



DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
AND TOURISM

**SPECIAL
POINTS OF
INTEREST:**

◆ The National Environmental Management: Biodiversity Act (No 10 of 2004) entered into effect 1 September 2004

◆ Provisions relating to threatened or protected species and alien or invasive species are set to enter into effect on 1 April 2005

◆ Activities involving species listed in regulations under the Act or involving alien species not exempted through such listing may constitute a criminal offence carrying a heavy penalty

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SPECIES LISTING

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Biodiversity Act and Species Listing

Biodiversity in South Africa has been and still is regulated by fragmented and sometimes incomplete legislation, mainly at provincial but in some sectors also nationally. Absence of comprehensive national legislation in the past has led to difficulties in regulating the sustainable use of biological resources, a situation exacerbated by the diverse biodiversity interests of user groups such as hunters, anglers, wildlife breeders and traders, the pet trade and plant nurseries.

The National Environmental Management: Biodiversity Act (No 10 of 2004) was signed into law earlier this year, and entered into effect on 1 September 2004. This Act provides for the consolidation of biodiversity legislation through establishing national norms and standards for the management of biodiversity across all sectors and by different

management authorities. The provisions of the Act further seek to allow regulatory oversight at appropriate levels whilst avoiding unnecessary duplication of functions.

An important aspect of the biodiversity legislation is to facilitate



Hawksbill Turtle

both conservation and sustainable use of species through management interventions at species level.

The provisions of the Act dealing

with species in need of protection aim to ensure their survival in the wild while regulating activities, including trade, which may involve such threatened or protected species and activities which may have a potential impact on their long-term survival.

Provision is also made for the management of alien and invasive species and mitigating their possible impact on indigenous biodiversity through the control of their introduction and spread, as well as the management and eradication of those invasive species already established.

These provisions however, will only become enforceable when appropriate species lists have been published in regulations under the Act, a process intended to be completed by 1 April 2005 by which date the relevant sections of the Act are set to enter into effect.

Stakeholder Registration

In view of the fact that activities involving species listed in regulations under the Act or involving alien species not exempted through such listing may constitute a criminal offence carrying a heavy penalty, the implications to user and interest groups are considerable. However, the provisions of the Act also compels the Minister to follow a consultative and public participation

process before publishing a notice to list a species as threatened, protected or invasive, or to exempt any alien species or groups of alien species from the provisions of the Act.

To ensure that the consultation process will be open and accessible to all relevant stakeholders and to streamline the consultation process, stakeholders were invited to

register with the DEAT. Stakeholders were registered in one of three categories, viz. institutions, experts or interested individuals. Registered institutions were also invited to nominate experts onto the roster of experts.

Closing date for registration was 15 September 2004. At present a total of 512 individuals are registered on the stakeholder database.

Protection of Threatened or Protected Species



Aloe pillansii

Chapter 4 of the Biodiversity Act contains provisions for the protection of rare and threatened species and species protected under international agreements. The Act makes provision for the listing of species that are threatened or in need of protection to ensure their survival in the wild, while regulating activities, including trade, which may involve such listed species.

Indigenous species will be listed in terms of their conservation status and the possible threat to their extinction in the wild. Categories to be used for the listing of species

that are threatened are as follows:

Critically endangered

Endangered

Vulnerable

Protected species: Species listed in this category will include, among others, species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as other international agreements such as the Convention on Migratory Species

(CMS).

Activities such as keeping, moving, have in possession, importing and exporting and selling listed species are regulated by means of permits, i.e. the activities are regulated rather than the species themselves.

This means that when a person wants to sell a listed species a permit is required. Trading in a listed species, whether nationally or internationally is equally regulated by means of a permit.

The Listing Process

Scientific and technical expertise required for the listing of threatened and protected species will be sourced from the roster of experts developed during the stakeholder registration process.

Ad hoc expert groups, to assist in the compilation of species lists, were constituted from the roster of experts on the stakeholder database. The ad hoc expert groups will be drafting lists on: a) mammals; b) birds; c) plants; d) reptiles and amphibians; e) fishes; and f) invertebrates.

As soon as draft lists are available, it will be circulated to all the experts on the roster of experts. Subsequent to the review of the draft lists by all the experts, the draft lists will be circulated to the broader stakeholder group for their input.

To initiate the drafting of the lists, three ad hoc expert group workshops have been scheduled.

The main objectives of the workshops will be to develop a common understanding of the listing process, to finalise criteria, the form and content of the lists and to initiate the actual drafting of the lists.

The workshops will be held in Pretoria, Grahamstown and Cape Town during November 2004.

TIMEFRAMES

November 2004

- ◆ Ad Hoc Expert Group Workshops
- ◆ Ad Hoc Expert Groups develop draft lists
- ◆ Draft lists circulated to roster of experts

December 2004

- ◆ Incorporate comments from roster of experts into draft lists

- ◆ Circulate draft list to stakeholders registered on database
- ◆ Consolidate comments and amend draft lists

January 2005

- ◆ Publish draft lists in Government Gazette for general public consultation

February 2005

- ◆ Consolidate comments and draft final lists

March 2005

- ◆ Submit lists through Minister and MinMec for approval
- ◆ Publish approved list in Government Gazette

April 2005

- ◆ Regulations relating to listed threatened or protected species enter into force.

Three ad hoc expert group workshops have been scheduled for November 2004.

Misconceptions about the Species Listing Process



Saddle billed stork

There is some misunderstanding amongst the various stakeholders about the NEM: Biodiversity Act species listing process. It is important to state here that the Biodiversity Act species listing process is **NOT** simply a review or redrafting

process of the Red Data listings. The listing process is a completely different process with different objectives and applications than the Red Data listings and requires an entirely different perspective.

The Biodiversity Act listings is a legal instrument that will be used as a management tool and to monitor and regulate activities involving a listed species. The listing process in

terms of the Act is focused, and not an exhaustive and all inclusive process that indicate the status of all species like the Red Data Listings require.

Whilst the Biodiversity Act listing of a species is a legal instrument, the Red Data Listings are purely scientific instruments that are valuable as a management support mechanism to indicate the status of a species.

Ultimately, the species lists developed i.t.o the Biodiversity Act have to be manageable and enforceable.



Electronic enquiries can be directed to:
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The Project Team

The Project Team oversees the day to day activities of the project. They are responsible for managing the project, organising workshops and distributing information relating to the Species Listing Process.

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Inside the next issue.....

- ◆ Terms of Reference for the Ad Hoc Expert Groups
- ◆ Who's Who in the Ad Hoc Expert Groups
- ◆ Outcomes of the Ad Hoc Expert Group Workshops



Geometric Tortoise

What's new??

- ◆ The species listing process has been split.
- ◆ The current process only deals with the listing of threatened and protected species.
- ◆ The process for listing alien and invasive species will be initiated in due course.



Table Mountain Ghost Frog