



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Ref:02/1/5/2

**MINISTER**

**QUESTION NO. 309 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to Mr T Z Hadebe (DA) to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA  
DIRECTOR-GENERAL**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**DR B E E MOLEWA, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS**

**DATE:**

**NATIONAL ASSEMBLY**

(For written reply)

**QUESTION NO. 309 {NW328E}**

**INTERNAL QUESTION PAPER NO. 4 of 2017**

**DATE OF PUBLICATION: 23 February 2017**

**Mr T Z Hadebe (DA) to ask the Minister of Environmental Affairs:**

(1) Has her Department put any measures in place for monitoring, regulation and enforcement in the traditional healers industry with a view to ensure that the traditional healers are not in possession of endangered fauna and flora species; if not, (a) why not and (b) what is her Department doing to ensure that the traditional healers industry complies with the Convention on International Trade in Endangered Species regulations; if so,

(2) has her Department visited the Faraday Taxi Rank in Johannesburg; if so, (a) which endangered species were seen on the market and (b) were any individuals (i) penalised or (ii) arrested?

**309. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

(1) The Department of Environmental Affairs has put various measures in place for monitoring, regulating and enforcement in the traditional healers industry as further expanded upon below: The Department of Environmental Affairs has promulgated the National Environmental Management: Biodiversity Act, 2004(Act 10 of 2004) (NEMBA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulations, as well as the Threatened and Protected Species (TOPS) regulations. In terms of Section 57(1) of NEMBA, a person may not carry out a restricted activity involving a specimen of a listed threatened or protected species without a permit issued in terms of Chapter 7 of NEMBA. Therefore, a permit would be required each time a traditional healer carry out a restricted activities. Restricted activity is defined in NEMBA, and includes, but not limited to; possession, transporting selling, buying, damaging, and cutting of a specimen of listed threatened or protected species. Carrying out of any restricted activity involving a specimen of a listed threatened or protected species without a permit is an offence which is punishable by either a fine not exceeding R10 million or an imprisonment for a period not exceeding ten years, or both such a fine and

imprisonment. Monitoring of compliance and enforcement of the above legislations is conducted by Environmental Management Inspectors (EMIs)

- (a) Not applicable.
- (b) The Minister has, in terms of the provisions of the National Environmental Management Act of 1998 (NEMA), appointed officials within the Department of Environmental Affairs and duly designated them as Environmental Management Inspectors (EMIs). The EMIs are part of the National Environmental Management Inspectorate. The EMIs (also known as the “green scorpions”) are mandated to monitor compliance with environmental legislation and to take enforcement action in cases where non-compliance with environmental legislation has been detected. It should be noted that there are also green scorpions at the provincial environmental and conservation departments.

In 2014, the National Environmental Compliance and Enforcement Strategy (NECES) was developed for the Inspectorate. In line with the strategic objectives of the NECES, specific sectors are prioritised for compliance and enforcement activities; and during the 2016/17 financial year, the “Traditional healers”, “Muti traders” and “Muti Collectors” industry was a focus area for compliance promotion and awareness initiatives as a precursor to more targeted compliance monitoring and enforcement planned for the 2017/18 financial year.

The project thus far has focused on compliance promotion and awareness campaigns for the “Traditional Healers”, “Muti-Traders” and “Muti-Collectors” operating at the “muti-markets” in order to assist them to come into compliance with national environmental legislations, such as the National Environmental Management Biodiversity Act, Act 10 of 2004, (NEMBA), with regard to buying and selling species listed on the Threatened or Protected Species List at the “muti-markets”.

On 19 January 2017, the Department of Environmental Affairs (DEA), together with Gauteng Provincial Department of Agriculture and Rural Development (GDARD), hosted the first biodiversity compliance awareness workshop in Johannesburg, Gauteng Province. The main purpose of the workshop was to bring together all traditional healers and “muti-traders” operating at the Faraday and Mai Mai markets. Further events in other provinces and additional meetings are planned for the latter part of the financial year, ahead of the

more targeted compliance and enforcement work that will take place as part of this project in the 2017/18 financial year.

(2) Yes, the Environmental Management Inspectors (Green Scorpions) from the Department of Environmental Affairs and Gauteng Department of Agriculture and Rural Development have visited Faraday Muti Market situated at the Faraday Taxi Rank in Johannesburg.

(a) The reason for this particular visit was not to conduct inspections and identify endangered species yet. The purpose for the attendance at the market was to meet with the management of the Muti Markets with regard to the compliance promotion and awareness campaign being conducted by the Department. This type of campaign is critical to ensure that those working at the market are aware of the legal requirements for trade, as well as what trade is permitted. It was also to ensure that the trade that is conducted at the market is sustainable, as well as also to assist in enabling the trade at these markets to continue in line with what is legally permitted. The effectiveness and ultimate success of our monitoring and enforcement activities are strengthened if they are preceded by these types of campaigns.

(b) (i) No individuals were penalised.

(ii) No individuals were arrested.

It must be noted that there will be further compliance and enforcement work that will be carried out to ensure that there is no trade in endangered species in line with the NECES and that appropriate penalties and arrests will be made should any infractions be found.

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