



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

THE DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES THE DIRECTORATE OF ANIMAL HEALTH

MONTHLY STATUS UPDATE: March 2014

THE FIRST COURT ORDER:

- 1 On 29 January 2010 the Court Order was made. It provided the following:
- 2 That Director of the Directorate of Animal Health undertakes:
 - 2.1 Not to issue any import permits for the importation of live Sable Antelopes (*Hipporastus Niger Kirki* or *Niger Niger*) in terms of Section 6 of the Animal Diseases Act 35 of 1984 until such time as the steps described in 2.2, 2.3, 2.4 and 2.5 have been complied with.
 - 2.2 To conduct an import risk analysis in terms of Chapter 2.1 of the OIE Code of 2009;
 - 2.3 To publish for final comment the proposed policy regarding the Zambian Sable Antelopes referred to in paragraph 2.1 above;

- 2.4 To permit a reasonable time from date of publication as contemplated in paragraph 2.3 above for comments by interested parties;
- 2.5 To consider all comments received in terms of paragraph 2.4 and thereafter to publish her decision regarding the policy on the importation of Zambian Sable Antelopes referred to in paragraph 2.1.

THE SECOND COURT ORDER

- 3 On 27 February 2014 a second court order was agreed to. The second court order provided the following:
- 3.1 Having read the paper and heard counsel, the following Order is made by agreement between the parties (save for what appears in paragraph 5 below):
- 3.1.1 The following decisions of the first and / or second respondents be and are hereby reviewed and set aside:
- 3.1.1.1 The decision to publish a policy in GN 369 on 11 May 2012;
- 3.1.1.2 The decision to refuse applicant's application for an import permit.
- 3.1.2 The first respondent is directed to comply with the order of this court under case number 4909/2010 dated 29 January 2010 by performing the following actions

pertaining to the applicant's Zambian sable antelope and its offspring and its progeny:

- 3.1.2.1 For a period of 10 days from date of this Order to receive and thereafter consider proposal from stake holders in regard to an appropriate risk communication strategy in terms of 2.1.7 of the OIE Code;
- 3.1.2.2 Within 15 days from expiry of the period referred to in 3.1.2.1, to publish a risk communication strategy on the Department's website;
- 3.1.2.3 Within 5 months from expiry of the period referred to in 3.1.2.2, to complete a Risk Analysis as prescribed by the OIE Code and thereafter, to publish, for comment, a policy on the importation of sable antelope from Zambia;
- 3.1.2.4 For a period of 30 days from expiry of the period referred to in 3.1.2.3, to receive comments on the draft policy and thereafter consider the comments;
- 3.1.2.5 Within 30 days from expiry of the period referred to in 3.1.2.4, to publish a final policy on the Department's website;

- 3.1.2.6 Within 15 days from expiry of the period referred to in 3.1.2.5, to consider and make known the decision in respect of the applicant's application for an importation permit.
- 3.1.3 The first respondent is directed to deliver to the applicant and third respondent a monthly status report in respect of all progress in respect of the matters in paragraph 3.1.2 above, reporting on what occurred during the preceding month with the first report to be circulated by 31 March 2014.
- 3.1.4 The first and second respondents, jointly and severally, are to pay the applicant's costs.
- 3.1.5 The third respondent shall bear its own costs.

4 **STATUS UPDATE**

- 4.1 In compliance with the second court order Animal Health sent through communication on 3 March 2014 to Stakeholders requesting information and opinions to open the Risk Analysis process in terms of the OIE Terrestrial Animal Health Code, Article 2.1.7 (link: http://www.oie.int/index.php?id=169&L=o&htmfile-chapitre_1.2.1.htm).

- 4.2 Comments were to be submitted by 14 March 2014 which was within a period of 10 days of the date of the North Gauteng High Court order case no. 64765/2012. Several comments were received and are considered in the development of a risk communication strategy.
- 4.3 In compliance with the second court order the risk communication strategy will be published within 15 days from the expiry of the period referred to in paragraph 3.1.2.2 of the second court order on the Department's website. The Directorate is currently working on the Risk Communication Strategy.