



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Ref: 02/1/5/2

NATIONAL COUNCIL OF PROVINCES

(For written reply)

QUESTION NO. 236 {CW326E}

INTERNAL QUESTION PAPER NO. 11 OF 2025

DATE OF PUBLICATION: 14 MARCH 2025

Mr O J Mokae (Northern Cape: DA) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) Whether the United Nations Educational, Scientific and Cultural Organisation and/or any other international environmental organisation have been consulted regarding the removal of indigenous trees, particularly Baobabs; if not, why not; if so, (a) how tree removal is aligned with South Africa's National Biodiversity Strategy and Action Plan, (b) what lessons have been learnt from such a case and (c) how will it inform future approvals of projects that involve deforestation;
- (2) whether there will be stricter regulations to prevent large-scale removal of indigenous trees in future developments; if not, why not; if so, what are the relevant details;
- (3) whether his department has any plans to amend forestry and land-use policies to balance industrial development with environmental protection; if not, why not; if so, what are the relevant details?

236. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- 1) No, the United Nations Educational, Scientific and Cultural Organisation and/or any other international environmental organisations are not routinely consulted on day-to-day decisions taken by the Department of Forestry, Fisheries and Environment (DFFE) when it acts within its legal mandate, such as the issuing of licences for the removal of protected trees. The DFFE does not regulate the removal of common indigenous trees, but only the tree species listed as protected under the National Forests Act, 1998 (Act No. 84 of 1998) (NFA), as amended.

- a) South Africa's National Biodiversity Strategy and Action Plan (NBSAP) is aimed at balancing conservation with sustainable development, ensuring that biodiversity is protected while allowing for economic growth. Similarly, the underlying principles in the NFA recognise that the conservation of biological diversity should be promoted in a way that is consistent with economic, social, and environmental benefits. The removal of indigenous trees, such as Baobabs, aligns with the NBSAP only when it follows sustainable land-use practices, proper Environmental Impact Assessments (EIAs), and biodiversity offset programmes. If tree removal is necessary for essential infrastructure or development projects, it must be accompanied by measures such as reforestation, ecosystem restoration, and sustainable land management to mitigate environmental damage. Additionally, consultation with stakeholders is crucial in maintaining biodiversity integrity. When done responsibly, such removal can be part of a broader strategy to ensure economic growth while minimising harm to ecosystems.

The large-scale removal of indigenous trees, particularly in ecologically sensitive areas, can directly contradict the NBSAP's conservation goals. Trees such as Baobabs play a crucial role in maintaining ecosystem services such as carbon sequestration, water retention, and habitat provision for various species. Unchecked deforestation threatens biodiversity, disrupts ecological balance, and may contribute to climate change. If tree removal occurs without proper mitigation strategies, it undermines South Africa's commitments to both the United Nations Sustainable Development Goals and national climate adaptation efforts. To truly align with the NBSAP, development projects must integrate biodiversity conservation measures, ensuring that economic progress is not made at the expense of long-term environmental sustainability.

- b) In certain circumstances, the removal of indigenous trees is unavoidable, where, in the opinion of the Minister, proposed new land use is preferable in terms of its economic, social, or environmental benefits. The large-scale removal of indigenous trees is not encouraged, but if for the greater benefit of the people in a specific area, it comes with strict conditions in the Environmental Authorisation and/or Forest Act Licence, such as the requirement to implement a biodiversity offset. Biodiversity offsets are explained in more detail in the National Biodiversity Offset Guidelines, which were gazetted under section 24J of the National Environmental Management Act 1998, (Act No. 107 of 1998) (NEMA) in 2023, where land of the same

vegetation type (like for like) must be purchased and declared as a nature reserve into perpetuity (99 years). Such declaration must be reflected on the Title Deed of the Property.

A Biodiversity Offset Report must go through a public participation process and must be presented to the Regulating Authority for approval. Biodiversity offsets are useful tools when implemented appropriately and can assist the country in reaching its conservation targets.

The destruction of thousands of protected trees, including Baobabs, has demonstrated that economic progress must not be made at the expense of irreplaceable natural resources. Projects that involve large-scale land clearance must include detailed mitigation strategies, such as avoidance of the most sensitive areas through redesign, large-scale reforestation, habitat restoration, and conservation funding to offset ecological damage. Moreover, this case underscores the role of independent EIAs in guiding responsible development. When EIAs are conducted rigorously and transparently, they assist in ensuring that projects align with the NBSAP and international conservation commitments.

Over the years, several important lessons have been learned about balancing development with environmental conservation. One key lesson is the importance of early stakeholder consultation and transparency in decision-making. For instance, in the Amendment Act, there has been the insertion of the Appeals Provision, which requires public participation during the licensing process. This will ensure that the applicant undertakes effective consultation before the submission of a licence under the NFA. Meaningful consultations will ensure that environmental concerns are addressed proactively, rather than being raised as conflicts after projects have already been approved. Additionally, this case reinforces the need for stronger enforcement of environmental laws to prevent large-scale biodiversity loss.

- c) One of the most significant lessons to inform future approvals of the project will be the strengthening of EIAs and the enforcement of stricter regulatory requirements. Competent Authorities (CAs) must impose more rigorous biodiversity assessments before granting approval, ensuring that projects are aligned with the NBSAP and international conservation commitments. Additionally, future projects will likely require biodiversity offsets to compensate for unavoidable impacts that remain medium to high after mitigation and, where possible, on-site reforestation, habitat restoration, or conservation funding to compensate for ecological damage. Policymakers

may also demand greater transparency and early stakeholder engagement, requiring input from scientists and local communities before final decisions are made.

Moreover, there is a need for sustainable land use planning and long-term ecological monitoring. Future projects will likely be required to incorporate adaptive management strategies, ensuring that their environmental impact is assessed and mitigated continuously over time. There may also be an increased focus on promoting alternative, low-impact development models that reduce the need for extensive deforestation, such as agroforestry or green infrastructure solutions, as well as strengthening legal frameworks to protect indigenous and protected tree species, preventing similar large-scale destruction in ecologically sensitive areas. Ultimately, future approval of deforestation-related projects will be scrutinised more closely to ensure that they balance economic growth with long-term environmental sustainability.

- 2) In response to increasing concerns regarding the preservation of indigenous trees, the DFFE is taking significant steps to enforce stricter measures aimed at preventing the large-scale removal of these trees. Officials within the DFFE are tasked with the critical responsibility of effectively implementing the NFA, as amended, alongside its associated Regulations and Standard Operating Procedures for licensing. This will ensure that the principles of sustainable forest management are met and that any activities potentially impacting natural forests undergo rigorous scrutiny and adhere to legislative frameworks outlined under the NFA.
- 3) There is no plan to amend the NFA as it was recently concluded and proclaimed on 25 November 2024, with its provisions made effective on 4 December 2024, as published in the *Government Gazette*. To further refine the regulatory framework, the amendments to the Regulations were promulgated on 6 January 2025. These updates reflect a commitment to adaptive management practices, strengthening the existing protocols for sustainable forest utilisation.

Regards



DR D T GEORGE, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 26/03/2025