

Inventory

Implementation of Articles III.4 and III.5 of the Convention

South Africa		
Party since 1 December 1991		
National Reports submitted: COP12 (2017), COP11 (2014), COP10 (2011), COP9 (2008)		
Relevant Legislation		
	<ul style="list-style-type: none"> • The Constitution (Act 108 of 1996). • The Sea-shore Act (Act no. 21 of 1935). • The Sea Birds and Seals Protection Act (Act no. 46 of 1973). • The Environment Conservation Act (Act no. 73 of 1989). • Sea-shore Amendment Act (Act no. 190 of 1993). • Marine Living Resources Act (Act no. 18 of 1998). • National Forests Act (Act no. 84 of 1998). • National Veld and Forest Act (Act no. 101 of 1998). • National Environmental Management Act (Act no. 107 of 1998). • National Environmental Management: Protected Areas Act (Act no. 57 of 2003). • National Environmental Management: Biodiversity Act (Act no. 10 of 2004). • National Environmental Management: Integrated Coastal Management Act (24 of 2008). • World Heritage Convention Act (49 of 1999). • Marine Living Resources Act (18 of 1998). • Sea Bird and Seal Protection Act (46 of 1973). • Prince Edward Islands Act (43 of 1948). • Antarctic Treaties Act (60 of 1996). • The Threatened or Protected Species Regulations and List and per the National Environmental Management: Biodiversity Act (Act 10 of 2004). 	
Article III.5		
	Laws that Implement the Take Prohibition	
	Aquatic Mammals	Taking of all Appendix I aquatic mammals is not prohibited, but relevant law is not identified. Taking is allowed provided a permit is obtained. Taking is prohibited only when the activity has a detrimental impact on the survival of the species.
	Terrestrial Mammals	Taking is prohibited only when the activity has a detrimental impact on the survival of the species.

	Birds	Taking is prohibited only when the activity has a detrimental impact on the survival of the species.
	Reptiles	Taking is prohibited only when the activity has a detrimental impact on the survival of the species.
	Fish	Taking is prohibited only when the activity has a detrimental impact on the survival of the species.
Exceptions to the Take Prohibition		
	Aquatic Mammals	None granted.
	Terrestrial Mammals	None granted.
	Birds	None granted.
	Reptiles	None granted.
	Fish	None granted.
Article III.4		
Laws to conserve and, where feasible and appropriate, restore habitats of CMS Appendix I species		
	South Africa has designated a variety of protected areas, including Marine Protected Areas, national parks, and Ramsar sites. The Ingula Nature Reserve was declared by the Free State and KwaZulu Natal Provincial Conservation Authorities. This reserve contributes to the conservation of migratory species such as the white-winged flufftail and three species of cranes among others. However, insufficient information is provided to determine whether any Appendix I species inhabit these areas, and insufficient information is provided to identify the content of any obligations arising from these designations.	
Laws that prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species		
	Windmills (birds and bats)	South Africa has Environmental Impact Assessment (EIA) Regulations promulgated under National Environment Management Act, Act 107 of 1998 (NEMA) legislation that regulates the placing of wind turbines.
	Cell towers (birds and bats)	Unknown
	Dams (fish)	Unknown
	Road construction (mammals)	Unknown
	Train tracks (mammals)	Unknown
	Fishing gear/bycatch (marine mammals, sea turtles, fish)	<ul style="list-style-type: none"> • Conditions to reduce the by-catch of animals in long-line fisheries have been included in permits issued to fishing vessels. <p>Marine Living Resources Act (18 of 1998) regulates the fisheries sector and incorporates many goals and obligations, prescribed under the UN FAO Code of Conduct for Responsible Fisheries, including the prescribed mitigation</p>

			<p>measures for bycatch reduction in the various sectors. In addition, gear restrictions and standards are prescribed in permits issued under this act for the various sectors. However, insufficient information is provided to identify the content of any restrictions.</p> <ul style="list-style-type: none"> • Through a National Plan of Action for Seabirds, seabird bycatch reduction has been in implementation since 2008. However, insufficient information is provided to identify the content of any obligations in the plan.
		Shipping mammals) (marine	Unknown
Laws that prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of or controlling or eliminating, already introduced species.			
			<ul style="list-style-type: none"> • The use of pesticides in South Africa is Regulated by the National Department of Agriculture Forestry and Fisheries (DAFF) under the Pesticide Management Policy for South Africa. However, insufficient information is provided to identify the content of any obligations. • South Africa follows an ecosystem approach to conservation, based on evaluating all relevant conservation issues, not just specific ones. Migratory species are part of the layers used in the spatial planning. All priority areas for protected area expansion are identified on the basis of spatial planning which includes all species information available. • South Africa is implementing the Biodiversity Stewardship Programme (BSP) as an approach to entering into agreements with private and communal landowners to protect and manage land in biodiversity priority areas, led by conservation authorities in South Africa. Although ownership does not change, the security of the conservation area is ensured. The level of protection is again determined by systematic biodiversity conservation plans. All sites are assessed for their biodiversity importance, and there is also an evaluation form, which takes species into account. Another aspect that is taken into account in the evaluation process is the contribution of the site towards forming a climate change corridor. Crane species and the white-winged flufftail have been used as flagship species for inclusion of privately / communally owned land under Biodiversity Stewardship. For example, two of the BSP sites contain migratory species of importance. There are, Ingula Nature Reserve, which is in the process of being declared, consists of about 8 000ha of high-altitude grassland, with a large portion of intact wetland, and is prime habitat for all three crane species as well as the White-winged Flufftail. In KwaZulu-Natal, the Bill Barnes Crane and Oribi Nature Reserve was declared specifically to protect resident Cranes and Oribi.

		<ul style="list-style-type: none"> • A number of provincial conservation agencies, e.g. Ezemvelo KZN Wildlife, have developed bioregional plans which identify key sensitive biodiversity areas including CMS habitats (and species), not under formal protection. • South Africa has undertaken awareness raising campaigns, including with respect to vultures. The National project between Department and Traditional Healers Organization was initiated with the view of reaching common ground in relation to illegal trade of vultures. • Environmental impact assessment ("EIA") is required for listed projects; these include changes in the land use planning; power generation facilities, dams etc. Depending on the nature of the activity, the NEMA EIA Regulations may require either a basic assessment or a more thorough scoping and EIA before an environmental authorisation may be granted. • Monitoring of powerline impacts on migratory birds is conducted and mitigation measures are implemented, although very slowly. • Oil Spill contingency plans have been developed for 25 local coastal zones (2012). In addition, contingency plans exist for oiled seabirds and other oiled marine species. These also include seabird rescue plans for colonies. This is in addition to disaster management and operational response plans. • South Africa has developed the National Environmental Management Biodiversity Act, Alien and Invasive Species (NEMBA-A&IS), which contain 556 species (24 bird species). These regulations are supported by a draft National Strategy for Management for Biological Invasions which will guide our future efforts in this regard. the national strategy also analysed, identified and prioritised pathway in which alien species may arrive and enter the country. The AIS regulation provides a framework for conducting risk assessment. To give effect to the implementation of the framework, South Africa has developed processes for the scientific review of risk analyses. • Since 1995, South Africa has embarked in the Working for Water (WfW) which aims to control eradicate and prevent further fight against invasive alien plants.
Reservations, territorial inclusions, and territorial exclusions		
	Reservations	Inclusion in Appendix II of <i>Giraffa Camelopardalis</i> (giraffe), <i>Panthera leo</i> (lion), <i>Panthera pardus</i> (leopard), <i>Prionace glauca</i> (blue shark).
	Territorial Scope	"Republic of South Africa". Thus, the Convention is presumed to apply to all territory, including any overseas territories and semi-autonomous zones.