

## Part 14

### Invasive Species

By Ian Cox

It seems South Africans, including government itself, are ignoring the alien invasive species lists and regulations (AIS Regulations) that came into force on 1 October 2014. According to a [draft report recently published for comment](#), owners of only 0.001% of South Africa's approximately 6 million registered land parcels have complied with the National Environmental Management Biodiversity Act (NEMBA) and reported the presence of invasive species on their properties. No local authorities have fully submitted the Invasive Species Monitoring and Control Plans (Plans) that they must prepare, implement and report on in terms of NEMBA. Cape Town has partially complied by submitting Plans for small parts of the city.

These are shocking statistics. One cannot effectively control (as in eradicate or prevent) invasive species without reliable information regarding their whereabouts or a coordinated strategy detailing how one must go about doing this. The absence of this basic level of compliance in effect means that South Africa still has no coherent strategy for dealing with invasive species.

If invasive species are such a threat, why are the AIS Regulations being ignored? How is it that a law that took nearly 10 years to make has failed so catastrophically?

I think there are two reasons for this.

The first is that the law is unworkable. The fact is that no sphere of government has the resources to map the whereabouts of the 554 species that are now listed as invasive or develop, let alone implement, the necessary Plans for dealing with them. The truth is that no country in the world has these resources. The idea that South Africa was somehow so special that it could make this happen is inherently irrational.

The second is that the AIS Regulations are inherently unlawful. This is not just because they are irrational. The Department of Environmental Affairs (DEA) also failed to consult properly in formulating the AIS Regulations. In particular it failed to explain to South Africans how it identified species as invasive.

I asked DEA this question early in 2014 when a draft of the AIS Regulations was published for comment. I was told that DEA lacked the resources to give me this information.

I now suspect that this was untrue. I recently obtained the [invasive species strategy plan](#) (the Strategy) that was published by DEA in March 2014. This Strategy is important even though DEA now tell me it is not an official document. This is because it was published at the same time as the Draft 2014 AIS Regulations were published for comment. It is reasonable to assume that the thinking set out in the strategy also informed the listing of species as invasive.

I was therefore shocked to see that the Strategy used a different definition of invasive to the one contained in NEMBA. According to the Strategy species are invasive merely because they are alien; they can exist in the wild and can spread over large distances. According to the Strategy it is not

necessary to comply with NEMBA and show that this spread threatens species ecosystems or habitats or that it will be a threat to human health and wellbeing.

So I think I was deliberately misled when I was told back in 2014 that DEA lacked the resources to say how species were identified as invasive. I think the real reason was that DEA would be forced in giving that information to disclose that it was using a different definition of invasive to that contained in NEMBA.

The unfortunate reality now confronting South Africa is that we have an unworkable law operating in an area where robustly sound and popularly supported laws are badly needed. The recent fires in the Eastern Cape confirm not only that our indigenous fynbos is a fire hazard but also that this becomes so much worse when trees which burn much hotter than fynbos encroach into fynbos habitat. South Africa needs to control the encroachment of such trees in order to mitigate what is already a serious fire hazard. Likewise we need to eradicate harmful so called noxious weeds like lantana and famine weed.

Sadly our ability to do this is being compromised both by an unworkable law and as a result of DEA squandering what are very limited resources by trying to list species that do not harm human health and wellbeing. The ongoing attempt to list trout as invasive is one of many examples of this.

It is not difficult to see how much better the situation would have been had DEA respected its legal mandate and applied NEMBA as was originally intended. A much shorter, less controversial and more manageable list of species would have been identified for eradication. That list would have been published within the 2 year deadline instead of being delayed for 8 years. Resources would have been applied where they were truly needed, with community support instead of the present widespread opposition. And perhaps as a result more could have been achieved quicker and cheaper making the recent fires in the Eastern Cape a little less devastating than has been the case.

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