

Report on the implementation of AEWA for the period 2015-2017

The format for reports on the implementation of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) for the period 2015-2017 was approved at the 12th meeting of the Standing Committee (31 January – 01 February 2017, Paris, France). This format has been constructed following the AEWA Action Plan, the AEWA Strategic Plan 2009-2018 and resolutions of the Meeting of the Parties (MOP).

In accordance with article V(c) of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, each Party shall prepare to each ordinary session of the MOP a National Report on its implementation of the Agreement and submit that report to the Agreement Secretariat. By Resolution 6.14 of the MOP the deadline for submission of National Reports to the 7th session of the Meeting of the Parties (MOP7) was set at 180 days before the beginning of MOP7, which is scheduled to take place on 4 – 8 December 2018 in South Africa; therefore **the deadline for submission of National Reports is Wednesday 7 June 2018.**

The AEWA National Reports 2015-2017 will be compiled and submitted through the CMS Family Online National Reporting System, which is an online reporting tool for the whole CMS Family. The CMS Family Online Reporting System was developed by the UNEP-World Conservation Monitoring Centre (UNEP-WCMC) in close collaboration with and under the guidance of the UNEP/AEWA Secretariat.

To contact the UNEP/AEWA Secretariat please send your inquiries to: aewa.nr@unep-aewa.org

1. General Information

Name of reporting Contracting Party

> South Africa

Date of entry into force of AEWA in the Contracting Party

> 01/04/2002

List any reservations that the Contracting Party has made (if any) in respect of any population(s) listed in Table 1 of Annex 3 or any specific provision of the AEWA Action Plan - either upon deposition of its instruments of accession (per AEWA, Article XV) or subsequent to any amendment of Table 1 or the AEWA Action Plan, as adopted by a session of the Agreement's Meeting of the Parties (per AEWA, Article X.6).

EU member states should list also all reservations entered by the European Commission on behalf of the European Union.

> None

2. Institutional Information

Please update information on the National AEWA Administrative Authority, the National Focal Points, the Designated National Respondent and the other contributors to this report.

Designated National AEWA Administrative Authority

Full name of the institution

> Department of Environmental Affairs of the Republic of South Africa

Name and title of the head of institution

> Ms Nosipho Ngcaba, Director-General

Mailing address - Street and number

> Environment House, 473 Steve Biko road. Arcadia, Pretoria, 0083

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> Private Bag x447, Pretoria, 0001

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> South Africa

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> +27 (0) 12 322 4832

E-mail

> nngcaba@environment.gov.za

Website

> <https://www.environment.gov.za/>

Designated National Focal Point (NFP) for AEWA matters

Name and title of the NFP

> Ms Humbulani Mafumo, Deputy Director: Biodiversity Conservation

Affiliation (institution, department)

> Department of Environmental Affairs of the Republic of South Africa

Mailing address - Street and number

> Environment House, 473 Steve Biko road. Arcadia, Pretoria, 0083

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> +27 (0) 86 541 1102

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> hmafumo@environment.gov.za

Website
> <https://www.environment.gov.za/>

Designated National Focal Point for AEWA Technical Committee (TC NFP) matters

Name and title of the TC NFP
> Dr Lizanne Roxburgh

Affiliation (institution, department)
> Endangered Wildlife Trust

Mailing address - Street and number
> Building K2, Pinelands Office Park, Ardeer Road, Modderfontein, 1645, Gauteng Province

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> 1609

City
> Johannesburg

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> South Africa

Telephone
> +27 (0) 11 372 3600/1/2/3

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> +27 (0) 11 608 4682

E-mail
> lizanner@ewt.orgg.za

Website
> <https://ewt.org.za>

Designated National Focal Point for Communication, Education and Public Awareness (CEPA NFP) matters

Name and title of the CEPA NFP
> Policy and Advocacy Manager - The post is vacant a replacemnt to be done

Affiliation (institution, department)
> BirdLife South Africa

Mailing address - Street and number
> Isdell House, 17 Hume Road, Dunkeld West 2196, Johannesburg, South Africa

P.O.Box
> Private Bag X16, Pinegowrie

Postal code
> 2123

City
> Pinegowrie

Country

> South Africa

Telephone

> +27 (0) 11 789 1122

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> +27 (0) 11 789 5188

E-mail

> advocacy@birdlife.org.za

Website

> <http://www.birdlife.org.za>

Designated National Respondent (DNR) in charge of the compilation and submission of the AEWA National Report 2015-2017

Please select from the list below as appropriate.

The National Focal Point (NFP) has been designated as the National Respondent

Other contributors to the AEWA National Report 2015-2017

Please list the names and affiliations (institution, organisation) of the other contributors to this report. For Contracting Parties in which nature conservation is not an exclusive competence of national/federal government, Designated National Respondents are encouraged to seek input from other relevant levels of government.

> National Department of Environmental Affairs: Oceans and Coast Branch

Gauteng Department: Agriculture and Rural Development (GDARD)

South African National Biodiversity Institute (SANBI)

Endangered Wildlife Trust (EWT)

Animal Demography Unit (ADU)

BirdLife South Africa (BirdLife SA)

FitzPatrick Institute of African Ornithology

Ezemvelo KwaZulu Natal (KZN) Wildlife

Pressures and Responses

3. Species Conservation

3.1 Legal Measures

1. Please confirm whether all populations listed on AEWA Table 1, Column A which occur in your country are protected by your country's national legislation (AEWA Action Plan, paragraph 2.1.1), in particular:

White-backed Duck / *Thalassornis leuconotus* / leuconotus, Eastern & Southern Africa / Column A / Category 2*

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> South Africa is implementing the National Environmental Management: Biodiversity Act (Act 10 of 2004). This Act provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act.

Additionally the Act also provides for the development of Regulations for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species. Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit

In view of the above, taking is not a prohibited activity but permitted. The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances which include some of the species listed in Column A.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial

nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provides for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provides for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Maccoa Duck / *Oxyura maccoa* / Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable

sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

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framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

South African Shelduck / *Tadorna cana* / Southern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Spur-winged Goose / *Plectropterus gambensis* / niger, Southern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Southern Pochard / *Netta erythrophthalma* / *brunnea*, Southern & Eastern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provide for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems

that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
- (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Great Crested Grebe / Podiceps cristatus / infuscatus, Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWAA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black-necked Grebe / Podiceps nigricollis / gurneyi, Southern Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Lesser Flamingo / *Phoeniconaias minor* / Southern Africa (to Madagascar) / Column A / Category 3a

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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No

Please explain the reasons.

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Please explain the reasons.

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- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

White-winged Flufftail / Sarothrura ayresi / Southern Africa / Column A / Category 1a 1b 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way

acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provide for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

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(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Blue Crane / *Anthropoides paradiseus* / Extreme Southern Africa / Column A / Category 1b 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> see response in White backed duck section

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

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Example: Seven (7) Blue Crane chicks confiscated from people who had removed them from the wild which is an illegal activity. EWT assisted with finding suitable facilities to rehabilitate the birds or to provide a sanctuary if the birds are not releasable. In all cases the provincial authorities were involved in the process of either confiscations, and/or movements of the birds to other facilities. The provinces and the relevant departments involved with cranes (either confiscations or rehabilitation) were:

Western Cape (CapeNature), Eastern Cape (DEDEAT), Free State, Northern Cape (DENC) and KZN (Ezemvelo KZN Wildlife).

In terms of what was done with the 7 Blue Cranes: Two of the Blue Cranes have been released, two are still in captivity (to be released) and unfortunately the other three died whilst in rehabilitation. There has been two results in the cases that I know of: One Guilty plea agreement lead by state prosecutor Adv Ferreira and one admission of guilt fine (I do not have any further details). Another case is still under investigation by DENC.

Grey Crowned-crane / *Balearica regulorum / regulorum*, Southern Africa (N to Angola & S Zimbabwe) / Column A / Category 1b 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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Example: Through the EWT, south Africa is aware of 4 Grey crowned Cranes (two chicks and two adults) that were being kept illegally. An illegal activity which is difficult to regulate

Jackass Penguin / Spheniscus demersus / Southern Africa / Column A / Category 1b

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black Stork / *Ciconia nigra* / Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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White Stork / *Ciconia ciconia* / ciconia, Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provide for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Eurasian Bittern / *Botaurus stellaris / capensis*, Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provides for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species. Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Common Little Bittern / *Ixobrychus minutus* / *minutus*, W Europe, NW Africa/Subsaharan Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Cape Gannet / *Morus capensis* / Southern Africa / Column A / Category 1b

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.
Example: The taking of birds and eggs of a listed Threatened or Protected Marine Species is classified as 'Harassing'.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Crowned Cormorant / *Microcarbo coronatus* / Coastal South-west Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Great Cormorant / *Phalacrocorax carbo / lucidus*, Coastal Southern Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
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 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems

that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
- (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Cape Cormorant / Phalacrocorax capensis / Coastal Southern Africa / Column A / Category 1b

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way

acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Bank Cormorant / Phalacrocorax neglectus / Coastal South-west Africa / Column A / Category 1b 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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No

Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

African Oystercatcher / Haematopus moquini / Coastal Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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Please explain the reasons.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Pied Avocet / *Recurvirostra avosetta* / Southern Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black-winged Stilt / Himantopus himantopus / himantopus, Southern Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

White-fronted Plover / *Charadrius marginatus* / mechowi, Inland East & Central Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Chestnut-banded Plover / *Charadrius pallidus* / *pallidus*, Southern Africa / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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No

Please explain the reasons.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Caspian Plover / Charadrius asiaticus / SE Europe & West Asia/E & Central Southern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black-winged Lapwing / *Vanellus melanopterus* / minor, Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provide for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable

sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Whimbrel / Numenius phaeopus / alboaxillaris, South-west Asia/Eastern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

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(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

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(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Eurasian Curlew / *Numenius arquata* / *orientalis*, Western Siberia/SW Asia, E & S Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provides for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Great Snipe / Gallinago media / Western Siberia & NE Europe/South-east Africa / Column A / Category 4

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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No

Please explain the reasons.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Marsh Sandpiper / *Tringa stagnatilis* / Western Asia/SW Asia, Eastern & Southern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black-winged Pratincole / Glareola nordmanni / SE Europe & Western Asia/Southern Africa / Column A / Category 4

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for

co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been listed in terms of NEMA, are commenced with. In addition, the Act provides for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provides for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Lesser Black-backed Gull / *Larus fuscus* / fuscus, NE Europe/Black Sea, SW Asia & Eastern Africa / Column A / Category 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Little Tern / *Sternula albifrons* / albifrons, Black Sea & East Mediterranean (bre) / Column A / Category 3b 3c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Damara Tern / *Sternula balaenarum* / Namibia & South Africa/Atlantic coast to Ghana / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

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Please explain the reasons.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Caspian Tern / *Hydroprogne caspia* / Southern Africa (bre) / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process of reviewing to also include migratory species which are not already protected in

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 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEW Act, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Whiskered Tern / *Chlidonias hybrida / delalandii*, Southern Africa (Malawi & Zambia to South Africa) / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Roseate Tern / *Sterna dougallii* / dougallii, Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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No

Please explain the reasons.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Antarctic Tern / *Sterna vittata* / *tristanensis*, Tristan da Cunha & Gough/South Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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No

Please explain the reasons.

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Please explain the reasons.

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Antarctic Tern / *Sterna vittata* / vittata, P.Edward, Marion, Crozet & Kerguelen/South Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.
The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Greater Crested Tern / *Thalasseus bergii* / bergii, Southern Africa (Angola - Mozambique) / Column A / Category 2

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

NEMA provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith. The Act requires that an environmental authorisation is obtained before activities, which have been

listed in terms of NEMA, are commenced with. In addition, the Act provide for the development of the Environmental Impact Assessment Regulations (EIA Regulations) which set out the process to be followed in applying for an environmental authorisation, while the listing notices, list the activities that require authorisation (the Listing Notices).

In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Greater Crested Tern / *Thalasseus bergii* / enigma, Madagascar & Mozambique/Southern Africa / Column A / Category 1c

1.1. Taking of birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
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 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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1.2. Deliberate disturbance that would be significant for the conservation of the population concerned is prohibited

No

Please explain the reasons.

> South Africa is a constitutional democracy with a separation between the powers of the executive, the legislature and the judiciary. The national and provincial tiers of government have a concurrent competence to make laws on nature conservation and some other environmental matters. The most important South African laws addressing conservation threats against species are the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), read with the Threatened or Protected Species Regulations (TOPS regulations), the National Environmental Management Act 107 of 1998 (NEMA), and a multitude of provincial nature conservation ordinances or biodiversity legislation.

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In the overview that follows, these laws will be given the most attention, and when a practical legal problem concerning the conservation of a South African species needs to be solved, these laws should be consulted first.

On the other hand, NEMBA reads with TOPS regulations or Provincial Ordinances allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

1.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.1. (a), as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited

No

Please explain the reasons.

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

2. Please confirm whether hunting of any populations listed under AEWA Table 1, Column 1, category 2 or 3 with an asterisk or category 4 is allowed in your country.

White-backed Duck / *Thalassornis leuconotus* / leuconotus, Eastern & Southern Africa / Column A / Category / 2*

Is there an open hunting season for White-backed Duck / *Thalassornis leuconotus* / leuconotus, Eastern & Southern Africa / Column A / Category / 2* ?

No

Please explain.

> See 1.1 above. Hunting is a restricted activity in terms of the Biodiversity Act in South Africa

Great Snipe / *Gallinago media* / Western Siberia & NE Europe/South-east Africa / Column A / Category / 4

Is there an open hunting season for Great Snipe / *Gallinago media* / Western Siberia & NE Europe/South-east Africa / Column A / Category / 4 ?

No

Please explain.

> See above comment regarding hunting

Black-winged Pratincole / *Glareola nordmanni* / SE Europe & Western Asia/Southern Africa / Column A / Category / 4

Is there an open hunting season for Black-winged Pratincole / *Glareola nordmanni* / SE Europe & Western Asia/Southern Africa / Column A / Category / 4 ?

No

Please explain.

> See 1.1 and a comment on hunting above

3. Please confirm whether the taking of all populations listed on AEWA Table 1, Column B which occur in your country is regulated (AEWA Action Plan, paragraph 2.1.2), in particular:

Hottentot Teal / *Spatula hottentota* / Southern Africa (north to S Zambia) / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of a listed TOPS regulations, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Cape Teal / *Anas capensis* / Southern Africa (N to Angola & Zambia) / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the

framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Greater Flamingo / *Phoenicopterus roseus* / Southern Africa (to Madagascar) / Column B / Category 2a

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent

throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Red-tailed Tropicbird / *Phaethon rubricauda* / rubricauda, Indian Ocean / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
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 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.
This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

White-tailed Tropicbird / Phaethon lepturus / lepturus, W Indian Ocean / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Spotted Crane / Porzana porzana / Europe/Africa / Column B / Category 2d

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Abdim's Stork / Ciconia abdimii / Sub-Saharan Africa & SW Arabia / Column B / Category 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

African Woollyneck / Ciconia microscelis / Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

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3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

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Please explain the reasons

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

African Spoonbill / Platalea alba / Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
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(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Glossy Ibis / Plegadis falcinellus / Sub-Saharan Africa (bre) / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Common Little Bittern / *Ixobrychus minutus* / minutus, C & E Europe, Black Sea & E Mediterranean/Sub-saharan Africa / Column B / Category 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

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 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Common Little Bittern / Ixobrychus minutus / minutus, West & South-west Asia/Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Common Little Bittern / *Ixobrychus minutus* / *pavesii*, Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Dwarf Bittern / *Ixobrychus sturmii* / Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the

population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by

any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Rufous-bellied Heron / *Ardeola rufiventris* / Central, Eastern & Southern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Purple Heron / *Ardea purpurea* / *purpurea*, Tropical Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Yellow-billed Egret / *Ardea brachyrhyncha* / Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black Heron / *Egretta ardesiaca* / Sub-Saharan Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Pink-backed Pelican / *Pelecanus rufescens* / Tropical Africa & SW Arabia / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems

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- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
- (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Great White Pelican / *Pelecanus onocrotalus* / Southern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Grey Plover / *Pluvialis squatarola* / *squatarola*, C & E Siberia/SW Asia, Eastern & Southern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AWEA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring,

discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Greater Sandplover / Charadrius leschenaultii / leschenaultii, Central Asia/Eastern & Southern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Senegal Lapwing / Vanellus lugubris / Central & Eastern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of

species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS). In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
 - (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
 - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
 - (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
 - (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
 - (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
 - (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
- Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected

species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Crowned Lapwing / *Vanellus coronatus* / *coronatus*, South-west Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the

prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Wattled Lapwing / *Vanellus senegallus / lateralis*, Eastern & South-east Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed

threatened or protected species;
(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species
Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEW Act, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

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(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Ruddy Turnstone / *Arenaria interpres* / *interpres*, Northern Europe/West Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;

(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems

that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
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- (ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Red Knot / *Calidris canutus* / *canutus*, Northern Siberia/West & Southern Africa / Column B / Category 2a 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
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- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;
- (vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;
- (vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Curlew Sandpiper / *Calidris ferruginea* / Central Siberia/SW Asia, E & S Africa / Column B / Category 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the

population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Red Phalarope / Phalaropus fulicarius / Canada & Greenland/Atlantic coast of Africa / Column B / Category 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Crab-plover / *Dromas ardeola* / North-west Indian Ocean, Red Sea & Gulf / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment

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This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

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3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

Furthermore, Provincial legislation such as the Nature Conservation Ordinance protects most indigenous species and permits are required. Taking of indigenous species is restricted in terms of these Nature Conservation Ordinance and therefore subject to a permit.

The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Hartlaub's Gull / *Larus hartlaubii* / Coastal South-west Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process of reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

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(ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;

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(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;

(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

(vi) having in possession or exercising physical control over any specimen of a listed threatened or protected species;

(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;

(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

(x) any other prescribed activity which involves a specimen of a listed Threatened or protected species

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(ix) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Kelp Gull / *Larus dominicanus* / *vetula*, Coastal Southern Africa / Column B / Category 1

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

(i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

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(iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed

threatened or protected species;
(iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
(viii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Sooty Tern / *Onychoprion fuscata* / *nubilosa*, Red Sea, Gulf of Aden, E to Pacific / Column B / Category 2a

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

South Africa is in process to reviewing to also include migratory species which are not already protected in terms of this Act. Additionally the Act also provide for the development of Regulation for the protection of species listed in terms of this Act. These are:- Regulations on Threatened or Protected Species (TOPS).

In relation to a specimen of a listed threatened or protected species in terms of the Biodiversity Act, the following restricted activities require a permit-

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(v) exporting from the Republic, including re-exporting from the Republic any specimen of a listed threatened or protected species;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinances provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems

that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

Black Tern / *Chlidonias niger* / niger, Europe & Western Asia/Atlantic coast of Africa / Column B / Category 2c

3.1. Taking is prohibited during the populations' various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

3.2. Limits are established on taking.

Yes

Please provide further details, including the relevant legislation and whether this applies to/is consistent throughout the entire country or only to particular states/provinces.

> NEMBA and its subordinate legislation, TOPS regulations and Provincial Ordinates provide for the protection of species. In relation to a specimen of listed TOPS regulations there are restricted activities requiring permits.

3.3. Possession or utilisation of, and trade in, birds or eggs which have been taken in contravention of the prohibition under AEWPA Action Plan, para 2.1.2, as well as the possession or utilisation of, and trade in, any readily recognisable parts or derivatives of such birds and eggs is prohibited.

No

Please explain the reasons

> The National Environmental Management: Biodiversity Act (Act 10 of 2004) which South Africa is currently implementing provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

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(vii) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;

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The Act allows for prohibiting an activity only when such an activity has a detrimental impact on the survival of the species nationally.

This provision is applicable to all the species listed in terms of TOPS or Provincial Ordinances.

4. Please indicate which modes of taking are prohibited in your country (AEWPA Action Plan, paragraph 2.1.2(b))

Please select from the list below.

No modes of taking have been prohibited

Please explain the reasons

> All mode of taking are regulated through the National Environmental Management Biodiversity Act (Act 10 of 2004) and its Associated Regulations. that is Threatened or Protected Species Regulations

Please provide further details, including the relevant legislation and information on whether the prohibitions apply to the entire country or only to particular states/provinces thereof.

> At a National Level the National Environmental Management Biodiversity Act (Act 10 of 2004) provides for the following restricted activities to be regulated in relation to a specimen of a listed threatened or protected species, meaning:-

- (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
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- (x) any other prescribed activity which involves a specimen of a listed threatened or protected species.

At a provincial level, these are some of the legislation used amongst others:-

The Free State Province Nature Conservation Ordinance No. 8 of 1969

Section 29, 32 and 33 of the Provincial Conservation Ordinances No 9 of 1974 of the Western Cape

Some of these legislation are in processes of being reviewed.

5. Has your country granted exemptions from any of the above prohibitions in order to accommodate livelihoods uses? (AEWA Action Plan, paragraph 2.1.2(b))

No

6. Were any exemptions granted to the prohibitions required by paragraphs 2.1.1 and 2.1.2 of the AEWA Action Plan? (AEWA Action Plan, paragraph 2.1.3)

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

7. Was your country's national legislation reviewed following the Guidance on Measures in National Legislation for Different Populations of the Same Species, Particularly with Respect to Hunting and Trade (Resolution 6.7)?

Notice: Before clicking on the above hyperlink, please keep **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons.

> In the process of being reviews to include migratory pecies

8. Has your country used the AEWA Guidelines on National Legislation for the Protection of Species of Migratory Waterbirds and their Habitats ?

Notice: Before clicking on the above hyperlink, please keep **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What other guidance has been used instead?

> The review process is at the Bill level and will allow for the minister to publish notices in the gazette

Optionally you can provide additional information on section 3.1. Legal Measures

> Explosives and poisons have been used in the past for the control of the Red-billed Quelea, which is not a waterbird species but few (if any) AEWA species are likely to have been affected.

3.2. Species Action and Management Plans

9. Please report on the progress of turning the International Single Species Action and Management Plans (ISSAP and ISSMP), as well as International Multi-species Action Plans (IMSAP), listed below, into National Action or Management Plans. (AEWA Action Plan, paragraph 2.2)

Please report on all listed ISSAP, ISSMP and IMSAP

Black-winged Pratincole / Glareola nordmanni
National Plan for Black-winged Pratincole / Glareola nordmanni

No NP and no action implemented

Please explain the reasons

> No national plan has been developed for this species due to resources and human capacity.

Great Snipe / Gallinago media
National Plan for Great Snipe / Gallinago media

No NP and no action implemented

Please explain the reasons

> No national plan has been developed for this species due to resources and human capacity.

Maccoa Duck / Oxyura maccoa
National Plan for Maccoa Duck / Oxyura maccoa

No NP and no action implemented

Please explain the reasons

> An International Species Action Plan was developed several years ago. Even though there is no national plan for this species, South Africa through the Gauteng Department of Agriculture and Rural Development (GDARD) have drafted revised minimum requirements for biodiversity assessments (related to EIAs) that propose expanded buffers around wetlands used by this species. These proposals are being reviewed by external experts.

Lesser Flamingo / Phoeniconaias minor
National Plan for Lesser Flamingo / Phoeniconaias minor

No NP and no action implemented

Please explain the reasons

> No national plan developed. Engagement for the development of the national plan initiated few years ago due to unavailability of stakeholders

Slaty Egret / Egretta vinaceigula
National Plan for Slaty Egret / Egretta vinaceigula

No NP and no action implemented

Please explain the reasons

> No national plan developed. The species is a vagrant in South Africa and is least concern

White-winged Flufftail / Sarothrura ayresi
National Plan for White-winged Flufftail / Sarothrura ayresi

NP in place and being implemented

When was the plan approved and published? Please provide a web link or attach a file, if available. Please

provide contact details for any person or organisation coordinating its implementation. Please list any activities and/or achievements over the past triennium.

> This implemented through the National White-winged Flufftail Task Team (WFTT) which was established on April 2017. The Tsk team has had two meeting since the establishment to considered the White-winged Flufftail action plan

Corncrake / *Crex crex*

National Plan for Corncrake / *Crex crex*

No NP and no action implemented

Please explain the reasons

> No national plan has been developed for this species due to resources and human capacity.

Field for additional information (optional)

> n/a

Grey Crowned-crane

National Plan for Grey Crowned-crane

No NP and no action implemented

Please explain the reasons

> Even though there is no national plan for this species. Since the adoption in AEWA MoP 6 in Bonn Germany, The coordinating unit has not been established by the Secretariat. The following has been undertaken though:

- The Endangered Wildlife Trust (EWT) has actively participated as an Interested and Affected Party (I&APs) in mining applications that could affect Grey Crowned Crane habitat on the Steenkampsberg, around Chrissiesmeer and in the Southern Drakensberg. Due to the input from many I&APs against the appeal that was submitted by Ibubesi mine on the Steenkampsberg to reverse the declaration of the Greater Lakenvlei Protected Environment so that mining could be considered, the motion was withdrawn.

- Black wattle (*Acacia mearnsii*) is currently being cleared around key Grey Crowned Crane sites in Chrissiesmeer

- There is ongoing monitoring of Grey Crowned Cranes in KwaZulu-Natal through annual aerial surveys conducted between the EWT and Ezemvelo KZN Wildlife

- The annual aerial surveys conducted by the EWT are ongoing in the Chrissiesmeer area

- Where Grey Crowned Cranes have been found under powerlines, assessments have been made and recommendations sent to Eskom for mitigation

Field for additional information (optional)

> n/a

Benguela MSAP (African Penguin / Bank Cormorant / Cape Cormorant / Cape Gannet / African Oystercatcher / Crowned Cormorant / Damara Tern / Caspian Tern / Greater Crested Tern)

National Plan for Benguela MSAP (African Penguin / Bank Cormorant / Cape Cormorant / Cape Gannet / African Oystercatcher / Crowned Cormorant / Damara Tern / Caspian Tern / Greater Crested Tern)

No NP and no action implemented

Please explain the reasons

> Even though there is no national plan for this species. Since the adoption in AEWA MoP 6 in Bonn Germany, South Africa has continued to monitor numbers breeding for African penguin, Cape gannet and Cape, bank and crowned cormorants. Following substantial reductions in numbers of African penguin, Cape gannet and Cape and bank cormorants breeding off South Africa's west coast, these four species all now have an IUCN Red List status of Endangered. South Africa has undertaken surveys for Damara terns (Vulnerable), which indicate that perhaps just 50 pairs of this species breed in South Africa. South Africa has also continued its programme of tracking some seabirds listed on the draft plan in order better to understand their at-sea distributions and advise on marine spatial planning.

Field for additional information (optional)

> n/a

10. Does your country have in place or is your country developing a National Single Species Action Plan for any species/population for which an AEWA ISSAP has not been developed? (AEWA Action Plan, paragraph 2.2.2)

Yes

You have attached the following documents to this answer.

[africanpenguin_biodiversitymanagement_gn824.pdf](#)

Please provide information on each species for which relevant action has been undertaken

African Penguin / Spheniscus demersus

National Single Species Action Plan for African Penguin / Spheniscus demersus

NSSAP in place and being implemented

Please provide details

> In the process of being reviewed now

11. Has your country used the AEWA Guidelines for the preparation of National Single Species Action Plans for migratory waterbirds?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What has been used instead as a basis for the preparation of NSSAPs?

> In developing the BMP for African penguin, South Africa used the National Norms and Standards for Biodiversity Management plans for Species (BMP-S) which were gazetted in 2009 in terms of the Biodiversity Act (Act 10 of 2004). The Norms and Standards are aligned with the AEWA guidelines for preparing National Single Species Action Plan in a way that they support Stakeholder engagements as well as the development of objectives with Actions as well as Time frame and Responsibility Organisation as well as annual reporting to the Minister.

Optionally you can provide additional information on section 3.2. Single Species Action Plans

> n/a

3.3 Emergency Measures

12. Please report on any emergency situation that has occurred in your country over the past triennium and has threatened waterbirds. (AEWA Action Plan, paragraph 2.3)

Please indicate whether an emergency situation threatening waterbirds, such as botulism, chemical pollution, earthquake, extreme weather, fire, harmful algal bloom, infectious disease, introduction of alien species, lead poisoning, nuclear accident, oil spill, predation, volcanic activity, war or other emergency (please specify), has occurred in the country over the past triennium.

No emergency situation has occurred

13. Are there any other emergency response measures, different from the ones applied in response to the emergency situations reported above, that were developed and are in place in your country so that they can be used in future in emergency cases?

No

14. Has your country used the AEWA Guidelines on identifying and tackling emergency situations for migratory waterbirds?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What was used instead as a basis for dealing with emergency situations?

> South Africa has its own guidelines in dealing with the emergency situations

Optionally you can provide additional information on section 3.3. Emergency Measures

> n/a

3.4 Re-establishments

15. Is your country maintaining a national register of re-establishment projects occurring or planned to occur wholly or partly within your country? (Resolution 4.4)

Yes

Please provide details on the register

> Partially. Provided for in the BMP for African penguin

16. Is there a regulatory framework for re-establishments of species, including waterbirds, in your country (AEWA Action Plan, paragraph 2.4)?

Partial

Please provide details

> These are species specific and not generic to all waterbirds

17. Has your country considered, developed or implemented re-establishment projects for any species listed on AEWA Table 1? (AEWA Action Plan, paragraph 2.4)

Yes

Please provide information on each species for which relevant action has been undertaken

**African Penguin / Spheniscus demersus
Projects for African Penguin / Spheniscus demersus**

Re-establishment plan developed and being implemented

Please provide information on the time frame and the objectives of the project. Please provide a web link or attach a file, if available. Please provide contact details of any person or organisation coordinating its implementation. Please list any activities and/or achievements over the past triennium.

> see the attached Biodiversity Mangement Plan

Has your country informed the AEWA Secretariat in advance of this re-establishment project? (AEWA Action Plan, paragraph 2.4)

Yes

Please specify when and how

> Reported in the previous reporting cycle

18. Has your country used the AEWA Guidelines on the translocation of waterbirds for conservation purposes?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What was used instead as a basis for dealing with the issue?

> No additional information

Optionally you can provide additional information on section 3.4. Re-establishments

> no information in this regard

3.5 Introductions

19. Does your country have legislation in place, which prohibits the introduction into the environment of non-native species of animals and plants which may be detrimental to migratory waterbirds? (AEWA Action Plan, paragraph 2.5.1)

Yes, and being enforced

Please provide the following details: title of legislation, year of adoption, institution that adopted it, institution that enforces it. Please clarify whether legislation applies to/is consistent throughout the entire country or only to particular states/provinces.

> The Biodiversity Act (Act No. 10 of 2004) provides for the management of alien and invasive species through the control of their introduction and spread, as well as the control or eradication of those already established.

Field for additional information (optional)

> n/a

20. Does your country impose legislative requirements on zoos, private collections, etc. in order to avoid the accidental escape of captive animals belonging to non-native species which may be detrimental to migratory waterbirds? (AEWA Action Plan, paragraph 2.5.2)

Yes, and being enforced

You have attached the following documents to this answer.

[1st Amendments TOPS Regulations and repeal Notice 28 January 2008.pdf](#)

[5th Amendments TOPS Regulations August 2012.pdf](#)

[TOPS NEMBA Regulations Original Gazetted version.pdf](#)

[Biodiversity Act act10.pdf](#)

Please provide the following details: title of the document, year of adoption, institution that adopted it, institution that enforces it. Please clarify whether legislation applies to/is consistent throughout the entire country or only to particular states/provinces.

> Duty of care on persons who carry out restricted activities with alien and listed invasive species, or who own land on which listed invasive species occur has been established.

Field for additional information (optional)

> Provided for by the National Environmental Biodiversity Act and its Threatened or Protected Species Regulations or Alien Invasive Species Regulations

21. Does your country have in place a National Action Plan for Invasive Species (NAPIS) (in the framework of other MEAs, such as CBD, Bern Convention, and GISP (Global Invasive Species Programme) (Strategic Plan 2009-2017, Objective 1, Target 5)?

Being developed

Please provide starting date and expected finalisation date of the process

> The draft National Biological Invasion Strategy is being developed. The development process of this strategy is long and require public participation as well internal approval process..

Field for additional information (optional)

> No information

22. Has your country considered, developed or implemented programmes to control or eradicate non-native species of waterbird so as to prevent negative impacts on indigenous species? (AEWA Action Plan, paragraph 2.5.3)

Yes

Please provide information on each species for which relevant action has been undertaken

Mallard / Anas platyrhynchos

23. Has your country considered, developed or implemented programmes to control or eradicate other non-native species (in particular aquatic weeds) so as to prevent negative impacts on migratory waterbirds? (AEWA Action Plan, paragraph 2.5.3 and Resolution 5.15)

Yes

Please list the non-native species for which relevant action has been undertaken

> Research undertaken by the Agricultural Research Council on the identification and dissemination of biological control agents, particularly for the control of aquatic plants such as water hyacinth Eichhornia crassipes, water lettuce Pistia stratiotes, and water fern Azolla filiculoides.

Please provide further information for each relevant programme

> No additional information

24. Has your country used the AEWA Guidelines on avoidance of introductions of non-native waterbird species?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What was used instead as a basis for dealing with the issue?
> South Africa has its own Regulations were are developed in terms of the National Environmental Management Act (Act 10 of 2004)

Optionally you can provide additional information on section 3.5. Introductions

> n/a

Pressures and Responses

4. Habitat Conservation

4.1 Habitat Inventories

25. Has your country identified the network of all sites of international and national importance for the migratory waterbird species/populations listed on Table 1? (AEWA Action Plan, paragraph 3.1.2)

Yes

Please provide full reference, e.g. title, year, authors, etc. or a web link

> The National planning exercises ensure that a full spatial evaluation is undertaken and these are weighted on priorities of threatened and protected species including migratory species and ecosystems. In this regard, South Africa is implementing a suite of tools to conserve, expand and consolidated the Protected Areas Estate which houses some of migratory waterbirds. These include:-

National Environmental Management: Protected Areas Act, 2003 (No. 57 of 2003): This Act provide for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes; for the establishment of a national register of all national, provincial and local protected areas; for the management of those areas in accordance with national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas; and for matters in connection therewith.

While there are no specific examples of this in other provinces, a population of a migratory waterbirds species of conservation significance, and habitat harbouring such a population, is certainly be considered "in the selection, establishment and management of protected areas".

National Protected Area Expansion Strategy (NPAES):

Through the National Department of Environmental Affairs (DEA), South Africa has updated of the National Protected Area Expansion Strategy (NPAES) which draws heavily on the original NPAES which was developed in 2008. The updated NPAES 2016 now includes:

- New biodiversity data and newly declared protected areas as well as updated provincial conservation plans and provincial protected area expansion strategies (PAES), to improve the setting of targets and the identification of priority areas for meeting these targets.
- Review of the performance of protected area institutions in protected area expansion for the first implementation phase of the NPAES (2008 - 2014).
- A description of the priority activities, with explicit performance targets, for the second implementation phase (2016 - 2020) of the NPAES.

Biodiversity Stewardship Programme (BSP):

Additionally, one of the tools to implement the NPAES on private land is the Biodiversity Stewardship Programme. This programme negotiates management plans and contracts with private landowners, before proclaiming them as nature reserves and protected environments. 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. The strength of the programme lies in the post-proclamation monitoring programme.

The cranes as well as 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 waterbirds species of importance. These 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 Province of South Arica the Bill Barnes Crane and Oribi Nature Reserve was declared specifically to protect resident Cranes and Oribi, and serves as the headquarters for the KZN Crane Foundation Important Bird Areas (IBAs)

As well, migratory waterbirds species are seen as a key indicator for IBA proclamation which are often a first stage in the creation of protected areas. For example, information specific to the White-winged flufftail but not limited to:

- Middelpunt Vlei: Under stewardship and part of Steenkampsberg IBA (SA016)
- Wakkerstroom: Mpumalanga protected area and Grassland IBA (SA020)
- Memel and Seekoeivlei: Provincial nature reserve
- Ingula: Bedford Chatsworth IBA (SA043), which will be declared as Provincial nature Reserve by both Free State and KwaZulu Natal Provinces. Intention to declare has been published in this regard. W, Bedford Chatsworth IBA (SA043)
- Franklinvlei: Franklinvlei IBA (SA081)

You have attached the following documents to this answer.

[NPAES Policymakers Summary DRAFT for MinTech 150908.pdf](#) - National Protected Area Expansion Strategy for South Africa

Field for additional information (optional)

> South Africa's protected area network currently falls far short of sustaining biodiversity and ecological processes. In this context, the goal of the National Protected Area Expansion Strategy (NPAES) is to achieve cost-effective protected area expansion for ecological sustainability and increased resilience to climate change.

The NPAES highlights ways in which we can become more efficient and effective in allocating the scarce human and financial resources available for protected area expansion. It sets targets for protected area expansion, provides maps of the most important areas for protected area expansion, and makes recommendations on mechanisms for protected area expansion. The common set of targets and spatial priorities provided by the NPAES enable co-ordination between the many role players involved in protected area expansion.

At a National level, South Africa developed a National Wetland Inventory which is a core repository of national wetland information. The main objectives of this inventory include:

- Identifying the location of wetlands and priority conservation sites
- Identify functions and values of individual wetlands
- Establishment of a baseline for measuring future change in wetland area, function and values

You have attached the following Web links/URLs to this answer.

[National wetlands inventory](#) - National Wetlands Inventory- wetlands of national importance

26. If your country has identified or is currently identifying the networks of sites of international and national importance, were the AEWA Guidelines on the preparation of site inventories for migratory waterbirds used?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl** button on your keyboard to open the link in a new tab.

Yes

Please provide details

> Through the Ramsar provisions

Field for additional information (optional)

> n/a

Optionally, you can provide additional information on section 4.1. Habitat Inventories

> n/a

4.2. Conservation of Areas

27. Has your country assessed the future implications of climate change for protected areas and other sites important for waterbirds (i.e. resilience of sites to climate change)? (Resolution 5.13)

For one or more single sites

Yes

If yes, please give details as to where relevant information about these assessments have been published (either as publications or web-link).

> The NPAES takes into consideration ecological sustainability and climate change adaptation.

For the national protected area network

Yes

If yes, please give details as to where relevant information about these assessments have been published (either as publications or web-link).

> The Review of NPAES is underway to include best information for National Freshwater Ecosystems Priority Areas as well as marine ecosystem by end of July.

28. Which sites that were identified as important, either internationally or nationally, for Table 1 migratory waterbird species/populations have been designated as protected areas under the national legislation and have management plans that are being implemented, including with the aim to increase resilience to the effects of climate change? (AEWA Action Plan, paragraph 3.2.1, AEWA Strategic Plan 2009-2017, Objective 1, Target 1.2)

Please report separately on internationally important sites, nationally important sites and buffer zones.

Reporting on designation and management of internationally important sites

- Reporting on designation and management of nationally important sites
- Reporting on establishing buffer zones around waterbird sites (as an approach for maintaining or increasing resilience of ecological networks, including resilience to climate change)

All sites of international importance

(sites recognized as having international importance for migratory waterbirds following criteria of, for instance, the AEWA Critical Site Network, the Ramsar Convention, the EU Birds Directive (SPAs), the Bern Convention Emerald Network, the BirdLife International's Important Bird Areas)

Total number

> 23

Total area (ha)

> 557,028

Number of internationally important sites under national protection designation

> 21

You have attached the following Web links/URLs to this answer.

[South African Ramsar sites](#) - South African sites on international importance

Internationally important protected sites with management planning in place which is being implemented

> 23

Area (in ha)

> 557,028

Internationally important sites with management planning in place which is being implemented and includes management objectives related to maintaining or increasing the resilience of existing ecological networks, including resilience to climate change

Number of sites

> 23

Area (in ha)

> 557,028

All sites of national importance

Nationally important sites with management planning in place which is being implemented and include management objectives related to maintaining or increasing the resilience of existing ecological networks, including resilience to climate change

Number of sites

> 1548

Area (in ha)

> 40,442,714

Examples of best practice (optional)

If any site, in your opinion, represents an outstanding process of management planning or implementation, please highlight it as an example of best practice (alternatively provide a web link or attach a file)

> > According to the National Environmental Management: Protected Areas Act (Act 57 of 2003), The Minister must maintain a Register of Protected Areas. The Register must:

- (a) contain a list of all protected areas;
- (b) indicate the kind of protected area in each case; and
- (c) contain any other information determined by the Minister

A Register of Protected Areas was therefore developed for reporting and mapping purposes of protected areas that were included into this database. All legally declared protected areas can be searched and viewed through the use of the Register.

The database called the Protected and Conservation Areas database (PACA) and comprises of all data required for the Register of Protected Areas as well as data on conservation areas (areas responsibly managed for biodiversity conservation but not legally declared as protected areas). The South African Protected Areas Database (SAPAD) is a GIS inventory of all protected and conservation areas in South Africa. The database also includes data on privately owned protected areas. The SAPAD is maintained and updated on a regular basis and the latest data is released on a quarterly basis.

Protected area types included in the database include:

- National Parks
- Nature Reserves
- Special Nature Reserves
- Mountain Catchment Areas
- World Heritage Sites
- Protected Environments
- Forest Nature Reserves
- Forest Wilderness Areas
- Specially Protected Forest Areas
- Marine Protected Areas

Conservation areas types include:

- Biosphere Reserves
- Conservancies
- Botanical Gardens

You have attached the following Web links/URLs to this answer.

[National Protected Area Register](#) - South African Protected and Conservation Areas Database

29. Has your country developed a national action plans for filling gaps in designation and/or management of internationally and nationally important sites? (Resolution 5.2)

DESIGNATION GAP FILLING

Yes

Please provide full reference or a web link, as well as details concerning the process and the status of this plan

> The National Protected Area Strategy - Refer to questions 28 above

MANAGEMENT GAP FILING

Yes

Please provide full reference or a web link, as well as details concerning the process and the status of this plan

> Provinces are also required to develop provincial Protected Area Strategy

30. Has your country developed a strategic plan (independently or as part of your country's overarching biodiversity or protected area policy document) to maintain or increase the resilience of the ecological network (for waterbirds), including resilience to climate change, and to conserve range and ecological variability of habitats and species? (Resolution 5.2, AEWA Strategic Plan 2009-2017, Objective 1, Target 1.2)

Yes

Please provide full reference or a web link, as well as details concerning the process and the status of this plan

> South Africa, through the Department of Environmental Affairs, developed a National Climate Change Response Policy (NCCRP, 2011) which presents the South African Government's vision for an effective climate change response and the long-term, just transition to a climate-resilient and lower-carbon economy and society. The Department also conducted a climate change vulnerability assessment for the country's nine major terrestrial biomes (i.e. Albany Thicket, Desert, Indian Ocean Coastal Belt, Fynbos, Forest, Grassland, Nama-Karoo, Savanna and Succulent Karoo), which focused at the landscape scale. Further to that, Climate Change Adaptation Plans for those nine biomes were developed, consisting of proposed response actions that could be implemented at biome level to deal with climate change. Subsequently, a Strategic Framework and Overarching Implementation Plan for Ecosystem-based Adaptation (also known as the EbA Strategy) as well as EbA Guidelines were developed to initiate a programme of work in the country that promotes the use of biodiversity and ecosystem services to help people to adapt to the adverse climate change effects.

In addition to the above, the recent review of various strategic documents and plans at various spheres of government has incorporated climate change aspects geared towards increasing socio-ecological climate resilience. Examples include, inter alia: (i) the National Biodiversity Strategy and Action Plan (NBSAP, 2015) whose second Strategic Objective (SO2) refers to: "Investments in ecological infrastructure enhance resilience and ensure benefits to society" and is specific to ecosystem-based adaptation; (ii) the National Protected Areas Expansion Strategy (NPAES, 2016), whose goal is to achieve cost effective protected area expansion for improved ecosystem representation, ecological sustainability and resilience to climate change; (iii) the draft National Adaptation Strategy (NAS), which is intended to serve as a common reference point for climate change adaptation efforts in South Africa, and to provide a platform upon which national climate change

adaptation objectives for the country can be articulated so as to provide overarching guidance to all sectors of the economy; (iv) the National Action Programme (NAP) to combat desertification, land degradation and to mitigate the effects of drought, whose sixth Strategic Objective (SO6) refers to: "By 2030 South Africa to ensure that degraded ecosystems are restored thus contributing to climate change mitigation and adaptation". Moreover, a Climate Change Bill is currently under development to define the legislative context for the country. We have also recently learned that some of the country's National Parks are incorporating climate change response programmes during the review of their management plans.

31. Has your country used the AEWA Guidelines on the management of key sites for migratory waterbirds?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

32. Has the Critical Site Network (CSN) Tool for the AEWA area been accessed and used in your country?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

Yes

Please give examples of how you have used the CSN Tool

> In process

Optionally you can provide additional information on section 4.2. Conservation of Areas

> n/a

Pressures and Responses

5. Management of Human Activities

5.1. Hunting

33. Does your country have an established system for the collection of harvest data, which covers the species listed in Table 1? (AEWA Action Plan, paragraph 4.1.3)

Yes

Does it cover the following? (tick where applicable and provide details)

Only some AEWA species occurring in your country

> With relevant licenses some species of ducks, geese and teal are allowed to be hunted in South Africa. These include amongst others the following species which are listed in terms of AEWA species list:

Yellow Billed Duck

Egyptian Goose

Spur-Winged Goose

White-Faced Whistling-Duck

Fulvous Whistling-Duck

South African Shelduck

Cape Teal

Southern Pochard

In relation to the rest, NO other waterbird species may be hunted or otherwise harvested.

Does it cover the following? (tick where applicable and provide details)

Only part of the territory of your country

> n/a

Does it cover the following? (tick where applicable and provide details)

Only some harvesting activities

> n/a

If other, please tick below and provide details.

Other

> n/a

Field for additional information (optional)

> All species are not available in all areas, and local provincial restriction may also apply. That is, hunting of some of the waterbirds species in South Africa is subject to a permit obtainable from Nature Conservation Authorities or Agencies. During certain months shooting of water birds is prohibited during breeding seasons. Timing must be confirmed in advance with the relevant Authorities or Agencies. Hunters are expected to indicate which species were harvested. The challenge is that not all hunters provide feedback to the provincial Authorities.

34. Has your country phased out the use of lead shot for hunting in wetlands? (AEWA Action Plan, paragraph 4.1.4)

Partially

Field for additional information (optional)

> Talks has been initiated to organise a national workshop to discuss poisoning issues.

35. Are there measures in your country to reduce/eliminate illegal taking? (AEWA Action Plan, paragraph 4.1.6)

Yes

How would you rate the effectiveness of the measures?

High

Please provide details

> South Africa through the National Environmental Management: Biodiversity Act, 2004 (Act No. 4 of 2004): Threatened or Protected Species (ToPS) Regulations at a National level and Provincial legislation regulates illegal killing through a permitting system. For example the following species are listed as a threatened species in terms of Section 56 of NEMBA in terms of ToPS Regulations: The African Penguin; the Blue, Wattled and Grey crowned cranes as well as Black Stock. Subsequently, a permit is required in terms of Section 57(1) of

NEMBA for the carrying out of any restricted activity involving a listed species. The Threatened or Protected Species Regulations, 2007, which are under review requires the relevant issuing authority to consider the provisions of the biodiversity management plan, when considering a permit application for any listed species if available.

Field for additional information (optional)

> n/a

36. Are legally binding best practice codes and standards for hunting (e.g. bird identification) considered a priority or appropriate for your country? (AEWA Strategic Plan 2009-2017, Objective 2, Target 2.4)

Yes

Are there legally binding best practice codes or standards in place?

No

Please explain the reasons

> Through the wing shooting/birds hunting industry, guidelines for interested people are developed for the industry and they are not legally binding. these guidelines talks to safety, preshoot consideration, the DO's and DON'T before and during the shooting and the use of the gun itself

37. Has your country used the AEWA Guidelines on sustainable harvest of migratory birds?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What other guidance has been used instead?

> The guidelines has not been considered yet as bird harvesting is not of high priority in the country

Optionally, you can provide additional information on section 5.1. Hunting

> n/a

5.2. Other human activities

38. Have restrictions on use of lead fishing weights been introduced in your country? (AEWA Action Plan, paragraph 4.3.12). When answering this question please also consider question 56 in chapter 6 - Research and monitoring.

No

If appropriate, please provide further details.

> Restrictions have not been introduced yet. The use of lead in not really problematic in the country

39. Does your country have legislation in place, which provides for Strategic Environmental Assessment/Environmental Impact Assessment (SEA/EIA) of activities potentially negatively affecting natural habitats or wildlife? (AEWA Action Plan, paragraph 4.3.1)

Yes and being implemented

Does this legislation apply to the entire country or only to particular states/provinces thereof?

Entire country

Please provide details

> n/a

Do the SEA/EIA processes consider waterbirds and habitats on which they depend?

Yes

Please provide details

> SEA/EIA processes consider the environment comprising the natural, physical and socio-economic aspects. Biodiversity including all species is one of the chapter to be included in a Strategic Environmental Assessment and its normally captured along with the flora and fauna topics in the EIA process. SEA/EIA seeks to ensure that legal requirements are fulfilled while, at the same time, effectively and efficiently connecting relevant procedures, allowing the sharing and reuse of biodiversity. The habitats requirements of all species are commonly fulfilled during the planning and project design of the development which guided by the SEA process then followed by EIA process. That is the majority of activities that have the potential to significantly

impact on wetlands are covered by the NEMA: EIA Regulations

As well, the majority of activities that have the potential to significantly impact upon wetlands are covered by the National Environmental Management Act (NEMA) EIA Regulations.

Do the SEA/EIA processes include public participation?

Yes

Please provide details

> There is no doubt that public involvement and consultation is a vital component of both successful EIA/SEA systems and specific EIA/SEA processes. It has been an integral part of EIA practice, but its use in SEA is less formal and systematic. Public Participation is included in the SEA/EIA processes as required by NEMA and the EIA regulations, as well as the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000) [PAJA]

Field for additional information (optional)

> Additionally, Section 24(5)(bA) of the National Environmental Management Act, 1998 (Act no 107 of 1998) [NEMA] provides for various environmental management instruments including the SEA and the EIA, for assessing the potential consequences for or impacts on the environment of activities.

The National Department of Environmental Affairs, in line with Section 24(5)(bA) of the NEMA, is in process developing Environmental Management Instrument Regulations. Once in place, these regulations will enable the utilisation of a range of instruments (including SEAs) to achieve, amongst others and where relevant, the following:

- ensuring the use of other instruments that are 'fit for purpose' (appropriate for the relevant activity or development type in its relevant geographical context);
- integrating environmental considerations into the formulation and implementation of policies, plans, programmes and projects;
- informing environmental decision making at both strategic and project specific levels; and
- reducing reliance on EIAs and / or environmental authorisations (EA).

40. In the last three years, has your country used SEA/EIA for all relevant projects, including energy sector projects such as renewable energy developments and power lines installation, to assess the impact of proposed projects on migratory waterbird species listed on Table 1 and/or habitats/sites on which they depend? (AEWA Action Plan, paragraph 4.3.1, Resolution 5.11 and Resolution 5.16)

Yes, all proposed projects

Please provide information on the outstanding cases

> The SEA process would most of the time be the first step to identify any impacts might cause by the proposed development to the receiving ecosystem or important biodiversity concerns areas. Since Infrastructure developments are a major source of ecosystem damage and habitat loss, which can have a variety of impacts on waterbirds. During planning EAPs are advised to apply Strategic Environmental Assessment (SEA) and project Environmental Impact Assessments (EIA) as part of a robust and transparent system for planning and implementing sustainable development.

Where an SEA/EIA has identified a likelihood of significant negative impacts on migratory waterbirds, have steps been taken to avoid these impacts, including avoidance of protected areas and other sites of importance for migratory waterbirds?

Yes

Please describe the measures put in place

> During project planning where SEA/EIA process has identified significant impacts on any environment or habitat, it is mostly advisable to introduce mitigatory measures by assessing either Alternative Location or Activity Alternative where impacts will be less on the receiving environment. Normally EMPr will be used to identify mitigatory measures prior to development commencement.

Additionally, fitting of mitigation measures such as the bird diverters or flappers to make powerlines more visible to birds. Thus reducing waterbirds collision with powerlines in the vicinity of and over wetlands. As well alignment of proposed powerlines away from high concentration of waterbirds

Field for additional information (optional)

> n/a

41. Has your country used the AEWA Guidelines on how to avoid, minimize or mitigate impact of infrastructural developments and related disturbance affecting waterbirds?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

No

Please explain the reasons. What other guidance has been used instead?

> n/a

42. Please report on the implementation of Resolution 5.11 on Power Lines and Migratory Waterbirds.

42.1. Are relevant stakeholders, including government agencies, scientific bodies, nongovernmental organisations and the energy sector, being regularly consulted in order to monitor jointly the impacts of power lines on waterbirds and to agree on a common policy of action?

Yes

Please provide details

> South Africa through the EWT has initiated a Wildlife and Energy Programme. The role of the Endangered Wildlife Trust's Wildlife and Energy Programme (EWT-WEP) is therefore essential in ensuring that the impacts of these infrastructure on our wildlife is kept to an absolute minimum. The EWT-WEP's largest project is the Eskom-EWT Strategic Partnership.

42.2. Has a baseline of waterbird distribution, population sizes, migrations and movements (including those between breeding, resting and feeding areas) been established as early as possible in the planning of any power line project, over a period of at least five years, and with particular emphasis on those species known to be vulnerable to electrocution or collision?

Yes

Please provide details

> South African Bird Atlas Project provides distribution data of all avifauna within South Africa. Coordinated Waterbirds Counts the population sizes at important wetlands. The EIA process uses the Avifaunal Specialist to compile site specific reports on the avifauna, possible impact and mitigations measures

42.3 If such studies, as described in the question above, have identified any risks, has every effort been made to ensure these are avoided?

Not applicable

42.4. Have the location, route and direction of new power lines been designated on the basis of national zoning maps?

Yes

Please provide details

> This applies usually to the transmission lines especially the larger ones. In relation to the distribution lines it is done partially and it is unclear what the power utility process is in this regard.

42.5. Has, wherever possible, the construction of power lines along major migration flyways and in habitats of conservation importance* been avoided, where such construction is likely to have significant effects on waterbirds?

* such as Special Protection Areas under the EU Birds Directive, Important Bird Areas, protected areas, Ramsar sites, the West/Central Asian Site Network for Siberian Crane and other waterbirds and other critical sites as identified by the Critical Site Network (CSN) Tool for the African-Eurasian region.

Yes

Please provide details.

> n/a

42.6. Are bird-safe designs in the construction of new power infrastructure, including measures designed to reduce electrocution and collisions being used in your country?

Yes

Please provide details

> The power utility companies have various mitigation measures for various situations which are implemented to reduce the risk of collision and electrocution. This is often done retrospectively when larger numbers of incidences are being recorded at a specific sites or in some case the mitigation measures are implemented/fitted during the construction phase. Retrofitting in this case is facilitated by the EWT's Wildlife and Energy Programme

42.7. Have those sections of existing power lines that are causing relatively high levels of waterbird injury and/or mortality due to electrocution and/or collision been identified?

Yes

Please provide details

> Mitigations measures are implemented at sites where high incidences are recorded. It is often not possible to visit these sites to compile a necessary report to enable mitigation measures to be implemented

42.8. Where sections of existing power lines have been identified to cause relatively high levels of waterbird injury and/or mortality due to electrocution and/or collision, have they been modified as a matter of priority?

Yes

Please provide details.

> The Power Utility Company of South Africa in partnership with the EWT have a programme to work on this

42.9. Is there in your country regular monitoring and evaluation of the impact of power lines on waterbird populations at the national scale?

Yes

Please provide details

> Through the EWT Wildlife and Energy Programme

42.10. Is there in your country regular monitoring and evaluation of the effectiveness of mitigation measures put in place to minimise the impact of power lines on waterbird populations?

Yes

Please provide details.

> Through the EWT-Eskom partnership Programme

42.11. Have the measures contained in Resolution 5.11. been included in your country's National Biodiversity Strategies and Action Plans and relevant legislation?

No

Please explain the reasons. What are the constraints preventing implementation of this activity?

> The NBSAP has been revised to include migratory species

43. Has your country used the AEWA Guidelines on how to avoid or mitigate impact of electricity power grids on migratory birds in the African-Eurasian region?

No

Please explain the reasons. What other guidance has been used instead?

> n/a

44. Please report on the implementation of Resolution 5.16 on Renewable Energy and Migratory Waterbirds.

44.1. Has a national sensitivity and zoning mapping to avoid overlap of renewable energy developments with areas of importance for migratory waterbirds been developed in your country?

Yes

Please provide details

> The Sensitivity map was developed by BirdLife South Africa in partnership with relevant stakeholders such as the EWT. That is, During the past 18 months BirdLife South Africa, the Endangered Wildlife Trust as well as a number of bird specialists developed an Avian Wind Farm Sensitivity Map for South Africa. The purpose of the map is to indicate localities in South Africa that contain species that are believed to be sensitive to wind farm developments. Care should be taken when developing wind farms in these areas.

Developing the map was a complicated process and a large number of factors were considered during the design of the map. When downloading the files and viewing the files care should be taken as to how to evaluate the maps. The following should be taken into consideration:

The purpose of the map is to indicate levels of sensitivity with regards to areas that might be sensitive for wind farm development.

The sensitivity map does not replace the EIA or pre- and post- construction monitoring processes. At most, the map provides some guidance as to the level of monitoring that should be done at each proposed wind farm project site. For more information click [here](#).

The map does not indicate "No-Go" zones. It may therefore, with further study, be possible to construct wind farms in areas with high sensitivity values. At most, the map indicates a high risk value and something a wind

farm developer should take into consideration when considering different areas for possible development. The sensitivity values on the map are influenced by the extent of the available data. The confidence factor should therefore be taken into consideration when evaluating the data. A pentad with a low number of species and few bird lists could mean that there are species which have not yet been recorded in the area. Some of the data on the map are based on SABAPI data which might be outdated and of less value. Please refer to the document entitled "Avian Wind Farm Sensitivity Map for South Africa: Criteria and Procedures Used", which can be downloaded from the page mentioned below, for details as to how the map was designed. The design process must be taken into consideration when evaluating the map. This map is a work in progress. As more and more species data are collected through pre- and post-construction monitoring the map will be updated accordingly.

44.2. Have any international environmental guidelines, recommendations and criteria been followed in your country for impact assessment of renewable energy developments and the utilization of renewable energy sources?

No

Please explain the reasons

> South Africa, Through the EWT was developing the AEWA Guidelines on Energy and Migratory Birds including waterbirds which is being implemented

44.3. Is post-construction monitoring being undertaken of the renewable energy installations and associated infrastructure in your country?

Yes

Please share information and lessons learnt from the post-construction monitoring.

> See 44.1 above. Additionally, South Africa, through BirdLife and the EWT partnership developed the Birds and Wind-Energy Best-Practice Guidelines which are being implemented.

You have attached the following documents to this answer.

[Birds_and_Wind_BestPractice_guidelines_2015_final.pdf](#) - Birds and Bats Monitoring guidelines

Has adverse effect on migratory waterbirds and their habitats been identified?

Yes

Are mitigation measures being implemented?

Yes

Please provide details on the measures implemented.

> Pre and post construction monitoring being conducted and reported upon.

44.4. Where damage cannot be avoided or mitigated, has compensation for damages to biodiversity been provided?

Yes

Please provide details

> The depart of Environmental Affairs, working together with BirdLife South Africa and the Endangered Wildlife Trust strongly recommend that the Recommended Terms of Reference for Avifaunal Impact Assessment for Wind Energy Facilities are used to guide the scope of the impact assessment. This would include avifaunal specialist site assessments that cover all four seasons. If combined with monitoring of a control/ reference site, the impact assessment would be equivalent to pre-construction monitoring.

44.5. Please indicate whether any of the following measures have been put in place to reduce the potential negative impact of terrestrial and marine windfarms on migratory waterbirds:

Operate wind farms in ways that minimise bird mortality, for example by introducing shortterm shutdowns during peak migration and minimising lighting in wind farms.

No

Please explain the reasons

> Not yet considered.

Dismantling of wind turbines in existing installations, should waterbird mortality have an effect on the population status of a species and other mitigation measures have proved insufficient.

No

44.6. Have any specific measures been put in place to assess, identify and reduce potential negative impacts of biofuel production on migratory waterbirds and their habitats?

Not applicable

Please explain

> n/a

44.7. Have the measures contained in Resolution 5.11. been included in your country's National Biodiversity Strategies and Action Plans and relevant legislation?

No

Please explain the reasons. What are the constraints preventing implementation of this activity?

> n/a

45. Has your country used the following AEWA Guidelines - Renewable Energy Technologies and Migratory Species: Guidelines for Sustainable Deployment (Resolution 6.11)?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

Yes

Please provide details

> South Africa through the Endangered Wild life Trust was involved in the development o these guidelines

46. Is by-catch of waterbirds in fishing gear taking place in your country? (Resolution 3.8)

Yes

Please provide details

> A total of 19 species of seabirds has been recorded as being killed by longline fisheries within South Africa's territorial and EEZ waters around the sub-Antarctic Prince Edward Islands and the African Continent. Of these, nine are albatrosses (Diomedidae) and seven are petrels (Procellariidae). Others species known to have been killed are the Macaroni Penguin- Spheniscidae (Eudyptes chrysolophus), Cape Gannet-Sulidae (Morus capensis) and Subantarctic Skua-Stercoraridae (Catharacta antarctica).

47. Has your country undertaken steps towards the adoption/application of measures to reduce the incidental catch of seabirds and combat Illegal Unregulated and Unreported (IUU) fishing practices in the Agreement Area? (Resolution 3.8)

Yes

Please provide short description of all actions

> There has been global concern about the bycatch of seabirds in fishing operations, in particular longline and trawl fisheries. In respond to this South Africa has developed the National Plan of Action (NPOA) for Reducing the Incidental Catch of Seabirds in Longline Fisheries in 2008.

All seabirds affected by South African longline and trawl fisheries are protected in terms of the Sea Birds and Seals Protection Act 1973 (Act No. 46 of 1973). This Act prohibits the killing, capture or willful disturbance of seabirds unless sanctioned in terms of a permit issued by the Minister of Environmental Affairs or a delegated representative.

In this regard, the Department of Agriculture, Forestry and Fisheries requires application of mitigation measures to reduce seabird by-catch in permits it is due for a reviewed

Field for additional information (optional)

> n/a

48. Please report on the implementation of Resolution 5.12 on Adverse Effects of Agrochemicals on Migratory Waterbirds in Africa (this question is applicable only to Contracting Parties in Africa).

48.1. Have relevant government authorities developed and implemented regulations on the trade and application of agrochemicals known to have a direct or indirect adverse effect on waterbirds?

Yes and being implemented

Please provide details

> Animal protection, nature conservation, environmental management, land use and poison management legislation, which includes the Provincial Ordinances and the National Environmental Management Biodiversity Act provide for the this

48.2. Is the use of such agrochemicals regulated around nationally and internationally important sites for migratory waterbirds, particularly in wetlands, also taking into account run-offs from agriculture affecting aquatic ecosystems?

Yes

Please provide details

> In 2010, The Minister of the Department of Agriculture Forestry and Fisheries adopted the pesticide management policy for South Africa with the following objectives:

- To improve legislative framework to ensure that South Africans are better protected from health and environmental risks posed by pesticides;
- To encourage the development and use of alternative products and techniques and reduce dependence on chemical plant protection products
- To integrate relevant international agreements and initiatives from other government departments;
- Increased transparency, access to information and improve public participation in the registration of pesticides

This policy also provide for the protection of biodiversity which is another key issue for pesticides is the effect they might have on biodiversity. The National Environmental Management: Biodiversity Act (NEMBA) 2004, (Act No. 10 of 2004) provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act (NEMA); the protection of species and ecosystems that warrant protection; and the sustainable use of indigenous biological resources. Considering how prevalent the use of pesticide is in ecosystems where endangered species are at risk, the DAFF shall give explicit protection for such species. However, the approval system will not eliminate non-target species' effect altogether, and it will be difficult to reduce environmental effects from the use of pesticides to the low level desired, owing to the fact that much of the environmental impact from approved pesticides is attributed to indirect effects - for example, affecting bird chick survival rates by reducing insect populations at critical times.

These indirect effects often result from products acting as intended and could sometimes be tackled through major changes to agronomic practice - which may not be practical - or through mitigation. Examples of mitigation measures might include the requirement for the use of certain pesticides or prescribing use only at a specific time.

In terms of the water quality protection of which some of the waterbirds use as their habitat the National Water Act, 1998 (Act No. 36 of 1998) makes provision for the protection of water resources, including the prevention of pollution. The Department of Water Affairs and Sanitation as initiated the National Toxicity Monitoring Programme, which will monitor the levels of a number of pesticides in groundwater and surface water to ensure that water pollution from pesticides does not threaten compliance with the National Water Act. An effective approach to reducing pollution o water by pesticides would be, first, to release fewer pesticides and/or less toxic pesticides into the environment and, second, to use practices that minimize the movement of pesticides to surface water and groundwater.

48.3. Are there any steps undertaken to control or reduce the use of avicides in areas frequented by populations listed in Table 1 of the Agreement?

No

Please explain the reasons

> South Africa is in the process of establishing the National Poisoning Working Group talking to Wildlife and poisoning not only the waterbirds. Through this process awareness and education will be created.

48.4. Have education and training activities been implemented for relevant target groups on the proper use of agrochemicals that may have possible adverse effect on waterbirds?

Yes

Please provide details

> South Africa is in the process of establishing the National Poisoning Working Group talking to Wildlife and poisoning not only the waterbirds. Through this process awareness and education will be created.

Optionally you can provide additional information on section 5.2. Other Human Activities

> None

Pressures and Responses

6. Research and Monitoring

49. Does your country have waterbird monitoring schemes for the AEWA species in place? (Strategic Plan 2009-2017, Objective 3, Target 3.2)

Yes

Covering the breeding period

Guidance: Including pre- and post-breeding sites of concentration, such as moulting sites close to breeding areas

Partially

Please provide details.

> South Africa, through the Animal Demography Unit (ADU) at University of Cape Town (UCT) launched the Coordinated Waterbird Counts (CWAC) project in 1992 as part of South Africa's commitment to International waterbird conservation. This is done by means of a programme of regular mid-summer and mid-winter censuses at a large number of South African wetlands. Regular six-monthly counts are regarded as a minimum standard; however, we do encourage counters to survey their wetlands on a more regular basis as this provides more accurate data. All the counts are conducted by volunteers; people and organisations with a passion for waterbird conservation. It is one of the largest and most successful citizen science programmes in Africa, providing much needed data for waterbird conservation around the world. Currently the project regularly monitors over 400 wetlands around the country, and furthermore curates waterbird data for over 600 sites.

You have attached the following Web links/URLs to this answer.

[Coodinated Waterbird Counts](#)

Covering the passage period

Partially

Please provide details.

> See above inputs

Covering the non-breeding/wintering period

Partially

Please provide details.

> See above inputs

Field for additional information (optional)

> n/a

50. Has your country supported, technically or financially, other Parties or Range States in designing appropriate monitoring schemes and developing their capacity to collect reliable waterbird population data? (Resolution 5.2)

Yes

Which country(ies) were supported?

> South Africa through the Southern African Bird Atlas Project: this is a regional programme which caters for the southern African region. SABAP covered six countries: Botswana, Lesotho, Namibia, South Africa, Swaziland and Zimbabwe. Through this programme, Thirteen Regional Atlas Committees (RACs) have been set up for SABAP2, eight in South Africa (including Lesotho), which operate on a provincial level, and one each in Swaziland, Namibia, Botswana, Zimbabwe and Mozambique.

Please provide details

> n/a

51. Has your country used the AEWA Guidelines for a waterbird monitoring protocol?

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl** button on your keyboard to open the link in a new tab.

Yes

Please provide details

> SABAP as part of the WMCM project uses the AEWA Guidelines for a waterbird monitoring protocol

52. Have any research programmes been established in your country in the last 5 years to address waterbird conservation priorities in accordance with the AEWA strategies and plans? (AEWA Strategic Plan 2009-2017, Objective 3, Target 3.3)

Yes

Please list those programmes and indicate which AEWA priorities they are addressing

> South Africa government provided partial funding to a research project conducted by BirdLife South Africa for the implementation of the International Single Species Action Plan for *Sarothrura ayresi* (White-winged Flufftail), a CMS Appendix II and AEWA listed species. The project is on-going till 2017.

Through the use of a novel survey method, BLSA's research team has this month discovered the first breeding of the threatened White-winged Flufftail in South Africa, contradicting prior thought that this flufftail is a non-breeding visitor to South African wetlands.

Over the past two years, an innovative method was developed to survey this cryptic and elusive species.

Dubbed the BirdLife South Africa Rallid Survey Method (Colyn et al. 2017), it uses a cleverly designed camera trap system to record the secret life of the White-winged Flufftail. Working at Middelpunt Wetland near Belfast, in 2016/17 they recorded interesting wing-flapping behaviour during which both males and females display their white wing feathers. In 2017/18, the survey technique was further refined. The most exciting discovery was photographing recently hatched chicks and juvenile White-winged Flufftails. At least two breeding attempts were recorded, with chicks ranging from only a couple of days old to juvenile birds which were about four weeks old. This confirms that the White-winged Flufftail is not a "non-breeding visitor" to South Africa. Colyn R, Campbell A, Smit-Robinson HA. 2017. The application of camera trapping to assess rallidae species richness within wetland habitat types, eastern Free State, South Africa. *Ostrich* 88: 235-245.

As well, Genetic analysis of the critically endangered White-winged Flufftail (*Sarothrura ayresi*) has been conducted to (1) investigate taxonomy and phylogeny of flufftails, (2) determine genetic connectivity of White-winged Flufftail populations in Ethiopia and South Africa and (3) examine genetic diversity at both neutral and functional loci. Previous taxonomy clusters the flufftails (genus *Sarothrura*) within the Rallidae, however a molecular assessment of phylogenetic relationships based on mitogenomes confirmed that *Sarothrura* belongs to a separate lineage from the Rallidae and is more closely related to the family Heliornithidae. In addition, mitochondrial dating based on nuclear and mitochondrial DNA sequencing suggested that the divergence of Heliornithidae and Sarothruridae occurred approximately 23.3 million years ago. The White-winged Flufftail diverged from the remaining flufftails approximately 5.1-11.2 mya. Molecular genetic studies also provided support for the genetic connectivity between the South African and Ethiopian populations indicating one migrating population with different seasonal occupied ranges. However, these results do not exclude the possibility of additional breeding and non-breeding sites. Lastly, low genetic diversity in the populations was observed at both neutral and functional loci indicating that this species is more likely to be threatened by changes to the environment and potential exposure to diseases. Thus, conservation efforts should be directed towards maintaining pristine habitat for White-winged Flufftail in its current distribution range.

This is responding to the implementation of the White Winged Flufftail International Single Species Action Plan

53. List (or provide links to lists) of research related to waterbirds and their conservation that has been undertaken or results published in the past triennium (Strategic Plan 2009-2017, Objective 3, Target 3.5)

> Bird Ringing project coordinated by South Africa (SAFRING).

Coordinated Waterbirds Counts (CWAC)

Coordinated Avifaunal Roadcounts (CAR)

Save the albatross seabird programme

Life history of the White-fronted Plover

The Wakkerstroom Project

The African Crane Foundation Programme

In the past three years(2012-2014) quite a bit of research papers relevant to seabirds conservation in South Africa were published. These are:

2012

Crawford RJM, Dyer BM, Geldenhuys D, Makhado AB, Randall RM, Upfold L, Visagie J, Waller L 2012. Trends in numbers of Crowned Cormorants in South Africa, with information on diet. *African Journal of Marine Science* 34: 411-424.

Distiller G, Altwegg R, Crawford RJM, Klages NTW, Barham B. 2012. Factors affecting adult survival and inter-colony movement at the three South African colonies of Cape Gannet. *Marine Ecology Progress Series* 461: 245-255.

Moseley C, Grémillet D, Connan M, Ryan PG, Mullers RHE, van der Lingen CD, Miller TW, Coetzee JC, Crawford RJM, Sabarros P, McQuaid CD, Pichegru L. 2012. Foraging ecology and ecophysiology of Cape Gannets from colonies in contrasting feeding environments. *Journal of Experimental Marine Biology and Ecology* 422-423: 29-38.

Sabarros PS, Durant JM, Grémillet D, Crawford RJM, Stenseth NC. 2012. Seabird community ecology - differential responses of three sympatric marine predators to spatio-temporal variability of shared resources. *Marine Ecology Progress Series* 468: 291-301.

2013

Crawford RJM. 2013. Long-term change in the population sizes and conservation status of southern African seabirds. *Ostrich* 84: v-ix.

Crawford RJM, Kemper J, Underhill LG. 2013. African Penguin (*Spheniscus demersus*). In Garcia Borboroglu P, Boersma PD (eds) *Penguins Natural History and Conservation*. University of Washington Press: Seattle and London. pp. 211-231.

Crawford RJM, Randall RM, Whittington PA, Waller LJ, Dyer BM, Allan DG, Fox C, Martin AP, Upfold L, Visagie J, Bachoo S, Bowker M, Downs CT, Fox R, Huisamen J, Makhado AB, Oosthuizen WH, Ryan PG, Taylor RH, Turpie JK. 2013. South Africa's coastal-breeding white-breasted cormorants: population trends, breeding season and movements, and diet. *African Journal of Marine Science* 35: 473-490.

Makhado AB, Crawford RJM, Waller LJ, Underhill LG. 2013. An assessment of the impact of predation by Cape fur seals *Arctocephalus pusillus pusillus* on seabirds at Dyer Island, South Africa. *Ostrich* 84: 191-198.

Sherley RB, Ludynia K, Lamont T, Roux J-P, Crawford RJM, Underhill LG. 2013. The initial journey of an Endangered penguin: implications for seabird conservation. *Endangered Species Research* 21: 89-95.

Sherley RB, Underhill LG, Barham BJ, Barham PJ, Coetzee JC, Crawford RJM, Dyer BM, Leshoro TM, Upfold L. 2013. Influence of local and regional prey availability on breeding performance of African Penguins *Spheniscus demersus*. *Marine Ecology Progress Series* 473: 291-301.

2014

Blamey L, Shannon LJ, Bolton JJ, Crawford RJM, Dufois F, Evers-King H, Griffiths CL, Hutchings L, Jarre A, Rouault M, Watermeyer KE, Winker H. 2014. Ecosystem change in the southern Benguela and the underlying processes. *Journal of Marine Systems* 106: 80-95.

Crawford RJM, Makhado AB, Waller LJ, Whittington PA. 2014. Winners and losers - responses to recent environmental change by South African seabirds that compete with purse-seine fisheries for food. *Ostrich* 85: 111-117.

Green DB, Klages NTW, Crawford RJM, Coetzee JC, Dyer BM, Rishworth GM, Pistorius PA. 2014. Dietary change in Cape Gannets reflects distributional and demographic shifts in two South African commercial fish stocks. *ICES Journal of Marine Science* doi: 10.1093/icesjms/fsu203.

Ludynia K, Waller LJ, Sherley RB, Abadi F, Galada Y, Geldenhuys D, Crawford RJM, Shannon LJ, Jarre A. 2014. Processes influencing the population dynamics and conservation of African Penguins on Dyer Island, South Africa. *African Journal of Marine Science* 36: 253-267.

Sherley RB, Barham PJ, Barham BJ, Crawford RJM, Dyer BM, Leshoro TM, Makhado AB, Upfold L, Underhill LG. 2014. Growth and decline of a penguin colony and the influence on nesting density and reproductive success. *Population Ecology* 56: 119-128.

Trathan PN, Garcia-Borboroglu P, Boersma PD, Bost CA, Crawford RJM, Crossin GT, Cuthbert RJ, Dann P, Davis LS, De La Puente S, Ellenberg U, Lynch HJ, Mattern T, Pütz K, Seddon PJ, Trivelpiece W, Wienecke B. 2014. Pollution, Habitat Loss, Fishing, and Climate Change as Critical Threats to Penguins. *Conservation Biology* 29: 31-41. doi: 10.1111/cobi.12349.

Weller F, Cecchini L-A, Shannon LJ, Sherley RB, Crawford RJM, Altwegg R, Scott L, Stewart T, Jarre A. 2014. A system dynamics approach to modelling multiple drivers of the African Penguin population on Robben Island, South Africa. *Ecological Modelling* 277: 38-56.

Some of the relevant links of the research programmes links to AEWA species are as follows:

http://www.fitzpatrick.uct.ac.za/fitz/research/programmes/maintaining_species_level/benguela_endemics

http://www.fitzpatrick.uct.ac.za/fitz/research/programmes/maintaining_species_level/disturbance&development

http://www.fitzpatrick.uct.ac.za/fitz/research/programmes/understanding_smart_beaks

<http://dx.doi.org/10.1002/jwmg.21227>

Field for additional information (optional)

> n/a

54. Has your government provided over the past triennium funds and/or logistical support for the International Waterbird Census at international or national level? (Strategic Plan 2009-2017, Objective 3, Target 3.1)

Yes

Nationally

Yes

Please provide details

> Funding was provided towards SAFRING project through the South African National Biodiversity Institute (SANBI) few years ago.

Internationally

No

Please explain the reasons

> Limited Resources

Field for additional information (optional)

> n/a

55. Has your country donated funds to the African-Eurasian Waterbird Monitoring Partnership Fund in the past triennium (Resolution 6.3)?

No

Please explain reason

> Limited Resources

56. Has the impact of lead fishing weights on waterbirds been investigated in your country? (AEWA Action Plan, paragraph 4.3.12). When answering this question please also consider question 38 in chapter 5 - Management of human activities.

No

Are there plans to investigate the impact of lead fishing weights on waterbirds in your country?

Yes

Please provide further details

> The establishment of the National Poisoning Working will assist in discussing and acting on these issues

Optionally you can provide additional information on section 6. Research and Monitoring

> See question 38 in chapter 5 - Management of human activities.

Pressures and Responses

7. Education and Information

7.1. Communication, Education and Public Awareness

57. Has your country developed and implemented programmes for raising awareness and understanding on waterbird conservation and about AEWA specifically? (Strategic Plan 2009-2017, Objective 4, Target 4.3 and AEWA Action Plan, paragraphs 6.1-6.4, Resolution 3.10, Resolution 5.5)

No

Please explain the reasons

> Many different activities have taken place each year for the celebration of World wetland Day as well as the World Migratory Birds Day. For example in line with the Ramsar Convention, schools, government departments, public and NGO's involved in wetlands issues have participated on WWD each year. In case of World Migratory Birds Day press release, information pamphlets has been developed in celebration of this day each year

Additionally, At a National level the Minister of Environmental Affairs, Mrs Edna Molewa on 15 October 2015 led the celebrations for World Migratory Bird Day at the Marievale Bird Sanctuary in Gauteng Province. This celebration was jointly organised by the National Department of Environmental Affairs and BirdLife South Africa as the Communication Education an Awareness (CEPA). In 2016, the WMBD was celebrated through awareness raising initiatives, including a media statement released by the Minister of Environmental Affairs. Several organizations such as the University of Limpopo, Big Birding Bash and the Field and Forest Birdwatching celebrated the day by educational and bird watching activities respectively. South Africa, through the National Department of Environmental Affairs co-sponsored a Flufftail Festival, an initiative by BirdLife South Africa and partners celebrated in the margins of WWD. The Festival aims at teaching young and old people about conserving water, wetlands and critical endangered White-winged Flufftail.

Field for additional information (optional)

> n/a

58. Has a National AEWA Focal Point for Communication, Education and Public Awareness (CEPA) been nominated by your country? (Resolution 5.5)

Yes

Is the National CEPA Focal Point from the government or non-governmental sector?

Non-Governmental

Has the AEWA CEPA Focal Point begun coordinating national implementation of the Communication Strategy?

No

Please explain reasons

> The post has been vacated

How can the cooperation between the appointed AEWA CEPA Focal Point and the Ramsar CEPA Focal Points be described?

There is some cooperation

Field for additional information (optional)

> The AEWA CEPA Focal Point within BirdLife South Africa has recently been replace. Work has started to link the with the Ramsar CEPA Focal Point to align CEPA issues between Ramsar and AEWA

59. Have measures been taken by your country to implement the provisions related to "Education and Information" in the AEWA Action Plan over the last triennium? (AEWA Action Plan, Paragraphs 6.1-6.4)

Yes

Please indicate which measures have been taken:

a. National training programmes have been arranged for personnel responsible for implementing AEWA

No

Please explain the reasons

> In the process to arrange for training with the CEPA focal point and the Trained EWT official

Field for additional information (optional)

> n/a

b. Training programmes and materials have been developed in cooperation with other Parties and/or the Agreement Secretariat

No

Please explain the reasons

> During the training in Kenya in 2013 materials were made available to be adopted by parties

Field for additional information (optional)

> n/a

c. AEWA related information and training resources have been exchanged with other Parties and/or shared with the Agreement Secretariat

No

Please explain the reasons

> Still developing the training material for South Africa

Field for additional information (optional)

> n/a

d. Specific public awareness campaigns for the conservation of populations listed in Table 1 have been conducted

Yes

How can the effectiveness of the measures be rated?

High

Other

> South Africa has an on-going education and information activities on waterbirds, waterbird habitats and the Agreement. These includes:

Save our Seabirds Festival

Held annually in the first week of October as part of the National Marine Week in Cape Town. This is to raise awareness and funds for seabird conservation by educating people of the threats seabirds face and to inspire people on seabirds and make a difference. The festival is centred around themes such as:

- Centred around a photographic competition "Oceans of Life" where the winning photographs are displayed at the Iziko Museum
- All activities (talks, lectures etc) are free to the public and all income generated by sponsorships etc goes to Seabird Conservation
- The Diemersfontein Wine Estate "For the Birds!" red wine launch. Proceeds from the sale of this wine go to African Penguin conservation
- Light boxes sourced for displaying the winning "Oceans of Life" photographic competition images.
- Independent Newspapers broadsheet adverts, reaching an estimated 2 million people;
- The photographic competition is now the biggest marine photographic competition in the world, with 2000 entries in 2011
- A small booklet was produced with details of the event, and
- Freshly Ground (a popular music group) gives a FlashMob performance at the V&A Waterfront which is posted to You Tube. They also promote seabird conservation at their concerts.

The SOS Festival has become an important event on the national environmental events calendar, and destined to become the biggest environmental event in South Africa.

Fluff-tail Festival

The objective of the Flufftail Festival is to raise awareness for the need to conserve, not only the White-winged Flufftail, but other wetland birds, their threatened habitat and our country's scarcest natural resource i.e. water. Launched in February 2013 in conjunction with Bird Life South Africa's 2013 Bird of the Year. The annual Flufftail Festival is held at Sandton City, Nelson Mandela Square in Johannesburg for a week. This is aimed at reaching thousands of business owners and residents of Johannesburg through displays and interactive activities with the aim of creating awareness about flufftails and other birds and their important wetland habitat, and it's an opportunity to reach thousands of residents of Johannesburg. Activities include but not limited to:

- A fashion show themed around Birds. Public figures grace this event;
- Orchestra/musical Event which feature a prominent figure;

- Bands for Birds featuring a popular music band e.g the Parletones;
- Comedy for Conservation;
- Series of evening lectures with drinks and snacks;
- Proximity to important wetland areas;
- Breeding centre for flufftails at Johannesburg Zoo;
- Photographic competition on wetlands/terrestrial birds. The winning photographs are displayed in the Square for the duration of the festival;
- Finding wetland-related species. Laminated cards that are assembled to spell a word or make a sentence;
- Assembling a jigsaw to 'restore a habitat';
- Eating wetland-themed foods. Use chopsticks to eat gummy fish hidden in chocolate 'mud' pudding;
- Identify bird calls of five common wetland bird species;
- Offering a family event by creating an activities suitable for all ages; encouraging families, groups of friends or workmates to work together to solve puzzles; inviting teams to come up with a creative team name and offering prizes for various challenges;
- Learn about wetland features with a number of wetland-related activities; and
- Get your feet wet. Create a 'wetland' for educational purposes.

Flufftails are used as ambassadors to raise awareness for other birds living in our threatened wetland and grasslands habitat.

World Migratory Bird Day

The WMBD is an annual event which is celebrated during the second weekend of May. The aim of this event is to raise awareness about the need to conserve and protect migratory birds and their habitats. Activities include:

- Development of a media statement on the WMBD.
- Development and printing of information pamphlet/posters on the importance of migratory birds and why we need to conserve them.
- Procurement of the drawstring bags branded and theme for School learners.
- Distribution of information material to disadvantaged schools using a "green" bus
- Full page publication of migratory birds in the Minimag and/or VukuZenzele Magazine

The timing of the international WMBD celebrations is linked to the return of migratory birds to the northern hemisphere in their summer months.

Please provide details

> As the timing of the international WMBD celebrations is linked to the return of migratory birds to the northern hemisphere in their summer months. It is recommended that a Southern Hemisphere celebration which migratory birds are within the continent is created

Field for additional information (optional)

> n/a

60. Have World Migratory Bird Day (WMBD) activities been carried out in your country during this reporting cycle? (Resolution 5.5)

Yes

Please describe the activity/activities briefly and upload any sample materials, links or photos available related to the activity/event.

> Awareness raising material, i.e. posters; pamphlet and drawstring bags has been developed for the 2014 WMBD awareness raising campaign which was conducted in 38 schools in KZN from 19-30 May 2014 during environmental awareness raising campaign. The media press statement was also released in celebration of the WMBD. Newspaper articles in two newspapers has been published in October 2014 to welcome migratory birds in South Africa as the timing of the international WMBD celebrations is linked to the return of migratory birds to the northern hemisphere in their summer months

61. Has your country provided funding and/or other support, as appropriate (e.g. expertise, network, skills and resources) towards the implementation of the AEWA Communication Strategy? Please consider both national and international funding and different types of support provided. (Strategic Plan 2009- 2017, Objective 4, Target 4.1 and Resolution 3.10, Resolution 5.5)

No

Field for additional information (optional)

> n/a

62. In Resolution 3.10 the Meeting of the Parties encouraged Contracting Parties to host AEWA Exchange Centres for their respective regions. Has your country considered/shown interest in hosting a Regional AEWA Exchange Centre? (Strategic Plan 2009-2017, Objective 3, Target 2)

and Resolution 3.10)

Yes, considered and is interested

Please provide details on the answer given above

> The Second Southern African Bird Atlas Project (SABAP2) is the most important bird conservation project in the region. It holds this status because all other conservation initiatives depend on the results of the bird atlas, to a greater or lesser extent.

The current project is a joint venture between the Animal Demography Unit at the University of Cape Town, BirdLife South Africa and the South African National Biodiversity Institute (SANBI). The project aims to map the distribution and relative abundance of birds in southern Africa and the atlas area includes South Africa, Lesotho and Swaziland and in May 2012 Namibia.

Field for additional information (optional)

> n/a

63. Training for CEPA (Communication, Education and Public Awareness) at national level is supposed to be conducted by staff who have been trained in the framework of an AEWA Training of Trainers programme. Have staff who were trained as part of a Training of Trainers workshop conducted national CEPA training in your country in the past triennium? (Strategic Plan 2009-2017, Objective 4, Target 4.2)

No

Please explain the reasons

> Work has been started towards this target though training has not been conducted.

For example, South Africa initiated the process with BirdLife South Africa as a nominated CEPA Focal Point for South Africa together with the EWT to develop programme to raising awareness and understanding on waterbird conservation and about AEWA specifically including the Flyway Network Training. The initial nominated CEPA Focal Point has to be replaced within the past triennium. As well a proposal was developed to seek funding from DEFRA within this Triennium which was not submitted due to short time available. In this triennium, South Africa, through the EWT has developed our own e-learning website and a potential idea (in the interim) was to load Module one of the AEWA flyaway toolkit. This would serve as a demonstration for us only (not in the public domain) in order to explore further opportunities for implementation together with strategic partners.

This approach would almost be a no cost start up and allows for several possibilities: (1) It is available for self-paying practitioners or students immediately; (2) Its available for pitching to donors to sponsor practitioners (or for DEA's account if budget has been allocated); (3) The option exists to complete the entire toolkit training or selected modules; (4) Registration can be open all year round if no contact sessions are required; (5) for practitioners it can include a workplace based components/ assignment(s); (6) Design of the programme could allow for theoretical sessions to be complimented with practical contact sessions, intermittently during the course of the programme and in the field (ideal for group registrations - also ideal for donor pitching); and (7) With the e-learning being 'borderless' it allows for practitioners from other counties who share the same species flyway's to also participate, having a multi-country collaborative approach - a comprehensive proposal could also be developed where the practitioners visit each participating country's wetlands/flyaway, whilst completing the theory online in between visits.

Field for additional information (optional)

> n/a

Optionally you can provide additional information on section 7.1. AEWA Communication Strategy

> South Africa has contacted the Secretariat about the AEWA Communication Strategy for alignment when developing the national Strategy for CEPA activities.

Pressures and Responses

8. Implementation

64. Has your country approached non-contracting party range states to encourage them to accede to the Agreement? (Resolution 3.10)

Report only on activities over the past triennium

No

Please explain the reasons

> Within the reporting period South Africa did not approach non-contracting party range states to encourage them to accede to the Agreement. Botswana is now a Party though engagement that were initiated in the previous reporting period.

Field for additional information (optional)

> Even though South Africa is developing itself, it will continue to make contacts with neighbouring countries to encourage them to ratify the Agreement

65. Has your country supported/developed international co-operation projects for the implementation of the Agreement, according to the priorities outlined in the AEWA International Implementation Tasks (IIT) for the current triennium? (Resolution 6.13).

Notice: Before clicking on the above hyperlink, please keep pressing the **Ctrl button** on your keyboard to open the link in a new tab.

Yes

Please list the IIT projects (**see the full roster here**) to which grants have been provided or for which initiatives have been undertaken and briefly provide any relevant information

> Secondly, South Africa through the Wildlife Trust (EWT) International Crane Foundation(ICF) partner coordinated the African Crane Conservation Programme. This programme empowers individuals and organisations to develop conservation activities and promotes the sustainable use and wise management of wetland, grassland and Karoo ecosystems upon which our crane species depend. Cranes are spectacular, graceful, long-lived birds that have captivated the imaginations of thousands for millennia.

Field for additional information (optional)

> n/a

66. Does your country have in place a national coordination mechanism for implementation of AEWA, possibly linking to national coordination mechanisms for other biodiversity Multilateral Environmental Agreements (MEAs)? (Strategic Plan 2009-2017, Objective 5, Target 5.7)

Yes, it is operational on a regular basis

Please provide details

> South Africa has established the National Scientific Committee which will assist the government in coordinating the implementations of the CMS and its Agreement. This structure assist in compiling the national report and as well as the implementation of the objectives of the Agreement.

Field for additional information (optional)

> n/a

67. Has your country concluded, or considered concluding, twinning schemes between sites with other countries, the sites of which share common migratory waterbirds or conservation issues? (Resolution 5.20)

No

Please explain the reasons

> Twinning is a new concept and need to be understood

68. Are those officers in your country's government responsible for AEWA implementation co-ordinated and engaged with national processes to implement and to assess delivery of the CBD Strategic Plan 2011 - 2020 including the Aichi targets?

Yes

Please provide details

> In South Africa, all the relevant officers i.e Biodiversity officers from the national, provincial and local

government departments are responsible for the AEWA implementation with the National Department of Environmental Affairs as the Focal Point in this regard.

69. Are the AEWA priorities incorporated into your country's National Biodiversity Strategies and Action Plan (NBSAP) and other strategic planning processes (Resolution 6.3)?

69.1 NBSAP

Yes

Please provide details

> Migratory Birds, including waterbirds has been including in the National Biodiversity Strategies and Action Plan (NBSAP) as it covers species.

69.2 Other strategic planning processes

Yes

Please name the other strategic planning processes

> Biodiversity Management Plan for Species which is provided for by the National Biodiversity Act

Please provide details

> n/a

70. Please report any activity undertaken to promote with the development agency of your country or other appropriate governmental body the relevance of AEWA implementation in the context of SDG-delivery and to stress the need to better integrate actions for waterbird and wetland conservation within relevant development projects (Resolution 6.15).

AEWA relevance for SDG implementation WAS promoted

Please provide details

> SDG are implemented at a national level as they talk to species conservation.

71. How would your country suggest promoting further links between the biodiversity MEAs to which your country is a Contracting Party, so as to make your work more efficient and effective?

> South Africa support synergies between related MEA's. though the work of the work of the other one is not compromised

72. Has your country donated funds to the AEWA Small Grants Fund over the past triennium? (Strategic Plan 2009-2017, Objective 5, Target 5.4)

No

Please explain the reasons

> Limited funds.

Field for additional information (optional)

> n/a

73. Has your country donated other funding or provided in-kind support to activities coordinated by the Secretariat?

Yes

Please provide details, including amount of funds donated

> South Africa pffered to HOST AEWA

Field for additional information (optional)

> n/a

74. Please report on the implementation of Resolution 6.21 on Resource mobilisation for the implementation of AEWA.

74.1 Did your country's government provide in the last triennium financial and/or in-kind resources to support national activities which are intended to achieve the objectives of this Agreement, particularly those in line with the AEWA Strategic Plan including the AEWA Plan of

Action for Africa, and in accordance with your national plans, priorities and programmes?

Yes

Please describe the resources provided

> Through the following:-

- hosting of the 2015 WMBD celebration
- Financial support for the white-winged flufftail festival
- Co-funding for the white winged flufftail research conducted BirdLife South Africa

Also see 73 above

74.2 Does your country's government have unpaid dues to the AEWA Trust Fund (annual assessed contributions to the Agreement's budget as approved by each session of the Meeting of the Parties)?

No

74.3 Has your country's government provided funding to support developing countries, in particular least developed countries and small island developing States, as well as countries with economies in transition, to meet their obligations under AEWA, and the implementation of the AEWA Plan of Action for Africa 2012-2017? Under this question please report for support provided outside of formal and established intergovernmental cooperation. For the latter, please refer to the next question 74.4.

No

Please explain the reasons

> Limited funding has been a challenge

74.4 Does your country's government participate in any South-South, North-South or triangular cooperation to enhance financial and technical support for the successful implementation of AEWA activities?

Yes

Please describe each cooperation arrangement

> Through the Transfrontier Conservation Programme and the SADC Protocols

74.5 Does your country's government use innovative financing mechanisms for implementing the AEWA Strategic Plan such as a (national) Migratory Waterbirds Fund?

Yes

Please describe each used mechanism

> Species conservation issues are considered in the planning domain for conservation and management of species

74.6 Does the implementation of AEWA in your country benefit from synergies between biodiversity-related conventions at national level, amongst others, through information sharing on potential funding opportunities and sharing of financial resources such as the Desertification Fund, Green Climate Fund, the Adaptation Fund, and the Global Environmental Facility?

Yes

Please describe each synergetic arrangement and acquired benefits

> Migratory Species including waterbirds for example has been included in the GEF5 project proposal

Optionally you can provide additional information on section 8. Implementation

> n/a

Pressures and Responses

9. Climate Change

75. Please outline relevant climate change research, assessments and/or adaptation measures that are relevant to migratory waterbirds and which have been undertaken or planned in your country. (Resolution 5.13)

a. Research and studies of climate change impacts on waterbirds

Undertaken

Please provide references or weblinks to any such work so as to facilitate their use as potential case-studies to assist other Contracting Parties

> Understanding how weather affects survival and reproduction in birds should lead to a better understanding of their vulnerability to climate change.

This is clear from a study of the relationship between rainfall in South Africa's eastern Nama Karoo region and survival and reproduction in South Africa's national bird, the blue crane *Anthropoidesparadisus*

The results clearly showed that rainfall was correlated with reproduction and survival. Interestingly, it was not only important how much rain fell, but also at what time during the year it rained. August to November is the time when blue cranes mate and lay eggs, and rainfall during that time was related to reproductive success (first panel). Between December and March, the young birds fledge and start foraging. Rainfall during that season was related to the survival of fledglings (second panel). Blue cranes should occur in areas where the climate allows reproduction to balance mortality.

Combining the effects of rainfall on survival and reproduction, we can therefore predict the overall effect of rainfall on blue crane populations (third panel). The contour lines represent population growth, and areas in the graph for which population growth is predicted to support cranes.

What does climate change mean for blue cranes? We expect that a drying climate will make life even more difficult for the birds in those areas that are already only marginally suitable for them. However, shifts in rainfall seasonality – for example, more rain in spring and less in summer – could affect breeding and survival in different ways, and their overall effect on the blue crane population should be monitored.

In addition to the above, in the same way that birds of prey are sentinels of the health of the terrestrial environment, so seabirds reflect the health of the marine environment.

African penguins *Spheniscus demersus*, Cape cormorants *Phalacrocorax capensis* and swift terns *Sterna bergii* are all seabirds that breed on islands off south-western South Africa, and prey on sardines *Sardinops sagax* and anchovies *Engraulis encrasicolus*. Over the past decade, the centre of gravity of the distribution of these fish has moved eastwards,

from north of Cape Town to east of Cape Agulhas.

The three types of seabirds have responded to this shift in different ways.

b. Assessment of the potential vulnerability to climate change of key habitats used by waterbird species (including those outside protected area networks) (Please note that the question asks about habitats, rather than sites. Question 27 in Section 4, sub-section 4.2 investigates vulnerability of sites to climate change)

Undertaken

Please provide references or weblinks to any such work so as to facilitate their use as potential case-studies to assist other Contracting Parties

> The Prince Edward Islands: a window into the Southern Ocean

For example, the islands provide an important breeding ground for many threatened seabirds, and place them in reach of the highly productive oceanic frontal systems that provide them with food. Recent trends in the numbers and breeding success of seabirds at Marion Island, the larger of the two islands in the group, appear to reflect oceanic changes that may have global consequences.

c. Assessment of the potential vulnerability of waterbird species to climate change.

Undertaken

Please provide references or weblinks to any such work so as to facilitate their use as potential

case-studies to assist other Contracting Parties

> See 65 (a) above

d. Review of relevant national conservation policies relevant to waterbirds and climate change.

Planned

Please provide details

> n/a

f. Other undertaken or planned relevant activities.

No

76. Has your country used the AEWA Guidelines on measures needed to help waterbirds to adapt to climate change?

No

Please explain the reasons. What other guidance has been used instead?

> n/a

Optionally you can provide additional information on section 9. Climate Change

> n/a

Pressures and Responses

10. Avian Influenza

77. What issues have proved challenging in responding nationally to the spread of the Highly Pathogenic Avian Influenza (HPAI) in the last triennium and what further guidance or information would be useful in this respect?

77.1 List challenges

> None as the incident only happened in 2018 February and the reporting timeline is up to December 2017

You have attached the following Web links/URLs to this answer.

<http://>

77.2 List required further guidance or information

> None

77.3 Field for additional information (optional)

> None

Optionally you can provide additional information on section 10. Avian Influenza

> Not Applicable

11. Confirmation

Confirmation of information verification and approval for submission

Please confirm:

In addition a scanned copy of an official letter from the relevant state institution, approving the report for submission, can be attached.

I declare that the information provided in the Report on the implementation of AEWA for the period 2015-2017 has been verified and the report has been approved for submission by the appropriate state institution in the country.

Date of submission

> 28 June 2018

You have attached the following documents to this answer.

[AEWA_National_report_submission_letter_-_South_Africa.pdf](#) - AEWA National report submission letter for South Africa