicable.

[Sub-paragraphs (1)(b) amended - Date: 23 June 2024]

75. Interpretation

- (1) If any doubt arises as to the meaning of any provision of this Constitution the interpretation of that provision is the responsibility of the NC:
 - (a) which must decide any matter of interpretation by majority vote; and
 - (b) whose decisions are the final interpretation of the provision in question.
- (2) Despite subsection (1), the NWC may make an interim ruling on Constitution interpretation at any time between meetings of the NC.
- (3) Every person interpreting and applying the Constitution:
 - (a) must prefer a reasonable interpretation of a by-law, statement of policy, or decision that is consistent with the Constitution over an interpretation that conflicts with the Constitution;
 - (b) must give a liberal construction to the provisions of the Constitution, in a manner consistent with the Bill of Rights, applicable law, and the traditions of the Organisation;

- (c) may consider applicable legal precedents; and
 - (d) may consult any recognised authority for the meaning of words not specifically defined in this chapter.
- (4) Words importing the singular include the plural, and vice versa.
 - (5) Wherever any period between two events is expressed as a number of days, the days on which the first and second event take place is not to be counted.
 - (6) The power to appoint includes the power to replace.
 - (7) The power to make a rule or policy includes the power to amend or repeal that rule or policy.
 - (8) The word "province", when used as a geographic reference, means a particular province as defined in the Constitution of the Republic of South Africa, 1996 and when used to refer to a constituent element of the Organisation means the operation of the Organisation within a province.

76. Notice

- (1) Unless the Constitution provides otherwise, any notice to members may be sent by ordinary post to the address or electronic mail that the member most recently reported to the Organisation or other reported social media address of that member.
- (2) Except as otherwise provided in this Constitution, the inadvertent failure of the Organisation to give notice of a meeting to a member does not invalidate the notice, the meeting or any business conducted at that meeting.

77. Transitional Provisions

- (1) Notwithstanding any other stipulation contained within this Constitution, the original founding members will elect interim Office-Bearers as described in section 37 and who will be responsible for the duties and have powers as determined in section 38, who will hold office for 5 years from date of approval of this revised Constitution, unless the NC referred to in (1) above wants to replace any one or more of them by putting forth a special motion on a NC.
- (2) Notwithstanding any other stipulation contained within this Constitution, the NWC holding office in terms of (1) above, will also function as the NEC with all its powers and functions

(3) ...

- (4) Any decision taken in good faith by any office-bearer or structure or institution or defending any pending legal proceedings before acceptance of this revised Constitution, are hereby ratified.

[Sub-paragraph (3) deleted - Date: 23 June 2024]

78. Commencement of this Constitution

This revised Constitution takes effect from 9 September 2018 which is the date of acceptance by the founding members and ratified by the members on the first NC, and is as such in force.

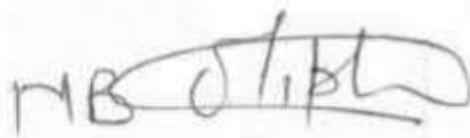
□□□

We, the President and the Deputy President of the Organisation, hereby certify that the Constitution is correct and in force.



President: Reyno De Beer

Date: 9 September 2018



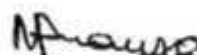
Secretary: Nokwanda Oliphant

Date: 9 September 2018

The original Constitution dated 9 September 2018 is hereby amended as indicated herein by unanimous resolution on a National Conference held in Pretoria and by video conferencing on 23 June 2024.



President: Reyno De Beer
Date: 23 June 2024



Acting Secretary: Patience Mavuso
Date: 23 June 2024

"PA2"

LIBERTY FIGHTERS NETWORK

A voluntary association without gain (common-law *universitas*)

NATIONAL WORKING COMMITTEE**WRITTEN RECORD OF CONSULTATION AND DECISION**

Date: ~~18~~ September 2026

17

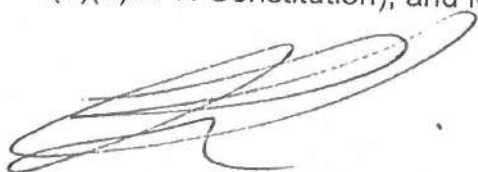
 19/9

1. This document records, *ex abundanti cautela*, the consultation and decision of the presently functioning National Working Committee ("NWC") of Liberty Fighters Network ("LFN") concerning High Court case number 2026-024184 and the Constitutional Court proceedings arising therefrom. It does not purport to create authority which did not otherwise already exist under the LFN Constitution.
2. The NWC confirms, and ratifies if necessary, LFN's institution and continued prosecution of High Court case number 2026-024184, including the pending Applications for Leave to Appeal.
3. The NWC expressly confirms the President's decision, in terms of Article 38(1)(e) LFN Constitution, to institute and prosecute the urgent Constitutional Court proceedings seeking interim preservation relief and direct leave to appeal against the recusal judgment and the separate costs judgment/order delivered by Holderness J on 28 August 2026.
4. The NWC further confirms the President's decision to institute and prosecute the separate companion Constitutional Court application for direct leave to appeal against the High Court Part "A" judgment and order dated 25 February 2026, including condonation insofar as required.



M.G.

5. The NWC records that institution of the Constitutional Court proceedings does not constitute withdrawal, abandonment, waiver or peremption of any pending High Court application, appeal process or other right unless LFN subsequently records such election expressly in writing.
6. It is confirmed that REYNO DAWID DE BEER, in his office as President and executive official of LFN, is authorised by the LFN Constitution to sign, depose to, lodge, serve, prosecute and present all notices, affidavits, written submissions, records and related documents reasonably necessary for the proceedings and to make procedural amendments required by the Constitutional Court Registry or judicial directions, provided that substantive abandonment or settlement shall occur in consultation with the NWC and that the final decision lies with the President.
7. The NWC further confirms that the proceedings are consistent with LFN's constitutional objects, including constitutional governance, social justice, environmental accountability, access to courts and the protection of members' and public interests.
8. The presently functioning NWC participants in the consultation and decision recorded herein are Reyno Dawid De Beer, President (also Treasurer in terms of Article 38(1)(h) LFN Constitution), and Mariska Geldenhuys, Acting National Secretary.



REYNO DAWID DE BEER

President, and Treasurer

Date: 17/9/2026



MARISKA GELDENHUYS

Acting National Secretary

Date: 17/9/2026

"PA3"**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**CCT CASE NUMBER: **/2026**

In the matter between:-

L BERTY FIGHTERS NETWORK

First Applicant

(A voluntary association without gain, a common-law
universitas)

REYNO DAWID DE BEER N.O.

Second Applicant

(cited *nomine officio* as President and executive official
of First Applicant)

and

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

First Respondent

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

Second Respondent

SOUTH AFRICAN NATIONAL PARKS

Third Respondent

CAPENATURE

Fourth Respondent

CITY OF CAPE TOWN METROPOLITAN
MUNICIPALITY

Fifth Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MARISKA GELDENHUYS

declare under oath as follows:

1. I am an adult female and the Acting National Secretary of Liberty Fighters Network ("LFN"). I am the other presently functioning national office-bearer who, together with the President, constitutes the presently functioning National Working Committee ("NWC") for purposes material to this application.
2. I have read the Founding Affidavit of Reyno Dawid De Beer in the urgent Constitutional Court application arising from High Court case number 2026-024184. Insofar as it concerns LFN's internal authority, consultation, offices and the decision to institute the present proceedings, I confirm its contents.
3. I confirm that Mr De Beer is the President and executive office-bearer of LFN and that his current term of office commenced under the amended LFN Constitution adopted on 23 June 2024.
4. I confirm that the LFN Constitution authorises the President to institute and defend legal proceedings on behalf of LFN in consultation with the NWC.

M.G.
2.8

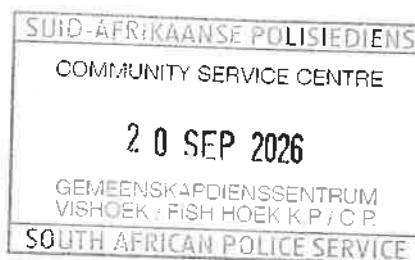
5. I confirm that Mr De Beer consulted me regarding the institution of the urgent Constitutional Court proceedings, including the two Rule 19 applications concerning the judgments/orders of 28 August 2026 and the separate companion application concerning the judgment of 25 February 2026.
6. I participated in and support the NWC Written Record of Consultation and Decision dated 17 September 2026. The decision was not unilateral. I expressly support the institution and continued prosecution of the Constitutional Court proceedings on behalf of LFN.
7. I confirm that the NWC supports the continued prosecution of the pending High Court appellate processes and that the Constitutional Court applications are not intended to abandon, waive or preempt those processes.
8. I further confirm that the litigation concerns matters falling within LFN's constitutional objectives, including constitutional governance, public-interest litigation, access to court, environmental accountability and the protection of members' and public interests.
9. I make this affidavit specifically so that there can be no uncertainty before the Constitutional Court as to the existence of consultation, the identity of the persons who participated in it, LFN's decision to litigate, or Mr De Beer's authority to act for LFN in these proceedings.


MARISKA GELDENHUYS
DEPONENT

M.G.
20

THUS SIGNED AND SWORN TO before me at Fish Hoek SAPS on
 this 20 day of **SEPTEMBER 2026**, the Deponent having acknowledged that she
 knows and understands the contents of this affidavit, has no objection to taking the
 prescribed oath, considers the oath binding on her conscience, and all prescribed
 formalities have been complied with.

12539887
[Signature]
COMMISSIONER OF OATHS



Full names:

Zolile Bani

Designation:

Controlle

Address:

CRB Banks / Main Road Fish Hoek

COURT ONLINE COVER PAGE

"PA4.1"

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

CASE NO: 2026-024184

In the matter between:

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

and

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



JUDGMENT AS HANDED DOWN BY HOLDERNESS J ON 25 FEB 2026

NOTE: This document was filed electronically by the Registrar on 25/3/2026 at 8:29:00 AM South African Standard Time (SAST). The time and date

the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

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

A handwritten signature in black ink, appearing to read "M. J. ...", is written over a faint, circular official stamp.



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

JUDGMENT

CASE NO: 2026-024184

In the matter between:

**LIBERTY FIGHTERS NETWORK
REYNO DAWID DE BEER N.O.**



First applicant

Second 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**

Third respondent

SUCCESSOR IN TITLE

**OFFICE OF THE COMMISSIONER OF
THE ENVIRONMENT**

**OFFICE OF THE COMMISSIONER OF
THE ENVIRONMENT**

Fourth respondent

SOUTH AFRICAN NATIONAL PARKS

Fifth respondent

CAPE NATURE

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

Heard: 19 February 2026

Delivered: 25 February 2026

JUDGMENT

HOLDERNESS, J

[1] Litigation is not a game.

[2] The repeated admonishments by various courts, including the Supreme Court of Appeal (“SCA”), have, however, not had any impact on Liberty Fighters Network (“LFN”), nor its alter ego, Mr. Reyno Dawid de Beer (Mr. R de Beer), who appears intent on treating the courts as a playground.



[3] The first applicant, described in the founding affidavit as ‘well-known voluntary association, referred to as a common law universitas’, specialising in advancing social justice on the grassroots operating as a non-governmental organisation with perpetual succession and without an eye on gain, existence separate from its members and ability to own property in its own name with a common cause amongst its members clearly identified in its Constitution,

[4] The applicants seek relief in two parts. In Part A, it seeks the following urgent interim relief:

- (a) Confirmation of LFN’s representation by the second applicant, Mr. Reyno de Beer N.O., and permission for the applicants to bring the application in their own capacities, in the interests of LFN members and the public.
- (b) An interim interdict restraining the third respondent, the Premier of the Western Cape (“the Premier”), and the fifth to eighth respondents, from taking any steps to implement the Final Cape Peninsula Baboon Management Action Plan dated 31 October 2025 (“the Action Plan”) insofar as such steps are permanent, irreversible, or create a fait accompli, including, inter alia:

- (i) Capture, removal, relocation, or confinement of baboon troops.
 - (ii) Vasectomy or reproductive interventions.
 - (iii) Euthanasia or lethal control of baboons.
 - (iv) Conclusion of agreements concerning baboon sanctuaries or enclosures.
 - (v) Construction or installation of infrastructure for sanctuary confinement.
- (c) Directing that the respondents, within ten court days, deliver affidavits and records detailing every decision, the identity of each decision-maker, dates of each decision, reasons, and/or authorisations related to the Action Plan.
- (d) In terms of Part B, the applicant seeks final orders:



- (i) Declaring that the failure of the Premier, and where applicable the second respondent and the third respondents, to 'operationalise' the Office of the Commissioner for the Environment constitutes conduct 'constitutes conduct inconsistent with the constitutional obligation to perform constitutional duties diligently and without delay.'
- (ii) Directing the Premier to appoint a suitable man or woman, after a proper public participation process, to fill the Fourth Respondent within ninety (90) days of this order; alternatively, take all steps necessary to ensure the lawful appointment of either a man or woman to fill the Fourth Respondent by no later than 1 June 2026, and to file a report under oath with this Court within thirty (30) days thereafter, setting out in detail:
 - (1) the steps taken to comply with this order;
 - (2) the applicable appointment process and timeline; and
 - (3) the reasons for any delay or inability to comply sooner.
- (iii) Granting leave to the Applicants, upon filing of the report referred to in paragraph 10 *supra*, alternatively on failure of the First Respondent to comply with Item 10 *supra*, to re-enrol the matter on the same papers, duly supplemented, if necessary, for this Court's consideration of the report and the granting of further and/or alternative relief, including structural, supervisory, or compliance-directed orders.

- (iv) Directing the Premier to appoint a suitable individual to the Office of the Commissioner within 90 days or by 1 June 2026, with a report under oath detailing compliance steps.
- (v) Leave for the Applicants to re-enrol the matter for further relief if the First Respondent fails to comply.
- (vi) Declaring that the agreement establishing the Cape Peninsula Baboon Management Joint Task Team (the JTT) and the Action Plan is invalid or unlawful, with an alternative order for the Commissioner to investigate the legality of the agreement once the office is operationalised.
- (vii) Confirmation of the rule nisi issued under Part A.



[5] I am indebted to Ms. O’Sullivan SC and Ms de Villiers (who appeared on behalf of the sixth and seventh respondents) and Mr. de Beer (who appeared for the fifth respondent) for the detailed and well-researched heads of arguments which have been of great assistance in adjudicating this urgent application and in drafting this judgment.

[6] Recent genetic assessments suggest that Chacma baboons have lived in the Cape Peninsula for almost 2 million years.¹

[7] Due to increasing human population and urban sprawl, the Cape Peninsula baboon population experiences high levels of human-baboon conflict.²

[8] Since 2023, three authorities from the three spheres of government, namely the fifth respondent, South African National Parks (“SANParks”), the sixth respondent (“CapeNature”) and the seventh respondent (“the City of Cape Town or the City”), have collaborated through the JTT to manage the Cape Peninsula Chacma baboon (baboon) population sustainably.

¹ Dubay, S. (2018) “Behavioural and physiological responses of chacma baboons (*Papio ursinus*) to wildfire in the Cape Peninsula of South Africa” FitzPatrick Institute of African Ornithology, Department of Biological Sciences, University of Cape Town. Available at: https://ncc-group.co.za/wp-content/uploads/2022/10/thesis_sci_2018_dubay_shannon.pdf.

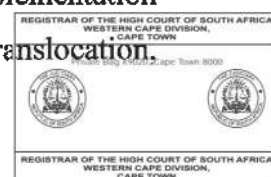
² Id.

[9] On 6 July 2023, a Memorandum of Agreement (“the MOA”) was signed. This marked a historical milestone in cooperative governance among the three authorities, allowing for collaborative governance in baboon management in the Cape Peninsula.

[10] In September 2023, after extensive public and stakeholder participation, including expert reviews, the Baboon Strategic Management Plan (“the BSMP”) was finalised.

[11] The BSMP aims to sustainably manage the baboon population and includes a Baboon Advisory Group for stakeholder engagement.

[12] The Action Plan was adopted on 20 November 2025, detailing practical implementation measures for the BSMP, including population control methods such as translocation, contraception and sterilisation, and, as a last resort, euthanasia.



[13] The applicants seek to halt the implementation of the Final Baboon Management Action Plan and to interdict *inter alia* the capture, relocation, and euthanasia of baboons.

[14] The Baboon Advisory Group (“BAG”) was created to facilitate stakeholder engagement and support the implementation of the BSMP. Its inaugural meeting was held on 12 February 2025. Members include representatives from communities, academic institutions, and animal welfare organisations.

The Action Plan

[15] The Action Plan, which was finalised by the JTT after extensive stakeholder engagement and expert review, outlines management actions for baboon populations from November 2025 to November 2030, based on scientific principles.

[16] As elaborated in the Action Plan, there are thirteen baboon troops on the Cape Peninsula. The Action Plan sets out management measures to be implemented and measures to manage the baboon population at sustainable levels, with upper limits set for the south and north subpopulations based on population capacity figures.

[17] Appended to the Action Plan is the implementation schedule, which includes a budget for action items, with significant financial allocations, and includes critical measures to manage baboon populations and to mitigate human-baboon conflict. The LFN failed to place this highly relevant appendix for the purposes of Part A. I agree with Ms. O' Sullivan, who appeared for Cape Nature and the City of Cape Town, that this failure constitutes a serious omission on the part of the applicants.

[18] Key measures in the Action Plan include the establishment of a northern fence (from Zwaanswyk to Constantia Nek) to prevent baboons from accessing urban areas, with a budget of R17 million, and the relocation of Constantia Nek troops into the Table Mountain National Park, which is planned for May 2026. These are the aspects of the Action Plan which appear to be the most implicated in terms of the urgent interdictory relief sought.



[19] A baboon sanctuary is to be constructed near Cape Point Reserve, with a budget of R10 million for infrastructure and operational costs.

[20] The legal authority of Cape Nature and other stakeholders in the management of baboons is outlined in the National Environmental Management: Biodiversity Act 10 of 2004 (the "Biodiversity Act"), which provides for biodiversity conservation and management.

The applicants' case for interim relief

[21] The applicants are seeking to stop what they describe as a 'permanent and irreversible shift in how baboons are managed on the Cape Peninsula.

[22] The applicants raise the following three primary legal arguments to contest the plan:

- (a) The JTT lacks the legal standing and statutory authority to make these decisions.
- (b) No 'identifiable, lawful administrative decisions' have been taken by the proper authorities to authorise such 'extreme measures.'
- (c) The executive's failure to 'operationalise' the office of the Environmental Commissioner, a position mandated by the provincial constitution but currently vacant or non-functional, is a breach of its constitutional mandate

Urgency

[23] The principles governing urgency are well-established³:

- a. An applicant must set out explicitly the circumstances which render the application urgent.
- b. Urgency must not be self-created or subjectively perceived.
- c. The prejudice to the respondent caused by the abridged time limits is relevant.
- d. Prompt action by an applicant favours a finding of urgency.

[24] The alleged urgency in this matter, according to the applicants, is that, the J1T has explicitly stated it will proceed with implementation regardless of the pending legal complaints and has refused to provide an undertaking that they will not take 'irreversible steps' in the interim.



[25] The applicants contend that without an interdict, baboons may be sterilised or euthanised before the adjudication of the applicant's case, rendering any future final order nugatory.

[26] The applicants state they are not acting as 'armchair conservationists', nor seeking to dictate policy choices, but are raising procedural issues, namely that these weighty decisions must be made by lawfully empowered bodies using proper administrative channels with appropriate oversight.

[27] SANParks, Cape Nature and the City of Cape Town, unsurprisingly, deny that the matter is urgent and contend that any alleged urgency is manifestly of the applicants' own making. They submit that the matter should accordingly be struck from the roll, with costs.

[28] The respondents highlight the fact that the applicants have unduly delayed, since 2023, in bringing their application against the MOA and BMSP, and should have done so after the adoption of the BSMP more than two and a half years ago. The BSMP and 2019 guidelines contain the very management tools which the applicants seek to interdict under the Action Plan.

³ See e.g., *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd* [2011] ZAGPJHC 196, *IL & B Marcow Caterers (Pty) Ltd v Gretermans SA Ltd and another* 1981 (4) SA 108 (C) at 112H-113A.

[29] In this regard, it bears emphasising that there is no direct attack in the application on the Action Plan. As Cape Nature and the City point out, LFN has not pleaded any basis for the implicated steps in the Action Plan to be halted in light of its complaint.

[30] The Action Plan is dated 31 October 2025. The joint statement was issued on 20 November 2025. The management actions are to be implemented in terms thereof between November 2025 and November 2030. Material steps under the Action Plan have already been implemented in the three months since November 2025 and are ongoing.

[31] In a letter to the respondents dated 28 November 2025 and marked 'very urgent', LFN sought a 'moratorium'.

[32] Importantly, in a response dated 8 December 2025, the JTT declined to agree thereto, but provided LFN with a copy of the MOA and indicated that the JTT was available to meet with LFN. Yet LFN still did not approach the Court, nor did it meet with the JTT.



[33] I agree with the respondents that there is no answer for LFN to rely on the submission of the complaint on 9 December 2025, and the JTT not agreeing to halt implementation pending the appointment of the Environment Commissioner, and the investigation by such commissioner of its complaint. One of the grounds of LFN's complaint is that there has been no Environment Commissioner since 1997.

[34] The application *in casu* was filed electronically on 5 February 2026, more than three months after the date of the final Action Plan. The respondents were afforded approximately two days to prepare their answering papers. The applicants have failed to explain the delay, the basis for the greatly truncated and highly prejudicial timetable, given the far-reaching interdictory relief sought.

[35] Adv de Beer, who appeared on behalf of SANParks, contended that the urgent court must not be abused (a trend which is becoming all too common, of late), and emphasised that it is not for litigants who delay, craft impossible timelines and then demand interdictory relief.

[36] I would pause to note that it is more so when litigation involves state functionaries and the use of public funds.

[37] Fisher J recently examined the issue of self-created urgency⁴:

‘[32] Self-created urgency implies more than mere delay. It often involves a degree of contrivance and abuse of process.

[33] When a party fails to approach a court at the earliest possible opportunity and then delays unduly to approach court, he risks not affording a party’s opposition sufficient time to place its case before the court. This may cause prejudice to a respondent and will necessarily impact upon the urgent court’s ability to properly manage its roll which in turn undermines the proper administration of justice.

[34] It is expected of litigants to react immediately to remedy or prevent harm and/or prejudice, rather than standing back and doing nothing until it is too late.

[35] This is why our Courts have, in appropriate circumstances, held that a party who creates his own urgency is not entitled to urgent relief.’



[38] SANParks submits, correctly in my view, that the present application is a classic case of self-created urgency.

[39] The applicants failed to provide an adequate explanation for their delay.

[40] In the founding affidavit, the applicants rely on a letter written by the JTT dated 21 January 2026. I agree with SANParks that this is contrived. The applicants knew in November 2025 that the Action Plan would be adopted.

[41] For the first time in reply, the applicants claim that as the signature page of the Action Plan reflects that it was signed in January 2026, this is the start of the ‘operative approval’ of the Action Plan.

[42] The applicants are not permitted to make out their case for urgency in reply. Moreover, what they fail to take into account is that the Joint Statement to the Action Plan itself, published on 20 November 2025, records it was ‘finalised and adopted’ by the three organs of state, and the version under oath of SANParks, Cape Nature and the City that it was adopted earlier, in October 2025, notwithstanding the fact that it was formally signed in January 2026. This evidence of the respondents cannot be gainsaid by the applicants.

⁴ *Carrim v Madlanga N.O* (2026/017082) [2026] ZAGPJHC 83 (5 February 2026).

[43] The applicants are not ordinary lay litigants. They have litigated in our courts in numerous matters over several years. They are serial litigants and are well-versed in the rules regarding urgency.

[44] A mere month before this application was launched, the Gauteng High Court⁵ criticised them for creating their own urgency and admonished them to revisit the well-established legal principles regarding urgency. It seems that this (and several previous warnings and criticisms by our courts) fell on deaf ears.

[45] Lastly, SANParks submits that the manner in which the applicants have approached the urgent court, their delays and the impossible timelines which they unilaterally imposed on the respondents, is an abuse that warrants censure.



[46] In *Commissioner for South African Revenue Service v Hawker Air Services (Pty) Ltd*, *Commissioner for South African Revenue Service v Hawker Aviation Services Partnership and Others*⁶ the SCA held that:

‘Urgency is a reason that may justify deviation from the times and forms the rules prescribe. It relates to form, not substance, and is not a prerequisite to a claim for substantive relief. Where an application is brought on the basis of urgency, the rules of court permit a court (or a judge in chambers) to dispense with the forms and service usually required, and to dispose of it ‘as to it seems meet’ (Rule 6(12)(a)). This in effect permits an urgent applicant, subject to the court’s control, to forge its own rules³ (which must ‘as far as practicable be in accordance with’ the rules). Where the application lacks the requisite element or degree of urgency, the court can for that reason decline to exercise its powers under Rule 6(12)(a). The matter is then not properly on the court’s roll, and it declines to hear it. The appropriate order is generally to strike the application from the roll. This enables the applicant to set the matter down again, on proper notice and compliance.’

[47] Having considered the parties’ submissions, whilst I am persuaded that any urgency which may exist is indeed self-created, to strike the matter from the roll is likely to result in the

⁵ *Liberty Fighters Network and Another v Registrar of the High Court, Gauteng Division, Pretoria and Another* (2022/030165; 2022/30280; 2022/030165) [2026] ZAGPPHC 4 (2 January 2026) para 13.

⁶ *Commissioner for South African Revenue Service v Hawker Air Services (Pty) Ltd; Commissioner for South African Revenue Service v Hawker Aviation Services Partnership and Others* (379/05) [2006] ZASCA 51; 2006 (4) SA 292 (SCA); [2006] 2 All SA 565 (SCA); 68 SATC 141 (31 March 2006) at para 9.

applicants re-enrolling it on a semi-urgent basis or on the ordinary opposed roll, unduly burdening another court with having to revisit the same facts and entertain the same arguments. This is clearly not in the interests of justice, in the particular circumstances of this case.

[48] This tension is apparent in several urgent applications which are presented in this division, and Judges hearing such matters are frequently confronted with the re-enrolment conundrum. If, however, courts hear such matters in the fast lane, as the merits have been considered and the affidavits filed under considerable time pressure, it may create an environment where litigants 'take their chances' and effectively jump the queue ahead of more deserving and genuinely urgent matters. Courts find themselves in an unenviable position in deciding how best to deal with these matters in the interests of justice and to prevent the abuse of process and the burdening of our already overburdened court system.



[49] In the present matter, the record exceeds 1000 pages. It would be a patent waste of judicial resources and public funds (in respect of legal fees incurred by the state functionary respondents) if this matter were to be struck, as it properly ought to be, only to be re-enrolled a month or two later before another judge.

[50] A court may choose to express its displeasure with this unacceptable approach to litigation is by proceeding to adjudicate the merits and awarding punitive costs against an applicant. This will hopefully have a deterrent effect on other litigants who approach the urgent court in such a manner. This practice, which seems to be growing every day, is to be deprecated in the strongest possible terms.

[51] In my view, the applicant has failed to establish grounds for urgency, and any urgency which may exist is of its own making. For the reasons which will appear below, in the circumstances of this case, I am, however, of the view that, in the interests of justice, the matter should be fully adjudicated on the merits. I will revert to the issue of costs below.

The grounds of opposition and evaluation

[52] The respondents contend that the applicants have overlooked the constitutional and statutory mandate for the three organs of state, which are obliged to adhere to principles of co-operative government, to work together.

[53] In both the Biodiversity Act and the National Environmental Management Act 107 of 1998 (“NEMA”) the Legislature emphasises that environmental decisions should involve intergovernmental co-ordination.

[54] Section 2 of the NEMA principles requires intergovernmental harmonisation of policies and actions when those actions significantly affect the environment.

[55] The fifth, sixth and seventh respondents (“the respondents”) assert that they have the necessary legal standing and authority to enter into the 2023 MOA, the BSMP, and the associated Action Plan. This cannot be disputed by the applicants.

[56] The City’s duties and obligations, including baboon management, are anchored in specific legislation. In terms of Sections 152 & 153 of the Constitution, the City must provide services sustainably and promote a safe and healthy environment, subject to its financial and administrative capacity.



[57] In its answering papers, the City emphasised that the applicants are effectively seeking to strip the City of its executive discretion regarding how to order and spend public resources, and that the 2023 MOA is fully sanctioned by the Constitution and relevant environmental legislation.

Community and financial impact of unmanaged troops

[58] Cape Nature and the City argued that granting the interdict would have significant negative consequences for both baboons and human communities, as key actions such as the construction of the northern fence and relocation of troops would be indefinitely delayed, and human-baboon conflict is likely to increase, as past data shows higher mortality rates when management measures are not implemented.

[59] Significantly, the Action Plan aims to exhaust non-lethal management options before considering culling, which would be a last resort.

[60] The respondents emphasised that the unmanaged baboon troops pose significant welfare harms to both the animals and local communities.

[61] Moreover, the interdict sought would result in unaffordable and ineffective management alternatives for the baboon population, such as fencing in Simon's Town, which is estimated to cost over R40 million and take a minimum of four years to implement. According to the respondents, the likelihood of poor outcomes from fencing in this area makes it a non-viable option.

[62] An insurmountable obstacle for the applicants is their failure to plead or prove the requirements for an interim interdict, which do not require repeating, and of which the applicants have been informed.

[63] The applicants have failed to set out, in either their founding or their replying affidavits, what right or rights they seek to protect with an interdict.



[64] Their application must fail on this ground alone. For the reasons set forth below, nevertheless intend adjudicating the further issues raised in respect of Part A.

[65] Turning now to the requirement of irreparable harm, as SANParks points out, at best, the applicants contend that there may be irreparable harm if the respondents implement the Action Plan, pending the complaint to the non-existent provincial official. But the applicants do not show how the non-existent official could offer relief to them, undoing the Action Plan in due course. In addition to the fact that the office of the Environment Commissioner appears never to have been given effect to, or at the very least not for the past 30 years.

[66] Furthermore, the applicants have failed to show that they are left with no alternative remedy but to approach this court for urgent interdictory relief. They could have become involved in the public participation and consultation process, which was undertaken in the development and adoption of the Action Plan, but failed to do so. Nor did they meet with the JTT when they were expressly invited to do so in December 2025. There were alternative, satisfactory remedies available to the applicants. They, for reasons they have failed to disclose, chose not to avail themselves of such remedies. They have accordingly failed to satisfy this further requirement for interim interdictory relief.

Is the interdict final in effect?

[67] The respondents contend that the interdict sought is in effect a final interdict, as:

- (a) There are negligible prospects of success in respect of any of the relief sought in Part B.
- (b) The Part B relief will take a lengthy, and possibly indeterminate time to be determined.
- (c) If the relief aimed at the appointment of an Environment Commissioner does not succeed, the interdict will remain in place indefinitely as 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 actually being determined, and there is no certainty that the Environment Commissioner, if ultimately appointed, would investigate the complaint.



[68] Even if the applicants had pleaded a case which supported interdictory relief, the further hurdle they face is that, on the objective evidence of SANParks, Cape Nature and the City, an interdict would halt essential aspects necessary for the effective management of baboons in the Cape Peninsula.

[69] The BMSP sets out how baboon-human conflict has escalated over the years. Proper intervention and careful management are required. This is being undertaken in terms of the MOA, BSMP and Action Plan, with consultation and expert input. This is what the applicants seek to interdict, in circumstances where they have failed to lay any basis entitling them to intervene.

[70] Due to the time constraints under which this judgment has been prepared, it is not practicable to set out the evidence set forth by the three authorities regarding their statutory obligations and standing to take such steps. I am, however, satisfied that they have shown, in the clearest terms, their respective statutory mandates to manage fauna and, in particular, baboons in the Cape Peninsula.

[71] I agree that the interdict is properly characterised as one for final relief. It is intended to operate immediately and seeks to interdict conduct pending an indeterminate process outside the court (and not pending final Rule 53 review relief as ordinarily would be the case). It will therefore not be reconsidered by the Court under Part B.

[72] I am persuaded that significant harm will result if the interdict is granted. It will effectively halt the construction of the northern fence and the relocation of the Constantia troop, the establishment of the sanctuary, lethal culling (where absolutely necessary and as a very last resort), and sterilisation.

[73] The evidence of the respondents makes it clear that the Constantia Troops and the Seaforth and Waterfall Troops, which are highly habituated⁷, no longer respond to non-lethal deterrents. In areas where fencing cannot be feasibly implemented within an acceptable time frame, removals are considered essential. When lethal management is reduced, the mortality of baboons in urban areas increases.



[74] The inescapable and heartrending reality is that urban causes of death (such as irate residents shooting at baboons, motor vehicles and pets) are associated with suffering. Not removing baboons humanely often results in their removal inhumanely.

[75] Moreover, what the applicants appear to have lost sight of is that the MOA and Acton Plans do not confer on the JTT powers which the statutory body or bodies did not hold prior thereto.

[76] In terms of s 55(2)(d) and (e) of the National Environmental Managed Protected Areas Act 57 of 2003, SANParks may, in managing national parks (including the Table Mountain National Park), or any other kind of protected area assigned to it by the Minister has the control, 'remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in a park or that may negatively impact on the biodiversity of the park, and to 'carry out any development and construct or erect any works necessary for the management of a park, including roads, bridges, buildings, dams, fences, breakwaters,

⁷ Highly habituated baboons, particularly the Chacma baboon (*Papio ursinus*) of the Cape Peninsula, are wild primates that have lost their fear of humans due to regular, close-proximity interaction and the constant availability of anthropogenic food sources (garbage, gardens, houses). These animals have adapted to urban environments, often abandoning natural foraging behaviours to raid homes, cars, and bins for high-calorie human food. (ncbi.nlm.nih.gov).

seawalls, boathouses, landing stages, mooring places, swimming pools, oceanariums and underwater tunnels.’

[77] As highlighted by the respondents, management of baboons on the Cape Peninsula is a complex and polycentric matter requiring co-operation between the three authorities, which have constitutional and statutory obligations within their competencies. In terms of the Constitution, NEMA and the Biodiversity Act, they are obliged to cooperate to protect the environment.

[78] The City and Cape Nature argue that the management of baboon populations is a collaborative, holistic effort governed by a Memorandum of Agreement (MOA).

[79] Under the BSMP and the Action Plan, the three distinct authorities work cooperatively, in collaboration with local communities via BAG.



[80] A primary concern is that the interdict suspending the implementation of the Action Plan (for a protracted and indefinite period) would prevent the authorities from fulfilling their respective constitutional and statutory duties and would intrude into their budgetary and policy functions.

[81] The stark reality is that without the BSMP and the Action Plan, baboon management by the authorities would be reduced to "limited, ineffectual and unaffordable means". The interdict, if granted, will lock baboons and people into ongoing conflict, with poor outcomes for the human and baboon populations in affected communities.

[82] In *National Treasury and Others v Opposition to Urban Tolling Alliance*⁸ the Constitutional Court held that in applying the test for an interim interdict, the court must be applied cognisant of the normative scheme and democratic principles that underpin the Constitution. 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.⁹

⁸ *National Treasury and Others v Opposition to Urban Tolling Alliance* 2012 (6) SA 223 (CC) (OUTA), para 46

⁹ *Id* at para 46.

[83] The Apex Court held¹⁰:

‘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.’

[84] The case advanced by the applicants is the antithesis of the ‘clearest of cases.’ To grant an interdict in the terms sought would most certainly intrude into the exclusive terrain of the three authorities, for all the reasons set forth above.



Legal standing of the applicants

[85] The test for legal standing or *locus standi* is governed by Section 38 of the Constitution, which provides that anyone listed in the section has the right to approach a competent court, alleging that a right in the Bill of Rights has been threatened or infringed.

[86] The persons listed in section 38 include:

86.1 Section 38 1(a): Anyone acting in their own interest (s 38 1(a)).

86.2 Section 38 1(d): Anyone acting in the public interest.

86.3 Section 38 1(e): An association acting in the interest of its members.

[87] Mr. R de Beer contends that both he and LFN hold a direct and substantial interest in the relief sought, not only on behalf of themselves and their members, but also in the public interest at large.

[88] The respondents deny that the applicants have any standing.

¹⁰ Para 47.

Section 38(a) - Own interest standing

[89] In *Giant Concerts v Rinaldo Investments (Pty) Ltd and Others*¹¹ the Constitutional Court confirmed that ‘there is no broad or unqualified capacity to litigate against illegalities. Something more must be shown.’

[90] While broader than the common law test for standing, under section 38(a) of the Constitution, a party must ‘nevertheless show that his or her rights or interests are directly affected by the challenged law or conduct.’¹²

[91] The applicants are based in Gauteng.¹³ As was pointed out in the answering affidavit, SANParks, they do not show how any of their rights or interests are impacted by the implementation of the Action Plan in the Cape Peninsula. The only member of the applicant whom we know lives in the Cape is Ms Judith Sole, who was cited as a respondent by the applicants and who, in notices filed, aligned herself with the applicants’ cause. This is addressed briefly below.



[92] LFN does not state how this case is consistent with its objectives. They do not plead that any of the MOA, the BSMP or the Action Plan or any actions taken in terms thereof, directly and personally affects them. Mr. R de Beer does not allege that he owns property in any of the baboon-affected areas. He resides in Gauteng.

[93] In *Giant Concerts*, the Constitutional Court emphasised that an own-interest litigant does not acquire standing from the invalidity of the challenged decision or law, but from the effect it will have on his or her potential interests.¹⁴

[94] The applicants’ sole claim to standing is that the application ‘raises material constitutional issues.’ The applicants fail to plead the source of the constitutional duty, nor the breach or threatened breach of the Constitution or of a constitutional duty imposed on any of the parties under NEMA or the Biodiversity Act.

¹¹ *Giant Concerts v Rinaldo Investments (Pty) Ltd and Others* 2013 (3) BCLR 251 (CC) para 35 (“*Giant Concerts*”).

¹² *Id* para 41.

¹³ They even requested a virtual hearing for the matter.

¹⁴ *Giant Concerts* at para 43.

[95] The applicants limited their ‘constitutional’ challenge to the failure to appoint an Environment Commissioner. As submitted by Ms. O’Sullivan, the applicants’ belated attempt to rely on section 32(1) of NEMA¹⁵ in the replying affidavit does not avail them. I have disregarded any such averments made for the first time in reply.¹⁶

[96] The applicants are, in accordance with the principle of subsidiarity, prohibited from placing direct reliance on the Constitution where specific and detailed legislation giving effect to a right sought to be enforced has been enacted, in *casu*, NEMA and the Biodiversity Act.

[97] By failing to demonstrate a failure of the Constitution or any applicable statutory prohibitions that have caused them damage, the applicants have failed to establish standing under section 38(a) of the Constitution.



Section 38(e) – Standing in the interests of the members of an association

[98] The applicants do not claim that the application is brought to advance the objectives of LFN as set forth in its Constitution. The sole mention of the environment in the objectives of LFN is in section 2(h), 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.’

[99] The relief sought does not constitute the development and implementation of ecological policies and therefore does not fall within the ambit of LFN’s stated objectives.

[100] The applicants have accordingly failed to establish standing under section 38(e) of the Constitution.

¹⁵ 32. Legal standing to enforce environmental laws (1) Any person or group of persons may seek appropriate relief in respect of any breach or threatened breach of any provision of this Act, including a principle contained in Chapter 1, or of any provision of a specific environmental management Act, or of any other statutory provision concerned with the protection of the environment or the use of natural resources- (a) in that person's or group of person's own interest; (b) in the interest of, or on behalf of, a person who is, for practical reasons, unable to institute such proceedings; (c) in the interest of or on behalf of a group or class of persons whose interests are affected; (d) in the public interest; and (e) in the interest of protecting the environment.

¹⁶ *Pilane and Another v Pilane and Another* 2013 (4) BCLR 431 (CC) at para 49.

Section 38(d) – Standing in the interests of the public

[101] The final string to LFN’s legal standing bow is that they are acting in the public interest.

[102] When asked by the court on what basis the LFN claimed standing in the public interest, Mr. R de Beer responded: ‘We represent the interests of the public of SA – whether the matter takes place in Kruger National Park or in CT – it is my country, and I can approach the court.’ If only, for the sake of the argument advanced by the applicants, this was the legal position.

[103] In *Lawyers for Human Rights and Other v Minister of Home Affairs and Other*¹⁷ the Constitutional Court set out the following¹⁸:

- (a) Courts should be circumspect in affording public interest standing and require a party to demonstrate they are genuinely acting in the public interest.
- (b) A distinction must be made between the subjective position of a person or organisation claiming to act in the public interest on the one hand, and whether it is objectively speaking in the public interest for the particular proceedings to be brought.
- (c) Factors relevant to determining whether a person is genuinely acting in the public interest will include:
 - (i) Whether there is another reasonable and effective manner in which the challenge can be brought.
 - (ii) The nature of the relief sought, and the extent to which it is of general and prospective application.
 - (iii) The range and vulnerability of persons or groups who may be directly or indirectly affected by any order made by the Court and the opportunity that those persons or groups have had to present evidence and argument to the Court.



¹⁷ *Lawyers for Human Rights and Other v Minister of Home Affairs and Others* 2004 (4) SA 125 (CC).

¹⁸ At paras 16 – 18.

[104] The high-water mark of the applicants' case in their heads of argument regarding standing in terms of s 38(e) is that 'LFN's Constitution, as pleaded, encompasses public-interest protection including environmental governance, and LFN's membership includes directly affected persons and entities (including Monkey Valley and Ms Sole).' Ms Sole's unusual role in these proceedings will be addressed briefly below.

[105] In the founding affidavit, LFN claims standing based on acting in the public interest based primarily on various previous litigation in which it was involved (none of which are remotely related to the present issues) and secondly on its 'genuine and established record as human rights activists, consistently acting in the interests of their members and the broader public'.

[106] LFN cannot rely on previous cases for standing in this case. In each case, an applicant must establish their *locus standi* in their founding papers, on the facts, and along 'conventional lines'.¹⁹

[107] The applicants fail the test set out above. They have failed to plead and prove that no other party could bring proceedings in relation to the lawfulness of the MOA, BSMP and the Action Plan. SANParks points out that the applicants themselves identify a number of persons who signed a letter by the Wildlife Animal Protection Forum South Africa ("WAPFSA"), who could so act, as well as the ninth respondent ("Ms Sole").

[108] I thus conclude that the applicants do not have legal standing to apply for the Part A relief in terms of section 38(d) of the Constitution, nor in terms of section 38(a) or (e) thereof. On this basis alone, the application for interim relief falls to be dismissed.

[109] Notwithstanding the fact that my finding that the applicants lack legal standing is dispositive of the application before me, I have decided to deal with the various other issues raised, which were addressed comprehensively in both oral and written submissions, as our appeal courts have expressed the view²⁰ that, even if a single issue may dispose of a matter, it is desirable for a court to determine all of the issues before it.

¹⁹ *Tavakoli v Bantry Hills* 2019 (3) SA 163 (SCA) para 26.

²⁰ *S v Jordan and Others (Sex Workers Education and Advocacy Task Force and Others as Amici Curiae)* 2002 (6) SA 642 (CC) para 21; *Maharaj and Others v Mandag Centre of Investigative Journalism NPC and Others* 2018 (1) SA 471 (SCA) para 26; *Minister of Home Affairs and Others v Somali Association of South Africa and*

Lack of authority of Mr. R de Beer to represent LFN

[110] A further order sought by the applicants is that it be confirmed that LFN be represented by 'the second applicant, its nominated official, Mr. Reyno de Beer N.O.'

[111] Authority to represent a juristic entity, such as a company or a voluntary association, appears to be conflated with legal standing from time to time by practitioners and courts alike.

[112] The institution of proceedings on behalf of a voluntary association must be properly authorised by the members of such association. This is different from standing, which has been dealt with exhaustively above.

[113] Mr. R de Beer relies on section 38(1)(e) of LFN's Constitution as authorising him to lodge the application in that he is 'the head and chief directing officer of LFN, in consultation with the NWC, and the leader of the Organisation who may also at any reasonable time institute or defence legal proceedings.'



[114] On 9 February 2026, the City and Cape Nature delivered a Rule 7(1) Notice in terms of which the applicants were 'required to file authority to prove that they have authority to initiate these proceedings on behalf of the applicants.'

[115] The applicants' response merely refers to the statement made under oath in the founding affidavit that Mr. R de Beer consulted with the LFN's National Working Committee, and took a decision in terms of section 38(1)(e) of the Constitution to institute the application. Mr. R de Beer has not provided any details or documentary proof of that consultation. He has also failed to produce a minute or resolution of LFN's National Working Committee authorising the proceedings.

[116] LFN has moreover failed to provide any information with respect to its membership. There is no proof before me to establish that the application is being brought with the support of its members, after consultation with the National Working Committee of LFN.

Another 2015 (3) SA 545 (SCA) para 18, as recently cited by Saller AJ in Community Upliftment Projects v Goodfind Properties (Pty) Ltd and Others (2026/013973) [2026] ZAWCHC 47 (11 February 2026) para 25.

[117] The challenge to its authority would not have come as a surprise to the applicants. In *Liberty Fighters Network and Another v Registrar of the High Court, Gauteng Division, Pretoria and Another*²¹ (“LFN Registrar case”), similar relief was sought and denied.²² The Court found that LFN failed to prove that it was authorised to represent LFN members in the application. There were no minutes of meetings authorising Mr. R de Beer to act on behalf of LFN’s members.

[118] In the Equality Court decision of *Liberty Fighters Network v Core Computer Business (Pty) Ltd and Others*²³ (the “LFN Core Computer case”) the Court found that Mr. R de Beer had not provided any discernible evidence to found and support his authority to institute and prosecute the complaint on behalf of LFN, and that 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.



[119] The Court further found²⁴ that 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, and that Mr. R De Beer had no legal authority to represent the public interest.

[120] In the *LFN Registrar* case, Mr. R de Beer also sought an order that he was authorised to litigate on behalf of LFN on the basis that he was the President of LFN and that the Constitution of LFN authorises him to litigate.²⁵ The Court found that Mr. R de Beer had not provided any supporting proof that he is the president of LFN and that he was authorised to litigate that specific application on behalf of LFN.²⁶

[121] In the replying affidavit, Mr. R de Beer attempts to cure his lack of authority, stating that ‘I have reduced my formal decision to institute this application to writing on the official LFN letterhead’ and annexes what he refers to as a written record of his decision, duly signed, allegedly confirming that the institution of the application was authorised in his capacity as President and executive official of LFN. This letter does not prove authority. The applicants

²¹ *Liberty Fighters Network and Another v Registrar of the High Court, Gauteng Division, Pretoria and Another* (2022/030165; 2022/30280; 2022/030165) [2026] ZAGPPHC 4 (2 January 2026).

²² *Id* para 13.

²³ *Liberty Fighters Network v Core Computer Business (Pty) Ltd and Others* [24942+3/2022] [2024] ZAEGC 5 (12 August 2024).

²⁴ *Id* at paras 14 to 16.

²⁵ *LFN Registrar* para 12.

²⁶ *Id*.

have still failed to produce any proof of consultation with the National Working Committee, or indeed of who such committee is comprised of.

[122] Ms. Sole was cited in these proceedings as the ninth respondent, notwithstanding the fact that she is the owner of Monkey Valley Resort, whom Mr. R de Beer purported to represent in correspondence regarding the complaint against, *inter alia*, the implementation of the Action Plan that preceded the litigation. The applicants also use her address (Monkey Valley Resort) as the service address in the notice of motion.

[123] According to the applicants, Ms. Sole was cited in her personal capacity to ‘provide further information to the court enabling it to reach a decision which is in the interest of the public and justice’.



[124] Ms. Sole delivered a notice of intention to oppose in which she supported the relief sought in Part A and a notice in terms of Rule 6(5)(d)(iii), in which she records she supports the relief and wishes to make oral submissions.

[125] SANParks avers that it is inappropriate to cite friendly parties as respondents in litigation, who, in turn, deliver documents to support the relief sought. I agree. SANParks also set out the following in the answer:

‘Ms Sole appears to be self-represented. SANParks assumes she has been advised by the applicants to participate in this manner. I call on the applicants to disclose to the Court their interactions with Ms Sole in relation to the litigation and the notice she filed.’

[126] The applicants failed to respond.

[127] Ms. O’Sullivan submitted that proceeding in this manner has obvious procedural disadvantages for the City and CapeNature, with reference to the following observation by De Waal AJ in *Goldstar Finance (Pty) Ltd and Others v Capitec Bank (Pty) Ltd and Another*²⁷:

‘To the above I want to add that if a respondent could “support” an applicant, it would

²⁷ *Goldstar Finance (Pty) Ltd and Others v Capitec Bank (Pty) Ltd and Another* (16589/23) [2023] ZAWCHC 336; [2024] 1 All SA 727 (WCC) (31 December 2023) (“Goldstar”) at para 52 and the authorities there cited.

wreak havoc with the established basis on which factual disputes in motion proceedings are determined, Plascon-Evans, in particular. Even in applications for interim relief, such as the present one, where Plascon-Evans does not apply, the fundamental difficulty with considering a supporting answering affidavit is that it allows an applicant to establish its case based on the answering affidavit (instead of the founding affidavit). This is impermissible.’

[128] In motion proceedings, the practice of citing a party who supports the applicant as a respondent may be a ploy to gain a tactical evidentiary advantage or to avoid being exposed to an adverse costs order is to be deprecated.

[129] If Ms. Sole wishes to join forces with the applicants, she ought to have been properly cited as a co-applicant. Her joinder as a respondent was clearly a stratagem to obtain an unfair advantage over the other respondents. It remains unexplained and plainly amounts to an abuse of the ordinary court process.



[130] Ms. Sole appeared in person at the hearing, and the distinct impression from the brief submissions which she made is that she was not cognisant of her role in the proceedings or why she had been cited as a respondent. Her repeated refrain was that the relief sought in Part A would result in an ‘environmental catastrophe.’ He could not take the matter further than that and indicated that she wishes to be afforded an opportunity to file an affidavit.

[131] As she had by then had ample opportunity to do so, and in view of the urgency with which these proceedings had been launched, and the irregular manner in which she had been joined, I declined to afford her further time to do so.

[132] On the last procedural point, it appears from the affidavits of the City and Cape Nature that he provided text argues that the Cape Baboon Partnership, a branch of Shark Spotters, is a necessary party to the litigation whose absence constitutes non-joinder.

[133] The partnership is currently operating under an existing agreement with the City of Cape Town that commenced on 1 January 2025 to assist in implementing the Baboon Strategic Management Plan. According to the Action Plan and its implementation schedule, the partnership is assigned specific, material operational roles, including the construction and management of the northern fence, the relocation of the Constantia Troops, and the management of the sanctuary. Because the City has budgeted substantial funds for these tasks

and is currently finalising an addendum to their agreement, the partnership holds a clear financial and operational stake in the continuity of the plan.

[134] It appears from the foregoing that the Cape Baboon Partnership has a direct and substantial interest in the relief sought in Part A, which seeks to interdict steps under the Action Plan, and should properly have been joined as a party to these proceedings.²⁸

[135] In prayer 7 of the Notice of Motion, LFN seeks an order directing the Environment MEC, the City, CapeNature and SANParks to deliver, within ten court days, separate affidavits under oath disclosing *inter alia* 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.



[136] Ms. O'Sullivan emphasised that LFN has not brought a direct challenge against the Action Plan, nor 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 are fully explained.

[137] It was incumbent on the applicants to have identified the impugned decisions which they should have sought to challenge by way of review proceedings. The attempt by the applicants to address these shortcomings in reply is impermissible.

[138] No cause of action has been pleaded for such relief, which is plainly not competent.

[139] Based on the findings above, it is apparent that this application is fatally flawed. It has been brought by applicants who have no standing in terms of section 38 of the Constitution and who have failed to prove that they have been authorised by the voluntary association they purport to represent to bring these urgent proceedings for interim interdictory relief.

[140] The three organs of state, SANParks, Cape Nature and the City of Cape Town have had to incur significant legal fees to defend the commendable collaborative work they have undertaken to manage a vexing issue facing both residents and baboons alike.

²⁸ For the test as to whether there has been a non-joinder see *Moshewu and Others v Department of Land Reform and Rural Development and Another* (660/2025) [2025] ZANWHC 260 (4 December 2025) at para's 32 to 39, citing *Absa Bank Ltd v Naude NO* (20264/2014) [2015] ZASCA 97 (1 June 2015) and *Judicial Service Commission and Another v Cape Bar Council and another* 2013 (1) SA 170 (SCA) at para12.

[141] The applicants did not even attempt to make out a case for interdictory relief in their founding papers. When questioned by the court in this regard and asked to direct the court's attention to the allegations in the founding papers in support of the requirements for interdictory relief, Mr. R de Beer, who, as a serial litigant, is aware of the difference between evidence and argument, could only point to the applicants' heads of argument.

[142] For all the reasons set out above, the application falls to be dismissed.

[143] The court deemed it in the interests of justice not to simply strike the matter for want of urgency, for the reasons set out above, however the abuse of process in bringing this application in the urgent court in the manner in which it did, and on unfairly oppressive timelines, is an issue which will weigh heavily against the applicant when the issue of costs is determined.



Costs

[144] Turning now to costs. The respondents contend that vexatious litigation of this nature falls within the exceptions to the *Biowatch* principle.²⁹

[145] In the event that this Court concludes that de Beer lacked the necessary authority, the City and Cape Nature seek costs against him in his representative capacity *de bonis propriis*. Mr de Beer sought a similar order on behalf of SANParks.

[146] Before deciding whether to order punitive costs or costs *de bonis propriis*, the court will need to conduct an independent enquiry into each form of costs order sought, as our highest courts have repeatedly warned that, because personal (*de bonis propriis*) and attorney-client cost orders are both punitive and extraordinary in nature, they should not be granted lightly, but only in exceptional circumstances.³⁰

²⁹ *Biowatch Trust v Registrar, Genetic Resources and others* 2009 (6) SA 232 (CC) at para 25 citing *Affordable Medicines Trust and Others v Minister of Health and Others* 2006 (3) SA 247 (CC) (2005 (6) BCLR 529) para's 138 para 18, para 24, and at para 35: 'Merely labelling the litigation as constitutional and dragging in specious references to sections of the Constitution would, of course, not be enough in itself to invoke the general rule. "The issues must be genuine and substantive, and truly raise constitutional considerations relevant to the adjudication."'

³⁰ *Public Protector v SA Reserve Bank ('Public Protector F')* [2019] ZACC 29; 2019 (6) SA 253 (CC) para 220; *Road Accident Fund v Hlatshwayo & Ors* [2025] ZASCA 17 para 2.

[147] In view of the serious implications for the applicants where punitive costs or costs *de bonis propriis* are sought, I directed the parties to, upon delivery of this judgment, file brief written submissions dealing only with this aspect. The use of costs shall accordingly stand over for later determination.

Order

[148] In the circumstances, the following order shall issue:

1. The application in terms of Part A is dismissed.
2. All issues of costs shall stand over for later determination.
3. The parties are directed to file written submissions, not exceeding 10 pages, addressing the following issues:
 - 3.1. Whether costs should be awarded on a punitive scale as between attorney and client; and/or
 - 3.2. Whether such costs should be paid by the applicants *de bonis propriis*.
4. The applicants shall file their submissions by no later than 6 March 2026.
5. The fifth, sixth and seventh respondents shall file their responding submissions by no later than 13 March 2026.
6. Thereafter, the Court will determine the issue of costs in chambers, unless the parties are notified that oral argument is required.




Holderness J
Judge of the Western
Cape High Court

Appearances

Applicants: Mr. Reyno Dawid de Beer

Fifth respondent: Adv M de Beer

Instructed by: Mkhabela Attorneys

**Sixth and seventh
respondents:** Adv M O' Sullivan SC and Adv C de Villiers
Instructed by: Fairbridges Attorneys



COURT ONLINE COVER PAGE

"PA4.2"

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

CASE NO: 2026-024184

In the matter between:

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

and

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



ORDER GRANTED BY HOLDERNESS J ON 25 FEBRUARY 2026

NOTE: This document was filed electronically by the Registrar on 31/3/2026 at 12:06:17 PM South African Standard Time (SAST). The time and date

the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

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



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

Case No. 2026-024184

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: WEDNESDAY 25 FEBRUARY 2026**

BEFORE THE HONOURABLE MS JUSTICE HOLDERNESS

In the matter between:

LIBERTY FIGHTERS NETWORK

First Applicant

REYNO DAWID DE BEER N.O.

Second 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.
ANTION BREDELL N.O., OR HIS SUCCESSOR
IN TITLE**

Third Respondent

**OFFICE OF THE COMMISSIONER OF
THE ENVIRONMENT**

Fourth Respondent

SOUTH AFRICAN NATIONAL PARK

Fifth Respondent

CAPE NATURE

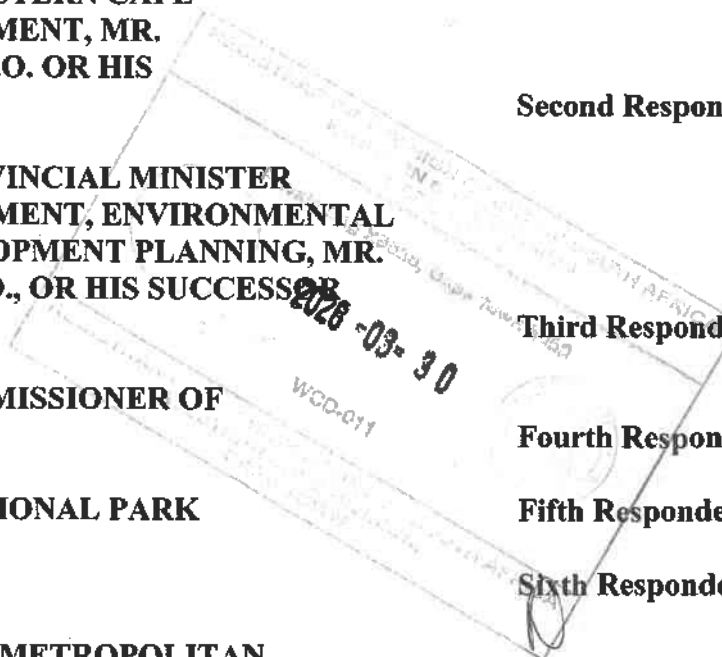
Sixth Respondent

**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

**Having heard the Legal Representative for the Applicants and Respondents
and having read the documents filed of record;**

IT IS ORDERED:

1. That the application in terms of Part A is dismissed.
2. That all issued of costs shall stand over for later determination.
3. That the parties are directed to file written submissions, not exceeding 10 pages, addressing the following issues:
 - 3.1. Whether costs should be awarded on a punitive scale as between attorney and client; and/or
 - 3.2. Whether such costs should be paid by the applicant *de bonis propriis*.
4. That the applicants shall file their submissions by no later than 6 March 2026.
5. That the fifth, sixth and seventh respondents shall file their responding submissions by no later than 13 March 2026.
6. That thereafter, the Court will determine the issue of costs in chambers, unless the parties are notified that oral argument is required.

BY ORDER OF THE COURT

2026-03-30

WCD-011

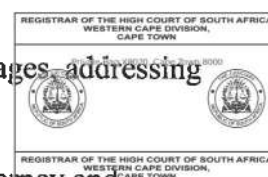
COURT REGISTRAR

Reyno Dawid De Beer (In Person)

24 Lith Road, The Orchards x11

ACASIA

/ds



COURT ONLINE COVER PAGE**"PA5"**

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

CASE NO: 2026-024184

In the matter between:

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

and

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



Leave to Appeal

NOTE: This document was filed electronically by the Registrar on 2/3/2026 at 3:53:58 PM South African Standard Time (SAST). The time and date

the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

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

A handwritten signature in black ink, appearing to read 'M. J. ...', is written over a faint, circular official stamp.

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

CASE NO: 2026-024184

In the matter between:

LIBERTY FIGHTERS NETWORK

(A voluntary association without gain *universitas*)

REYNO DAWID DE BEER N.O.

(cited *nomine officio* as executive official of 1st Applicant)

and

PREMIER OF THE WESTERN CAPE,

MR. ALAN WINDE N.O., OR HIS

SUCCESSOR IN TITLE

SPEAKER OF THE WESTERN CAPE

PROVINCIAL PARLIAMENT, MR.

DAYLIN MITCHELL N.O., OR HIS

SUCCESSOR IN TITLE

First Applicant



Second Applicant

First Respondent

Second Respondent

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

Third Respondent

**OFFICE OF THE COMMISSIONER OF
THE ENVIRONMENT**

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

Fourth Respondent



SOUTH AFRICAN NATIONAL PARKS

Fifth Respondent

CAPENATURE

Sixth Respondent

**CITY OF CAPE TOWN METROPOLITAN
MUNICIPALITY**

Seventh Respondent

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

Eighth Respondent

JUDITH ANNE SOLE

Ninth Respondent

WILDLIFE ANIMAL PROTECTION

Tenth Respondent

FORUM OF SOUTH AFRICA

BABOON ADVISORY GROUP

Eleventh Respondent

[Application for Leave to Appeal – Part A)

In Re:



LIBERTY FIGHTERS NETWORK

First Applicant

(A voluntary association without gain *universitas*)

REYNO DAWID DE BEER N.O.

Second Applicant

(cited *nomine officio* as executive official of 1st Applicant)

and

PREMIER OF THE WESTERN CAPE,

First Respondent

MR. ALAN WINDE N.O., OR HIS

SUCCESSOR IN TITLE

SPEAKER OF THE WESTERN CAPE

Second Respondent

PROVINCIAL PARLIAMENT, MR.

**DAYLIN MITCHELL N.O., OR HIS
SUCCESSOR IN TITLE**

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

Third Respondent

**OFFICE OF THE COMMISSIONER OF
THE ENVIRONMENT**

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



Fourth Respondent

SOUTH AFRICAN NATIONAL PARKS

Fifth Respondent

CAPENATURE

Sixth Respondent

**CITY OF CAPE TOWN METROPOLITAN
MUNICIPALITY**

Seventh Respondent

**CHAIRPERSON OF CAPE PENINSULA
BABOON MANAGEMENT JOINT TASK**

Eighth Respondent

**TEAM, MR. ROBERT McGAFFIN N.O.,
OR HIS SUCCESSOR IN TITLE**

JUDITH ANNE SOLE

Ninth Respondent

**WILDLIFE ANIMAL PROTECTION
FORUM OF SOUTH AFRICA**

Tenth Respondent

BABOON ADVISORY GROUP

Eleventh Respondent



APPLICATION FOR LEAVE TO APPEAL – PART “A” OF NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the above-mentioned *pro se* Applicants hereby give notice of their intention to apply for leave to appeal, on a date to be determined by the Registrar, to the Supreme Court of Appeal, alternatively to a Full Court of the above-mentioned Division, against the whole of the judgment and court order handed down by Holderness J on 25 February 2026, including any subsequent corrections thereto, in the above-mentioned matter.

TAKE FURTHER NOTICE that this application is brought in terms of section 17 of the *Superior Courts Act, 2013 (Act No.10 of 2013)*, on the basis that another Court would reasonably come to a different conclusion, alternatively that the appeal would have reasonable prospects of success, and/or that there exist other compelling reasons why the appeal should be heard, including issues of legality, constitutional compliance, and procedural fairness.

IN PARTICULAR, the Applicants respectfully contend that the Court *a quo* misdirected itself and erred in law and/or in fact on one or more of the grounds set out *infra*, which grounds are relied upon cumulatively and/or in the alternative, and which will be further addressed and developed at the hearing of this application for leave to appeal.

A. URGENCY: MATERIAL MISDIRECTION

A1. Failure to Strike the Matter After Rejecting Urgency

1. At paragraphs [37]–[45] the Court found that the application constituted “*self-created urgency*”.
2. In particular, at paragraph [40] the Court held that reliance on the January 2026 signature page was “contrived”, and at paragraph [45] the Court concluded that the matter warranted censure.
3. Having found that urgency was absent, the Court nevertheless proceeded to determine:
 - 3.1. Standing (*paras* [85]–[95]);
 - 3.2. Authority;
 - 3.3. The requirements for interim interdictory relief;
 - 3.4. The merits of Part A relief.



4. In *Commissioner for the South African Revenue Service v Hawker Air Services (Pty) Ltd 2006 (4) SA 292 (SCA)*, the Supreme Court of Appeal confirmed that where urgency is not established, the appropriate order is to strike the matter from the roll.
5. The SCA made it clear that a Court should not determine substantive rights where the procedural gateway of urgency has not been satisfied.
6. By proceeding to determine substantive issues after rejecting urgency, the Court materially misdirected itself.
7. That misdirection has the effect of:
 - 7.1. Pre-judging issues central to Part B;
 - 7.2. Creating adverse findings binding the Applicants before a full ventilation of evidence;
 - 7.3. Forcing the Applicants to challenge Part A findings before Part B may proceed.
8. Another court may reasonably conclude that once urgency was rejected, the matter ought to have been struck from the roll without further adjudication.



A2. Mischaracterisation of the Trigger for Urgency

9. At paragraph [40], the Court treated urgency as flowing from earlier adoption of the Final Action Plan.
10. The Applicants' case, however, was that urgency arose from:
 - 10.1. The complaint lodged on 9 December 2025 with the Office of the Commissioner for the Environment;

10.2. The continued implementation of allegedly irreversible measures pending investigation;

10.3. The risk that the complaint would be rendered nugatory.

11. The Court reframed the cause of urgency as if the Applicants were challenging historical adoption of policy rather than seeking interim preservation pending constitutional oversight.

12. That reframing constitutes a material factual misdirection.

13. Another court may reasonably find that urgency was assessed on an incorrect premise.



B3. Improper Use of Litigation History to Determine Urgency

14. At paragraphs [43]–[44], the Court relied on prior litigation history to characterise the urgency as abusive.

15. Urgency must be assessed on the facts of the matter before Court.

16. Reliance on unrelated prior matters risks importing extraneous considerations into the urgency analysis.

17. Another court may conclude that the urgency determination was influenced by impermissible factors.

C. CHARACTERISATION OF THE APPLICANTS AND REASONABLE APPREHENSION OF BIAS

18. At paragraph [43], the Court described the Applicants as “serial litigants”.
19. At paragraph [44], reliance was placed on prior judicial criticism in unrelated matters.
20. At paragraph [45], the Court characterised the present application as abusive and warranting censure.
21. In its reasoning, the Court further suggested that the Applicants use the Court as a “playground”.
22. These characterisations were not derived from conduct in the present proceedings alone, but were informed by reference to unrelated prior litigation.
23. The full records of those prior matters were not before this Court.
24. Those matters were factually and legally distinguishable from the present application, which concerned constitutional environmental oversight and the non-appointment of a constitutionally mandated office.
25. Urgency, standing and *bona fides* must be determined on the facts placed before the Court in the matter under adjudication.
26. The reliance on prior litigation history to assess urgency (*paras* [37]–[45]) and standing (*paras* [85]–[95]) risks importing extraneous considerations into the reasoning process.



27. The use of language such as “serial litigants”, “fell on deaf ears”, “abuse”, and the suggestion that the Court is used as a “playground” reflects judicial censure extending beyond purely legal analysis.

28. The Applicants submit that another court may reasonably conclude that such characterisation:

28.1. Influenced the finding on urgency;

28.2. Influenced the restrictive approach to standing;

28.3. Influenced the balance of convenience assessment;

28.4. Contributed to the direction regarding punitive costs at paragraph [147].



29. The test for bias is whether a reasonable, objective and informed person would, on the correct facts, reasonably apprehend that the Court would not bring an impartial mind to bear (*Vide: President of the Republic of South Africa and Others v South African Rugby Football Union and Others - Judgment on recusal application (CCT16/98) [1999] ZACC 9; 1999 (4) SA 147; 1999 (7) BCLR 725 (4 June 1999)*).

30. The Applicants submit that another court may reasonably find that reliance on prior unrelated criticism and the use of pejorative language gives rise, at minimum, to a reasonable apprehension that extraneous considerations influenced the adjudication.

31. This constitutes either:

31.1. A material misdirection; or

31.2. A compelling reason for the appeal to be heard in terms of section 17(1)(a)(ii) of the Superior Courts Act.

D. STANDING: MISAPPLICATION OF GIANT CONCERTS

32. At paragraph [85], the Court set out section 38 of the *Constitution*.
33. At paragraph [89], reliance was placed on *Giant Concerts*.
34. At paragraph [91], the Court held that the Applicants are based in Gauteng and do not show how their rights are impacted.
35. At paragraph [92], the Court held that LFN does not state how the case is consistent with its objectives.
36. At paragraph [94], the Court held that the Applicants' sole claim was that the matter raises constitutional issues.
37. The Applicants submit that:
 - 37.1. Section 38(1)(d) (public interest) was engaged;
 - 37.2. Section 38(1)(e) (association interest) was engaged;
 - 37.3. Section 32(1) of *NEMA* confers broad standing.
38. Paragraph 34 of *Giant Concerts* (not considered in the judgment) confirms that where public interest cries out for relief, standing should not be narrowly confined.
39. Another court may conclude that paragraphs [91]–[94] adopt an unduly restrictive approach inconsistent with Constitutional Court authority.



E. FAILURE TO ENGAGE THE NON-APPOINTMENT OF THE COMMISSIONER

40. At paragraph [95], the Court recorded that the Applicants limited their constitutional challenge to failure to appoint the Environment Commissioner.
41. The vacancy of that office was common cause.
42. No meaningful relief or analysis was granted.
43. The constitutional obligation under section 71 of the *Western Cape Constitution* was not substantively addressed.
44. Another court may conclude that this omission constitutes a material misdirection.



F. PLASCON-EVANS MISAPPLIED

45. The Premier did not oppose.
46. Serious allegations regarding constitutional non-appointment and oversight failure were uncontested.
47. The judgment does not give effect to the procedural consequences of non-opposition.
48. The Applicants' uncontested factual allegations were not accepted.
49. Another court may find that the *Plascon-Evans* principle was not properly applied.

G. REPRESENTATION AND AUTHORITY OF LFN

50. The Court made adverse findings regarding authority.

51. However, the Applicants had placed sworn authority and a written decision record before Court.
52. The Applicants relied on superior court authority recognising such representation.
53. The judgment does not meaningfully distinguish binding authority from the SCA¹. Further, other unreported superior court matters which were all circulated to Holderness J, granting authority to De Beer to represent LFN, and even to represent other members, were discarded.²
54. Instead, reliance was placed on isolated High Court findings (*para* [43]–[44] contextually).
55. Under *stare decisis*, SCA and Constitutional Court authority must prevail.
56. Another court may find the authority finding erroneous.



H. INTERNAL INCONSISTENCY

57. The Court rejected urgency (*paras* [37]–[45]).
58. It rejected standing (*paras* [91]–[94]).
59. It questioned authority.

¹ Minister of Cooperative Governance and Traditional Affairs v De Beer and Another (Case no 538/2020) [2021] ZASCA 94 (1 July 2021)

² 10 & 10a Kenmere CC v Ndebele and Others (2018/31110) [2019] ZAGPJHC 199 (19 June 2019); De Beer and Another v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2021] ZAGPPHC 549 (19 February 2021); De Beer N.O and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 676 (23 October 2020); Liberty Fighters Network and Another v South African Health Products Regulatory Authority (30280/2022) (19 September 2024) (Unreported); Ndebele and Others v 10 & 10A Kenmere CC and Others (CCT 38/20) (19 August 2020) (Unreported); Liberty Fighters Network and 16 Others v KVM Investments (Pty) Ltd and Others (CCT336/18) (4 February 2019) (Unreported)

60. Yet it proceeded to determine the merits comprehensively and dismissed Part A (Order *para* [148]).
61. If standing and authority were absent, no substantive determination should have followed.
62. This internal inconsistency strengthens prospects on appeal.

I. BALANCE OF CONVENIENCE AND STATE PREJUDICE

63. At paragraph [36] (page 9 of judgment), the Court noted concern when litigation involves state functionaries and public funds.
64. At paragraph [45], the Court referred to abuse warranting censure.
65. The analysis appears to weigh prejudice to organs of state heavily.
66. Irreversible harm to wildlife and constitutional oversight was not symmetrically weighed.
67. Another court may reassess the balance differently.



J. NON-JOINDER AND MS SOLE

68. The Court accepted joinder criticisms (contextually reflected in standing discussion and treatment of Ms Sole at *para* [91]).
69. The Applicants had notified relevant stakeholders once their interests were made known.

70. No indispensable party sought intervention.
71. Another court may find that non-joinder was not fatal.

K. RELIANCE ON MEDIA REPORTS

72. The Applicants will further rely on publicly available media reports demonstrating significant public controversy.³
73. The judgment does not consider public material to consider public interest at all.
74. Interim proceedings permit reliance on publicly available, uncontested material to inform the public interest and balance of convenience.
75. Another court may conclude that not relying on public available material was improperly disregarded.



L. COSTS AND PUNITIVE IMPLICATIONS

76. At paragraph [147], the Court directed submissions regarding punitive costs and *de bonis propriis* liability.
77. Such direction reflects the Court's adverse view of the Applicants' conduct.
78. If the underlying findings on urgency, standing, and authority are set aside, the punitive cost consideration falls away.

³ <https://www.dailymaverick.co.za/opinionista/2026-02-17-cape-peninsulas-neoapartheid-what-the-baat-the-baboon-crisis-reveals-about-power/> and <https://www.dailymaverick.co.za/opinionista/2026-02-17-cape-peninsula-baboons-a-public-protectotector-complaint-and-accountability-in-a/>

M. CUMULATIVE EFFECT

79. The cumulative effect of:

79.1. Mischaracterised urgency (*paras* [37]–[45]);

79.2. Restrictive standing approach (*paras* [85]–[95]);

79.3. Failure to engage constitutional vacancy (para [95]);

79.4. Authority findings inconsistent with superior precedent;

79.5. Extraneous reliance on litigation history;

79.6. Internal inconsistency in adjudication;

demonstrates reasonable prospects of success.



N. CONCLUSION

80. The Applicants respectfully submit that:

80.1. There are reasonable prospects that another court will come to a different conclusion; alternatively

80.2. The matter raises compelling constitutional issues warranting appellate scrutiny.

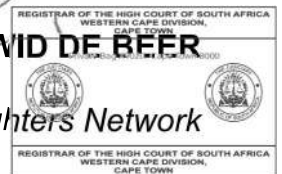
81. Leave to appeal should therefore be granted to the Supreme Court of Appeal, alternatively to the Full Court of this Division.

TAKE NOTICE FURTHER that the Applicants provide the electronic mail address hereunder as the address they will receive further notices, documents and process during course of these proceedings as agreed between all parties from the beginning.

SIGNED AT **CAPE TOWN** ON THIS **2ND** DAY OF **MARCH 2026**.


REYNO DAWID DE BEER

Nomine Officio as 2nd Applicant and for 1st Applicant *Liberty Fighters Network*



Address: 24 Lith Road

The Orchards X 11

Acasia, 0201

Service Address with 25km of court building:

Monkey Valley Resort

Noordhoek

Office: +27 (0)72 745 2869

Mobile: +27 (0)67 735 7288

Email(1): reyno@libertyfighters.org

Email(2): debeerreyno@gmail.com

[Accept service by Electronic Mail]

TO: REGISTRAR OF THE HIGH COURT
CAPE TOWN

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

First Respondent

c/o Ms Faadia Joseph

Legislature Building, 7 Wale Street

Cape Town, 8001

Telephone: 021 483 4630

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

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



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

Second Respondent

c/o Mr Andre Le Roux (Senior Legal Adviser)

Legislature Building, 7 Wale Street

Cape Town, 8001

Mobile: 0725387934

Phone: 021 483 2430

Email: aleroux@WCPP.GOV.ZA

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

Third Respondent

Legislature Building, 7 Wale Street

Cape Town, 8001

Mobile: 0832869376

Phone: 021 483 3915

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

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

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

Fourth Respondent

c/o First to Third Respondents

Same contacting details as for the First to Third Respondents



AND TO: **SOUTH AFRICAN NATIONAL PARKS**

Fifth Respondent

c/o MKHABELA HUNTLEY ATTORNEYS INC.

Block B, Wierda Court

107 Johan Avenue, Sandton

Tel: 011 783 8020

Fax: 011 783 3842

Email(1): mkhabela@mhalaw.co.za

Email(2): refiloe@mhalaw.co.za

Email(3): mmasetshaba@mhalaw.co.za

Email(4): kamohelo@mhalaw.co.za

Reference: SAN2-0038 /Mr L Mkhabela/

Correspondent: c/o MASERUMULE ATTORNEYS

Unit 3, Draper Square,

Draper Street, Claremont, 7708

Tel: 021 671 7585

Fax: 086 212 1571

Email(1): glen@maserumulecpt.co.za

Email(2): jamie@maserumulecpt.co.za

Reference: Mr Glen Cassells

AND TO: **CAPENATURE**

Sixth Respondent

c/o **FAIRBRIDGES ATTORNEYS**

Per: **DEIRDRE OLIVIER**

22nd Floor, Portside Building,

5 Buitengracht Street, **Cape Town**

Ref: DO/AA/10144964

Tel. 021 405 7397

Email: deirdre.o@fairbridges.co.za



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

Seventh Respondent

c/o **FAIRBRIDGES ATTORNEYS**

Per: **DEIRDRE OLIVIER**

22nd Floor, Portside Building,

5 Buitengracht Street, **Cape Town**

Ref: DO/AA/10144964

Tel. 021 405 7397

Email: deirdre.o@fairbridges.co.za

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

Eighth Respondent

1) c/o Mr Robert McGaffin

Civic Centre, Podium Block, Fifth Floor

12 Hertzog Boulevard, CAPE TOWN

Email(1): cpbmjtt@capetown.gov.za

Email(2): cpbmjtt@sanparks.org

Email(3): cpbmjtt@capenature.co.za

2) Senior Legal Advisor: Ms Emlyn Williams

Office of the City Manager (Legal Services)

Email: Emlyn.Williams@capetown.gov.za



AND TO: **JUDITH ANNE SOLE**

Ninth Respondent

Monkey Valley Resort

Noordhoek

Mobile: 082 924 6028 / 082 925 5612

Email(1): judy@monkeyvalleyresort.com

Email(2): traxdb@gmail.com

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

Tenth Respondent

c/o Administrator and Coordinator: Ms Megan Carr

Mobile: 083 251 1978

Email: administrator@wapfsa.org

AND TO: **BABOON ADVISORY GROUP**

Eleventh Respondent

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

Simon's Town Civic Association

2 Jubilee Square, St. Georges Street

Simon's Town

Email(1): waldohelives@icloud.com

Email(2): chrisjonllo@gmail.com

Email(3): krok@mweb.co.za

Email(4): stcamail@gmail.com

□□□

