

**THE HIGH-LEVEL PANEL OF EXPERTS FOR THE REVIEW OF  
POLICIES, LEGISLATION AND PRACTICES ON MATTERS OF  
ELEPHANT, LION, LEOPARD AND RHINOCEROS MANAGEMENT,  
BREEDING, HUNTING, TRADE AND HANDLING**

**HIGH-LEVEL PANEL REPORT –  
FOR SUBMISSION TO THE MINISTER OF  
ENVIRONMENT, FORESTRY AND FISHERIES**

**15 DECEMBER 2020**

This report is, by and large, a consensus report of the High-Level Panel of Experts for the Review of Policies, Legislation and Practices on Matters of Elephant, Lion, Leopard and Rhinoceros Management, Breeding, Hunting, Trade and Handling ('the HLP') – as reflected in the set of goals and recommendations framed within Chapter Nine.

There are however some areas in relation to the HLP's identified goals and recommendations where it was not possible to reach full consensus. In such cases, the report reflects these as majority and minority views as provided for in the HLP's Charter.

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## EXECUTIVE SUMMARY

Given that South Africa is a developing country with immense socio-economic challenges, we need to understand the role and contribution of the wildlife sector to the national Gross Domestic Product (GDP), social and economic development, conservation, and to the protection and well-being of the environment and society in general. South Africa has two wildlife conservation models: one that applies to public lands, and an alternative strategy for non-state land. South Africa pursues a public conservation model on public lands, where the management of national parks, protected areas and conservation areas prioritises the provision of public goods, public access and economic impact, and emphasises unpriced conservation values. South Africa's conservation success is attributed to state land as well as non-state land. South Africa is a world-leader in conservation on non-state land, where it promotes conservation by devolving property and resource use rights to ensure that wildlife is an economically-competitive land use option that can displace (i.e. rewild) less ecologically-desirable land use options. This has led to a diversity of wildlife-based land uses, ranging from state and private protected areas, extensive wildlife rangelands, intensive wildlife breeding facilities, sanctuaries, and rehabilitation centres. Outside of state protected areas, wildlife must compete in their value proposition with less conservation-compatible land uses, such as agriculture, mining and housing, to be a preferred land use option. Without combining the two models of public and private conservation, and properly and fully including traditional council areas, the wildlife sector and conservation estate is at risk of decline in terms of shrinking land area – and shrinking finances (e.g. if government has to increasingly fund the conservation bill with conservation funds that are dwindling due to the preclusion of private finances through market-based approaches – or in the absence of other incentivisation initiatives, such as exploration of an adaptation of the polluter pays principle (the user pays principle), or trade via agreed quotas). In doing this, constitutional obligations of s24 have to be met for present and future generations, namely: an environment that is not harmful to health or well-being, and protected in a manner that prevents pollution and ecological degradation, that promotes conservation, and that provides for sustainable economic and social development. The National Development Plan – the NDP 2030 – although recognising these conflicts and challenges, paraphrases the s24 constitutional obligation as “the country needs to protect the natural environment in all respects, leaving subsequent generations with at least an endowment of at least equal value.”

Despite the high reputation of South Africa as a global leader in conservation, especially of the iconic elephant, lion, leopard and rhinoceros, there is, however, public concern as to policies, legislation and practices on matters associated with the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros, especially in terms of animal welfare and well-being.

On 10 October 2019, the Minister of Environment, Forestry and Fisheries, Minister Barbara Creecy, gazetted the appointment of an Advisory Committee (the ‘High-Level Panel’ or HLP) to “review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros”.

As the HLP initiated its work, we identified the need for creating a shared vision of the broader context in which we would frame any recommendations, and to ensure that these are well grounded in the practical realities, consistent with the legislative framework, and aligned with societal and government aspirations. To provide this aspirational horizon against which to reference our thinking, we identified the following consensus “working vision”:

*Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.*

The HLP deliberations identified seven cross-cutting themes within which we could frame the issues of concern that needed to be dealt with as part of our Terms of Reference (ToR), and for which we would need a deeper understanding to inform our recommendations, namely: The Constitutional framework; Legislation and mandates; Land-use and the South African wildlife model; Transformation in the sector; Education and capacity building; International position, and Animal welfare.

In addition, the HLP identified the need to engage with government stakeholders across the sector to gain a better understanding of issues that were emerging from the work of the HLP. Furthermore, the HLP identified the need to engage with previous processes which had been undertaken, and to engage with government stakeholders around those processes, their outcomes, and the implementation of their recommendations to date.

Seven sub-committees developed situation reports for each theme, which identified key issues of concern, as well as providing different 'lenses' from which to view the specific issues raised for each species within the ToR. The Constitution underpins our work, and the sub-committee identified a number of areas of difficulty for which we needed guidance in how our thinking needed to be framed by the Constitution, including: how animal welfare links to s24; if sustainable use is, in fact, a right; concurrent national and provincial mandates; other rights in addition to s24, including cultural and property rights; and how to go about balancing these when there are competing interests. We were assisted in this by a detailed legal opinion, and a supplementary opinion commissioned on our behalf by Department of Environment, Forestry and Fisheries (DEFF), to answer questions of concerns.

The Legislative and Mandates Sub-committee review highlighted: (1) that definitions and understanding of sustainability and sustainable use within legislation requires revision; (2) Lack of cooperative governance, especially within the 9+1+1 (Provinces, DEFF, DALRRD) method of regulation; (3) challenges relating to the structuring, and implementation of the permit system; (4) weaknesses, gaps, and challenges in the implementation of legislation around captive breeding; (5) inconsistencies between national and provincial legislation, among provinces, and in implementation; and (6) several opportunities to strengthen national legislation as it relates to elephant and leopard, and handling of elephant and leopard. In terms of the specific ToR, there is no legislation relating to the hunting of lion or stockpiling, and legislation requires updating in terms of breeding, keeping and trade in lion and rhino, management of elephant and leopard, and handling of elephant and lion.

The Land-use and wildlife model sub-committee identified challenges and risks in (1) conservation, management, and sustainable use of the species, and their habitat; (2) land use rights and arrangements, ownership of wildlife and land, (3) 'wildness'; and (4) benefit flows. Concerns include: (1) inequities in access to natural resources; (2) perceptions of over-regulation and over-management; (3) welfare and well-being; (4) irresponsible and unsustainable hunting practices, unethical tourism practices and reputational damage to sector and South Africa; (5) poor understanding of hidden environmental costs, and comprehensive socio-economic contributions and beneficiation; (6) State protected areas' mediocre performance, (9) intensive and selective breeding for commercial purposes, including trade in animal parts (horn or lion bones). Specific issues included: the branding/reputation of the wildlife economy; constraints to growth; fencing; poor data; poor government capacity to formulate and implement coherent regulatory frameworks; and the outdated approach to managing human-wildlife conflict. Additional issues included: inability to assess the contribution to conservation and bioeconomy targets; hunting quotas; permits, compliance, and enforcement issues; welfare and ethical concerns; reputational risks (including welfare, domestication of wild animals, compromised wildness); poor contribution of captive industry to conservation. When assessing different land-uses: the largest opportunity was identified from building a wildlife economy in communal lands; the strongest need was for state protected areas to contribute more strongly to socio-economic development; and the greatest risk was from captive and intensive breeding to reputational risks and habitat degradation. There are massive untapped sustainable socio-economic opportunities from growing an integrated, transformed wildlife economy.

Lack of transformation within the sector was identified as a critical weakness by all of the sub-committees in various specific contexts, while the Transformation sub-committee identified that the forceful removal of people from their land led to the current South African 'Wildlife Model', where the largest percentage of wildlife land is owned by the white minority and by the state, with few wildlife resources on community lands. Although the democratic government has intervened with a number of policies, the transformation of this wildlife model has been very slow. Challenges in respect of ownership of, and access to, land and resources include: Community Property Association (CPA) failures and governance challenges; lack of finance, knowledge, skills, access to markets and marketing; exploitation of communities; challenges of benefit sharing; and unrealistic expectations. Importantly, besides specific disadvantages

and exclusion of rural communities from the wildlife sector, lack of involvement by previously disadvantaged individuals (PDIs), in general, is a major concern, as well as the empowerment of individuals as owners. There is a general lack of awareness within the African community, as well as broadly across government, of the Wildlife sector and its potential.

The Education and Capacity Building Sub-committee highlighted gaps and the lack of articulation in legislation and policy for supporting education, skills development, and capacity building within the sector, especially in terms of redress, equity, and empowerment of PDIs. There are a lack of a Human Capital and Environmental Skills Plans to empower provinces and state owned entities to develop capacity through training, mentoring, and upskilling of staff and workers in the sector. There are huge demands for accredited skills training, upskilling, mentorship, and high level skills across the sector work-force and emerging ranchers. There is a lack of Human Capital Instruments such as Bursaries, Scholarships, Post-Doctoral Fellowship, Research Chairs and Centres of Excellence for the wildlife component of the Environmental Sector. Capacity to harness the technological advances such as DNA technology and database, biobank, camera traps, metal detectors, and bio-telemetry remains inadequate. Specific groupings needing a focus for capacity development include new entrants to the industry, emerging ranchers, and communities, including traditional leadership. Training in animal welfare in general is required, alongside training in business skills relating to the wildlife economy.

The International Position sub-committee highlighted that South Africa faces four core challenges with respect to its international position: (1) Globally, there are many different and sometimes competing value-based views and ideologies with respect to these species, with interest groups, governments, and blocks, adopting, often, conflicting positions. (2) Partly influenced by interest groups, national governments have their own varying and often competing geopolitical interests, which will influence their attitude toward conservation matters. (3) Countries regulate their interactions by way of international treaties, conventions, and protocols. South Africa is party to many such agreements, which collectively frame and constrain its policies. (4) Illegal actors, including international organised crime syndicates present a significant challenge to enforcement efforts, which often must be co-ordinated across jurisdictions to stand a chance of succeeding. Thus, in deciding upon controversial wildlife policy issues that concern competing interests between humans with differing values, humans and animals, and between individual animals and the environment, South Africa must take into account the nature and extent to which these competing interests are represented and defined by international interest groups and other national governments, in relation to the country's own national provisions and positions and obligations in terms of ratified international agreements. In terms of the HLP's specific ToR, when viewing this from an 'international perspective', there are major issues in terms of management, trade and handling of elephant; breeding, hunting, trade, and handling of lion; and trade of black and white rhino. These include concerns relating to: the management of the numbers and distribution of elephant populations; commercial captive breeding and hunting of captive lions; animal welfare concerns relating to lion and elephant handling, and captive lion and elephant interactions; and strong opposition and debates relating to ivory trade, trade in live elephants, and trade in lion bones and rhino horn.

The Welfare Sub-committee identified issues around organisational challenges, including: flaws in the NSPCA model requiring dependence on donor funding and general under-resourcing of capacity to address wildlife welfare; lack of clarity of institutional arrangements and fragmentation; lack of representation of DEFF in welfare structures; and the lack of permitting for traditional harvesting of wildlife resources leading to poaching and inhumane killing. In terms of the animal welfare approach: there is no overarching wildlife welfare policy; the definition of well-being in the National Environmental Management: Biodiversity Act of 2004 (NEMBA) revisions is narrow; the legal framework is dated; there is poor understanding of welfare legislation and application; poor welfare standards; poor cooperation between stakeholders; poor framing, development, or buy-in to the approach to welfare; a lack of an integrated approach such as the 'one-welfare' approach; and, in general, there is lack of understanding of good and bad practice. More specifically: management interventions of wild populations, including adaptive management, and tourism practices and interventions for tourism products, are not subject to ethics controls; there is potential conflict of interest for vets

within industry, and a lack of ethical controls on vet interventions; not all research goes through ethics committees; there are no norms and standards for captive populations to provide for welfare controls/regulation; there are no standards, guidelines or regulations for effective rehabilitation of animals. There is a general lack of broad regulations pertinent to welfare for all wildlife and activities related to them.

The HLP initiated a broader public engagement process on 27 March 2020, through the publication of notices in the Government Gazette and via newspapers – with members of the public invited to submit written submissions, scientific information, socio-economic information or any other relevant information on matters related to the handling and management, breeding, hunting and trade of elephant, lion, leopard and rhinoceros. The HLP received over 70 written submissions, which were all carefully considered by the panel. The HLP identified questions to these stakeholders for additional clarity on their submissions, and invited all stakeholders who had made submissions to attend virtual meetings with the panel, at which they were asked to present their responses, and during which members could pose questions for additional clarity. A particular focus of the consultation was to gain understanding of the concerns, views, opinions, aspirations, and opportunities available to members of communities living with the iconic species. To this end, the panel met with the House of Traditional Leaders, the Congress of Traditional Leaders of South Africa, Traditional Healer associations, People and Parks, and conducted six in person meetings with communities living adjacent to reserves with the five species, in Northwest, Limpopo Mpumalanga, Kwazulu-Natal, and the Eastern Cape. During these site visits, the HLP invited the relevant management authority to make submission on the conservation and management of the species in those reserves. The HLP also met with the Parliamentary Portfolio Committee on Environment. All of the inputs received were duly considered by the HLP, and these greatly enriched and enhanced the thinking of the panel and had a strong influence on the final recommendations presented by the HLP.

In order to formulate recommendations, the HLP engaged in a facilitated workshop, which first provided focus to support the identification of the ‘top 10’ issues to be addressed, to deliver on the HLP’s ToR. The HLP established a “recommendations” drafting team, which fleshed out each of the ‘top 10’ issues – to include details in respect of context, a goal, recommendations, and further suggestions for implementation. Various drafts were provided to HLP members for comment, inputs, and suggestions for improvement. These draft recommendations were then considered by the HLP in a second series of facilitated workshops, which provided an opportunity for HLP members to engage in robust debate around the issues, with the drafting team then revising the proposals accordingly, for further consideration by the full HLP. A protocol for the finalisation of the recommendations was agreed by the panel, with this providing a systematic process for the review, refinement and adoption of recommendations. Through the process, 18 areas of concern were identified as most important for the Minister to address, with these viewed as offering major opportunity for the transformation of the sector for long-term conservation, as well as sustainable use of biodiversity, as exemplified by the iconic species which form the core focus of the HLP.

The final workshops resulted in the adoption of 16 consensus goals and associated recommendations. However, there were two further areas on which it was not possible to reach a consensus view (keeping of rhinos in captivity and captive lion breeding and keeping) where HLP members confirmed their support for one majority view and one minority view for the first area (keeping of rhinos in captivity). A majority and two minority views were established in respect of the second area (captive lion breeding and keeping) – with each option supported with aligned detail in terms of the context, goal, recommendations, and initial input on implementation.

In terms of the 18 areas of concern, the following is noted:

1. Firstly, the HLP recommends the development of a National Policy on Biodiversity and Sustainable Use, which will provide context, clarity and strategic direction to all stakeholders.
2. The HLP highlights the importance of transformation of the sector, with empowerment and capacitation of communities living with wildlife, and recognition of their traditions and culture, as practiced through the traditional leaders and traditional healers.

3. The HLP notes the importance of thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector, and has identified key aspects of wildlife land-use and the wildlife model that can be improved to achieve this.
4. For ongoing growth and sustainability, the HLP recognises that capacity building, education, training, and empowerment of human capital across the wildlife sector needs focus and attention.
5. Standards and practices within the wildlife sector need to meet the minimum acceptable standards for animal welfare and well-being.
6. Many stakeholders identified inefficiencies and ineffectiveness of governance of the wildlife sector caused by multiple mandates and dual competency between national and provinces, with this noted as requiring reform from a legislative and implementation practice perspective.
7. Careful consideration of conflicting legislation, policy and mandates between Environment and Agriculture.
8. Rationalised and improved contribution of protected areas to support conservation and sustainable use of the five species, and to aid in serving as drivers of regional rural economies.
9. South Africa's international standing as a leader in conservation, and our reputation as a member of the global community, is threatened by some wildlife practices and approaches in South Africa – with a protocol, key interventions, and a risk mitigation and communication strategy required to deal with this.
10. The HLP emphasises the need for responsible, adaptive, transparent, and accountable management that secures thriving and sustainable populations of the five species and their habitats, for the benefit of all (wildlife, wildlife custodians, and society at large), while highlighting interventions to secure this.
11. The HLP identifies the need for South Africa to be repositioned and promoted as a destination of choice for legal, regulated and responsible hunting of the five iconic species, recognising that this supports and promotes conservation and rural livelihoods.
12. Live export of the five iconic species should focus on in situ conservation of the species within their natural range.
13. There is a need for development of an integrated, shared, strategic, approach to leopard management that considers all the dimensions, and is inclusive of all stakeholders.
14. As the HLP recommends a policy position stating that South Africa does not envisage submitting an ivory trade proposal to CITES as long as current specified circumstances prevail, alternative income streams need to be identified to support both elephant management and urgent socio-economic development requirements of people living with elephants.
15. The HLP recommends that South Africa should take a global leadership position on rhino conservation, and that the Minister should lead a process of engagement to develop a consensus approach to both global conservation of rhino, and a range state consensus on international commercial trade in rhino horn, that can be taken to CITES when the Rhino Committee of Inquiry and Rhino Action Plan conditions are met; to this end, urgent progress needs to be made with the implementation of the Rhino Committee of Inquiry recommendations, while alternative benefit streams to international rhino horn sale are developed and implemented.
16. The HLP recommends investigating the full range of options for future stockpile use, taking into account social and economic risks, costs, and benefits.
17. The majority of the HLP recommends that the current trend of increasing intensive management and registration of rhino captive breeding operations is reversed within a period that allows for a sustainable conservation outcome, through phasing out captive rhino breeding, and providing clarity that trade in captive rhino horn would not be supported or approved prior to the Rhino Committee of Inquiry recommendations being met.

18. Three different approaches to captive lions are presented by the panel, with the majority view being that, in future, South Africa will not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially.

The HLP is confident that the recommendations we provide, and the broader integrated framework in which we contextualise them, will facilitate resolution of the difficult decisions currently facing the Minister. We also believe that the recommendations contained herein will enable a trajectory of radical transformation of the sector - with efforts supporting the objective of long-term sustainability of wildlife conservation and the wildlife economy, for the benefit of all of South Africa's people. With this, the HLP hopes that our work will have gone some way towards laying the foundation for the realisation of our vision for the wildlife sector:

*Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.*

# 1 INTRODUCTION, AND OUTLINE OF THE HIGH-LEVEL PANEL'S REPORT

## 1.1 Context to this report: Establishment of the High-Level Panel – and a year of delivery

On 10 October 2019, the Minister of Environment, Forestry and Fisheries, Minister Barbara Creecy, gazetted the appointment of an Advisory Committee (hereafter referred to as the 'High-Level Panel', 'HLP' or 'the Panel') to "review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros". The gazetted functions of the HLP included the following:

- a) "Review existing policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros (collectively referring to both black and white rhinoceros)<sup>1</sup>;
- b) Review the implementation of the recommendations of the Committee of Inquiry into the feasibility, or not, of a legal rhinoceros horn trade, and any future decision affecting trade-related proposals to CITES;
- c) Conduct public hearings and workshops, and consider submissions, scientific evidence and other forms of information; and
- d) Identify gaps and make recommendations on the basis of the key focus areas.<sup>2</sup>"

Since its establishment, members of the HLP have worked consistently towards delivery on the gazetted functions and requirements outlined within the formal Terms of Reference or 'ToR' (See Annexure A to this report) – with panellists:

- Engaging in a preliminary induction workshop in late November 2019;
- Establishing a Charter against which to guide the work of the HLP, with the intention of ensuring clearly defined roles and responsibilities, governance arrangements and processes and procedures to guide the HLP in its day to day functioning (with the full Charter included in Annexure B, attached hereto);
- Identifying a set of thematic areas<sup>3</sup> and cross-cutting issues of relevance to the HLP's work;
- Dividing their efforts across seven thematic sub-committees – with each sub-committee tasked with conducting research and analysis in relation to the thematic areas, while also developing a thematic analysis of the Terms of Reference or 'ToR' items related to the five iconic species;
- Carrying out a historical review of sector-specific developments, events, decisions and outcomes leading up to the establishment of, and informing the work of the HLP;
- Collectively building a shared vision statement for the sector, and identifying a range of challenges/ problems faced (analysing these from a cause and effect perspective, and developing a set of 'problem complexes');

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<sup>1</sup> The species included within the HLP's ToR are referred to at various points of this report as the 'iconic species' or the 'target species'.

<sup>2</sup>South Africa. 2019. National Environmental Management Act, 1998 (Act No. 107 of 1998): Advisory Committee to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. Notice 1317 of 2019. Government Gazette, 652(42761): 4-6, 10 October 2019.

<sup>3</sup> Thematic sub-committees focused on the following areas: (i) Constitutional framework; (ii) Legislation and mandates; (iii) Land-use and the South African Wildlife Model; (iv) Transformation in the wildlife sector; (v) Education and capacity building; (vi) International position; (vii) Animal welfare.

- Using the above as one of the inputs into the identification of a set of 'big issues' – with these including points of consensus, and areas of importance for further analysis, deliberation and testing (e.g. through research and the stakeholder engagement process);
- Engaging with a range of stakeholders, via:
  - A public sector stakeholder engagement process from November 2019 to June 2020;
  - A broader public stakeholder engagement process, initiated through inviting submissions by gazetted Notice, and via notices published in the press – with further engagement with stakeholders who submitted inputs, via a series of online public engagement sessions;
  - Consultations with community organisations, traditional leaders, traditional healers and other key stakeholders, and with affected communities living alongside national and provincial parks<sup>4</sup>;
- Reviewing and analysing the inputs emerging from the above steps – and participating in discussions on process, principles, 'big issue' and species-specific ideas and insights, in an effort to establish areas of consensus, partial agreement and areas of disagreement; and
- Integrating the above inputs and associated recommendations into a final report, for submission to the Minister.

The HLP's programme of work unfolded in parallel with the COVID-19 pandemic. This limited the prospects for face-to-face engagements. Nonetheless, the HLP adapted its approach and succeeded in rolling out a significant stakeholder engagement process that involved virtual interaction and, in some cases, a combination of virtual and face-to-face sessions – undertaken in line with COVID-19 related precautions. The HLP continued to meet online to engage on issues of process and substance, with the final HLP recommendations workshops taking the form of hybrid online/ face-to-face sessions. All efforts ultimately focused on developing a set of fair, reasoned and well-considered recommendations, for submission to the Minister.

## 1.2 Purpose of this report

This report serves as a comprehensive account of the HLP's context and work – with the content detailing the HLP's functions, approach and the associated programme of work, alongside specifics relating to each phase of work undertaken. It provides a record of activities, areas of engagement, key deliberations and emerging issues of agreement, disagreement and partial agreement – and an associated set of recommendations. The report also serves as a ready-reference source of information – providing HLP members and the Minister with information on the context and background information underpinning the emerging recommendations.

It should be noted that not all views included here are consensus views. While the Chair and members of the HLP have worked towards achieving consensus, all acknowledged that there would inevitably be cases in which this was not possible. In such cases, the HLP has adhered to the approach specified within the ToR, which notes that:

- In terms of Clause 6.2.8:
  - *The Panel must seek consensus on the matters before it and present a report to the Minister that has support of all Panel members. In order to achieve such consensus, Panel Members will need to demonstrate a measure of flexibility and understanding for differences of views and/or opinions amongst Panel Members. In the event, where such consensus cannot be obtained then the Panel's report, with clearly motivated areas of disagreement, can be submitted to the Minister. Notwithstanding this provision, all endeavours must be made to seek consensus from all of the members of the Panel.*

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<sup>4</sup> Undertaken with the support of and engagement with traditional authorities, Community Property Associations (CPAs) and Trusts.

- In terms of Clause 13.2.5:
  - *In matters of substance where it is not possible to achieve consensus the record should reflect as such and the record and report of the Panel should reflect both the majority and minority view on such issues.*

### 1.3 Report structure

In order to fulfil its purpose, this report is structured as follows:

- **Chapter Two** provides an overview of the contextual realities that led to the establishment of the HLP, and offers details pertaining to the HLP – including its ToR, members, and their allocation across the HLP’s sub-committees.
- **Chapter Three** summarises the HLP’s work and engagements.
- **Chapter Four** presents an overview of information and the status quo of the five ‘iconic’ species.
- **Chapter Five** provides specifics on the historical background pre-dating the HLP’s establishment – including details relating to the legislative context, key events and engagements.
- **Chapter Six** addresses ‘Phase One’ of the HLP’s information gathering and stakeholder engagement work – where this included the initial thematic and information gathering efforts undertaken by the seven thematic sub-committees, and the development of associated thematic papers.
- **Chapter Seven** focuses on ‘Phase Two’ engagements – i.e. the public sector stakeholder engagements with national and provincial departments, State Owned Entities/ ‘SOEs’, government agencies and research institutes.
- **Chapter Eight** details the specifics of ‘Phase Three’ – i.e. the HLP’s engagement with the general public, and with community organisations and affected communities, including those living alongside protected areas within which the five iconic species are found.
- **Chapter Nine** details the HLP’s vision for the future of the sector, the principles underpinning the HLP’s approach, the ‘big issues’ identified as critical for further engagement (i.e. to support the HLP in arriving at recommendations for submission to the Minister) – and the emerging set of goals and recommendations relating to each of the big issues (with content reflecting both majority and minority view(s), in those cases where minority views emerged).

The report also contains the following detailed annexures:

- **Annexure A:** The HLP’s Terms of Reference;
- **Annexure B:** The HLP’s formally adopted Charter;
- **Annexure C:** The HLP’s programme of work;
- **Annexure D:** The two legal opinions received from Senior Counsel, in response to the HLP’s briefing of the same (with the opinions included as Annexure D1, and Annexure D2);
- **Annexure E:** A full list of stakeholders who have directly contributed to the HLP’s work;
- **Annexure F:** A complete list of inputs received, including submissions, reports, presentations and articles;
- **Annexure G:** A list of the HLP’s and the HLP Secretariat’s outputs<sup>5</sup>;
- **Annexure H:** Executive summaries of all public sector engagements;

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<sup>5</sup> All HLP inputs and outputs as detailed in the respective registers have been maintained online via a document storage and access web-based facility, following the close of the HLP’s work.

- **Annexure I:** Executive summaries of engagements with general public stakeholders, with community leaders, communities and members of affected communities;
- **Annexure J:** Acronyms and abbreviations; and
- **Annexure K:** Terminology used by the HLP.

## 2 OVERVIEW OF THE HLP – AND EVENTS LEADING TO ITS ESTABLISHMENT

### 2.1 Developments and events leading to the establishment of the HLP

The dawn of democracy brought about political changes as well as associated sector-specific legal reform processes, including in the area of environmental and biodiversity management. In 1996, the ‘environmental right’ provided for within s24 of the Constitution of the Republic of South Africa, 1996, set the scene, and by 1997, the Draft White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity was developed (see 5.2) in parallel with the Consultative National Environmental Policy Process (CONNEPP), which resulted in the White Paper on Environmental Management Policy for South Africa (see 5.3). This was followed by the development and subsequent promulgation of biodiversity legislation under the framework of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) (see 5.4). This included the National Environmental Management: Biodiversity Act of 2004 (NEMBA) and the National Environmental Management: Protected Areas Act of 2003 (NEMPAA). These pieces of legislation were developed through a consultative process that involved interested and affected individuals of all persuasions – with the process drawing considerable interest from stakeholders within and beyond South Africa's borders. Various regulations, norms and standards and management plans were subsequently developed to give effect to the provisions of these Acts. These regulatory instruments and tools were developed and implemented through a series of important events and milestones pertaining to the iconic species under consideration. These are outlined in brief below.

In 2005, amidst rising public outrage around so-called ‘canned hunting’<sup>6</sup>, among other issues, the then Minister of Environmental Affairs and Tourism set up a ‘Panel of Experts on Professional and Recreational Hunting’. The panel's deliberations were informed by public inputs and submissions, and research commissioned to look into specific areas. It's work culminated in a detailed report that included recommendations in respect of the following: intensive versus extensive production systems; captive-bred animals; import, translocation and genetic manipulation of wildlife; gamebird hunting; put-and-take and canned hunting; bow hunting; ‘green’ hunting; other hunting methods; hunting in protected areas; industry transformation; damage-causing animals; legal and institutional issues; self-regulation; systems for a national regulatory framework; capacity at the industry level; capacity at government level; institutional arrangements; and funding.

In 2006, the Minister established the Elephant Science Round Table or ‘SRT’ to advise on policies regarding elephant management. The SRT met three times – and concluded that there was no immediate need for large-scale culling of elephants in the Kruger National Park (Kruger National Park), but that elephant density, distribution and population structure may need to be managed locally to meet biodiversity and other objectives. The SRT further highlighted that the scientific information available to support informed decision-making on key aspects of elephant management was insufficient. It also noted that elephant research to date centred on elephants alone, rather than on the ecosystem and the social context in which they occur, or the range of management techniques that could be applied. As a result, the SRT proposed a 20-year focused, integrated, collaborative and multi-disciplinary research programme that would resolve fundamental questions relating to the management of South Africa's elephants. The Assessment of South African Elephant Management (‘the Assessment’) was subsequently conducted in 2007 – with this representing the first activity in the elephant research programme as proposed by the SRT. The Assessment itself did not constitute policy at any level, but rather focused on the interactions between elephants, humans and the ecosystems in which the elephants occur, and on the ways in which elephants could be managed, based on their ecology, biology and social significance. This assessment aimed to reduce scientific uncertainty relating to elephant management decisions

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<sup>6</sup> “Canned hunting” is a colloquial term for the hunting of an animal that is a put and take animal, in a controlled environment, where the animal may also possibly be under the influence of tranquilisers.

that needed to be made in the immediate and medium to long-term future. On 29 February 2008, the Minister promulgated the National Norms and Standards for the Management of Elephants in South Africa.

In 2009, a moratorium on the domestic trade in rhinoceros (rhino) horn was implemented, in order to address the illegal export of legally-obtained rhino horn from the country, and the illegal international trade. The concern was that this trend would feed international demand, which would lead to an increase in rhino poaching.

In 2012, the Minister initiated the Rhino Issue Management process, in which a contracted Rhino Issue Manager (RIM) was required to conduct a series of stakeholder engagements to facilitate the development of a common understanding of key issues concerning the protection and sustainable conservation of the South African rhino population. Among others, the RIM was also directed to compile a report to augment the Department's National Strategy for the Safety and Security of Rhinoceros Populations. Finally, RIM stakeholder engagements were intended to help the Department develop the South African position and statement in preparation for the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of the Parties (COP) 16. In this final report, the RIM made recommendations in respect of: funding; safety and security; conservation; and commerce and trade.

In 2013, the Minister of Environmental Affairs requested the Scientific Authority to investigate and assess the current and potential risks of intensive and selective breeding of game on South Africa's biodiversity heritage. An expert team of scientists, with a diverse range of skills and experience, was established. Their resultant report was submitted to the Minister in 2018. The report concluded that intensive management and selective breeding of game poses a number of significant threats to biodiversity at an ecosystems and species level, while also threatening the prospects of other sectors of the biodiversity economy of South Africa, potentially compromising the sector's current and future contribution to biodiversity conservation.

In 2014, the Minister of Environmental Affairs appointed a Strategic Task Team (the 'Committee of Inquiry in terms of Treasury Regulations') to assist the Department of Environmental Affairs (DEA) with preparations for CITES CoP 17, focusing on rhino matters, considering that both white and black rhino species are impacted by high levels of poaching and illegal wildlife trafficking. Discussion relating to legal and illegal trade involving specimens of rhino species is ongoing in the context of CITES.

In 2015, following litigation by rhino owners, which the Minister of Environmental Affairs opposed, the High Court of South Africa set aside the 2009 moratorium. The decision of the High Court was finally upheld by the Constitutional Court on 30 March 2017, when it dismissed the Minister's application for leave to appeal the High Court's decision. With the domestic moratorium set aside, domestic trade in rhino horn could take place, subject to the issuance of relevant permits in terms of applicable legislation.

During August 2016, the DEA and all other relevant departments participated in the Rhino Conservation Lab (as part of the wider Biodiversity Economy Lab), to identify challenges and develop detailed action plans and budgets to support implementation of the 2014 Committee of Inquiry's recommendations.

In March 2018, the third Biodiversity Economy Indaba was convened under the theme: '*Entrepreneurs meet investors, for a thriving and inclusive biodiversity economy*' – in this way bringing together various stockholders and aspirant entrepreneurs in the wildlife, bioprospecting and eco-tourism sectors, investors and those from related markets. The ultimate objective of the Indaba was to facilitate and drive discussions, with an aim of growing a sector that is seen as having enormous economic potential, especially for communities that live in deep rural areas of the country. The discussions were informed by the National Biodiversity Economy Strategy (NBES) Action Plan, adopted and approved by Cabinet in 2015. This 14-year strategy is the country's blueprint for sustaining the growth of the wildlife and bioprospecting industries. The three-day Indaba was attended by more than 800 national and international delegates and resulted in the adoption of key outcomes that centred on transformation of the biodiversity economy sector, and the inclusion of Previously Disadvantaged Individuals (PDIs) within the sector. Delegates agreed to pursue the following:

- Creating a conducive environment for fast-tracked transformation within the wildlife sectors;
- Addressing legislative hindrances through the harmonization of national and provincial legislation, the centralisation of the permitting system and fast-tracking legislative processes in order to allow transformation;
- Awareness, skills development, capacity building programmes;
- International cooperation and branding the South African wildlife industry as a contributor to conservation, sustainable use and enhancement of community livelihoods;
- Addressing risks and reputational issues;
- Ensuring meaningful community participation; and
- Encouraging partnerships and investment in the sector.

Despite the above, public concerns around various issues such as ‘wildlife economy’ related animal welfare, amongst others, continued – with perceptions that the issues remained unaddressed. In August 2018, the Portfolio Committee on Environmental Affairs conducted a colloquium on ‘Captive Breeding of Lions for Hunting and for the Lion Bone Trade’. This colloquium resulted in a report that was adopted by the National Assembly on 6 December 2018, with the Portfolio Committee taking the opportunity to “reassure South Africans that theirs is a caring and listening government.” The report ultimately called for, among others, an end to the captive breeding of lions for hunting and the lion bone trade.

On 19 March 2019, the then Minister of Environmental Affairs, Nomvula Mokonyane, met with the National Council of Societies for the Prevention of Cruelty to Animals (NSPCA) and the South African Predators Association (SAPA), in an attempt to find consensus on concerns around the breeding and welfare of lions in captivity, as well as the trade in lion bones.

The NSPCA lodged a court application challenging government’s ‘quota-system’ on lion bone trade, citing concerns relating to the welfare of lions in captive breeding facilities, the impact on South Africa’s lion population, and the prevalence of poor standards and concerning practices in captive breeding facilities. The resultant judgment (and other related judgements) emphasised that an “integrative approach correctly links the suffering of individual animals to conservation, and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined values<sup>7</sup>” – with the court’s “...views ...located in the recognition that animal cruelty was prohibited both because of the intrinsic values we place on animals as individuals but also to safeguard and prevent the degeneration of the moral status of humans.<sup>8</sup>” The judgements embed animal welfare as linked to and reflecting constitutional values, and connect animal welfare and biodiversity conservation through s24(b) of the Constitution. Furthermore, animal welfare is linked to the moral status of humans, with reference to the history of South Africa, and past neglect. Finally, the judgements qualify how our actions must not be inhumane or cause suffering, in line with the need to prevent ill-treatment of voiceless beings, with animals’ suffering noted as “abhorrent and repulsive<sup>9</sup>”. The judgements place intrinsic value on animals as individuals, dictating a more caring attitude to animals as sentient beings capable of suffering and experiencing pain. Taken together, these judgements “speak to the kind of custodial care we are enjoined to show to the environment for the benefit of this and future generations, including the prevention of unnecessary cruelty to animals – including those which we may use for service or food”.

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<sup>7</sup> National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016). p26.

<sup>8</sup> National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others (86515/2017) [2019] ZAGPPHC 337; 2020 (1) SA 249 (GP) (6 August 2019). p18.

<sup>9</sup> National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016). p26.

Minister Mokonyane felt it necessary to create an opportunity for the NSPCA, SAPA (representing lion breeders) and the DEA to seek ways to bring the conservation, sustainable use, welfare and trade under an integrated regulatory interface that would allow for input from the affected parties, with the intention of meeting the best interests of South Africa, its natural heritage and its people. The Minister highlighted the need to strengthen governance, administration and capacity in the management of wildlife – especially in the administration of permitting systems, compliance assessments and institutional coordination.

## 2.2 Establishment of the HLP

The Department of Environment, Forestry and Fisheries (DEFF) is responsible for upholding the Constitutional Mandate included within the Bill of Rights, with particular focus on the role of government as encapsulated in s24, which provides for the environment to be protected through reasonable legislative and other measures that secure the ecologically sustainable development and use of natural resources – while promoting justifiable economic and social development. The Department<sup>10</sup> also plays a key role in supporting the operationalisation of the objectives of NEMBA, including objectives relating to conservation, sustainable use and fairness and equitable sharing of benefits arising from the use of genetic resources. The parameters in question refer to the protection of the environment through measures that promote the environmental, social and economic imperatives for present and future generations.

Public concern on matters of captive breeding, handling, hunting and trade in lions, elephants, leopard and rhinoceros specimens have implications for the country's conservation integrity and reputation. Current issues of contention are mainly related to conservation practices that are considered to be irresponsible, ethically questionable and/or unsustainable. This is especially evident in several areas of conservation, including but not limited to the iconic species in question.

It is with this backdrop that on the 3 December 2018, the Minister announced her intention to appoint a HLP to review policies, legislation and practices on matters of lion, elephants, leopard and rhinoceros management, breeding, hunting, trade and handling.

On 25 February 2019, the Minister issued an invitation to submit nominations for members of the HLP in Government Gazette 42247 (Notice No. 243) and in different print media, with the deadline of 27 March 2019 for nominations. It stipulated the following as requirements to serve on the HLP:

*Members of the Advisory Committee, when viewed collectively, must be persons who: are suited to serve on the Panel of Experts by virtue of their qualifications, expertise and experience the fields of conservation management, and biodiversity policies and legislation; are committed to and subscribe to the objectives and principles of conservation and sustainable use as enunciated in Section 24 of the Constitution of the Republic of South Africa, applicable policies, the National Environmental Management Act, 1998 (Act No. 107 of 1998), the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and its subordinate legislation, as well as provincial legislation; and have knowledge of agricultural legislation, game management practices, and matters related to animal well-being.*

The Notice also indicated that the Minister reserved the right to appoint persons as members of the Advisory Committee who may contribute to diversity and innovative recommendations on the basis of their recent learning, understanding of new-found technology and previously disadvantaged persons whose unique viewpoints may result in novel approaches being adopted.

On 10 October 2019, the Minister of Forestry, Fisheries and the Environment, by notice in *Gazette No. 42761*, established an Advisory Committee (the HLP) in terms of section (s) 3A of NEMA, to review practices, regulatory

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<sup>10</sup> Please note that all references to 'the Department' (with a capital 'D') relate to the Department of Environmental Affairs, in its various configurations.

measures and policy positions on aspects of conservation that are directly and indirectly related to hunting, trade, captive keeping, handling of iconic species of elephants, rhinoceros ('rhino'), lion and leopards.

### 2.3 The HLP's ToR

The HLP's ToR requires panel members to draw from public hearings, submissions, scientific evidence and other forms of information gathering, to support the evaluation and assessment of current practices, regulatory measures and policy positions. The ToR outlines the scope of work, roles and responsibilities, and the duration of work – with the HLP called on to:

- Review existing policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhino (collectively referring to both black and white rhino).
- Review the implementation of the recommendations of the Committee of Inquiry into the feasibility, or not, of a legal rhino horn trade, and any future decision affecting trade-related proposals to CITES.
- Conduct public hearings and workshops, and consider submissions, scientific evidence and other forms of information.
- Identify gaps and make recommendations on the basis of the key focus areas.

The ToR further highlights the fact that each of the five species, namely elephant, black rhino, white rhino, leopard and lion, are deemed to be 'iconic species', with this presenting both opportunities and challenges in respect of management and utilisation, for various reasons.

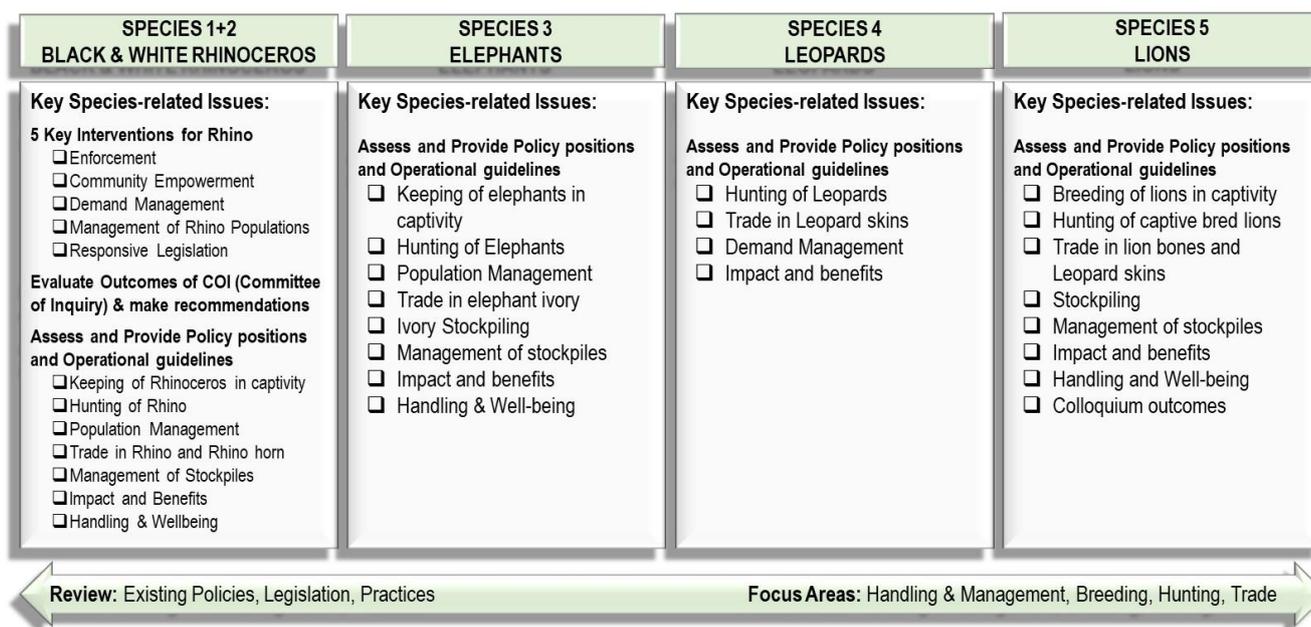
The areas of work in respect of which the HLP is expected to assess and provide policy positions are provided in the table below.

**Table 2.1: HLP areas of work, in relation to the five iconic species**

Area of work	Species involved and their derivatives
Keeping in captivity	Elephant, rhino and lion
Breeding in captivity	Lion
Hunting	Elephant, rhino, captive-bred lion and leopard
Population management	Elephant, rhino and lion
Trade	Elephant (ivory), rhino and rhino horn, lion bones, leopard skins
Stockpiling/ management of stockpiles	Elephant ivory, rhino horn and lion bones/ skeletons
Impact and benefits	Elephant, rhino, lion and leopard
Handling and well-being	Elephant, rhino and lion
Demand (domestic and international) management	Leopard products, e.g. skins, claws, teeth

The figure below provides a diagrammatic representation of the HLP's ToR in relation to the five species.

Figure 2.1: HLP areas of focus in relation to the five iconic species



## 2.4 Members of the HLP

By the closing date for nominations, the Department had received a total of 90 nominations, 64 of which were for male nominees, and 26 of which were female nominees. Furthermore, 53 nominees were white, 35 were African and 2 were Indian. The ages of nominees ranged from 23 to 80.

On 1 August 2019, the Selection Panel, headed by the Director-General and consisting of senior officials from the Department, South African National Parks (SANParks), the South African National Biodiversity Institute (SANBI) and the Department of Agriculture, Land Reform and Rural Development (DALRRD), evaluated the nominations. The selection was finalised by the Minister, taking into consideration the requirements as advertised, the size of the panel, and financial implications – with this process concluding in the appointment of the individuals listed in the table below.

Table 2.2: Members of the HLP

No.	Title	Names	Surname	Profile	Notes
1	Ms	Aadila	Agjee	The head of the wildlife project for the Centre for Environmental Rights. Her specialities include environmental legal matters, litigation, legal regulations for welfare of wild animals and compliance, legislative review, animal rights and welfare legislation.	<ul style="list-style-type: none"> <li>Resigned from the HLP in January 2020, citing unforeseen circumstances which precluded her participation.</li> </ul>
2	Prof	Brian	Child	Directed the Peace Parks Foundation’s Community Development Programme. A Doctor of Ecology, Prof Child specialises in economics, governance, nature conservation, communal area management, indigenous resources and campfire initiatives.	<ul style="list-style-type: none"> <li>Member of Land Use Sub-Committee</li> </ul>

No.	Title	Names	Surname	Profile	Notes
3	Mr	Kule	Chitepo	Executive Director of Resource Africa; Chairperson of the IUCN Species Survival Commission on Sustainable Use and Livelihoods. A trans-boundary biodiversity conservation expert, Mr Chitepo specialises in community development, policy development on rural communities, exposure to trade, resource mobilisation and the promotion of sustainable use of natural resources and livelihoods.	<ul style="list-style-type: none"> <li>• Theme Lead of the International Position Sub-Committee.</li> <li>• Member of Transformation Sub-Committee</li> </ul>
4	Ms	Ashleigh	Dore	Manages the Wildlife and Law Project at the Endangered Wildlife Trust and is an admitted attorney. Ms Dore specialises in environmental law, nature conservation, wildlife in trade and restorative justice. She also represents women and youth in the conservation sector.	<ul style="list-style-type: none"> <li>• Member of the Constitution Sub-committee</li> <li>• Member of Legislation Sub-Committee</li> <li>• Member of the International Position Sub-committee</li> <li>• Member of the Welfare Sub-Committee</li> </ul>
5	Mr	Stewart	Dorrington	The Chairman of Custodians of Professional Hunting and Conservation South Africa. Specialises in wildlife conservation, hunting and game farming.	<ul style="list-style-type: none"> <li>• Member of the Transformation Sub-committee</li> </ul>
6	Inkosi	Mpumalanga	Gwadiso	The Chief and Chairman of the Amakhonjwayo Traditional Council. Co-founded and member of the House of Traditional Leaders. Serves as a human rights activist who specialises in community development, community and traditional leadership.	<ul style="list-style-type: none"> <li>• Member of Land Use Sub-Committee</li> <li>• Member of Transformation Sub-Committee</li> </ul>
7	Kgosi	Edward	Mabalane	The King of the Baphiring Nation, Mabaalstad, and member of the House of Traditional Leaders. He specialises in community leadership, and is competent in restorative justice, local government administration and cultural heritage promotion.	<ul style="list-style-type: none"> <li>• Member of Transformation Sub-Committee</li> </ul>
8	Mr	Reuben	Malema	Managing Director of game meat company: Black Evolution Products. Specialises in the sustainable use of wildlife, policy development in agriculture and business management, wildlife ranching and food security. He is a member of the DAFF Ministerial Advisory Committee on Game Meat Regulations.	<ul style="list-style-type: none"> <li>• Member of Land Use Sub-Committee</li> <li>• Member of Transformation Sub-Committee</li> </ul>
9	Dr	Kelly	Marnewick	Lecturer with the Tshwane University of Technology. She is a specialist in conservation biology and wildlife management of large carnivores, chair of the African Lion Working group and vice president of the Southern African Wildlife Management Association.	<ul style="list-style-type: none"> <li>• Member of the Land Use and Wildlife Model Sub-committee</li> <li>• Theme Lead of the reconstituted Welfare Sub-Committee</li> </ul>
10	Chief	Livhuwani	Matsila	Chief of the Matsila Village and Founder and Director of the Matsila Community Development Trust. He has worked in the conservation and wildlife space at training, provincial protected areas agency and national government levels.	<ul style="list-style-type: none"> <li>• Joined the HLP in July 2020</li> <li>• Member of the Land Use and Wildlife Model Sub-Committee</li> </ul>

No.	Title	Names	Surname	Profile	Notes
11	Ms	Lulama Lorrain	Matyolo	A member of and Deputy Secretary of the National People and Parks Steering Committee, Ms Matyolo now runs a legal practice, Matyolo and Associates – specialising in mediation, conciliation, adjudication and legal and legislative drafting. She is the former Secretary of the National Council of Provinces, and also previously served as acting Chief Parliamentary Legal Advisor.	<ul style="list-style-type: none"> <li>• Theme Lead of the Constitution Sub-Committee</li> <li>• Member of Transformation Sub-Committee</li> </ul>
12	Mr	Teboho	Mogashoa	The president of Wildlife Ranching SA. Highly experienced in conservation, game ranching and wildlife farming, and in investment promotion in the South African economy through the wildlife sector.	<ul style="list-style-type: none"> <li>• Theme Lead of the Legislation Sub-committee</li> </ul>
13	Mr	Mavuso	Msimang	Previous winner of the WWF-SA Living Planet award, Public Service by United Nations Economic Commission for Africa award and award in Excellent Services rendered to Conservation and Prestigious Fred Packard by the IUCN World Commission on Protected Areas. Chairman of WWF-SA Social, Ethics and Transformation Committee and Corruption Watch. He is a specialist in nature conservation, institutional development, tourism development and community development.	<ul style="list-style-type: none"> <li>• Original Chairperson.</li> <li>• Resigned in March 2020, due to health reasons</li> </ul>
14	Dr	Tshifhiwa	Nangammbi	Dr Nangammbi is a Senior Conservation Lecturer at Tshwane University of Technology, and a specialist in Curriculum Development in genetics. She piloted the establishment of a Wildlife Biological Resource Centre, and also established the Molecular Genetics Lab at the University of Venda. She is involved in the empowerment of previously disadvantaged individuals and students.	<ul style="list-style-type: none"> <li>• Member of the Education and Capacity Building Sub-committee</li> </ul>
15	Ms	Lizanne	Nel	Conservation Manager of SA Hunters and Game Conservation Association. Ms Nel is a conservation specialist and lecturer. She is a member of the IUCN specialist group and is experienced in hunting, livelihoods, sustainable use, wildlife management, policy development and advocacy, community development and ecotourism development.	<ul style="list-style-type: none"> <li>• Member of the Land Use and Wildlife Model Sub-Committee</li> <li>• Ad-hoc Member of Transformation Sub-Committee</li> </ul>
16	Prof	Edward	Nesamvuni	Has a doctorate in animal breeding and reproduction. A former Board member of Agriculture Research Council, Limpopo Agricultural Colleges and former Head of the Limpopo Department of Economic Development, Environment and Tourism. He specialises in sustainable agriculture, nature conservation and research in animal breeding and reproduction, land reformation for rural development and policy development.	<ul style="list-style-type: none"> <li>• Theme Lead of the Education and Capacity Building Sub-Committee</li> </ul>
17	Ms	Esther	Netshivhongweni	Chairperson of the Wildlife, Eco-tourism, Bio-prospecting and trade Association of South Africa (WEBASA) and Limpopo People and Parks Community Forum, and serves in the board of directors of Professional Hunter's Association of SA. She is highly experienced in community conservation management and the sustainable use of wildlife.	<ul style="list-style-type: none"> <li>• Theme Lead of the Transformation Sub-Committee</li> </ul>

No.	Title	Names	Surname	Profile	Notes
18	Ms	Sibusiso	Ngcobo	A chairperson of Kana Uyuhukunga Mvele, Women in Conservation NPO, a member of National Coordinating Body for Desertification and Land Degradation, and a member of the Multidisciplinary Expert Panel on Intergovernmental of Science-Policy on Biodiversity and Ecosystem. She's an advocate for women's participation in conservation issues, she is experienced in matters relating to conservation and sustainable use, women in conservation, and is a strategic development and implementation specialist.	<ul style="list-style-type: none"> <li>Member of Transformation Sub-Committee</li> </ul>
19	Hosi	Pheni	Ngove	Chief of the Nghonyama Royal House. Was a former member of Limpopo Provincial Arts and Cultural Council, and served as a member of Projects and Programmes of the National Development Agency Board. He has knowledge and experience in matters relating to indigenous knowledge systems in South Africa, breeding and community development.	<ul style="list-style-type: none"> <li>Member of Transformation Sub-Committee</li> <li>Member of the Welfare Sub-Committee</li> </ul>
20	Prof	Rob	Slotow	The Pro-Vice chancellor of the University of KwaZulu-Natal Prof Slotow holds a doctorate in biology. He is an expert in research on genetics and conservation of large mammals, and specialises in corporate governance and species-related policy development, economics, animal physiology, welfare and protected areas management.	<ul style="list-style-type: none"> <li>Theme Lead for the Land Use and Wildlife Model Sub-committee.</li> <li>Member of the Constitutional, International Position and Welfare Sub-committees.</li> </ul>
21	Mr	Deon	Swart	CEO of the South African Predator Association. Experienced in wildlife conservation, policy development and conservation management, captive breeding of lion, the national and international wildlife trade, as well as monitoring and enforcement, nature conservation, compliance monitoring, hunting and management planning development.	<ul style="list-style-type: none"> <li>Member of Land Use and Wildlife Model Sub-Committee</li> </ul>
22	Mr	Michael	't Sas Rolfes	An environmental resource economist who is a specialist in legal and illegal markets for wildlife products. He is knowledgeable in sustainable use, an expert in the analysis of wildlife trade policy for high value species and works closely with international bodies such as International Conservation Union (IUCN), United Nations Environment Programme (UNEP) and the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES).	<ul style="list-style-type: none"> <li>Theme Lead of the International Position Sub-committee</li> <li>Member of Land Use and Wildlife Model Sub-Committee</li> </ul>
23	Nkosi	Mabhudu	Tembe	Chief of the Tembe Traditional Council. Nkosi Tembe is a political activist who specialises in community development. He is a former member of iSimangaliso Wetlands Parks Board and Ezemvelo KwaZulu-Natal Wildlife Steering Committee, and a former Chairperson of Umkhanyakude Local House of Traditional Leaders. Currently, Nkosi Tembe serves as an Executive Member of the Provincial House of Traditional Leaders.	<ul style="list-style-type: none"> <li>Member of Transformation Sub-Committee</li> </ul>

No.	Title	Names	Surname	Profile	Notes
24	Ms	Karen	Trendler	The chairperson of SANParks' Ethics and Animal Use and Care Committee, working group member of the SABS code of Practice for Translocation and Capture of African Herbivores, Code on Zoo Standard and Animal Experimentation. A member of the National Council of SPCAs and Lion Coalition, Ms Trendler is a wildlife rehabilitation expert with experience of wildlife welfare ethics and trade nature conservation, and training in wildlife management.	<ul style="list-style-type: none"> <li>• Originally Co-champion for the Welfare Sub-committee.</li> <li>• Resigned from the HLP in May 2020 due to health reasons.</li> </ul>
25	Mr	Dries	van Coller	President of the Professional Hunters' Association of SA – and a specialist in agriculture and wildlife conservation, game farm management, community participation and hunting.	<ul style="list-style-type: none"> <li>• Member of the Land Use and Wildlife Model Sub-committee.</li> </ul>
26	Ms	Pamela Bulelwa	Yako	Managing Director of Zenande Leadership Consulting – and an expert in environmental policy development and women empowerment. She's a former chairperson on National Tourism Board who's well experienced in municipal governance, stakeholder facilitation and financial strategy development and sustainability planning.	<ul style="list-style-type: none"> <li>• Current Chairperson of the HLP.</li> </ul>
27	Dr	Theresa	Frantz	Head of Environmental Programmes Unit of the World Wide Fund for Nature South Africa (WWF-SA), with experience in marine and environmental law. Dr Frantz has worked at SANBI on research supporting the Scientific Authority and worked in marine and coastal resources research with DEA.	<ul style="list-style-type: none"> <li>• Joined the HLP in July 2020.</li> <li>• Member of Legislation Sub-Committee</li> </ul>
28	Dr	Andrew	Muir	CEO of both Wilderness Foundation Africa and Wilderness Foundation Global. He has run conservation and developmental NGO's for over 30 years and is one of South Africa's most influential conservationists and social entrepreneurs. He is a specialist in protected area expansion and management; sustainable and eco-tourism development; advocacy and youth and community development.	<ul style="list-style-type: none"> <li>• Joined the HLP in July 2020.</li> <li>• Member of the reconstituted Welfare Sub-Committee</li> </ul>

### 3 WORK CARRIED OUT BY THE HLP

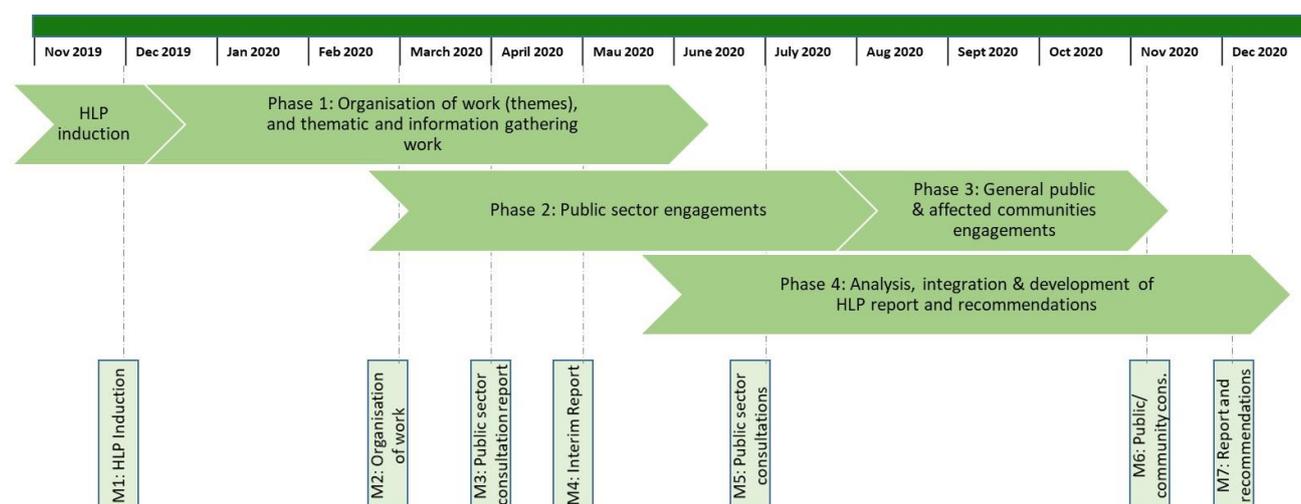
The content below provides further detail on the HLP's work, from the point of establishment, through to its final submission of the Minister. This expands on the overview provided in Section 1.1 of this report. A further level of detail of the full programme of work and associated milestones is provided in Annexure C.

#### 3.1 Overview of the HLP's Programme of Work

The HLP's initial planning work centred on understanding its ToR in full – with specifics in relation to the HLP's work, roles, responsibilities and timeframes used to establish an initial programme of work. While this programme evolved over time, the key milestones and associated deadlines remained the same. The HLP's work has been supported by a Secretariat team, with the head of the Secretariat maintaining this programme across the HLP's lifespan.

The figure below provides a graphical representation of the Programme of Work, inclusive of timeframes and milestones. Further details relating to each of the key steps is included in the text that follows.

**Figure 3.1: Overview of Programme of Work, and associated milestones**



##### 3.1.1 Initiation – and HLP induction

The HLP started its work by way of a two-day Induction Workshop and Inaugural Meeting, held at the Regency Hotel in Gauteng on 28 and 29 November 2019. The purpose of this event was member orientation, the building of a working relationship between HLP members, the Department and the Secretariat, and the confirmation of the Department's ongoing support to the HLP. During the inception meeting, and guided by its ToR, HLP members identified a number of strategic cross-cutting issues seen as relevant to all five species. Members further agreed that a common understanding of these issues was required prior to the consideration of species-specific issues. To this end, the issues were grouped into the following thematic areas – with it agreed that position papers would need to be generated by Co-Champions, to ensure a sound foundation for the HLP's work:

- **Constitutional framework:** To formulate a problem statement regarding the interpretation of the ‘environmental right contained in s24 of the Constitution<sup>11</sup>.
- **Legislation and mandates:** To conduct a gap analysis on the relevant legislation, in order to identify challenges, including interpretation issues.
- **Land-use and the South African Wildlife Model:** To develop an understanding of different types of wildlife land use and the South African Wildlife Model that brings management approaches and wildlife economics into the context of national conservation of the five species, and the broader South African economy.
- **Transformation in the sector:** To define ‘transformation’, in order to find a common understanding of the meaning as far as it relates to the wildlife space – and to understand the extent of value chain linkages, as far as they relate to transformation of the wildlife sector.
- **International position:** To investigate and explore South Africa’s policy positions in relation to various international obligations and constraints, including reputational and geopolitical concerns.
- **Education and capacity building:** To explore the existing gaps in legislation for supporting education, skills development and capacity building as well as the lack of responsiveness of training institutions to industry needs.
- **Animal welfare:** To explore the need for policy or guidelines for managing welfare practices in relation to all activities accepted as the ‘sustainable use’ of elephants, rhino, leopards and lions.

In February 2020, the HLP also crafted a draft vision statement that was seen as reflecting a common understanding of the desired future state with regard to wildlife in South Africa – with this providing a foundation from which members could proceed as they worked through the issues pertaining to each of the thematic areas.

*“Radically transformed, restored and rewilded rural South African wildlife landscapes, symbolised by thriving populations of elephant, lion, rhinoceros and leopard, as flagships for a vibrant and inclusive wildlife economy.”*

This vision was updated further in September 2020, with the HLP adopting the following as its final guiding vision for the sector:

*“Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.”*

### 3.1.2 Thematic sub-committees

In their deliberations on the management and current utilisation of the species under consideration, members of the HLP further divided into sub-committees in order to achieve a common understanding of both the thematic areas and cross-cutting issues. The sub-committees were:

- Established to carry out the mandate of the HLP, per thematic area;
- Mandated to facilitate all progress and work relating to their assigned thematic areas, but with an option to be involved in and assist other sub-committees;
- Regarded as working committees – with members expected to participate appropriately and assist in meeting the sub-committee’s objectives, as determined by the HLP;

<sup>11</sup> The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

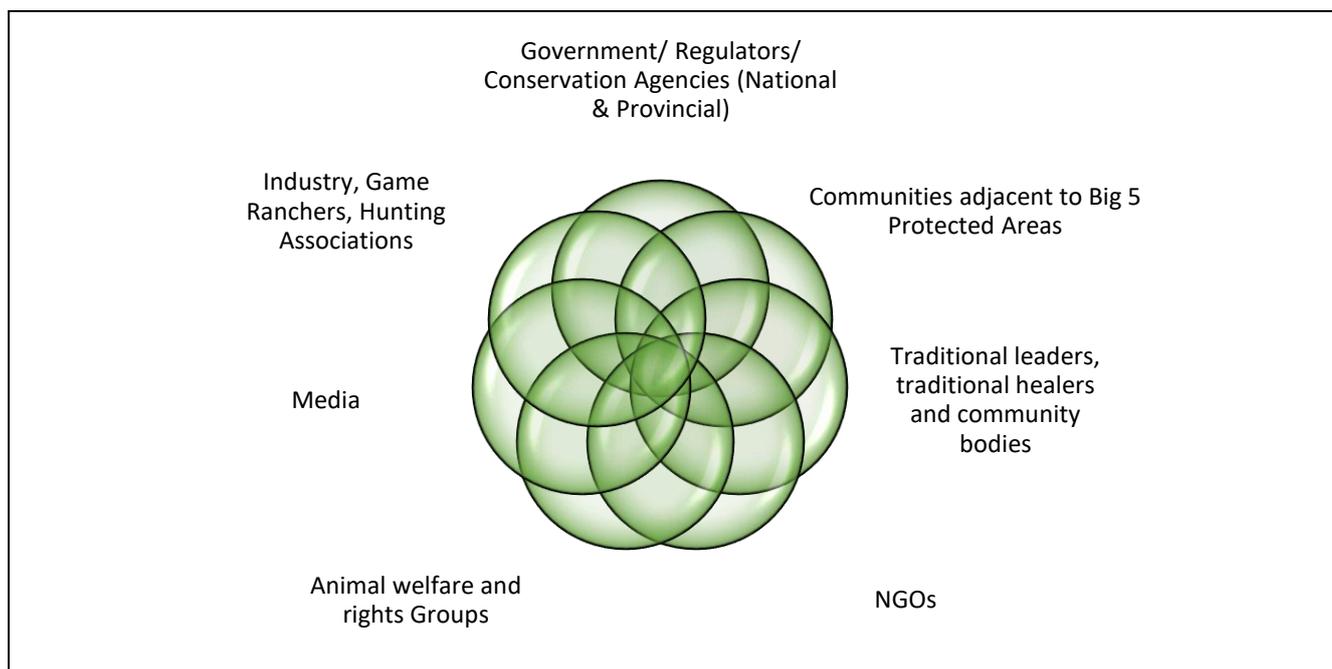
- Established to enhance proactive contribution during sub-committee meetings and in attending to sub-committee business between meetings, including:
  - Achievement of quality thresholds of contributions in terms of technical content, innovation, comprehension and timeliness (which is relevant to each members' area/s of expertise);
  - Regular, active and constructive participation in meetings;
- Tasked with providing specific and general proactive feedback on issues and developments of relevance to the HLP's objectives; and
- Responsible for reporting back to the members of the sub-committee and/ or the HLP.

Summaries of working versions of the sub-committee reports were presented at a few intervals, with the final set of submissions reviewed and discussed at a business meeting of the HLP in September 2020. The consolidated set of sub-committee summary reports are included here, as Chapter Six of this report – with each of these supported by more detailed content and annexures.

### 3.1.3 Public-sector stakeholder engagements

Stakeholder consultation or engagement is one of the key mechanisms that the HLP has used to obtain meaningful and valuable inputs from a wide range of stakeholders. The HLP's ToR reflects on a range of stakeholders – with the figure below serving as a graphical representation thereof.

**Figure 3.2: Stakeholders identified within the HLP's ToR**



The HLP focused on engaging with both public sector stakeholders and public stakeholders. In this report, the term 'public sector stakeholders' is used to refer to Organs of State, as defined in terms of s239 of the Constitution. The term 'public stakeholders' refers to the wildlife industry, civil society, members of the public, non-governmental organisations (NGOs), traditional leaders, traditional authorities, other communities, and other organised associations with an interest in the work of the HLP. Chapter Eight reflects a further breakdown of public stakeholder representations, with this category broken down into those who fall within (1) the 'general public'; and (2) 'affected communities', traditional authorities and community organisations.

Public sector stakeholder engagements took place through various mechanisms. The HLP consulted public sector stakeholders during a workshop on 12 and 13 March 2020, with participants including relevant national and provincial government departments, provincial conservation authorities, and state entities. Discussion focused on topics related to the thematic areas, after which stakeholders proposed a number of additional issues for consideration by the HLP.

Further to this session, the HLP conducted issue-specific hearings with public sector stakeholders, inclusive of departments, provinces and entities. These hearings covered the following issues:

- The Rhino Committee of Inquiry and Lion Colloquium on captive lion breeding and hunting;
- Scientific Authority and tourism;
- Legislation;
- Law enforcement;
- Transformation and biodiversity economy;
- Intensive breeding;
- Panel of Experts on Hunting Report; and
- SRT on Elephant and Assessment.

From November 2019 to June 2020, the HLP consulted the following organisations in pre-lockdown workshops and meetings, and via virtual meetings thereafter –

- Department of Agriculture, Land Reform and Rural Development (DALRRD)
- Department of Tourism
- Department: Environment, Forestry and Fisheries (DEFF)
- Directorate for Priority Crime Investigation (the 'Hawks')
- National Prosecuting Authority (NPA)
- Provincial Departments and Conservation authorities involved with the 5 species
- South African National Biodiversity Institute (SANBI)
- South African National Parks (SANParks)
- State Attorney Services
- The Scientific Authority of South Africa
- The South African Revenue Service (SARS)

Chapter Seven provides further detail on the public sector consultation process and the key messages arising, with specifics relating to these engagements also summarised in Annexure H.

#### *3.1.4 Initiation of the broader public stakeholder engagement process*

On 27 March 2020, following the public sector stakeholder workshop, the HLP initiated the broader public engagement process by inviting stakeholders, through notices in the *Gazette* and newspapers (the *Star* (2 April) and *City Press* (5 April)), to submit written submissions, scientific information, socio-economic information or any other relevant information on matters related to the handling and management, breeding, hunting and trade of elephant, lion, leopard and rhinoceros. A sixty-day period was initially given for such submissions (i.e. to the end of May 2020), but due to the

impact of COVID-19, the HLP decided to extend the duration by two weeks, giving stakeholders additional time to provide submissions.

Chapter Eight includes further specifics associated with this phase of the stakeholder engagement process – and reflects on the messages emerging from the individual inputs received, with these in excess of 70 submissions.

### *3.1.5 Development on an interim report*

As per the HLP's Programme of Work, the HLP produced an Interim Report on 8 March 2020, with this report reflecting the work done by the thematic sub-committees, while also providing a contextual basis for assessing the species-specific issues, as contained in the ToR.

### *3.1.6 Initial problem analysis workshop*

HLP members participated in an online workshop which took place on the 12 June 2020, facilitated by Professor Brian Child. This workshop gave HLP members a chance to reflect on the work and consultations undertaken to date, to explore and identify key issues, and to establish an HLP vision for the wildlife sector – with the latter used to further guide the Panel's work.

The outcome of the workshop was a 'raw' list of problems, to be considered for use in the development of a cause and effect 'problem tree'. Broad 'problem complexes' were identified, including but not limited to the following: missing wildlife policy; transformation; a lack of cooperative governance – local, provincial and national spheres; research, monitoring and adaptive management; administration, regulation and challenges in implementing legislation; non-compliance of the industry; trade restrictions, bans and illegal use; special interest groups; fencing and fragmentation of land; animal welfare; sustainability; protected areas; competition for land; and other drivers.

### *3.1.7 Historical review*

The HLP recognises that a significant amount of work has been carried out in respect of the five species, in the years prior to the HLP's appointment. Given this, the Panel undertook a historical review through a desk-top analysis of literature and engagement with involved parties, familiarising itself with the historical background leading up to, and informing, its work – as a way of ensuring a more solid understanding of the status quo. Some of the founding documents, pieces of legislation and events taken into consideration include the following – with these, and others, included in the analysis contained in Chapter Five of this report:

- The Constitution, 1996
- The 1997 Draft Biodiversity and Sustainable Use Policy
- The 1998 Environmental Management Policy
- The National Environmental Management Act (Act 107 of 1998)
- The National Environmental Management: Protected Areas Act (Act 57 of 2003)
- The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
- The 2005 Panel of Experts on Professional and Recreational Hunting
- The 2006 Elephant Science Round Tables
- The 2012 Rhino Issues Management (RIM) process
- The 2014 Committee of Inquiry into the trade in rhino horn
- The 2016 Rhino Lab

- The 2018 Report on Intensive and Selective Game Breeding
- The 2018 Parliamentary Colloquium on Captive Lion Breeding for Hunting and Lion Bone Trade

### 3.1.8 HLP workshops held on 31 August to 1 September, and 8 to 9 September 2020

HLP members took part in two further workshops (31 August to 1 September 2020, and 8 to 9 September 2020), building on the HLP's initial problem analysis workshop, as held on 12 June 2020. During these sessions, members:

- Engaged on the key messages and insights emerging from the work of the thematic sub-committees (with the sub-committee reports distributed prior to this session, for engagement prior to adoption);
- Took stock of all the sources of information shaping the HLP's work and findings to date (including the HLP's ToR, submissions received from public sector engagements and via the broader public engagement, content reflected within the Situation Analysis Report, insights derived from the problem tree analysis, and key messages emerging from the sub-committee work);
- Reviewed and finalised the HLP's understanding of and vision for the sector – drawing insights from the initial visioning work to arrive at an updated vision statement; and
- Identified a preliminary set of points of consensus, alongside quick wins and 'sticky issues' that would need to be addressed, as part of the journey towards formulating recommendations.

Across these workshops, plenary and breakaway sessions were used as opportunities for in-depth engagement on the substantive matters arising, drawing on inputs included within various source materials, including the draft sub-committee reports.

The above sessions led to the identification of a set of 'big issues' – which were reviewed further with the support of a 'recommendations task team', which was tasked with the responsibility of fleshing each of the key areas of concern out into a goal statement, alongside identification of quick wins, sticky issues and points for engagement and further information collection, via the upcoming general public and affected community engagement processes.

### 3.1.9 Public consultation – including engagement with the general public, and affected communities

Following the written submission from the general public, the HLP undertook a process of planning for and rolling out a range of 'live' engagements with stakeholders, planning within the context of COVID-19 constraints. Public consultations were coordinated in line with specific stakeholder categories, with engagements conducted during the course of September to November 2020 with the categories of stakeholders outlined below:

- Consultation 1. Wildlife Industry – 29 September 2020;
- Consultation 2. Conservation NGOs and Individuals – 2 October 2020;
- Consultation 3. Welfare and Advocacy Groups – 6 October 2020;
- Consultation 4. Eco-tourism Groups – 7 October 2020;
- Consultation 5. Tourism Business Associations – 13 October 2020;

Consultations were held with a number of leadership structures, and various community associations and platforms, including:

- Consultation 6. National House of Traditional Leaders – 21 October 2020;
- Consultation 7. People and Parks National Committee – 29 October 2020;
- Consultation 8. Associations of Traditional Healers – 29 October 2020; and

- Consultation 9: CONTRALESA – 26 November 2020.

Consultations also took place with a range of community structures (traditional authorities, CPAs, Trusts), with these including:

- Community structures in KwaZulu-Natal (KZN) associated with Hluhluwe/ Mfolozi Reserve, Tembe Elephant Park, iSimangaliso World Heritage Site
- Community structures on the Western Boundary of Kruger Park (Limpopo)
- Community structures on the Western Boundary of Kruger Park (Mpumalanga)
- Community structures around Addo Elephant Park in Eastern Cape.
- Community structures in North West associated with Pilanesberg, Madikwe and Borakalalo Reserves

Consultations also took place with management from the following reserves:

- In the North West: Pilanesberg, Madikwe and Borakalalo Reserves
- In the Eastern Cape: Addo Elephant Park

Chapter Eight of this report provides further details in terms of the process followed, inputs received and key points for consideration by the HLP. Further detail in terms of each session is also included in Annexure I.

### **3.2 Finalisation of the HLP's report – Recommendations development, review and adoption**

Inputs arising from the public consultation process, consultation sessions with community leadership structures and inputs from members of affected communities were integrated into the emerging set of 'big issues' – with the 'recommendations' task team refining the statements of context, goal, recommendations further, in line with these. Various drafts of these updates were provided to HLP members for comment, inputs, and suggestions for improvement. A formal protocol for finalisation of recommendations was developed and discussed by members of the HLP, with the sign-off against this protocol taking place prior to the final set of workshops which provided the opportunity for the HLP members to engage and debate the issues, and to refine the emerging set of recommendations accordingly.

From 1 to 3 December 2020, and 8 to 10 December 2020, HLP members took part in a further series of facilitated workshops, focused specifically on the refinement and adoption of recommendations. Through the process, 18 areas of concern were identified as most important for the Minister to address, with each of these viewed as reflecting a major opportunity for the transformation of the sector for long-term conservation, and for sustainable use of biodiversity, as exemplified by the five iconic species. While a consensus position was reached on 16 of the 18 areas of concern, majority and minority positions were identified for the remaining two areas. In each case, alternative text was developed, inclusive of a statement relating to the context, goal, recommendations and implementation considerations. A secret ballot was held, allowing HLP members to vote on their preferred option. This was in keeping with the provisions of the HLP's Charter, which noted that while the "Panel must seek consensus on the matters before it and present a report to the Minister that has support of all Panel members....In the event, where such consensus cannot be obtained then the Panel's report, with clearly motivated areas of disagreement, can be submitted to the Minister...".

The full report, inclusive of all consensus and alternative recommendations, was reviewed by the HLP during a final Report Adoption session from 14 to 15 December 2020. The content of the report was updated in real-time during the course of the two-day sitting, with the updated report then sent out to all HLP members for final review and sign-off.

## 4 THE FIVE ICONIC SPECIES: OVERVIEW AND STATUS

This chapter comprises selected extracts from, and graphical representations of data reflected in, the 2016 Red List of Mammals of South Africa, Swaziland and Lesotho<sup>12</sup>.

Red Lists are tools used to assess the extinction risk of a species – and are used to evaluate conservation progress by quantifying the movement of species between threatened and non-threatened categories. Thus, their primary power is in standardising the measurement of biodiversity loss across the world, across taxa and across geographic and time scales. Regional Red Lists are important as they are used to: (1) inform conservation policies and legislation (both national and international); (2) identify research gaps and stimulate monitoring programs; (3) monitor the status of biodiversity and report on the state of the environment (through use of indices such as the Red List Index); (4) regulate the development and use of wildlife resources; (5) target areas for conservation planning; (6) increase public awareness of threats to biodiversity; and (7) set priorities for the allocation of limited conservation resources.

The table below reflects Red List information relating to the five iconic species that form the focus of the HLP's work.

2016 Red List of Mammals of South Africa, Eswatini and Lesotho Summary Information						
Red List Information Categories		Species				
		Elephant	White Rhino	Black Rhino	Lion	Leopard
TAXONOMIC INFORMATION	Order	Proboscidea	Perissodactyla	Perissodactyla	Carnivora	Carnivora
	Family	Elephantidae	Rhinocerotidae	Rhinocerotidae	Felidae	Felidae
	Scientific name	<i>Loxodonta africana</i>	<i>Ceratotherium simum</i>	<i>Diceros bicornis</i>	<i>Panthera leo</i>	<i>Panthera pardus</i>
	Common name	African Elephant	Southern White Rhinoceros	Southwestern Black Rhinoceros	Lion	Leopard
	Taxonomic level assessed	Species	Species	Subspecies	Species	Species
RED LISTING INFORMATION	2016 regional listing	Least Concern	Near Threatened	Endangered	Least Concern	Vulnerable
	2016 regional listing criteria	None	A4ad	D	None	C1
	Type of change	No change	Genuine	Genuine	Genuine	Genuine
	2004 national listing	Least Concern	Least Concern	Critically Endangered	Vulnerable	Least Concern
	2004 national listing criteria	None	None	D	D1	None
	Current global listing	Vulnerable	Near Threatened	Vulnerable	Vulnerable	Vulnerable
	Global listing criteria	A2a	None	D1	A2abcd	A2cd
	Global listing year	2008	2011	2011	2016	2016
WATCH-LIST STATUS	Watch-list Data	No	No	No	No	Yes
	Watch-list Threat	Yes	Yes	Yes	No	Yes
	Conservation Dependent	Yes	Yes	Yes	Yes	Yes
TOPS 2007		Protected	Protected	Endangered	Vulnerable	Vulnerable
CITES INFO	CITES listing	II	II	I (except RSA & NAM)	II	I
	CITES level	Species	Subspecies	Family	Family	Species
	Date listed	2007	2005	2005	1977	1975

<sup>12</sup> Child MF, Roxburgh L, Do Linh San E, Raimondo D & Davies-Mostert HT (editors). (2016). *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

2016 Red List of Mammals of South Africa, Eswatini and Lesotho Summary Information						
Red List Information Categories		Species				
		Elephant	White Rhino	Black Rhino	Lion	Leopard
ENDEMISM	Endemic (assessment region)	No	Near	No	No	No
	Endemic (South Africa)	No	Near	No	No	No

Information on each of the species is presented below.

#### 4.1 *Loxodonta africana* – African Elephant<sup>13</sup>

##### 4.1.1 Common names

African Elephant (English), Afrika Olifant (Afrikaans), !Khanni (Damara, Nama), Impofu (Ndebele), Mhofu (Shona, Tsonga), Tlou (Setswana, Sotho), Ndou (Tshivenda), iNdllovu (Zulu).

##### 4.1.2 Conservation status

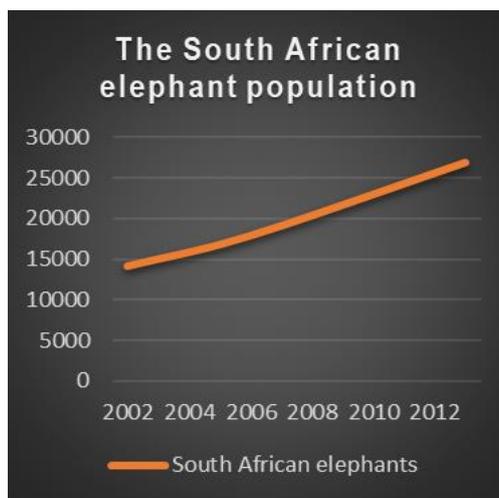
The total wild elephant population within the assessment region is estimated at approximately 26,896 individuals of which 22,222 and 4,674 occur on state and private land respectively. The Kruger National Park (Kruger National Park) (17,086 animals) and the agglomeration of private reserves adjoining Kruger National Park (3,930 animals) in South Africa contain the largest African Elephant subpopulation in the assessment region with an estimated 21,016 animals, of which 7,986 are inferred to be mature. Since 2006, elephant numbers have increased by approximately 41% within the assessment region. Furthermore, considerable effort has gone into translocating elephants to new properties over the past 30 years, thus expanding the current range (both extent of occurrence and area of occupancy). There are currently no major threats facing the wild elephant population in the assessment region. However, illegal ivory poaching, which is currently low to negligible, is anticipated to become a threat in the future. The Red List status of the African Elephant within the assessment region is thus maintained at Least Concern as elephant subpopulations regionally as well as locally are either stable or increasing and the minimum number of mature individuals is >8,000. However, as a precaution, and due to the concern of increased ivory poaching within southern Africa, it is recommended that annual reviews of the African Elephant’s conservation status within the assessment region be done to keep track of trends relating to sharp increases in illegal killings both outside and within the region. Additionally, as existing elephant habitat is severely fragmented (see



Regional Red List status (2016)	Least Concern*†
National Red List status (2004)	Least Concern
Reasons for change	No change
Global Red List status (2008)	Vulnerable A2a
TOPS listing (NEMBA) (2007)	Protected
CITES listing: South Africa (2007)	Appendix II with annotations
CITES listing: Swaziland (2007)	Appendix I
Endemic	No

\*Watch-list Threat †Conservation Dependent

Since 2007, the illegal ivory trade has more than doubled. Although more prevalent in East and Central Africa currently, this represents an emerging threat to the population in the assessment region.



<sup>13</sup> Selier SAJ, Henley M, Pretorius Y, Garai M. 2016. A conservation assessment of *Loxodonta africana*. In Child MF, Roxburgh L, Do Linh San E, Raimondo D, Davies-Mostert HT, editors. *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

below) and the long-term resilience of the population depends on managing translocations between protected areas and developing migratory corridors across transfrontier conservation spaces, this species remains conservation dependent.

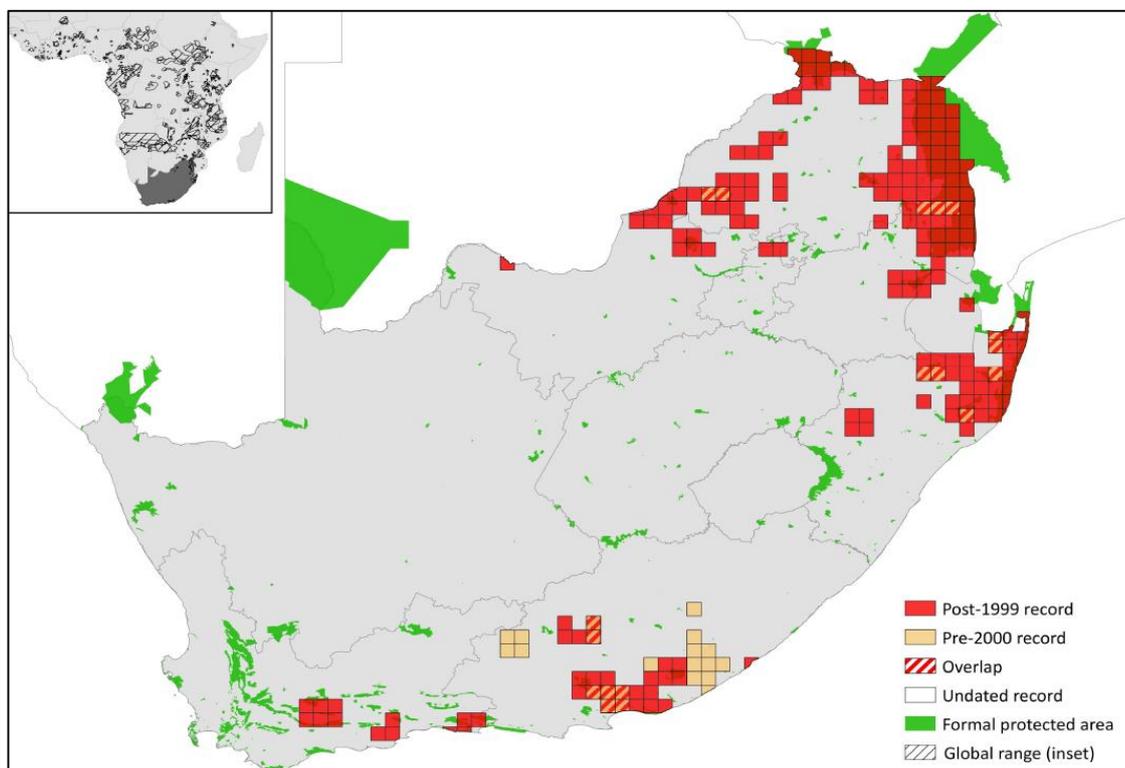


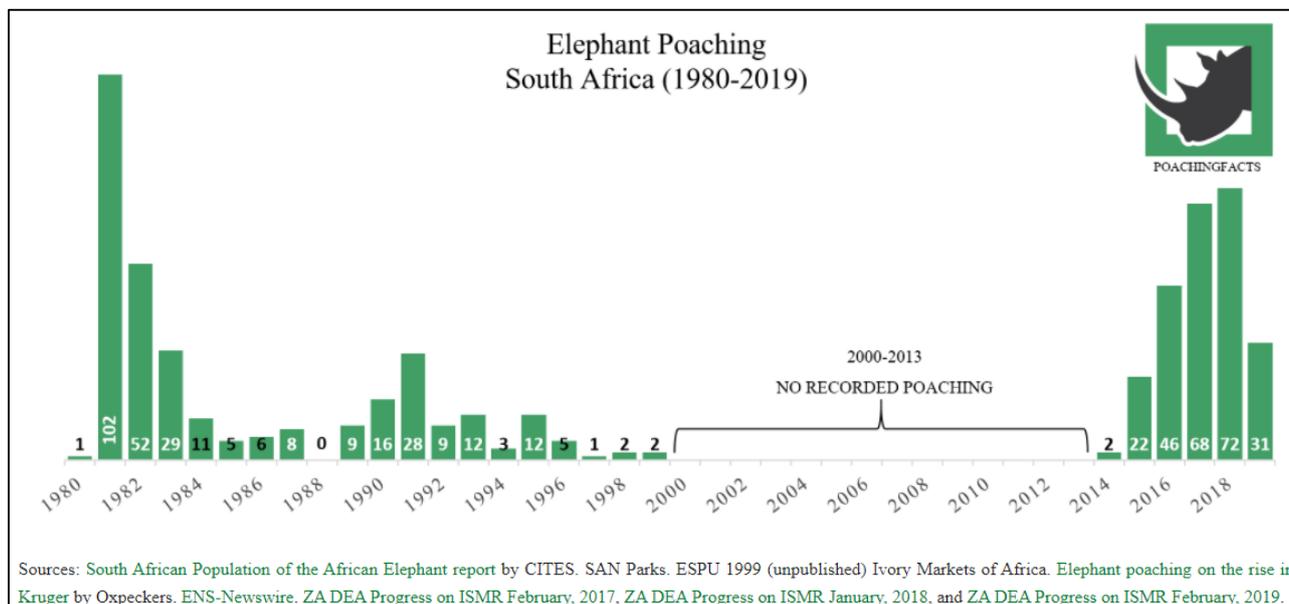
Figure 1: Distribution records for *Loxodonta africana* – African Elephant

Within the assessment region, the majority of the properties holding elephant are fully fenced and thus do not allow for range expansion or dispersal. There are currently migratory populations in South Africa though two of the largest subpopulations, namely the Greater Limpopo Transfrontier Conservation Area (GLTFCA) – which includes Kruger National Park – and the Greater Mapungubwe Transfrontier Conservation Area (GMTFCA) – which includes Mapungubwe National Park – where cross-border movements occur. The GLTFCA subpopulation moves between Kruger National Park, the adjoining private reserves to the west, Mozambique to the east and Gonarezhou to the north of Kruger National Park in Zimbabwe. The Tuli elephants (GMTFCA) move between Botswana, Mapungubwe National Park in South Africa and southern sections of Zimbabwe. Studies on the cross-border movement patterns have, however, not been running long enough to establish whether dispersal or range expansion is taking place. Tracking records from Elephants Alive show definite movement between Pafuri in the Kruger National Park and Gonarezhou in Zimbabwe as well as between Kruger National Park and Mozambique within the GLTFCA. Although it may still be too early to categorise any particular subset of the population as a source or sink population, it appears as if Limpopo National Park in Mozambique is being re-colonised from the Kruger population.

#### 4.1.3 Current threats

Poaching and the illegal ivory trade are currently the major global threats to elephants. The loss and fragmentation of habitat caused by ongoing human population expansion and rapid land conversion is a current and ongoing threat to elephants within Africa. A specific manifestation of this trend is the reported increase in human-elephant conflict, which further aggravates the threat to elephant populations. According to the 2013 CITES, IUCN SSC African Specialist Group and TRAFFIC International report, the poaching rate of 7.4% in 2012 remains at an unsustainably high level as it exceeds natural population growth rates of usually no more than 5%. Central Africa consistently shows the highest

overall poaching levels, in contrast with southern Africa which shows the lowest overall levels. Across Central Africa and in parts of East Africa a greater than 60% decline in elephant numbers in the past 10 years has been suggested.



There are currently no major threats facing wild elephant subpopulations in the assessment region. However, illegal poaching, which is currently low to negligible, is anticipated to become a threat in the near future. The following bulleted statistics, collated from various sources, highlight the potential poaching threat to elephant populations within South Africa by first outlining continental trends and then narrowing the potential threat down to the assessment region in particular:

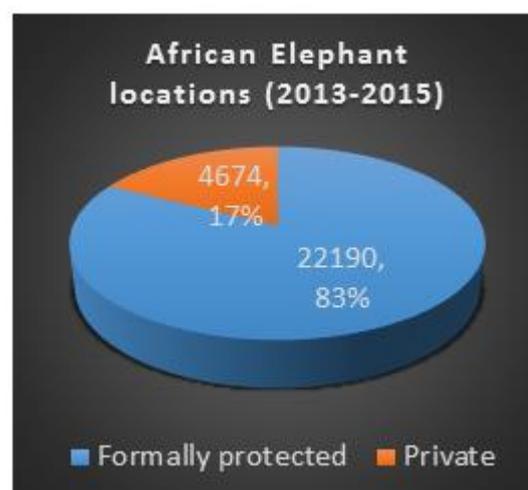
- There has been a 45% decline in elephant range over 28 years, with at least 70% of their remaining range falling outside of protected areas. Illegal killing levels have become unsustainable since 2010, peaking in 2011 with over 100,000 lost between 2010 and 2012.
- These mortality rates exceed the maximum annual reproductive rate of 7% and with continuation of these trends we are experiencing a continent-wide decline in elephant numbers of approximately 3%.
- Elephants in southern Africa now make up more than 50% of the continental total compared to only 21% of the total elephant population more than 20 years ago.
- Poaching incidents have consequently progressed with time from West to Central to East Africa with southern African states experiencing more recent incidents. Poachers are expected to intensify their activities in areas that will afford them the best catch-per-unit effort. The Kruger National Park elephant population, although the largest in South Africa, is at risk due to the ongoing poaching of both species of rhinoceros (*Ceratotherium simum simum* and *Diceros bicornis*) within this region, the lack of adequate law enforcement on the Mozambique side, coupled with the substantial area over which poachers can gain access to resources within the Kruger National Park.
- At present, illegal offtake of elephants is still considered low in South Africa, with only three incidents of poaching reported for 2013 and two in 2014. However, in 2015 a sudden increase in poaching was observed with 19 elephants poached in Kruger National Park alone in September and October 2015. It is thus anticipated that poaching may become a threat to elephants in South Africa in the future.
- These threats are severe on the continental scale and, since South Africa is a stronghold for elephant conservation, this national status can act as an indicator of increasing severity across the continent. Hence this assessment should be re-evaluated regularly.

Another threat may be unregulated trophy hunting. Even though trophy hunting of elephants is limited, and it is unlikely to have a deleterious effect on the population as a whole, large-tusked individuals are in high demand for trophy hunts and these animals are becoming increasingly scarce as a consequence. Regulatory mechanisms are thus required to prevent the over utilisation of large-tusked individuals.

Minor threats to elephants within South Africa, especially those on small reserves being intensively managed, include:

- The impact of fencing and natural resource manipulation, such as the provisioning of perennial artificial water supplies, on the movement patterns and intensity of habitat use by elephants, which could lead to habitat degradation.
- The potential long-term effects of contraception and other restricting measures on elephant social structure and behaviour within small reserves.
- A decline in genetic diversity due to the lack of a national metapopulation management plan within the network of small reserves.

While contraception can control population growth, one of the tools to reduce population sizes, namely translocation, is currently limited due to a lack of suitable new areas or reserves to which elephants can be introduced. The manipulation of natural resources, such as the provision of artificial water supplies all year round, together with fencing, are concerns in larger subpopulations as these affect the movements of elephants and the intensity of resource use by elephants, potentially leading to habitat degradation. Habitat degradation in small fenced reserves, in conjunction with severe droughts, may affect these small fenced populations if elephants cannot be relocated in time. Within South Africa, only two elephant subpopulations can move naturally as fences restrict movements elsewhere. Metapopulation management is not implemented among small reserves, but is important for retaining genetic diversity within the national population. Small family units translocated to various properties throughout the country with no metapopulation management plan in place could lead to inbreeding depression and a loss in genetic diversity.



#### 4.1.4 Population

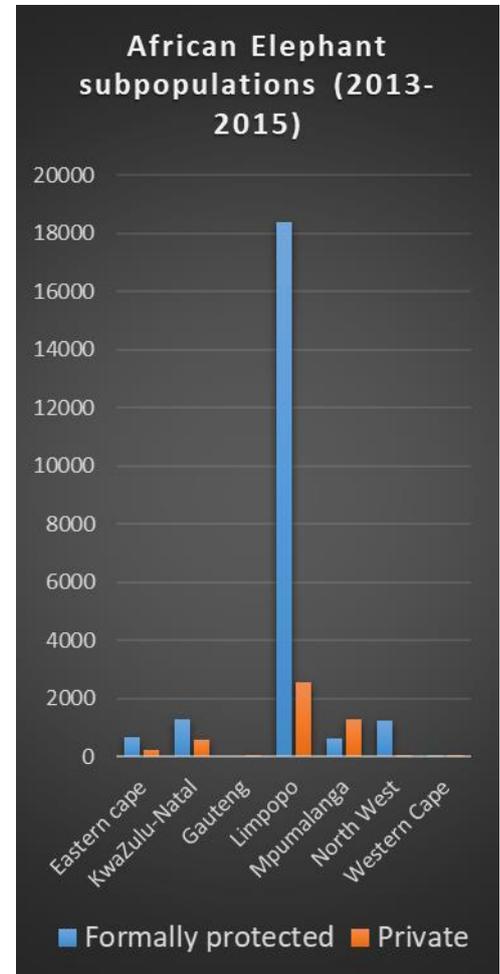
On the African continent, 2013 estimates of the total African Elephant population range between 436,305 and 650,000 individuals. Recently, the southern African range states have become the last stronghold of the African Elephant, holding close to 55% of the known elephants on the continent, approximately 270,299–364,925 elephants (African Elephant Database). East Africa holds approximately 28% and Central Africa 17%. In West Africa, less than 2% of the continent's known elephants are spread out over the remaining 13 elephant range States. In the late 1970s, southern Africa's elephant populations were recovering from historical lows due to overhunting in the early 20<sup>th</sup> Century. That recovery has continued, and elephant numbers in this region are now considerably higher than they were in the late 1970s, and indeed higher than in any other African region. Within southern Africa, Botswana holds by far the largest population in the sub-region and on the continent, while Namibia, South Africa, Zambia and Zimbabwe also hold large elephant populations. While numbers appear to be increasing in Namibia and South Africa, there appear to be some initial declines in some of the subpopulations in Zimbabwe and Zambia, and subpopulations in Mozambique are presently being severely poached and are showing steep declines.

South Africa holds approximately 6.3% of the total African Elephant population and has the third largest elephant population in southern Africa (as at 2013). The elephant population is fragmented and subpopulation sizes vary from

very small (one individual) to very large (such as the Kruger National Park). Fences restrict movements of all but a few elephant subpopulations in the assessment region. Subpopulations not fully fenced include iSimangaliso Wetland Park, Ithala Game Reserve, the GMTFCA, and Kruger National Park, of which the latter is linked to the GLTFCA. The largest subpopulation currently is that of Kruger National Park (17,086 animals) and the adjoining agglomeration of reserves to the west of the Kruger National Park (3,930 animals) with a total population estimate of 21,016 elephants. Currently, more than 72% of the properties in South Africa have fewer than 75 elephants, and most of these subpopulations occurring on small and medium-sized fenced properties are highly managed to prevent habitat degradation. Subpopulations with more than 150 elephants account for approximately 5% of the total South African population. Thus, even precluding intensively managed subpopulations on small reserves, leaves 21,016 individuals within the greater Kruger National Park system, of which 7,986 are estimated to be mature based on a 38% mature herd structure. Metapopulation management is not implemented among small and medium-sized reserves, but is important for retaining the genetic diversity within the national population.

The estimated annual population growth rate, particularly for small subpopulations in South Africa, exceeds the maximum theoretical growth rate of 7%. Annual growth rates for South African subpopulations

range from -0.6 to 25.5% per year, where, of the 29 estimates of annual population growth rates in South Africa, only two were negative and 16 were higher than 7% per annum. Synchronised breeding and skewed age structures can cause high, short-term spurts in annual population growth rates which are unlikely to persist in the longer term. Elephant numbers in South Africa increased by approximately 26.8% between 2002 (14,071 elephants) and 2006 (17,847 elephants). Since 2006 there has been an approximate increase of 41% in South Africa's elephant population. The average annual growth rate for the South African elephant population is estimated at 6.9% for the period 2001 to 2013 despite the Kruger National Park annual growth rate having dropped to 3.5% between 2006 and 2012. At the time when culling stopped in the mid-1990s, the annual growth rate for Kruger National Park was estimated at 6.1%. Elephant subpopulations on private land have been increasing at a rate of 7.2% per annum. As most private properties have, or are in the process of, implementing immuno-contraception and other measures to reduce reproduction (for example, vasectomy), this trend is likely to stabilise in future. The elephant subpopulation of GMTFCA is increasing at a rate of < 2% per annum. The only subpopulation where there appears to be a continued decline in numbers is the relict population in the Knysna forests. This subpopulation is not considered to be viable.



## 4.2 *Ceratotherium simum simum* – Southern White Rhinoceros<sup>14</sup>

### 4.2.1 Common names

Southern White Rhinoceros, Southern Square-lipped Rhinoceros (English), Witrenoster (Afrikaans), Umkhombo Omhlophe (Ndebele), T'shukudu, Mogohu (Sepedi), Tshukudu, Mogohu, Tshukudi e Molomo o Sephara (Sesotho), Kgêtlwa, Tshukudu, Mogôhu (Setswana), Chipembere (Shona), Umkhombe (Swati, Xhosa), Tshugulu Tshena (Tshivenda), Mhelembe (Xitsonga), Ubhejane Omhlophe (Zulu).

### 4.2.2 Conservation status

The White Rhino was brought back from the brink of extinction due to colonial overhunting and clearing of land for agriculture with only an estimated 20–50 animals left in 1895. These survived in one population in the Umfolozi area of what today is the Hluhluwe-iMfolozi Park in KwaZulu-Natal (KZN), South Africa. Umfolozi was proclaimed as one of Africa's first Game Reserves in part to conserve the last few remaining White Rhino living there. Under protection, numbers increased, though by 1960 all remaining White Rhino still occurred in only one population. However, following the development of immobilisation and translocation techniques in the 1960s by the then Natal Parks Board, the process of re-establishing subpopulations of White Rhino into its former range began in 1961 with animals also being moved to zoos and safari parks worldwide. This combination of protection and biological management (translocations to keep established subpopulations productive whilst creating additional new subpopulations with the potential for growth) resulted in a rapid increase in numbers of White Rhino subpopulations, including those on private land and in former range states throughout Africa, such as Eswatini during the early 1980s. Regionally and continentally numbers continued to increase between 1992 and 2010. However, since 2008, increased poaching and the growing involvement of transnational organised crime networks have decelerated growth in numbers at a continental level, which represents an emerging threat to this subspecies. Estimated total White Rhino numbers in Africa showed a 0.4% / annum decline from 2012–15, although this was not statistically significant and within the margin of error around count estimates.

In recent years, South Africa as the major range state, and the Kruger National Park in particular, has borne the brunt of the White Rhino poaching. Encouragingly in 2015, poaching in South Africa declined for the first time since 2008. Current successful protection efforts in both South Africa and Eswatini have depended on significant range state expenditure and effort. Declining state budgets for conservation in real terms, declining capacity in some areas, rapidly



Regional Red List status (2016)	Near Threatened A4ad*†
National Red List status (2004)	Least Concern
Reasons for change	Genuine change: Declining population
Global Red List status (2011)	Near Threatened C1+A3ad
TOPS listing (NEMBA) (2007)	Protected
CITES listing (2005)	Appendix II in South Africa and Swaziland (Appendix I in all other countries)
Endemic	Near
Proportion of global wild population conserved in South Africa and Swaziland at end of 2015	91%

\*Watch-list Threat †Conservation Dependent

White Rhino subpopulations are being hard hit by criminal trafficking syndicates, especially in the Kruger National Park. Combatting the poaching crisis requires a multifaceted strategy including anti-poaching programmes, demand reduction campaigns, disrupting criminal networks and providing options for alternative economies in areas abutting protected areas (Ferreira et al. 2015).

<sup>14</sup> Emslie R, Adcock K. 2016. A conservation assessment of *Ceratotherium simum*. In Child MF, Roxburgh L, Do Linh San E, Raimondo D, Davies-Mostert HT, editors. *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

escalating security costs and risks, declining economic incentives and increasing involvement of transnational organised crime in poaching and trafficking are all of concern.

Red List modelling for the 2016 assessment examined what would happen under a range of poaching and underlying growth scenarios. Given the high levels of poaching, increasing disposable income in Southeast Asian consumer countries, and the fact that, in the absence of existing conservation measures, the subspecies would probably quickly decline, it is justified for the White Rhino to be listed as Near Threatened within the assessment region. Rhino population estimates are revised by IUCN SSC African Rhino Specialist Group (AfRSG) every 2–3 years with surveys of the status of White Rhino on private land every few years. It is planned to move to a system of annual status reporting in South Africa. This assessment will thus be revised regularly to monitor the impacts of poaching.

Key interventions for this subspecies include enhanced protection efforts and enforcement of penalties combined with ongoing range expansion and reintroduction in the short-term, combined with demand reduction campaigns in the long-term. In parallel, there is a need to integrate and involve local communities more in the conservation effort and associated benefits; increase economic incentives for rhino ownership; and finding ways to sustainably fund conservation efforts and associated benefits. White Rhino remain conservation dependent due to the immediacy of mitigating the poaching threat and because many subpopulations are restricted to small, fenced reserves or wildlife ranches, necessitating active translocation to conserve genetic diversity.

South Africa remains the stronghold of the White Rhino population and thus no significant rescue effects are anticipated. If South African and Eswatini populations were to decline significantly, a similar trend would be expected in other range states and thus the strongholds are unlikely to be in a position where they would have surplus rhino available for restocking.

#### 4.2.3 Current threats

The main threats facing White Rhino are the markets for horn from Asia and the scale and involvement of transnational organised crime in meeting this demand through trafficking horns. Since 2007, there has been an upsurge in black market prices and demand for horn which has caused an increase in poaching in some range states. Until recently, at a continental level, poaching of White Rhino has not had a serious impact on overall numbers of White Rhino, with poaching losses in parts of the range being surpassed by encouraging growth rates in others. From reported figures, the historical annual average poaching incidents during 2003 to 2005 represented just 0.2% of the total number of White Rhino at the end of 2005, whereas by 2015 this had increased to 5.3% of Africa's White Rhino. White Rhino numbers in Kruger National Park increased rapidly over many decades but under the face of heavy poaching are most likely now declining.

The total number of both species of rhino poached annually in South Africa has increased from 13 in 2007 to peak at 1,215 in 2014 before declining slightly to 1,175 in 2015. The significant escalation of poaching since 2007, increased protection costs, declining live sale prices and reduced incentives are leading to increasing numbers of private owners in South Africa seeking to remove their rhino. 2016 research estimated that 63 owners had disinvested of rhino over 3 years 2012–14. If the disinvestment trend continues this may threaten to reverse the expansion of range and has the potential to significantly reduce conservation budgets due to declining live sales and probable impacts on future live sale demand and prices. Simultaneously, some private rhino owners have increased their herd sizes, including moves to manage

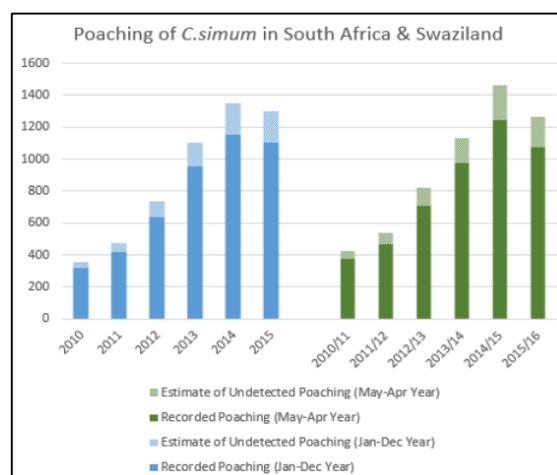


Figure 2: Reported poaching and estimates of undetected poaching of White Rhino in the South Africa Eswatini Region summarised over calendar years (blue), as well as years from May to April (green).

White Rhino under more intensive semi-wild conditions with some partial supplementary feeding, resulting in consolidation within the industry.

Throughout South Africa, declining management capacity and budgets in some formal conservation agencies have reduced the ability of conservationists to effectively mitigate anti-poaching campaigns. Additionally, the growing involvement of transnational crime networks have resulted in increased levels of corruption associated with wildlife crimes. Corruption in the networks involved in rhino conservation (for example, game farmers, veterinarians and park rangers), as well as security personnel (such as customs officials and police), enhances the resilience of criminal syndicates by supplying criminals with false documentation, laundering facilities for wildlife or products, and transport and holding facilities. Corruption is similarly entrenched in the illegal ivory trade. However, research into what anti-corruption interventions should be implemented is lacking. Further collation of evidence for interventions to counteract corruption should be amassed.

Additionally, the increased militarisation of anti-poaching efforts in the face of increasing and more aggressive poaching threats is reported as having a negative effect on attitudes of neighbouring communities. The need to involve local communities in the benefits of rhino conservation initiatives is increasingly being recognised as a fundamental aspect of an integrated solution to the poaching crisis.

In terms of the threat of habitat loss, the situation is regarded as stable. However, historical habitat loss from agricultural and human settlement expansion has led to isolated protected areas and thus the potential for inbreeding amongst small rhino subpopulations in the absence of occasional translocations to sustain genetic diversity. Exchange of at least one breeding animal / generation / subpopulation is mandated by the national conservation strategy for White Rhino. Changes in habitat are less of an issue for White Rhino than they can be for the browsing Black Rhino.

#### 4.2.4 Population

Once widespread in the bushveld areas of southern Africa south of the Zambezi river, the White Rhino was on the brink of extinction by the end of the 19th century (c. 1895) having been reduced to just one small population of approximately 20–50 animals in KZN, after settlers had over-hunted them for sport and to clear land for agriculture throughout almost all of their historical range. By the end of 2015, after years of protection and many translocations, the subspecies had grown to 20,375 animals in the wild and semi-wild. Rampant poaching and the failure to enforce the law or pass adequate sentences resulted in Eswatini's population being reduced to 33 over the period 1987–93. However, changes to the law and very effective protection efforts by Eswatini's Big Game Parks since then successfully halted the poaching in the country with only three rhino being poached between 2006 and 2015, and numbers currently at 76 by end of 2015. South Africa remains the stronghold for this subspecies, conserving an estimated 18,413 individuals by the end of 2015. Since 2008, increased poaching and the emerging involvement of transnational organised crime networks has decelerated growth in numbers at a continental level and within the assessment region.

The total numbers of White Rhino have increased since 1960 from an estimated 1,120 to 20,375 individuals by the end of 2015, but the opposite has happened to Northern White Rhino. Numbers of the latter were more common in 1960 with an estimated 2,230 in 1960 but have declined to currently number only three ex-zoo and non-breeding animals in a Kenyan reserve. The only way that any Northern White Rhino adaptive genes can be conserved will be

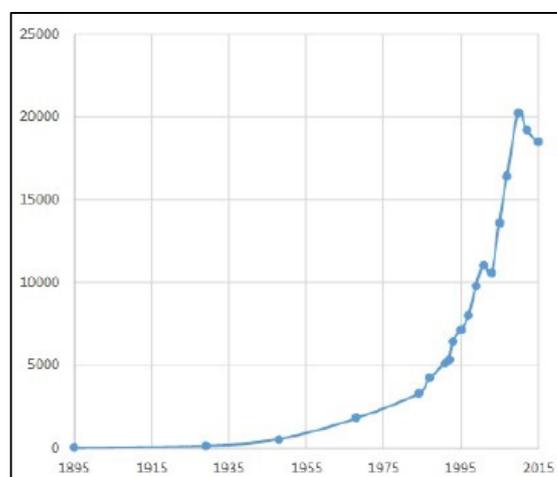


Figure 3: Population growth of Southern White Rhino (*C. simum simum*) in South Africa and Eswatini (excludes translocations out of the region).

through high-tech assisted reproduction techniques using semen and oocytes obtained from the remaining Northern White Rhino. However, there are no guarantees this may be successful, and it is likely to take some time and be very expensive.

Numbers of White Rhino under private ownership continues to increase, accounting for 33% of South Africa's White Rhino (~ 6,140 individuals) by the end of 2015. Two thirds of the White Rhino in the country continue to be conserved on state land. The largest subpopulation in the assessment region is in Kruger National Park, currently (2015) estimated at 8,875 individuals. After becoming extinct in Kruger National Park in 1896, the subspecies was reintroduced in the 1960s and grew at a rapid rate for many years until low levels of removals and resultant increasing densities saw a reduction in breeding performance in some areas of the park. The escalation of poaching since 2008 has particularly affected Kruger National Park given its large size and lower field ranger densities as well as its long shared border with Mozambique. A bootstrap analysis based on count results suggests there is a 92% chance that numbers of White Rhino have declined from 2012–2014 in Kruger National Park. As a result of the escalation in poaching, South African National Parks (SANParks) increased removals, especially from vulnerable areas, and has set up an intensive protection zone (IPZ). Anti-poaching efforts have also increased with increased cooperation from law enforcement agencies, including the South African Police Service (SAPS) and the South African National Defence Force (SANDF) from a joint operations centre. Innovative technological solutions are also being increasingly developed to protect rhino in Kruger National Park. In 2015, total numbers of White Rhino recorded poached in the country and in Kruger National Park declined slightly for the first time since poaching started to escalate in 2008. However, there is no room for complacency as the number of incursions into Kruger National Park remains high. The total number of White Rhino in the region (South Africa, Eswatini and Lesotho) at the end of 2015 has been estimated by AfRSG at 18,489 individuals, with bootstrapped 90% confidence levels around the estimate from 17,836 to 19,156.

For the Red List assessment, it was decided to use predicted numbers five years into the future. The results of the various modelled scenarios show that in no instances did numbers after 5 years drop enough to come close to any of the threshold levels to be rated in any of the threatened Red List categories (including for the most extreme poaching scenario modelled based on last 5-year poaching trends). The results also show how the slowing of the rate of increase in poaching and most recent slight decline in poaching has significant implications for future projected numbers if this recent progress can be maintained. Only when projecting 10 years into the future, under the most extreme exponential poaching increases of just under +25% per annum (based on 5 year trends), did numbers decline enough for any of the modelled scenarios to cross the threatened criteria thresholds, where numbers dipped into the Vulnerable (100% detection) or Endangered (80% detection) statuses.

#### 4.2.5 Distribution

The White Rhino is now the most numerous of the rhino taxa, having ranged from Morocco to South Africa in the Pleistocene, with South Africa remaining the stronghold for this subspecies despite increased poaching. Sizeable populations occur in the greater Kruger National Park (which incorporates adjacent private and state reserves) and Hluhluwe-iMfolozi Park in KZN, but also occur in numerous state-protected areas and private reserves throughout the country. At the end of 2015, South Africa and Eswatini conserved 90.7% of the continent's White Rhino, an estimated

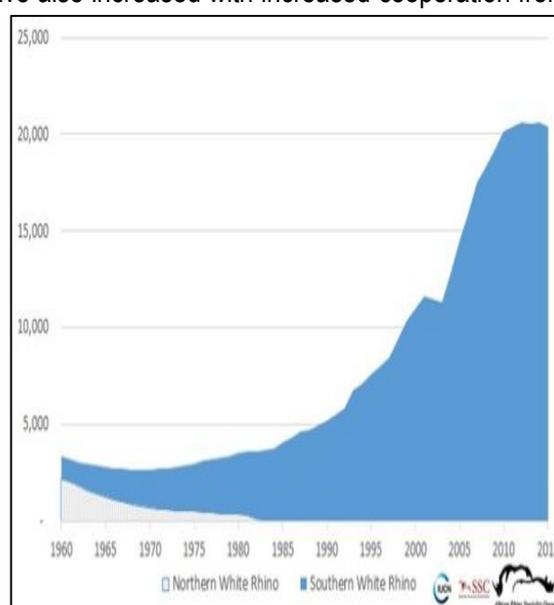


Figure 4: Estimated numbers of two White Rhino subspecies, *C. s. simum* (Southern White Rhino) and *C. s. cottoni* (Northern White Rhino) since 1960.

18,413 and 76 individuals respectively out of a total of 20,378. Live sales, limited sport hunting and ecotourism have historically provided incentives that helped encourage a significant expansion of range and numbers on private land in South Africa. The private sector in South Africa now conserves more White Rhino than the total population of Black and White Rhino in the rest of Africa. By the end of 2015, a third of South Africa's White Rhino (~6,140) were conserved on private land. However, increased poaching, increased security costs, increasing numbers of incidents deemed threatening to human life, and perceived reduced incentives for their conservation, have resulted in reduced White Rhino live sale prices and an increasing number of owners seeking to remove their rhino. This worrying trend threatens to reverse the expansion of range and has the potential to significantly reduce conservation budgets (due to declining live sales), and possibly negatively affect metapopulation growth rates in future.

There are smaller reintroduced populations within the historical range of the species in Namibia, Botswana, Zimbabwe and Eswatini, while a small number that crossed from Kruger National Park currently survive in Mozambique (after existing reintroduced populations had been poached out). Populations of White Rhino have also been introduced outside of the known former range of the subspecies to Kenya, Uganda and Zambia. Uganda was previously a Northern White Rhino range state and so the subspecies has been reintroduced to this country as the indigenous Northern White Rhino subspecies was not available for reintroduction. Similarly, in Kenya, paleontological evidence indicates the country once historically conserved White Rhino and the southern subspecies has therefore been reintroduced into the country.

#### 4.2.6 *Use and trade*

Rhino horn was used historically as a traditional medicine in countries such as China and more recently used as luxury goods and status symbols, particularly in Vietnam, as well as an investment. Previous conservation efforts have been so successful that it was possible to start limited trophy hunting in South Africa in 1968, and, at the 9th CITES Conference of the Parties, a partial down-listing of South Africa's White Rhino was approved for live sale to approved destinations and continued export of hunting trophies. A similar partial down-listing was also approved for Eswatini a decade later (2004). "Pseudo-hunting", where sport hunting was undertaken by individuals from non-traditional hunting countries as a source for illegal markets, declined from around 20% of hunts to probably less than 3% following the introduction of a number of control measures by South Africa in 2012.

While most subpopulations are considered wild, many subpopulations exist on extensive or semi-extensive ranchlands and private protected areas (23%) while a minority exist in semi-intensive or intensive systems (10%). Extensive or semi-intensive systems are better than captive conditions to stimulate and sustain subpopulation growth, and can then be used to augment wild subpopulations. Thus, both extensive and semi-intensive systems, due to high growth rates and concentrated law enforcement, may support wild subpopulations as sources for supplementation. Illegal poaching, however, is reducing the number of rhino available to be translocated, thus limiting population expansion.

Due to the increasing threats and security costs and declining economic incentives, it was estimated that 63 owners (mainly those with small numbers that were difficult to protect) removed their White Rhino from 2012–14. At the same time, some private owners have increased their numbers, including moves to manage White Rhino under more intensive semi-wild conditions with some partial supplementary feeding, resulting in consolidation within the industry. Partial supplementary feeding in the semi-wild operations enables the White Rhino to be stocked at higher than normal densities and security efforts to be concentrated, though requires significant costs. Provided there is no selective breeding or over-dominance of breeding by some males, and poaching can be kept lower than the national average, such operations may provide an insurance policy as they could potentially provide founder rhino to restock wild areas in future if needed. Unlike very intensive zoo situations that have a generally poor reproductive performance, some semi-wild operations have demonstrated very good reproductive performance and population growth.

### 4.3 *Diceros bicornis* – Black Rhinoceros<sup>15</sup>

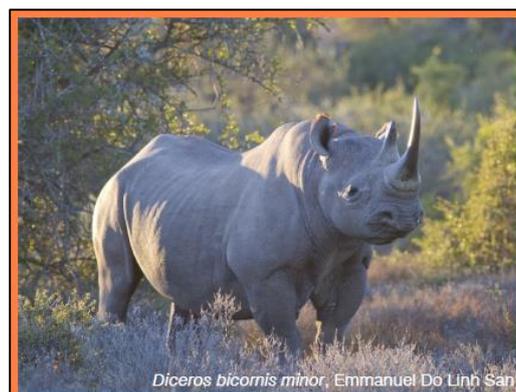
#### 4.3.1 Common names

*Diceros bicornis*: Black Rhinoceros, Hook-lipped Rhinoceros (English), Swartrenoster (Afrikaans), !Nabas (Damara, Nama), Umkhombo, Ubhejane Onzime (Ndebele), Makgale (Sepedi), Tshukudu (Sesotho), Bodilê, Kenenyane (Setswana), Chipenbere, Hema (Shona), Sibhejane (Swati), Tshugulu Thema (Tshivenda), Mhelembe (Tsonga), Umkhombe (Xhosa), Ubhejane, Isibhejane (Zulu). *Diceros bicornis bicornis*: Southwestern Black Rhinoceros (English). *Diceros bicornis minor*: Southern-central Black Rhinoceros (English). *Diceros bicornis michaeli*: Eastern Black Rhinoceros (English).

#### 4.3.2 Conservation status

Continentially, Black Rhino numbers declined by an estimated 97% since 1960. This was mainly due to poaching with continental numbers bottoming out at 2,410 in 1995. Since then, numbers have steadily increased with total Black Rhino numbers in Africa doubling to 4,880 by the end of 2010 and reaching 5,250 by the end of 2015 (with 90% bootstrapped confidence levels from 5,040–5,458). There were an estimated 65,000 Black Rhino in Africa in 1970 and so, at the continental level, current Black Rhino numbers are still 90% lower than three generations ago, making the species Critically Endangered at a global level.

While Black Rhino populations in some range states have at times declined over the last three generations, numbers within the South Africa and Eswatini have been increasing for many years. In 1930, there were only an estimated 110 *D. b. minor* in South Africa in just two populations in KZN. With protection, active biological management and translocations to expand range and numbers, by the end of 2015 there were 54 breeding populations of *D. b. minor* in the region conserving an estimated 1,580 animals. This subspecies was reintroduced into Eswatini in 1987. In 1985 the more arid-adapted *D. b. bicornis* was reintroduced into South Africa from Namibia, and by the end of 2015, there were nine breeding subpopulations of this subspecies conserving an estimated 254 animals. A single out of range *D. b. michaeli* population was also established in South Africa in 1962. This population was later relocated to a private reserve in the country, and, by May 2016, numbers had grown to 93. From only 110 rhino in 1930, by the end of 2015 there were an estimated 1,913 Black Rhino overall in the South Africa and Eswatini region. Thus, both *D. b. michaeli* and *D. b. bicornis* numbers show an increase



*Diceros bicornis minor*, Emmanuel Do Linh San

<b>Regional Red List status (2016) Endangered C2a(i)†‡</b>	
<i>D. b. bicornis</i>	<b>Endangered D*†</b>
<i>D. b. minor</i>	<b>Endangered C2a(i)†‡</b>
<i>D. b. michaeli</i>	<b>Critically Endangered D*</b>
<b>National Red List status (2004)</b>	
<i>D. b. bicornis</i>	Critically Endangered D
<i>D. b. minor</i>	Vulnerable D1
<i>D. b. michaeli</i>	Not Evaluated
<b>Reasons for change</b>	
<i>D. b. bicornis</i>	Genuine change: Increased population
<i>D. b. minor</i>	Genuine change: Projected decline
<i>D. b. michaeli</i>	Genuine change: New listing
<b>Global Red List status (2012)*</b>	
<i>D. bicornis</i>	Critically Endangered
<i>D. b. bicornis</i>	Vulnerable
<i>D. b. minor</i>	Critically Endangered
<i>D. b. michaeli</i>	Critically Endangered
<b>TOPS listing (NEMBA) (2007)</b>	
<i>D. b. bicornis</i>	} <i>D. bicornis</i> Endangered
<i>D. b. minor</i>	
<i>D. b. michaeli</i>	
CITES listing (2005)	Appendix I
Endemic	No
<b>Percentage of global wild population conserved in South Africa and Swaziland at end of 2015:</b>	
<i>D. bicornis</i>	36.4%
<i>D. b. bicornis</i>	11.6%
<i>D. b. minor</i>	73.0%
<i>D. b. michaeli</i>	8.9%

\*Watch-list Threat †Conservation Dependent

‡Currently under revision

While Black Rhinoceros subpopulations are generally faring well within the assessment region, they are threatened by the poaching pandemic, especially in Kruger National Park. Combatting the poaching crisis requires a multifaceted strategy including anti-poaching programmes, demand reduction campaigns, disrupting criminal networks and providing options for alternative economies in areas abutting protected areas (Ferreira et al. 2015).

<sup>15</sup> Emslie RH, Adcock K. 2016. A conservation assessment of *Diceros bicornis*. In Child MF, Roxburgh L, Do Linh San E, Raimondo D, Davies-Mostert HT, editors. *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

with long-term average population growth rates of around 7% and, for periods, well in excess of 9%. Neither of these subspecies had suffered any poaching up to end 2014. In contrast, the more numerous *D. b. minor* metapopulation, while still growing substantially, has performed less well. The long-term average underlying growth of this subspecies in South Africa has been 4.2% (weighted geometric mean for assessments over a number of periods). This subspecies has borne the brunt of the poaching, with Kruger National Park's *D. b. minor* population being especially impacted. Additionally, some long established subpopulations have not performed as well as others due in part to negative habitat changes and increased competition from other browsers. However, with increased biological management (translocations to reduce densities) it appears that underlying performance is improving. Based on empirically based model projections, the following listings are supported:

***Diceros bicornis*:** At the species level, the predicted status at a regional level under criteria D would become Near Threatened due to their having been more than 1,000 mature individuals for over 5 years. Projected declines over 5 years when modelling based on unadjusted reported poaching levels were not statistically significant and would not qualify under C1. However, the best prediction (assuming an 80% poaching detection rate in Kruger National Park – due to its size and lower field ranger densities), estimated that numbers would decline over the next 5 years and that this decline would be statistically significant ( $p < 0.0001$ ). With the decline in numbers in Kruger National Park, no subpopulation in the region currently has more than 448 individuals (equivalent to 250 mature individuals). The species therefore now qualifies to be Endangered.

***D. b. bicornis*:** There has been an increase in regional population size from both breeding and introductions of additional founder rhino from Namibia. Even under a scenario with future poaching, numbers of this subspecies are predicted to increase over the next 5 years. As there are fewer than 250 mature individuals in the region, this subspecies now qualifies as Endangered.

***D. b. minor*:** Numbers of individuals have now exceeded 1,792 for more than 5 years and so no longer qualifies as Vulnerable. However, no subpopulations have more than 250 mature individuals, and numbers are projected to decline ( $p < 0.0001$ ) over the next 5 years (due primarily to a predicted Kruger National Park decline), so the subspecies now qualifies as Endangered.

***D. b. michaeli*:** Numbers of this out of range subspecies have been increasing and are projected to continue to increase over the next 5 years, even under a modelled scenario with future poaching. While the single population of this subspecies in the region has very recently exceeded 90 animals (~ 50 mature individuals) this has not been the case for at least 5 years. While numbers are projected to increase over the next 5 years, future translocations out of the region are likely to reduce numbers of mature individuals back to below 50 mature individuals. The subspecies therefore regionally continues to qualify as Critically Endangered.

Black Rhino population estimates are revised by the AfrSG every 2–3 years and in South Africa there is regular confidential annual status reporting to the Southern African Development Community Rhino Management Group (SADC RMG). These assessments will thus be revised regularly to monitor the poaching threat.

In terms of regional population effects, all three Black Rhino subspecies occur in other range states outside of South Africa and Eswatini, and translocation techniques are well developed. If the South African and Eswatini indigenous subspecies were to face extinction due to poaching, rhino could potentially be brought back to this region. This would be conditional on the generosity of other range states and the continued survival of these subspecies in these countries. However, given the likelihood that such heightened poaching pressure would also be felt in other range states, they may well then not be in a position to provide founder animals to rescue the subspecies in this region. Therefore, it has been assumed for the purpose of these assessments that rescue from outside the region is unlikely to occur.

### 4.3.3 Current threats

The current main threat facing the Black Rhino is the demand for rhino horn in parts of Southeast Asia and the increasing scale and involvement of transnational organised crime in poaching for horns to supply this demand. In recent years there has been an upsurge in black market prices for horn which has caused an increase in poaching in some range states. Before the onset of mass poaching in 2008, Black Rhino were performing well in Kruger National Park, but are now most likely declining although this is difficult to demonstrate due to sampling error. Statistical bootstrap modelling by the AfRSG however suggests that in all likelihood numbers of Black Rhino have decreased in Kruger National Park from 2012–15. For many other protected areas, declining management capacity and budgets in some formal conservation agencies are reducing the ability of conservationists to effectively counteract poaching.

In areas where both Black and White Rhino co-occur, White Rhino may act as a buffer against Black Rhino poaching as the former are more likely to be poached on account of their preference for more open habitats (easier to find), their greater average horn weights, and their more frequent occurrence in larger groups. For example, over the period 2010–2014, available data show that only 4.4% of rhino poached were Black, and while this proportion recently increased slightly it is unclear if this is a trend or not. No Black Rhino have been poached in Eswatini since reintroduction. However, if a greater proportion of poached Black Rhino carcasses are not being detected in the denser habitats they favour (especially in the region's largest population) the data may be underestimating poaching for these subspecies. Alternatively, small subpopulation sampling effects might be a partial cause of these differences. While recorded rhino poaching in South Africa declined from 2014–2015, the number of Black Rhino poached increased in 2015 due to an increase in Kruger National Park. Continentally, the number of Black Rhino poached has also recently increased particularly in Namibia and Zimbabwe. Official poaching data for the first 4 months of 2016 indicate the trend of declining overall rhino poaching in South Africa is continuing.

As for White Rhino above, corruption can reduce effectiveness of anti-poaching measures and interfere with efforts to convict conservation officials and/or implicated permit officials.

Non-range state governments and NGOs are encouraged to consult with range States before making rhino related decisions in order to help ensure rhino conservation in range states will not be negatively affected by those decisions. Increasing militarisation of anti-poaching efforts in the face of an increasing and more aggressive poaching threat also poses a threat to relations with local communities. Finding ways to increasingly involve and include communities in the rhino conservation effort and associated benefits is being increasingly recognised as very important.

If future legal changes were ever made that might limit private property sizes, this may pose a threat to Black Rhino conservation (especially in arid areas) as large areas are required if one is to reintroduce at least the recommended 20+ founders and have a potential carrying capacity of at least 50 animals. Similarly, biological management for growth has been suboptimal in some subpopulations, due to the reluctance of management to translocate adequate founder groups, which may limit subpopulation performance in both the target and host sites.

In terms of current habitat trends and genetic diversity, historical habitat loss from agricultural and human settlement expansion has led to isolated protected areas and thus the potential for inbreeding amongst small rhino subpopulations

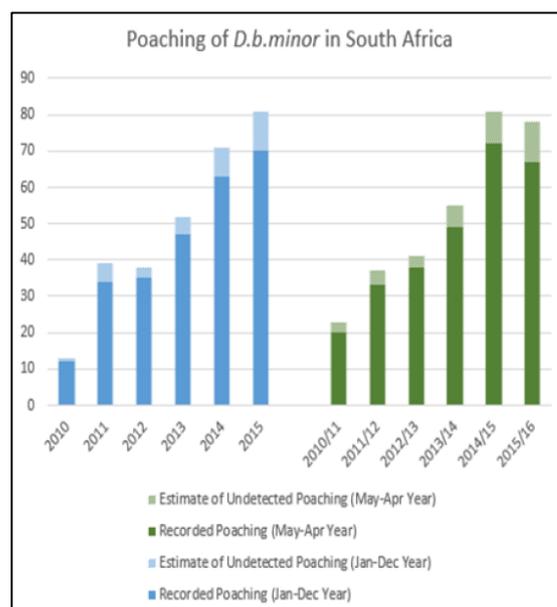


Figure 5: Reported poaching of undetected poaching of Black Rhino in the South Africa/Eswatini Region summarised over calendar years (blue), as well as years from May to April (green).

in the absence of active metapopulation management. Exchange of at least one breeding animal / generation / subpopulation is recommended by the national Biodiversity Management Plan for Black Rhino.

Changes in habitat quality may occur in Black Rhino areas due to vegetation changes and/or increasing pressure from other competing browsers. In the country's second largest subpopulation, carrying capacities have declined due to successional vegetation changes, growth of trees into taller less preferred sizes, and increases of unpalatable species at the expense of palatable species in zones closer to permanent water due to increased numbers of competing browsing animal species. However, the application of set percentage harvesting (translocation of surplus animals) has helped improve underlying rhino breeding performance. In general, suitable habitat exists and while carrying capacities in an area may change over time due to habitat changes, management of stocking rates of Black Rhino and/or other competing browsers is the key to maintaining good breeding. Some well-established populations of *D. b. minor* in KZN have at times not achieved a desired 5%+ underlying growth rate. While KZN animals display lower genetic diversity than the Zimbabwean *D. b. minor* population, this is not the cause of sub-optimal performance in some well-established subpopulations. This is because when these rhino have been translocated and reintroduced into areas of good habitat with room to grow, their breeding performance has generally been good. Additionally, as would be predicted under set percentage harvesting, biological management (increased removals in affected populations) in KZN has coincided with improved underlying reproductive performance of remaining animals in these established populations. Translocated rhino have also bred well in their new subpopulations (a win: win for both donor and recipient populations). If set percentage harvesting is applied (as recommended in South Africa's Biodiversity Management Plan or 'BMP'), then offtakes and numbers of rhino should automatically adjust up or down in response to any increase or decrease in carrying capacity of the area due to positive or negative habitat changes. Kruger National Park (the region's largest) and Eswatini's only subpopulation are both founded with a combination of KZN and Zimbabwean animals and are more genetically diverse.

In addition to poaching, increasing physical risks and costs, there are limited economic incentives for those holding Black Rhino (as these are less easily seen by tourists and where only a very few are hunted and/or sold live each year). As a result of declining risk: rewards, a very small number of Black Rhino owners have disinvested in Black Rhino. However to date this has primarily affected White Rhino that have suffered higher levels of poaching. If this trend continues, the rhino range and potential numbers could decline.

A low number of Black Rhino owners have removed some or all of their rhino (SADC RMG data). More new owners have, however, invested in rhino, and the Black Rhino Range Expansion Programme continues to create additional subpopulations. In recent times, there has been a net increase in area with Black Rhino being reintroduced to additional suitable areas.

#### 4.3.4 Population

Historically the Black Rhino was once the most numerous of the world's rhinoceros species and could have numbered around 850,000 individuals. Relentless hunting of the species and clearances of land for settlement and agriculture reduced numbers, and by 1960 only an estimated 100,000 remained. Between 1960 and 1995, large-scale poaching caused a dramatic 98% collapse in numbers. Over this period, numbers only increased in South Africa and Namibia, from an estimated 630 and 300 in 1980 to 1,893 and 1,946 respectively by the end of 2015. Continentally numbers bottomed out at only 2,410 in 1995. From 1992–1995 total numbers remained relatively stable with increases in some countries (those with the best-protected and managed populations) being cancelled out by declines in others. However, since the low of 1995, Black Rhino numbers at a continental level have increased every time continental population estimates have been revised by the AfRSG, doubling to 4,880 by December 2010 and reaching 5,250 by the end of

2015. Increases in numbers have occurred in countries where investments in conservation programmes (including monitoring, biological management and law enforcement) have been high. As with White Rhinoceros (White Rhino; *Ceratotherium simum simum*), four range states (South Africa, Namibia, Zimbabwe and Kenya) currently conserve the majority (96%) of remaining wild Black Rhino. However, the emerging threat of poaching through trafficking syndicates may ultimately undermine such successes.

Within the assessment region, numbers remain low but stable or increasing over three generations. Generation length is empirically derived to be 14.5 years. This gives a three generation window of 43.5 years. The number of mature individuals has been estimated at 55.8% of total numbers based on the average of Black Rhino that are adults (based on SADC RMG confidential status reporting and data). There were an estimated 254 Southwestern Black Rhino (*D. b. bicornis*) in South Africa at the end of 2012. There were no Southwestern Black Rhino in South Africa in 1973 with the subspecies first being reintroduced in 1985. By the end of 2015 the Southern-central Black Rhino (*D. b. minor*) was estimated at 2,164 individuals throughout Africa with 1,560 in South Africa, and 20 in Eswatini.

On average in the region, proportionately fewer of the Black Rhino have been poached each year than the White Rhino, particularly in South African subpopulations outside of Kruger National Park and KZN. However, the average underlying performance of *D. b. minor* has also been lower than that achieved by the region's White Rhino, and the other two Black Rhino subspecies in South Africa. Following the recent period of rapid increase in poaching of both rhino species in the region (which started in 2008), over the last year poaching in the region has slowed and started to decline. However, if poaching were to continue to escalate once again, this could threaten the progress achieved in the South Africa and Eswatini region (and rest of Africa) over the last two decades.

There is uncertainty in predicting the future for Black Rhino. However, in general, uncertainty across the region is not primarily a problem of data uncertainty, but rather due to the range of possible future trends in breeding performance and poaching.

#### 4.3.5 Distribution

There are now three remaining recognised ecotypes/subspecies of Black Rhino occupying East and southern African countries. The fourth recognised subspecies *D. b. longipes* once ranged through the savannah zones of central West Africa but has gone extinct in its last known habitats in northern Cameroon. Within the assessment region, Black Rhino have never occurred in Lesotho. There is also an area south of Lesotho and the southern boundary of KZN into Eastern Cape where it is believed rhino never occurred, and this is not considered Black Rhino range.

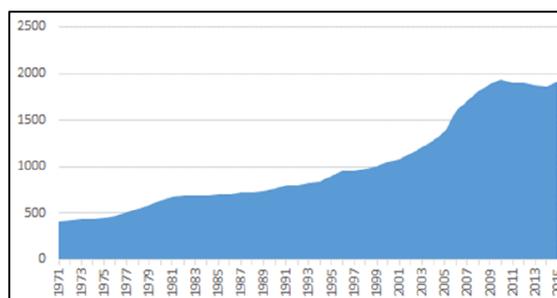


Figure 6: Estimated numbers of *D. bicornis* in South Africa and Eswatini over the last three generations.

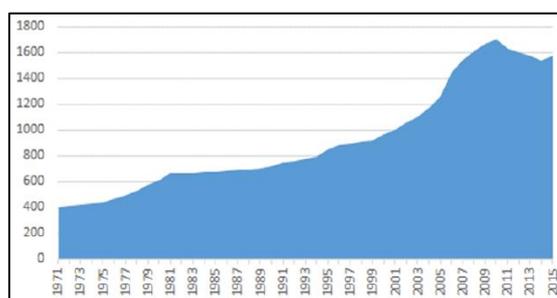


Figure 7: Estimated numbers of *D. b. minor* in South Africa and Eswatini over the last three generations. The apparent peak in 2009 is due in part to a high block count estimate that year in Kruger National Park.

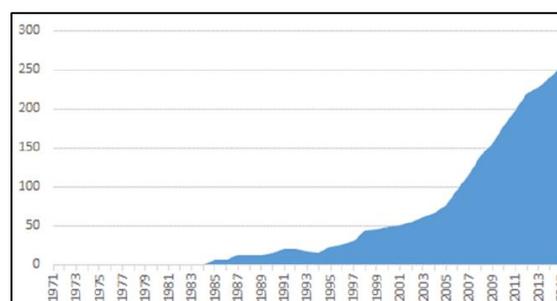


Figure 8: Numbers of *D. b. bicornis* in South Africa since reintroduction in 1985 going back three generations. The subspecies was reintroduced to the region in 1985 and demonstrated it could be self-sustaining in 2009.

There were no Southwestern Black Rhino (*D. b. bicornis*) in South Africa in 1973 with the subspecies first being reintroduced in 1985. The subspecies is not native to Eswatini. The AfRSG data shows that its area of occupancy in South Africa is estimated at 3,819 km<sup>2</sup> in western and south-eastern South Africa.

Southern-central Black Rhino (*D. b. minor*) are believed to have occurred from southern Tanzania through Zambia, Zimbabwe, and Mozambique to the northern, north-western and north-eastern parts of South Africa (north of the Mtamvuna River). It also probably occurred in southern Democratic Republic of the Congo, eastern Botswana, Malawi, and Eswatini. Today, its stronghold is South Africa and, to a lesser extent Zimbabwe, with smaller numbers remaining in southern Tanzania. The Southern-central Black Rhino is now thought to be extinct in Angola. It also is believed to have gone extinct in Mozambique, although in 2015 it was reported that two animals had migrated into the country from South Africa. The subspecies has also been reintroduced to Botswana, Malawi, Eswatini and Zambia. Although previously widely distributed within the assessment region, the subspecies now only exists in a few isolated pockets within its former range. The majority of these are on formal conservation areas although some are on private lands. Specifically, it occurs within the eastern Lowveld in Limpopo and Mpumalanga and KZN Lowveld habitats. In the Limpopo Province, its range extends westwards to the North West Province. Its putative distribution is partially predicted by rainfall isohyets but also the potential barrier to movement south of KZN posed by the “Transkei gap”. There are 54 breeding locations within the region and the estimated area of occupancy is 25,029 km<sup>2</sup>.

The Eastern Black Rhino (*D. b. michaeli*) was introduced to South Africa in 1962 and now exists on private land. The long-term goal is to repatriate animals from this population back to its former range in East Africa. For the time being, we include the subspecies in the national assessment as the one out-of-range population is of continental significance for the subspecies, and is well-protected and breeding successfully. AfRSG data show that its area of occupancy in South Africa was estimated at 350 km<sup>2</sup>. This population in the region has to date been increasing rapidly and there have not been extreme fluctuations in numbers. The Eastern Black Rhino regionally therefore does not qualify under any of the threatened categories.

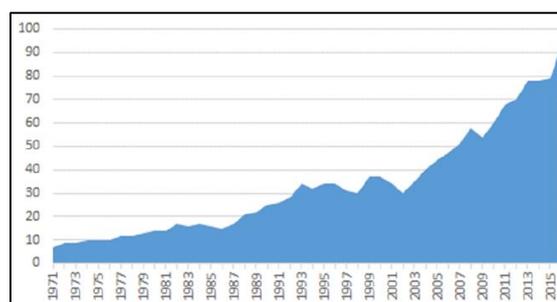


Figure 9: Numbers of *D. b. michaeli* in South Africa going back three generations from 2020. In 1980 South Africa only conserved 0.4% of this subspecies in Africa, but by the end of 2015 conserved 8.9%.

#### 4.3.6 Use and trade

In late 2004, CITES approved limited quotas to hunt up to five specific individual surplus Black Rhino males each year for both South Africa and Namibia, to further demographic and/or genetic metapopulation goals. Over the 11 years, 2005–2015, South Africa has hunted a total of 40 males out of a possible quota of 55 (an average of only 3.6 rhino per year which represents only 0.2% of South Africa’s current total population). The very little trophy hunting that has taken place has positively impacted on the population, expanding Black Rhino range through translocation and enhancing genetic and demographic conservation whilst also generating valuable income to help fund conservation efforts.

Live Black Rhino are also currently only openly bought and sold in South Africa. To date, South Africa has donated founder Black Rhino to Botswana, Malawi, Eswatini, Tanzania, Zambia and Zimbabwe, with possible translocations to Rwanda and Chad possible in future. A number of Black Rhino have also been relocated to zoos across the world (largely *D. b. minor* from South Africa). Some additional founder *D. b. michaeli* and one *D. b. bicornis* have been reintroduced to the wild from zoos. While there is private ownership of Black Rhino in South Africa, in other range states, Black Rhino on communal or private land are managed on a custodianship basis for the state. Since 2004, several new Black Rhino sites have been established on private and communal land in South Africa with a founder group of rhino from provincial reserves that are being managed on a custodianship basis, but with sharing of progeny between the provincial donor and the site owners. This sharing program is facilitated by the successful World Wide

Fund for Nature (WWF) funded Black Rhino Range Expansion Project (BRREP), and has significantly increased Black Rhino range and numbers. Ezemvelo KZN Wildlife, and more recently Eastern Cape, have provided founder rhino for this programme. The private sector have generally had a positive effect on this species, as it has been widely reintroduced onto private properties within its natural distribution range. Eswatini's current small Black Rhino subpopulation is managed for the country by Big Game Parks. Black Rhino are primarily threatened by illegal killing for their horns. A small number of private owners have recently removed all or some of their rhino, because the upsurge in poaching has greatly increased the costs and physical risks for rhino owners (although this problem has been more common with White Rhino).

Limited legal commercial use options are restricted to limited live sales and legal hunting of up to a maximum of 5 animals / year in South Africa (and Namibia) under a CITES quota that also must meet stipulated criteria to ensure this will enhance either population demography and/or genetic conservation. Black Rhino also have an ecotourism value, but given their nature and habitat they are not as easily seen (or as suitable for tourism) as White Rhino.

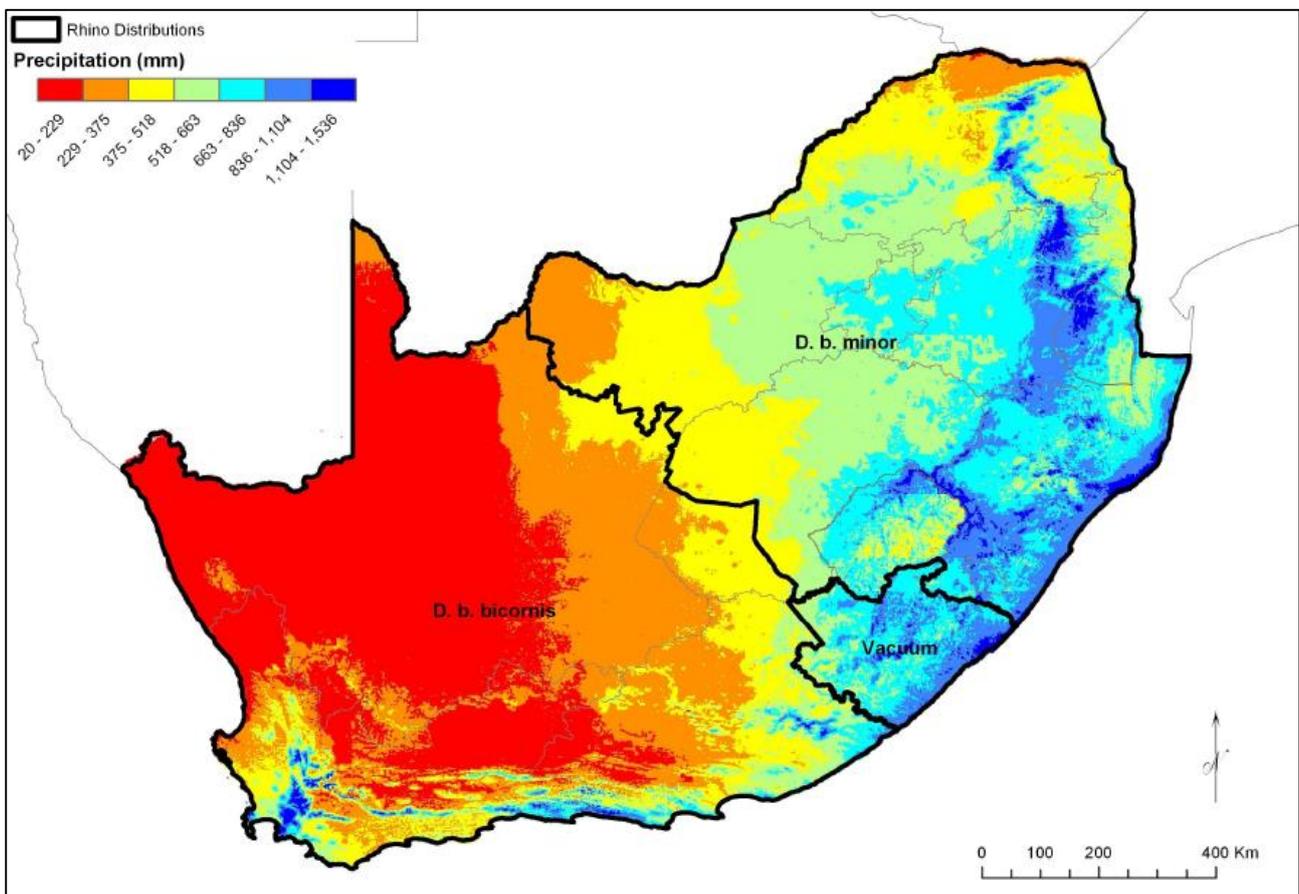


Figure 10: Revised subspecies ranges and annual rainfall with *D. b. bicornis* being the more arid adapted of the Black Rhino subspecies.

## 4.4 *Panthera leo* – Lion<sup>16</sup>

### 4.4.1 Common names

Lion, African Lion (English), Leeu (Afrikaans), Isilwane (Ndebele), Tau (Sepedi, Sesotho, Setswana), Ndau (Tshivenda), isiGidi, iNgwenyama (Xhosa), iNgonyama (Xhosa, Zulu), Nghala (Xitsonga), iBhubesi (Zulu).

### 4.4.2 Conservation status

The lion populations in South Africa declined substantially in the 19th century but have been stable or increasing over the past 20–30 years. The number of free-roaming mature lions in South African large protected areas has increased from an estimated 800 in 2002–2004 to an estimated 1,286 in 2015. Furthermore, by including the entire area of transfrontier parks as interconnected and functional landscapes (over which South African conservation authorities have shared management jurisdiction), the total number of mature, free-roaming lions within the assessment region is estimated to be 1,550. The number of small reserves containing lions has increased from one in 1990 to at least 45 in 2013, which corresponds to an increase in lion numbers from about 10 in 1990 to 500 (225 mature individuals) in 2013. Including lions on small reserves yields a total mature population size of 1,775 individuals. Thus, lion numbers in the assessment region comfortably exceed the threshold for D1 and the species does not qualify as threatened using the A or C criteria because the two major free roaming subpopulations have not declined over the past 20 years (3 generations). In the Kruger National Park (Kruger National Park) alone, the number of lionesses is estimated to have increased by 45% between 2005 and 2015.

Thus, the species is listed as ‘Least Concern’.

This species would technically qualify for Near Threatened D1 if we exclude the managed subpopulations in small reserves and assess only the South African portions of the transfrontier parks (1,286 mature individuals). However, because the overall population is stable or increasing with no severe threats that could cause rapid decline, and because the reintroduced subpopulations on small reserves qualify as wild and free roaming, a Least Concern listing is most appropriate. Similarly, the regional criterion could be applied as the two major lion subpopulations are connected to conservation areas in Botswana, Zimbabwe and Mozambique through transfrontier conservation areas. Thus, there has been a genuine increase in lion numbers due to the success of transfrontier conservation areas and private protected area expansion.



Regional Red List status (2016)	Least Concern*
National Red List status (2004)	Vulnerable D1
Reasons for change	Genuine change: Increased population
Global Red List status (2016)	Vulnerable A2abod
TOPS listing (NEMBA) (2007)	Vulnerable
CITES listing (1977)	Appendix II
Endemic	No

\*Conservation Dependent

Although Lions formerly occurred widely over sub-Saharan Africa, today there are only 10 Lion strongholds remaining, of which six occur in southern Africa (Riggio et al. 2013).

<sup>16</sup> Miller S, Riggio J, Funston P, Power RJ, Williams V, Child MF. (2016). A conservation assessment of *Panthera leo*. In Child MF, Roxburgh L, Do Linh San E, Raimondo D, Davies-Mostert HT (editors). *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

### 4.4.3 Current threats

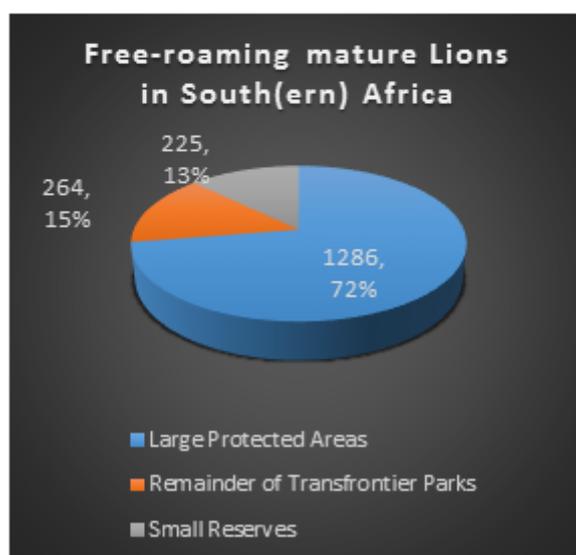
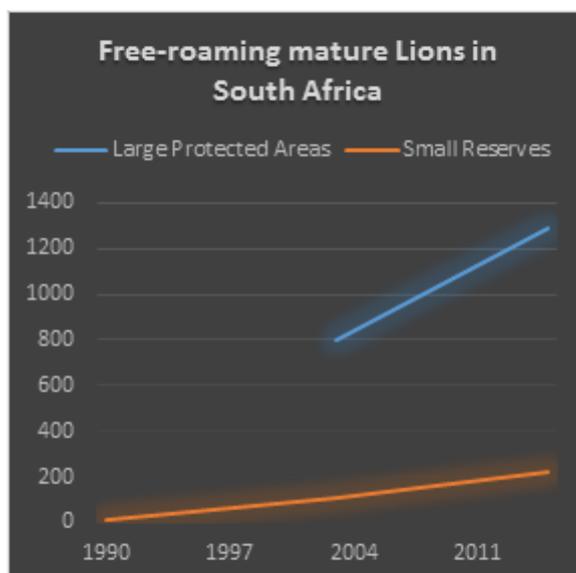
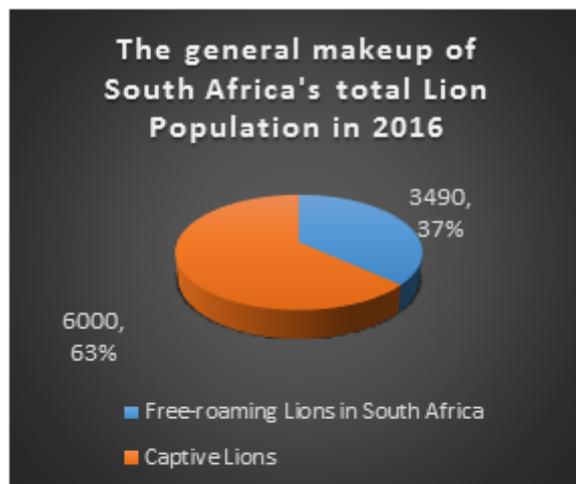
There are no major current threats to lions in the assessment region. While the trade in lion bones to East–Southeast Asia has been cited as a potential threat in South Africa, evidence suggests that the trade is not adversely impacting on wild lion subpopulations in South Africa because the skeletons are almost all a by-product of the sizeable trophy hunting industry, and lions that are hunted in South Africa are almost exclusively captive-bred (which are excluded from this assessment). However, this situation needs to be closely monitored (especially elsewhere in Africa where the scale of the bone trade is largely unknown) and the assessment re-evaluated if new data become available that indicates that the bone trade is a threat to wild lions. Currently, key interventions include the formulation and adoption of a metapopulation plan (small, fenced subpopulations require greater management input and coordination) and protected area expansion (especially transfrontier conservation areas).

### 4.4.4 Population

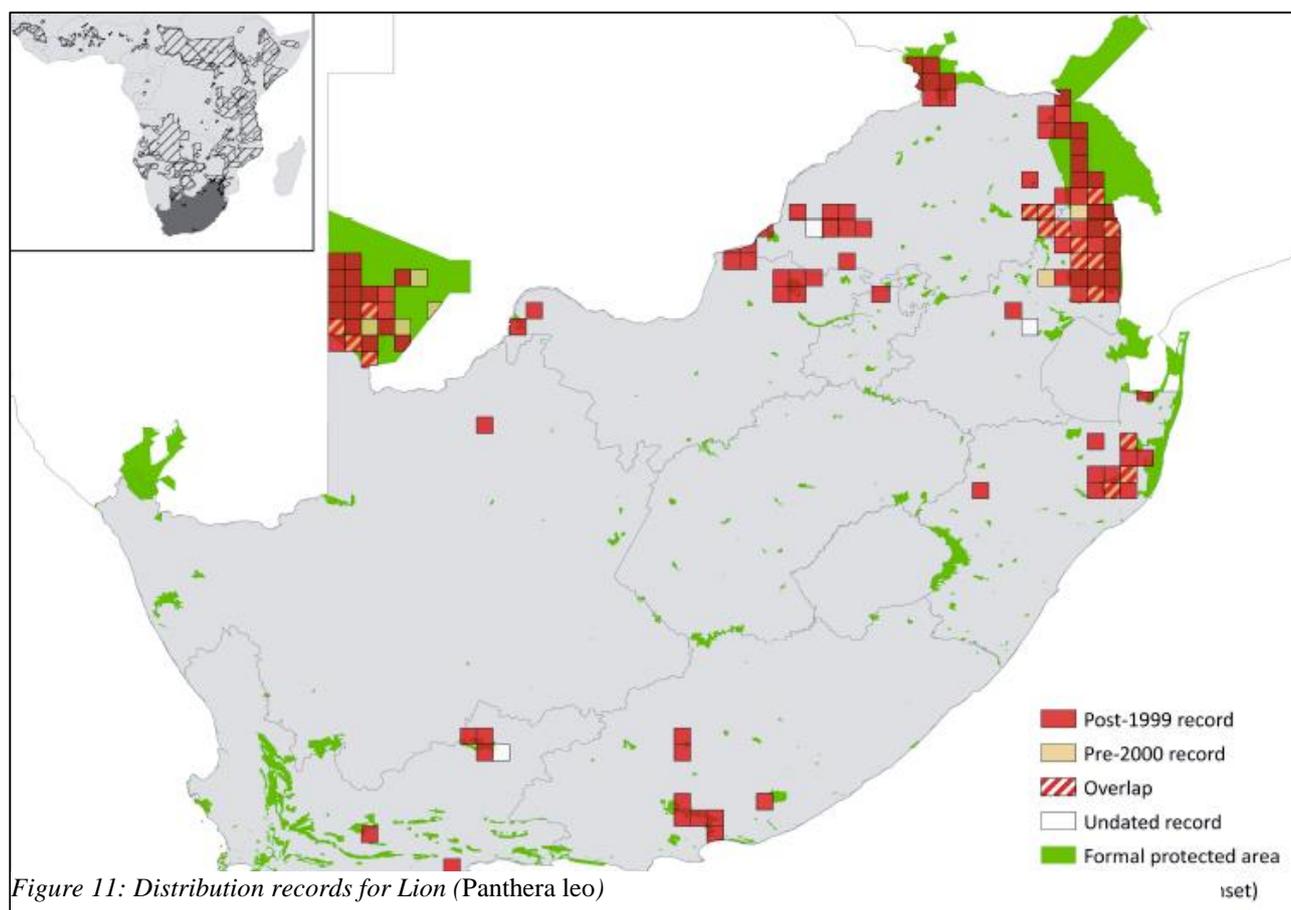
Lion numbers have been dropping dramatically across the African continent. However, in South Africa, the lion population is stable or increasing in major reserves and increasing through the addition of small reserves or through the formation of conservancies. There are an estimated 3,490 free-roaming lions in South Africa, including transfrontier zones; and 2,876 in South African conservation areas alone. Of these, there are 1,775 mature lions, using a 50% mature population structure evident in large reserves; and 1,511 in South African conservation areas alone. If we use the total formally protected mature population of lions (1,775), it represents 5–9% of the global mature population of 23,000–39,000 lions.

### 4.4.5 Captive-bred lions

In addition to wild lions, there are many captive-bred lions in most provinces, especially the Free State and North West provinces. According to a 2015 study, there are close to 6,000 lions in captivity in approximately 70 breeding facilities. Although such lions do not contribute to the wild and free-roaming population, some argue that they may serve as a significant buffer to threats facing the wild population, by being the primary source of trophy hunting and derived products.



A 2016 study estimates that there are 8,000 to 8,500 captive lions in South Africa<sup>17</sup>. These lions are kept for a variety of purposes including tourism, cub-petting, interaction, captive 'hunts' and bone trade. In 2010, 82% of captive lion hunts took place in the North West Province<sup>18</sup>. Approximately 800 lion trophies were exported annually from 2008 to 2011 (Williams, Newton et al.2015). Captive lion trophies have reportedly decreased in number since the importation ban implemented by the United States of America, although analysis of the CITES Trade Database is needed for this to be confirmed.



<sup>17</sup> TREES (2016). "Economic Value of the South African Private Lion Sector." *Tourism Research in Economic Environments & Society*: 26.

<sup>18</sup> Williams, V., D. Newton, A. Loveridge and D. Macdonald (2015). "Bones of contention: an assessment of the South African trade in African lion *Panthera leo* bones and other body parts." TRAFFIC, Cambridge, UK & WildCRU, Oxford, UK

## 4.5 *Panthera pardus* – Leopard<sup>19</sup>

### 4.5.1 Common names

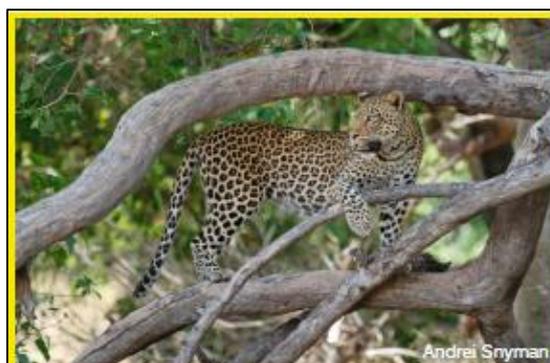
Leopard (English), Luiperd (Afrikaans), Ingwe (Ndebele, Swati, Tshivenda, Xhosa, Xitsonga, Zulu), Nkwe (Sesotho, Setswana), Isngwe, Mdaba (Shona).

### 4.5.2 Conservation status

Although this is a widespread species within the assessment region, it is secretive and faces severe threats, especially outside protected areas. The most systematic population estimate ranges from 2,813–11,632 leopards, which equates to 1,688–6,979 mature individuals (60% mature population structure). All subpopulations number fewer than 1,000 mature individuals except the bushveld subpopulation (Kruger National Park, Limpopo, Mpumalanga and North West Province), which is likely to number between 1,113–4,454 mature individuals. However, as these estimates are derived from habitat suitability models and could under- or over-estimate actual abundances, caution should be used when applying the numbers (for example, in setting hunting quotas). Two independent simulation models project an ongoing population decline, largely due to unsustainable rates of persecution (direct and indirect) and a poorly managed trophy hunting industry, over the next 25 years. This is corroborated by empirical research that shows leopard proportional survival in non-protected areas is only  $57 \pm 14\%$  compared to  $86 \pm 5\%$  inside protected areas. Additionally, leopards within the assessment region are facing an emerging threat of being hunted for cultural regalia (for example, an estimated 17,240–18,760 illegal leopard skins are believed to be used for ceremonial church activities). Similarly, the rise of intensive wildlife breeding for high-value game species may also be increasing the extent and intensity of persecution.

Province-wide population ecology studies at four independent localities (two in KwaZulu-Natal Province and two in Limpopo Province) show severe declines over short time periods: leopard density has declined far in excess of 10% over the past 4–7 years (Welgevonden: 33% decline in 6 years; Lajuma: 22% decline in 7 years; Hluhluwe-iMfolozi: 40% decline in 4 years; uMkhuze: 13% decline in 5 years), which suggests that the data are not local aberrations or fluctuations but indicate systemic or widespread population decline.

Thus we list leopards as Vulnerable due to small population size and an estimated continuing decline of at least 10% over three generations (18–27 years). Severe declines are corroborated both by model simulations and empirical data from disparate geographical locations within protected areas and private land. Given the lower survival rate of leopards outside protected areas, declines are suspected to be similar or more severe in such areas. Although the rate of decline between this assessment and the previous assessment is difficult to measure due to the variance in population estimates, we construe the net continuing population decline, the emerging threat of being hunted for cultural regalia, and the possible increase in persecution with wildlife ranch expansion as a genuine change in listing. Monitoring frameworks, which enable provinces to track regional leopard subpopulation trends should be established so as to



Regional Red List status (2016)	Vulnerable C1*††
National Red List status (2004)	Least Concern
Reasons for change	Genuine change: Continuing decline
Global Red List status (2016)	Vulnerable A2cd
TOPS listing (NEMBA) (2007)	Vulnerable
CITES listing (1975)	Appendix I
Endemic	No

\*Watch-list Data †Watch-list Threat ‡Conservation Dependent

The long-term viability of the Leopard population within the assessment region may be at risk due to unsustainable trophy hunting and retaliatory killings. Although there is a low risk of extinction over the next 25 years, there is a very high probability of population decline (Swanepoel et al. 2014).

<sup>19</sup> Swanepoel LH, Balme G, Williams S, Power RJ, Snyman A, Gaigher I, Senekal C, Martins Q, Child MF. 2016. A conservation assessment of *Panthera pardus*. In Child MF, Roxburgh L, Do Linh San E, Raimondo D, Davies-Mostert HT, editors. *The Red List of Mammals of South Africa, Swaziland and Lesotho*. South African National Biodiversity Institute and Endangered Wildlife Trust, South Africa.

more accurately estimate population reduction over three generations, as this species may justify a more threatened listing. Key interventions include the adoption of sound harvest management regulations, the use of livestock guarding dogs to reduce conflicts, and the use of faux leopard skins as a cultural regalia substitute.

In terms of regional population effects, although no quantitative assessment has been done regarding the extent of suitable leopard habitat across the southern African region, dispersal occurs between neighbouring countries. This has to some extent been facilitated by the establishment of Transfrontier Parks. However, continued human population growth and livestock/game farming along South African and neighbouring country borders (even within some Transfrontier Parks), means the associated leopard-landowner conflict might limit the rescue effect of South Africa's neighbouring countries. Furthermore, leopard subpopulations along South African borders also face similar threats like illegal harvesting, persecution, poorly managed trophy hunting and incidental snaring. As such, although the rescue effect is possible, it is unlikely to be a significant factor in reducing extinction risk within the assessment region.

#### 4.5.3 *Current threats*

Within the assessment region, the major threats to leopards are intense persecution, both directly through hunting (trophy or damage-causing animal control) or indirectly through snaring, and demand for their skins for cultural regalia. Compared to other African countries, South Africa is highly developed and thus leopard subpopulations have become fragmented, and there has been a long history of persecution owing to real or perceived livestock depredations. These threats are more pronounced outside protected areas, where mortality on non-protected land is due to legal and illegal damage hunting/control, whereas snaring and poisoning are significant causes of mortality inside protected areas. For example, in the Soutpansberg Mountains, Limpopo Province, the most common cause of death of eight leopards that were fitted with GPS collars between 2012 and 2015 was snaring, followed by illegal activity to protect livestock predation, such as shooting and poisoning. North West authorities, however, do mitigate this by removing snares from collared leopards by airborne immobilisation, treatment and re-release. Stationary leopards are thus immediately investigated with the suspicion that they are ensnared.

Ongoing habitat loss and fragmentation also threatens the recovery of this species (see below).

**Direct persecution:** Sustainability of trophy harvest is reduced due to high incidences of direct persecution in South Africa. This, on its own, reduces leopard population size and disrupts social organisation. A 2014 paper estimated that 35% of all leopards killed in retaliatory actions are reproductive females. Such removals of females leads to reduced survival of leopards in non-protected areas and thus affects long term population viability. Compounding this problem is an obvious lack of clear national conservation objectives resulting in a large disparity in the number of Damage Causing Animal permits issued in different provinces, which ranges from 17 in one year to only two between 2007 and 2013 in the same province. The reduction in permits was partly attributed to a local conservation NGO monitoring the permit issuing process. Direct poaching of leopards is also suspected to be increasing due to the demand for skins (see below), which may be far more severe a threat than problem-animal control and unsustainable trophy hunting combined.

**Cultural regalia:** There appears to be a strong demand for leopard skins for cultural regalia. Preliminary capture-recapture analyses suggest that members of the Nazareth Baptist Church (also known as the Shembe) may be in possession of 17,240–18,760 illegal leopard skins with a subsequent high rate of removal from the wild. This represents an emerging threat to this species within the assessment region.

**Trophy hunting:** Unsustainable and poorly-managed trophy hunting can cause subpopulation decline. Poorly managed trophy quotas are characterized by the hunting of females, clumped harvests (excessive hunting around protected areas, and multiple tags in the same area) and hunting of inappropriate age classes (for example, excessive hunting of prime adult males). Excessive and clumped harvest of male leopards < 7 years old can destabilise leopard social organisation, leading to reduced cub survival and increased female mortality. Similarly, hunting females can reduce overall reproductive output causing population declines. While hunting of females is detrimental, South African

law still allows for female harvest (32–50% of hunted leopards are females). Even in countries with only male harvest, like Tanzania, females comprised 29% of 77 trophies shot between 1995 and 1998. The use of national population estimates to set trophy hunting quotas is perilous. For example, the over-estimate of 10,000 leopards in South Africa was used by conservation authorities to set hunting quotas from 2005 onwards.

**Indirect persecution:** While snares laid out for bushmeat hunting threaten leopards, especially inside protected areas, a rapidly increasing threat is the poisoning of carcasses, either as a means of predator control or incidentally. The rise of intensive wildlife breeding for high-value game species may also be increasing the extent of both direct and indirect persecution.

**Radio-collars:** Another significant and localised threat is the injudicious use of radio-collars for research and recreational purposes. Sub-adults exhibit rapid growth and have a high neck-head circumference ratio. Collars can asphyxiate leopards if they cannot be loosened. Poor capture techniques also pose a threat to leopards. Despite this, radio-collars are widely deployed on leopards in South Africa, often with little oversight. Eighty percent of leopard projects in South Africa, reviewed in a recent study, used radio-telemetry, and most of these projects failed to deploy breakaway devices on collars. Similarly, many (63%) did not contribute to the scientific literature, even though some were active for over 12 years. It appears the motivation for much leopard research in South Africa, particularly hands-on research such as radio-collaring, is to enable commercial volunteer programmes, where laypeople (typically foreign graduate students) pay to experience research. North West Province have instituted the policy of controlling all leopard collaring under their banner-ship and research, and insist upon recaptures and collar removal via conditioning animals upon recapture.

**Road collisions:** Although the effect of this threat on the population is unknown, leopards are amongst the species killed on roads, even within protected areas.

In terms of leopard habitat, there is a continuing declining trend. Although total habitat may be increasing with the advent of wildlife ranching, many ranchers persecute leopards as damage-causing animals to protect valuable game species. Such suitable habitats thus become ecological traps, whereby leopard populations can actually decline, even though the habitat is suitable. Similarly, continuing urban and rural settlement expansion (average rates between 2000 and 2013 corresponding to  $9.9 \pm 12\%$  and  $10.3 \pm 3.5\%$  respectively), will increasingly bring leopards into conflict with humans. Thus, the net effect of habitat recovery is debatable. Although this species survives well in inaccessible areas, such as rocky outcrops and mountainous regions (which can act as refugia for some subpopulations), the suitability of such areas in the assessment region is declining. For example, the Waterberg (which has always been a leopard stronghold due to inaccessibility and ruggedness) has seen a massive growth in game farming. This growth has also led to the Waterberg having the highest number of Damage Causing Animal and trophy hunting permits issued. In the mountainous region of the Northern Cape, conflict with small livestock farmers is the biggest threat to leopards.

#### 4.5.4 Population

The leopard is an adaptable, widespread species that nonetheless may have many threatened subpopulations. Leopard population size and trends are notoriously difficult to estimate, due to their secretive nature and the high financial costs involved in population monitoring. As such, density and population estimates can have low precision which makes interpretation difficult. The most systematic estimate (based on habitat availability and suitability, as well as a range of density estimates for each province) ranges from 2,813–11,632 leopards, with a median (best scenario) estimate of 4,476. If we assume that 60% of the population is mature, (30% males, 30% females, 15% sub-adult males and females and 10% juveniles), there are 1,688–6,979 mature individuals within the assessment region. This estimate is similar to the 4,250 estimated published in 2005, but much lower than the 10,000 estimate published in 1988, which has been criticised as being an overestimate. Such large variance makes quantitative interpretation difficult and thus these data can only be used as a rough guideline of the South African leopard population. Caution should therefore be applied when using these data quantitatively (for example, to set hunting quotas). The estimated generation length

ranges from six years to nine years, yielding the three generation window as 18–27 years. Leopards become sexually mature at 2.5–3 years old. First-year mortality was estimated to be 41–50% and cub survival was estimated to be only 37%.

Two independent models indicate a continuing decline in the population: One published in 2005 projected a continuing population decline of 16% between 2005 and 2025 under a trophy hunting quota of 150 animals per year. This is congruent with stochastic population results published in 2014, where all provincial populations showed consistent declines under a range of realistic scenarios of harvest and damage-causing animal control over the next 25 years, although overall extinction risk is low (< 10% probability). Furthermore, current province-wide population ecology studies in KwaZulu-Natal and Limpopo Provinces show subpopulation declines in several protected areas (Welgevonden: 33% decline in 6 years; Lajuma: 22% decline in 7 years; Hluhluwe-iMfolozi: 40% decline in 4 years; uMkhuze: 13% decline in 5 years. Additional survey data reveal negative subpopulation trends (from 2–4 repeated surveys) for 10 out of 13 sampled protected areas across the country. Thus, declines projected from model outputs are corroborated by empirical data from localities in different regions, which: 1) suggests a generalised widespread decline (rather than local short-term fluctuations or aberrations); and 2) a rate of decline that exceeds the 10% threshold over three generations and may indicate a greater national population reduction. Further monitoring is required to estimate or project past and future population reduction.

We suspect overall population declines may be greater, as estimated declines are from within protected areas and leopard survival is lower outside of protected areas, and hence may be subject to more severe declines. For example on private land in the western Soutpansberg Mountains, Limpopo Province, preliminary analyses suggest that the leopard density has declined from 10.7 individuals / 100 km<sup>2</sup> in 2008 to approximately 4 leopards / 100 km<sup>2</sup> in 2015. Research shows leopard survival in non-protected areas is  $57 \pm 14\%$  while in protected areas is  $86 \pm 5\%$ . Survival is especially low for females. Similarly, densities can be low in highly suitable areas, whether protected or not. For example, in the Phinda–Mkuze complex (KwaZulu-Natal Province) leopard density declined from the core of the reserve ( $11 \pm 1$  individuals / 100 km<sup>2</sup>) to the border ( $7 \pm 1$  individuals / 100 km<sup>2</sup>), being the lowest in non-protected areas adjoining the reserve ( $3 \pm 0.9$  individuals / 100 km<sup>2</sup>), and was not related to prey abundance or interspecific competition. In North West Province, there is an estimated annual persecution rate of 0.4 individuals killed / 100 km<sup>2</sup>, while the western Kalahari region may have experienced a significant decline in leopard numbers as inferred from the number of damage-causing animal control records.

Recent multiscale genetic analysis suggested southern African leopards comprise a single population of distinct geographically isolated groups. This supports previous analyses, and confirms evidence for geographically isolated groups (for example, Western and Eastern Cape are geographically isolated from Limpopo). However, genetic work from leopard subpopulations within Eastern and Western Cape provinces detected significant population clustering, with low emigration and immigration between subpopulations. Evidence is thus amassing that suggests local population isolation can be attained within relatively few generations highlighting the importance of management actions that aims to increase habitat connectivity and reduce human–carnivore conflict.

In summary, in terms of current population trends the leopard population is declining as estimated and projected from model simulations based on harvesting and persecution data; as well as inferred decline in area of occupancy. There is a continuing decline in mature individuals based on damage-causing animal control, trophy harvesting, snaring and poisoning data. The number of mature individuals in the population is between 1,688 and 6,979. The number of mature individuals in the largest subpopulation is between 1,316 and 5,565, based on abundance estimates for Limpopo, Mpumalanga and North West provinces. The number of subpopulations is from 4 to 6 depending on how many

subpopulations are present in the Western and Eastern Cape provinces. The leopard population is moderately fragmented based on current habitat suitability models and genetic population models.

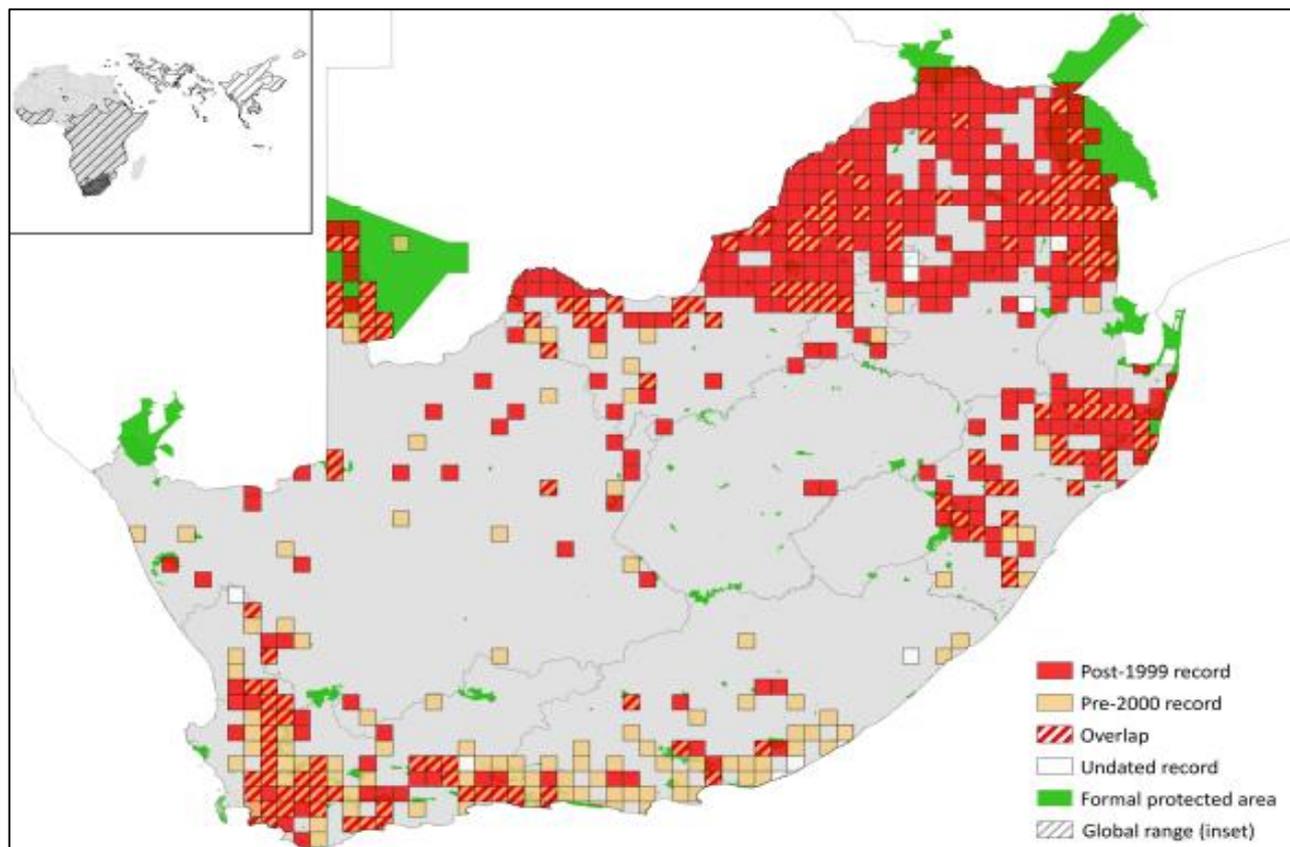


Figure 12: Distribution records for Leopard (*Panthera pardus*) within the assessment region

#### 4.5.5 Distribution

Leopards remain widely, but patchily, distributed, having been lost from at least 37% of their historical range in sub-Saharan Africa, and 28–51% of their historical range in Southern Africa. The most marked range loss has been in the Sahel belt, as well as in Nigeria, Malawi and, importantly, South Africa, where leopards have become extinct in 67% of the country. The species has become locally extinct in areas of high human density or extensive habitat transformation. Within the assessment region, they range extensively across all provinces (except the Free State Province and the greater Karoo basin in the Northern and Western Cape provinces), including Eswatini but not Lesotho; and they occur in all biomes of South Africa, with a marginal occurrence in the Nama Karoo and Succulent Karoo biomes. While leopards were present in both Free State Province and Lesotho historically, they are very rare or absent entirely from these areas today. However, there has been a recent record (2014) from Clocolan, Free State Province by the Department of Economic Development, Environment, Conservation and Tourism, that occasionally attends to leopards as damage-causing animals. Additionally, research published in 2014 estimated that 8–26 individuals may occur in the Free State Province based on habitat suitability.

Available habitat is becoming increasingly rare: recent habitat suitability models classed only around 20% of South Africa as suitable habitat, although both the extent of occurrence and area of occupancy inferred to have remained stable or even increased from 2000 to 2010 in North West Province. All areas identified as suitable habitat need to be surveyed for confirmed leopard presence. For example, potential leopard habitat in the Western Cape, excluding isolated areas where they have been sighted, is approximately 40,000 km<sup>2</sup>, composed of 10,000 km<sup>2</sup> conserved areas, state land and mountain catchment areas (prime habitat), with the remaining 30,000 km<sup>2</sup> comprising crop and livestock

farming and small towns, which may support resident leopards or transitory individuals. Further research and field surveys investigating spatial patterns of leopard subpopulations outside of protected areas is needed. They are able to disperse large distances. For example, an individual from Maputaland, KwaZulu-Natal Province, traversed three countries covering 353 km.

Suitable leopard habitat in South Africa has been further fragmented into four core areas, based on models using true positive data, namely: 1) the west coast and southeast coast of the Western and Eastern Cape Provinces; 2) the interior of KwaZulu-Natal Province; 3) the Kruger National Park and the interior of Limpopo, Mpumalanga and North West Provinces; and 4) the northern region, containing the Kgalagadi Transfrontier Park (KTP) and adjacent areas of the Northern Cape and North West Provinces. There may be a fifth subpopulation pending further investigation: we are still unsure of the Northern Cape population documented in Namaqualand and up to the Richtersveld, which may be connected to the Western Cape subpopulation, but phenotypically they are more similar to leopards elsewhere in the country.

#### 4.5.6 *Use and trade*

Leopards are hunted (legally and illegally) as a trophy animal within the assessment region. When properly managed, trophy hunting should have little effect on population persistence; however, 2009 and 2010 research from KwaZulu-Natal, Limpopo (2015) and Tanzania (2011) suggest that poorly managed trophy hunting might lead to leopard population declines. In South Africa, population models, which only include off-take from trophy hunting, suggest that current trophy harvest levels have little impact on population persistence. However, when other forms of human-induced mortality (for example, legal and illegal retaliatory killing due to human-leopard conflict) are included, trophy hunting quotas become unsustainable. The detrimental impacts of trophy hunting may be reduced by improving current management practices, most notably by banning the hunting of female leopards and ensuring the equitable distribution of hunting effort across leopard range. Suspicions are that captive-bred animals are laundered into the trophy hunting industry and this should also be investigated. Additionally, there is a suspected industry in catching leopards from the wild and providing them for the trophy hunting industry. Authorities are constantly confiscating such animals and attempting to repatriate them elsewhere without any knowledge of their origin.

The likely impacts of the illegal skin trade also need to be factored into assessments of harvest sustainability. Surveys suggest as many as 17,240–18,760 illegal leopard skins are used by members of the Shembe Church for religious regalia and may be replaced every 3–5 years due to wear. Although interviews with traders suggest many skins originate outside South Africa, the trade is likely to affect leopard population viability throughout the assessment region. While wildlife ranching and game farming might be increasing in suitable habitat for leopards, such industries are normally in conflict with predators, especially as the recent shift to breeding high-value species and colour variants has increased hostility towards carnivores. This is reflected by the rapid increase in the number of Damage-Causing Animal permit applications received from game farms in areas such as the Waterberg. An increase in ranching rare/expensive game, especially intensive breeding for trophies and colour variants, may thus impact negatively on the leopard population through increased persecution, exclusion with predator-proof fences and limitation of gene flow. Such conflict results in two outcomes: 1) increased persecution or legal removal (Damage Causing Animal permits) and; 2) possible exclusion through improved fencing to keep predators out. While leopards appear to be unhindered by standard game farm fences, the quality of predator-proof fencing has improved to such an extent that it may hinder their movement between properties.

## 5 HISTORICAL BACKGROUND

The section that follows provides a more detailed picture of the historical background leading up to and informing the work of the HLP – with this supporting a more solid understanding of the status quo. The timeline below provides an overview of the key events and aspects addressed within this chapter.

### 5.1 The Constitution, 1996

Both the 1993 interim Constitution and the final Constitution (Constitution of the Republic of South Africa, 1996) laid the basis for new policy and legislation of relevance to the HLP's work. This is because in moving to a constitutional democracy, South Africa also moved to a rights-based culture. In this regard, the environmental right which is contained in s24 of the Bill of Rights states that: –

24. Everyone has the right -
- (a) to an environment that is not harmful to their health or well-being; and
  - (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
    - (i) prevent pollution and ecological degradation;
    - (ii) promote conservation; and
    - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

The obligations in paragraph (b) to take reasonable measures to prevent ecological degradation, promote conservation and to secure sustainable development in essence provide a constitutional imperative for government to take action – legislative and otherwise – in respect of the issues before the HLP, in so far as they contribute to degradation or threaten conservation or sustainable development.

According to the Draft 1997 White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, s24(a) of the Constitution "grants a substantive environmental right ensuring that legislation which is potentially harmful or which may have harmful environmental consequences can be repealed<sup>20</sup>". The Draft Policy notes that "this clearly has important implications with regard to conserving biodiversity, and minimising adverse environmental impacts<sup>21</sup>". It further argues that "Part (b) is less clear, in that it represents more

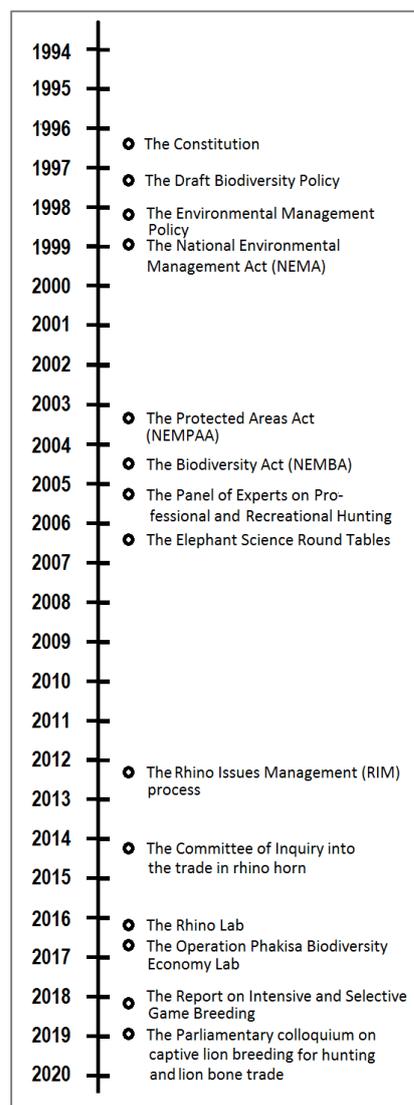


Figure 13: Key post-1994 processes, events and decisions of relevance to the HLP's work – as summarised in Chapter Five

<sup>20</sup> Department of Environmental Affairs and Tourism, (1997). *White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity: May 1997: Draft for Discussion*. Government Printer, South Africa. Page 92.

<sup>21</sup> Ibid.

of a directive principle than a right, and in many ways underscores the *status quo*. Although it imposes a positive obligation on the state to pass legislation which supports environmental protection, an individual would not be able to use the clause to claim any rights<sup>22</sup>. Thus, while the Draft Policy noted that s24(b) was supportive of the objectives of “the policies articulated in this document, the clause is limited.”<sup>23</sup>

### 5.1.1 Relevance to the HLP

As reflected in the legal opinion provided to the HLP<sup>24</sup>, although the HLP is not required to interpret s24 of the Constitution, as the interpretation of law is done by the Courts – and notwithstanding that this task is not required by its ToR - the HLP’s task of reviewing regulatory measures, policies and practices and making recommendations about them should be guided and influenced particularly by s24 of the Constitution. Thus, the environmental right provided for in s24 is not only relevant to the HLP, it is the fundamental basis of the HLP’s review, as noted by the legal opinion –

*...the role of the Panel when reviewing regulatory measures and policies, is the following:*

- *Identify the relevant regulatory measures and policies;*
- *Determine whether they comply with s24(b); i.e. do they meet the obligations imposed on the state by s24(b)?*
- *Identify how and why they fail to comply with s24(b);*
- *If they do not, make recommendations about what measures should be taken to ensure compliance with s24(b).*

The direct relevance of s24 to the HLP’s work was reiterated in the supplementary legal opinion provided to the HLP<sup>25</sup>, with this stipulating that –

*The Constitution is the supreme law and all other legislation and conduct must be consistent with the Constitution. Therefore, the starting point when the environment is affected, is always s24. All legislation and regulations enacted to give effect to s... 24 must be consistent with s24 and must be interpreted and applied consistently with s24.*

The legal opinions referred to above will be addressed in more detail in Chapter Five.

## 5.2 The 1997 Draft Biodiversity and Sustainable Use Policy

### 5.2.1 Background and status

Following the promulgation of South Africa’s new Constitution, government embarked on an extensive environmental policy and law reform process to ensure alignment with the requirements of the Constitution. Although there were many environmental laws that dealt with biodiversity, much of the legislation was outdated, in that it tended to focus on managing species diversity – and did not align with the integrated and holistic approach reflected in the Convention on Biological Diversity. The latter recognises that ecosystems, genes and landscapes need to be managed, in addition

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Bruinders, T.J., Rajab-Budlender, N. & Lengane, M. (2020). Opinion: Advisory Committee – Minister of Environment, Forestry and Fisheries, 15 March 2020. Page 3.

<sup>25</sup> Bruinders, T.J., Rajab-Budlender, N. & Lengane, M. (2020b). Supplementary Opinion; DEA: High Level Panel, 29 April 2020. Page 17.

to species – and that people’s interactions with biodiversity must be considered. The review of existing legislation was also seen as important, given its focus on managing species in protected areas only, rather than across the country as a whole.

The policy and law reform process carried out involved establishing an overarching environmental policy, which was undertaken through the so-called Consultative National Environmental Policy Process (CONNEPP) that ultimately culminated in the publication of the 1998 White Paper on Environmental Management Policy for South Africa<sup>26</sup> (hereinafter referred to as ‘the Environmental Management Policy’), as well as a series of sector-focused policies. One of these sector-based policies was the 1997 White Paper on the Conservation and Sustainable Use of South Africa’s Biological Diversity<sup>27</sup> (hereinafter referred to as ‘the Draft Biodiversity Policy’).

Despite the policy being published as a White Paper – the usual final formal form of government policy – the White Paper was labelled a “*Draft for Discussion*” and called for comments to be submitted to the Department’s Director-General. The document also included a detailed summary of the policy’s development process, and specifically noted that the only outstanding step in the formalisation of the policy was “the adoption of the White Paper by Parliament as formal policy.”<sup>28</sup> Although it is Cabinet, not Parliament, who would usually have approved the White Paper’s publication in the Gazette as government policy, the reason why this policy was again published for comment and then apparently abandoned is unclear. There is some speculation that, as this policy was developed through a process that was separate to the highly regarded CONNEPP process, it was abandoned for fear of it being branded as being an illegitimate product of a process that did not fully reflect the democratic ethos and commitment to broad-based participatory policy development espoused by the new democratically-elected government at the time.

In this regard, Rossouw and Wiseman’s<sup>29</sup> perspectives on pre-democracy policy-making environment may be relevant:

–

*During the apartheid era, environmental policymaking processes were technocratically driven and broader civil society was excluded from policy deliberations. Stakeholder engagement was restricted to small groups of technical experts. Public participation, if it occurred at all, was limited to information distribution and occasional consultation with selected interest groups, such as conservation lobby organisations.*

Nevertheless, the White Paper still appears to have provided the policy direction for some aspects of law reform, including the NEMBA, which is discussed below.

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<sup>26</sup> Department of Environmental Affairs and Tourism. (1998). *White Paper on Environmental Management Policy for South Africa, May 1998*, (Notice No. 749 of 1998, Government Gazette No. 18894 of 15 May 1998). Pretoria: Government Printer.

<sup>27</sup> Department of Environmental Affairs and Tourism. (1997). *White Paper on the Conservation and Sustainable Use of South Africa’s Biological Diversity, May 1997, Draft for discussion* (Notice No. 1095 of 1997, Government Gazette No. 18163 of 28 July 1997). Pretoria: Government Printer.

<sup>28</sup> Ibid. Page 8.

<sup>29</sup> Rossouw, N. & Wiseman, K. (2004). South Africa - Learning from the implementation of environmental public policy instruments after the first ten years of democracy in South Africa. *Impact Assessment and Project Appraisal*, volume 22, number 2, June 2004, pages 131–140. Page 133.

With this, and in the current context, although the Draft Biodiversity Policy has no formal standing as Government policy, it still provides important policy guidance.

### 5.2.2 Relevant policy directions

The Draft Biodiversity Policy defines its 'Vision for South Africa' as –

*A prosperous, environmentally conscious nation, whose people are in harmonious coexistence with the natural environment, and which derives lasting benefits from the conservation and sustainable use of its rich biological diversity.*

However, it is the draft policy's 'mission of Government' that is of specific relevance to the HLP: –

*Government will strive to conserve South Africa's biological diversity and to thereby maintain ecological processes and systems whilst providing lasting development benefits to the nation through the ecologically sustainable, socially equitable, and economically efficient use of biological resources.*

Most, if not all, of the draft policy's 'Guiding Principles' are also of direct and specific relevance to the HLP, where these include the following: –

**2.3.1. Intrinsic Value.** *All life forms and ecological systems have intrinsic value.*

**2.3.2. Duty of Care.** *All people and organisations should act with due care to conserve and avoid negative impacts on biodiversity, and to use biological resources sustainably, equitably and efficiently.*

**2.3.3. Sustainable Use.** *The benefits derived from the use of South Africa's biological resources are dependent upon: (a) such resources being used at a rate within their capacity for renewal; (b) maintaining the ecological integrity of the natural systems which produce such resources; (c) minimising or avoiding the risk of irreversible change induced by humans; (d) adequate investments being made to ensure the conservation and sustainable use of biodiversity; and (e) avoiding or minimising the adverse impacts of the use of non-renewable resources on biodiversity.*

**2.3.4. The Fair and Equitable Distribution of Benefits.** *Benefits arising from the use and development of South Africa's biological resources will be fairly and equitably shared. The rights to use biological resources will be equitably allocated, and will recognise (a) that it may be necessary to limit access in order to ensure conservation and sustainable use; (b) that within the constraints of sustainable use, the socio-economic upliftment of disadvantaged communities is an important criterion upon which decisions will be based; (c) that where peoples' historical rights of access to natural*

#### Policy and Law

Government policy is a description of what government hopes to achieve, and the methods and principles it will use to achieve them. It therefore defines government's goals and can be used as a basis for decision-making by providing direction on key positions – especially where there are no clear right or wrong answers. As its name implies, policy provides clarity on the political position of government.

Although policy itself is not law, it may often identify the need for legislation to be developed or improved. The resulting legislation will set out the binding and enforceable rules which have been adopted by a law-making body – normally Parliament or the Minister, in the case of subordinate legislation such as Regulations and Notices. It prescribes what is or is not allowed, and in the case of things that are conditionally allowed, it defines the standards, procedures and, sometimes, principles that must be followed. If a law is not followed, those responsible for breaking it can incur consequences such as being prosecuted.

If policy sets out the goals and planned activities of government, the law empowers government to put the necessary institutional and legal frameworks in place to achieve the policy goals. Therefore, ideally, law must be guided by current government policy.

In terms of government structure, the executive (i.e. the President, the Deputy President and the Cabinet ministers at national level, and the Premier and Members of the Executive Councils (MECs) at provincial level) make policy and the legislature (i.e. Parliament and the nine provincial legislatures) make law.

Edited extract from: Lukey P, & Hall J (2020) Biological invasion policy and legislation development and implementation in South Africa. In: van Wilgen BW, Measey J, Richardson DM, Wilson JR, Zengeya TA (eds) *Biological invasions in South Africa*. Springer, Berlin, pp 513–548. [https://doi.org/10.1007/978-3-030-32394-3\\_18](https://doi.org/10.1007/978-3-030-32394-3_18)

resources have been removed or constrained this should be reviewed and redressed in line with the other guiding principles; and (d) the Constitutional rights of owners of biological resources.

**2.3.5. Full Cost-Benefit Accounting.** Decision-makers and users of biological resources will be guided by economic approaches which assess the full social and environmental costs and benefits of projects, plans and policies that impact upon biodiversity, and which internalise costs borne to the environment and to society. These will reflect both the economic loss that results when biodiversity is degraded or lost, as well as the value gained from conserving the resource. Generators of waste will bear the environmental, social and economic costs to society of resulting pollution, and the responsibility for redressing any consequences.

**2.3.6. Informed and Transparent Decision-Making.** Decisions relating to the conservation and use of biodiversity in South Africa will be based upon the best applicable knowledge available. In cases where a lack of information is evident, steps will be taken to collect information necessary to assess the conservation and sustainable use of biodiversity. Where appropriate, information necessary to ensure the conservation and sustainable use of biodiversity will be readily available in an accessible form, and will enable people to work with, and obtain the information they need for informed participation in biodiversity management.

**2.3.7. The Precautionary Principle.** Where there is a threat of significant reduction or loss of biological diversity but inadequate or inconclusive scientific evidence to prove this, action should be considered to avoid or minimise threats.

**2.3.8. Accountability and Transparency.** Those making and implementing decisions relating to the conservation and use of biodiversity in South Africa will be accountable to the public for their actions through explicit, justifiable processes.

**2.3.9. Subsidiarity.** Governance responsibilities belong at the level at which they can be most effectively carried out.

**2.3.10. Participation.** Interested and affected individuals and groups will have an opportunity to participate in decisions about the ways in which biological resources are conserved and used.

**2.3.11. Recognition and Protection of Traditional Knowledge, Practices and Cultures.** Traditional knowledge, practices and cultures supporting the conservation and sustainable use of biodiversity will, where possible, be recognised, protected, maintained, promoted, and used with the approval and involvement of those who possess this knowledge. Benefits arising from the innovative use of traditional knowledge of biological diversity will be equitably shared with those from whom knowledge has been gleaned.

**2.3.12. Coordination and Cooperation.** Because biodiversity transcends political, institutional and social boundaries, an enabling framework will be provided for the future coordination and cooperation of biodiversity-related activities in South Africa, in the southern African sub-region, and globally. Coordination will also be ensured between other plans, programmes and policies which have implications for the conservation of biodiversity and use of biological resources.

**2.3.13. Integration.** The conservation and sustainable use of biodiversity will be integrated strategically at all levels into national, provincial, local and sectoral planning, programme, and policy efforts (e.g. forestry, agriculture, fisheries, land reform, industry, education, health, mining, etc.) to implement the goals and objectives of the policy effectively.

**2.3.14. Global and International Responsibilities.** South Africa has a shared responsibility for ensuring the conservation and sustainable use of biodiversity beyond our borders, and for trans-boundary equity.

2.3.15. **Evaluation and Review.** *The policy will not be an end in itself, but rather part of an iterative process which will be monitored and reviewed regularly. Strategies adopted will be responsive to social, economic and environmental change, as well as to scientific and technological advances, but will have due concern for maintaining continuity.*<sup>30</sup>

The Draft Policy has six goals with associated objectives, with these reflected in the table below.

Goal	Policy objective
<p><b>Goal 1:</b> Conserve the diversity of landscapes, ecosystems, habitats, communities, populations, species, and genes in South Africa</p>	<ul style="list-style-type: none"> <li>• <b>Policy Objective 1.1. Identification</b> – Identify important components of biodiversity and threatening processes.</li> <li>• <b>Policy Objective 1.2. Biodiversity conservation</b> – Maintain and strengthen existing arrangements to conserve South Africa's indigenous biodiversity, both inside and outside of protected areas.</li> <li>• <b>Policy Objective 1.3. Protected areas</b> – Establish and manage efficiently a representative and effective system of protected areas.</li> <li>• <b>Policy Objective 1.4. Environmentally sound and sustainable development adjacent to protected areas</b> – Promote environmentally sound and sustainable development in areas adjacent to or within.</li> <li>• <b>Policy Objective 1.5. Rehabilitation</b> – Restore and rehabilitate degraded ecosystems, and strengthen and further develop species recovery plans where practical and where this will make a significant contribution to the conservation and sustainable use of biological diversity.</li> <li>• <b>Policy Objective 1.6. Alien organisms</b> – Prevent the introduction of potentially harmful alien species and control and eradicate alien species which threaten ecosystems, habitats or species.</li> <li>• <b>Policy Objective 1.7. Genetically modified organisms</b> – Regulate the transfer, handling, use and release of genetically modified organisms in order to minimise the potential risks to biodiversity and human health.</li> <li>• <b>Policy Objective 1.8. Ex-situ conservation</b> – Support, complement and enhance in-situ conservation through strengthening measures for the ex-situ conservation of components of biological diversity.</li> </ul>
<p><b>Goal 2:</b> Use biological resources sustainably and minimise adverse impacts on biological diversity</p>	<ul style="list-style-type: none"> <li>• <b>Policy Objective 2.1. Sectoral and cross-sectoral approaches</b> – Integrate the conservation and sustainable use of biological diversity into all sectoral and cross-sectoral plans, programmes and policies at all levels of government and industry.</li> <li>• <b>Policy Objective 2.2. Using biological resources sustainably and avoiding or minimising adverse impacts on biological diversity</b> – Conserve and use sustainably biological resources in terrestrial, aquatic and marine and coastal areas, and avoid or minimise adverse impacts on the biodiversity of such areas.</li> <li>• <b>Policy Objective 2.3. Land-use planning and environmental assessment</b> – Integrate biodiversity considerations into land-use planning procedures and environmental assessments.</li> <li>• <b>Policy Objective 2.4. Adopting sustainable lifestyles</b> – Support efforts to stabilise human population and reduce resource consumption to achieve socially and ecologically sustainable development.</li> </ul>
<p><b>Goal 3:</b> Ensure that benefits derived from the use and development of South Africa's genetic resources serve national interests</p>	<ul style="list-style-type: none"> <li>• <b>Policy Objective 3.1. Access to indigenous genetic resources</b> – Control access to South Africa's indigenous genetic resources through the introduction of appropriate legislation and establishment of institutional structures.</li> <li>• <b>Policy Objective 3.2. Access to genetic resources for food, agriculture, and forestry</b> – Ensure continued access to sources of genetic material for food, agriculture, and forestry.</li> </ul>

<sup>30</sup> Department of Environmental Affairs and Tourism. (1997). *White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, May 1997, Draft for discussion (Notice No. 1095 of 1997, Government Gazette No. 18163 of 28 July 1997)*. Pretoria: Government Printer. Pages 20-22.

Goal	Policy objective
<p><b>Goal 4:</b> Expand the human capacity to conserve biodiversity, to manage its use, and to address factors threatening it</p>	<ul style="list-style-type: none"> <li>• <b>Policy Objective 4.1. Public education and awareness</b> – Increase public appreciation, education and awareness of the value and importance of biodiversity, and public involvement in its conservation and sustainable use.</li> <li>• <b>Policy Objective 4.2. Improving understanding about biodiversity</b> – Improve the knowledge and understanding of South Africa's biodiversity necessary for its effective conservation.</li> <li>• <b>Policy Objective 4.3. Developing management capacity</b> – Enhance the capacity necessary to conserve and use South Africa's biological diversity sustainably.</li> </ul>
<p><b>Goal 5:</b> Create conditions and incentives that support the conservation and sustainable use of biodiversity</p>	<ul style="list-style-type: none"> <li>• <b>Policy Objective 5.1. Beneficiating biodiversity</b> – Promote and develop economic opportunities that are compatible with and which complement the conservation and sustainable use of biodiversity.</li> <li>• <b>Policy Objective 5.2. Incentives</b> – Create and implement incentives that support the conservation and sustainable use of biological diversity.</li> </ul>
<p><b>Goal 6:</b> Promote the conservation and sustainable use of biodiversity at the international level.</p>	

### 5.2.3 Direct relevance to the HLP

The Draft Biodiversity Policy makes no specific mention of lions, leopards or predators in general. It also makes no mention of elephants, rhino or mega-herbivores in general. Although the policy mentions 'hunting' a number of times, hunting is not specifically dealt with in any of its 'policy and strategy' provisions.

Despite this, the Draft Biodiversity Policy discusses a number of issues that the HLP has considered, including, among others: property rights; education and capacity building; the limitations of existing legislation – fragmentation, conflict of interest and ineffective enforcement; gaps within existing legislation – lack of an integrated and holistic approach to biodiversity, biodiversity outside of protected areas, sectoral policies, access to genetic resources, and wild animals as a public and private resource.

The following extract provides an example of the information contained in the Draft Biodiversity Policy –

#### **Wild animals as a public and private resource**

*Wild animals are classified in South African common law as res nullius, that is as objects which are owned by nobody but which can be owned. Ownership is established by taking control of the animal with the intention of being the owner. In the past it was difficult to establish what degree of control was necessary to legally establish ownership particularly in the case of large farms where wild animals tend to wander freely. Issues concerning the acquisition and loss of ownership of game are considered by the Game Theft Act (105 of 1991), which protect the rights of ownership of game where the game escapes or is lured away from the landowner's land. "Game" is classified in the Act as that which is kept for commercial or hunting purposes. However, not all wild animals fall into this category and thus the common law still applies to animals not classified as game.*

*Assigning private ownership for game has acted as an important incentive for conservation, and has resulted in many successful conservation initiatives in the country. There is, however, also a need to ensure that the public interest is safeguarded, and that private and public interests are fairly balanced.*

*An issue to be resolved concerns that of compensation for damage caused by wildlife, and the liability for such damage.<sup>31</sup>*

In terms of other elements of the Draft Policy that have direct relevance to the work of the HLP, although there are references to issues like 'captive breeding' and 'ex-situ conservation', the Draft Policy considers these as part of rehabilitation and conservation efforts, rather than as commercial activities. Indeed, the policy does not appear to have considered activities like rhino horn or lion bone trading, or to have even contemplated their emergence as possible biodiversity conservation and sustainable use issues.

For example, the Draft Policy's Policy Objective 1.5. – Rehabilitation – deals with the restoration and rehabilitation of degraded ecosystems, and the strengthening and further development of species-specific recovery plans where practical, and where this will make a significant contribution to the conservation and sustainable use of biological diversity. Breeding and captive breeding are specifically recognised under this objective as follows: –

*...Within protected areas, efforts to reintroduce threatened species and promote their recovery have been considerable, with off-site conservation approaches such as captive breeding and plant propagation being successfully used to increase populations of threatened species. However, to date there has been no overall national approach to rehabilitation which aims to restore ecosystem functioning and biodiversity.*

Furthermore, as the Draft Biodiversity Policy often does not make a specific distinction between plant and animal biodiversity, some 'policy and strategy' requirements that were probably only applicable to plants at the time, could be regarded as being applicable to animals too. This is especially confusing in 'Policy Objective 5.1. Beneficiating biodiversity' as illustrated by the following example: –

*...6. (a) Introduce measures to encourage local communities to add economic value to products harvested from the wild, or cultivated off site, whilst ensuring the sustainable use of such resources;*

*(b) Promote the local beneficiation of genetic resources developed for commercial gain; and*

*(c) Promote the development of value-added indigenous products, and investigate the formation of marketing and information networks to broaden access to local, regional and international markets.*

*...8. Balance the need to encourage private sector investment in South Africa's genetic resources through conferring intellectual property rights for novel inventions with that of ensuring equitable benefit-sharing and the transfer of appropriate technology.*

### 5.3 The 1998 Environmental Management Policy

Notwithstanding the fact that the Draft Biodiversity Policy can provide some policy guidance to the HLP, the HLP has noted that the formal Environmental Management Policy provides some clear overarching principles and policy positions guiding the responsible and sustainable use of natural resources.

Firstly, the Environmental Management Policy provides an overall vision for environmental management in South Africa<sup>32</sup>: –

<sup>31</sup> Department of Environmental Affairs and Tourism. (1997). *White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, May 1997, Draft for discussion (Notice No. 1095 of 1997, Government Gazette No. 18163 of 28 July 1997)*. Pretoria: Government Printer. Page 94.

<sup>32</sup> Department of Environmental Affairs and Tourism. (1998). *White Paper on Environmental Management Policy for South Africa, May 1998, (Notice No. 749 of 1998, Government Gazette No. 18894 of 15 May 1998)*. Pretoria: Government Printer.

*The vision of this environmental management policy is one of a society in harmony with its environment. The policy seeks to unite the people of South Africa in working towards a society where all people have sufficient food, clean air and water, decent homes and green spaces in their neighbourhoods enabling them to live in spiritual, cultural and physical harmony with their natural surroundings.*

The DEFF has used this vision as the basis for its own vision, which reads: –

*A prosperous and equitable society living in harmony with our natural resources<sup>33</sup>*

Secondly, the Environmental Management Policy also provides the national position on the key consideration of 'sustainable use': –

*Sustainable use – If environmental concerns are ignored, growth and development may lead to short-term improvements in overall living standards. However, they will lower the quality of life for many people, particularly poorer people who already face degraded living environments. Failure to address the sustainable use of natural resources will degrade the resource base on which we depend.*

*To avoid this, environmental policy must set us on a course that will achieve the goal of sustainable use, where the environmental impacts of society are in harmony with natural ecological cycles of renewal. To achieve this, sustainable development must ensure that the direction of investments, the orientation of technological developments, and institutional mechanisms work together towards the goal of sustainable use that will meet present and future needs.*

Although the Environmental Management Policy does not mention lions, leopards, elephants or rhino in particular, or say anything specific about breeding (captive or otherwise), hunting, culling or welfare, it does provide a policy framework that the HLP must take into account. Some of the key policy provisions are discussed briefly.

The first goal of the Environmental Management Policy states the following rhino– *Goal 1: Effective Institutional Framework and Legislation* – deals with creating an effective, adequately resourced and harmonised institutional framework and an integrated legislative system, and the building of institutional capacity in all spheres of government to ensure the effective implementation of the policy. One of the 'supporting objectives' for this goal relates to the review and updating of policies, plans and programmes. This requires the regular review of the relevance and appropriateness of all government policies, strategies, plans, programmes, legislation, norms and standards with an impact on the environment, in order to update them in line with progress in environmental management. This includes: expanding the human capacity to conserve biodiversity, to manage its use, and to address factors threatening it; creating and implementing conditions and incentives that support the conservation and sustainable use of biodiversity; and promoting the conservation and sustainable use of biodiversity at the international level.

The second goal of the Environmental Management Policy – *Goal 2: Sustainable Resource Use and Impact Management* – deals with promoting equitable access to, and sustainable use of, natural and cultural resources, and the promotion of environmentally sustainable lifestyles. The integration of environmental impact management with all economic and development activities to achieve sustainable development with the emphasis on satisfying basic needs and ensuring environmental sustainability. This goal's first supporting objective relates to sustainable resource use and requires, among others, ensuring the sustainable use of renewable resources, taking into account: the interests and needs of present and future generations; all environmental impacts related to resource exploitation; the carrying capacity of the environment; and concerns for the maintenance of biodiversity. This goal also has a specific supporting objective related to the 'conservation of biodiversity' which requires the promotion of the conservation of biodiversity through: conserving the diversity of landscapes, ecosystems, habitats, biological communities, populations, species and genes throughout South Africa, by taking necessary measures, including the establishment of protected areas

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<sup>33</sup> Department of Environmental Affairs (2019), Annual Report 2018/19

such as national parks; using biological resources sustainably and minimising adverse impacts on biological diversity; and ensuring that benefits derived from the use and development of South Africa's genetic resources serve national interests.

Finally, the seventh goal of the Environmental Management Policy – Goal 7: International Cooperation – focuses on the development of mechanisms to deal effectively and in the national interest with international issues affecting the environment. The supporting objective relating to ‘trans-boundary impacts’ requires that international trade does not lead to wasteful use of natural resources or interfere with their conservation or sustainable use.

#### 5.4 The National Environmental Management Act (Act No. 107 of 1998) (NEMA)

The approach of developing both an overarching environmental policy as well as a series of sector-focused policies was mirrored in the law reform process that followed post the gazetting of the White Paper on Environmental Management Policy for South Africa. The subsequent promulgation of the NEMA provided a general framework for managing environmental matters. The Act contains several provisions which may, and in some cases must, be considered when working with other sector-focused legislation, including the regulation of biodiversity and wildlife. These provisions include a set of environmental principles and definitions as well as an extensive range of compliance and enforcement powers. NEMA provides an important framing piece of legislation and serves as the primary piece of legislation that addresses matters of cooperative governance and enforcement. It contributes further through its approach to integrated environmental management and gives effect to the policy positions framed in the White Paper on Environmental Management.

##### 5.4.1 Relevance to the HLP

The NEMA principles give effect to s24 of the Constitution and must be read with all related environmental and biodiversity legislation, including NEMBA and NEMPA, and as such, it should also guide the HLP in its deliberations.

For ease of reference, the following provides a list of the NEMA National Environmental Management Principles that may be of relevance to the work of the HLP. It is important to note that, with a view to the work of the HLP, these principles: “apply throughout the Republic to the actions of all organs of state that may significantly affect the environment” (NEMA s2(1)); “apply alongside all other appropriate and relevant considerations, including the State’s responsibility to respect, protect, promote and fulfil the social and economic rights in Chapter Two of the Constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination” (NEMA s2(1)(a)); serve as guidelines by reference to which any organ of state must exercise any function when taking any decision in terms of this Act or any statutory provision concerning the protection of the environment” (NEMA s2(1)(c)); and “guide the interpretation, administration and implementation of [NEMA], and any other law concerned with the protection or management of the environment” (NEMA s2(1)(e)): –

- **People-centrism** – “Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably” (NEMA s2(2)).
- **Sustainable development** – “Development must be socially, environmentally and economically sustainable.” (NEMA s2(3)).
- **Sustainable development considerations** –
  - *Ecosystems and biodiversity* – “That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied” (NEMA s2(4)(a)(i));
  - *Landscapes* – “that the disturbance of landscapes and sites that constitute the nation’s cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied” (NEMA s2(4)(a)(iii));

- *Renewable resources* – “that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised” (NEMA s2(4)(a)(vi));
- *Precautionary principle* – “that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions” (NEMA s2(4)(a)(vii)); and
- *Environmental rights* – “that negative impacts on the environment and on people’s environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied” (NEMA s2(4)(a)(viii)).
- **Best practicable environmental option** – “Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option” (NEMA s2(4)(b)).
- **Environmental justice** – “Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons” (NEMA s2(4)(c)).
- **Equitable access** – “Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination (NEMA s2(4)(d)).
- **Cradle to grave responsibility** – “Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle (NEMA s2(4)(e)).
- **Empowered participatory governance** – “The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured” (NEMA s2(4)(f)).
- **Inclusivity** – “Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge” (NEMA s2(4)(g)).
- **Environmental literacy** – “Community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means” (NEMA s2(4)(h)).
- **Cost/benefit analysis** – “The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment” (NEMA s2(4)(i)).
- **Transparency** – “Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law” (NEMA s2(4)(k)).
- **Alignment** – “There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to the environment” (NEMA s2(4)(l)).
- **International commitments** – “Global and international responsibilities relating to the environment must be discharged in the national interest” (NEMA s2(4)(n)).
- **Common heritage** – “The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people’s common heritage (NEMA s2(4)(o)).

- **Polluter pays** – “The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment” (NEMA s2(4)(p)).
- **Women and youth** – “The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted” (NEMA s2(4)(q)).
- **Susceptible ecosystems** – “Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure” (NEMA s2(4)(r)).

## 5.5 The 2003/4 biodiversity legislation

### 5.5.1 *The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)*

The National Environmental Management: Protected Areas Act, 2003<sup>34</sup>, commonly known as NEMPAA, will be dealt with in detail in Chapter Six. It is included here to provide some sense of the historical timeline leading to the establishment of the HLP.

### 5.5.2 *The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)*

The NEMBA<sup>35</sup> will be dealt with in detail in Chapter Six. It is included here to provide some sense of the historical timeline leading to the establishment of the HLP.

## 5.6 The 2005 Panel of Experts on Professional and Recreational Hunting

On the 28 January 2005, the Department of Environmental Affairs and Tourism (DEAT) published the draft national norms and standards for the sustainable use of large predators and the draft regulations relating to the keeping and hunting of cheetah (*Cacinonyx jubatus*), brown hyaena (*Hyaena brunnea*), spotted hyaena (*Crocuta crocuta*), wild dog (*Lycaon pictus*), lion (*Panthera leo*) and leopard (*Panthera pardus*)<sup>36</sup>, for public comment.

In June 2005, the then Minister of Environmental Affairs and Tourism, Minister Marthinus van Schalkwyk, appointed a ‘Panel of Experts’ to develop norms and standards for the regulation of hunting in South Africa. However, incidents and media reports at the time concerning the ‘canned hunting’ of large predators and trophy hunting in buffer zones adjacent to national parks, particularly where fences had been dropped, raised serious concerns regarding practices within the hunting industry and profession. These incidents highlighted a broader problem regarding the lack of an overall framework for regulating the hunting industry at a national level. The Minister consequently decided to broaden

<sup>34</sup> Republic of South Africa, 2003. National Environmental Management: Protected Areas Act 2003 (Act No. 57 of 2003). Notice No. 464, *Government Gazette* No. 26025 of 18 February 2004. Pretoria: Government Printer.

<sup>35</sup> Republic of South Africa, 2004. National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004). Notice No. 467, *Government Gazette* No. 26436 of 7 June 2004. Pretoria: Government Printer.

<sup>36</sup> Department of Environmental Affairs and Tourism. (2005). *The draft national norms and standards for the sustainable use of large predators issued in terms of section 9(1) of the National Environmental Management: Biodiversity Act, 2004 and the draft regulations relating to the keeping and hunting of acinonyx jubatus, hyaena brunnea, crocuta crocuta, lycaon pictus, panthera leo and panthera pardus, in terms of section 97 (l)(b)(iii) of the National Environmental Management: Biodiversity Act, 2004, Notice No. 72, Government Gazette No. 27214 of 28 January 2005*. Pretoria: Government Printer

the ToR of the Panel of Experts, requesting them to investigate the overall norms and standards required at a national level, to ensure a sustainable hunting industry.

Panel members were appointed on the basis of their expertise in a range of areas that affect and are affected by the hunting industry – with these including wildlife management, community involvement, transformation, biodiversity conservation and sustainable use. The panel's deliberations were informed by public inputs and submissions, and research commissioned in respect of specific areas. An initial workshop was held with 30 representatives from rural communities, to receive their input on professional and recreational hunting. Two public hearings were held thereafter, with the first focused on receiving submissions from registered interested and affected parties, while the second provided a platform for research paper findings to be presented. A total of 41 written submissions were received, with 28 oral submissions heard on 11 and 12 August 2005. The Panel of Experts commissioned four research papers, investigating: the status quo of the hunting industry; the regulation of the industry; the industry's conservation impacts; and international hunting best practice.

The following sections are based on the Executive Summary of the Report<sup>37</sup> submitted to the Minister of Environmental Affairs and Tourism by the Panel of Experts on Professional and Recreational Hunting in South Africa, dated November 2005 (hereinafter referred to as 'the 2005 Hunting Report').

#### 5.6.1 *The Panel of Experts' assessment principles*

The panel was guided in its assessment of each issue placed before it by three broad sets of principles, with these outlined in the report as follows: –

- **Sustainable use** – The first set of principles relates to the sustainable use of wildlife, which seeks to ensure that any practices associated with hunting do not compromise the long-term survival and viability of a particular species or ecosystem. This is essential to preserve the natural resource base on which the hunting industry depends.
- **The humane treatment of animals** – The second principle relates to the humane treatment of animals, as set out in the Animal Protection Act, and whether the outcome of any practice that affects a wild animal, planned or not, is considered an offence in terms of the Animal Protection Act.
- **Ethics** – The third principle relates to ethical hunting and, in particular, the principle of fair chase which is the foundation of the professional hunting industry. While this is not necessarily a matter of national regulatory concern, adherence to the principle of fair chase is important for the integrity and international reputation of the industry.

#### 5.6.2 *Panel of Experts' recommendations*

The Panel of Experts made its recommendations within the context of: the principles and framework set out in the South African Constitution; the body of laws regulating biodiversity in South Africa; and international agreements to which South Africa is a signatory. As noted above, the panel was also guided in its assessment by the above principles. Recommendations were made in respect of the following:

- **Intensive versus extensive production systems** – In this regard, the panel recommended that:
  - Extensive wildlife production units (i.e. systems that contains largely self-sustaining indigenous wildlife populations on natural habitats with minimum human intervention) should be managed according to scientifically-based wildlife management plans that are set out in terms of conservation management objectives, and that off-take of species for hunting purposes be in accordance with these;

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<sup>37</sup> Panel of Experts. (2005). *Report to the Minister of Environmental Affairs and Tourism, Panel of Experts on Professional and Recreational Hunting in South Africa, Final edited version November 2005*. Pretoria: Department of Environmental Affairs and Tourism.

- Nationally uniform guidelines on the format and methodology for these management plans be drawn up for the provinces to distribute to the owners of the extensive wildlife production units; and
- The transfer of animals from intensive (i.e. systems that are reliant on a high level of human intervention, and are basically considered agricultural production systems) to extensive wildlife production systems should only be permitted on conservation grounds following proper scientific research, and only if certain risks (such as disease transmission, genetic mixing and the release of inferior alien specimens) are not present.
- **Captive-bred animals** – In this regard, the panel recommended that:
  - Strict and clear criteria and standards be developed in permitting the continuation or establishment of captive breeding facilities that purport to support biodiversity conservation through the provision of scientific services and endangered species support; and
  - These facilities be required to establish and improve their record-keeping by way of nationally uniform minimum standards studbooks and DNA fingerprinting.
- **Import, translocation and genetic manipulation of wildlife** – In this regard, the panel recommended that:
  - The Minister place a ban on the import of all alien species for hunting purposes;
  - The translocation of species be prohibited outside their range zones;
  - Strategies should also be considered to contain the spread of indigenous species currently living beyond their natural ecological historical range zone;
  - Steps must be taken urgently to prevent the spread of genetically manipulated species and subspecies to new areas; and
  - The hunting of genetically manipulated animals in the extensive systems where they occur must be phased out.
- **Gamebird hunting** – In this regard, the panel recommended that:
  - It should be regulated by the agricultural sector, unless there are conservation or biodiversity implications, especially where the hunted bird represents a rare or threatened species. Under these circumstances, an additional permit will be required from the relevant provincial conservation authority.
- **Put-and-take and ‘canned hunting’** – In this regard, the panel recommended that:
  - Both Put-and-take and ‘canned hunting’ should be prohibited
- **Bow hunting** – In this regard, the panel recommended that:
  - National guidelines be established which can then be adopted by the provinces, so that there is a uniform approach to bow hunting.
- **“Green” hunting** – In this regard, the panel recommended that:
  - Uniform guidelines be developed which can be implemented at provincial level.
- **Other hunting methods** – In this regard, the panel recommended that:
  - The use of dogs for tracking and retrieval of a hunted (dead or wounded) animal is considered an acceptable practice;
  - Hunting by means of packs of dogs should be prohibited;
  - Any other hunting methods that are in contravention of the principle of humane treatment of wild animals should be prohibited, including ‘canned hunting’ and the use of traps, snares and poison; and
  - Hunting methods such as bright lights, luring sounds, the use of bait and hunting from vehicles should not be allowed.
- **Hunting in protected areas** – In this regard, the panel recommended that:

- Commercial hunting practices should be prohibited on publicly owned land in national and provincial parks (this includes special nature reserves, national parks and nature reserves, as per the Protected Areas Act definitions);
- Where culling is required, it should be undertaken by the public authority in charge, and not be made available on concession to trophy hunters;
- Where contractual parks have been established with private landowners and communities, or where fences between private land and national and provincial parks have been removed, limited hunting can be allowed in agreement with the conservation authority in charge of the park, the establishment of a proper management plan, and scientifically based off-take; and
- Similar arrangements should apply to hunting in protected environments outside of the national and provincial parks system.
- **Industry transformation** – In this regard, the panel recommended that:
  - Transformation must be promoted through a number of processes including a Broad-based Black Economic Empowerment (B-BBEE) Charter and Scorecard, a skills development strategy and an assortment of support strategies for communities that either currently own land or are to acquire land that has extensive wildlife production potential.
- **Damage-causing animals** – In this regard, the panel recommended that:
  - Damage-causing animals should be dealt with under a separate policy process; and
  - Damage-causing animals should not be hunted or be dealt with through a hunting concession.
- **Legal and institutional issues** – In this regard, the panel recommended that:
  - Uniformity be established through a set of national norms and standards promulgated in terms of regulations under the NEMBA, which will guide the implementation of both national and provincial policy and legislation; and
  - While the industry will continue to be regulated by means of the existing statutory provisions, this will only happen to the extent that those provisions conform to the national norms and standards.
- **Self-regulation** – In this regard, the panel recommended that:
  - The Minister formally recognises national representative organisations that promote the interests of the professional hunting, recreational hunting and associated industries, including the following: ensuring that members adhere to acceptable codes of conduct and ethics; establishment of a suitable accreditation system which becomes the basis for granting permits to professional hunters and outfitters, ensuring industry reports are submitted to the Minister on an annual basis, consistent with the national reporting system.
- **Systems for a national regulatory framework** – In this regard, the panel recommended that:
  - The basis for the proposed regulatory system is a process of regular scientific assessment and monitoring of species and ecosystems, on the foundation of which species are identified and listed in terms of their status as safe, protected, vulnerable, endangered or critically endangered, and annual off-take limits are set in order to ensure that the long-term survival and viability of both species and ecosystems are assured.
  - In terms of quota setting:
    - A precautionary approach should generally be followed, and no new quotas or licenses should be granted for species where the status of these species in the wild is not known or is uncertain.
    - For vulnerable, endangered and critically endangered species, a moratorium on off-takes may be necessary, at least for certain geographic sub-populations (and therefore certain provinces), until and if further scientific research informs us differently; and

- Population and Habitat Viability Assessments (or equivalent assessments) should be conducted for these listed threatened and protected species as soon as possible, to ensure that any off-take quotas permitted are based on current, reliable information, and are sustainable – given the ecology, geographic distribution and population trends of the species.
- In terms of permitting:
  - The provinces continue to be the authorities responsible for the issuing of permits, but they will be required to ensure that their decision-making processes relating to the issuing of hunting and hunting related permits comply with the national norms and standards; and
  - The national department will have to assess whether the provincial authorities have the administrative capacity to implement the norms and standards and, where they do not, support them in fulfilling their obligations.
- SANBI proceeds to establish a national system for monitoring the conservation status of species, including information collection and monitoring of conservation status and species' trends and the collection of national data related to the wildlife industry as a whole.
- **Capacity at the industry level** – In this regard, the panel recommended that:
  - A national skills strategy be developed which would include: the provision of bursaries to black learners to study wildlife management science to a first-level graduate level; the recognition of prior learning among current trackers and skimmers through the introduction of the hunting guide qualification; and incentives to encourage industry to make skills development programmes and learnerships available to previously disadvantaged individuals.
- **Capacity at Government level** – In this regard, the panel recommended that:
  - A capacity and training needs assessment be undertaken to gauge the capacity within public institutions, and to assess whether government officials, at all spheres of government, are able to fulfil their responsibilities with regard to policy and regulatory oversight.
- **Institutional arrangements** – In this regard, the panel recommended that:
  - The newly established wildlife forum should be continued, and be more representative of the different role-players that interface with the hunting industry;
  - A research forum be established under the auspices of SANBI, to assist with the ongoing scientific research required for a scientific-based approach to wildlife management;
  - Existing intergovernmental structures such as the Committee for Environmental Co-ordination and the Ministers and Members of Executive Councils Meeting (MinMEC) are used on an ongoing basis to address relevant hunting issues, ensure synergy of policy, and promote the effective application of the norms and standards; and
  - The Committee for Environmental Co-ordination and MinMEC be the formal structures through which arms of government are engaged on legal matters related to the professional and recreational hunting industry.
- **Funding** – In this regard, the panel recommended that:
  - Permit fees be standardized across the provinces, and that a conservation fee is levied on all permits issued, in order to support the research monitoring and assessment process, and
  - A detailed proposal be drawn up and submitted to the National Treasury regarding the viability of establishing a conservation fund that can be used to fund scientific assessments, monitoring and broad level wildlife extension services.

### 5.6.3 Relevance to the HLP

Although not specifically referenced in the HLP's ToR, the work of the Panel of Experts on Professional and Recreational Hunting is of direct relevance to the HLP. Many of the recommendations contained in their report talk directly to the HLP's ToR and the challenges the country faces in relation to current approaches for conserving wildlife and sustainable use, including the following –

- *Hunting of elephants: should hunting of elephants be permissible and what are the legal requirements and conditions for such*
- *[Elephant] Population management: population control including culling and contraceptives, inter-country translocations*
- *Hunting of rhino: should hunting of rhino be permissible and what are legal requirements and conditions for such*
- *[Rhino] Population management: meta-population management and rhino range states translocations*
- *Hunting of leopards: rationale and basis for hunting or no hunting, determination of the quotas and associated conditions, hunting standards, methods of hunting*
- *Hunting of captive bred lions: hunting rationale in captive breeding facilities, conditions for hunting of captive bred lions, size of hunting farms, release periods of lions for hunting and legal requirements for hunting captive bred lions*

## 5.7 The 2006 Elephant SRTs

### 5.7.1 The 18 January 2006 Round Table

The following is largely an edited extract of a DEAT press release<sup>38</sup>.

In September 2005, the Minister of Environmental Affairs and Tourism, Minister Marthinus van Schalkwyk, issued a statement that Cabinet had instructed him to develop policy guidelines for the management of South Africa's burgeoning elephant population in national, provincial and private parks.

To this end, on 18 January 2006, ten of the world's leading elephant scientists met in Cape Town to debate the future of South Africa's elephants in the presence of the Minister and senior departmental officials. They had been asked to demonstrate the scientific evidence in support of or against a number of contentious propositions such as:

- Are there too many elephants?
- Are they causing damage to biodiversity?
- Is action needed to reduce populations?
- Which management options are most appropriate?

Scientists from SANParks had already recommended to the Minister that elephant populations should be reduced through translocation, contraception, range expansion and culling.

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<sup>38</sup> Press release entitled "M Van Schalkwyk to meet with elephant scientists, 18 Jan", dated 16 Jan 2006 (<https://www.gov.za/m-van-schalkwyk-meet-elephant-scientists-18-jan>).

The Elephant SRT arose from the Minister's concern that stakeholders have insisted that his policy guideline should be based on scientific evidence, but that there appeared to be little consensus among leading scientists. The Minister noted that his final decision would be based on the available science, ethical and social considerations, indigenous knowledge, environmental and tourism impacts. It was therefore important for him to get a good understanding of the available science and identify knowledge gaps that needed attention.

The SRT followed the Ministerial team hosting 17 local and international stakeholder groups at an indaba in Cape Town in November 2005. A number of elephant specialists who are based in the United States (US), United Kingdom (UK) and Australia were invited, but were not available for the round table discussion. However, the Minister noted that he was approaching this issue very cautiously and it was therefore likely that more scientific dialogue would take place before the publication of a draft policy for public comment later in 2006.

Panellists for the 18 January 2006 Elephant SRT included: Professor Norman Owen-Smith - Research Professor in African Ecology at the University of the Witwatersrand; Professor Rudi van Aarde - Professor of Zoology and Director of the Conservation Research Unit in the Faculty of Natural and Agricultural Science, University of Pretoria; Professor Graham Kerley - Director, Terrestrial Ecology Research Unit, Department of Zoology, Nelson Mandela Metropolitan University; Dr Hector Magome - Head of Research, SANParks; Dr Ian Whyte - Research Manager: Large Herbivores, SANParks; Dr David Cumming - Tropical Resource Ecology Programme, University of Zimbabwe; Bruce Page - Lecturer in Ecology in the School of Conservation and Biological Sciences, University of KwaZulu-Natal; Professor Rob Slotow - Professor, School of Conservation and Biological Sciences, University of KwaZulu-Natal; Dr Bob Scholes - Systems Ecologist, Council for Scientific and Industrial Research; Dr Brian Huntley (Facilitator) - Director, SANBI.

#### 5.7.2 18 January 2006 recommendations

Two recommendations were made to the Minister of Environmental Affairs and Tourism by the elephant scientists who participated in the Elephant SRT in Cape Town on 18 January 2006<sup>39</sup> –

- There is no compelling evidence for immediate, large-scale reduction of elephant numbers in the Kruger National Park; and
- In some protected areas, including the Kruger National Park, elephant density, distribution and population structure may need to be managed locally to meet biodiversity and other objectives.

#### 5.7.3 The 22 August 2006 Round Table

The following is an edited extract of a DEAT press release<sup>40</sup>.

On 22 August 2006, a second round table of the “world’s leading elephant scientists” was hosted in Cape Town, to submit their views to the Minister on the need for further research into the ecology of elephants. In this regard, three additional experts were added to the original ten, namely: Dr Holly Dublin - Chair, Species Survival Commission, IUCN - The World Conservation Union; Dr Iain Douglas Hamilton - Chief Executive of Save the Elephants; and Professor Kevin Rogers - Professor of Ecology in the School of Animal Plant and Environmental Science at the University of the Witwatersrand.

This second Elephant SRT focused on the previous session's agreement that in some protected areas, some intervention might be necessary to manage elephant density distribution and population structure and that, in areas of

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<sup>39</sup> The basis for this decision was published in a peer reviewed paper - Owen-Smith, N., Kerley, G.I.H., Page, B., Slotow, R. & van Aarde, R.J. (2006). A scientific perspective on the management of elephants in the Kruger National Park and elsewhere. *South African Journal of Science* 102: 389-394.

<sup>40</sup> Press release entitled “5 M Van Schalkwyk to Attend Elephant Science Round Table, 22 Aug”, dated 18 August 2006 (<https://www.gov.za/m-van-schalkwyk-attend-elephant-science-round-table-22-aug>).

significant size and diversity where some risk could be accommodated, "deliberate, bold actions" were required. In this regard, the concept of "active adaptive management" (i.e. learning by doing) would be helpful in reducing management uncertainties in complex systems. Adequate monitoring and feedback loops should be part of such a process.

In parallel with these 'round tables', the Department was also engaging stakeholders on the subject and "hundreds of submissions [had] been received from around the world".

For the second event, the scientists had been asked to assume, for the purpose of the round table discussion, that the Minister intended to adopt a consensus stakeholder view as a policy guideline and, to this end, they were asked to provide advice on the following questions:

- What scientific interventions are required for the implementation of an adaptive management research programme in the near future?
- How would a multi-stakeholder research programme be set up and administered?
- How would it work in practice?
- How much will it cost and over what time period should it operate?
- Who should monitor the process and how would the "learnings" be absorbed into elephant management policy and practice?

At the time of the SRT, the Department noted that "specialists in the Department were making good progress with drafting of the Norms and Standards for Elephant Management, which would hopefully be published for public comment before the year-end and [that] the contribution from the 2<sup>nd</sup> Science Round Table would enhance the process."

#### 5.7.4 The 22 August 2006 "Scientific Consensus"

Following the second (22 August 2006) SRT on Elephants and their Impacts in South Africa, the thirteen scientists involved in the event issued the following brief "Statement of Scientific Consensus"<sup>41</sup>:

- **African elephants are an important component of South Africa's biological diversity**, both as a species in their own right, and as agents of change in the ecosystem. Due to this role, the absence of elephants from ecosystems that evolved under their influence is potentially deleterious, as is their overabundance. Elephant impacts need to be managed as components of the ecosystem.
- **The management of elephant influence on ecosystems takes place within the context of human society and its objectives.** Social, environmental, economic and political values must be brought to bear on decision making.
- **Decisions on managing elephants are dependent on stated land use objectives**, the techniques by which this can be practically achieved being situation-specific. Influencing factors are the size of the area involved; conservation value of the elephant population; biodiversity, social and economic values of the area. A single, uniform set of rules for elephant management is not desirable, but a differentiated and evolving best practice guideline for various circumstances is achievable.
- **Elephants in confined populations can, in the absence of interventions, cause changes to the composition, structure and functioning of ecosystems in which they occur.** These changes may be unacceptable. It is possible that sustained high elephant impact will cause the local extinction of sensitive species in the affected areas, and if those constitute the major populations for the species, could lead to their endangerment or extinction.

<sup>41</sup> . DEAT press release entitled "Elephant Science Round Table Reach Consensus", dated 23 August 2006.

- **Excluding extinctions, elephant-induced changes to the ecosystem are potentially reversible.** The time period for which elephant influences are apparent may exceed a human generation (30 years), for example if it requires the regrowth of large trees or the regeneration of lost soil.
- **Elephants have a high level of social organisation and consciousness.** Behavioural consequences or objectives of management intervention should be well considered. Their management therefore requires particularly high ethical standards. Science can contribute an understanding of behaviour and measures of stress to the formulation of these standards.
- **The state of knowledge regarding some important aspects of elephant management requires further research.** In particular, the likely trajectory of elephant numbers, the relationship between elephant density and a range of ecological consequences in various ecosystems, and the viability under various circumstances of elephant density control using contraception and habitat manipulation need further research. An active adaptive management approach, including a targeted research programme, is indicated as a strategy for combining timely action with learning.

In December 2006, following the two SRTs, the participating scientists compiled and submitted a proposal to the Minister entitled “Elephants, ecosystems and people: towards an integrative, collaborative South African research programme”. The long-term goal (vision) for this research programme was –

*Elephant populations that promote broader biodiversity and social goals and are socially, politically economically and ecologically-sustainable.*

The immediate goals were:

- To provide information that informs conservation policy and reduces risk and uncertainty;
- To facilitate the adoption of an adaptive management approach to the conservation of elephants in linked social-ecological systems; and
- To strengthen capacity in management, research and decision making in all sectors and levels involved in the conservation and management of elephants.

The proposal also detailed the following possible outputs: (1) Current state of elephant–ecosystem science and knowledge, including related societal perceptions and values, assessed; (2) Suite of predictive models on elephants as components of linked social-ecological systems developed and used in research and adaptive management; (3) Establishment of a forum to promote the adoption of active adaptive management practices in elephant conservation facilitated; (4) Key questions regarding elephant conservation and management investigated; and (5) Programme coordination and management established and operating.

Furthermore, one of the recommendations of the Round Table was that an assessment be carried out to gather, evaluate and present all the relevant information on the topic. This assessment was conducted and summarised in a 21 page 2007 Summary for Policymakers<sup>42</sup> and a full report entitled ‘Scientific Assessment of Elephant Management in South Africa’. The assessment process involved 62 experts as chapter authors, and a further 57 persons, including scientists, policymakers and stakeholders, in an extensive review process.

<sup>42</sup> Scholes, R.J., Carruthers, J., van Aarde, R., Kerley, G.I.H., Twine, W., Grobler, D.G., Bertschinger, H., Grant, C.C., Slotow, R., Lötter, H.P.P., Blignaut, J., Hopkinson, L. & Biggs, H.C. (2007). *Assessment of South African Elephant Management, Summary for policy-makers*. Pretoria: Department of Environmental Affairs and Tourism.

On 29 February 2008, the Minister promulgated the National Norms and Standards for the Management of Elephants in South Africa<sup>43</sup>.

### 5.7.5 Relevance to the HLP

The deliberations and outcomes of the 2006 Elephant SRT are of relevance to the HLP, with the first event's conclusion that culling was not necessary in the Kruger National Park and second event's 'scientific consensus' talking directly to the following elements of the HLP's ToR –

- *Hunting of elephants: should hunting of elephants be permissible and what are the legal requirements and conditions for such*
- *[Elephant] Population management: population control including culling and contraceptives, inter-country translocations*
- *[Elephant-related] Impact and benefits: How does the variety of management practices like captive keeping, trading in elephant ivory contribute value to conservation in South Africa.*
- *[Elephant-related] Handling and Well-being: Practices, standards and guidelines for permitting facilities that contribute to conservation objectives.*

## 5.8 The 2012 Rhino Issue Management process

The following section is based on the 2012 Final Report of the Rhino Issue Manager (RIM)<sup>44</sup>.

On 1 May 2012, the Department contracted Mr Mavuso Msimang on a six-month contract as the RIM, with the assigned task of conducting a series of stakeholder engagements to facilitate the development of a common understanding of key issues concerning the protection and sustainable conservation of the South African rhino population. This was to be done through the medium of workshops, roundtables, one-on-one discussions and other forms of engagement. Together with the Department, the RIM was also charged with producing a communication strategy to highlight the rhino poaching menace and inform the public about measures the government was taking to combat the scourge. The RIM was also directed to collect and collate information and data and compile a report for presentation to DEA to augment its rhino management document, the National Strategy for the Safety and Security of Rhinoceros Populations. Finally, RIM stakeholder engagements were intended to help the Department develop the South African position and statement in preparation for CITES COP 16.

### 5.8.1 The Report's Executive Summary

The content below is a direct extract from the Executive Summary of the RIM's Report<sup>45</sup>:

*The stakeholders responded magnificently to the government's invitation to discuss their concerns regarding the poachers' onslaught on the South African rhino and work together to devise strategies that could provide relief to, and rescue, the embattled iconic mammal from the threat of extinction. Meeting attendances were generally good and the level of participation in the discussions high and animated. There was agreement that focus should be on saving the rhino and therefore the importance of making proposals that were relevant to this*

<sup>43</sup> Department of Environmental Affairs and Tourism. (2008). *National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), National norms and standards for the management of elephants in South Africa*, Notice No. 251, Government Gazette No. 30833 of 29 February 2008. Pretoria: Government Printer.

<sup>44</sup> Msimang, Mavuso. (2012). *Rhino Issue Manager, Final Report, 2012*. Pretoria: Department of Environmental Affairs.

<sup>45</sup> Ibid. Pages 9 to 10.

central objective. Arguments premised exclusively on economic or financial gain were not considered sufficiently broad in their goals for acceptance.

The consultation process benefitted much from the existence of a strong body of research provided by ecologists, veterinarians, biologists and others in the conservation sciences, especially in the field of biological management. So also was the case with positions that were based only on sentimental or aesthetic considerations but that did not necessarily contribute to ensuring the survival of the rhino. Inferences drawn from data collected over years in diverse ecological conditions seemed to leave little room for challenge. On sustainable conservation prerequisites consensus was developed quickly and the stakeholders moved on to other issues. A strong case was made for the necessity of handling rhino ethically. Concerns were also strongly voiced about subjecting rhino to treatment and circumstances that might eventually modify their behaviour and/or physiology.

Extensive discussion took place on the desperate plight of the rhino and a variety of protection measures were put on the table. There was recognition that poachers operated in well organized and highly networked and elusive international criminal syndicates. The current inadequacy of intelligence that is necessary to bolster security provided by Protected Area authorities and private rhino owners was recognized as the Achilles heel in the rhino safety strategy. Thoughtful suggestions were made around the necessity of affording communities living adjacent to wildlife areas a meaningful stake in rhino ownership, and thus the mammal's security.

The escalation in rhino poaching has amply exposed the weaknesses of current rhino protection measures. Technological developments were envisaged to offer exciting opportunities of bolstering rhino security against poachers. Unmanned Aerial Vehicles (UAVs) rated frequent mention. The astronomical cost of providing security in typical rhino habitats was thought to render reliance on option to protect rhino as inadequate by itself.

Discussions on trade and commerce as conservation tools resulted in heated debates. As would be expected, vested interests tended to look at the lifting of the ban on the trade in rhino horn as the panacea that would end poaching and save the rhino from extinction. The opposing view was that such trade would stimulate demand and exacerbate the plight of the rhino. Empirical evidence abounds that points to the ineffectiveness of the illegalization of trade in rhino horn. On the other hand, while opening up the trade as suggested would provide some relief to rhino herds, not enough is known about the workings of the faceless rhino trade operators. It is crucial that possibilities in this sphere are investigated through the development of appropriate models.

The absence of a single strategy to quell and annul rhino poaching calls for the judicious employment of several carefully thought-out interventions in a portfolio approach. In the immediate term, there can be no substitute for heightened security using the tried and tested ranger bolstered by the best available technologies. Simultaneously, biological conservation measures, including range expansion, should be investigated and implemented. Finally, as long as there is demand for rhino horn, effective means of supplying it must be worked out that would have the effect of saving the life of the rhino. These strategies must be finalised with urgency and an application duly made to the CITES Conference of Parties to legalize trade in rhino horn.

### 5.8.2 RIM recommendations

The report provides detailed recommendations, and includes identification of strategic focus areas, specific recommendations, related key actions and expected impacts. The following provides a summary of the specific recommendations: –

- Funding:
  - Develop and implement a funding model for the conservation of South Africa's rhino population

- Safety and security:
  - Review the existing rhino security strategy to deal with emerging issues
  - Increase the number and capability of field rangers assigned to rhino protection
  - Focus on communities living adjacent to protected areas for the hiring and training of field rangers
  - Deploy field rangers to private rhino-holding properties (operations to be financed by the Global Fund)
  - UAVs or drones in selected protected areas: Carry out trials on the use of UAVs or drones to protect rhino
  - All properties, public and private, with rhino holdings must be registered by DEA
  - Build a comprehensive intelligence network aimed at securing the cooperation of communities living adjacent to protected areas
  - Upgrade security on the South African border with Mozambique along Kruger National Park
  - Undertake a comprehensive rhino dehorning exercise across South Africa. Must be accompanied by: Increased security as outlined in recommendations; Immediate implementation of improved permitting system; Implementation of budgeted annual population counts and profiles in all Parks
  - Upgrade coordination and improve quality of inputs into joint meetings by state security agencies and others involved in rhino protection in South Africa
  - Continuously monitor rhino criminal acts and ensure the justice system is equipped with and carries out appropriate deterrence
  - Set up and immediately implement a centralized Permitting System and Database for live rhino sales, rhino horn sales and hunts.
- Conservation
  - Identify and support implementation of suitable and safe rhino ranges inside and outside South Africa with a view to optimizing species conservation and persistence in the wild.
  - Develop rhino exchange programs with other African rhino range states
- Commerce and trade
  - Announce the government's intention to authorize commercial farming of rhinoceros.
  - Minister to announce intention to lift the moratorium on domestic trade in rhino horn.
  - Authorize sale of farmed horn through auctions or other appropriate mechanisms
  - Consider opening a rhino horn trading bourse possibly linked to the JSE
  - The DEA to announce its intention of applying for the lifting of the trade ban in rhino horn.
  - The DEA should request permission for two auctions in 2013 to permit sales of stockpiles to finance efforts to fight poaching and increase ranges.

### 5.8.3 Relevance to the HLP

Although not specifically referenced in the HLP's ToR, and though many of its recommendations may have been overtaken or made irrelevant by the 2014 Committee of Inquiry into the Trade in Rhino Horn, the work of the RIM is still of direct relevance to the following elements of the HLP's ToR: –

- *Keeping of rhinoceros in captivity: genesis of rhino farming in South Africa, farming and breeding methods, handling of rhino, legal requirements for management of privately owned rhino, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures*

- *Hunting of rhino: should hunting of rhino be permissible and what are legal requirements and conditions for such*
- *Population management: meta-population management and rhino range states translocations*
- *Trade in rhino and rhino horn: rhino horn export, domestic trade or no trade, mechanisms of the trade, live sales and exports*
- *Rhino horn stockpiling: options for stockpiling or not of rhino horn, costs and value of keeping rhino horn stockpiles to conservation*
- *Management of stockpiles: standardization, traceability, DNA profiling, rhino horn markings and reporting*
- *Impact and benefits: how do the various management practices and trade in rhino horn contribute to conservation in South Africa?*
- *Handling and Well-being: practices, standards and guidelines for permitting facilities that contribute to conservation objectives.*

## 5.9 The 2014 Committee of Inquiry into the trade in rhino horn

On 25 January 2013, the Minister published the Biodiversity Management Plan for the black rhinoceros (*Diceros bicornis*) in South Africa 2011-2020<sup>46</sup>. Among other issues, and of specific relevance to the HLP, this plan called for an “encouragement of the sustained 'consumptive' and 'non-consumptive' use of rhino” to “develop the means by which rhino help pay for the cost of their conservation” and the investigation of “measures aimed at possibly facilitating a better understanding for any possible future regulated and controlled international trade in the species, and any associated by-products”.

In 2014, the DEA commissioned research that resulted in the report entitled “The viability of legalising trade in rhino horn in South Africa”<sup>47</sup>. The report concluded that South Africa should not lift the national moratorium at that time. However, it should immediately start developing a secure national electronic permitting system to bring non-compliance issues under control. This must be linked to a rhino database that includes horn stockpile and DNA profile information. Private rhino owners must be incentivised to continue protecting rhino during this period. South Africa must continue to show that it is complying with CITES Resolution Conference 9.14 (Rev. CoP15) to avoid potential punitive measures from Parties and, if a proposal for legalising international trade is to be submitted, South Africa should be prepared before the deadline for submissions for CoP17 in 2016. It may be important to note that one specific element of this report gained significant public attention<sup>48</sup> (i.e. the section where the authors explain that the “management of rhino populations should be approached differently, adopting a similar approach as for any other valuable terrestrial agricultural livestock species that is effectively owner managed” (with it suggested that the report equated rhino to domesticated animals).

Building on this, in 2014 the Minister of Environmental Affairs appointed a Strategic Task Team referred to as a Committee of Inquiry (Committee of Inquiry, in terms of Treasury Regulations), to assist the DEA with preparations for

<sup>46</sup> Department of Environmental Affairs. (2013). *National Environmental Management: Biodiversity Act, 2004 (act no. 10 of 2004), Biodiversity Management Plan for the black rhinoceros (Diceros bicornis) in South Africa 2011-2020*, Notice No. 49, Government Gazette No. 36096 of 25 January 2013. Pretoria: Government Printer.

<sup>47</sup> Taylor, A., Brebner, K., Coetzee, R., Davies-Mostert, H., Lindsey, P., Shaw, J., ‘t Sas-Rolfes, M. (2014). *The viability of legalising trade in rhino horn in South Africa*. Pretoria: Department of Environmental Affairs.

<sup>48</sup> See: <http://www.news24.com/Columnists/AndreasSpath/the-commodification-of-south-africas-wildlife-20151207>

CITES CoP 17 on rhino matters, considering that both rhino species are impacted by high levels of poaching and illegal wildlife trafficking. The following sections are based on the (undated) Summary Report of the Committee of Inquiry into the trade in rhino horn<sup>49</sup>.

### 5.9.1 *The Report's Executive Summary*

The content below is a direct extract from the Executive Summary of the Committee of Inquiry's Report<sup>50</sup>:

*The Committee of Inquiry assessed the current situation and the interventions implemented by Government to date. Then, through a process of stakeholder consultation, scenario planning, analysis of case studies and various work stream documents as well as a decision-tree analysis process, the Committee identified five key areas that require interventions. These interventions are needed to address wildlife crime and enhance government's ability to conserve rhino in their natural habitat, and increase the opportunities to realise benefits associated with successful conservation. The Committee was strongly of the view that these interventions are essential for an effective response to rhino poaching irrespective of whether (or not) South Africa seeks to trade in rhino horn.*

*The five key areas that require interventions are: Security; community empowerment; biological management; responsive legislative provisions that are effectively implemented and enforced; and demand management. Minimum requirements for the implementation and effectiveness of different interventions covering each area were identified as well as indicators to measure progress. The roles and responsibilities of various government departments were identified. There is a need for the respective departments to absorb activities relevant to their mandates in their respective strategic plans.*

*Through interactions with the Inter-Ministerial Committee, the Committee of Inquiry was advised to provide various options relating to trade to be considered by government. The Committee proceeded on the premise that addressing the five governance challenges (above) forms the cornerstone of all available options for addressing the poaching crisis and was the primary recommendation from the Committee.*

*This left two outstanding challenges: First, how to deal with the demand from consumer countries; and, second, how to provide sustainable funding for ongoing efforts to reduce poaching and illegal wildlife trade. The proposed solutions to these issues are the most contentious ones in the rhino conservation context and are also the areas where the evidence base is weak and there is considerable uncertainty regarding the likely success of any of the proposed solutions. The Committee of Inquiry identified four possible options based on different solutions to challenges of demand (demand reduction versus trade) and funding (donor funds, tourism levies, trade). The Committee did a SWOT analysis (strengths, weaknesses, opportunities, threats) of the different options. The Committee also considered a number of possible trade mechanisms. These represent the trade models that were identified as options if a trade proposal was going to be considered. A SWOT analysis of these mechanisms was also conducted although there was recognition that it would not be possible to finalise the institutional design of trade mechanisms without engaging with, and obtaining agreement from, potential trade partners, and on obtaining agreement from government and various stakeholders on their respective roles in the management and control of any trade mechanism.*

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<sup>49</sup> Committee of Inquiry. (undated). *Summary report of the Committee of Inquiry (CoI) appointed by the Minister of Environmental Affairs to advise on the possibility of proposing legal international trade in rhino horn to the 17th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or not.* Pretoria: Department of Environmental Affairs.

<sup>50</sup> Ibid. Page 2.

### 5.9.2 *Committee of Inquiry recommendations relating to key action areas.*

The following recommendations were made relating to minimum requirements that must be met to create an environment conducive for rhino conservation in South Africa, to effectively address rhino poaching and the illegal trade in rhino horn, and to reach a point where any potential trade in rhino horn would contribute to conservation outcomes. The Committee included indicators that should be achieved to address challenges in the following key areas.

- Security (law enforcement) minimum requirements: –
  - Integrated national law enforcement strategy, led by the South African Police Service (SAPS), adopted, funded and included in the strategic plans of all relevant departments / entities;
  - Significantly enhanced law enforcement capacity to counter transnational organised crime, including wildlife trafficking; and
  - Review of existing Memoranda of Understanding (MOUs) with other countries to ensure they provide for enhanced law enforcement cooperation and joint investigations by the relevant authorities.
- Community empowerment minimum requirements: –
  - Functional municipalities around key protected areas to provide water, waste, sanitation, energy, roads, transport, education and health services through joint engagement by communities and conservation agencies with all relevant government departments;
  - A Champion to be appointed to oversee Community Empowerment, in a permanent position with multi-departmental influence and funding, to develop and implement a Community Empowerment plan addressing these requirements which acknowledges past errors associated with protected area policies;
  - Effective two-way channels of engagement to operate between communities and protected area management structures, including the private sector and government agencies, with community involvement at management and Board level;
  - Increased access to education and capacity building opportunities in these communities, specifically through a targeted Mentorship Programme to provide qualifications and develop advanced skills in conservation and protected area management for community members and entry into protected area management opportunities;
  - Opportunities for alternative economic development are supported in these communities in parallel with capacity building in financial management and business development skills;
  - Sound financial management policies and practices are established within communities and municipalities to enable equitable fund distribution methods are implemented to disperse income from protected areas;
  - Effective governance structures are developed within communities so they are empowered to hold structures accountable and prevent corruption and elite capture of benefits, including proven mechanism(s) for resolving conflicts between Traditional Authorities (TAs) and CPAs;
  - A National review is undertaken within the Community Empowerment Plan to ensure better alignment and implementation of community empowerment policies and projects between National, Provincial, Municipal, local and community levels; and
  - Communities have ownership of conservation initiatives with decision-making powers and authority to equitably access benefits as part of sustainable livelihood initiatives.
- Biological management minimum requirements: –
  - Approved biodiversity management plans for black and white rhino published in government gazette for implementation;

- Range States action plan aimed at facilitating cooperation and collaboration to conserve rhino within its natural range (collective plan);
- Bilateral engagements with key range States relating to rhino management;
- Resources to implement management plan/s;
- Implementation of management plans; and
- Ongoing monitoring and evaluation of the implementation of management plans.
- Responsive legislative provisions and effective implementation minimum requirements: –
  - Existing legislation used optimally to address all aspects of illegal trade (e.g. poaching, organized crime, trafficking, illegal possession of weapons, money laundering);
  - Legislation (environmental legislation and others) reviewed and revised to address gaps / emerging issues – this should include appropriate offences, bail aspects, penalties, enabling provisions and matters relating to foreign nationals involved in poaching and illegal trade (including gaps associated with possible trade models, if trade is an option);
  - Incentives for rhino conservation / ownership explored and developed;
  - Legislative mandates relating to intensive breeding of rhino clarified and legislative measures developed and implemented to effectively regulate all aspects relating to the activity (applicable to other species as well);
  - International engagements with range, transit and consumer States regarding legislative provisions to address illegal wildlife trade;
  - Integrated regulatory framework, including a permit system that facilitates monitoring of legal activities involving rhino and rhino horn or other products;
  - Rhino horn stockpiles managed and audited as required in terms of legislative provisions; and
  - Review of international law and relevant multilateral agreements to determine whether there are any mechanisms that can be used to support actions against illegal rhino trade from South Africa.
- Demand management / reduction minimum requirements: –
  - Continued interactions with consumers and information-gathering mechanisms within known consumer and range states to better understand consumer patterns, attitudes and behaviour. (The institutional arrangements underpinning different trade models can make it easier for some models to provide insights into consumer behaviour than others. In the absence of legal trade models that facilitate information gathering, the understanding of consumer attitudes and behaviour will require regular, well-constructed and executed studies in consumer markets and remain difficult given the illegal nature of the banned trade.)
  - Monitoring system to be developed and implemented to gather information relating to prices paid to poachers and the quantity of horn traded.

### 5.9.3 Investigated trade and non-trade options

On the question of trade, the Committee defined four trade and non-trade options and subjected these options to a strengths, weaknesses, opportunities and threats (SWOT) analysis. As the Committee did not highlight any preferred option, this SWOT analysis was meant to provide the Minister with the pros and cons of each option to inform policy – and decision-making in this regard. The four options considered included –

- **Option 1 – No trade in rhino specimens** (including termination of hunting and stockpile destruction), backed by a policy change that bans international trade in key affected species and strongly supports demand reduction. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It provides a clear message that international trade is banned and it is aligned to similar global initiatives.

- Enforcement is simplified.
- It is dependent on a sustainable financing mechanism to assist South Africa to maintain its anti-poaching interventions.
- It is furthermore critically dependent on significantly reducing demand for rhino horn.
- This option limits sustainable use options to non-consumptive use and, due to the destruction of stockpiles, means that it will be difficult or impossible to consider trade as an option in future.
- The required change in policy may face legal challenges in terms of s24 and s25 of the Constitution of the Republic of South Africa, 1996, especially relating to destruction of stockpiles and restrictions on private sector ownership.
- Opportunities relating to sustainable utilization that involves international trade of the species are removed.
- **Option 2 – Application of current policy** (limited international trade in hunting trophies and live rhino to appropriate and acceptable destinations), with no consideration of commercial trade; destruction of stockpiles, and investment in demand reduction. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It provides a clear message that trade in rhino horn is illegal while other forms of sustainable utilization could continue in terms of the existing legislative provisions.
  - It is relatively simple to enforce.
  - It is dependent on a sustainable financing mechanism to assist South Africa to maintain its anti-poaching interventions.
  - It is furthermore critically dependent on significantly reducing demand for rhino horn.
  - Due to the destruction of stockpiles, the exercise of this option limits future trade considerations.
  - There are possible implications in terms of s24 and s25 of the Constitution of the Republic of South Africa, 1996, especially in terms of destruction of stockpiles and restrictions on the private sector.
  - Opportunities relating to the sustainable utilization of rhino horn are limited.
- **Option 3 – Application of current policy, but keeping options open** (limited international trade in hunting trophies and live rhino to appropriate and acceptable destinations), with no immediate intention to trade in rhino horn, but maintaining the option to re-consider regulated legal international trade in rhino horn when requirements are met. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It confirms the current status that commercial international trade in rhino horn is illegal and will only be reconsidered when minimum requirements are met.
  - The steps to improve enforcement are mostly within South Africa's control.
  - It is, however, dependent on a sustainable financing mechanism to assist South Africa to maintain its anti-poaching interventions.
  - It is furthermore dependent on significantly reducing demand for rhino horn.
  - Although it does recognize the full economic value of rhino, there is no immediate financial benefit that can be derived from rhino horn that can contribute to mitigating increasing security costs.
  - A tourism levy could be executed in this option to provide additional funding mechanism.
  - One of the risks is there is no clear message regarding the final position on trade, creating some uncertainty in the market and possibly resulting in confusing messaging for demand reduction initiatives.
- **Option 4 – Promote regulated, legal international trade** as soon as the necessary governance conditions are met. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It supports a regulated, legal international trade in rhino horn once the minimum requirements are met.

- Provides additional opportunities and incentives to all rhino owners and potential rhino owners (communities).
- It could reduce the financial burden on those that currently carry the costs of anti-poaching interventions and provides transparency relating to the legal supply chain.
- However, the final decision to approve international trade is not within South Africa's control and must be approved by two-thirds majority of CITES Parties.
- This option will meet strong resistance from animal right groups and organisations working to reduce demand for rhino horn.
- A risk associated with this option relates to misalignment with international sentiment relating to use of rhino horn and specific and directed lobby actions will be required to solicit support.
- There is currently no clear trading partner and some consumer states have prohibitions in place.
- Legislative amendments will be required in consumer states (trade partners) to provide for a regulated, legal international trade.
- Possible trade models will require buy-in from, and effective implementation by, range and consumer states.
- It may result in intensification of rhino populations with possible conservation and welfare implications.
- Because of the elimination of the "stigma- effect", there is uncertainty about how the demand in consumer states will respond to a legal trade. The evidence from studies conducted to date in consumer states in this regard is contradictory.

#### 5.9.4 Investigated trade models

If Cabinet decided on the option relating to a legalised international trade in rhino horn, the Committee noted that the mechanism or model in terms of which legal trade should take place was an important consideration. The Committee of Inquiry recommended that such a mechanism should result in the following outcomes:

- A reduction in the number of rhino illegally killed and a reduced extinction risk.
- Benefits that lead to increased conservation of free-ranging rhino populations within their natural distribution range.
- Sustainable financial resources for conservation, that lead to expansion of rhino range, with benefits for biodiversity.
- Marginalised communities neighbouring conservation areas receiving tangible and sustainable direct benefits (e.g. through employment, returns on ownership, land rental etc.) and indirect benefits (e.g. indirect and induced economic opportunities, skills transfer, positive land value spill-overs, diversion of resources etc.), that enhance interest in and protection of live rhino and conservation areas.
- Rhino populations in other range states do not experience additional poaching threats due to the adoption of the legal trade model. Other range states with healthy populations are not automatically precluded from participating in trade. Resources are generated to assist in addressing serious threats in other range states. Most other range States perceive benefits in the trade model and support it.
- Effective and transparent institutional arrangements and governance systems that reduce opportunities relating to corruption, that facilitate monitoring and that do not increase compliance costs excessively.
- Consumer states acknowledge that rhino horn is consumed in their countries and are prepared to adopt policy and regulatory regimes to ensure that legal trade is supported, that objectives are aligned with range states, and that illegal trade is addressed through effective law enforcement.

Notwithstanding the desired outcomes that must inform the model for any form of trade, the Committee noted that legal trade in rhino horn is not without risks, and that the different legislative and institutional arrangements associated with various legal trade models can materially impact on the extent to which the risks identified can be mitigated or negated. The models considered by the Committee are all highly regulated forms of legal trade, but they envisage differing roles for government and the private sector, and have different inherent abilities to adapt to changing market dynamics rapidly and effectively, and to gather information about the market as it evolves. Three trade models aimed at long-term sustainable trade in raw horn were reviewed by the Committee and subjected to a SWOT analysis –

- **Model 1 – Central Selling Organisation:** All legal sales are channelled through a Central Selling Organisation established by the South African government. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It could create a legal supply.
  - The buyer cartel has significant power.
  - However, the profit maximizing behaviour of the monopoly could result in a comparatively high retail price and encourage ongoing illegal supply.
  - It does not necessarily cater for new sources of demand and could attract competition authority attention due to perceived collusion or abuse of dominance.
- **Model 2 – Quotas:** All legal sales are channelled through a government agency that allocates quotas to public and private agencies and sells these to equivalent government-controlled agencies in consumer countries. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It is a simple model of trade between governments.
  - The risks are that the buyer country (government) could be tempted to withhold supply to cause retail price increase, thereby attracting further illegal trade.
  - It does not necessarily cater to new sources of demand.
  - The buying country will have significant power and its objectives may not be aligned with those of range states.
  - Some private rhino owners may feel that government is not serving their interest.
  - It is open to corruption and has limited incentives for some private rhino owners / communities to participate.
- **Model 3 – Coordinating Agency - Public-private partnership:** Centralised collection, storage and certification with allocation of quotas to participating suppliers. The strengths, weaknesses, opportunities and threats for this option include the following: –
  - It aims to maximize the wholesale price while minimizing the retail price.
  - The risk is that it could lead to some consolidation of rhino populations in the private sector.
  - Security of centralized stocks is a risk.
  - It requires foreign governments in consumer states to give up some control of the rhino horn market to allow a coordinating agency to operate.
  - It could attract competition authority attention due to quota setting.
  - It generates greater resources for rhino conservation, government, private rhino owners and potentially communities.
  - It provides incentives to develop sustainable populations.
  - Model can adapt to new sources of demand relatively quickly.

### 5.9.5 Committee conclusion

The primary recommendation from the Committee was that Government should do everything possible to address the five key areas that must be addressed to create an environment conducive for rhino conservation in South Africa, to effectively address rhino poaching and the illegal trade in rhino horn, and to reach a point where any potential trade in rhino horn would contribute to conservation outcomes.

The Committee made no recommendations and did not highlight any preferred policy options or trade models. Instead, it provided policy-relevant information to policy-makers for them to make informed decisions.

On 2 December 2015, the Minister of Environmental Affairs published the Biodiversity Management Plan for White Rhinoceros (*Ceratotherium simum*)<sup>51</sup>.

### 5.9.6 Relevance to the HLP

The work of this Committee of Inquiry is of direct relevance to the HLP. Indeed, this work is specifically referenced in the HLP's ToR as follows –

*In 2014, the Minister of Environmental Affairs, appointed a Strategic Task Team referred to as a Committee of Inquiry (Committee of Inquiry in terms of Treasury Regulations) to assist the Department of Environmental Affairs (DEA) with preparations for CITES CoP 17 on rhino matters considering that both these species are impacted by high levels of poaching and illegal wildlife trafficking...*

*Through a process of stakeholder consultation, scenario planning, analysis of case studies and various work-stream documents as well as a decision-tree analysis process, the Committee identified five key areas that require interventions. These interventions were needed to address wildlife crime and enhance government's ability to conserve rhino species in their natural habitat, as well as enhancing opportunities to realise benefits associated with conservation. The Committee was strongly of the view that these interventions are essential for an effective response to rhino poaching irrespective of whether (or not) South Africa seeks to trade in rhino horn.*

*The five key interventions for rhino included:*

- *Enforcement: law enforcement (including anti-trafficking and anti-poaching), significant improvements in intelligence capabilities, understanding of a full value chain approach of illicit networks (led by SAPS), and enhance provincial anti-poaching capacities;*
- *Community Empowerment: strengthen governance in communities surrounding protected areas with rhino;*
- *Demand Management: describe a detailed view on data required to inform policy, and actionable initiatives for more result oriented communication to different stakeholders;*
- *Management of Rhino populations: outline processes to develop and share best practices to optimise birth rates; and*
- *Responsive Legislation: develop an enabling and responsive legislative environment.*

*In the light of the above, the Panel of Experts is tasked to evaluate the outcomes of the Committee of Inquiry and make recommendations relating to:*

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<sup>51</sup> Department of Environmental Affairs. (2015). *National Environmental Management: Biodiversity Act, 2004 (act no. 10 of 2004), The Biodiversity Management Plan for White Rhinoceros (Ceratotherium simum)*, Notice No. 1191, Government Gazette No. 39469 of 2 December 2015. Pretoria: Government Printer.

- *The status of the implementation of the rhino lab initiatives as per Committee of Inquiry outcomes*
- *Review and provide advice on the submission of the Rhino related trade proposals to the next coming CITES COP*
- *Review and advise on management of rhino horn stockpiles and related specimens*
- *Explore and assess the feasibility of establishing government Central System Database for rhino horn stockpile*
- *Advise on the possible conservation, socio- economic and political implications of live exports of rhino to countries outside the range states (political economy)*
- *Analysis of the demand management dynamics of consumer countries*
- *Develop the Lobby/Advocacy strategy for rhino horn trade in different key areas including, but not limited to:*
  - *Review the current status quo for the domestic trade in rhino horn and assessment of its relationship with illicit trade in rhino horns*
  - *Review current legislation and processes on domestic rhino horn and provide recommendations on the domestic rhino horn trade.*
  - *Identification of new or additional interventions required to create an enabling environment to create an effective rhino horn trade*

*The Panel of Experts will assess and provide policy positions on the following:*

- *Keeping of rhinoceros in captivity: genesis of rhino farming in South Africa, farming and breeding methods, handling of rhino, legal requirements for management of privately owned rhino, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures*
- *Hunting of rhino: should hunting of rhino be permissible and what are legal requirements and conditions for such*
- *Population management: meta-population management and rhino range states translocations*
- *Trade in rhino and rhino horn: rhino horn export, domestic trade or no trade, mechanisms of the trade, live sales and exports*
- *Rhino horn stockpiling: options for stockpiling or not of rhino horn, costs and value of keeping rhino horn stockpiles to conservation*
- *Management of stockpiles: standardization, traceability, DNA profiling, rhino horn markings and reporting*
- *Impact and benefits: how do the various management practices and trade in rhino horn contribute to conservation in South Africa?*
- *Handling and Well-being: practices, standards and guidelines for permitting facilities that contribute to conservation objectives*

## 5.10 The 2016 Rhino Lab

In 2016, the Minister constituted collaborative engagements on the challenges facing the management of rhino in South Africa (with these engagements commonly referred to as 'the Rhino Lab'). This was to give effect to the five work streams associated with Cabinet decisions emanating from the Committee of Inquiry, namely: security; community empowerment; biological management; responsive legislation and demand management/ reduction. The following were the key objectives of the Lab: –

- **Security (anti-poaching as well as anti-trafficking):** Improve efforts aimed at preventing poaching; Improve law enforcement and the ability to investigate, prosecute and adjudicate wildlife trafficking; Target disruption of criminal networks along the value chain; Coordinate law enforcement efforts at regional, national and international levels; and Reduce corruption through integrity testing and covert operations.
- **Community empowerment:** Enable improved governance structures to create sustainable livelihood opportunities and reduce risk to wildlife.
- **Demand management:** Evidence based approach to changing attitudes in consumer markets and driving down exaggerated prices of horn.
- **Biological management:** Review up to date research on the management of rhino.
- **Responsive legislation:** Existing legislation to be used optimally; Legislation to be reviewed to keep up to date with changing landscape while closing all existing gaps.

The Implementation Strategy emerging from the Rhino Lab included a focus on the following: –

- **Security:** Anti-poaching units (APUs); APU capabilities: improved standardization and use of best practices; Protection: more mobile footprint in the park, emphasis on perimeter protection; Reactive elements: ramp up of APUs in provinces, increased support for APUs in SANParks; Proactive elements: improved intelligence, transnational cooperation, and use of technology; Prosecution: improved collaboration to treat problem as organized transnational crime; Detection: increased capabilities in forensics and intelligence; Collaboration: law enforcement cooperation with transit and consumer states.
- **Community empowerment:** Improved governance via community facilitators; Enhance the community ranger model with a national career and roll-out plan for the community ranger model; Conduct stock take on existing economic community empowerment programs to intelligently consolidate and re-allocate resources; Develop and roll-out a broader restorative justice programme with SAPS and other partners; Launch a community empowerment plan and champions.
- **Biological Management:** Guidelines for land use, e.g. intensive breeding operations; Securing and growing rhino key rhino populations, by funding holders of key populations; Improved regulatory environment, e.g., increase usage of standing permits; Improved best practice sharing across all stake-holders; Expanded Rhino Management Group (RMG) status reporting for white rhino and continued for black rhino; List of applied research priorities identified by RMG.
- **Responsive legislation:** Rhino horn stockpile management with reference to centralization and a tracking system for rhino horn stockpiles to address auditing and security concerns; Amend as appropriate; National legislation to provide for effective regulation of domestic trade in Rhino horn; Draft policy that provides financial security incentives for rhino conservation and ownership. Initiate a policy and legislative development process including a review of constitutional mandate to move towards national consolidation of all forms of wildlife regulation; Finalize and implement the electronic national integrated permit system that enables uniformity in capturing of data and information management.

- **Demand management / reduction:** Undertake peer reviewed research, with credible funding mechanism, on consumer markets and forms of demand and supply based on government direction and link this to demand management initiatives; Continue and expand investigation of the potential of alternative options to address national demand, increase benefits and disrupt illicit supply chain (e.g. trade, exporting live rhino, synthetic rhino horn); Develop targeted messages for an information campaign as part of a communication strategy relating to the status and management of rhino to address incorrect perceptions that lead to speculation that drives exaggerated prices of rhino horn.
- **Security:** A National Database developed by the Department for capturing of information of all rhinoceros horns once marked, must be kept updated by provincial issuing authorities; The current National Database, which provinces were supposed to populate, is not up to date, is not user friendly and it is difficult to retrieve information for enforcement purposes; The CD: Sector Enforcement is currently investigating the possibility of merging the RhODIS DNA; Database with the National Database as information on all rhino horns are captured on the RhODIS database when DNA samples are taken. This will make it easier for provincial issuing authorities and SANParks' Environmental Management Inspectors (EMIs) to ensure that all rhino horns are included in a National Database.
- **Community empowerment:** People and Parks Governance blue print adopted as a blue print for community empowerment governance and the Youth Legacy programme identified as a pilot programme and engaged with People and Parks key stakeholders, operating model developed; Developed model proposal agreed to with key decision making stakeholders and ready for implementation; Combating rhino poaching prioritised in the People and Parks priority actions; People and Parks youth in conservation forum established and youth educated on Rhino matters for ease of governance (serve as focal points) to facilitate information sharing within platforms in communities in order to counter poaching; Seven rhino hotspots identified; Five community programmes identified in the identified hotspots; 1 346 Environmental Monitors deployed in Parks along the above hotspots to assist with environmental protection; Two environmental education community programs reviewed; Skills audit in selected sites in communities adjacent to protected areas commissioned; 300 people in targeted communities employed and security improved; Concept note developed, articulating gaps identified, findings into selected community conservation programmes adapted and integrated into the EPIP programme; Ownership of wildlife by communities enhanced through game donation – improves protection. A list of community of historical and existing economic community empowerment projects around protected areas obtained in order to synchronise with the existing plans; GEF 6 funding obtained to assist in strengthening institutions, information management and monitoring to reduce the rate of illegal wildlife trade in South Africa and will assist in the creation of an information hub \$4, 886, 009, towards the centralisation of information; Implemented through partnership with Endangered Wildlife Trust; Restorative Justice technical guidelines approved; Full project proposal, work plan and budget submitted to a funder for the roll out of the restorative justice work to 2 identified communities for pilot implementation; Granular Mandate and interaction model for National Youth champion developed, ToR also in place; Proposal syndicated with key decision makers and ready for implementation.
- **Responsive legislation:** Implementation of a system for DNA analysis of rhino and rhino horn; Implementation of a national database for all rhino horn, including stockpiles; Establishment of a compliance and enforcement component at OR Tambo International Airport; Amendment of the Rhino Norms and Standards; and Development of draft regulatory measures relating to domestic trade in rhino horn.
- **Biological Management:** GEF 6 project fund approved \$ 4, 886, 009; Funding will also enhance; Biological Management of rhino populations developed as part of the GEF 6/7 and EPIP (e.g. GFNR, Hluhluwe Imfolozi, Marekele, Mkhuze, Ithala); Improved security and integrated information will thus lower poaching incidents in these key rhino populations; Engagement with Permit and Enforcement Planning Committee (PEPC) undertaken to initiate discussion on the process of conducting the analysis; PEPC concluded that the activity is impossible to carry out since restricted activities involving live Rhino is not included in the standing permit; Standing permits analysis completed.

### 5.10.1 Relevance to the HLP

The following issues emerging from the Rhino Lab may be of relevance to the HLP: –

- There is a need for the respective departments to absorb activities relevant to their mandates in their plans and strategies;
- It is imperative for the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) to be approved and funded in order to systematically address illicit wildlife trade;
- To intervene effectively in terms of both demand management and/or demand reduction, more information is required on consumer's needs, attitudes and behaviour and on the current economics of rhino horn, particularly in the illegal market;
- Integrate CITES resolutions on Demand aimed at reducing illegal demand for rhino, rhino horn and related products;
- Utilise own dynamics and understanding of demand to influence the global narrative on the trade platform;
- Take advantage of the current COVID-19 restrictions to create a more focused regulatory framework that suits South Africa;
- There is history of success in reduction of uncontrolled use with the involvement of the Ministry of Health;
- Peer review research is required research and as much wide a range of different stakeholders engaged;
- Need stronger alignment to respond to the Demand outcomes where interventions will be committed to offsetting the illegal demand in other means that would complement enforcement;
- Invest in the management of conservation through out of the box and situational relevant strategies;
- Continue with fund mobilisation and strengthen border line co-operation;
- Promote and support the implementation of investment in communities resulting in employment creation and small business opportunities – as per government's National Biodiversity Economy Strategy (NBES);
- Discussion required around the issue of demand management v demand reduction;
- Improved participation at CITES by organisations/associations/NGOs required;
- Discussion required on why South Africa has not been allowed to trade with rhino horn or put legislation in place to facilitate such trade; and
- Discussion required on whether there should be separate legislation dealing with wild and captive rhino.

### 5.11 The 2016 Wildlife Economy Lab

Together with bioprospecting, wildlife comprises the core of South Africa's biodiversity economy. Recognising its importance, the Wildlife Economy Lab was convened from 10 April 2016 to 13 May 2016. The Lab worked over a period of five weeks to gather and prioritise issues of relevance to the wildlife economy, and to develop solutions and action plans.

In reflecting on the context and opportunities presented by the wildlife economy, the May 2016 Wildlife Economy Lab Report noted the following:

- South Africa is one of the most biodiverse countries in the world – with this providing the foundation for the wildlife sector's growth (recorded as growing consistently faster than the general economy, while contributing R 3 billion to GDP in 2014);
- The wildlife economy is regulated by the public sector and operationalized by the private sector, with support from academic and research organisations;
- The sector has shown a stable growth in job creation, with the NBES estimating that the sector's contribution to GDP could reach R14 billion and double the number of jobs by 2030, while also contributing to significant levels of transformation in the sector;
- The wildlife sector comprises three sub-sectors:
  - Wildlife ranching (where primary activities include breeding and live sale of game, while secondary contributors include: live captures; translocation services; veterinary services; fencing and maintenance);
  - Wildlife activities (where primary activities include wildlife viewing, trophy hunting and biltong hunting, while secondary contributors include: accommodation; transport; equipment and supplies (arms, ammunition etc.); taxidermy); and
  - Wildlife products (where primary activities include game meat processing, skin and hide production, and other products (e.g. curios and decorations), while secondary contributors include: packaging and transportation).

The Lab established the following vision for the wildlife economy:

*A thriving, inclusive and sustainable wildlife economy for the well-being of all South Africans*

In line with the above vision, the aspiration for the sector was defined as follows:

*An inclusive, sustainable and responsive wildlife economy that grows at 10% p.a. until at least 2030, while providing a foundation for social well-being and maintaining the ecological resource base*

Objectives were identified in respect of three areas:

- Economic growth (with objectives defined as follows: (1) An average yearly sector GDP increase of 10%; (2) 100 000 new jobs created);
- Transformation (with objectives defined as follows: (1) 30% of wildlife businesses PDI owned; (2) PDI ownership of >5 million Ha, and access to another >5 million Ha; (3) 4,000 PDI owned SMMEs supported to engage in the wildlife economy); and
- Sustainability (with objectives defined as follows: (1) 5 million ha of non-protected areas contributing towards conservation target (AICHI); (2) 3.5% animal population net growth p.a.).

Participants of the Wildlife Economy Lab identified a range of challenges viewed as hindering the full potential of the sector in terms of growth and transformation – with these reflected in the table below.

Table 14: Challenges hindering the realisation of the full potential of the wildlife economy sector as identified by the 2016 Wildlife Economy Lab.

I Barriers to transformation	II Risk of future growth stagnation	III Unsupportive enabling environment
<ul style="list-style-type: none"> <li>▪ Insufficient access, ownership and inefficient utilization of <b>land</b></li> <li>▪ Lack of <b>infrastructure development</b> support for entrepreneurs</li> <li>▪ Lack of access to <b>'startup' game</b></li> <li>▪ Lack of <b>organized governance</b> amongst community and emerging entrepreneurs</li> <li>▪ Lack of <b>technical skills</b>, oversight, business support and effective business and partnership models</li> <li>▪ Lack of <b>access to finance</b> and incentives for transformation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Insufficient <b>government endorsement for hunting</b> as a tourism activity</li> <li>▪ Untapped <b>black consumer potential</b></li> <li>▪ Insufficient <b>societal value</b> given to wildlife resources and understanding of the sustainable use concept</li> <li>▪ Insufficient awareness and capitalisation of the value of <b>mixed wildlife/livestock interfaces</b></li> <li>▪ Insufficient mechanism addressing and containing <b>risks and threats to the ecological resource base</b> in further growing the biodiversity economy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Insufficient <b>interdepartmental coordination</b> and understanding of the benefits of the bio-economy</li> <li>▪ Insufficient <b>knowledgebase</b> (research and access)</li> <li>▪ Gaps in <b>industry standards</b> (and compliance)</li> <li>▪ Excessive and inefficient <b>permitting</b></li> <li>▪ Unsupportive <b>legislative regime</b> <ul style="list-style-type: none"> <li>– Misalignment of SPLUMA and PDALFB (Land use)</li> <li>– NEMBA lacking in enabling provisions</li> <li>– Misalignment of provincial and/or national hunting legislation</li> </ul> </li> <li>▪ Lack of sufficient <b>collaboration</b> platform for the industry</li> <li>▪ Lack of <b>capacity</b> (human and financial) to effectively manage and harness the potential of wildlife resources</li> <li>▪ Lack of a formal <b>game meat</b> industry</li> </ul>

Finally, the Lab resulted in the development of detailed plans for 15 initiatives, and further six recommendations, with these reflected in the table below.

Table 2: Wildlife Economy Lab initiatives and recommendations

Facilitating transformation	Driving growth through promoting 'value' and products	Creating an enabling environment for the wildlife sector
<ol style="list-style-type: none"> <li>1 Identify and prioritize <b>10m Ha</b> for transformation of wildlife economy</li> <li>2 Coordinate existing support mechanisms under a <b>'Wildlife Support Unit'</b> to efficiently support new entrants</li> <li>3 Increase capacity and support for (at least) <b>300 CPA's, trusts and traditional authorities</b></li> <li>4 Create <b>supply chain linkages and capacitate 4,000 SMMEs</b> (new and existing) to locally capture the value of ancillary goods and services to the wildlife economy</li> <li>5 Operationalise <b>11 biodiversity economy nodes</b> that unlock the economic potential of protected and communal areas through new generation partnerships</li> <li>6 Empower <b>4,000 emerging entrepreneurs and farmers</b> through focused capacity building programmes</li> <li>7 Develop a toolkit of effective wildlife business, stewardship and partnership models</li> </ol>	<ol style="list-style-type: none"> <li>7 Formalize <b>SA game meat market</b> and create a network of game meat processing facilities</li> <li>8 Implement a campaign that drives <b>participative transformation and consumer growth</b> for wildlife related activities and products</li> <li>ii Promote sustainable use as a foundation for conservation and growth of biodiversity economy</li> <li>iii Develop a strategic marketing campaign and value proposition for mixed game and livestock systems</li> <li>iv Establish mechanisms to allow for holistic and integrated management of animal health and conflict issues at the livestock-wildlife interface</li> <li>v Develop an appropriate mechanism to manage and mitigate risk</li> </ol>	<ol style="list-style-type: none"> <li>9 Create an enabling <b>legislative environment</b> through the amendment of NEMBA</li> <li>10 Develop and implement <b>wildlife industry standards</b></li> <li>11 Implement a national wildlife economy <b>branding scheme</b></li> <li>12 Develop and implement an <b>electronic wildlife permitting system</b> and centralised database</li> <li>13 "Re-position" the <b>Wildlife Forum</b> as an efficient interdepartmental/ industry collaboration and co-ordination platform to promote the benefits of the Wildlife Economy</li> <li>14 Develop an integrated <b>knowledge/ evidence generating and sharing platform</b> to support the wildlife economy</li> <li>15 Leverage <b>protected areas</b> to unlock economic potential</li> <li>vi Develop, upskill and resource extension services to facilitate the growth of the wildlife economy</li> </ol>

### 5.11.1 Relevance to the HLP

The Wildlife Economy Lab report reflects on the number of species hunted annually – in the context of trophy hunting. It also reflects on the value of the wildlife economy in driving transformation. While there are no other detailed specifics on the different species of relevance to the HLP's ToR, the emerging vision and the outcomes (as relating to economic growth, transformation and sustainability) are of direct relevance for, and resonate with the HLP's ToR.

## 5.12 The 2018 Report on Intensive and Selective Game Breeding

The following is based on edited extracts from the Scientific Authority Report: An assessment of the potential risks of the practice of intensive and selective breeding of game to biodiversity and the biodiversity economy in South Africa<sup>52</sup>.

The last decade has seen the emergence and unprecedented growth of a sub-sector of the wildlife ranching industry focusing on the intensive and selective breeding of wildlife for commercial purposes. Key elements of this sector involve intensive breeding of high value rare species and active selection for rare and unusual traits. What started as a small niche market is now mainstream, with 45% of game ranchers involved in this practice which covered an estimated 6% (1 000 000 ha) of the wildlife estate by 2015. Much of this is taking place in areas where extensive game ranching previously thrived. Moreover, this sector of the industry has been growing rapidly, and growth in investment in this sector was said to outperform investment portfolios listed on the Johannesburg Stock Exchange.

As a result of persistent concerns being raised regarding the environmental impacts and full socio-economic implications of this new practice, the Minister of Environmental Affairs requested the Scientific Authority, as designated in the National Environmental Management: Biodiversity Act, 10 of 2004, to identify, investigate and assess the current and potential risks of the practice of intensive and/or selective breeding of indigenous antelope and predator species to the biodiversity heritage of the country (19 March 2010).

An expert task team consisting of scientists with a diverse range of skills and experience was established by the Scientific Authority in February 2013 to both identify and assess these risks to biodiversity and the biodiversity economy, and to compile a report for submission to the Scientific Authority, which would advise the Minister on appropriate policy and regulatory responses.

A report was finally produced in 2018 providing a thorough assessment of the potential risks of the practices of intensive and selective breeding of game to biodiversity and the biodiversity economy. While not specifically part of the brief, some potential mitigation measures and recommendations are provided to assist decision makers. It was envisaged that the report would facilitate decision-making and the development of a coherent policy and regulatory framework within the broader environmental legal framework (embracing the concepts of sustainable use and responsible economic growth, thus ensuring that the needs of both present and future generations are met).

### 5.12.1 The Report's Executive Summary

The content below is derived from an extract from the Executive Summary of the 2018 Report on Intensive and Selective Game Breeding<sup>53</sup>: –

*Over the last three decades the South African wildlife industry has been largely compatible with conserving biodiversity and as such has made a significant contribution thereto... However, in recent years, selective breeding and the intensive management of game has emerged as a new and growing sector within the broader*

<sup>52</sup> Scientific Authority (2018) *Scientific Authority Report: An assessment of the potential risks of the practice of intensive and selective breeding of game to biodiversity and the biodiversity economy in South Africa*. Pretoria: Department of Environmental Affairs.

<sup>53</sup> Ibid. Pages 1 to 2.

*private wildlife industry... Concerns have been raised about the long term and potential consequences of the practice on other sub-sectors of the wildlife sector, as well as the country's biodiversity and biodiversity economy...*

*The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services' conceptual framework was used to assess the potential risks of selective breeding and intensive management of game to South Africa's biodiversity. Seven potential biodiversity risks/issues relating to the practice of intensive and selective breeding of game were identified using the best available published scientific literature, information obtained from members of the wildlife sector, experts and a national dialogue process.... From these seven potential Issues (risks), 17 potential **Impacts** (harms/stressors) were described with specific **Concerns** highlighted under each Impact Statement. The Impact Statement thus describes the current understanding associated with each anticipated Impact. Each impact was then assessed and scored on the quality of scientific evidence available, the probability of occurrence within the industry, and the likely impact on an ecosystem and species level respectively. The quality of the evidence was evaluated for scientific rigour using the 'uncertainty approach' as used by the UK National Ecosystem Assessment...*

*Although the focus of this report was primarily on direct risks to biodiversity, the biodiversity economy and its potential in addressing socio-economic challenges of the country is an important focus area of government. Social and economic risks related to the biodiversity economy, may pose indirect risks to biodiversity and its contribution to the broader economy. One issue and two impacts relating to the practice of intensive and selective breeding of game on the biodiversity economy were identified based on current events within the biodiversity economy. A similar process to IPBES was used to gather evidence and consider level of agreement. Due to the integrated nature of Biodiversity Economy Risks, it could however not be weighted using similar criteria as for the Biodiversity Risks.*

*The White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity, the main policy document pertaining to the use and conservation of biodiversity in South Africa, is modelled on the Convention on Biological Diversity (CBD).... According to the CBD Article 2, sustainable use encompasses 'the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations'. This definition of sustainable use centres on the management and use of wild species and ecosystems within biologically sustainable limits.... As such, sustainable use presents two challenges: (1) "to ensure that use increasingly becomes biologically sustainable"; and (2) "that wherever possible it serves as a conservation strategy to conserve specific resources and prevent the conversion of land to uses that are incompatible with biodiversity conservation".... The practice of intensive and selective breeding based on the findings of this assessment may not meet these criteria for sustainability.*

*It is concluded that intensive management and selective breeding of game poses a number of significant risks to biodiversity at the ecosystem and species levels, as well as to other sectors of the biodiversity economy of South Africa, and may compromise the current and future contribution of the wildlife industry to biodiversity conservation. This assessment identified several important direct risks and impacts on biodiversity at different scales, as well as indirect collateral negative impacts on conservation and the broader wildlife economy.*

*The top impacts of intensive and selective breeding activities on biodiversity ranked in order of impact severity include –*

- **Landscape fragmentation** – impermeable fencing restricts movement of free-ranging species reducing habitat quality and quantity;

- **Hazardous chemicals** – off-label use of pesticides and unlawful use of hazardous substances cause mortality of indigenous species resulting in changes in ecosystem functioning and increased threats to the conservation of threatened species;
- **Concentration** – the concentration of species in small areas with impermeable fences results in habitat degradation within such areas;
- **Killing of conflict species** – the killing of predators and other conflict species may result in a reduction in population numbers which may lead to changes in conservation status of the species and increasing the species extinction risk;
- **Removal of conflict species** – the disruption of social structures of species targeted for removal may exacerbate the conflict potential as a result of the constant removals of individuals. This in turn could result in a decline in the survival rate of the affected population. This constant removal of dispersers may also create a loss or disruption of dispersal opportunities, thereby increasing local extinction risk;
- **Predation disruption** – the removal of predators will at a certain scale disrupt predation as a natural process in the broader landscape/environment thereby affecting ecosystem functioning;
- **Biological invasion** – out of range introductions into habitats which are suitable could potentially lead to species becoming established within the landscape (invasive) and thereby impacting upon both the habitat and native species;
- **Pest-control resistance** – the development of microbial, helminth and ectoparasite resistance to stock remedies and veterinary medicines resulting in microbes, helminths and ectoparasites that may start infesting free-roaming game and livestock on a large scale with conservation and economic consequences;
- **Rare wild species removal** – the removal of wild specimens of naturally rare species or species with currently small population sizes, in South Africa or other African countries where sourcing is often cheaper, can lead to population declines resulting in a lower overall conservation status and a higher extinction risk for these species;
- **Deleterious gene expression** – the expression of deleterious attributes that may lead to physical, behavioural and lethal outcomes;
- **Genetic diversity loss** – the loss of genetic diversity resulting in decreased fitness and reduced adaptive potential;
- **Outbreeding depression** – the transfer of genetic information from one species to another as a result of hybridization between them and repeated backcrossing (introgression) of non-native genes into wild populations from deliberate hybridization/cross breeding may result in outbreeding depression with animals that may be less adapted to current environmental conditions as well as the loss of genetic diversity at a species level;
- **Physiological stress** – the stress as a result of maladaptation of animals to their current environment;
- **Domestication** – the domestication of wild species resulting in a loss of their natural ability to adapt to wild conditions
- **Genetic composition change** – changes in natural genetic composition, evolutionary trajectory and adaptive potential of wild populations through the introgression of captive population genetics wherein genetic changes in the captive population may lead to an altering genetic composition and/or evolutionary trajectory and/or adaptive potential of wild populations through deliberate and accidental introductions;
- **Natural selection disruption** – the disruption of the process of natural selection in terms of host-parasite evolution with resulting loss of disease and parasite resistance within the game population; and

- **Reduced meat quality** – venison from intensively bred game may be contaminated by antimicrobials, ectoparasiticides, anthelmintics and/or anti-inflammatory agents, thereby posing a health risk to humans; intensively produced venison may not be as healthy as wild venison, potentially damaging the brand image and value of extensively produced venison.

The Scientific Authority's recommendations include:

- **Location regulation** – regulate where intensive and selective breeding facilities can be located;
- **Fencing regulation** – regulate fencing to address negative impact on non-target priority species;
- **Breeder registration** – register intensive and selective breeders;
- **Environmental Impact Assessment** – EIAs for the establishment of intensive and selective breeding facilities;
- **Wild threatened species use ban** – outlaw the use of wild threatened species for commercial intensive and specifically selective breeding;
- **Intensive to extensive movement regulation** – regulate the movement of intensively and selected bred animals to wild systems;
- **Certification** – introduce a wildlife certification system to incentivise and reward best practice compatible with responsible biodiversity management;
- **Review poison legislation** – critical revision of legislation governing the possession, use and penalties for the misuse of poisons; and
- **Animal Improvements Act listing review** – critical review of the implications of the listing of species on the Animal Improvements Act.

### 5.12.2 Relevance to the HLP

The 2018 Report on Intensive and Selective Game Breeding has relevance to specific issues contained in the HLP's ToR, including:

*The panel of experts will assess and provide policy positions on the following:*

- **Keeping of elephants in captivity:** *genesis of keeping elephants in captivity in South Africa, methods, size of captive facilities, handling of elephants in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures...*
- **Keeping of rhinoceros in captivity:** *genesis of rhino farming in South Africa, farming and breeding methods, handling of rhino, legal requirements for management of privately owned rhino, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures...*
- **Breeding of lions in captivity**<sup>54</sup>: *genesis of captive breeding of lions in South Africa, methods, size of breeding facilities, euthanasia of lions in captivity, handling of lions in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, petting zoos and related activities, as well as associated compliance and enforcement protocols and measures.*

<sup>54</sup> With HLP discussions also taking into consideration the development of a broad position on intensive and selective breeding in general.

- **Hunting of captive bred lions:** *hunting rationale in captive breeding facilities, conditions for hunting of captive bred lions, size of hunting farms, release periods of lions for hunting and legal requirements for hunting captive bred lions*
- **Impact and benefits:** *how do various [lion] management practices like captive breeding, trade in lion bones and other specimens contribute to conservation in South Africa?*

### 5.13 The 2018 Parliamentary Colloquium on Captive Lion Breeding for Hunting and Lion Bone Trade

On 17 April 2015, the DEA published<sup>55</sup> the Draft Biodiversity Management Plan for African Lion (*Panthera leo*) for public comment.

The following section is based on an edited extract from the Parliamentary Media Statement<sup>56</sup> on the 2018 Parliamentary Colloquium on Captive Lion Breeding for Hunting and Lion Bone Trade:

On 21 and 22 August 2018, the Portfolio Committee on Environmental Affairs conducted, what they considered to be, a highly successful two-day colloquium on Captive Breeding of Lions for Hunting and for the Lion Bone Trade. There was an overwhelming consensus from the local and the international stakeholders participating in the colloquium that South Africa must bring an end to what is regarded as a controversial practice that is threatening to harm the proud conservation image of the country, and the Brand South Africa. The Portfolio Committee noted that this practice has attracted a considerable degree of international outcry against it, from both the pro-sustainable use groups, comprising mainly the hunting associations, and the anti-sustainable use groups, consisting of animal welfare non-governmental organisations (NGOs).

Having heard both sides of the story, including the voices of the Captive Lion Breeding Industry, the committee drew unanimous conclusions and made resolutions aimed at restoring South Africa's image as a pioneering conservation nation, with positive socio-economic spin offs for our people that far outweighs what the Captive Lion Breeding Industry generates. With this, the committee expressed their appreciation for what they considered to be the strategic, bold and decisive leadership that the former Acting Minister of Environmental Affairs, Minister Derek Hanekom, and the then newly appointed Minister, Minister Nomvula Mokonyane, had exercised in operationalising some of the resolutions of the committee contained in the colloquium report by announcing that a HLP would be appointed to conduct a policy review on the subject as well as the announcement that the lion bone trade quota would be reduced from the initial 1 500 kg to 800 kg.

The National Assembly adopted the colloquium report "which fundamentally reflects their views" on 6 December 2018 and, with this, the Portfolio Committee took the opportunity to "reassure South Africans that theirs is a caring and listening government."

The following sections provide edited extracts from the Lion Colloquium Report<sup>57</sup>: -

As background, the report mentions the airing of a programme and documentary on South African 'canned lion hunting' on British television on 6th May 1997 as bringing this "...hideous ...industry in South Africa to the

<sup>55</sup> Department of Environmental Affairs. (2015). *National Environmental Management: Biodiversity Act, 2004 (act no. 10 of 2004), Biodiversity management plan for African lion (panthera leo)*, Notice No. 351, Government Gazette No. 38706 of 17 April 2015. Pretoria: Government Printer.

<sup>56</sup> Parliament of the Republic of South Africa. (2018). Media Statement: Parliament welcomes colloquium report on captive lion breeding for hunting and lion bone trade, 7 December 2018, <https://www.gov.za/speeches/environmental-affairs-committee-welcomes-adoption-report-colloquium-captive-lion-breeding>

<sup>57</sup> Parliament of the Republic of South Africa. (2018). *Report of the Portfolio Committee on Environmental Affairs on the Colloquium on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country, held on 21 and 22 august 2018, dated 8 November 2018.*

world's attention for the very first time. The report then goes on to describe the practise as “unfairly preventing the target animal from escaping the hunter, thereby eliminating ‘fair chase’ and guaranteeing the hunter a trophy for which he will have paid up to R495 000.” The report also details various upstream practices associated with this industry such as, the removal of “animals from their mothers within hours of being born so they can be used in petting facilities, where unwitting tourists visit these farms and pay money to look at or touch young lion cubs” and farms that advertise as wildlife sanctuaries “to lure in foreign volunteers under the pretence of helping save the species.”

The report noted that following a public outcry, the Department of Environment prohibited the hunting of listed predators, including lions, within 24 months of their release in the wild, but also noted the South African Predator Breeders' Association (SAPBA) successful appeal of this prohibition on 29 November 2010, in the Supreme Court of Appeal – an appeal based on the Department's lack of scientific evidence to support the seemingly arbitrary 24 month restriction. The report then noted that, despite the department's failure to effectively regulate the practice of ‘canned hunting’, many global campaigns resulted in: the United States, Australia, France and the Netherlands banning the importation of all captive-bred lion trophies and other iconic species; and 45 airlines placing embargoes on all Big Five hunting trophies. Similarly, Safari Club International (SCI), the world's largest hunting club, distanced itself from South Africa's canned lion hunting industry by announcing it would no longer allow captive bred lion operators to advertise or market captive bred lions at its annual convention, and would reject all captive-bred lion entries for its record books. The Dallas Safari Club, another large international hunting organisation, also rejected the practice. Several affiliate hunting bodies, including the South African Hunters and Game Conservation Association, Operators and Professional Hunting Associations of South Africa, the Namibia Professional Hunting Association, Boone and Crockett Club, and the Nordic Safari Club condemned the captive breeding of lions for hunting. Furthermore, the Canned Lion Hunting Industry had been high on the agenda of the 2016 International Union for Conservation of Nature's (IUCN's) World Conservation Congress (WCC) in Hawaii where the IUCN called on the South African Government to terminate the practice of hunting captive-bred lions.

Despite the local and international outcry, the report notes that two local hunting associations, the Professional Hunters Association of South Africa (PHASA) and the Confederation of Hunters Associations of South Africa (CHASA) reversed their policy in November 2017 to support the captive lion hunting industry, and permit their membership to engage in the practice of captive bred lion shooting. In response, these organisations lost an appeal to retain their membership to Europe's top hunting organisation and were barred from the 65th General Assembly of the International Council for Game and Wildlife Conservation (CIC) held in Madrid in May 2018 for breach of policy.

However, according to the report, the support of captive lion hunting by PHASA and CHASA led to the formation of a breakaway new association representing the interests of professional hunters opposed to the hunting of captive-bred lions, namely, the Custodians of Professional Hunting and Conservation South Africa (CPHC-SA).

With this background, report notes that their two-day Colloquium on captive lion breeding under the title “Captive Lion Breeding for Hunting in South Africa: Harming or Promoting the Conservation Image of the Country” achieved an exceptionally high turnout. Speakers and participants included representatives from the captive lion breeding industry, local hunting associations and game conservation organisations, provincial nature conservation authorities, SANParks and the National Departments of Environmental Affairs and Agriculture, Forestry and Fisheries. Representatives of local non-governmental organisations (NGOs) and environmental activists attended in good numbers, speaking with one voice against the practice according to the report. Dr Mark Jones from the Born Free Foundation in the UK and Dr Ali Kaka from the International Council for Game and Wildlife Conservation (CIC) also spoke at the event, which was opened by the Chairperson of the Portfolio Committee on Environmental Affairs, the Hon Mr Mapulane, and had the Hon Ms

Edna Molewa, Minister of Environmental Affairs, giving the key note address. Altogether 17 presentations were made over the two-day period and opportunities were also accorded to individuals to comment and/or ask questions. Initial presentations were delivered by: Mr Shonisani Munzhedzi, Deputy Director-General: Biodiversity and Conservation, Department of Environmental Affairs; Prof John Donaldson, Chairperson: Scientific Authority, SANBI; Mr Joel Mamabolo, Registrar Animal Improvement at the Department of Agriculture, Forestry and Fisheries; Ms Smaragda Louw of Ban Animal Trading (BAT); and a video clip was played and a petition signed by more than 250 000 people, was handed to the Chairperson by a Khoi San Chief, Mr Frits.

This was followed by a Panel Discussion Session which focused on the “Evolution, Scope and the Ethics of Captive Lion Breeding for Hunting”, consisted of two international panellists and three local panellists, including: Dr Mark Jones, Head of Policy at the Born Free Foundation (UK); Mr Richard York of the Professional Hunters Association of South Africa (PHASA); Mr Kirsten Nematandani, President: South African Predator Association; Mr Paul Stones of the Custodians of Professional Hunting and Conservation – South Africa (CPHC-SA); and Dr Ali Kaka, the International Council for Game and Wildlife Conservation (CIC) Ambassador for Africa.

The second day started with general discussion of the previous days input followed by an input by Dr Don Pinnock entitled “A lion too far: the case of trophy hunting in the Greater Kruger National Park”. SANParks then presented on the conservation of South Africa’s wild lion population. This was then followed by another Panel Discussion Session involving: Mr Michael ‘t Sas-Rolfes’ presentation on “Possible effects of lion bone trade on lion conservation in the wild: Stimulating or buffering the demand?”; Dr Kelly Marnewick of the Endangered Wildlife Trust’s presentation on the “Impact of Captive ‘Hunting’ on Lion Conservation”; Dr Petrus de Kock of Brand South Africa; Mr Stephen Palos, CEO of the Confederation of Hunters Associations of South Africa (CHASA).

### *5.13.1 Committee findings and conclusions*

The key conclusions drawn from the colloquium by the Portfolio Committee included –

- The conservation value of predator breeding is zero.
- The economic value of predator breeding is minimal and undermines South Africa’s tourism brand value.
- The negative effect on South Africa’s reputation is real and too often ignored.
- There is empirical evidence that the captive lion industry in South Africa is not a well-regulated or managed industry and that it contributes more negatively to South Africa than positively.
- South Africa’s captive lion breeding for hunting industry is an international pariah and Government should rethink its policy stance in this regard.
- The announcement by the department that the lion bone quota determined for 2018 is doubled from 800 in 2017 to 1 500 for 2018 is highly concerning.
- There appears to be a lack of required due diligence by the CITES management authorities on both the exporting and importing side in profiling and authenticating exporters, importers, addresses and destinations, as more than the 2017 set quota of 800 skeletons went out of South Africa with legal CITES permits.
- Although captive lion breeding for hunting is currently lawful, this does not make it ethically, morally or socially acceptable, especially when the manner in which hunted animals are raised and released for hunting is taken into account.

- The hunting of captive-bred lions might have done irreparable damage to the reputation of South Africa, especially considering the negative global publicity, let alone the image of the hunting industry generally. Poorly, inadequately or misinformed public in consumer countries would not readily know the difference between the hunting of captive-bred lions and hunting of wild lions, thereby tarnishing the image of the overall hunting industry.
- The use of lion bones, body parts and derivatives in commercial trade, including for scientifically unproven medicine, is one of the major emerging threats to wild lions, besides habitat loss, diminishing prey and human-wildlife conflict, and could serve as a cover for illegally wild-sourced lion and other big cat parts.
- There is a general public revulsion against the captive lion breeding industry across multiple sectors including animal welfare, animal protection, conservation, hunting, multi-cultural and faith-based organisations, which echo the sentiment of the South African and international public at large.
- South Africa's conservation reputation is being challenged for its captive lion breeding industry and its perceived disregard of the impact, effect, welfare and consequences of its policies with respect to captive lion breeding and wildlife trade.
- South Africa is the largest legal exporter of lion bones and skeletons, issuing export permits for export of more than 5363 lion skeletons from 2008 – 2015. Ninety-eight percent of these were destined for Laos and Vietnam, which are known hubs for illegal wildlife trafficking, including South African rhino products and/or derivatives.
- The risk of human health and safety posed by zoonosis – an infection or disease that is transmissible from animals to humans under natural conditions, including tuberculosis (TB) and possible exposure to lethal immobilising compounds.

In addition to the above, the Committee also made a number of further observations, including –

- Captive breeding of lions for hunting has long been a blemish on South Africa's wildlife and tourism landscape and needs to be arrested forthwith to avoid inflicting further and irreparable damage to the South African conservation image and the responsible hunting industry that the country has succeeded to build over the years.
- There is generally no conservation value in the captive lion breeding industry in South Africa.
- The industry attracts both day visitors and high paying volunteer tourists under false pretexts that the animals that they hand-raise and cuddle would be released in the wild to replenish dwindling wild stock, which is false and hence amounts to fraud.
- The revenues, which this Industry generates, while highly lucrative for the owners, constitutes only a tiny proportion of South African's tourist revenue that the captive lion breeding Industry threatens to undermine, as the conscious conservation-minded high end tourists are being discouraged from visiting South Africa.
- There are public sentiments that the captive-bred lion industry and lion bone trade are unethical, they are damaging to South Africa's conservation record, damaging to the socioeconomic welfare of South Africans and damaging to the South African tourism, and hence must be stopped immediately by enacting relevant legislation.
- Captive lion breeding is internationally considered unethical even by reputable and prestigious international hunting organisations and pro-sustainable use countries, including the respected global conservation organisation such as the IUCN. The bad publicity that surrounds this industry must be carefully acknowledged and digested, as it breaks moral and ecological boundaries, that it is bad for South Africa's global conservation reputation.
- The current practice of captive lion breeding for hunting and the relevant legislation that supports the practice is unanimously criticised at an international level. This is not the image South Africa wants for the National Brand.
- The financial revenue from captive lion breeding for hunting is not worth compromising our National Brand reputation and position as a unique wildlife destination.

- The most positive outcome from a reputation management point of view would be for South Africa to ban captive lion breeding, especially where such breeding has become counterproductive or harms the image of the country.

### 5.13.2 Committee recommendations

With the above, the Committee made the following resolutions: –

- **Policy and legislative review to end captive lion breeding** – The DEA should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice and that the Minister of Environmental Affairs should submit quarterly reports to the Portfolio Committee on the progress of this policy and legislative review.
- **Predator breeding compliance audit and enforcement** – The DEA should conduct an audit of captive lion breeding facilities throughout the country to ascertain the conformity with the current TOPS regulations and other applicable legislation in light of ongoing and increasing disquiet about the captive lion breeding Industry and should ensure that the current breeding facilities comply with legislation. The Department should indicate whether it is aware of private lion and cheetah cub petting and walking farms in the country, and further state the courses of action it had pursued against violators of TOPS Regulations dealing with captive lion breeding.
- **Addressing animal welfare and health** – The DEA and Department of Agriculture Forestry and Fisheries should present a clear programme of work on how they intend to address animal welfare and health issues that had been raised during the Colloquium, which straddle the mandates of the two departments, outlining clear timeframes for achieving this.
- **Transformation and beneficiation included in the 1996 Kruger National Park-APNR Agreement** – The agreement between the Kruger National Park and Association of Private Nature Reserves (APNR) concluded in 1996, should be revised to ensure that there is sharing of benefits, arising from the collapse of the fences in the western boundary of the Kruger National Park in the interest of the broader society. The Committee is of the view that issues of transformation and beneficiation should be taken into account in this agreement, and hence it has directed SANParks to develop a concept paper on this matter for discussion with the Committee in November 2018, with the aim of holding public hearings to determine the best way forward after its engagement with SANParks.
- **Review lion bone trade quotas** – The DEA should reconsider the decision to increase the lion bone trade quota from 800 (2017) to 1 500 lion skeletons (2018), which decision was purportedly based on the Interim Report of the Scientific Authority, which Report, it emerged during the Colloquium was informed by commercial considerations, as opposed to science. This reconsideration is necessary given the huge public sentiment expressed against the increase in lion bone trade quota.

In conclusion, the Committee noted that at the end of the colloquium there was an overwhelming consensus for the need to bring an end to the controversial aspects of captive lion breeding industry in South Africa.

### 5.13.3 Relevance to the HLP

Although not specifically referenced in the HLP's ToR, this colloquium, and all of its National Assembly adopted findings and recommendations are of direct relevance to the following elements of the HLP's ToR –

*The panel of experts will assess and provide policy positions on the following:*

- *Breeding of lions in captivity: genesis of captive breeding of lions in South Africa, methods, size of breeding facilities, euthanasia of lions in captivity, handling of lions in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, petting zoos and related activities, as well as associated compliance and enforcement protocols and measures*

- *Hunting of captive bred lions: hunting rationale in captive breeding facilities, conditions for hunting of captive bred lions, size of hunting farms, release periods of lions for hunting and legal requirements for hunting captive bred lions*
- *Trade in lion bones and leopard skins: lion bone trade or no trade, mechanisms of the trade, determination of the quota*
- *Stockpiling: options for stockpiling or not stockpiling lion bone, what is the value in keeping lion bone skeletons and related products to conservation?*
- *Management of stockpiles: standardization, traceability, DNA profiling, lion bone marking and reporting*
- *Impact and benefits: how do various management practices like captive breeding, trade in lion bones and other specimens contribute to conservation in South Africa?*
- *Handling and Well-being: practices, standards and guidelines for permitting facilities that contribute to conservation objectives.*

*The panel will facilitate national dialogue necessary to systematically solicit views from interested and affected parties.*

## 6 THE HLP'S INITIAL THEMATIC AND INFORMATION GATHERING WORK (PHASE 1)

As noted in Chapter Three, the HLP identified the need for a deeper understanding of a range of thematic areas, in order to deliver on its ToR. In support of this, sub-committees were established, with the intention of investigating and developing a range of thematic papers addressing each of the cross-cutting themes, as identified in January 2020 – namely:

- *Constitutional framework*
- *Legislation and mandates*
- *Land-use and the South African Wildlife Model*
- *Transformation in the sector*
- *Education and capacity building*
- *International position*
- *Animal welfare*

These sub-committee papers were finalised individually and adopted by members of the respective sub-committees. The core content is included here, with the full thematic papers available as a background resource for the HLP. Thematic papers were used to inform subsequent stakeholder engagement processes, and as a support in the development of recommendations. While each sub-committee paper included a set of proposals, all HLP members agreed that these would not constitute recommendations of the HLP itself, but would serve as inputs for the remainder of the HLP's work.

Each of the thematic areas is addressed below.

### 6.1 Constitutional framework

#### 6.1.1 Introduction

During the course of the HLP's January 2020 meeting, it was agreed that the 'Constitutional framework' Sub-committee (Sub-committee 1) would focus on the following:

- Unpacking s24 of the Constitution (and its subsections) – recognising that the "...Constitution is the supreme law and all other legislation and conduct must be consistent with the Constitution [and] therefore, the starting point when the environment is affected, is always s24"<sup>58</sup>; and
- Reviewing issues of concurrency in terms of national and provincial mandates.

The sub-committee focused its efforts on informing the briefs sent to Senior Counsel, and providing guidance to the work of the HLP via the two opinions received, which serve to unpack the issues above. The HLP submitted a number

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<sup>58</sup> T J Bruinders SC, Nasreen Rajab-Budlender & Makhotso Lengane. (2020). Supplementary Opinion; DEA: High Level Panel, 29 April 2020.

of specific questions which were dealt with in a written opinion, dated 15 March 2020, by Timothy Bruinders (Senior Counsel), Nasreen Rajab-Budlender and Makhotsso Lengane<sup>59</sup>. The full opinion is included as Annexure C1.

Following a review of the initial legal opinion, members of the HLP raised further questions with the drafters of the above opinion during a video conference on 7 April 2020, with this leading to a further written request for addition input. A supplementary opinion was submitted in response<sup>60</sup>, with the full content of that opinion included in Annexure C2.

## 6.2 Legislation and Mandates

### 6.2.1 Introduction

At the 15 to 17 January 2020 meeting of the HLP, it was resolved that the Legislation and Mandates Sub-committee (Sub-committee 2) would *inter alia*:

- Investigate whether challenges faced within the wildlife sector (both from an industry and conservation perspective) are due to the interpretation of the National Environmental Management Biodiversity Act 10 of 2004 (NEMBA) and any related legislation or with the implementation thereof.
- Consider the 9+1 system of governance (being the concurrent regulation of conservation between the 9 provinces and the national department responsible for the environment) and its impacts.
- Conduct a gap analysis on the relevant legislations, in order to identify challenges with relevant legislation.

The following section details the work undertaken since the January 2020 HLP meeting, in addressing these and other matters of relevance to the legal framework applicable to the rhino, elephant, lion and leopard (the target species).

### 6.2.2 Legislative gap analysis

Over the course of February 2020, a comprehensive legislative analysis was undertaken. This analysis was restricted to legislation related to the target species, with these pieces of legislation listed below. To support the analysis, a folder with national legislation, regulations, norms and standards, case law and journal articles was developed and shared on the electronic data management system, for all HLP members to access.<sup>61</sup>

The following legislation was reviewed:

- The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA);
- The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and its various notices and regulations, including:
  - Threatened or Protected Species Regulations, 2007
  - Trade in Listed Threatened or Protected Species
  - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations
  - National Norms and Standards for the Management of Elephants in South Africa
  - Norms and Standards for the Marking of Rhinoceros and Rhinoceros Horn, and for the Hunting of Rhinoceros for Trophy Hunting Purposes

<sup>59</sup> T J Bruinders SC, Nasreen Rajab-Budlender & Makhotsso Lengane. (2020). Opinion; Advisory Committee – Minister of Environment, Forestry and Fisheries, 15 March 2020.

<sup>60</sup> T J Bruinders SC, Nasreen Rajab-Budlender & Makhotsso Lengane. (2020b). Supplementary Opinion; DEA: High Level Panel, 29 April 2020.

<sup>61</sup> Panel members who requested the content be saved on their flash drives were also accommodated.

- National Norms and Standards for Hunting Methods in South Africa
- Norms and Standards for Biodiversity Management Plans for Species
- National Moratorium on the Trade of Individual Rhinoceros Horns and Any Derivatives or Products of the Horns Within South Africa
- National Environmental Management: Protected Areas Act 57 of 2003
- Game Theft Act 105 of 1991
- Animals Protection Act 71 of 1962 (as amended)
- SPCA Act 169 of 1993
- Performing Animals Protection Act 4 of 2016 (as amended)
- Animal Diseases Act 35 of 1984

The sub-committee noted that other legislation was also important in the regulation of the target species, with this including legislation related to the Department of Agriculture, Land Reform and Rural Development (DALRRD), provincial legislation, the Criminal Procedure Act and the Promotion of Administrative Justice Act. We have not reviewed these pieces of legislation to date. Further, we have not included all definitions contained in s1 of the reviewed legislation, regulations, norms and standards and, in the interest of time, have limited the regulations and norms and standards reviewed.

Throughout the analysis, where possible, the sub-committee linked the reviewed sections of legislation that contained aspects detailed in the HLP's ToR. Focus was placed on the following areas, amongst others, to ensure alignment with the ToR: keeping in captivity; hunting; population management; trade; stockpiles; handling and well-being; communities; impacts and benefits.

Some of the key findings are reflected in the table below.

<b>Key findings of the legislative review undertaken by the Constitutional framework, Legislation and Mandates Sub-committees</b>	
<b>Legislation</b>	<b>Key findings/ issues for consideration by the HLP</b>
NEMA	<ul style="list-style-type: none"> <li>● Regarding the s2 principles relating to sustainability, the sub-committee proposes that strong sustainability thinking, as reflected in the National Framework for Sustainable Development, be reflected in the principles.</li> <li>● Section 11 calls for the development of environmental implementation and management plans as a tool to facilitate better cooperative governance. If the required environmental implementation and environmental management plans have not been drafted, these must be drafted as a matter of urgency. Further, the Minister has the power in terms of s13(2) to make regulations that describe the manner in which the relevant national department or province will ensure that the policies, plans and programmes duly comply with legal requirements – and to describe the manner in which the relevant national department or province will ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions. This should be implemented. Finally, in terms of s16(1)(c), the Minister may recommend to any organ of state which has not submitted and/ or adopted an environmental implementation or management plan, that it complies with a specified provision of an adopted environmental implementation plan or submit environmental management plan. The Minister is urged to use this power.</li> <li>● Section 16A requires an environmental outlook report to be published every four years. These have not been published in the required interval of four years (it appears that the 2nd edition was published in 2011 and the 3rd edition was published in 2018).</li> <li>● Chapter 4 provides mechanisms to address conflicts and promote cooperation between government departments. The sub-committee questioned how commonly these tools are used.</li> <li>● Chapter 5 provides for integrated environmental management. The sub-committee noted that this, by and large, does not apply to the regulation of the target species. Lessons learnt from other forms of integrated environmental management could be of immense value, specifically financial provisioning, risk analysis</li> </ul>

Key findings of the legislative review undertaken by the Constitutional framework, Legislation and Mandates Sub-committees	
Legislation	Key findings/ issues for consideration by the HLP
	<p>etc. Accordingly, # 4 in Listing Notice 1 of the Environmental Impact Assessment (EIA) Regulations should be expanded to include the target species. This is in line with other listing notices, specifically Listing Notice 30, which provides for EA for listed ecosystems.</p> <ul style="list-style-type: none"> <li>• Section 26 calls for the Minister to submit reports to Parliament on the Multi-lateral Environmental Agreements for which she is responsible.<sup>62</sup></li> <li>• The threshold provided for in s28 is high. One would be hard pressed to argue that illegal killing or capture of the target species (at their current number) would constitute significant degradation. Consideration should be given to amending this provision to expand the duty of care to include promotion of conservation.</li> <li>• Section 31I and s34E provide for the seizure and treatment of seized species. Policy guiding the treatment of live seized animals is required.</li> <li>• Section 35 provides for cooperation agreements. The sub-committee requested information to be provided in terms of where these have been used (if they have been used). Section 45 also provides for the development of regulations for the management of cooperation agreements. This is supported, as a means to address the challenges of cooperative governance.</li> </ul>
NEMBA	<ul style="list-style-type: none"> <li>• The sub-committee views the definition of ‘sustainable’ as dated and misaligned with the strong approach to sustainability detailed in the National Framework for Sustainable Development. It is proposed that this definition be updated and supported by policy.</li> <li>• Section 3 confirms the State’s role as trustee of biological diversity and holds that in fulfilling the rights contained in s24 of the Constitution, the State, through its organs that implement legislation applicable to biodiversity, must manage, conserve and sustain South Africa’s biodiversity and its components and genetic resources; and implement this Act (NEMBA) to achieve the progressive realisation of those rights. If “Act” includes regulations promulgated thereto (which the definition of “this Act” suggests), Mpumalanga and the Western Cape are in direct contravention of their fiduciary duty.</li> <li>• It is important to remember that s7 provides that the application of NEMBA must be guided by the national environmental management principles set out in s2 of NEMBA.</li> <li>• At s8, NEMBA should prevail over all national legislation where the matter concerns the management of biodiversity, irrespective of when the legislation is promulgated.</li> <li>• At Chapter 3, Biodiversity Management Plans (BMPs) are required for leopard and elephant. Further, in terms of s46, these should be reviewed every five years to assess compliance with the plan. Confirmation is sought on the frequency of review.</li> <li>• Section 44 provides for biodiversity management agreements. This could be a valuable opportunity to promote governance without over burdening the State. Additional information is sought on this.</li> <li>• Section 49 provides for the designation of monitoring mechanisms and indicators. The sub-committee views it as important that these to be reviewed, to understand the monitoring mechanisms in use for the target species (as well as those available but not in use).</li> <li>• Section 56(2) calls for a review of the list every five years. The sub-committee was of the view that this has not been adequately discharged.</li> <li>• Section 61 calls for the Scientific Authority to make Non-Detrimental Findings (NDF). It was confirmed in a meeting with the Scientific Authority that NDF have only been published for two of the target species.</li> <li>• In terms of s92A (Refusal of permits), provisions of the section need to be strengthened: the sub-committee proposes that “may” should be changed to “must”. The suggested wording is as follows: “unless good cause can be shown, the issuing authority must refuse a permit ....”</li> <li>• Section 93 (Cancellation of permits): As above, the sub-committee proposes that that the section is strengthened – with the term “may” changed to “must”. Suggested wording: “unless good cause can be shown, the issuing authority must cancel a permit ....”</li> </ul>

<sup>62</sup> The sub-committee requested the following documents for inclusion in their analysis: the most recent report submitted by the Minister to Parliament on the Multi-lateral Environmental Agreements (as per s26 of NEMA); the most recent report from the Minister in terms of the designation of monitoring mechanisms and indicators, as per s49 of NEMBA.

Key findings of the legislative review undertaken by the Constitutional framework, Legislation and Mandates Sub-committees	
Legislation	Key findings/ issues for consideration by the HLP
	<ul style="list-style-type: none"> <li>Section 93B (Suspension of permits): As above, provisions of the section need to be strengthened. The sub-committee proposes that “may” should be “must”. Suggested wording “unless good cause can be shown, the issuing authority must suspend a permit ....”</li> </ul>
Threatened or Protected Species Regulations, 2007 <sup>63</sup>	<ul style="list-style-type: none"> <li>Regulation 3 provides for agreements to be entered into between the Member of the Executive Council (MEC) and management authority of a national park in relation to the control of damage-causing animals. Information is sought on these agreements.</li> <li>Regulation 6 provides for the application procedure. With the understanding that the permit system is moving onto an electronic platform, this recommendation is moot, but raised anyway in the event of delays. Permit applications must be standardized across the provinces.</li> <li>Regulation 10 requires updating. The sub-committee proposes that provisions for the following are included: criminal record of the applicant; proof of legal acquisition; proof of ability to provide sufficient care; proof of financial provisioning. Further, the sub-committee proposes that a risk assessment should be made mandatory. Consideration should be given to public participation in this process.</li> <li>Regulation 15: Risk assessments for the applicant should also be required – i.e. does the applicant have the knowledge and resources to conduct the restricted activity in question?</li> <li>Regulation 20 (validity of permits): The sub-committee notes inconsistency in the application of this provision. Consideration should be given to providing permits that are nationally applicable, on condition provinces are notified in advance of movement.</li> <li>Regulation 24: Noting the factors raised in the SAPA litigation, the sub-committee requests that consideration be given to listing lions as a listed large predator, and/ or to banning hunting as a put and take animal, hunting in a controlled environment and hunting under the influence of tranquilizers, etc.</li> <li>Regulation 29. Far more guidance is required on subsection (d). The sub-committee notes that subsection (e) needs to be updated with the inclusion of DNA. This regulation is also silent on proof of sufficient care and legal acquisition. This regulation requires extensive amendment.</li> <li>Regulation 31 (Application affecting rights of other persons): The sub-committee views this as too narrow – and proposes that this regulation should be reviewed to include species groups, for example WAG for Wild Dogs.</li> <li>Regulation 35 (Compulsory conditions for the registration of captive breeding operations, commercial exhibition facilities and rehabilitation facilities): The sub-committee proposes that this should be changed to reflect that keeping of a stud book should not be “where appropriate”, but mandatory.</li> <li>Regulation 39 (Consideration of and decision on renewal applications): This regulation is silent on the time period (although the sub-committee suspects that the aforementioned time periods apply). Confirmation is sought on this.</li> <li>Regulation 47 (Cancellation of permits and registration certificates): The sub-committee suggests that the wording in sub-regulation 1 and 2 be strengthened: The issuing authority must cancel a permit (unless substantive proof why the permit should not be cancelled is provided).</li> <li>Regulation 52 (Codes of ethical conduct and good practice): It is unclear if this is mandatory for the hunting organizations. If not, the sub-committee proposes that it should be mandatory, and should be extended to all use standing permits.</li> </ul>
Trade in Listed Threatened or Protected Species	<ul style="list-style-type: none"> <li>The issuing authorities are required to submit all applications relating to the authorization of international trade in rhinoceros (white rhino - <i>Ceratotherium simum</i> and black rhino - <i>Diceros bicornis</i>) specimens to the Department, for consideration and recommendation prior to the issuing of the permits. The sub-committee proposes that this be expanded this to all target species and those in NISCIWT.</li> </ul>
Convention on International Trade in Endangered Species of Wild Fauna and Flora	<ul style="list-style-type: none"> <li>Regulation 3. This requires updating, as there are inconsistencies within the provisions. See for example sub-regulation (5)(a), which cross references paragraphs (a) to (d) in sub-regulation (3), which do not exist.</li> </ul>

<sup>63</sup> The sub-committee notes that TOPS is under amendment, but it is unclear when the revised version will become effective. As such, the sub-committee has only reviewed the current TOPS regulations.

Key findings of the legislative review undertaken by the Constitutional framework, Legislation and Mandates Sub-committees	
Legislation	Key findings/ issues for consideration by the HLP
(CITES) Regulations	<ul style="list-style-type: none"> <li>• Regulation 6: NDF are a legal prerequisite for exporting the target species. Based on information available to the sub-committee, not all of the target species (all of which are CITES listed) have a final and published NDF, yet they are being traded internationally.</li> <li>• Regulation 10: More detail is required, alongside a possible link to regulation 10 of TOPS (or inclusion of the same type of information once updated/ amended, as called for above).</li> <li>• Regulation 11 provides a useful basis for the update of related TOPS provisions.</li> <li>• Regulation 17 (disposal of confiscated specimens): Please see earlier comments on the development of policy to guide this.</li> <li>• The CITES Regulations lack sufficient guidance to govern instances where a Captive Breeding Organisation (CBO) does and should qualify – and how this is balanced with broader security and conservation concerns in South Africa.</li> </ul>
National Norms and Standards for the Management of Elephants in South Africa	<ul style="list-style-type: none"> <li>• Consideration should be given to drafting similar norms and standards to those developed for the other target species, given that these principles are viewed as forward thinking and integrate all the key issues of the HLP in one document.</li> <li>• Section 6 (management plans): this has not been adhered to sufficiently (see the Fair Game Report).</li> <li>• Section 7 (initial assessment): Consideration should be given to a similar assessment for all target species.</li> <li>• Section 8 (duty of care): Consideration should be given to application of a similar duty for all target species.</li> <li>• The provisions of s11, s12, s13, s14, s15 and s16 are all viewed as forward thinking by the sub-committee. Consideration should be given to applying this best thinking to all of the other target species.</li> <li>• The approach taken to population management in s15 – 19 and hunting of elephants in s20 and 21 is also noteworthy.</li> <li>• For considerations related to the captive keeping of species, see s22 – 24.</li> <li>• The provisions related to escaped elephants are forward thinking and more evolved than those in TOPS. The sub-committee proposes that consideration be given to applying these provisions to the other target species.</li> </ul>
Norms and Standards for the Marking of Rhinoceros and Rhinoceros Horn, and for the Hunting of Rhinoceros for Trophy Hunting Purposes	<ul style="list-style-type: none"> <li>• Regulation 2 specifically removes the distinction between horn from rhino on private or state land as it applies to the application of these regulations.</li> <li>• Regulation 3 (Marking of live rhinoceros and any rhinoceros horn): The sub-committee views this as noteworthy for the HLP, with possible consideration to be given to the application of these provisions to lion bone.</li> <li>• Regulation 4 provides key lessons that can be replicated for other target species, alongside strong regulations for hunting (probably in response to the Chumlong Lemtongthai case).</li> </ul>
National Environmental Management: Protected Areas Act 57 of 2003	<p>Sections relevant to the HLP include:</p> <ul style="list-style-type: none"> <li>• 6 Application of Biodiversity Act in protected areas</li> <li>• 7 Conflicts with other legislation</li> <li>• 8 Status of provincial legislation on provincial and local protected areas</li> <li>• 9 Kinds of protected areas</li> <li>• 10 Register of protected areas</li> <li>• 17 Purpose of protected areas</li> <li>• 35 Initiation of declaration</li> <li>• 38 Management authorities (There was confusion as to the management authority of protected areas. This is assigned by the Minister or the MEC to a person, organisation or organ of state. The management role does not remain with the Minister or MEC)</li> <li>• 39 Preparation of management plan</li> <li>• 40 Management criteria</li> </ul>

Key findings of the legislative review undertaken by the Constitutional framework, Legislation and Mandates Sub-committees	
Legislation	Key findings/ issues for consideration by the HLP
	<ul style="list-style-type: none"> <li>• 41 Management plan</li> <li>• 42 Co-management of protected area</li> <li>• 43 Performance indicators</li> <li>• 44 Termination of mandate to manage protected area</li> </ul>
Game Theft Act 105 of 1991	<p>Section 2 (Ownership of game): There is an ongoing question related to the ownership of game. HLP members are referred to the article by Warren Freedman titled: A critical analysis of the escape rule – with extracts from this article included below:</p> <ul style="list-style-type: none"> <li>• Under common law in order to retain ownership of a wild animal, the owner must retain possession (physical control) of that animal. If the animal escapes and regains its natural state of freedom, it will be classified as a <i>res nullius</i>; that is a thing that is unowned.</li> <li>• Ownership of the escaped wild animal may then be acquired by another person by occupation.</li> <li>• Section 2 creates an exception to the escape rule, protecting the ownership of wild animals</li> <li>• See Medbury judgment on proof of adequate enclosure, ECPTA held that that the certificate referred to in s2(2)(a) of the Game Theft Act is not a prerequisite for the protection provided by s2(1)(a). Instead, it simply creates a rebuttable presumption that the land is sufficiently enclosed. In other words, that its purpose is simply to assist a landowner prove that his or her land is sufficiently enclosed. It follows, therefore, that if a landowner does not have a certificate but can still prove through evidence that the land is sufficiently enclosed, then he or she is still entitled to the protection provided by s2(1)(a).</li> </ul>

### 6.2.3 Summary Report

The Summary Report developed by the sub-committee in February 2020 and presented to the HLP during the meeting of 26 to 28 February identified a number of key issues requiring attention. These are outlined below, alongside further points for consideration by the HLP.

#### 6.2.3.1 Sustainability (s2 of NEMA and s1 of NEMBA)

- The relevance to the HLP is that legislation and policy that ensures ecological sustainable use of species (including the target species for this HLP) is a constitutional imperative, but the current legal framework is lacking in this regard.
- Issues proposed by the sub-committee for further consideration by the HLP include the following:
  - Inclusion of strong sustainability thinking in the principles, drawing on the strong sustainability thinking reflected in the National Framework for Sustainable Development (as below).
  - The definition of 'sustainable', as provided for in NEMBA, is viewed as outdated and misaligned with the strong approach to sustainability detailed in the National Framework for Sustainable Development. This definition needs to be updated and supported by policy.

#### 6.2.3.2 Lack of cooperative governance and the challenges of the concurrent provincial and national (9+1) method of regulation (Chapter 3 of NEMA and NEMBA)

- One of the key challenges raised in panel meetings relates to a lack of coordination and harmonization of legislation and policy resulting from shared competencies as prescribed in schedules 4 and 5 of the Constitution (commonly referred to as the 9+1+1 – 9 provinces plus national environment and national agriculture departments - or just 9+1 (if agriculture is not involved)). In addition to this, there is also the challenge of pre-Constitutional legislation that remains unsolved.
- Issues proposed by the sub-committee for further consideration by the HLP include the following:

- Sections 11 and s12 of NEMA provide a mechanism through which to address the lack of cooperative governance felt within this sector. These sections call for environmental implementation plans and environmental management plans to be developed to:
  - *coordinate and harmonise the environmental policies, plans, programmes and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, and of provincial and local spheres of government, in order to: minimise the duplication of procedures and functions; and promote consistency in the exercise of functions that may affect the environment;*
  - *give effect to the principle of cooperative government in Chapter 3 of the Constitution;*
  - *secure the protection of the environment across the country as a whole;*
  - *prevent unreasonable actions by provinces in respect of the environment that are prejudicial to the economic or health interests of other provinces or the country as a whole; and*
  - *enable the Minister to monitor the achievement, promotion, and protection of a sustainable environment.*
- If the required environmental implementation plan and environmental management plans referred to in s11 of NEMA have not been drafted, these must be drafted as a matter of urgency.
- Further, the Minister should use the power allocated in terms of s13(2) of NEMA and make regulations that describe:
  - the manner in which the relevant national department or province will ensure that the policies, plans and programmes duly comply legal requirements; and
  - the manner in which the relevant national department or province will ensure that its functions are exercised, so as to ensure compliance with relevant legislative provisions.
- Section 3 of NEMBA provides for the State's trusteeship of biological diversity, holding that in fulfilling the rights contained in s24 of the Constitution, the State through its organs that implement legislation applicable to biodiversity, must-(b) implement this Act to achieve the progressive realisation of those rights. If 'Act' includes regulations promulgated thereunder (which the definition of "this Act" provided for in NEMBA suggests that it does), then Mpumalanga and the Western Cape are in direct contravention of their fiduciary duty.

### 6.2.3.3 Permit system (NEMA, NEMBA and TOPS)

- There are several challenges with the current permit system impacting directly on the target species, as they are all nationally and provincially listed and regulated:
  - The permit system strongly reflects the challenges faced in 9+1, given that there are different authorities regulating the domestic movement of any specimen of a protected species.
  - The system is paper based and dated in its approach. The paper based permitting system is slow, reactive and sub-optimal for monitoring compliance. This amounts to a problem in the implementation of the legislation, rather than a problem with the legislation itself.
  - Key factors that should guide decision making are not included in NEMBA or TOPS (please see the Elephant Norms and Standards as an example of good practice and governance).
  - There is a lack of consistency in permitting due to 9+1 and litigation around captive lions.
  - The current permit system does not facilitate robust, open and transparent decision making.
- Issues proposed by the sub-committee for further consideration by the HLP include the following:

- Integrated environmental management appears to be missing in the regulation of the target species. Lessons learnt from other forms of integrated environmental management could be of immense value, specifically financial provisioning and risk analysis (see s24 of the NEMA).
- Section 56(2) calls for a review of the list every five years. The sub-committee notes that this has not been adequately discharged.
- Section 93 and 93B: The provisions of these sections relating to suspending or cancelling a permit need to be strengthened, “may” should be “must”. The suggested wording is as follows: “*unless good cause can be shown, the issuing authority must cancel / suspend a permit ....*”
- Clarity is sought on the upcoming electronic permitting system and how it will address the challenges associated with 9+1, so that permit applications are standardized across the provinces.
- Regulation 10: This regulation requires updating, to include provisions relating to the criminal record of the applicant, proof of legal acquisition, proof of ability to provide sufficient care and proof of financial provisioning. The sub-committee proposes that the HLP considers the inclusion of a risk assessment as mandatory – and suggests that a public participation process be considered when addressing this area.
- Regulation 29: Far more guidance is required on subsection (d), and subsection (e) needs to be updated with the inclusion of DNA. The sub-committee notes that this regulation is silent on proof of sufficient care and legal acquisition – with this therefore being an area requiring amendment.
- Regulation 24: Noting the factors raised in the SAPA litigation, the sub-committee requires the HLP to consider listing lions as a listed large predator, and/ or to propose banning of hunting of lions as a put and take animal, hunting in a controlled environment and hunting under the influence of tranquilizers, etc.
- The sub-committee notes that the principles and provisions reflected in the Elephant Norms and Standards are forward thinking, and integrate all the key issues of the HLP in one document (e.g., see, for example, Regulation 7 (Initial assessment) and Regulation 8 (Duty of care) – and proposes that similar norms and standards be drafted for the other species.

#### 6.2.3.4 Captive Breeding Organisations (CBOs)

- The CITES Regulations lack sufficient guidance to govern instances where a CBO does and should qualify, and how this is balanced with broader security and conservation concerns in South Africa. Wildlife trade can and should only be regarded as ecologically sustainable when it positively contributes to the security of wild populations and when benefits accrued are shared fairly and equitably. Further, sustainable land use in South Africa requires that an alternative to agriculture practices be found. The sub-committee requests consideration of the following principle: that unsustainable intensive farming needs to make space for conservation or nature-based land-use practices.
- Issues proposed by the sub-committee for further consideration by the HLP include the following:
  - TOPS needs to be updated to align with Regulation 11 (stud books there are applied “where necessary”) and Regulation 11(3) (in which there is an express requirement for records for CITES App I species to be kept for five years. That said, the sub-committee proposes that this requirement should not be limited to CITES App I species only – i.e. traceability and the use of stud books should be applied as the norm and best practice, regardless of the species – and trade should not be allowed if the source is unclear.
  - Provisions should be put in place to ensure specimens of animal species that have been bred in captivity may not be traded unless they originate from a breeding operation registered by the relevant management authority, and have been individually and permanently marked in a manner so as to render alteration or modification by unauthorized persons as difficult as possible.
  - Enforcement capacity is required. This is key to the sign-off on, and implementation of the National Integrated Strategy Combatting Wildlife Trafficking (NISCWT).

- A full risk assessment should be undertaken on the basis of precautionary principles and a risk-averse approach – and should include an assessment on whether a legal supply will increase pressure on wild populations (e.g. the tiger bone trade and cycad trade).
- Mechanisms for broader benefits must be established to ensure the protection of wild species (e.g. rhino) – with this proposal linked to the International Union for Conservation of Nature (IUCN) paper on the ecologically sustainable use of hunting trophies). While those who sell rhino horns may commit to channelling the financial returns back into protecting their stock, concern exists that wild rhino will remain vulnerable, with this possibly exacerbated by a potential increase in demand for horn.

At the HLP's 26 to 28 February 2020 meeting, it was agreed that the HLP would convene a special interest-based meeting on 3 April 2020 to focus on the following areas:

- Extensive discussion on the legislative issues and dynamics in depth;
- Integration of a composite view of the HLP and public stakeholders, specifically around legislation;
- Analysis of how legislation links to the proposed overall vision of the HLP; and
- Formulation of the HLP's view around legislative issues.

Unfortunately, as a result of COVID-19 and other events, this meeting was postponed, and did not take place subsequently – with the issues above proposed for further consideration by the HLP.

#### 6.2.4 Matrix

The matrix (heat map) included below was developed using the information the sub-committee obtained from the legislative analysis (discussed above), as reviewed against the HLP's ToR, and through a comparison of results from both analyses. In terms of colour coding:

- Areas/ issues where legislative provisions do not exist are highlighted in red;
- Where legislative provisions exist but must be updated or expanded to ensure responsible regulation and governance, these have been highlighted in orange or yellow (with orange indicative of a more urgent need for revision); and
- Where the legislative provisions are sufficient (i.e. where no immediate attention is required), these are highlighted in green.

It should be noted that the sub-committee did not include provincial legislation or the implementation of legislation in this heat map, with this being a further layer that should ideally be added, for completeness. Justifications for codes applied are included in the left-hand column, where applicable.

The sub-committee anticipates that changes to the legal framework can be built into the existing national legislation and regulations, with the possibility of developing additional norms and standards to guide decision making.

Legislative analysis heat map						
Key:	Legislative provisions do not exist	Legislative provisions must be updated or expanded to ensure responsible regulation and governance	Legislative provisions must be urgently updated or expanded to ensure responsible regulation and governance			Legislative provisions are sufficient, i.e. requiring no immediate attention
	ToR focus area		1	2	3	4
		Elephant	Lion	Leopard	Black rhino	White rhino
A	<b>Hunting</b> - The National Norms and Standards for Hunting Methods in South Africa have not been finalised to date. Lions are highlighted red as they are the only target species	1A	2A	3A	4A	5A

Legislative analysis heat map							
Key:	Legislative provisions do not exist	Legislative provisions must be updated or expanded to ensure responsible regulation and governance	Legislative provisions must be urgently updated or expanded to ensure responsible regulation and governance			Legislative provisions are sufficient, i.e. requiring no immediate attention	
	ToR focus area		1 Elephant	2 Lion	3 Leopard	4 Black rhino	5 White rhino
	allowed to be hunted as a put and take animal and hunted under the influence of narcotics, and this distinction lacks a proper basis.						
B	<b>Breeding &amp; Keeping</b> - When reviewing TOPS Regulations: (i) Regulation 10 does not provide sufficient guidance to officials in making their decisions, thus facilitating poor regulation of breeding and keeping the target species; and (ii) The regulations make the keeping of stud books only necessary "where appropriate". The sub-committee views this as being insufficient.	1B	2B	3B	4B	5B	
C	<b>Trade</b> - When reviewing TOPS Regulations, Regulation 10 does not provide sufficient guidance to officials in making their decisions, thus facilitating poor regulation in relation to trade. When reviewing the CITES Regulations, it is noted that these lack sufficient guidance to govern instances where a CBO does and should qualify for trade, and how this is balanced with broader security concerns in South Africa and ecological sustainable use (with broader benefits established so wild species of the target species are protected).	1C	2C	3C	4C	5C	
D	<p><b>Management:</b> Included herein is population management and general management.</p> <p>When reviewing NEMA:</p> <ul style="list-style-type: none"> <li>The NEMA s2 principles apply to all decisions which may affect the management of the environment (which, by its definition in NEMA, includes all target species).</li> <li>It is noted that Integrated Environmental Management seems to be missing in the regulation of the target species. Lessons learnt from other forms of integrated environmental management could be of immense value – specifically financial provisioning, risk analysis etc.</li> </ul> <p>When reviewing NEMBA:</p> <ul style="list-style-type: none"> <li>A key objective of the Act is to provide for the management and conservation of biological diversity within the Republic, and of the components of such biological diversity.</li> <li>Biodiversity Management Plans have only been drafted for three of the target species: white rhino, black rhino and lion.</li> <li>Powers given to the Minister to list TOP species and provide legal protection to them (when read with s57).</li> </ul> <p>When reviewing TOPS Regulations:</p> <ul style="list-style-type: none"> <li>Regulation 10 does not provide sufficient guidance to officials in making their decisions, thus facilitating poor management decisions.</li> </ul> <p>When reviewing the norms and standards for management of elephants:</p>	1D	1D	2D	3D	4D	5D

Legislative analysis heat map						
Key:	Legislative provisions do not exist	Legislative provisions must be updated or expanded to ensure responsible regulation and governance	Legislative provisions must be urgently updated or expanded to ensure responsible regulation and governance			Legislative provisions are sufficient, i.e. requiring no immediate attention
	ToR focus area		1	2	3	4
		Elephant	Lion	Leopard	Black rhino	White rhino
	<ul style="list-style-type: none"> <li>The sub-committee requests that consideration be given to developing similar norms and standards for the other species, given that the norms and standards relating to elephant management are viewed as forward thinking, integrating all the key issues of the HLP in one document.</li> </ul>					
E	<p><b>Handling</b> - When reviewing TOPS Regulations:</p> <ul style="list-style-type: none"> <li>Regulation 10 does not provide sufficient guidance to officials in making their decisions, thus facilitating poor regulation for the handling of the target species.</li> <li>Base line provisions within environmental legislation are not in place to ensure welfare of the target species is achieved. This is left to the Animal Protection Act and the resultant challenges with mandates (as identified in the NSPCA Lion Bone case) must be noted.</li> </ul>	1E	2E	3E	4E	5E
F	<p><b>Other (other key species related issues) – stockpiles:</b></p> <p>Norms and Standards for the Marking of Rhinoceros and Rhinoceros Horn, and for the Hunting of Rhinoceros for Trophy Hunting Purposes provide detailed guidance on marking rhino horn, and there are provisions within TOPS that apply to the marking of elephant ivory. Guidance on stockpiles is not provided beyond that permits are needed – this is an oversight. For lion bones, no regulation on the marking on lion bones are provided, with this viewed as an oversight.</p>	1F	2F	x	4F	5F
G	<p><b>Other (other key species related issues) – well being</b></p> <p>When reviewing the norms and standards for management of elephants, the sub-committee requests that consideration be given to developing similar norms and standards for the other species, given that the norms and standards relating to elephant management are viewed as forward thinking, integrating all the key issues of the HLP in one document.</p>	1G	2G	3G	4G	5G
H	<p><b>Other (other key species related issues) – impact and benefits</b></p> <p>NEMA s2 principles include:</p> <ul style="list-style-type: none"> <li>that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardized.</li> <li>Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination; and</li> <li>The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must</li> </ul>	NEMA and NEMBA	NEMA and NEMBA	NEMA and NEMBA	NEMA and NEMBA	NEMA and NEMBA

Legislative analysis heat map							
Key:	Legislative provisions do not exist	Legislative provisions must be updated or expanded to ensure responsible regulation and governance	Legislative provisions must be urgently updated or expanded to ensure responsible regulation and governance			Legislative provisions are sufficient, i.e. requiring no immediate attention	
			1	2	3		4
ToR focus area			Elephant	Lion	Leopard	Black rhino	White rhino
be appropriate in the light of such consideration and assessment.							

### 6.2.5 Consultation with public sector stakeholders

The sections that follow reflect on engagements with a range of public sector stakeholders. While Chapter Seven addresses insights arising from the public sector stakeholder engagement process in greater detail, the content below focuses specifically on insights of relevance to the Legislation and Mandates Sub-committee's work.

#### 6.2.5.1 Engagement with public sector stakeholders – March 2020

On 13 March 2020, the sub-committee presented to a range of public sector stakeholders at Emperors Palace in Johannesburg. During this presentation, focus was placed on four primary questions, with these reflected below, alongside a summary of the information received:

- To what extent have the tools that are incorporated in legislation (e.g. environmental management and implementation plans) been utilised in addressing concurrent mandates and conflicts related thereto?
  - Feedback received was as follows:
    - There was a general sense that tools should be developed to guide this more – and the tools that have been developed (Biodiversity Management Plans and NDF) are not being used to the fullest extent.
    - Mechanisms for consultation and participation are used.
    - DEFF and the provinces undertook to provide content on the tools in use.
- In relation to the electronic permitting system: When will it be launched? To what degree will it address inconsistent approaches taken to permitting by the different provinces? Have Standard Operating Procedures (SOPs) or guidelines (that are uniform across South Africa) been drafted and/ or finalized, to guide the use of the electronic permitting system?
  - Feedback received was as follows:
    - Stakeholders advised that the TOPS e-permitting system should be launched at a national level on 1 April 2020 (with this dependent on: the amended legislation becoming effective, and roadshows being hosted, to educate all on its use<sup>64</sup>). The CITES e-permitting system is also under development but is a little behind the TOPS system.
    - The national system only regulates TOPS and CITES, whereas provinces need all provincially protected species to be included.
    - Each of the nine provinces either have existing online systems or are developing systems and there was uncertainty as to how these will be integrated (the provinces using the State Information Technology Agency (SITA) have higher chance of being properly integrated).

<sup>64</sup> A proposal was made that the HLP be included in this process.

- There is consultation due on this matter. How and when that will take place is unclear.
  - What is also unclear is the degree of guidance on the issuance of permits on this electronic system, to ensure uniformity across SA.
- Related to the issuance of permits: What other factors beyond those specifically stated in Regulation 10 of the TOPS Regulations are considered?
  - Feedback received was as follows (with the HLP advising stakeholders that additional information would be required in respect of these areas, to maximise the value of the input):
    - DEFF is not limited to the points/ factors in regulations and takes other factors into account. Provincial stakeholders, specifically KZN Wildlife, asked for this approach to be shared.
    - Some provinces have guiding documents on the issuance of permits.
    - Under revised legislation/ regulations, the points to consider in the issuing of a permit have been expanded.
- Considering other existing councils and societies (e.g. the Health Professional Council of South Africa (HPCSA), the South African Veterinary Council (SAVC), and the Law Society), what requirements should be included for a council that would serve as a platform for enhanced self-regulation for all direct wildlife users and managers (e.g. hunting, breeding, trade etc.), and indirect users (i.e. interested and affected parties)?
  - Feedback received included the following:
    - The difference between self-regulation and self-administration needs to be unpacked further.
    - Enabling and related provisions in legislation would need to be created to provide for this.
    - Checks and balances should be included.
    - Concerns were noted around how self-regulation would impose on the mandate of the provinces.
    - Concern was noted around a lack of common purpose.
    - Questions were raised as to how such a council would ensure the promotion of constitutional rights.

Stakeholders were asked to provide additional input on issues for consideration as part of the HLP's legislative review, with the following points raised:

- A lack of policy, with this relating to broad and issue-specific policy.
- Concern about the regulatory controls associated with display animals, with a request for the HLP to look into this.
- Concerns about human and animal well-being in relation to captive animal interactions.
- Concerns about the lack of consultation around the Animal Improvement Act.

During the March 2020 meetings, members of the HLP asked for the following, with further requests made at subsequent meetings<sup>65</sup>:

- The overview provided by DEFF in terms of the current tools used to facilitate cooperative governance.
- Content on the tools used to address challenges arising from concurrent mandates.
- Confirmation that the HLP will be included in the electronic permitting system roadshow.
- Detail on the process of consultation planned between DEFF and the provinces on electronic permitting systems.

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<sup>65</sup> Documents as requested have not been received, and have therefore not formed part of the sub-committee's analysis

- Detail on the factors DEFF and select provinces (Gauteng, the Eastern Cape, Mpumalanga and North West Province) take into account, given the confirmation provided by these parties that the factors they focus on extend beyond those currently listed in the TOPS Regulations.
- All guidelines that are in use that govern decision making.

#### 6.2.5.2 Follow up reports from provinces, in response to the March 2020 internal engagement

In July 2020, written responses to the questions posed in the March 2020 internal engagement meeting were submitted by five provinces, Mpumalanga, Eastern Cape, Gauteng, North West and Limpopo. Responses have been summarised here. Other provinces addressed these questions in their presentations on 13 August 2020.

Question	Summary of responses
What is the understanding provinces hold of the linkages and the key points of difference between national and provincial legislation?	<ul style="list-style-type: none"> <li>• The views here varied. Some provinces held that provincial legislation should cover those species and activities not covered or regulated by national legislation. Other provinces held that national legislation should establish the foundation for environmental regulation which will then guide the provinces in their operations and mandate. The general sense was that national legislation would take precedence over provincial legislation.</li> <li>• The Eastern Cape also noted a difference in capacity to implement legislation – with more capacity at the national level to implement legislation.</li> </ul>
What are the tools used to address challenges arising from concurrent mandates? What suggestions do provinces have for dealing with problems of concurrency?	<ul style="list-style-type: none"> <li>• Tools and mechanisms discussed included the following, amongst others: <ul style="list-style-type: none"> <li>○ MINMEC and other working groups</li> <li>○ Integrated permits</li> <li>○ The use of norms and standards to standardise the application of environmental law and policy</li> <li>○ The development of operational guidelines and SOPs – with these also assisting the province in addressing challenges and ensure uniform implementation</li> <li>○ Reassessing and adapting service delivery plans, Annual Performance Plans (APPs) and Operational Performance Plans (OPPs) accordingly each year</li> <li>○ Direct engagement with national, where there is a conflict</li> </ul> </li> <li>• In addition to the above, one province indicated that their approach is to implement the national legislation and only supplement it with provincial legislation where the national legislation is not comprehensive enough.</li> <li>• Another province conceded that concurrent mandates may have some serious problems, with this requiring the national department to involve provinces in decision making across the board.</li> </ul>
What are the views or positions regarding the issue of 9+1+1+1 <sup>66</sup> ? What are the views of provinces on the possibility of rationalisation or centralisation of conservation competency/ function and legislation?	<ul style="list-style-type: none"> <li>• The general sentiment was that one body of national legislation should be implemented, with regulations promulgated that are specific to certain regions/ provinces.</li> <li>• One province also noted that the current system of 9+1 governance brings with it serious implications for the funding of government's mandates relating to conservation.</li> </ul>
How can the permitting system be streamlined given the current 9+1 arrangements? There are a lot of legislative tools but are they effective, given the	<ul style="list-style-type: none"> <li>• Challenges noted here included: <ul style="list-style-type: none"> <li>○ Streamlining comes with its own problems, including delays</li> </ul> </li> </ul>

<sup>66</sup> 9+1 refers to the 9 provinces and the national environment department who have concurrent legislative competence for the environment. 9+1+1 refers to the additional regulatory overlaps with the national agriculture department. 9+1+1+1 refers to the further additional regulatory overlaps with national protected area state-owned entities (i.e. South African National Parks (SANParks) and the iSimangaliso Wetland Park Authority).

Question	Summary of responses
capacity problems? Is the issue one of rationalization?	<ul style="list-style-type: none"> <li>○ The difference in the implementation of legislation arises from the different provincial legislation. Thus, the call for uniform legislation in terms of which the provinces can still continue to process permits in their areas of operation</li> <li>○ The current permitting and other conditions set out by provinces contradict the national legislation</li> <li>○ Permit processes are difficult to understand, and difficult to address when working with/ for clients</li> <li>○ Some provinces do not implement the national legislation</li> <li>○ Each province has its own application procedure and rules</li> <li>● One call made was for the development of an integrated online permitting system; another was linked to the suggestion to develop uniform legislation in terms of which the provinces can still continue to process permits in their areas of operation.</li> <li>● One province noted that the implementation of permitting should already be streamlined to some extent, due to the Permit and Enforcement Planning Committee's (PEPC's) Uniform Implementation Guidelines for TOPS and CITES.</li> </ul>
Please provide details on the proposed electronic permitting system in each province. What steps are being taken to prepare for electronic permitting and when will this be implemented?	<ul style="list-style-type: none"> <li>● Most provinces noted the national permitting system for CITES and TOPS and some are waiting for this this system to commence, presumably to integrate into it, others with existing electronic platforms will migrate onto it once operational if there is sufficient consistency between systems, if the national system is better and if it caters for all legislation.</li> <li>● North West has a fully operational on-line permitting system which has been operational for two and a half years. Mpumalanga seems to operate a hybrid approach, using an electronic permitting system and a manual permitting system; Gauteng is developing an online application system for its ordinance and the Eastern Cape is currently processing applications and issuing electronic permits. The Northern Cape Province has an electronic permit system which handles both provincial and national legislation (including CITES).</li> </ul>
What other factors beyond those specifically stated in regulation 10 of the TOPS regulations are considered by provinces when issuing permits?	<ul style="list-style-type: none"> <li>● The following other factors have been noted: <ul style="list-style-type: none"> <li>○ Requiring consultation with affected parties</li> <li>○ Requiring an Ecological Management Plan for certain species</li> <li>○ Adherence to provincial policies, e.g. the North West Province has, over time, developed its own technical policy which governs the management of species in captivity, on semi-extensive and extensive systems, and it specifically makes stipulations on mandatory fence types, management plans and other measures for the keeping of specific species despite their listing status in or outside national legislation</li> </ul> </li> <li>● Two provinces noted that Regulation 10 is sufficient and proof of legal acquisition as an additional consideration.</li> </ul>
Considering the existing councils and societies, for example HPCSA, SAVC, and the Law Society, what requirements should be included for a council that would provide a platform for enhanced self-regulation for all direct wildlife users and managers, for example, hunting, breeding, trade etc., and indirect users (interested and affected parties)?	<ul style="list-style-type: none"> <li>● Self-regulation was not supported. Some provinces did draw the distinction between self-regulation and self-administration, holding that the focus in this regard should be on self-administration.</li> </ul>

### 6.2.5.3 Meeting regarding the legal framework as pertaining to the environment – 20 and 22 May 2020

At the meeting of 20 May 2020, the HLP received presentations from DEFF on:

- The Constitution, mandates, policy, litigation; and

- The current legislation, including draft legislation and amendments affecting the five species.

These presentations have been shared with the HLP, with key information summarised here.

The first presentation gave an overview of the Constitutional provisions applicable to government, confirming the spheres of government and their respective mandates and responsibilities. Consideration was then given to *Minister of Water and Environmental Affairs v Kloof Conservancy* [2016] 1 All SA 676 (SCA), which considered cooperative governance and mandates of the various spheres of government. The presentation also clarified the differences between the executive authority and legislative authority at both national and provincial levels as well as their various responsibilities. The presentation concluded with a litigation overview where the following judgements were considered in this regard: *New National Party of South Africa v Government of the Republic of South Africa*, *Affordable Medicines Trust and Others v Minister of Health and Other*, *Krüger and another v Minister of Water and Environmental Affairs and others* [2016] JOL 34725 (GP), *Eastern Cape Parks and Tourism Agency v Medbury (Pty) Ltd* (816/2016) [2018] ZASCA 34, *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and others* [2019] JOL 45,67 SA *Predator Breeders Association & others v Minister of Environmental Affairs and Tourism* [2010] JOL 26567 (SCA). Concerns raised by the “regulated community” were discussed at the end of the presentation. These relate to: overlapping mandates, especially between environmental and agriculture legislation; self-regulation/self-administration; the perception of absence of formal written policy for all aspects relating to biodiversity and conservation, given that the draft White Paper on Conservation and Sustainable Use of Biodiversity was never finalized. These are issues the HLP should consider.

The second presentation provided a legislative overview, including specifics in terms of certain amendments to legislation and legislation still in draft. This presentation also provided a summary of current gaps, overlaps, impacts and implications which should be considered by the HLP. In terms of current gaps, the following were noted: enabling provisions for welfare, an enabling provision for self-administration, increased recognition of wildlife trafficking (consideration of resource implications and increased penalties), boarding when the state retains custodianship of wild animals under its jurisdiction, lack of ability to regulate methods without having to regulate species; mechanisms or enabling provisions to addressing diseases, the need for provision for integrated permit system in provincial legislation, skills and capacity building and ethics considerations. When discussing current overlaps in legislation, the following legislation was noted: *Animal Improvement Act (AIA)*, *Meat Safety Act* and provincial conservation legislation. This presentation concluded by setting out 5 considerations for the HLP:

1. What are the welfare aspects that NEMBA should focus on?
2. What aspects of self-administration could be provided?
3. Should diseases be addressed in more detail in terms of NEMBA/ TOPS Regulations?
4. Should ethical considerations have a space in biodiversity legislation? Could this be linked to societal values?
5. What is the nature of incentives that can be provided?

In the meeting on 22 May 2020, a presentation was given addressing the following: the Parliamentary Report on the Lion Colloquium – and implementation by DEFF; s100 of the Constitution, and attempts to strengthen the capacity of the state to develop, monitor compliance and enforce the law (including financial resourcing, human resource development, co-operative governance); key legislative gaps; and a socio-economic impact assessment system for policy development. This presentation identified the following legislative gaps for the HLP to consider:

- Whilst objections of the NEMBA embrace the three pillars of the CBD in its objectives, some provisions are restrictive and no enabling provisions to support sustainable use and stimulate the economy as envisaged in

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<sup>67</sup> Continued reference in this document as the loin bone case

NBES and expressed in the detailed 3 feet plans of the Wildlife Economy Strategy – new chapter on sustainable use proposed

- Some misalignments and inconsistencies in definitions and language between NEMBA and subordinate legislation (CITES, TOPS)
- Administrative bottlenecks which could be resolved through delegation of authority to MECs and DEFF senior management. No provisions to deal with administrative bottlenecks impacting on Professional hunters, Hunting outfitters and trainers (up to 17 permits required)
- NEMBA does not adequately provide for species that are affected by activities which are not deemed to be restricted, such as the ones affected by habitat destruction/degradation
- No provision for electronic permitting system to improve efficiency in the permit application process and reporting
- No formal recognition of the Wildlife Forum and People & Parks Forum
- No provision for an incentive based self-administration of the Industry with set standards and a certification system
- Sub-optimal use of legislative tools to improve awareness and capacity building (strategies, NDFs, Biodiversity Management Plans)

In addition to the above, DEFF also provided a legal opinion, dated 28 April 2020, addressing the following questions raised by the HLP:

- Does it always follow that legislation must have a formal signed off policy underlying it?
- If legislation is not underpinned by a formal policy, does it in any way effect the legality of the legislation?
- Whether the White Paper on Environmental Management Policy can be seen as the policy base for the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) or the NEMBA Bill in terms of sustainable use, conservation and biodiversity?

In the meeting on 20 May 2020, and in the aforementioned legal opinion, it was confirmed that it is not a legal requirement for any legislation to be preceded by policy to be considered valid. Phrased differently, there is no provision in the Constitution or elsewhere that requires the existence of a formal policy prior to the initiation, development or implementation of legislation<sup>68</sup>. It was confirmed however that it is clear that there is a need for policy to inform legislation and prevent legislation from being developed in a vacuum<sup>69</sup> and that while there is sufficient rationale and motivation to regard the White Paper on Environmental Management, 1998<sup>70</sup> as the policy base for NEMBA, *“it is recommended that the development of a policy with specific focus on the various aspects of biodiversity be considered as a medium term action.”*<sup>71</sup>

DEFF in the above legal opinion also provided additional information on policy in general, confirming that

- Policy is the process by which government translate its political vision into programmes and actions to deliver certain outcomes.
- Policy is not law, but can lead to law and may be formal or informal.

<sup>68</sup> Para 4.11 of the legal opinion dated 28 April 2020

<sup>69</sup> Para 4.18 of the legal opinion dated 28 April 2020

<sup>70</sup> Not to be confused with the draft white paper on Conservation and Sustainable use of South Africa’s Biodiversity

<sup>71</sup> Para 5.9 of the legal opinion dated 28 April 2020

- Every policy has three key elements: a problem statement, goals to achieve and the policy instruments to address the problem and to achieve the goals.<sup>72</sup>

DEFF follows an evidence based approach in the formulation of policy and all policies, Bills and regulations are now subject to the Socio-Economic Impact Assessment System (SEIAS), 2015 before being approved to assess their impact and contribution to the National Development Plan priorities.<sup>73</sup>

#### 6.2.5.4 Presentation by the national department responsible for agriculture

On 22 May 2020, the DALRRD gave a presentation providing an overview of animal welfare (a definition and principles, existing animal welfare legislation, progress made in developing legislation and policies and the impact of the lion bone case). It was noted that an Animal Welfare Bill was in development which, when promulgated, would replace the Animals Protection Act and the Performing Animals Protection Act. The first draft has been completed. Reference was also made to a guideline for captive lions, but it is unclear if this is being developed or is already developed.

#### 6.2.5.5 Meeting with the provinces – 13 August 2020

Representatives of each of the nine provinces provided presentations that *inter alia* addressed or provided: a high level overview of provincial legislation, key points of difference between national and provincial legislation, what works and what doesn't work, views of provinces on rationalization of legislation and streamlining of the permitting system (including electronic permitting).

It is noteworthy that the Western Cape provincial government conducted a study in 2019 where all provincial legislation was reviewed. The table below was provided showing the huge amount of provincial conservation legislation in operation:<sup>74</sup>

Province	Nature conservation legislation
Gauteng	<ul style="list-style-type: none"> <li>• Gauteng Nature Conservation Ordinance, 1983 (2005 amendment); Policy on Hunting of Elephants by Private Persons; Gauteng Nature Conservation Act - draft, 2012</li> </ul>
Mpumalanga	<ul style="list-style-type: none"> <li>• Mpumalanga Ordinance, 1983 - Mpumalanga Nature Conservation Act, 10 of 1998; Mpumalanga Nature Conservation Act Regulations 1999; Mpumalanga Nature Conservation Policy 2004.</li> </ul>
Limpopo (incl. Gazankulu and Venda)	<ul style="list-style-type: none"> <li>• Limpopo Nature Conservation Ordinance, 1983 – Limpopo Environmental Management Act, 2003; Gazankulu Nature Conservation Act, 5 of 1975, Venda Nature Conservation Act, 10 of 1973; Directives of the Capture and Relocation of Free Roaming Elephants, 1 of 2004.</li> </ul>
North West (incl. Bophuthatswana and Lebowa)	<ul style="list-style-type: none"> <li>• Cape Problem Animal Control Ordinance, 26 of 1957; Cape Nature Environmental Conservation Ordinance, 19 of 1974; Fencing Specification for the North West Province; North West Nature Conservation Ordinance, 1983; Bophuthatswana Nature Conservation Act, 1973; Lebowa Nature Conservation Act, 1973, and tribal rule.</li> </ul>
Western Cape	<ul style="list-style-type: none"> <li>• Western Cape Nature Conservation Ordinance, 19 of 1974; Western Cape Nature Conservation Regulations 955 of 1975; Western Cape Nature Conservation Board Act, 15 of 1998; Western Cape Nature Conservation Laws Amendment Act, 3 of 2000; Western Cape Biodiversity Bill 2019.</li> </ul>
Northern Cape	<ul style="list-style-type: none"> <li>• Northern Cape Nature Conservation Ordinance, 19 of 1974; Nature and Environmental Conservation Regulations, 955 of 1975; Policy on Wildlife Management Fauna III; Northern Cape Nature Conservation Act, 2009; 2016,</li> </ul>
Eastern Cape (incl. Ciskei and Transkei)	<ul style="list-style-type: none"> <li>• Cape Problem Animal Control Ordinance, 26 of 1965; Eastern Cape Nature Conservation Ordinance, 19 of 1974; Nature Conservation Regulations 955 of 1975; Ciskei Nature Conservation Act, 10 of 1987; Transkei Decree 9 of 1992.</li> </ul>

<sup>72</sup> Para 4.15 of the legal opinion dated 28 April 2020

<sup>73</sup> Para 4.16 of the of the legal opinion dated 28 April 2020

<sup>74</sup> It was noted in the presentation how difficult it is to access the most recent versions of these acts as well

Province	Nature conservation legislation
Kwazulu-Natal (incl. Kwazulu)	<ul style="list-style-type: none"> <li>• KwaZulu Nature Conservation Act, 29 of 1992 - KwaZulu-Natal Nature Conservation Management Act, 9 of 1997; Natal Nature Conservation Ordinance, 15 of 1974; KwaZulu Nature Conservation Act, 8 of 1975; KwaZulu-Natal Environmental, Biodiversity and Protected Areas Management Bill, 2014</li> </ul>
Free State (incl. Qua Qua)	<ul style="list-style-type: none"> <li>• Free State Nature Conservation Ordinance, 8 of 1969; Qua Qua Nature Conservation, 5 of 1976; Nature Conservation Regulations 1983.</li> </ul>

Key findings of this study were as follows:

- The plethora of nature conservation legislations relevant to each of the nine provinces and the age of these legislations.
- Major inconsistencies in the various regulatory provisions. An addendum (Annexure H) was provided containing the relevant provisions for all 40 selected species for the primary nature conservation legislation per province as well as the NEMBA TOPS, the Game Theft Act and the Animal Improvement Act (AIA).
- Notable evidence of inconsistencies in regulating the game industry and lack of congruence in law reform among provincial conservation authorities.

Key issues / concerns raised in this meeting include:

- Lack of cooperative governance and governance challenges generally
  - The current 9+1+1+1 system creates division between provincial conservation authorities and national as well as duplication and confusion amongst clients, it is ineffective.
  - The relationship between national and provinces was likened to a master servant relationship.
  - Increased regulation of wild animals by the department responsible for agriculture (specifically the AIA) threaten species with extinction in the wild, threatens SA reputation and alienates natural heritage from the people. The provinces objected to the AIA listings but have had no response from DALRRD.
  - Inefficient systems and outdated permit requirements.
  - Conservation 'subsumed' into other potentially conflicting mandates e.g. environment, agriculture, rural development, economic development, development planning, and tourism.
  - Biodiversity not high on political agenda overridden by other political mandates.
- Lack of an enabling legislative environment
  - There are clear inconsistencies between national and provincial legislation, while this may be the case where the province strengthens or provides more restrictive provisions (e.g. NC prohibits captive lion facilities) they cannot weaken or be less prescriptive (e.g. NC allows for rhino horn to be cut up and modified, MP allows for baiting and FS appears to allow rhino to be hunted as a put and take animal (although they don't use this terminology, the ordinance provides for rhino and lion to be hunted within three months of release in a camp 1000 ha or larger).
  - In addressing the differences between national legislation and provincial legislation, one province notes the following: national legislation is current and is set out in a simple framework which is then generally applied. Provincial legislation on the other hand is outdated, there are a plethora of statutes and regulations and is selectively (and sometimes inappropriately) applied to different geographical areas.
  - National legislation provides guidance on the permit application process whereas the provincial legislation is lacking in this regard and applications are specified in national legislation, at the provincial level there are numerous permit application formats
  - Several provinces noted the difficulty in proclaiming provincial legislation.

- Outdated policy documents which do not align with current legislation and latest scientific information.
- Severe lack of funding
  - Unfunded mandates – this relates to the mandate to implement and enforce national legislation without budget provided in this regard.
  - Severe budget restrictions and cuts, one province lost 93% of its budget for conservation this year with some programmes operating on an average of 70% vacancy.
- Capacity constraints and limitations
  - Challenges around enforcement mandates, EMI can only enforce national legislation and nature conservators / environmental officers can only enforce provincial legislation.
  - There is noticeably more capacity at national level with staff focussed on a specific area.
  - Conservation expertise and interests not a requirement for MEC position.
  - Erosion or loss of expertise, skills, institutional memory at Provincial level.
- Positive attributes of provincial legislation
  - Provincial legislation is beneficial where national legislation is weaker or does not provide the same degree of protection.
  - A value of provincial legislation is that it is tailored for the province and driven by the provincial conservation agency whereas with national legislation the provinces are simply consulted and it's difficult to amend for provincial "peculiarities".
- Other comments
  - Conservation seen as problem which limits development.
  - It was noted that there is a greater reliance on current national legislation
  - Neither provincial legislation nor national legislation covers the transformation agenda
  - The Annexure 1 application form (TOPS) can be very confusing to applicants. It was designed to simplify the application process, but more often than not, the applicant must be educated on how to complete the form.

Issues put forward for the HLP to consider<sup>75</sup>

- One speaker stated if we had no legal framework at all, a total clean slate, what legislation would we develop and why
  - Need to have a clear objective of what we would want to achieve to ensure improved conservation.
  - To have a robust and open discussion on what would really work for conservation in South Africa, and that would include possibility of making conservation a national competency.
- Rationalisation of legislation to create a unified body environmental (in this case biodiversity) legislation
  - All provinces require legislative reform of biodiversity conservation legislation. This should be a national imperative.
  - Policies must align with CBD and be implemented consistently by provinces.
  - In thinking of rationalising the legislation, consideration can be given to existing pieces of national legislation that include provincial specific provisions (listing notice 3 for example).
  - Remove duplication of legislation between national and provinces - Provide provinces strong regulatory powers.

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<sup>75</sup> Please note the sub bullet points are issues identified and taken almost completely verbatim from their presentations

- Huge amount of legislation competing, conflicting, challenged and updated all the time.
- Need for a uniform approach in the legislative framework.
- Establish an inter-provincial task team to address rapid law reform in relation to regulating game (and other biodiversity), aligned with multilateral environmental agreements (MEAs) and international conservation best practice.
- Regulate to mitigate associated biodiversity risks rather than regulating for the sake of regulating.
- Acknowledge risks associated with extra-limital distribution and enable mitigation through management plans – consistently across provinces (depending on the distribution status of the species), scientific and legal expertise, funding, and task team.
- Law reform should adopt sound conservation principles: set achievable (appropriate and relevant) biodiversity conservation targets for threatened and endemic game species, regulate activities which threaten species survival and develop appropriate monitoring and evaluation methods.
- Cooperative governance
  - Equilibrate the powers between national and provincial and therein remove the Master Servant relationship.
- Addressing the funding concerns
  - Centralise conservation funding to ensure parity and adequate funding
  - Rationalise the number of conservation agencies to a limited few
  - Financially harness ‘harmful uses’ of biodiversity, particularly where: there is no direct benefit to conservation. Near Threatened, Threatened, endangered, TOPS, CITES species are targeted by way of the “The South African Conservation Trust Act to set in place a national trust funded by persons and industry that have caused lasting (and uncompensated) harm to biodiversity.
  - Address some of the capacity constraints issues by: rationalising conservation legislation; rationalisation of conservation agencies; remove all provincial boundaries; creating a national platform; having the national EMIs operating throughout the country; regulating only what needs to be regulated; National e-Permitting system in place.

#### 6.2.5.6 Other important meetings with regard to understanding the legal framework or implementation thereof<sup>76</sup>

##### a. 12 May 2020 meeting

In the presentation titled “briefing: portfolio committee colloquium resolutions relating to captive lion breeding, the Department noted the four resolutions of the Portfolio Committee as:’

- Policy and legislative review of the practice to breed lion in captivity for the trophy hunting and lion bone industries, with a view of ending these practices.
- National audit of captive lion breeding facilities, as well as an indication of actions against non-compliant facilities.
- Collaboration between the Department of Environment, Forestry and Fisheries (DEFF) and the Department of Agriculture, Land Reform and Rural Development (DALRRD) to address animal welfare and health issues.
- Re-consideration of the decision to increase the 2017 lion bone export quota from 800 skeletons, to 1500 skeletons for 2018.

The department then provided an update on progress in this regard, from a legislative perspective this includes: a proposed amendment to NEMBA to provide a mandate to regulate on the “well – being of faunal resources” and proposed amendment to the proposed TOPS amendments (to exclude restricted activities involving any dead

<sup>76</sup> Content included under this section is limited to the legal framework directly

specimens of lion, from the exemption from permit requirements (in order to be able to regulate the export of lion skeletons in terms of a quota system). The presentation then provided questions to be considered in prohibiting an activity (breeding lions in captivity) namely:

- Would the decision to close the breeding of lion, adversely affect people's rights?
- Does the Minister have a legislative mandate to prohibit captive breeding of lion?
- Is the decision rationally connected to the problem to be addressed?

It was noted that the audit showed non-compliance issues (with facilities operating under expired permits or non-compliance with permit conditions). Of the facilities inspected the Free States rate of non-compliance was 59% (with 62 out of 105 facilities being non-compliant) and KZN rate of non-compliance was 100% (it is noted that only 2 facilities were inspected). It was specifically noted in the presentation that the provincial authorities have insufficient resources to conduct regular monitoring of the facilities. This also led to the time taken to renew the expired permits. In addition to the audit of facilities compliance, DEFF inspections involving Issuing Authorities took place, to monitor whether permits and registrations for all captive breeding facilities are issued in accordance with NEMBA and the TOPS Regulations. Inspections were conducted in Gauteng, North West, Free State, Eastern Cape, Limpopo, Kwa-Zulu Natal, and Northern Cape<sup>77</sup>. Only Limpopo and North West achieved above 50% compliance. In response to the recommendation for enhanced engagement *inter alia*, a Joint Task Team on Wildlife and Welfare issues has been established and Officials of DEFF and DALRRD have met to discuss the implementation of DALRRD's Guidelines/ Norms and Standards for the welfare of captive lions in South Africa. The presentation concluded by discussing the lion bone judgement<sup>78</sup> - and necessary conditions for any lion bone quota in the future.

In the presentation on the Rhino Committee of Inquiry (COI), it was noted that the COI identified five key areas that require intervention: security (law enforcement); community empowerment; biological management; responsive legislation; and demand management/ reduction.

With regards to interventions for responsive legislation, detail was provided on the following:

- Existing legislation should be used optimally to address all aspects of illegal trade
- Legislation (environmental legislation and others) should be reviewed to address gaps/ emerging issues – and incentives for rhino conservation / ownership should be explored and developed
- Legislative mandates relating to the intensive breeding of rhino should be clarified, and legislative measures developed and implemented
- International engagements should be initiated with range, transit and consumer States regarding legislative provisions to address illegal wildlife trade
- An integrated regulatory framework, including a permit system, should be established
- International law and relevant multilateral agreements should be reviewed to determine whether there are any mechanisms that can be used to support actions against illegal rhino trade from South Africa

In the presentation on updates on the work of the rhino action plan, the following updates relating to “responsive legislation” were noted:

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<sup>77</sup> MP and WC do not implement TOPS so inspections were not conducted with these provinces

<sup>78</sup> This judgement specifically confirmed that:

- The setting of quotas amounts to administrative action.
- An appropriate public consultation process needs to be followed in respect of the setting of quotas.
- Animal welfare is a relevant factor that must be considered by the DEFF during its decision-making processes.

- Rhino horn stockpile management with reference to centralization and a tracking system for rhino horn stockpiles to address auditing and security concerns
  - Progress: Assessments done on existing and possible sites by the Security cluster and report being considered by the DEFF (KZN, Kruger National Park and Limpopo)
- Amend as appropriate National legislation to provide for effective regulation of domestic trade in Rhino horn
  - Progress: the Rhino Norms and Standards were discussed
- Other initiatives
  - Draft policy that provides financial security incentives for rhino conservation and ownership
  - Initiate a policy and legislative development process including a review of constitutional mandate to move towards national consolidation of all forms of wildlife regulation
  - Finalize and implement the electronic national integrated permit system that enables uniformity in capturing of data and information management

The Scientific Authority presented on the process to develop an NDF, confirming that national legislation requires the Scientific Authority to develop NDFs for affected species and they go through a public comment period before being finalized and implemented. NDFs have been developed for all the species under consideration. Two (white rhino and lion) have been published for implementation, others have been submitted and are at various stages of publication and approval. It must be noted that it is an express requirement for a NDF to be done before an export permit can be granted for any App I or II listed species in terms of the CITES regulations. The presentation confirmed that the Scientific Authority adopted an adaptive management approach to the lion bone quota, which required a set of objectives: namely:

- Risk to wild lion is minimized (or maintained within acceptable limits)
- Illegal trade in lion bone is minimized
- Economic use of wildlife is supported

Other objectives the Scientific Authority noted could now include:

- Welfare of captive lion is not compromised
- Conservation of wild lion is improved
- Negative impacts on tourism are minimized
- Costs of enforcement are minimised

b. 5 June meeting 2020<sup>79</sup>

DEFF gave a presentation titled “Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard” and noted challenges in relation to combatting wildlife crime, these are *inter alia*:

- Recycling criminals (repeat offenders, high number of arrests of suspects that are on bail).
- Slow criminal procedures (some cases – more than 10 years old).
- Budget and capacity constraints. Capacity both in terms of warm bodies and the skillset / expertise of some compliance and enforcement personnel / investigators. In some provinces there are insufficient resources including vehicles, equipment, holding facilities, funding for training, etc.

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<sup>79</sup> Content included under this section is limited to the legal framework directly

- Inconsistent implementation of the SOP – Environmental Management Inspectorate (EMI) and SAPS.

This presentation concluded by listing the following actions for consideration by the HLP, *inter alia*:

- Approval of the NISCWT – and thereafter identify implementation priorities
- Support to the NBIF / anti-poaching teams by further strengthening information management and analysis capability
- Coordinate and accurately report on statistics – develop a guideline on reporting on country commitments
- Strengthen capability in relation to international investigations and see how the speedy sharing of information can be facilitated – INTERPOL support critical
- Strengthen rhino horn stockpile management and compliance processes – linked to new contract with VGL.

In the presentation from the NPA, the plethora of legislation was noted and it was confirmed that while the current legislation is not impeding the successful prosecution of cases in relation to these species, there are certain challenges that can be alleviated through streamlining the existing legislation in one act. Issues identified for the HLP to consider were noted as follows:

- The term wildlife trafficking is not defined.
- The concurrent jurisdiction and existence of provincial legislation, which regulates the same sphere as national legislation, creates uncertainty for the public, prosecution and law enforcement.
- Constant amendments/ new regulations create new offences, making it difficult to determine which was applicable at the time the crime was commissioned.
- The regulations create offences similar to those in the primary act but with lesser penalties prescribed – and as a result, these are not utilised.
- The inconsistencies between the various provinces in applying national legislation have the following consequences:
  - National parks are governed by NEMBA/ Protected Areas Act, with the result being that when the province is not implementing NEMBA, the prosecution must be conducted in terms of two different pieces of legislation.
  - No experience or knowledge at a provincial level in relation to national legislation, even if there is a national park situated in the province.
  - No utilisation of NEMA in provincial prosecutions.
  - Difficulties in centralising prosecutions which have been committed between provinces which implement NEMBA and those that do not.
  - No use of CITES during cross-border smuggling of species/derivative or s57(1)(A), with reliance instead placed on provincial import/ export charges.
  - Difficulties in understanding the different requirements of the legislation in proving the exact species.
- The opposing of bail is hampered by the fact that the offences fall under Schedule 1 of the CPA.
- Silencers are not regulated nor licenced – and therefore cannot be linked with a specific person in the same fashion as firearms.

In the presentation by the Directorate for Priority Crime Investigation (DPCI), it was noted that effective wildlife trafficking law enforcement should lead to the reduction in wildlife trafficking, both in South Africa and beyond, resulting in a reduction in corruption, increased state security, border management, community development and wildlife

sustainability, as well as improved international standing. The focus is on disruptive operations and major and project investigations where their approach uses the Prevention of Organised Crime Act (POCA). It was stated that there is no centralised or integrated permitting system [resulting in] challenges with compliance / enforcement and while there is no domestic market for rhino horn in South Africa, rhino horn obtained both legally and illegally is traded in the same way, using the same platforms like the internet.

c. The 29 June 2020 presentation to the HLP on the 2005 Panel of Experts on Professional and Recreational Hunting in South Africa (POE)

In 2005, a Panel of Experts on Professional and Recreational Hunting in South Africa (POE) was constituted to review existing professional and recreational hunting activities in South Africa and to recommend guiding principles for the drafting of national norms and standards for the hunting industry. The POE commissioned 4 studies in order for the POE to make informed recommendations:

- Status quo study on the professional and recreational hunting industry in South Africa.
- Status quo of the conservation benefits from the professional and recreational hunting industry.
- Status quo report on the policy, legislative and regulatory environment.<sup>80</sup>
- International and regional best practice and lessons.

The POE made the following recommendations:

- Intensive versus extensive production systems:
  - Hunting should not be permitted within intensive production systems.
  - Animals that have been intensively bred but not genetically manipulated, can be hunted on extensive wildlife production systems once they have become self-sustaining.
  - Transfer of animals from intensive to extensive wildlife production systems should only be permitted on conservation grounds.
- Captive-bred animals:
  - The hunting of human-habituated captive-bred animals should not be allowed.
  - Strict criteria should be developed for the continuation of existing, or establishment of new, captive breeding facilities.
  - Captive breeding facilities should establish record-keeping systems that involve studbooks and DNA fingerprinting.
- Import, translocation and genetic manipulation of wildlife:
  - The import of alien species for hunting purposes should be prohibited.
  - The translocation of species outside their range zones should be prohibited.
  - The spread of animals that are the products of genetic manipulation of species and subspecies to new areas, must be prevented.
  - The hunting of genetically manipulated animals in the extensive systems where they occur must be phased out.
- Put-and-take and canned hunting should be prohibited, as they do not conform to fair chase or humane treatment
- National guidelines should be adopted for bow hunting

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<sup>80</sup> It should be noted that the HLP did not review this report.

- With regards to “green hunting”, a clear distinction needs to be drawn between darting for scientific and management purposes, and darting for commercial gain
- Other hunting methods:
  - The use of dogs for tracking and retrieval of a hunted (dead or wounded) animal is acceptable, whereas hunting by means of packs of dogs should be prohibited.
  - Any other inhumane hunting method should be prohibited, which include the use of traps, snares and poison; and
  - The use of methods such as bright lights, luring sounds or bait, and hunting from vehicles compromise the principle of fair chase and should not be allowed.
- Hunting in public national and provincial protected areas:
  - Commercial hunting should be prohibited.
  - Culling should not be made available on concession to trophy hunters.
- Industry transformation:
  - Opportunities involve greater community involvement in hunting, greater ownership of extensive wildlife production units by previously disadvantaged individuals and employment opportunities in all the high-skilled occupations associated with both the wildlife and hunting industry, and its ancillary industries.
  - Transformation must be promoted through processes that include a BEE Charter and Scorecard, and a skills development strategy.
- Damage-causing animals should not be managed through hunting concessions.
- Uniformity in the regulation of the hunting industry should be established through national norms and standards.

#### 6.2.6 Summary of issues for the HLP to consider:

The sub-committee was able to confirm that the challenges faced within the wildlife sector (both from an industry and conservation perspective) in relation to the legal framework applicable to biodiversity stem from the 9+1 system of governance, a lack of capacity across the country (in terms of people and funding) and a dated, inconsistent approach to permitting.

In considering legislative amendments, while the team identified opportunities to strengthen the legal framework (at the national level), the key challenges relate to the implementation of the legislation, not the legislation itself. Considering legislation at the provincial level, the picture is very different and while the sub-committee did not review this legislation in detail, from engagement with the provinces and the review done by the Western Cape government, it is clear the provincial legislative framework as it pertains to biodiversity requires extensive review.

Below are a set of issues for the HLP to consider, identified by the sub-committee and through the public sector stakeholder engagement, to strengthen the legal framework applicable to the target species.

##### a. Regarding NEMA:

- Regarding the s2 principles relating to sustainability, the sub-committee proposes that the HLP considers including the strong sustainability thinking as reflected in the National Framework for Sustainable Development, reflecting this within the principles.
- Consider proposals to enhance cooperative governance:
  - Section 11 calls for environmental implementation and management plans be developed as a tool to facilitate better cooperative governance. If the required environmental implementation and environmental management plans have not been drafted these must be drafted as a matter of urgency. Further the Minister

has the power in terms of s13(2) to make regulations that describe the manner in which the relevant national department or province will ensure that the policies, plans and programmes duly comply legal requirements and the manner in which the relevant national department or province will ensure that its functions are exercised so as to ensure compliance with relevant legislative provisions. The sub-committee proposes that the HLP advises that this should be implemented. Finally, in terms of s16(1)(c), the Minister may recommend to any organ of state which has not submitted and/ or adopted an environmental implementation or management plan, that it complies with a specified provision of an adopted environmental implementation plan or submit environmental management plan. Again, the sub-committee proposes that the HLP urges the Minister to use this power.

- Chapter 4 provides mechanisms to address conflicts and promote cooperation between government departments. The sub-committee questioned how commonly these tools are used.
- Section 35 provides for cooperation agreements, we requested information to be provided of where these have been used (if they have been used), while s45 also provides for regulations for the management of cooperation agreements be developed. This is supported to address the challenges of cooperative governance.
- Consider taking a more integrative approach to biodiversity. Chapter 5 provides for integrated environmental management, which we noted that by and large does not apply to the regulation the target species. Lessons learnt from other forms of integrated environmental management could be of immense value, specifically financial provisioning, risk analysis etc. Accordingly, it is proposed that # 4 in Listing Notice 1 of the EIA Regulations be expanded to include the target species. This is in line with other listing notices, specifically Listing Notice 30, which provides for EA for listed ecosystems.
- The threshold provided for in s28 is high, one would be hard pressed to argue that illegal killing or capture of the target species (at their current number) would constitute significant degradation. Consideration should be given to amending this provision to expand the duty of care to include promotion of conservation.
- Section 311 and s34E provide for the seizure and treatment of seized species. Policy guiding the treatment of live seized animals is required.
- b. In terms of NEMBA:
  - The definition of sustainable is dated and not in line with the strong approach to sustainability as detailed in the National Framework for Sustainable Development – this definition needs to be updated and supported by policy.
  - At s8, NEMBA should prevail over all national legislation where the matter concerns the management of biodiversity irrespective of when the legislation is promulgated.
  - At Chapter 3, Biodiversity Management Plans are required for leopard and elephant. Further, in terms of s46, these should be reviewed every 5 years to assess compliance with the plan. Confirmation is sought on the frequency of review.
  - Section 44 provides for biodiversity management agreements. This could be a valuable opportunity to promote governance without over burdening the state. Additional information is sought on this.
  - Section 61 calls for the scientific authority to make NDF. It was confirmed in a meeting with the Scientific Authority that NDF have only been published for two of the target species.
  - Section 92A (Refusal of permits): It is proposed that provisions of the section are strengthened – with “may” changed to “must” (i.e. suggested wording: “unless good cause can be shown, the issuing authority must refuse a permit ....”).

- Section 93 (Cancellation of permits): As above, provisions of the section need to be strengthened, with “may” changed to “must”. Suggested wording: “unless good cause can be shown, the issuing authority must cancel a permit ....”
  - Section 93B (Suspension of permits): As above, provisions of the section need to be strengthened, with “may” changed to “must”. Suggested wording: “unless good cause can be shown, the issuing authority must suspend a permit ....”
  - Overarching policy informing biodiversity in South Africa should be considered.
- c. Threatened or Protected Species Regulations, 2007
- Regulation 6 provides for the application procedure – with the understanding that the permit system is going electronic. This recommendation is moot – but raised anyway in the event of delays. Permit applications must be standardized across the provinces.
  - Regulation 10: This regulation requires updating in terms of provisions. The criminal record of the applicant, proof of legal acquisition, proof of ability to provide sufficient care and proof of financial provisioning, must be included. Further, a risk assessment should be made mandatory. Consideration should be given public participation in this process.
  - Regulation 15: Risk assessments for the applicant should also be required – i.e. does the applicant have the knowledge and resources to conduct the restricted activity in question?
  - Regulation 24: Noting the factors raised in the SAPA litigation, the sub-committee still feel that lions should be listed as a listed large predator, and/ or that hunting of lions as a put and take animal, hunting in a controlled environment and hunting under the influence of tranquilizers etc. be banned.
  - Regulation 29. The sub-committee proposes that this regulation undergo extensive amendment. Far more guidance is required on subsection (d). Subsection (e) needs to be updated with the inclusion of DNA. This regulation is silent on proof of sufficient care and legal acquisition.
  - Regulation 31 (Application affecting rights of other persons): This should be broadened to include species groups, e.g., the Wild Dog Advisory Group (WAG) for Wild Dogs-.
  - Regulation 35 (Compulsory conditions for the registration of captive breeding operations, commercial exhibition facilities and rehabilitation facilities): The keeping of a stud book should not be defined as “where appropriate”, but should instead be reflected as mandatory.
  - Regulation 39 (Consideration of and decision on renewal applications): This is silent on time period. It is suspected that the aforementioned time periods apply, with confirmation sought on this.
  - Regulation 47 (Cancellation of permits and registration certificates): The wording in sub-regulation 1 and 2 needs to be strengthened. The issuing authority must cancel a permit (unless substantive proof why the permit should not be cancelled is provided).
  - Regulation 52 (Codes of ethical conduct and good practice): It is unclear if this is mandatory for hunting organisations. If not, the sub-committee proposes that it should be applicable, and that this should extend to all use standing permits.
- d. CITES Regulations
- Regulation 3: This requires updating as there are inconsistencies within the provisions. See for example sub-regulation (5)(a) which cross references paragraphs (a) to (d) in sub-regulation (3), which do not exist.
  - Regulation 6: NDF are a legal prerequisite for exporting the target species, on our information not all of the target species (all of which are CITES listed) have a final and published NDF, yet are being traded internationally.

- Regulation 10: More detail and a possible link to regulation 10 of TOPS (or inclusion of the same type of information once updated / amended as called for above) is required.
  - Regulation 17 (disposal of confiscated specimens): Please see earlier comments on the development of policy to guide this.
  - The CITES Regulations lack sufficient guidance to govern instances where a CBO does and should qualify and how this is balanced with broader security and conservation concerns in South Africa. A full risk assessment on the bases of a precautionary principles and risk approached is undertaken. This must include an assessment on whether a legal supply will increase pressure on wild populations (e.g. the tiger bone trade and cycad trade). Mechanisms for broader benefits must be established so wild species (e.g. rhino) are protected (this links to the IUCN paper of ecological sustainable use of hunting trophy's). Proponents of legal trade claim that financial returns from horn sales will be channelled back into funds for protecting their stock. This will leave wild rhino as vulnerable as they are currently, with a potential increase in demand for horn.
- e. National Norms and Standards for the Management of Elephants in South Africa
- It is proposed that similar norms and standards be drafted for the other target species. These principles are forward thinking and integrated all the key issues of the HLP, in one document.
  - Section 7 (initial assessment): A similar assessment is proposed for all target species.
  - Section 8 (duty of care): A similar duty is proposed for all target species.
  - The provisions of s11, s12, s13, s14, s15 and s16 are all forward thinking and this best thinking should be applied to all of the other target species.
  - The approach taken to population management in s15 to s19 and hunting of elephants s20 and s21 are also noteworthy.
  - For considerations related to the captive keeping of species, see s22 to s24.
  - The provisions related to escaped elephants are forward thinking and more evolved than those in TOPS. It is proposed that these be applied to the other target species.

#### 6.2.6.1 Issues identified through the engagement with public sector stakeholders for the HLP to consider

- a. Issues identified by DEFF for the HLP to consider are as follows:
- What are the welfare aspects that NEMBA should focus on?
  - What aspects of self-administration could be provided?
  - Should diseases be addressed in more detail in terms of NEMBA/ TOPS Regulations?
  - Should ethical considerations have a space in biodiversity legislation? Could this be linked to societal values?
  - What is the nature of incentives that can be provided?
  - Increased recognition of wildlife trafficking (consideration of resource implications and increased penalties),
  - Boarding when the state retains custodianship of wild animals under its jurisdiction,
  - Lack of ability to regulate methods without having to regulate species.
  - The need for provision for integrated permit system in provincial legislation,
  - Challenges around cooperative governance and overlaps in legislation, with the following legislation noted: Animal Improvement Act (AIA), Meat Safety Act and provincial conservation legislation. The AIA has come up in several engagements, consideration should be given to what is essentially scope creep of the DALRRD.

- In considering closing captive lion facilities, DEFF requested we consider and address the following:
  - Would the decision to close the breeding of lion, adversely affect people's rights?
  - Does the Minister have a legislative mandate to prohibit captive breeding of lion?
  - Is the decision rationally connected to the problem to be addressed?
- b. Issues identified by the provinces for the HLP to consider:
- Rationalisation of legislation to create a unified body environmental (in this case biodiversity) legislation
  - Create one uniform legal framework with provincial specific provisions captured in regulations.
  - All provinces require legislative reform of biodiversity conservation legislation. This should be a national imperative.
  - Policies must align with CBD and be implemented consistently by Provinces.
  - In thinking of rationalising the legislation, consideration can be given to existing pieces of national legislation that include provincial specific provisions (listing notice 3 for example).
  - Remove duplication of legislation between national and provinces - Provide provinces strong regulatory powers.
  - Huge amount of legislation competing, conflicting, challenged and updated all the time.
  - Need for a uniform approach in the legislative framework.
  - Establish an inter-provincial task team to address rapid law reform in relation to regulating game (and other biodiversity), aligned with MEAs and international conservation best practice.
  - Regulate to mitigate associated biodiversity risks rather than regulating for the sake of regulating.
  - Acknowledge risks associated with extra-limital distribution and enable mitigation through management plans – consistently across provinces (depending on the distribution status of the species), scientific and legal expertise, funding, and task team.
  - Law reform should adopt sound conservation principles: set achievable (appropriate and relevant) biodiversity conservation targets for threatened and endemic game species, regulate activities which threaten species survival and develop appropriate monitoring and evaluation methods.
- Cooperative governance
  - Equilibrate the powers between national and provincial and therein remove the Master Servant relationship.
- Addressing the funding concerns
  - Centralise conservation funding to ensure parity and adequate funding
  - Rationalise the number of conservation agencies to a limited few
  - Financially harness 'harmful uses' of biodiversity, particularly where: there is no direct benefit to conservation. Near Threatened, Threatened, endangered, TOPS , CITES species are targeted by way of the " The South African Conservation Trust Act to set in place a national trust funded by persons and industry that have caused lasting (and uncompensated) harm to biodiversity.
  - Address some of the capacity constraints issues by: rationalising conservation legislation; rationalisation of conservation agencies; remove all provincial boundaries; creating a national platform; having the national EMIs operating throughout the country; regulating only what needs to be regulated; National e-Permitting system in place.
- c. Other issues raised:
  - Approval of the NISCWT – and thereafter identify implementation priorities
  - The term 'wildlife trafficking' is not defined.

- The concurrent jurisdiction and existence of provincial legislation which regulated the same sphere as national legislation creates uncertainty by the public, prosecution and law enforcement.
- The regulations create offences similar to those in the primary act but with lesser penalties prescribed, these are therefore not utilised.
- The opposing of bail is hampered by the fact that the offences resort under Schedule 1 of the CPA.
- Silencers are not regulated nor licenced - cannot link it with to a person in the same fashion as firearms.

### 6.3 Land-use and the South African Wildlife Model

The section that follows reflects on the work of the Land-use and the South African Wildlife Model Sub-committee (Sub-committee 3). In consolidating its work, the sub-committee compiled a Summary Situation Report, the content of which is reflected below. A set of supporting documents were also developed, with these including:

- Appendix 2: Challenge Table for Land-use and the South African Wildlife Model
- Appendix 3: Overview document for the High-Level Panel
- Appendix 4: Justification of scores for cells in the Heat Map for Land-use and the South African Wildlife Model (Appendix 3)
- Appendix 5: Summary of Issues for each species against the HLP Terms of Reference
- Appendix 6: The South African Wildlife Model and the “Sustainable Governance Approach”
- Appendix 7: Wildlife economy and land use economics

#### 6.3.1 Scope

Discussions in this report will specifically deal with the nature and extent of the land-use challenge, framed around decisions (i.e. land use allocation, planning, and management) in the context of conservation, management, and sustainable use of the five species in question, understanding that these species occur on land that can be considered the ‘wildlife estate’, including major protected areas. A review of the South African Wildlife Model requires consideration of a spectrum of land ownership – private, communal/ traditional authority, and state (national, provincial, and municipal) – where the five species occur, and a spectrum of management contexts in terms of the level of management control versus ‘wildness’ (sanctuaries, intensive breeding, extensive and unmanaged/ minimal management). Individual land parcels may have different objectives, but all form part of a sector that is inter-linked in complex ways, and contributes to the national objectives of (i) employment and inclusive economic growth, (ii) a wildlife economy, and/ or (iii) maintaining, improving, or expanding ecosystem and landscape health and diversity. It is therefore necessary to consider multi-dimensional sustainability, including the social/ political, economic and conservation context of various land-use categories at both a national and local level, through a diverse wildlife economy.

#### 6.3.2 Problem statement

Given that South Africa is a developing country with immense socio-economic challenges, there is a need to understand the role and contribution of the wildlife estate to the national Gross Domestic Product (GDP), social and economic development, sustainable conservation, and the well-being of society in general. South Africa has two wildlife conservation models:

- It pursues a public conservation model on public lands, where the management of national parks, protected, and conservation areas provides public goods, and emphasises unpriced conservation values as well as public access and economic impact.
- South Africa is a world-leader in conservation on non-state land, where it promotes conservation by devolving property and resource use rights, to ensure that wildlife is an economically competitive land-use option that can displace (i.e. rewild) less ecologically desirable land-use options.

This has led to a diversity of wildlife production systems, or wildlife-based land uses, ranging from state and private protected areas, extensive wildlife rangelands, intensive wildlife breeding facilities, sanctuaries, and rehabilitation centres. Outside of state protected areas, wildlife must compete in their value proposition with less conservation compatible land uses, such as agriculture, mining and housing, to be a preferred land-use option. Without combining the two models of public and private conservation, and properly and fully including traditional council areas, the conservation estate is at risk of decline in terms of shrinking land area – and shrinking finances – if government has to increasingly fund the conservation bill with already dwindling conservation funds, because of the preclusion of private finances through market-based approaches. In doing this, constitutional obligations of s24 have to be met for this and future generations, namely, an environment that is not harmful to health or well-being, that prevents pollution and ecological degradation, that promotes conservation, and that provides for ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development.

State and private wildlife conservation has been successful in South Africa, particularly on private land where wildlife numbers have recovered from very low numbers, to some 6 to 21 million animals. This is a rare global success against the backdrop of global losses of 84% of all wildlife since 1970 (Diaz 2019). Southern Africa is one of only two regions in the world where wildlife is increasing - the other being North America. Unlike North America, where wildlife recovered largely on the vast public lands, Southern Africa's success is based largely on pioneering policies and practices related to private conservation, as well as competent management of the state protected areas.

Collectively, the wildlife sector generates massive socio-economic benefits for South Africa and its people, and has the potential to contribute sustainably into the future, especially within a conducive policy framework. There are, however, challenges and risks that need to be addressed. Many of the challenges faced in the conservation, management and sustainable use of the five species, and their associated habitats, are related to these land-use rights and arrangements, different interpretations as to the ownership status of wildlife, and the land itself, the 'wildness' of the system and populations, as well as the various social and economic benefits that may flow from these. These challenges include, amongst others:

- Inequities in access to natural resources as a consequence and legacy of apartheid, especially for rural communities;
- Perceptions of over-regulation (government preventing effective land-use) and over-management (unnecessary interference with natural processes);
- Issues of welfare and well-being;
- Concerns over perceived and/ or actual irresponsible and unsustainable hunting practices, with associated reputational damage to individuals, wildlife sector value chains, and South Africa;
- Ethical tourism in line with developing and evolving international expectations;
- Unclear understanding, calculation, and disclosure of apparent and hidden environmental costs, and comprehensive socio-economic contributions and beneficiation of various wildlife-based enterprises;

- The 294 state owned protected areas that, as of the 2010 DEA METT<sup>81</sup> assessment, were judged to be performing at a mediocre level overall, with parks ranging from ‘well managed’ to ‘poorly managed’; and
- Issues with intensive and selective breeding for commercial purposes, including issues associated with ‘enhancing’ trophy variety and quality, as well as trade in animal parts such as rhino horn or lion bone.

Economics are important in land-use decisions, from governments that have to make decisions on the allocation of resources for the management of wildlife and protected areas with limited financial resources, to private reserve owners, game ranchers, and communities having to decide on the wildlife system that could best contribute to a viable wildlife-based business proposition. As part of the assessment of the role that various land use/ production systems play in the conservation, management, and sustainable use of the five species in question, consideration has to be given to the current and future social, economic, and conservation implications of the various land-use/ production systems, within the framework of s24 of the Constitution, and the legislative framework guiding conservation and sustainable development in South Africa. Decisions and actions by one party can impact on other role players in the same value chain, as well as the wildlife sector as a whole. This includes reduced/ increased incentives for wildlife-based land uses, reputational damage/ enhancement, erosion/ recovery of biodiversity integrity, etc. Thus, conservation policy reforms need to account for economic, reputational/consumer, welfare, restitution and transformation, and organisational factors, all with potential significant implications for long-term sustainability. Part of this assessment should, therefore, weigh up short-term benefits that accrue largely to a few individuals and exacerbate socio-economic divides, against long term benefits that benefit society at large, and ensure the inter-generational legacy of our wildlife heritage.

Moving forward will require us to understand the differences between public, community owned, and private lands, and the effects of different configurations of ownership and markets on wildlife land-use outcomes. These may include: land fragmentation and positive/ negative management practices; economic and social transformation in a post-apartheid society; the re-organisation of the wildlife sector industry to overcome the transaction costs of complicated 9+1+1 arrangements; animal welfare transgressions and reputational issues (including the substantial influences of social media); consumer and market honesty, and the need for research and information in a rapidly adapting systems; trade and illegal use; moral and environmental concerns; and the need for positions that do not exclude the interests of the voiceless.

### 6.3.3 Approach

The aim of the sub-committee was to undertake a situation analysis with reference to the HLP’s ToR, using the context of the wildlife estate and wildlife economy in South Africa – with the intention of providing a description and understanding of the current state, without developing recommendations or solutions.

The approach taken by the team was to place the specific issues raised in the ToR within a broader context, so as to ensure:

- Accountability to the Constitution as the primary framing document for South Africa;
- A paper that is informed by the complex and interdependent components of the wildlife estate and wildlife economy; and
- Compliance with the principles of sustainability that run through South Africa’s legislative framework.

It was acknowledged that the work of other sub-committees included a focus on legislation, international influences, welfare, and transformation, with the Land-use and the South African Wildlife Model Sub-committee drawing on the work of others, to limit duplication in efforts.

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<sup>81</sup> Management Effectiveness Tracking Tool

The sub-committee produced outputs on two sets of issues: those generated from a broad perspective of the land use and the South African Wildlife Model, and specific issues relating to each species included within the ToR. The sub-committee proposes that the HLP takes all of these issues into account in the process of producing any future policy recommendations. As outlined in the introduction of this piece, a range of more detailed documents have been developed as appendices to the sub-committee's work, with these providing a substantiation of the summary outcomes reported on below.

### 6.3.4 Process

#### 6.3.4.1 Establishing a broad contextual perspective of the issues

The following steps were taken by the sub-committee:

- Production of a Scoping Report that outlined the scope, problem statement and context.
- Development of two background documents on the South African wildlife model and the wildlife economy, with these serving to support the Scoping Report.
- Delivery of a 'Challenge Table' that classified and assessed different land-use types in terms of specific issues or concerns.
- Building on the Challenge Table, development of a 'Heat Map' that was produced through assessing land use against indicators for each of the different components of the Constitution, allowing for ranking of land-use from least (red) to most (green) beneficial, on a scale of 1 to 5. The Heat Map summarises the current situation or status quo. It is not an assessment of whether a particular land use should continue or not. The heat map suggests where policy interventions may be required to move cells from red to green (i.e. the content can be used to guide any recommendations relating to future use, based on the assessment of all issues). It also provides an opportunity for the information to be used in carrying out scenario assessments, to understand the potential positive or negative influences of any policy recommendations. The scores for each cell in the heat map are substantiated by a statement based on the Scoping Report and Challenge Table. The Heat Map is included herewith, as Section 6.3.5.5 below.
- Development of an 'Issues Report', drawing on insights from the Heat Map – with the Issues Report summarising all major issues within context, as explained above. Issues are summarised into two components: broad, cross-cutting issues, and issues pertinent to each different land-use type within the wildlife estate.

#### 6.3.4.2 Informing the species-specific issues, as expressed in the HLP ToR

The following issues were identified, and are substantiated further in the various annexures that support the sub-committee's final submission:

- Using the elements of the Constitution and principles from NEMBA, the sub-committee made an assessment of each of the broader ToR elements in general, across all the species, i.e. for management population, management captive, hunting, and trade. The ToR elements relating to the legislative framework and issues of transformation fell under the two associated sub-committees, while matters relating to the understanding and implications of the Constitution are dealt with separately (i.e. via Sub-committee 1).
- The sub-committee then assessed each detailed ToR, considering each ToR for all species, even if only some species were included in the original ToR, as some issues are relevant for more species than those identified in the ToR. The team made an assessment of the current situation in relation to the ToR applicable to the specific species, and also identified possible challenges from the perspective of different stakeholders, for each species against each ToR. The summary includes an extract of the challenges identified for each area within the ToR, reflected as the issues of concern (see table 6.3.5.2 below).

### 6.3.5 Summary

The summary of key observations, and areas for consideration by the HLP, is reflected below – clustered in relation to cross-cutting issues, issues specific to land-use type, and issues identified in respect of the general ToR elements as they relate to all species, in the context of land use.

#### 6.3.5.1 Cross-cutting issues

- There is a need for a national brand and label for South Africa's wildlife estate and wildlife economy.
- The wildlife economy, especially on private land, is a critical component of rural socio-economic development. Although there are challenges it in terms of practice, access, benefit sharing, and transformation, the diversity of approaches provides opportunity and resilience.
- Growth of the wildlife economy is being constrained by over-regulation<sup>82</sup>, fragmented legislation, poor incentivisation, and a lack of coherent and supportive sector policy.
- Fencing is a key element of the wildlife estate in South Africa, but it is poorly understood with regard to its need and purpose in achieving specific outcomes. It also poses risks in terms of the fragmentation of the wildlife estate. Fencing is a legacy issue, which suited the early development of the wildlife estate. Fencing was a requirement when taking ownership of wildlife under the Game Theft Act – and played a role when acquiring certain species (where the fence allowed for control, preventing the animal escaping from an area). It also allowed for exemption from certain permits, in those case where fenced farms could demonstrate that they had self-sustaining populations that could be harvested. In some provinces, this moved towards a policy of 'adequate enclosure' for certain game species, including dangerous game, which was not the intention of the exemption farms.
- There is a lack of sound conservation and economic data and information about the various land-use practices within the wildlife economy, and the sector as a whole.
- There is a lack of capacity in government to formulate coherent regulatory frameworks, as well as a lack of effective permitting, reporting, compliance monitoring and enforcement, all of which exacerbates risks in the wildlife estate.
- Lion, leopard, and elephant are all species that are a source of human-wildlife conflict in South Africa and across their range. Cases of human-wildlife conflict occur both inside and outside reserves – with cases that take place outside reserves including both animals that break out of reserves, and animals that live outside protected areas (with leopard, in particular, falling into the latter category). All three species pose risks to and have killed people, and play a part in damaging crops and killing livestock. South Africa does not have a coherent and modern approach to managing human-wildlife conflict.

#### 6.3.5.2 Issues specific to land-use type

- Captive facilities are least beneficial for general species conservation, ecological processes, responsible resource use, welfare, landscape integrity and level of transformation. They can contribute economically and provide a mechanism for linking urban people to nature as well as education. Under certain conditions, such as conservation breeding programs, they can contribute to conservation. Without standards to mitigate risks, captive facilities can pose major risks to animal welfare, biodiversity and the wildlife-economy, including through reputational risk.
- Intensive breeding has provided substantial capital and recurrent income to a limited part of the inter-linked wildlife economy, but poses major risks that need to be competently managed, with risks relating to the following issues, amongst others: fencing; landscape fragmentation (ecological processes); responsible resource use; animal

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<sup>82</sup> It should be noted that the HLP's legal sub-committee concluded that it is poor regulation as opposed to over-regulation that is the problem, i.e. the current system is slow, dated, paper-based and not integrated.

welfare; genetic selection; hormone and chemical treatments; reputational issues; economic pyramid disruptions; etc.

- Managed rangelands, whether private, state or communally owned, and which do not currently have lion, elephant, or rhino (noting that leopard are naturally roaming) contribute to species conservation, ecological processes, responsible resource use, welfare, landscape integrity and reduced land transformation. The majority of private wildlife areas fall into this category, and make a significant economic contribution. However, sustainable resource use options are limited, and have no role in the conservation or sustainable use of lion, elephant or rhino. Risks include land fragmentation and fencing, management practices and questions about the wildness of populations. These risks decline with scale, suggesting that clusters of managed rangelands offer advantages.
- Managed rangelands that include lion, elephant and/ or rhino (including private hunting, private ecotourism, private protected, community protected and small state protected areas) are generally larger areas compared to the categories discussed before, and can and do contribute positively to all aspects. They also have more resource use options because of the presence of these iconic species. The level of risk posed to the species, ecological processes and reputational (i.e. through reputational damage) depends on management practices, wildness of populations, and resource use strategies. Benefits generated are seldom assessed by internalizing environmental costs and the environmental footprint of activities, especially in the case of hunting and ecotourism. Although private facilities, in particular, provide high socio-economic benefits, contribution to transformation is, as with other categories, low.
- Community rangeland without lion, elephant or rhino is similar to managed rangeland without these species, but scores even lower on some areas. These may present barriers to the conservation of the five species, provide no benefit to the conservation of these species, pose risks to ecological processes, and/ or may not contribute as strongly to socio-economic development.
- Private roaming without agreements or management plans, and in areas which do not currently have lion, elephant, or rhino other than those that naturally roam into the area (noting leopard are widely roaming) poses barriers to the conservation of these species, mostly as a result of adjacent competing land-uses or a free-for-all attitude. Depending on the landowner's attitude towards conservation and habitat integrity, this land-use category can either contribute to ecological processes and free ranging species, or it can pose significant threats to ecological processes and associated species. Although the socio-economic contribution may be high from resource use activities such as cattle farming, wildlife-based resource use on these areas does not contribute as much in terms of socio-economic development.
- Private or communal free ranging large share-blocks with wildlife management plans that are contiguous on their own, or adjacent and open to protected areas such as Kruger National Park, generally perform better than other land-use categories, in terms of social, conservation, and economic aspects. There are however risks associated with over-management, reduced wildness, welfare concerns linked to resource use practices, reputational risks associated with hunting and ecotourism, governance concerns, and lack of transformation.
- Large state-owned conservation areas (Kruger and Kgalagadi) did well on the conservation side (apart from some cases of over-management) but underperformed in terms of potential socio-economic benefits and transformation.

#### 6.3.5.3 Issues identified in relation to general ToR elements across all species, and relevant to land use

- ToR category: Management – Population management (rhinoceros, elephant, leopard, lion): Populations in various land-use classes with different management practices/ approaches/ land tenure contribute differently to conservation; the biodiversity economy; fair and equitable sharing of the value of the species. Without an assessment and understanding of how the different land-use classes and associated practices contribute to those three aspects, it will continue to be a challenge to decide which populations contribute to above-mentioned objectives and national targets/ strategies, and which custodians/ communities should be incentivised for the

contribution to, or compensated for, incurring impacts. Recognising the technical competency and ability required to manage these species and management interventions raises welfare concerns, unintended consequences for degradation, and reputational risk to international tourism and international relations. Compensation is only one of a number of alternatives to deal with damage-causing animals, and the risks of compensation to sustainable conservation have been identified. A holistic, inclusive approach is needed, including dealing with concerns over governance issues and justifiability. Although land-use classes cannot be imposed on other range state countries, the criteria used to determine conservation, economic and social contributions can guide decisions in relation to range-state translocations.

- ToR category: Management – Captive and selective breeding and keeping (rhinoceros, elephant, lion): There is an absence of criteria to categorize populations into various land-use classes based on their contribution to various factors, including conservation, the biodiversity economy, and fair and equitable sharing of the value of species. There is also a lack of understanding and articulation of the risks for conservation, the wildlife economy and people associated with these various land use classes and their associated practices. (A report on biodiversity risks associated with intensive and selective breeding has however been developed by the Scientific Authority and can inform this process going forward). Land-uses classes can provide significant guidance in terms of effective and targeted policy interventions to address some of the challenges South Africa is currently experiencing. There are concerns over the welfare of animals in captive and intensive facilities, as well as tourism practices associated with these, especially interactions. Although the South African Tourism Services Authority (SATSA) has developed guidelines, these are not yet adopted. Although there are welfare criteria and norms and standards, for example for zoos, these cannot be uniformly applied for all species and land use classes. Depending on the land-use class and whether a population is wild (where natural processes are persistent or simulated through management actions and the focus is at a population level), or captive (those that are in controlled environments, where the focus is on individual animals that are dependent on various levels of intensive human interaction), best practice guidelines and norms and standards would differ in terms of aspects such as management, handling, tourism interaction and enforcement requirements<sup>83</sup>.
- ToR category: Utilisation – Hunting (rhinoceros, elephant, leopard, lion): Specific challenges exist in terms of access, resource use rights and capacity, when it comes to marginalised rural communities and restituted land. This should be factored into criteria used to determine land-use classes for wildlife. For hunting to be sustainable into the future and to continue contributing to conservation, the wildlife economy and the well-being of people, a social licence to operate is required from the public, not only enabling legislation. Defining a social licence requires understanding different perceptions of hunting, which are inextricably connected to: practices associated with hunting; the land use classes and associated management practices of hunted populations; its contribution to conservation of the species hunted; and the fair and equitable sharing of associated benefits. Hunting receives high attention both locally and globally, with parties scrutinising practices and raising ethical concerns, highlighting the need for demonstrable responsible use and clarified justifiable use, and demonstrable conservation benefits. South Africa does not have a nationally adopted set of guidelines for hunting that are informed by amongst other aspects, the various land-use classes. As such, it is cumbersome to determine which hunting operations and incidents can be seen as responsible and contributing to conservation, the wildlife economy and fair and equitable sharing of associated benefits. A report on biodiversity risks associated with intensive and selective breeding, that also covers reputational risks associated with hunting of captive bred game, including lion, has been developed by the Scientific Authority and can inform this process going forward. Guidelines of what is required for hunting to be seen as responsible and as a contributor to conservation have also been developed by the IUCN, while CITES also provide requirements for hunting trophy exports.

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<sup>83</sup> Various scientific publications are available that can aid in the process of developing best practice guidelines and Norms and Standards.

- ToR category: Trade (rhinoceros, elephant, leopard, lion): The current restrictions and challenges related to trade are directly linked to its perceived impact on the conservation status of the species and welfare (including social behaviour) implications for individual animals. In addition, trade is invaluable for sustainable conservation financing and economic viability of wildlife-based business operations. As is the case with hunting, economic activities such as rhino and rhino horn trade also need a social licence for long-term sustainability, rather than only requiring enabling legislation. In defining a social licence, different perspectives on various aspects (e.g. practices associated with harvesting; the land use classes and associated management practices of harvested/impacted populations; contribution of profits to conservation of the species; the fair and equitable sharing of associated benefits); and the governance and administration burden need to be understood and balanced. An assessment and understanding of the above-mentioned, as well as international demand, should inform South Africa's trade strategy.

6.3.5.4 Issues identified for each species for each ToR, relevant to land use and wildlife model.

The table below presents the challenges different stakeholders experience in respect of each of the ToR, for each species. Please note that the ToR elements reflected may be limited to specific species, as indicated by the abbreviations in the first column (R = rhino, E = elephant, Le = leopard, L = lion). The sub-committee has however made an effort to address each ToR for each species, as relevant.

	Elephant	Lion	Leopard	Black rhino	White rhino
Population Management					
<p><b>Population Management</b></p> <ul style="list-style-type: none"> <li>• South Africa, meta-population (R)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• There are no agreed on sustainability criteria covering conservation, economics and social aspects, which can be used to assess the contribution of the various populations to conservation and biodiversity economy targets.</li> <li>• No national management or metapopulation management plan.</li> <li>• No national conservation target.</li> <li>• There is no formal national structure for consultation on management of elephants or discussions and planning around elephants.</li> <li>• There is a private Elephant Specialist and Advisory Group (ESAG), but it is not representative of the relevant stakeholder groups – it is more academic. ESAG is however represented on the National Elephant Advisory Committee for the National Elephant Research Strategy.</li> <li>• Separate monitoring programs do not contribute to a national dataset.</li> <li>• Within the Great Limpopo Transfrontier Conservation Area</li> </ul>	<ul style="list-style-type: none"> <li>• There are no agreed on sustainability criteria covering conservation, economics and social aspects, which can be used to assess the contribution of the various populations (land use categories - wild, managed wild and captive) to conservation and biodiversity economy targets.</li> <li>• It is not clear what the purpose of populations are – for both state and private: are they for conservation or are they for other outcomes, such as biodiversity economy (both hunting and ecotourism), or both?</li> <li>• Captive lions are separated from wild and wild managed populations, and it is not clear how each of these contributes to conservation or the wildlife economy, so not clear how each contributes in terms of metapopulation management.</li> <li>• It is not clear how the various categories of lion populations (land use categories) contribute to the metapopulation, as opposed to how working together as a group of lion owners (state and private) makes each reserve's life easier.</li> </ul>	<ul style="list-style-type: none"> <li>• Some argue that a national Leopard Management Plan is not required. Without a national plan, data on population numbers and a national conservation target, it is argued that it may be difficult to motivate certain conservation and regulatory interventions.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no agreed on sustainability criteria covering conservation, economics and social aspects, which can be used to assess the contribution of the various populations (land use categories - wild, managed wild and captive) to conservation and biodiversity economy targets.</li> <li>• There is restricted access to black rhino ownership for the private sector</li> <li>• Control is not by the state, but the Rhino Management Group, which is not transparent or broadly accountable.</li> <li>• Access to data is restricted, which prevents science improving the metapopulation management. through independent investigation of effectiveness of approaches</li> <li>• Translocation from areas with TB has become an issue, restricting movement out of greater Kruger and also KZN.</li> <li>• Need to assess if the national structures are representative of all of the stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no agreed sustainability criteria covering conservation, economics and social aspects, which can be used to assess the contribution of the various populations (land use categories - wild, managed wild and captive) to conservation and biodiversity economy targets.</li> <li>• Although there is a Biodiversity Management Plan, it is not clear as to the conservation objectives that are being targeted, in the sense that it is managed as a holistic national population, and not component parts being considered key populations and doing well enough.</li> <li>• There has not been a strategic metapopulation approach to the threat of poaching which has exacerbated the risk of a fragmented approach.</li> <li>• It is not clear how the different components of the population may contribute to the long term conservation goals, e.g., Hume rhino – do they</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
	<p>(GLTFCA) - Kruger there are separate management plans, and separate monitoring and management interventions although it is one larger population that moves between the different areas.</p> <ul style="list-style-type: none"> <li>• The approval process for Management Plans for private properties is very lengthy as it has to go from district, to province, to national. This impacts on adaptive management and movement of elephants.</li> <li>• There are challenges with Transfrontier populations such as on the Limpopo border, where animals are not “controlled” by fences, and where it is not possible to utilise elephants according to the norms and standards, as there is no specific management plan for the free ranging cross-border population. Landowners however are incurring costs and experience negative impacts.</li> <li>• There are restrictions on moving elephants because of TB.</li> <li>• There is controversy over whether elephants in certain areas such as Kruger National Park and Madikwe are over-populated, <i>(whether the ecosystem changes they are driving are natural or not, and whether these processes should be managed or not)</i> and the criteria to determine how many elephants an area can and should sustain and</li> </ul>	<ul style="list-style-type: none"> <li>• The content of national Management Plans to be assessed in terms of conservation, economic and social aspects, and meta-population management.</li> <li>• No national plan for establishment of new populations to expand the range. It is driven on an ad hoc basis, mainly by private investors.</li> <li>• Need to assess if the national structures are representative of all of the stakeholders.</li> <li>• There are restrictions on the movement of lions because of TB, which hinders genetic transfers which would enhance populations.</li> <li>• There is no formalised framing at a national level (nor is a studbook managed) for captive lions. A register of captive populations is available at province level</li> <li>• Lack of clarity in terms of movement from captive to wild. Not clear that there is a conservation requirement for captive reintroductions.</li> <li>• The permitting system is not able to track individual animals and it is inefficient in monitoring the population.</li> <li>• Separate monitoring programs for all categories of lions do not contribute to a national dataset.</li> </ul>			<p>contribute? Also, the many small private rhino populations accumulate to a substantial number but are not really integrated into conservation planning for the species. The large state reserves over-ride the conservation planning, and this provides a challenge in terms of recognition for the contribution that is being made by private reserves.</p> <ul style="list-style-type: none"> <li>• There are challenges in terms of monitoring and reporting of numbers and population trajectories.</li> <li>• There is a challenge in terms of participation in the processes, and to centralised reporting.</li> <li>• Translocation from areas with TB has become an issue, restricting movement out of greater Kruger and also KZN.</li> <li>• The commercial value is greatly reduced by poaching, with some small populations selling or moving their animals to safer locations.</li> <li>• Need to assess if the national structures are representative of all of the stakeholders.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
	<p>criteria/methods to reduce elephant numbers.</p> <ul style="list-style-type: none"> <li>In addition, there are also concerns that the current norms and standards do not allow for adaptive management by custodians of populations, as it is too prescriptive.</li> </ul>				
<p><b>Population Management</b></p> <ul style="list-style-type: none"> <li>Range state translocations (R, E)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>Concern over costs, practices/ security at destination state.</li> <li>The costs of having elephants (protection, human-wildlife conflict, vegetation impact) often exceeds benefits, resulting in a reluctance to receive South African elephant in restocking of parks elsewhere in Africa that have to pay their way (e.g. Zinave in Mozambique).</li> <li>Rural communities can be brought to understand the benefits of having elephants, but in many cases these benefits are denied to them through restrictive utilization policies and/ or practices that retain revenues in capital cities. Because of the high costs of elephants, governance regimes that deny local benefits mean that very large areas of land in TFCAs that could support an elephant/ wildlife economy do not.</li> </ul>	<ul style="list-style-type: none"> <li>Concern over reintroduction of lions into areas that are marginal distribution for the subspecies.</li> <li>Need to ensure that South Africa is not seen to be 'dumping' unwanted animals in other countries.</li> <li>Lack of documented evidence on the number of captive lions exported, their purpose at the destination, genetic origin and management plans for activities.</li> <li>Export of live animals to countries not part of the range state of the specific sub-species is a concern. This is exporting of genetic resources and may be detrimental for long-term trade in products.</li> <li>Concerns about the decision-making process for export of genetic resources.</li> </ul>	<ul style="list-style-type: none"> <li>South African currently has a very limited leopard hunting quota based on good research data. It appears contradictory and not in the national interest to be exporting leopards (i.e. permanently removing from the SA population), but not allowing trophy hunting that would generate revenue for South Africa.</li> <li>The fate of leopards at the destination is of concern as they are difficult to contain through fences and to manage in soft release bomas.</li> </ul>	<ul style="list-style-type: none"> <li>There are challenges in terms of practice and security at translocation destinations.</li> <li>No export to zoos is allowed.</li> <li>Not clear what the financial benefits of ownership or custodianship are.</li> <li>Concerns around relocation practice and post-release care and monitoring (welfare) after deaths of related animals in east Africa.</li> <li>Export of live animals to countries not part of the range state of the specific sub-species is a concern. This is exporting of genetic resources and may be detrimental for long-term trade in products.</li> <li>Concerns about the decision-making process for export of genetic resources.</li> </ul>	<ul style="list-style-type: none"> <li>Addressed appropriate destinations for live exports – not allowed for breeding purposes for countries that are not range states.</li> <li>Five individuals per facility allowed to zoos (as per Scientific Authority).</li> <li>Translocation of wild rhino to zoos raises welfare concerns, location of zoos raises trade concerns.</li> <li>There is high potential for range state translocations, but there are concerns over practice and safety at destinations. This could become commercial based if poaching is controllable, i.e. excess animals available for sale to international destinations.</li> <li>Export of live animals to countries not part of the range state of the specific sub-species is a concern. This is exporting of genetic resources and may be detrimental for long-term trade in products.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
					<ul style="list-style-type: none"> <li>Concerns about the decision-making process for export of genetic resources.</li> </ul>
<p><b>Population management</b></p> <ul style="list-style-type: none"> <li>South Africa - population control (including culling and contraceptives) (E)</li> </ul> <p><b>Challenges from different stakeholder perspectives:</b></p>	<ul style="list-style-type: none"> <li>There is controversy over the criteria to determine how many elephants an area can and should sustain and how this aligns with the area's objectives.</li> <li>The strong social structures of elephant's impact on the options available to responsibly reduce numbers. There are varying opinions on what is "responsible".</li> <li>Although population control options are available in theory for smaller fenced rangelands, these are highly prescriptive by the norms and standards for elephant management and limit the ability of managers to take decisions in support of adaptive management that are aligned to the management objectives.</li> <li>Lack of clarity as to whether there is overpopulation that would warrant culling. Almost all (except one in Limpopo) indicate no need to cull because of excess numbers. We need to gain understanding of how this will develop as a potential issue in the future</li> <li>Concern over ethics of culling using current approach.</li> <li>Concern over fallout from culling for ecotourism, and unintended consequences on tourism product.</li> <li>Note that Zimbabwe experienced its most rapid tourism boom</li> </ul>	<ul style="list-style-type: none"> <li>There is no formal wild lion metapopulation plan with planned translocations and conservation targets.</li> <li>There is no real income stream from translocations of wild lions, as supply greatly exceeds demand.</li> <li>Welfare and ethical concerns about heavy lethal management of wild managed lions in reserves to compensate for poor or delayed management.</li> <li>Welfare and ethical concerns over some management methods e.g. allowing lions to breed, then euthanizing cubs to mimic natural processes.</li> <li>Escape of lions being socially excluded from reserves into neighbouring incompatible land causes conflict and requires large resources to recapture lions. Often these lions are best euthanized as putting them back into the reserves does not solve the problem of them being socially excluded and relocation options are limited. This can be a marketing nightmare.</li> <li>Some prey populations that are not well managed are in "predator pit", requiring both prey introductions and lion removals.</li> <li>Welfare concerns over methods used to slaughter captive lions for</li> </ul>	<ul style="list-style-type: none"> <li>There is extensive killing of animals as damage-causing animals, and illegal persecution that negatively affects population size and density in large parts of the range.</li> </ul>	<ul style="list-style-type: none"> <li>There are concerns that some populations are not being as productive as they should be according to the models. It has been suggested that this is because of disruption of the social system from unstructured removals.</li> <li>There is a major challenge of introducing black rhino into reserves that already have a population because of high mortality from fighting. This makes supplementations difficult.</li> </ul>	<ul style="list-style-type: none"> <li>Movement of rhino to safe havens may be disrupting the social network, with consequential negative effects on population growth.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
	<p>between 1985 and 1995 at exactly the same time that it maximised elephant culling, ivory and hide manufacture, and rapidly expanded game ranching, which was 95% funded through trophy hunting.</p> <ul style="list-style-type: none"> <li>• Contraception works, but there is concern about it being highly manipulative and expensive.</li> <li>• It is argued by some that culling privileges the affluent, urban elite including academics. Rural people, including poor rural people, differ greatly on these issues, but remain largely voiceless.</li> <li>• TB has become a major constraint on translocation of elephants, especially from Kruger National Park.</li> <li>• Where free ranging populations are shared between countries/entities, management interventions must be consulted with neighbouring countries/entities. Structures to facilitate this is not always existing and monitoring not aligned.</li> <li>• Suitable areas large enough for new populations are limited.</li> <li>• Concern over disturbance culling for range manipulation, which is unlawful (counter norms and APA), and fallout for ecotourism.</li> <li>• Where hunting and photographic tourism are income streams on the same property, it present challenges.</li> </ul>	<p>bones and the standards of holding conditions pre-slaughter.</p>			

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Population Management</b></p> <ul style="list-style-type: none"> <li>Relocation and transportation (Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>There is very little market for new populations of elephants within South Africa, so those that want to translocate struggle to find destinations.</li> <li>TB restricts translocation of elephants out of the lowveld, and the greater Kruger population is the key potential source. This applies more generally to some other populations as well.</li> <li>Reserves struggle to get permits because of bureaucracy around elephant management plan approvals.</li> <li>There are ethical concerns around chasing of elephants that have broken out of reserves back into the park.</li> </ul>	<ul style="list-style-type: none"> <li>There are impediments for the permit process for transportation of both wild and captive lions.</li> <li>The permitting system is not effective in tracking individual animals.</li> <li>Relocation is often used to solve conflict problems with escaped lions, however it normally does not solve the problem in the long term, but is more socially acceptable than euthanasia.</li> </ul>	<ul style="list-style-type: none"> <li>There is no official norms and standards / guideline for leopard translocation other than TOPS and Provincial legislation. These are not covering welfare issues sufficiently resulting in some translocations being hugely problematic and some very successful.</li> <li>Relocation of problem leopards does not solve conflict in the long term at the site (more leopards will simply come on and perpetuate the problem). The impact at the site is biologically the same as euthanasia, there are social implications at the release site (leopards are territorial and infanticidal).</li> <li>Relocated leopards are often collared but the monitoring is not scientifically rigorous, and it is unknown if the collars are removed post-monitoring.</li> <li>There appears to be a significant amount of these relocations taking place in an unregulated and often unpermitted fashion.</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines for rhino translocation area not enforceable.</li> <li>There are constraints in moving rhino from rehab centres in the lowveld to reserves outside the red-line because of TB.</li> <li>TB is constraining movement of black rhino from key donor populations.</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines for rhino translocation area not enforceable.</li> <li>There are challenges in introducing rhino that have been supplemental fed into the wild, and they require ongoing vet treatment and feeding in the wild. It can take years for them to adapt to fully wild conditions.</li> </ul>
<p><b>Population Management</b></p> <ul style="list-style-type: none"> <li>Compensation for the damage of livestock (Le, Li) &amp; crops (E)</li> </ul>	<ul style="list-style-type: none"> <li>Elephants that break into community areas are treated as damage-causing animals, and euthanised or chased back, without the community having the opportunity to hunt the animal as would occur when they move onto privately owned land (APNR).</li> </ul>	<ul style="list-style-type: none"> <li>Different agencies have different compensation schemes and approaches. Different provinces manage Kruger breakouts, both of which are a challenge. There is not clear understanding in communities about compensation, and also governance around compensation. It is not clear if it is</li> </ul>	<ul style="list-style-type: none"> <li>Leopard predation of livestock and game is a major challenge, both for the impact it has on livelihoods of communities and commercial farmers, but also on the leopard population. There is widespread illegal killing of</li> </ul>		

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>When elephants have broken out of private reserves, there have been some challenges about establishing ownership, and, thus, responsibility.</li> <li>Free roaming elephants in the Limpopo valley break fences, and this has been a cause of friction with landowners.</li> </ul>	<p>best practice to have compensation schemes.</p> <ul style="list-style-type: none"> <li>Lions that break into community areas are treated as damage-causing animals, and euthanized or chased back, without the community having the opportunity to hunt the animal as would occur when they move onto privately owned land (APNR).</li> </ul>	<p>leopards in retaliation. It is not clear what the approach to compensation is, as leopards are free-roaming (there is no compensation scheme that I am aware of). Provinces deal with compensation differently. It is not clear that compensation is more effective than prevention. The literature suggests that compensation schemes are fraught with challenges and seldom effective.</p>		
<p><b>Population Management</b></p> <ul style="list-style-type: none"> <li>Additional elements of concern identified by the HLP</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>Any attempts to implement culling in secret is likely to come out, and impact on Big Five tourism.</li> </ul>	<ul style="list-style-type: none"> <li>Potential reputation risk that can impact on Big Five tourism if unethical population management of lions becomes public.</li> <li>Trophy hunting could be viable in these reserves, but challenges of mixing trophy hunting with photographic tourism.</li> </ul>	<ul style="list-style-type: none"> <li>Unregulated collaring of free roaming leopards for tourism and pseudo-research projects. Has welfare impacts on leopards as collars are not removed and the animals grows, the data obtained is not useful as sample sizes are too small and collars are fitted by people with a lack of expertise.</li> </ul>		
<p><b>Development and sharing Best Practice Guidelines/Standards</b></p>					
<p><b>Development and sharing Best Practice Guidelines/Standards</b></p> <ul style="list-style-type: none"> <li>Optimise birth rates (R)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>When the whole population is permanently contracepted, there are no babies being born, and this affects the social structure and behaviour of the elephants, and raises welfare concerns.</li> </ul>	<ul style="list-style-type: none"> <li>These procedures were done by wildlife vets in isolation. The Lion Management Forum of South Africa has now collated information on these procedures. It is not always clear what the impacts are on individual animals or the population as a whole.</li> <li>There is no need for any veterinary specialisation before working on large carnivores.</li> </ul>		<ul style="list-style-type: none"> <li>There is disagreement over the population management approach of the Rhino Management Group in terms of attempting to optimise growth rates, which has been picked up in the National Rhino Research strategy.</li> </ul>	

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Development and sharing Best Practice Guidelines/ Standards</b></p> <ul style="list-style-type: none"> <li>• Handling and well-being for permitting facilities that contribute to conservation objectives (R)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• This is not related to genuine conservation breeding.</li> <li>• The conservation contribution of the permitted facilities is not clear, and should be part of the permitting process.</li> <li>• Zoo guidelines do not meet the full biological requirements of elephants, so there are concerns about the housing and handling from a welfare and well-being perspective.</li> <li>• There are concerns over sustainability (maintenance of standards as per permit issued) of facilities that are dependent on ecotourism income for resources, to support elephants for their full lifetime. This is exposed by COVID-19 tourism drop. Also, concerns about being able to retain standards if interaction tourism ends.</li> </ul>	<ul style="list-style-type: none"> <li>• This is not related to genuine conservation breeding.</li> <li>• The conservation contribution of the permitted facilities is not clear, and should be part of the permitting process.</li> <li>• DEFF and DAFF confused mandate over welfare responsibility</li> <li>• Lack of clarity on the way forward after the NSPCA court case</li> <li>• Facility staff need to frequently manage their animals hands-on, thus not practical or economically viable to use a qualified vet.</li> <li>• There are few (if any) courses that facility owners or staff can enrol in to receive a recognised qualification in animal management, husbandry, welfare, enrichment, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• This is not related to genuine conservation breeding.</li> <li>• Challenges with the handling and well-being of wild leopards that are in transit and temporary holding during relocations.</li> </ul>	<ul style="list-style-type: none"> <li>• This is not related to genuine conservation breeding.</li> <li>• The conservation contribution of the permitted facilities is not clear, and should be part of the permitting process.</li> <li>• There are concerns over handling and well-being of rehabilitated rhino.</li> <li>• There are no norms and standards for management of rhino in the wild or captivity.</li> </ul>	<ul style="list-style-type: none"> <li>• This is not related to genuine conservation breeding.</li> <li>• The conservation contribution of the permitted facilities is not clear.</li> <li>• There are concerns over handling and well-being of rehabilitated rhino</li> <li>• There are concerns over semi-wild rhino (from rehab facilities or on small reserves that are supplemental fed) not being able to survive when released to larger facilities.</li> <li>• There is concern over loss of wild behaviour from rhino in intensive breeding facilities.</li> <li>• There are no norms and standards for management of rhino in the wild or captivity.</li> </ul>
<b>Breeding</b>					
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Genesis of farming/keeping (R, E, Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• The conservation contribution of the permitted facilities is not clear.</li> </ul>	<ul style="list-style-type: none"> <li>• The conservation contribution of the permitted facilities is not clear</li> <li>• There are no regulations on interactions that protect the safety of the tourists (and animals and handlers), there are several attacks per year of which many are fatal.</li> <li>• The reason for these facilities existing is advertised as conservation - however, the wild lion conservation sector does not support or require these facilities as they provide no support or benefit for conservation.</li> </ul>	<ul style="list-style-type: none"> <li>• The conservation contribution of the permitted facilities is not clear</li> <li>• When these activities become more generally known, the same concerns as per lion breeding will arise.</li> </ul>	<ul style="list-style-type: none"> <li>• The conservation contribution of the permitted facilities is not clear</li> </ul>	<ul style="list-style-type: none"> <li>• The conservation contribution of the permitted facilities is not clear.</li> <li>• The lack of a legal international horn trade is placing the sustainability of large-scale breeding facilities at risk.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
		<ul style="list-style-type: none"> <li>• Constraints on potential income from hunting or trade in parts places the facilities at risk (also combined with decline in interaction tourism), and it is not clear what will happen to the lions in such facilities in such cases.</li> <li>• Constraints on income will impact on housing and care standards, with associated welfare concerns.</li> </ul>			
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Farming/ breeding methods (R)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• Lack of calves will lead to long-term challenges of the social system for the elephants, which has welfare and well-being concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• Standards are not consistent, or adequate in some cases.</li> <li>• There are animal rights concerns over breeding of lions for parts.</li> <li>• There are welfare concerns over housing, handling, and breeding methods and approaches.</li> </ul>			
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Methods/practices (R, E, Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• Highly variable in terms of holding facilities and practices.</li> <li>• Concern over well-being of elephants that do not have full social and behavioural repertoire.</li> </ul>	<ul style="list-style-type: none"> <li>• Standards are not consistent, or adequate in some cases.</li> <li>• There are welfare concerns over housing, handling, and breeding methods and approaches.</li> <li>• Concern over selective breeding for specific traits for trophy quality, such as white lions.</li> </ul>	<ul style="list-style-type: none"> <li>• Not widely known and the focus is mainly on lions.</li> </ul>		
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Size of facilities (R, E, Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• The size of facilities is a challenge, with most facilities being too small to meet the full needs of elephants, and therefore posing welfare and well-being concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• There are major concerns over the facilities, methods, and handling of captive lions. There is large variation in standards, but in all cases lions are not able to fulfil their full range of biology and behaviour.</li> <li>• Our Populations are isolated what are the risks of genetic degradation and disease?</li> </ul>	<ul style="list-style-type: none"> <li>• It is very expensive to ensure that leopard facilities are of a suitable size but still secure enough.</li> </ul>	<ul style="list-style-type: none"> <li>• The methods are well established in terms of holding rhino, but there is a challenge with the size of facilities which do not allow for normal rhino biology/behaviour. There is a challenge with release of rehabilitated rhino.</li> </ul>	<ul style="list-style-type: none"> <li>• The methods are well established in terms of holding rhino, but there is a challenge with the size of facilities which do not allow for normal rhino biology/behaviour. There is a challenge with release of rehabilitated rhino.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Handling (R, E, L)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• High cost of caring for elephants with trained handlers is a risk to sustainability. Training the handlers takes years, and there is concern over staff replacement/succession.</li> <li>• High pressure to reduce direct handling of elephants because of animal welfare and rights.</li> </ul>	<ul style="list-style-type: none"> <li>• There are major concerns over the ethics of housing and handling of lions. SAPA has developed Norms and Standards for captive bred lions, but these are not broadly endorsed, and it is not clear that facilities are adopting these norms and standards.</li> <li>• Concerns over over-handling/veterinary interventions.</li> </ul>	<ul style="list-style-type: none"> <li>• Very little information on the handling of captive leopards.</li> </ul>	<ul style="list-style-type: none"> <li>• Concerns over over-handling/veterinary interventions.</li> <li>• The costs of housing rhino are high, and there is concern over sustainability of the standards, including handling.</li> </ul>	<ul style="list-style-type: none"> <li>• Concerns over over-handling/veterinary interventions.</li> <li>• The costs of housing rhino are high, especially in the intensive facilities, and there is concern over sustainability of the standards, including handling.</li> </ul>
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Legal requirements for management of privately owned (R, E)/ captive (L)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• No norms and standards for keeping of captive elephants. There are many challenges in terms of welfare and well-being, including for zoos. Very few captive facilities meet the full needs of elephants, with those allowing them to roam free during the day coming closest.</li> <li>• Permitting process is fragmented, with different standards across different provinces. Challenge of moving elephants across provincial boundaries because of complicated permit process.</li> <li>• NSPCA does not have the capacity to routinely visit facilities as often as they may be required to, or as often as they should.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no official norms and standards for captive lions, there is weak legislation/regulation,</li> <li>• Widespread euthanasia of lions in captivity is likely to be a risk, especially if there are constraints on commercial activities leading to closures. There would be no market for live captive lions, leading to the only course of action being euthanasia. There are sufficient wild lions available such that captive-bred lions are not required for release into the wild for conservation purposes. The different categories of Captive Bred lions need to be defined, namely Working lions and Ranch lions.</li> <li>• No expertise required to obtain a permit own or manage captive lions.</li> <li>• No legislation protecting facility visitors or staff from being attacked, zoonoses etc.</li> <li>• NSPCA does not have the capacity to routinely visit facilities as often as they would like to.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no norms and standards for captive leopards, there is weak legislation/regulation</li> <li>• No expertise required to obtain a permit own or manage captive leopards.</li> <li>• No legislation protecting facility visitors or staff from being attacked, zoonoses etc.</li> <li>• NSPCA does not have the capacity to routinely visit facilities as often as they may be required to, or as often as they should.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no norms and standards for captive rhino.</li> <li>• NSPCA does not have the capacity to routinely visit facilities as often as they should.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no norms and standards for captive rhino.</li> <li>• NSPCA does not have the capacity to routinely visit facilities as often as they should.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Tourism (R, E, Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• SATSA guidelines are not fully adopted by the industry, and there are challenges to the guidelines from those that don't want to comply.</li> <li>• There is no industry self-regulation.</li> <li>• Facilities are dependent on tourism, and the collapse from COVID-19 places many at risk in terms of sustainability.</li> </ul>	<ul style="list-style-type: none"> <li>• This is not in line with SATSA guidelines, and international tourism is focusing on alienating carnivore interaction facilities. This is going to pose a major risk to these facilities as ongoing concerns, and may drive switching to other uses such as parts.</li> <li>• The SATSA guidelines are being contested.</li> <li>• International tourism organisations are focusing on predator petting and walking with predators as a major concern for responsible tourism, and are putting in place mechanisms to prevent selling packages to include such facilities. This will become stronger over time.</li> <li>• Volun-tourism for "rescued" lions especially are high income generating, and has major reputational risks, and is not in line with SATSA guidelines.</li> <li>• There are no legal provisions ensuring the safety of staff and visitors at these facilities. There are several attacks per year, many of which are fatal. (KM to insert data in numbers)</li> </ul>	<ul style="list-style-type: none"> <li>• There may be challenges in the future in terms of responsible tourism practice.</li> </ul>	<ul style="list-style-type: none"> <li>• There may be a risk to some facilities from the decline in tourism from COVID-19.</li> <li>• There is long-term risk depending on volunteer tourism.</li> <li>• There may be challenges in the future in terms of responsible tourism practice.</li> </ul>	<ul style="list-style-type: none"> <li>• There may be a risk to some facilities from the decline in tourism from COVID-19.</li> <li>• There is long-term risk depending on volunteer tourism.</li> <li>• There may be challenges in the future in terms of responsible tourism practice.</li> </ul>
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>• Interactions and exploitation (R) of tourists/tourism (E, Li)</li> </ul>	<ul style="list-style-type: none"> <li>• Captive elephants have been a lucrative economic activity, and this has been put under pressure from reduction of interactions. Some are closing down, and it is not clear what is going to happen to those elephants, which pose a risk</li> <li>• Volunteerism is important for captive elephant facilities, and it is</li> </ul>	<ul style="list-style-type: none"> <li>• There are no legal provisions ensuring the safety of staff and visitors at these facilities. 31 attacks by lions have been recorded that resulted in 11 fatalities (Marnewick unpublished data).</li> <li>• There are no legal provisions to prevent the spread of zoonosis between lions and visitors.</li> </ul>			<ul style="list-style-type: none"> <li>• Green hunting, e.g., rhino being repeatedly darted to generate income from hunts, is a challenge in terms of interaction.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
<b>Challenges from different stakeholder perspectives</b>	<ul style="list-style-type: none"> <li>not regulated, and has high potential reputation fallout.</li> <li>There will be increasing challenges in the future in terms of responsible tourism practice from the international tourism industry in terms of selling packages.</li> </ul>	<ul style="list-style-type: none"> <li>There will be increasing challenges in the future in terms of responsible tourism practice from the international tourism industry in terms of selling packages.</li> </ul>			
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>Zoos and related activities (R, E) and petting facilities (Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>Conservation benefits from zoos and other captive facilities are not clear and apparent.</li> <li>Zoos do not provide for the minimum biological and behavioural requirements of elephants, which is a major welfare concern.</li> <li>Huge pressure growing internationally for zoos not to house elephants.</li> <li>Major pressure on reducing interactions with elephants from international tourism operators.</li> </ul>	<ul style="list-style-type: none"> <li>Most state-owned zoos are under resourced and the welfare standards are compromised.</li> <li>Conservation benefits from zoos and other captive facilities are not clear and apparent.</li> <li>Major challenges from animal rights movement against interactions with predators globally, which is likely to increase further over time.</li> <li>There are major welfare challenges with lion interactions.</li> <li>Major pressure on reducing interactions with lions from international tourism operators.</li> </ul>	<ul style="list-style-type: none"> <li>Most state-owned zoos are under resourced and the welfare standards are compromised.</li> <li>Conservation benefits from zoos and other captive facilities are not clear and apparent</li> </ul>	<ul style="list-style-type: none"> <li>Conservation benefits from zoos and other captive facilities are not clear and apparent.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation benefits from zoos and other captive facilities are not clear and apparent.</li> </ul>
<p><b>Captive breeding and keeping</b></p> <ul style="list-style-type: none"> <li>Compliance and enforcement protocols and measures (R, E, Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>NSPCA inspections limited by resources, so facilities are not inspected regularly.</li> </ul>	<ul style="list-style-type: none"> <li>Poor policing, and also lack of capacity in NSPCA for inspection</li> </ul>	<ul style="list-style-type: none"> <li>Poor policing, and also lack of capacity in NSPCA for inspection</li> </ul>	<ul style="list-style-type: none"> <li>NSPCA is restricted in capacity to monitor facilities.</li> <li>Permitting is a challenge in allowing movement.</li> </ul>	<ul style="list-style-type: none"> <li>NSPCA is restricted in capacity to monitor facilities.</li> <li>Permitting is a challenge in allowing movement.</li> </ul>
<b>Captive breeding and keeping</b>		<ul style="list-style-type: none"> <li>Welfare and well-being concerns on how lions are slaughtered for the bone trade and around holding prior to slaughter.</li> </ul>			

	Elephant	Lion	Leopard	Black rhino	White rhino
<ul style="list-style-type: none"> <li>Euthanasia of lions in captivity (Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>		<ul style="list-style-type: none"> <li>No standards available for slaughter of lions and euthanasia problematic. Currently slaughtering being done under euthanasia permits but its not practical or researched. Theoretically Vet needs to drug and shoot the lion. It's expensive, short supply and not all Vets keen to get involved.</li> <li>Concerns on human well-being (lack of information) on consumption of lion products slaughtered chemically and transfer of zoonotic diseases.</li> <li>Lack of ability to police any regulations and standards.</li> </ul>			
<b>Hunting</b>					
<p><b>Hunting</b></p> <ul style="list-style-type: none"> <li>Should hunting be permissible? (R, E, Le)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>Concern as to wildness of the hunting experience, unethical hunting practices.</li> <li>Concern over permitting process - greater Kruger National Park population extends across SANParks, Limpopo and Mpumalanga, but quota estimation is done on a provincial basis. When permit is issued in one province and then hunted in another by mistake.</li> <li>Concern over hunting of national assets from Kruger National Park in the APNR.</li> <li>Concern over hunting from the Mapungupwe population as each country sets a quota independently, and the overall</li> </ul>	<ul style="list-style-type: none"> <li>Concern as to wildness of the hunting experience, unethical hunting practices, including baiting to hunt, baiting to attract across boundaries, captive animals, animals constrained from fair escape by fencing, etc.</li> <li>Concern over permitting process - greater Kruger National Park population extends across SANParks, Limpopo and Mpumalanga, but quota estimation is done on a provincial basis. When permit is issued in one province and then hunted in another by mistake.</li> <li>Concern over hunting of national assets from Kruger National Park in the APNR.</li> </ul>	<ul style="list-style-type: none"> <li>There is a major challenge in terms of setting quotas for leopard because of the high number of illegal killing of leopard by poaching and persecution (Pitman et al. 2015).</li> <li>There are major challenges of this, including causing ecological traps for populations (Pitman et al 2015), and the negative edge effects of this penetrate into the core of conservation populations (Balme et al. 2010).</li> <li>There is concern over lack of access of communities to hunting of leopards, which occur on communal land.</li> </ul>		<ul style="list-style-type: none"> <li>There are some concerns over wildness of the hunted animals, especially on smaller properties.</li> <li>Concern over hunting of state assets in APNR, coming from Kruger National Park population.</li> <li>Concern over lack of access of communities to animals in adjacent areas.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
	<p>hunting is not sustainable (Selier et al. 2014).</p> <ul style="list-style-type: none"> <li>• There is concern of hunting of damage-causing animals is not taken into account in quota setting (esp. Mapungupwe area).</li> <li>• Concern over lack of access to hunting from communities adjacent to populations.</li> <li>• Concern over hunting in small properties in terms of sustainability, and then put and take to replace hunted animals for next hunt.</li> <li>• There is some concern over the effect of hunting elephants on photo-tourism in adjacent properties (e.g. Selier et al. 2016).</li> </ul>	<ul style="list-style-type: none"> <li>• There is concern of hunting of damage-causing animals is not taken into account in quota setting (esp. Mapungupwe area).</li> <li>• Concern over lack of access to hunting from communities adjacent to populations.</li> <li>• Concern over hunting in small properties in terms of sustainability, and then put and take to replace hunted animals for next hunt.</li> </ul>	<ul style="list-style-type: none"> <li>• There is concern over hunting practices, including baiting to hunt (which may in fact be required in order to age/identify correct animal), and baiting to attract animals.</li> </ul>		
<p><b>Hunting</b></p> <ul style="list-style-type: none"> <li>• What are legal requirements and conditions for such (R, E, Le), and for captive bred lions (Li)?</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<ul style="list-style-type: none"> <li>• Concern over hunting of state assets on private land (e.g. APNR)</li> </ul>	<ul style="list-style-type: none"> <li>• Concern over hunting of state asset on private land (e.g. APNR)</li> </ul>	<ul style="list-style-type: none"> <li>• There are challenges with TOPS as Mpumalanga does not implement TOPS, and so issues different provincial permits to other such as Limpopo - e.g. permits baiting in Mpumalanga, which is not permitted under TOPS.</li> </ul>		<ul style="list-style-type: none"> <li>• Concern over hunting of state asset on private land (e.g. APNR)</li> </ul>
<p><b>Hunting</b></p> <ul style="list-style-type: none"> <li>• Determination of the quotas and associated conditions (Le)</li> </ul>		<ul style="list-style-type: none"> <li>• Major challenge with captive hunting / canned hunting. International hunts have been affected by stopping importation of trophies, but there is still hunting taking place of captive lions; the captive hunting numbers are greatly reduced. No quota for this.</li> </ul>	<ul style="list-style-type: none"> <li>• Challenge in terms of getting permissions/quota allocation in terms of time, versus advertising hunts, getting the client etc. is a challenge.</li> <li>• Provincial authorities not submitting hunt return forms to national compromise the</li> </ul>	<ul style="list-style-type: none"> <li>• Challenge in terms of getting permissions/quota allocation in terms of time, versus advertising hunts, getting the client etc. is a challenge.</li> </ul>	<ul style="list-style-type: none"> <li>• Challenge over inconsistency in numbers hunted from different sources.</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
<p><b>Challenges from different stakeholder perspectives</b></p>		<ul style="list-style-type: none"> <li>Challenge in terms of accounting of numbers for NDF, CITES reporting, quota setting</li> </ul>	<ul style="list-style-type: none"> <li>setting of quotas for the following season.</li> <li>Challenge in terms of accounting of numbers for NDF, CITES reporting, quota setting</li> <li>There is a large component of illegal hunting (poaching/retribution killing) for leopard, which is undermining the ability to have larger quotas for commercial hunting. This negatively effects potential revenue for government and income for business.</li> <li>The new national system for setting quota and for allocation of permits is viewed as onerous by landowners who want to hunt leopards.</li> <li>There are also concerns as to buy-in from landowners, and questions as to NGO influence on what should be a government implemented process.</li> </ul>		
<p><b>Hunting</b></p> <ul style="list-style-type: none"> <li>Hunting standards (Le)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>		<ul style="list-style-type: none"> <li>No norms and standards. A lot of the regulation of lion hunting has been captured into the new TOPS regulations.</li> <li>Videos circulating on social media of bad hunting methods tarnish hunting as a whole,</li> <li>Not all provinces have implemented TOPS e.g. Mpumalanga.</li> </ul>	<ul style="list-style-type: none"> <li>Issues around baiting of leopards and hunting with dogs.</li> </ul>	<ul style="list-style-type: none"> <li>Confusion in the general public around trophy hunting an animal that is heavily threatened by poaching and public donating millions of Rands to save them, then they get shot legally.</li> </ul>	<ul style="list-style-type: none"> <li>Confusion in the general public around trophy hunting an animal that is heavily threatened by poaching and public donating millions of Rands to save them, then they get shot legally.</li> </ul>
<p><b>Hunting</b></p>	<ul style="list-style-type: none"> <li>Bad hunts can affect other elephants, which can have</li> </ul>	<ul style="list-style-type: none"> <li>Mpumalanga does not implement TOPS, and so they allow the</li> </ul>	<ul style="list-style-type: none"> <li>Policing of hunting close to impossible.</li> </ul>		

	Elephant	Lion	Leopard	Black rhino	White rhino
<ul style="list-style-type: none"> <li>• Methods of hunting (Le)</li> </ul> <p><b>Challenges from different stakeholder perspectives</b></p>	<p>cascade effects onto adjacent properties with other land-use such as photo-tourism (see Selier et al. 2016).</p>	<p>baiting of lions. TOPS does not allow baiting, and as Limpopo implements TOPS, they do not allow baiting.</p> <ul style="list-style-type: none"> <li>• Challenge of baiting being considered unethical hunting practice, but baiting needed for management to ensure the right lion is taken. Baiting is the most accepted practice of lion hunting in all our neighbouring countries.</li> <li>• There may be challenges in terms of Green hunting.</li> <li>• Not all operators practice the high expected standards for ethical wild hunting.</li> </ul>	<ul style="list-style-type: none"> <li>• Mixed in terms of practice – because of the age requirement, baiting becomes required, which may raise issues in the future.</li> <li>• Challenge of baiting being considered unethical hunting practice, but baiting needed for management to ensure the right leopard is taken. Also challenges re hunting with dogs.</li> <li>• Reports of leopards being trapped then shot, been going on for years, but the extent is unknown.</li> <li>• Reports of captive leopards being illegally used under wild leopard quotas, again, the extent of this is unknown, but one facility in Gauteng does breed and export (from province) several leopards per annum.</li> <li>• Issues around shooting an inappropriate leopard (either female or too young) then not declaring it.</li> </ul>		
<p><b>Hunting</b></p> <ul style="list-style-type: none"> <li>• Rationale in captive breeding facilities (Li)</li> </ul> <p><b>Challenges from different stakeholder perspectives:</b></p>	<ul style="list-style-type: none"> <li>• There is a concern over put and take hunting, but these are for wild elephants moved to a new reserve and immediately hunted (noting that a wild elephant becomes captive for the time it is translocated)</li> </ul>	<ul style="list-style-type: none"> <li>• The ethics of breeding a lion, moving it to another place, and releasing it, and then hunting it with the premise that it an ethical wild hunt is challenging.</li> <li>• It is not clear what would be required to enable a captive lion to subsequently be considered appropriate for an ethical wild hunt (e.g. size of area, period</li> </ul>			

	Elephant	Lion	Leopard	Black rhino	White rhino
		since release, hunting for themselves etc.)			
<b>Hunting</b> <ul style="list-style-type: none"> <li>Size of hunting farms (Li)</li> </ul> <b>Challenges from different stakeholder perspectives</b>		<ul style="list-style-type: none"> <li>Confusion about captive lions released onto open areas and hunted as wild lions – which is being cleaned up. Was a historic concern. All captive bred lions are microchipped. See SAPA protocol</li> <li>It is not clear what would be required to enable a captive lion to subsequently be considered appropriate for an ethical wild hunt. E.g. size of area, period since release, hunting for themselves etc.- the broader hunting community internationally, but also broader stakeholders in SA</li> </ul>	<ul style="list-style-type: none"> <li>Landowners are concerned about the new system (see above).</li> </ul>		<ul style="list-style-type: none"> <li>It is not clear what would be required to enable a white rhino to be considered appropriate for an ethical wild hunt. E.g. size of area, period since release (if translocation), foraging without needing supplemental feed, etc.</li> </ul>
<b>Hunting</b> <ul style="list-style-type: none"> <li>Release periods of lions for hunting (Li)</li> </ul> <b>Challenges from different stakeholder perspectives</b>	<ul style="list-style-type: none"> <li>There were historically challenges around put and take hunting of adult male elephants. It is uncertain as to whether this persists. This is not covered in the norms and standards, but there may be a minimum of two years after introduction that is required, prior to issue of permit by issuing authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Need to consider the welfare implication of rewilding a captive lion just to shoot it. Various opinions exist regarding the release period. No hunter would shoot a lion that is in poor condition.</li> <li>It is not clear what the minimum time required from release of a captive lion to be considered a wild hunt. Biologically-based criteria for this have not been set as a standard.</li> </ul>			<ul style="list-style-type: none"> <li>White rhino from some small populations become habituated to people and vehicles, and it is not clear if those are then hunted, if that would be a truly wild hunt.</li> </ul>
<b>Handling</b>					
<b>Handling &amp; Well-being</b> <ul style="list-style-type: none"> <li>Practices, standards and</li> </ul>	<ul style="list-style-type: none"> <li>There are no norms and standards for captive elephants.</li> <li>There are concerns about a range of interventions that affect the well-being of elephants, that may be counter to the norms and standards (creating a landscape</li> </ul>	<ul style="list-style-type: none"> <li>There are no norms and standards for wild or captive lions. (SAPA has norms and standards for Captive Lions)</li> <li>There is concern about a range of activities that affect wild lions, including green hunting,</li> </ul>	<ul style="list-style-type: none"> <li>There are no norms and standards for capture, handling, or translocation of wild leopards.</li> </ul>	<ul style="list-style-type: none"> <li>There are no norms and standards for wild or captive rhino.</li> <li>There are concerns about interventionist management for prevention of poaching,</li> </ul>	<ul style="list-style-type: none"> <li>There are no norms and standards for wild or captive rhino.</li> <li>There are concerns about interventionist management for prevention of poaching,</li> </ul>

	Elephant	Lion	Leopard	Black rhino	White rhino
<p>guidelines for permitting (R, E, Li)</p> <p><b>Challenges from different stakeholder perspectives</b></p>	<p>of fear) or may not be covered adequately in the norms and standards (tourism associated practices).</p> <ul style="list-style-type: none"> <li>• There is some concern over the long-term effects of contraception, and over-management of wild populations in general.</li> <li>• There are issues around human-elephant conflict within reserves arising from poor practice – creating habituation and then resulting in euthanasia.</li> <li>• There are major concerns over poor practices in terms of handling and well-being of captive elephants, including associated with interactions and housing.</li> <li>• Wildlife managers and issuing authorities are not required to be trained in animal welfare, and do not forefront animal welfare, which is considered an agriculture issue.</li> </ul>	<p>interventionist management to control numbers (vasectomies, tube-tying, contraception, culling). Concern over tourism associated behaviours that habituate lions etc.</p> <ul style="list-style-type: none"> <li>• For captive lions there are major concerns over handling and welfare, in terms of housing, feeding, reproduction, interventions, vet interventions, movements etc. There are no standards or guidelines.</li> <li>• Wildlife managers and issuing authorities are not required to be trained in animal welfare, and do not forefront animal welfare, which is considered an agriculture issue.</li> </ul>		<p>including cutting horns/dehorning, fitting collars, repeat immobilisation, movement to different parts of reserves, without considering social/behaviour consequences.</p>	<p>including cutting horns, fitting collars, repeat immobilisation, movement to different parts of reserves, without considering social/behaviour consequences.</p> <ul style="list-style-type: none"> <li>• The intensive farming of white rhino is semi-captive, and the current practice is self-regulated in terms of quality of care. However, it is intensive, with repeat handling of the same individual.</li> </ul>

6.3.5.5 Heat Map: Assessment of contribution of different land uses against contribution to the different element of s24 of the Constitution, ranging from least beneficial (red) to most beneficial (green)

	Captive Facilities	Intensive Production Systems	Managed Rangelands private state - no big 4	Managed Rangelands Private Hunting with big 4	Managed Rangelands Private Ecotourism with big 4	Private Protected Areas - small with big 4	Community Protected Areas - small with big 4	State Protected Areas - small	Community Rangeland No big 4	Private or communal roaming Contiguous with Kruger Kgalagadi	Private with Roaming lion and/or elephant	Protected Areas – Large (Kruger & Kgalagadi)
	Isolated	Isolated	Managed	Managed	Managed	Managed	Managed	Managed	Open	Open	Open	Open
<b>Sec 24 (a) to an environment that is not harmful to their health or well-being; These issues have potential impact on the well-being of people as per the various legal judgements as summarised in the lion bone case that interlinks conservation and animal welfare, and people well-being through this.</b>												
Level of Management Interventions - General	1	1	3	2	2	2	2	2	4	2	3	4
Rhino- Level of Management Interventions	1	1	1	1	1	1	1	1	-	1	-	1
Elephant- Level of Management Interventions	1	1	1	2	2	2	2	2	1	2	4	3
Lion- Level of Management Interventions	1	1	1	2	2	2	2	2	1	2	1	4
Leopard- Level of Management Interventions	1	1	4	4	4	5	5	5	5	4	5	5
Welfare - Sec 24 (a)	1	1	4	3	3	3	3	3	4	3	3	4
Risk of Reduced Wildness/ Increased Risk of Domestication	1	1	2	3	3	3	3	3	2	3	2	5
<b>Sec 24 (b) to have the environment protected, for the benefit of present and future generations, (i) prevent pollution and ecological degradation; These issues represent risks of ecological degradation indicated by the integrity of the ecological processes of the different species in the system (all are keystone/modifier species), as well as landscape level ecological processes and functioning</b>												
<b>SPECIES LEVEL</b>												
Risk - Ecological Process Lion	1	1	1	2	2	2	2	2	1	4	1	5
Risk - Ecological Process Leopard	1	1	3	4	4	4	4	4	3	5	3	5
Risk - Ecological Process Elephant	1	1	3	3	3	3	3	3	1	4	2	4

	Captive Facilities	Intensive Production Systems	Managed Rangelands private state - no big 4	Managed Rangelands Private Hunting with big 4	Managed Rangelands Private Ecotourism with big 4	Private Protected Areas - small with big 4	Community Protected Areas - small with big 4	State Protected Areas - small	Community Rangeland No big 4	Private or communal roaming Contiguous with Kruger Kgalagadi	Private with Roaming lion and/or elephant	Protected Areas – Large (Kruger & Kgalagadi)
Risk - Ecological Processes Rhino	1	1	1	3	3	3	3	3	1	4	1	5
Management Interventions Aligned to Ecological Processes (Species)	1	1	2	3	2	4	4	4	2	3	2	4
<b>LANDSCAPE LEVEL</b>												
Risks - Fragmentation of the Landscape	1	1	2	2	2	2	2	2	3	4	3	5
Risk of Decreasing Ecosystem Function	1	1	3	3	3	4	4	4	3	4	3	5
Increasing Ecosystem Restoration Cost	1	1	3	3	4	4	4	4	3	4	3	5
Environmental Footprint	2	1	3	3	3	3	3	3	3	3	3	4
Integrated reporting	2	2	2	2	2	3	3	3	1	2	1	3
<b>Sec 24 (b) to have the environment protected, for the benefit of present and future generations,(ii) promote conservation; For each species, the sub-committee has assessed the contribution of the land use practice to the conservation of that species, using the IUCN principles, as well as the contribution to the broader national targets and ecosystem conservation.</b>												
<b>CONSERVATION CONTRIBUTION</b>												
Black Rhino	1	1	1	3	3	3	3	4	1	4	1	5
White Rhino	1	2	1	4	4	4	3	3	1	4	1	5
Elephant	1	1	1	2	2	2	2	2	1	5	2	5
Lion	1	1	2	2	2	2	2	2	1	3	2	5
Leopard	1	1	3	4	4	4	4	4	3	4	3	5
Broader national species conservation targets	1	1	3	3	3	5	5	5	3	4	3	5
Broader national ecosystem conservation targets	1	1	3	3	3	4	4	5	3	4	3	5
<b>Sec 24 (b) to have the environment protected, for the benefit of present and future generations, (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development; Firstly, we assess the risks posed by different land uses and the practices of these on the reputation of SA, and of the different industry components, and how well the expectation of responsible use is met. We then assess the ecologically sustainability in terms of (1) financially viable (i.e. it must be paid for), properly funded by state (as a public good), and/or properly</b>												

	Captive Facilities	Intensive Production Systems	Managed Rangelands private state - no big 4	Managed Rangelands Private Hunting with big 4	Managed Rangelands Private Ecotourism with big 4	Private Protected Areas - small with big 4	Community Protected Areas - small with big 4	State Protected Areas - small	Community Rangeland No big 4	Private or communal roaming Contiguous with Kruger Kgalagadi	Private with Roaming lion and/or elephant	Protected Areas – Large (Kruger & Kgalagadi)
funded as competitive land use (measured / accountable), thereby appropriately incentivising. (2) economically viable (i.e. benefit society, jobs, income generation, holistic economic contribution, stimulating to local economic development) (3) socio-politically acceptable (Justifiable: Environmental justice, Equity, Transformation, Welfare, responsible use, reputational risk).												
Reputational risks to economic development from land use, with reference to our species												
Risk of Reputational Damage - Photographic Tourism	1	1	3	2	3	3	3	3	2	3	3	3
Risk of Reputational Damage - Hunting	1	1	3	2	3	2	2	3	3	2	3	2
Risk of Reputational Damage - Trade in Parts/Products	1	1	3	3	4	3	3	2	3	3	3	2
Demonstrated Responsible Use	2	1	2	2	2	3	4	4	1	2	1	4
Socio-Economic Contribution												
Financial Viability (Income/ha)	4	5	4	4	4	4	2	2	1	5	3	5
Jobs/hectare	5	5	4	4	5	5	2	2	1	5	2	4
Economic impact (contribution to GDP, taxes, wages)	4	5	4	4	4	4	3	2	1	5	5	5
Total Contribution (Social, Ecological and Economic)	2	2	3	4	4	4	3	3	2	4	3	5
Local Economic Development	3	2	2	4	4	4	3	4	1	4	2	5
Social and political acceptability	2	3	3	3	3	3	1	4	1	4	4	4
GOVERNANCE and TRANSFORMATION												
Firstly, the sub-committee has assessed elements of governance of the different land uses in terms of their governance arrangements and accountability, and how well they are aligned to national objectives. An overall perspective of Transformation is then provided, but this is not unpacked, given that this would be part of the in-depth focus of the Transformation sub-committee.												
Governance Structures	5	3	2	5	5	5	2	3	2	3	2	4
Policies Aligned to National Objectives	3	1	2	3	3	3	2	2	1	1	2	2

	Captive Facilities	Intensive Production Systems	Managed Rangelands private state - no big 4	Managed Rangelands Private Hunting with big 4	Managed Rangelands Private Ecotourism with big 4	Private Protected Areas - small with big 4	Community Protected Areas - small with big 4	State Protected Areas - small	Community Rangeland No big 4	Private or communal roaming Contiguous with Kruger Kgalagadi	Private with Roaming lion and/ or elephant	Protected Areas – Large (Kruger & Kgalagadi)
Level of Transformation	1	1	1	1	1	1	4	1	4	1	1	1

## 6.4 Transformation in the sector

### 6.4.1 Understanding transformation in the wildlife sector

In order to ensure a common understanding of transformation, Sub-committee 4, informed by the public sector stakeholder engagements, agreed that the forceful removal of people from their land led to the current South African 'Wildlife Model', where the largest percentage of wildlife land is owned by the white minority. Although the democratic government has intervened with a number of policies, the transformation of this wildlife model has been very slow.

In terms of the work of the HLP, the transformation of the wildlife model means –

- A change to a better life for all – especially Previously Disadvantaged Individuals (PDIs) and communities
- Biodiversity economic gain by PDIs
- Ownership and/ or shareholding by PDIs or communities (i.e. not only employment)
- Finding and embracing the middle path for all
- Inclusive gender acknowledgement

### 6.4.2 Introduction

The majority of black people have been forcefully removed from their wildlife land due to a history of eco-colonialism and apartheid, which resulted in them being side-lined from enjoying their wildlife cultural practices and divorced from natural heritage resources. Furthermore, many communities were forcefully removed from their land to make way for game reserves and private game farms. These game reserves and private game farms were, and remain, predominantly for the wealthy white owners and wealthy tourists to enjoy, which may have caused resentment of wildlife and game reserves by black people.

Through various legislative interventions, the democratic government attempted to correct the eco-colonialism set-backs, which in some instances have caused unnecessary bureaucratic burdens for communities and black people, who continue their struggles to access wildlife benefits. Today land restitution and redistribution is returning much land to those who were deprived, giving opportunities to re-introduce a new generation to wildlife and the benefits that can be derived from this natural resource. However, environmental transformation is still difficult, due to the provincial acts/ ordinances that are still applied, independently, in the respective provinces.

In spite of government's efforts to address the imbalances of the past, it appears that there is a lack of governance by communities and lack of support from government, with no over-riding vision to make land productive for communities or even individuals who have managed to lease land; thus necessitating structural changes to government's redistribution policies.

The current land reform situation has very little positive impact on the five species in question, although there is tremendous potential for these five species to make significant contributions to communities and individuals who are beneficiaries of land or leasers of land. This will hinge on government establishing stability and providing the necessary financial support and controls for long-term development and beneficiation.

Communities own wildlife land through two different legislative approaches, namely, Community Property Associations (CPAs) and traditional councils. CPA land ownership takes place through communities claiming back their land, whereas in most cases, for traditional councils the land is their traditional land – claimed or unclaimed. Many traditional councils and their chiefs believe that the Communal Property Associations Act, 1996 (Act No. 28 of 1996) (CPA Act) was meant to cause confusion between chiefs and communities. This legislative gap needs to be harmonised if the country is to move towards successful wildlife community leadership.

Challenges in respect of ownership of, and access to, land and resources include the following:

- **CPA failure:** Much of the land has been returned to communities and not to individuals. Due to the legislative gap, after returning the land to communities, no one 'owns' the management of the land or commercial activities on the land. This is unlike the traditional council set-up, where the chiefs and their councils are custodians and act as high-level delegated decision-making structures.
- **Lack of finance:** The costs to enter the market are high. Fencing, stocking, lodges and vehicles are required. Most communities do not have the financing available, nor do they have the support to manage their businesses.
- **Lack of knowledge:** Even if these communities wish to benefit from wildlife, they do not have the knowledge of how to access, operate within and grow the market.
- **Lack of skills:** When communities invest in a wildlife-related project, they often do not have basic skills of book-keeping, administration, banking and management.
- **Access to markets and marketing:** Due to the history, many black communities do not have access to traditional markets, nor do they know how to access them. This is especially true for international markets.
- **Exploitation:** Often communities are taken advantage of by unscrupulous business people, who exploit the above-mentioned weaknesses and communities for their own benefit.
- **Benefit-sharing:** When there are profits from an enterprise, there is often unhappiness as to how benefits are shared amongst community members. CPAs may want to invest profits in projects that the community may be able to use, e.g. a vehicle for transport, whereas community members may want family cash in hand. Sometimes the funds may be misappropriated by community leaders and the community members receive no benefits, thereby resulting in them resenting the project.
- **Unrealistic expectations:** This is often the fault of government who created the idea that wealth is linked to ownership of land, as opposed to how the land is utilised.

#### 6.4.3 Key issues, for consideration by the HLP:

The sub-committee identified a number of key issues which may require attention in order to drive the transformation agenda in wildlife, including the need for –

- TFCAs to serve as cornerstones of piloting local community wildlife ownership and management
- Wildlife economy nodes as cornerstones of piloting local community wildlife ownership and management
- PDI and community ownership of land
- PDI and community ownership of animals
- Support and encouragement of black wildlife associations
- Ongoing support from government with transformation legal mandate
- A transformation monitoring tool, including monitoring of transformation funding
- A wildlife gender streamlining policy
- Guidelines for community consultation in wildlife
- Amendment of legislation, to promote transformation, and to empower communities in decision making

#### 6.4.4 Understanding the ToR and aligning it to transformation in wildlife

The following matrix provides an analysis of the HLP's ToR from a transformation perspective –

Lions					
Issues	Handling	Management	Breeding	Hunting	Trade
Assess and provide policy positions and operational guidelines					
Breeding of lions in Captivity	No PDI and community involvement	The community and PDIs not involved in the management and ownership of this species, nor are they equipped with necessary skills that will enhance their capabilities. There is no species management policy and practice that is demonstratively ethical, sustainable (to population numbers and habitat), inclusive, and economically beneficial – especially to PDIs.	No PDI and community involvement	PDI and community are only involved as workers	
Hunting of captive bred lions	No PDI and community involvement	No PDI and community involvement	No PDI and community involvement	The practice in South Africa of canned lion hunting is generally and globally regarded as inhumane and distasteful, and this has had an adverse effect on private lion breeders who feel the need to hunt their intensively bred species, which they do not regard as “wild prides” due to their total dependence on humans for survival.	
Trade in lion bones and leopard skins	No PDI and community involvement	No PDI and community involvement	No PDI and community involvement	PDI and communities involved as workers	
Stockpiling	Because of the regulatory set up communities and PDIs are not involved in the approval of the Damage Causing Animal control actions Government approves Damage Causing Animal permits alone.	Opportunity exists for Government to consider a policy change on the issues, e.g. by selling the stockpile and reinvesting the money into communities. However, Government must be transparent on this issue – not only nationally, but globally also.	Not applicable	Because of the regulatory set up communities and PDIs are not involved in approval of the Damage Causing Animal control actions.	

Lions					
Issues	Handling	Management	Breeding	Hunting	Trade
	Government takes carcasses and trophies from the remains of poached animals and those killed as part of Damage Causing Animal control actions.				
Management of stockpiles	Only government is involved	Only government is involved and benefit, at the expense of the communities who always suffer from damage-causing animals. Lions destroy community livestock and communities do not benefit at all.	N/A	N/A	
Impacts and benefits	Involve the community and PDIs and ensure equal benefit sharing. Revenue generated from normal, ethical hunting practices helps to conserve and ensure the long-term survival of lions in the wild and those in photographic and intensive encampment areas				
Handling and Well-being					

Leopards					
Issues	Handling	Management	Breeding	Hunting	Trade
Assess and provide policy positions and operational guidelines					
Hunting of Leopards	No PDIs and communities involved	PDIs and communities involved as workers	PDIs and communities involved as workers	PDIs and communities involved as workers	
Trade in Leopards skins	No PDIs and communities involved	PDIs and communities involved as workers	PDIs and communities involved as workers	PDIs and communities involved as workers	
Demand Management	Consider policy change whereby PDIs and communities are owners and managers. Consider international branding and marketing for PDIs and community products as owners.	Provide transformational opportunity for communities to get involved in permit approval, census and management. This requires policy change			
Impacts and benefits	The vast majority of species owned by the state are in national parks. These are the so-called "wild cats" with limited to close to no human intervention during their daily existence.				

Leopards					
Issues	Handling	Management	Breeding	Hunting	Trade
	Sizeable population numbers are owned by established private commercial farmers and private reserves. Human intervention and induced breeding practices for commercial gain are all part of the sector. Zoos, circuses, show business, other photographic tourism/ educational and orphanage sanctuaries hold limited populations of the species, which totally depend on humans for their survival and upkeep. Animal abuse and neglect of the species often occur in this space. Negligible commercial trading of this species is carried out by black persons (Traditional Authorities, CPAs, Land Claimant Communities, Near-National Park Communities and Private Black Game Ranchers).				

Rhinoceros					
Issues	Handling	Management	Breeding	Hunting	Trade
Five species-related Issues					
Enforcement		There is lack of involvement of communities in rhino management and there is need to involve all local communities and PDIs in the process.  In restituted lands, when black people are given lands close to commercial lands, instead of them being seen as “new addition/ entrance” to the wildlife sector, they are seen as a threat to the existing rhino population due to them being viewed as the springboard to poaching.			
Community Empowerment	Handling and keeping a rhino on land is very expensive and risky. Government needs to put more financial resources in place concerning the security and anti-poaching and ensure that the communities become custodians of the species.	Communities that live close to these animals are suspected first of poaching activities. In order to avoid this, black people should be viewed as a central theme in how this species can be given extensive range land, even on community land. This is critical, as survival of this species relies on communities, PDIs and the reserve.	The sub-committee proposes that consideration be given to empowering communities as owners of the rhino. The sub-committee wishes to explore opportunities for empowerment in respect of marketing and selling products to the international markets. For example, private owners given permits to trade after they have convinced the government on two factors; viz; reputable PDI business partners – rather than fronts, and	The sub-committee proposes that consideration be given to empowering communities as owners of the rhino. The sub-committee wishes to explore opportunities for empowerment in respect of marketing and selling products to the international markets. For example, private owners given permits to trade after they have convinced the government on two factors; viz; reputable PDI business partners – rather than fronts, and	There is a belief that without trade there is no economic benefit to the community and owners.  The sub-committee proposes that consideration be given to a move away from the current set up where rhino are owned by private people – with security funding instead only directed to PDIs and

Rhinoceros					
Issues	Handling	Management	Breeding	Hunting	Trade
	The cost of keeping rhino is more than the revenue they bring to owners.	Government needs to put financial resources in place and skill communities on how to deal with this species, bearing in mind that they attract poachers. More training is essential on how to keep and sustain rhino.	communities who will be benefiting from the trade of these rhino.	communities who will be benefiting from the trade of these rhino.	community owned rhino facilities.
Demand Management		There is a high demand for rhino horn. This is evidenced through the increase in poaching (despite a decrease in poaching since 2015). From a trade perspective, there is a need to decrease poaching and increase commercial demand.			
Management of rhino populations	Communities and PDIs need to be equipped and involved in the management of the species				
Responsive Legislation					
Assess and provide policy positions and operational guidelines					
Issues	Handling	Management	Breeding	Hunting	Trade
Keeping of Rhinoceros in captivity	Increase black ownership of species, by empowering them through skills development and accrediting those who have been involved in the labour of the sector, in terms of prior learning. This shows the need to have more wildlife schools. The vast majority of species are owned by the state in national parks. These are the so-called “wild herds” with limited to close to no human intervention in their daily existence. Communities need to be fully involved. There is a belief that national self-regulation is needed.				The current legislation needs to be reviewed to consider, for example: Options for well-regularized and monitored local/ regional trade of horn. Giving space for PDIs to get involved in trading of rhino. Ensuring that owners of rhino, if they want to take part in trading, produce a plan that shows how trading

Rhinoceros					
Issues	Handling	Management	Breeding	Hunting	Trade
					<p>will benefit the community and also partner with communities – with this needing to place prior to confirmation of state approval.</p> <p>Develop policy and practice that is demonstratively ethical, sustainable (to population numbers and habitat), inclusive, and economically beneficial – especially to PDIs</p>
Hunting of Rhino	No PDIs and communities involved; only as workers.				
Population Management	No PDIs and communities involved; only as workers				
Trade in Rhino and Rhino horn	No PDIs and communities involved; only as workers	For every species that is put down, the community must be compensated. There must be official channels to dispose the species, if an animal is put down.			<p>There is a demand to allow rhino horn trade in order to increase income.</p> <p>There is a belief that, for the benefit of communities, it is advisable to allow trade or it will be a liability for rhino owners to keep them.</p>
Management of Stockpile		<p>It is wrong and promote corruption when there is no transparency on the sale and management of stockpile from poaching where a national park is surrounded by communities.</p> <p>Opportunity exists for Government to consider a policy change on the issues, e.g. by selling the stockpile and</p>			<p>In terms of trade, the following should be considered –</p> <p>Local bodies, such as traditional bodies, need to be fully involved in the management of rhino horns and guide the community members on the benefits</p>

Rhinos					
Issues	Handling	Management	Breeding	Hunting	Trade
		reinvesting the money into communities. However, Government must be transparent on this issue – not only nationally, but globally also.			related to this species, when well managed. Local consumption may be practised in this regard, whereby we have a local “rhino constructive hub” for manufacturing of rhino ornaments and sell them, in a controlled environment and in a sustainable manner. The moratorium that is in place is strictly on exporting, not on local consumption. Communities may be allowed to use the horn to manufacture the ornaments.
Impact and Benefits		Currently no PDIs and communities own rhino. Ownership and management are key to ensuring that the PDIs and communities benefit.			PDIs and communities only benefit as workers. This is not sustainable.
Handling & Well-being					

Elephants					
Issues	Handling	Management	Breeding	Hunting	Trade
Keeping of elephants in captivity	Increase black ownership of species, by empowering them through skills development and accrediting those who have been involved in the labour of the sector, in terms of prior learning. This shows the need to have more wildlife schools.  The vast majority of species are owned by the state in national parks. These are the so-called “wild herds” with limited to close to no human intervention in their daily existence. Communities need to be fully involved.				

Elephants					
Issues	Handling	Management	Breeding	Hunting	Trade
Hunting of elephants	PDIs and communities are not involved. Even in their own reserves, government does not include them.	PDIs and communities are not involved, even in their own reserves. They are not allowed to develop elephant management plans, even if they have money to do so. Policy change is needed to consider communities as owners, and to trust them with management of elephants.	No PDIs and communities are involved, as owners for zoos and circuses. They are only workers.	Only one community in the country does hunting of the elephants i.e. Makuya. Elsewhere, PDIs are benefiting as workers only. Policy change is needed, for this to benefit both PDI and communities.	
Population Management		Communities need to be involved and equipped with skills relating to population management, as elephant are a key attraction to tourists.	Sizeable population numbers are owned by established private commercial farmers and private reserves. Human intervention and induced breeding practices for commercial gain and community benefits need to be explored.		
Trade in elephant Ivory	How does captive keeping and trading in elephant ivory contribute value to conservation in South Africa? Negligible commercial trading of this species takes place by black persons (Traditional Authorities, CPAs, Land Claimant Communities, Near-National Park Communities and Private Black Game Ranchers)				
Ivory Stockpiles	Most of the ivory stockpiles are owned by the government and some of these stockpiles are taken from poachers.  Most of the poached elephants are elephants on communal land, community game reserves, from Damage Causing Animal control actions.	Government is not efficiently involving the communities when it comes to the management of ivory stockpiles, nor investing in security – when communities that are involved in captivity of this species.			
Impact and benefits	Communities are not economically benefiting from this, as most of the benefits are going to government. There is political will to see all persons in South Africa, especially PDIs, benefiting from the commercial activities of breeding, trading and hunting of the species. However, the following challenges have been identified as stumbling blocks for PDIs to effectively benefit from this, or for the state to morally encourage such participation on a more widespread scale: <ul style="list-style-type: none"> <li>• Lack of adequate financial resources</li> <li>• Lack of skills and experience in interacting with and handling of the species</li> <li>• Lack of direct access to markets and contacts that will bring lucrative market clients to PDI owned reserves</li> </ul>				

Elephants					
Issues	Handling	Management	Breeding	Hunting	Trade
	<ul style="list-style-type: none"> <li>• Poor Apex Mammal Management Skills</li> <li>• Poor to insufficient infrastructure that will keep the mammal properly enclosed</li> <li>• Enough land and grazing capacity to keep the mammal fed</li> </ul>				
Handling & Well-being		<p>It is not always feasible to move live elephants to new territories and the movement of elephants in large family groups means even when culling must take place to help save the environment by preventing overgrazing, the entire family group must often be culled. The need for this culling often leads to allegations by the global community of inhumane species management by SANParks authorities. This practice has unfortunately spilled-over into a reputational risk for the country and its leadership role in the wildlife sector. Developing species culling policy and practice that is demonstratively ethical, sustainable (to population numbers and habitat), inclusive, and economically beneficial – especially to PDIs – is critical.</p>			

#### 6.4.5 Questions in respect of which the sub-committee experienced difficulty in accessing answers

The following areas emerged as aspects in which the sub-committee struggled to access information:

- The institutional arrangements regarding communities and PDIs who are owners or directly affected by the hunting, breeding and management of the five species – including answers to the following questions:
  - When the land is declared, what management powers do communities and PDIs have over the breeding hunting and management of the five species?
  - When the land is declared, who appoints the management authority to be responsible for the management, breeding and hunting of the five species?
  - What are the community's and/ or PDIs' responsibilities in initiating and managing commercial activities of the five species in those protected areas, and who decides on those responsibilities?
  - How do communities and /or PDIs benefit from the breeding, hunting and management of the five species?
  - What support does the government give to the communities and/ or PDIs to improve skills on the management, trading, hunting and breeding of the five species?
- What are the regulatory enablers for transformation on the management, trading, breeding and hunting of the five species?
- What support (access to land, animals, finance, translocation of animals, etc.) does the government provide to communities and/ or PDIs to enable them to be involved in the hunting, trading, management and breeding of the five species?
- How does each provincial regulatory framework address the transformation agenda to empower communities and/ or PDIs in the breeding, trading, management and hunting of the five species?
- In each area, what are the impediments to transformation in the management, trading, breeding and hunting of the five species?

#### 6.4.6 Proposals by the sub-committee, for consideration by the HLP, in addressing transformation in the wildlife sector

The sub-committee identified the following as areas for the HLP to consider further, when reviewing the area of transformation in the wildlife sector:

- The introduction of tax breaks, financial support and subsidies – ensuring these are directly linked to transformation goals.
- Linking certain permits to transformation goals e.g. the Limpopo Department of Economic Development, Environment and Tourism (LEDET) rolled out a R 5000 empowerment fee for leopard hunting permits. It should however be noted that success would hinge on the manner in which these permit funds are managed and invested.
- Permits for elephant, rhino and lion could attract a transformation fee, with the success of this approach also depending on the establishment of clear goals and controls in respect of the application of the funds, and legislation, as a way of ensuring implementation.
- A focus by government and industry on creating awareness of and encouraging participation in the wildlife economy.
- The introduction of subjects on conservation and wildlife economics could be included in school curriculums. There is also a need to pursue the possibility of Wildlife Schools of Excellence, to address wildlife value-add courses such as slaughtering, hunting, meat packaging, etc.

- There is a need for education and awareness for policy makers, government representatives and politicians, to understand the value of the wildlife sector within the South African economy.
- The growing middle class of black people can be introduced to hunting as a recreational activity, and as a means through which to access game meat. This would open opportunities and possibly establish a new market for current landowners and game reserves. Hunting packages in provincial parks could be marketed to this group, at preferential rates.

## 6.5 The International Position

### 6.5.1 Introduction

In determining appropriate policy toward the management of charismatic wildlife species such as lions, elephants, rhino and leopards (hereafter referred to as the ‘iconic species’ as per the HLP ToR), South Africa faces four core challenges with respect to its international position:

- At global scale, there are many different and sometimes competing value-based views and ideologies with respect to these species. Positions of individuals tend to be represented by interest groups such as NGOs, corporations, trade associations, and governmental agencies; they may also be reflected by the behaviour of illegal actors. Positions may vary on the extent to which they emphasize anthropocentric (human-centred) values versus eco-centric (environment-centred) values. They may also vary on the extent to which they emphasize the interests of individual animals (e.g. animal welfare) versus the interests of animals in the collective (e.g. species conservation).
- Partly influenced by interest groups, national governments have their own varying and often competing geopolitical interests, which will influence their attitude toward conservation matters.
- National governments also regulate their interactions by way of international treaties, conventions, and protocols. South Africa is party to many such agreements, which collectively frame and constrain its policies. Within the broad scope of these agreements, one finds various apparently conflicting or competing objectives with sometimes limited guidance on how these can be reconciled<sup>84</sup>.
- Illegal actors, including international organised crime syndicates, also have interests in the iconic species and present a significant challenge to enforcement efforts, which often must be co-ordinated across jurisdictions to stand a chance of succeeding.

Thus, in deciding upon controversial wildlife policy issues that concern competing interests between humans with differing values, humans and animals, and between individual animals and the environment, South Africa must take into account the nature and extent to which these competing interests are represented and defined by international interest groups, other national governments, and international agreements, all in relation to the country’s own national provisions and positions.

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<sup>84</sup> For example, the CBD in its second objective calls for the sustainable use of the components of biological diversity, whereas CITES prescribes a more restrictive approach toward trade in harvested wildlife products, adopting the precautionary principle in cases of uncertainty. The precautionary principle itself is interpreted inconsistently within CITES, leading to confusion and contested policy within the Convention (See ‘t Sas-Rolfes, M., Challender, D.W.S., Hinsley, A., Veríssimo, D., Milner-Gulland, E.J., 2019. Illegal Wildlife Trade: Scale, Processes, and Governance. *Annual Review of Environment and Resources* 44, 201–228. <https://doi.org/10.1146/annurev-environ-101718-033253>, and Dickson, B., 2000. Precaution at the Heart of CITES, in Hutton, J., Dickson, B. (Eds.), *Endangered Species, Threatened Convention: The Past, Present and Future of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora*. Earthscan Publications Ltd., pp. 38–46.)

### 6.5.2 Specific issues of relevance

There is broad international consensus on achieving the global objectives as outlined by the United Nations (UN) Sustainable Development Goals (SDGs). These emphasize the interconnectedness between human development and a healthy global environment. The interests of individual animals and wild species need to be considered within this context as do sovereign differences in approaches to the sustainable use<sup>85</sup> of wildlife, especially large mammals, for the benefit of local people.

The SDGs, MEAs and various UN Conventions address current core environmental concerns such as climate change and biodiversity loss (see Section 6.5.3 below). Among these agreements, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provides a framework for regulating trade, considered to be a major factor affecting the iconic species. Considered a powerful tool by many lawmakers, CITES provides a mechanism to either enable or restrict wildlife trade (where such trade is deemed to threaten the survival of the species in the wild), although it is typically used for the latter, whereby Appendix I listings facilitate the closure of transnational legal markets for wildlife products. CITES logics have also provided the inspiration for interest groups to lobby individual nations and private actors to impose further unilateral restrictions on wildlife trade (e.g. state-imposed stricter domestic measures on trophy imports; commercial airline bans on trophy transport).

Legal trade restrictions may lead to conservation-positive outcomes; however, they may also create adverse effects and unintended consequences when market demand for illegal products persists, potentially stimulating surges in illegal activity, with detrimental consequences for conservation and animal and human welfare alike<sup>86</sup>.

Appropriately managed international wildlife trade (contingent on adequate capacity to combat wildlife crimes), which takes into account environmental sustainability issues as well as fair treatment of animals and people, provides a potential opportunity for South Africa to pursue socio-economic benefits consistent with the SDGs and international agreements. This includes hunting and other forms of harvesting of the iconic species and depends on a notion of humans having property rights (individual or collective) over individual animals and their harvested body parts. However, this view is rejected by certain interest groups who claim that individuals of such species are sentient beings who should be subjects, not objects, of rights (i.e., an animal rights perspective). These interest groups oppose the notion of regarding such animals or their body parts as natural 'resources' (an anthropocentric perspective) and instead argue for granting these animals legal personhood (a pathocentric perspective). Although rapidly gaining in popularity among affluent urban society in Western countries and elsewhere, the notion of animal rights remains largely outside the remit of generally accepted international policy.

Notwithstanding the limited acceptance of the 'rights' notion for animals, animal welfare considerations appear to be increasingly influencing trade policy decisions made by CITES parties (e.g. recent moves to restrict exports of live wild elephants) and the purchasing decisions of consumers of wildlife products (including 'non-consumptive' wildlife tourism). Consequently, in addition to socio-economic considerations, animal welfare is a factor that should be taken into account in decisions that influence international trading activity. However, the nature of the links and trade-offs between wildlife conservation, animal welfare, and sustainable human (socio-economic) development remain inadequately understood and often contested.

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<sup>85</sup> Section 24 of the South African Constitution refers to "ecologically sustainable development and use of natural resources while promoting justifiable economic and social development".

<sup>86</sup> South Africa's negative experience following domestic restrictions on rhino trade is widely considered by industry participants as an example of this phenomenon, as is the increase in captive lion poaching following restrictions imposed in 2016 (See Rubino, E.C., Pienaar, E.F., 2018. Understanding South African private landowner decisions to manage rhinoceroses. *Human Dimensions of Wildlife* 23, 160–175. <https://doi.org/10.1080/10871209.2018.1402971> and Williams, V.L., 't Sas-Rolfes, M.J., 2019. Born captive: A survey of the lion breeding, keeping and hunting industries in South Africa. *PLOS ONE* 14, e0217409. <https://doi.org/10.1371/journal.pone.0217409>.)

This incomplete understanding of links and trade-offs at an international level constitutes a significant knowledge gap relating to this topic. A second knowledge gap relates to the extent of institutional mismatch between the numerous international agreements, regional protocols and national laws that affect the management of the iconic species. A third knowledge gap relates to the likely future trajectory of geopolitical influences on wildlife management preferences: it is unclear to what extent the (essentially protectionist) Western regulatory approach will be replaced by alternative models with stronger Asian and/or grass-roots African cultural orientations.

### 6.5.3 Relevant institutional frameworks

With respect to South Africa's international position, its commitments to international agreements and protocols may shape or constrain its ability to amend existing domestic legislation. South Africa is obliged to abide by these MEAs for the sake of good international relations and also, in some instances, to avoid potential trade sanctions and other punitive measures imposed by other countries on non-compliant parties. South Africa may also be disproportionately influenced by certain geopolitically powerful countries and significant trading partners and must also pay special attention to its immediate neighbours in the SADC region.

Herewith a short outline of some of the more significant institutional frameworks:

#### 6.5.3.1 Global

- **Sustainable Development Goals (SDGs)** (<https://sustainabledevelopment.un.org/>): The 2030 Agenda for Sustainable Development, adopted by all UN Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet. At its core are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve oceans and forests.
- **Convention on Biological Diversity (CBD)** (<https://www.cbd.int/brc/>) - The objectives of the CBD are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from commercial and other utilization of genetic resources. The agreement covers all ecosystems, species, and genetic resources. The Parties have also agreed on various protocols and principles relating to, *inter alia*, access to genetic resources and the fair and equitable sharing of benefits (the Nagoya Protocol), biosafety (Cartegena Protocol), and the sustainable use of biodiversity (Addis Ababa Principles and Guidelines).
- **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)** (<https://www.cites.org/>) - CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Through its three appendices, the Convention accords varying degrees of protection to more than 30,000 plant and animal species.
- **Convention on the Conservation of Migratory Species of Wild Animals (CMS)** (<https://www.cms.int/>) - The CMS, or the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to the CMS work together to conserve migratory species and their habitats by providing strict protection for the most endangered migratory species, by concluding regional multilateral agreements for the conservation and management of specific species or categories of species, and by undertaking co-operative research and conservation activities.
- **United Nations Framework Convention on Climate Change (UNFCCC)** (<https://unfccc.int/>) - The UNFCCC objective is to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". The framework sets non-binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. Instead, the framework outlines how specific international treaties (called "protocols" or "Agreements") may be negotiated to

specify further action towards the objective of the UNFCCC. Such protocols may address management of natural areas constituting habitat of the iconic species. Within the UNFCCC, the 2016 Paris Agreement deals with greenhouse-gas-emissions mitigation, adaptation, and finance.

- **United Nations Convention to Combat Desertification (UNCCD)** (<https://www.unccd.int/>) - The UNCCD is the sole legally binding international agreement linking environment and development to sustainable land management. The Convention addresses specifically the arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found. This includes areas within South Africa that constitute habitat for the iconic species.

Various other international agreements that deal with biodiversity issues of possible tangible relevance include *The International Treaty on Plant Genetic Resources for Food and Agriculture*, *Convention on Wetlands (aka Ramsar Convention)*, *World Heritage Convention (WHC)* and *International Plant Protection Convention (IPPC)*.

South Africa is also a member of *the International Union for Conservation of Nature (IUCN)*, an international organization working with both governmental and non-governmental partners in the field of nature conservation and sustainable use of natural resources, conducting data gathering and analysis, research, field projects, advocacy, and education. South Africa has worked very closely with the IUCN in the past, and continues to do so through various specialist groups, notably the African elephant, African rhino, and Cat Specialist Groups of the Species Survival Commission, as well as the Sustainable Use and Livelihoods Group (SULi). The IUCN provides positions and guidelines for a range of issues relating to our species, including on issues such as sustainable use, conservation breeding, and translocation, setting what are widely regarded as international standards. However, the strength of the overall relationship with IUCN has diminished somewhat in recent years following apparent diverging views on certain policy matters, including those relating to trophy hunting, ivory trade, and lion breeding.

As a member of the United Nations, South Africa also co-operates with the *United National Office on Drugs and Crime (UNODC)*, and it is a member of the *International Criminal Police Organization – INTERPOL*. Through CITES, South Africa also plays a role in the *Monitoring the Illegal Killing of Elephants (MIKE)* and *The Elephant Trade Information System (ETIS)* programmes and South Africa is also a member of, and contributes to, the *African Elephant Fund*. South Africa has also endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which is further endorsed by the IUCN, which has recently issued a Standard on Indigenous Peoples. Finally, South Africa has an established cooperation strategy with the *World Health Organization (WHO)*, which may influence its future policy responses to zoonotic disease risk in the wake of the COVID-19 public health crisis.

#### 6.5.3.2 Africa and regional

South Africa is a member of the Organisation of African Unity (OAU), and, as such, has links to the New Partnership for Africa's Development (NEPAD) and African Development Bank (ADB), and has ratified the African Continental Free Trade Agreement (AfCFTA),

As a member of the Southern African Development Community (SADC), South Africa has also agreed to abide by various relevant protocols, for example: Protocol on Wildlife and Law Enforcement, Law Enforcement and Anti-Poaching (LEAP) Strategy, Protocol on Trade, Biodiversity Strategy and Action Plan, and Protocol on Mutual Legal Assistance in Criminal Matters. South Africa is also engaged in regional discussions with SADC members on co-operative management protocols for trans-frontier conservation areas and, to varying extents, the individual iconic species (including, for example, trade policy in relation to CITES).

#### 6.5.3.3 Other

South Africa receives financial, in-kind and technical assistance related to conservation of the iconic species from multilateral institutions (e.g., the World Bank's Global Environment Facility), development aid and other foreign government agencies, international NGOs, international corporations, and foreign high-net-worth individuals. Such assistance may be contingent on the adoption of certain management protocols relating to these species. The

country's tourism industry also depends to some extent on the influence of international tourist organisations, including trophy hunting organisations; such organisations may influence both hunting and non-hunting wildlife tourists.

In formulating policy toward the iconic species, South Africa must also consider the positions of other range states in which those species occur, especially its immediate neighbours. Close relatives of all five iconic species also exist in various Asian range states, which may also be affected by, for example, trade policy decisions. Such cross-border interactions must also be taken into account. By a similar token, South Africa must also consider the positions of countries in which consumer demand for its species products occurs, both consumptive and non-consumptive, legal or illegal.

#### 6.5.4 *Summary problem statement*

With regard to the iconic species (lions, elephants, white and black rhino, and leopards), South Africa must not only address the inherent domestic tensions between interest groups variously emphasizing equitable human development, biodiversity conservation, and the welfare of individual animals (within the broader framework of sustainable development), it must also do so in the context of its various existing commitments to international agreements and protocols, while being mindful of evolving global political and market developments. South Africa must consider both existing and potential future international influences such as political pressure, finance and investment sources, and foreign markets for wildlife goods and services. It must also reconcile its own needs with the sometimes-conflicting approaches of other societies and the nations and institutions that represent them.

There are current mismatches between both the industry practice and the South African policy position on aspects dealing with the five species, with the practices, positions and sentiments of various other countries and with the perspectives of certain sectors of society. These mismatches place aspects of the key drivers of the wildlife economy, and, thus, sustainable development, at risk, by creating potential constraints on global trade in wildlife products, hunting tourism, and other wildlife-based tourism. These include aspects relating to ethics in hunting, tourism, and conservation practice, and concerns over issues of animal welfare, well-being, and rights.

#### 6.5.5 *Input from the public sector consultation workshop*

The following provides a summary of oral submissions made during the engagement with public sector stakeholders. It is important to note that these issues relate specifically to the 'International Position' thematic area, with further details relating to public sector engagements included in Chapter Seven. The content below reflects the oral submissions provided by stakeholders, in response to five questions:

- Which international parties (state and non-state) are applying pressure for policy change in South Africa, and how are they doing this?
  - SANBI:
    - There is general pressure via MEAs (especially via CITES, but also via CMS and IUCN resolutions). From 2010 to 2015, the European Union (EU) interrogated South Africa's trade systems and data (e.g. on lion trade) and found a lack of certainty, which they asserted needed to be fixed.
    - The US applies pressure to trophy imports via its enhancement findings for lions (and bontebok).
    - Spain is also considering stricter domestic measures for hunting trophy imports.
    - International Non-Governmental Organisations (INGOs) make extensive use of social media and shape international perception in this way, but this effect is difficult to quantify.
  - DEFF:
    - African countries generally agree on conservation policy approaches, but CITES is a notable exception, as there are serious philosophical disagreements (between southern African countries

and others). These centre around two issues: i) wild species populations are growing and healthy in the former, but not the latter, and ii) the former use their wildlife consumptively and the latter generally do not.

- South Africa should use its current presidency of the African Union (AU) to tackle this issue.
  - Although there is no direct pressure from consumer countries, stricter domestic trade measures act as indirect pressure.
  - South Africa depends heavily on the United States of America (USA) for trophy imports, and is finding that it increasingly needs to provide more paperwork to justify exports.
  - Direct pressure tends to come from INGOs (e.g. Born Free Foundation).
  - There is increasing pressure coming via CMS and the IUCN – there is mission creep within these institutions.
- The Department of Tourism:
    - There is increasing pressure from non-state actors – e.g. individual tourists who support principles of responsible tourism, and tour operators deciding not to sell packages with elements that do not support these.
    - Certain airlines have banned the transport of hunting trophies.
    - Through SATSA, elements of the tourism industry have attempted to meet international demand for certain standards by creating guidelines on human-wildlife interaction.
  - The Hawks:
    - The issue of transnational organised crime is a significant influence. Current systems in place are perceived to be failing (both in the public and private sector) – with this being a consequence of too many regulations and insufficient compliance.
    - International actors now have the perception that South Africa is doing business with criminals and this is affecting our reputation.
  - SANParks:
    - In terms of the black rhino quota discussion at the last CITES CoP, Gabon, Kenya and the Born Free Foundation raised concerns related to rhino poaching.
    - There are very obvious external influences on other governments (e.g. NGOs).
- What exists in terms of international constraints to policy change?
    - SANBI:
      - CITES acts as the main constraint. It is a challenge for South Africa, as international actors generally do not identify with our national structures (9+1), policies, and practices (i.e. compartmentalization, private ownership and lots of fencing) and there is much uncertainty about the consequences of these.
  - What conflicting international interests exist and how are the internal South African stakeholders (i.e. government departments and agencies) dealing with it?
    - DEFF:
      - Hunting and trade quotas are a flashpoint issue. South Africa (via DEFF) tries to maintain a position that leaves our options open, and tries to accommodate the interests of South African stakeholders.
      - CITES appears to be moving away from its original intention to support trade, to a position of now prohibiting it. This is a challenge for DEFF, which is somewhat uncertain how to deal with this.

- South Africa needs to reconcile the potential conflict between proposals to prohibit international trade (in species that are not threatened within the country) and its national Constitutional rights and legislative provisions.
- There is a widespread perception that allowing legal trade will stimulate demand and increase poaching, but DEFF is generally sceptical of this view.
- There is also increasing pressure to prove that trade actually contributes to conservation, whereas South Africa's conventional position has been simply to ensure that it is not detrimental to conservation.
- SANBI:
  - It is at times unclear within the Constitutional mandate as to whether one must prioritise a contribution to conservation, or to sustainability in a broader sense.
  - The quota system is archaic and is in conflict with an ecosystems approach, which calls for adaptive management rather than working on fixed numbers. There is a move to adaptive management in other spheres of conservation, but the quota system remains firmly in place for charismatic species.
  - It is sometimes challenging to negotiate a position at an international meeting without clarity on the domestic view. There is thus a need to have clear positions at a strategic level in order to manage adaptively on an annual basis.
  - Consistent messaging is also important. The biodiversity economy is sometimes interpreted as 'use at all costs', which may seem incongruent with conservation goals.
- SANParks:
  - The correct way to interpret the Constitutional mandate is probably in terms of sustainability.
  - SADC countries tend to follow the adaptive management approach, even for large charismatic mammals.
- KZN Ezemvelo:
  - In terms of the positions at CITES, many African countries to the north have limited funding and therefore need to turn to Western NGOs, who then influence them.
- To what degree do representatives of South Africa engage with representatives of foreign countries and public sector stakeholders in preparation for CoP, for any multilateral agreements?
  - DEFF:
    - The South African Scientific Authority (which includes both national and provincial agency representatives) meets to consolidate the national position prior to international meetings.
    - DIRCO likes to consult with DEFF prior to such meetings to share expressed concerns.
    - South Africa tends to engage with the more significant parties prior to meetings (USA, EU, and China).
  - SANBI:
    - The Scientific Authority is in constant interaction with the USA on interpretations.
    - The Scientific Authority also engages with local stakeholders to discuss proposals prior to international CoPs.
    - South Africa has been criticised for engaging exclusively with Anglophone countries, relative to Francophone and Asian countries.
  - SANParks:
    - South Africa is not good at dictating the narrative at international meetings.
- What are your constraints in meeting our international commitments and obligations?

- SANBI:
  - The strong focus on charismatic species is rendering compliance more and more challenging (e.g. tracking and responding to IUCN motions).
  - There is increased demand for evidence around trade, with requests that the Scientific Authority comment on all permits. This is now moving to site-level evidence, i.e. whether individual properties meet certain criteria.
  - There is also increased demand for evidence relating to demand and impacts outside of South Africa, which is very difficult to determine.
  - The Scientific Authority's CITES operational budget is only R2.5 million.
- DEFF:
  - Whereas it is very easy for South Africa to agree on something (e.g. a quota) it is often far more difficult to implement it in reality as the provinces often do not have the resources to do so. DEFF therefore tries to avoid over-regulation (e.g. avoiding an Appendix II listing for giraffe).
  - DEFF tries to be guided by the CITES criteria, which are based on science, but if finding that science no longer plays the central role in decisions on charismatic species. DEFF is thus challenged to meet its commitments.

In summarising the key messages emerging from engagements with public sector stakeholders, the following inputs were noted:

- Pressure is being applied by NGOs through international agreements. If CITES is not an effective platform through which to achieve an outcome, then another platform is used (e.g. the Convention on Migratory Species or CMS, for the listing of a particular species).
- There is an impact of stricter domestic measures, e.g. some countries requiring that beneficiation of species is a prerequisite for international trade (enhancement finding required by the USA).
- The nature of wildlife activities impacts on the tourism sector, e.g. tour operators refusing to sell tour packages to destinations where wildlife activities are regarded as unethical.
- Ineffective compliance and enforcement efforts are hampering South Africa's ability to propose positions at the international table, when agreements are being developed.
- There is a need to use social media more effectively to address misrepresentation of information.
- African countries are not united in their positions at CITES CoP sessions.
- Negotiating a position at an international meeting remains a challenge, when the domestic views is unclear – with positions needing to be established at a strategic level in order to manage adaptively on an annual basis.
- There is a need to consider potential conflict between proposals to prohibit international trade, and Constitutional rights and legislative provisions.
- Consider the value of stakeholder engagement, including international stakeholders, prior to proposing positions at international meetings, but may need to improve consultation with African partners;
- Challenges regarding the implementation of commitments made at international meetings; e.g. human and financial constraints to implementing agents; and
- Capacity constraints as a result of increased needs for scientific evidence; e.g. for consideration of permit applications.

Considerations/ clarifications/ resolutions:

- The HLP to consider research on whether there is pressure on any other country, in terms of an international agreement, not to use its indigenous resources; and
- The HLP to consider how South Africa should manage proposals to prohibit international trade, in the absence of clear policy positions.

6.5.6 Heat map and justifications

The following provides an assessment of areas of concern at the intersection of the International Position challenges, and the issues outlined in the HLP’s ToR. Areas of greatest concern / constraint / conflict are highlighted in red – followed by those with some areas of concern/ constraint/ conflict (marked in orange), those with minor areas of concern/ constraint/ conflict (yellow), and those with least concern/ constraint/ conflict (green).

International Position Heat Map						
Key:		Greatest concern / constraint / conflict	Some concern / constraint / conflict	Minor concern / constraint / conflict	Least concern / constraint / conflict	
ToR Focus Area		1	2	3	4	5
		Elephant	Lion	Leopard	Black rhino	White rhino
A	Hunting	1A	2A	3A	4A	5A
B	Breeding	1B	2B	3B	4B	5B
C	Trade	1C	2C	3C	4C	5C
D	Management	1D	2D	3D	4D	5D
E	Handling	1E	2E	3E	4E	5E

	Elephant	Lion	Leopard	Black Rhino	White Rhino
Hunting	Opposition to and debates over elephant trophy hunting; includes put-and-take hunting of bulls and small reserves where herds are close	Strong opposition and debates over lion hunting, especially of captive-bred animals	Opposition to leopard hunting, disagreements over trophy export quotas; concern over population monitoring and reporting	Some opposition to black rhino trophy hunting; debates over export quota determination; quota acts as constraint	Some opposition to white rhino trophy hunting and concerns over potential laundering of rhino horn via trophy quotas
Breeding	Concerns over captive elephant breeding and breeding in small populations in confined areas	Significant concerns and pressure relating to commercial captive breeding			Concerns over semi-intensive breeding practices
Trade	Strong opposition and debates relating to ivory trade and trade in live elephants	Strong opposition and debates over legal trade in lion body parts	Some concerns relating to leopard skin trade	Strong opposition to potential of legal rhino horn trade and significant concerns over illegal trade	Strong opposition to legal rhino horn trade and significant concerns over illegal trade
Management	Pressure and debates over management of elephant numbers and distribution; some concerns over poaching	Some concerns over lion meta-population management in relation to captive bred and 'managed wild' lions	Some concerns over leopard meta-population management in relation to illegal hunting	Concerns over black rhino poaching	Concerns over white rhino management and poaching

	Elephant	Lion	Leopard	Black Rhino	White Rhino
Handling	Substantial animal welfare concerns relating to elephant handling and captive elephant interactions	Substantial concerns relating to welfare of captive-bred lions and over captive lion interactions		Some concerns over rhino dehorning as anti-poaching strategy	Animal welfare concerns relating to intensive management practices and dehorning

## 6.6 Education and capacity building

### 6.6.1 Introduction, scope and approach

The 'Education and Capacity Building' Sub-committee (Sub-committee 6) focused its efforts on reflecting on the education and skills development arena in South Africa, with emphasis placed on the specific education and skills programmes already in place, projected programmes, and the empowerment and projected capacity programmes needed to address the economically marginalised in the wildlife sector. This analysis was undertaken within a review of the Constitutional mandate and the enabling policy environment. It was argued that, although the issues at hand are enormous and complex, it would be wise to find a 'middle of the road' solution for a sector that needs to grow jobs and the economy, for all of South Africa's people. The sub-committee noted that the goal for education and capacity building was to increase the participation of all the people of South Africa in conserving our wildlife and supporting sustainable benefits, for present and future generations.

In carrying out its work, the sub-committee carried out a situational analysis, using literature relating to the area of focus, and then juxtaposing this with the specific ToR in the context of the five species.

### 6.6.2 Education and capacity building in the context of the wildlife sector

The growth of the wildlife industry in South Africa can be measured by the growth in the number of wildlife ranches. In 1965 there were only four wildlife-fenced properties in the former north-western Transvaal. By 2005, 40 years later, there were more than 10 000 properties with wildlife exemption permits in the nine provinces combined. As the wildlife sector continues to expand, so does the need for knowledge upon which it must be based. The genesis of this growth has not simply been mechanical, but is a product of various factors, including, amongst others, policy changes that came with socio-economic demands and shifts in the climate over the years.

In 2006, the National Agricultural Marketing Council (NAMC) developed a report on challenges to 'Sustainable Growth and Development in South African Wildlife Ranching'. Their focus also included the identification of gaps in the sector in terms of training and skills development, and mentorship requirements. The report identified training of emerging wildlife ranchers and, more specifically workers on commercial wildlife ranches, as a problem area. This gave rise to financial support for the establishment of the well-known Ghoenaskraal Training Centre. Such centres are however scarce, especially in rural areas and in communities that are adjacent to wildlife parks and farms. The report also identified game and hunting schools at a country level.

The NAMC report also reflected on changes in the wildlife sector and the entrance of emerging wildlife ranchers and new communities into the sector – with this increasing the need for greater focus on related education, skills development and training. In relation to the four pillars of wildlife ranching (tourism, hunting, products and breeding), the skills set for the complete value chain was identified as requiring focus, for the sector to grow. Kitshoff-Botha (2017) identified the need for enhancement of the wildlife economy through the provision of capital, physical and human resources, partnerships, coaching, mentorships and training of emerging and new entrants – alongside a multi-faceted institutional environment, allowing for the formation of partnerships between public and private sectors (including NGOs and grassroots organizations of disadvantaged communities). The report advanced a focus on BEE and active campaigning for the training and development of black people in the wildlife sector – with a call made for

commercial wildlife ranchers to help emerging ranchers through various mechanisms, including partnerships or mentorships, and assisting with access to formal markets and other opportunities.

Building on the above, the sub-committee reviewed challenges and gaps pertaining to education and capacity building within the sector, with a focus on the following:

- The legislative environment, as it related to education and capacity building
- Education qualifications and skills development
- Public awareness projects – and projects focused on supporting conservation/ development

Each of these is addressed in turn.

### 6.6.3 Reflections in terms of the policy and legislative environment:

The White Paper on Environmental Management Policy for South Africa, 1998, notes the following under its mission statement: to “develop and implement effective education and information strategies to increase public awareness and understanding of environmental issues”. Under the area of ‘capacity building’, it indicates that: “All people must have the opportunity to develop the understanding, skills and capacity for effective participation in achieving sustainable development and sustainable resource use”. Under the area of ‘empowerment and environmental education, it further reflects on the need to: “Promote the education and empowerment of South Africa’s people. Increase their awareness of, and concern for, environmental issues, and assist in developing the knowledge, skills, values, and commitment necessary to achieve sustainable development”. While remaining a White Paper, the content provides a useful basis for considering the understanding of education and capacity building imperatives.

The table below reflects on the main pieces of associated legislation and their content in relation to the areas of education, capacity building and/ or empowerment. Only the National Environmental Management Act: Protected Areas Act of 2003 focuses directly on environmental awareness and communication.

**Table 1. Analysis of mains Acts in relation to education and capacity building**

Legislation	Issues
NEMA	Not directly related to issues of education and training, and/ or capacity building.
NEMBA	This covers game and hunting from the perspective of protection of ecosystems and species. No direct focus on education.
The National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003)	In Chapter 2 and s17, focus is placed on an environmental education, awareness and communication programme

In terms of the White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity, 1997, Goal 4 reflects on the following: ‘Expand Human capacity to Conserve Biodiversity, to manage its use and address factors threatening it’. This touches on public education and awareness; improving the understanding of biodiversity; and developing management capacity. The fact that this was not processed to become an Act is seen as a loss, given its importance.

The table that follows reflects on the analysis of subordinate legislation in relation to education and capacity building. None of these pieces of legislation mention education, human capital and or skills development.

**Table 2. Analysis of Subordinate Legislation in relation to education and capacity building**

Subordinate legislation	Issues of relevance to education and capacity building
The National Environmental Management: Biodiversity Act: Threatened or Protected Species Regulations, 2007, as amended (TOPS Regulations):	Protection of the big five, in the main, cats and elephants in s2(g). No mention of education, skills and capacity building.
The National Environmental Management: Biodiversity Act: Convention on International Trade In Endangered Species of Wild Fauna and Flora Regulations, 2010 (CITES Regulations):	Trade of CITES listed species. No mention of education, skills and capacity building.
The National Environmental Management: Biodiversity Act: National Norms and Standards for the Management of Elephants in South Africa, 2008 (Elephant Norms and Standards).	No mention of education, skills and capacity building.
The National Environmental Management: Biodiversity Act: Norms and Standards for the marking of rhinoceros and rhinoceros horn and the hunting of rhinoceros for trophy hunting purposes, 2018 (first implemented in 2009, then amended and repealed in 2012, then amended and repealed in 2018).	No mention of education, skills and capacity building.
The National Environmental Management: Biodiversity Act: National list of ecosystems that are threatened or in need of protection, 2011.	No mention of education, skills and capacity building.

The table below reflects on the analysis of Biodiversity Management Plans in relation to education and capacity building. Only the Biodiversity Management Plan for Black Rhino articulates the need for human resources and skills.

**Table 3. Analysis of Biodiversity Management Plans in relation to education and capacity building**

Legislation - Biodiversity Management Plans	Issues
The National Environmental Management: Biodiversity Act: Norms and Standards for Biodiversity Management Plans for Species, 2009.	No mention of education, skills and capacity building.
The Biodiversity Management Plan for Black Rhinoceros ( <i>Diceros bicornis</i> ), 2013	Very well-articulated focus on education and capacity building in s5.4 (in terms of ensuring that sufficient human resources and skills are available and deployed sufficiently).
The Biodiversity Management Plan for African Lion ( <i>Panthera leo</i> ), 2015	In this management plan there is an identification of the need to use research and education to inform the plan and future management strategy of lions. No mention of education, skills and capacity building.
Environmental Skills Plan 2010.	In this plan there was a clear identification of skills systems drivers at school level – and how to promote a quality school system with emphasis on Science and Mathematics. Also included are recommendations and objectives for Environmental Skills Planning in South Africa. This was the most comprehensive skills document developed - but the content never touched on game and hunting.

The analysis of Biodiversity Management Plans in relation to strategies for education and capacity building is addressed in the table below. The documents analysed provide well-articulated plans to drive the human capital development of the sector. Even the Elephant Research Strategy focuses on high-level skills (i.e. research). One of the key lessons drawn from this relates to the need to link all the major species with capacity for research in Higher Education Institutions, coupled with appropriate collaborations internationally.

**Table 4. Analysis of strategies in relation to education and capacity building**

Biodiversity Management Plan related strategies	Issues
Human Capital Development Strategy for Environmental Sector 2009 – 2014	This plan provided a comprehensive input in terms of human capital development, and a Skills Gap Analysis. The analysis was however at a high level (no mention of game and hunting).

Biodiversity Management Plan related strategies	Issues
The South African Elephant Research Strategy, 2015	Focusses on high-level skills – i.e. in terms of research. There is no link with Higher Education Institutions mentioned for human capital development.

In terms of lessons from South Africa's policies and legislation, the following is noted:

- Legislation: A significant amount of law and policy has been developed in South Africa – including strategies and plans to deal directly or indirectly with aspects of the wildlife sector such as game and hunting. It is proposed that a value chain analysis mapping be done to match the demands of the sector and the skills needs at present, and into the future.
- The sub-committee proposes that the HLP considers recommending a review of the draft “White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity, 1997”, with a view to legislative amendment. This is viewed as one White Paper that was very comprehensive on species-specific issues, with consideration of education and capacity building matters.
- There is a need for the NEMBA and its related species plans and norms and standards to be revised to be clear on education, skills and capacity building. This should also be supported by the species-specific (1) Environmental Skills Plans, (2) Human Capital Development Plans, and (3) Research Strategies.
- Education and capacity building should tap into the World Bank Strategy on Role of Indigenous Peoples in Biodiversity Conservation – recognising that South Africa has parks that need to focus on improved participation of local communities, and their knowledge on and innovation in relation to conservation, to create a sustainable ecosystem.
- Policies and Acts often lack clear information on which human capital instruments are being used by the Department, as part of its strategy to promote higher level skills at post-graduate level, in collaboration with universities and colleges.
- Policies and Acts also lack information on the dedicated Skills Development Strategy, or clear support for BEE and new incoming entrants into the industry.

#### 6.6.4 Education qualifications and skills development

Institutions of higher learning currently offer diplomas, advanced diplomas, post-graduate diplomas, Masters and PhD programmes in Nature Conservation/ Wildlife Management/ Ecotourism. There is a need to increase capacity provisions for technological changes such as DNA technology and databases – e.g. in relation to the illegal wildlife trade, biobank, camera traps, metal detection and bio-telemetry. Masters and PhD research projects covering the five species are being addressed at different institutions of higher learning in South Africa and abroad. Research at this level should be encouraged, coupled with human capital development instruments such as bursaries, post-doctoral Fellowships and Research Chairs within the sector. This alignment should be reflected within DEFF’s Human Capital Development Strategy - and should include differentiation across the various skills levels (High-Level Skills, Intermediate/ Skills Development and Entry level). Ongoing training of people in the sector, including, amongst others, traditional leader and members of Traditional Councils, alongside government employees, should be provided for the industry to be sustainable.

The table below reflects a list of qualifications offered by different institutions per province. Most of the qualifications are in the areas of Wildlife Management and Nature Conservation. While there was no available data and information on the contents of the qualifications, it is unlikely that these qualifications cover the full scope of the sector. Four of the institutions offering Wildlife and or Nature Conservation related courses are based in Gauteng. For the purposes of geographic equity, there seems to be a need to provide such training closer to the rural communities that stay and are

participating directly in activities associated with the conservation of wildlife and biodiversity. A mapping study may need to be done to identify such areas and/ or confirm necessary areas of collaboration with existing institutions.

**Table 5: Wildlife management courses**

Institution	Qualification	Province
Tshwane University of Technology	Diploma in Wildlife Management & Nature Conservation, Pretoria	Gauteng
UNISA	Diploma in Wildlife Management, Pretoria	Gauteng
Nelson Mandela University	Diploma in Nature Conservation, included Wildlife Management modules, George Campus	Eastern Cape
Southern African Wildlife College	Wildlife Management courses, Hoedspruit	Limpopo
Centurion Academy	Diploma in Wildlife Management, Centurion	Gauteng
University of Pretoria	Diploma in Wildlife Management, Pretoria	Gauteng
University of Mpumalanga	Diploma in Nature Conservation, included some Wildlife Management modules	Mpumalanga
Vaal University of Technology	Wildlife Management courses under Tourism	Free State
Bokone Bophirima Wildlife Academy	Nature Conservation courses	Northwest
Stellenbosch University	Under development	Western Cape
Mangosutho University of Technology	Nature Conservation courses	Kwazulu-Natal

Skills development and training through the Sector Education and Training Authorities (SETAs) should also form part of the menu of education that assists in capacity building of the sector. The table below reflects on the skills development and training options within the Nature Conservation Skills Programme (NQF 2); and the Hunting Skills Programme and Hospitality Skills Programme.

**Table 6: Skills development and training via the SETAs**

Nature Conservation Skills Programme (NQF 2)	Hunting Skills programme (NQF 2)	Hospitality Skills Programme (NQF 2)
Conservation General Assistant	Advanced Hunting Assistant (Guide)	Table Attendant
Field Ranger – Law Enforcement (Unarmed)	Professional Hunter Dangerous Game	Room Attendant
Senior Field Ranger	Hunting Assistant	Assistant Housekeeper
Field Ranger – Protected Area (Unarmed)	Recreational/Dedicated Hunter	Assistant Chef
Nature Site Guide	Assistant Lifeguarding	Maintain data in computer system
Cultural Site Guide	Advanced Hunting Assistant (Guide)	Silver Service
Field Ranger Shotgun (NQF 3)		Maintain safe secure environment
Field Ranger Hand Gun (NQF 3)		Room Service
Lifeguarding NQF 4		Prepare and Clear table for service
Conservation General Assistant		Carvery / Buffet service

#### 6.6.5 Public awareness projects – and projects focused on supporting conservation/ development

Extending on the more formal types of education and capacity building, the sub-committee also placed attention of awareness and conservation projects – with these playing a part in ongoing awareness. Some of the examples of projects identified are outlined below:

- Rhino Poaching Awareness Project – with SANParks:

- This is a SANParks initiative where they invite corporate CEOs to raise funds to fight Rhino poaching. They invite them to Kruger National Park to show them films of what happens behind the scenes, focussing mainly on anti-poaching operations and activities. Also invite stakeholders to enable them to make pledges.
- eRhODis – The Rhinoceros DNA Project
  - In 2006, the Veterinary Genetics Laboratory (VGL) at the Faculty of Veterinary Science identified the need to develop expertise in animal forensic testing. In 2009 the project provided a validated method to obtain an individual DNA profile from any part of the rhino horn in order to link it to the animal from which it was taken. A ground-breaking programme, eRhODis, was developed to collect and catalogue DNA from rhino and rhino horns. RhODIS® (Rhino DNA Indexing System) stores a unique genetic fingerprint for every rhino that has been sampled.

The method uses genetic (DNA) sequences known as short tandem repeats (STRs) to create a fingerprint or barcode that is unique to each animal. Included in this barcode are a gender marker and a species marker that can differentiate between black and white rhino, the two most common African rhino species. The technique uses a tiny amount of DNA (less than 20mg of horn is needed) and is so accurate it can be used as evidence in court cases. The VGL has since produced sample collection kits, as well as an app version of the RhODIS® system called eRhODIS®. In addition, the RhODIS® team have provided training to more than 400 law enforcement and conservation workers in South Africa, Namibia, Eswatini, Kenya and India. South Africans trained on the system include SAPS investigators, prosecutors, Green Scorpions, veterinarians and wildlife officials. The training covers principles of DNA profiling for forensics, and ensures that field samples at the poaching crime scene are correctly collected through the use of RhODIS® forensic kits.

In 2012, the South African government passed legislation stating that all captured rhino and horns should be sampled and sent to the VGL for inclusion in the database. All poaching cases are also sampled and profiled. Evidence submitted in this way has led to the conviction of several local poachers and foreign agents working with them. The RhODIS® team have prepared around 200 forensic reports based on RhODIS® data thus far and submitted them to the court in the form of affidavits. Of these, around 50 poaching incidents have been linked to other forensic evidence (either rhino horn or other evidence). As a result, various poachers have already been convicted although some of these cases have not yet reached court. The RhODIS® system could become the standard for producing DNA profiles that can be analysed and compared in a global data-base. In 2016 the VGL was instrumental in an agreement reached by global experts to use enhanced international DNA testing of rhino. Early in 2016 the VGL was selected as one of the 16 winners of the global Wildlife Crime Tech Challenge, an initiative of USAID in partnership with National Geographic, the Smithsonian Institution and the TRAFFIC wildlife trade monitoring network.
- Rhino Dialogues Introduction – DEFF
  - This is a DEFF initiative, where any interested parties, organisations or NGOs who are interested in contributing funds or information may do so through this vehicle.
- World Lion Day
  - This is earmarked every year, to celebrate the value of conservation and sustainable solutions in protecting and saving the global wild lion population from extinction.
- International benchmark lessons drawn from World Bank portfolio
  - Experience drawn from its extensive portfolio has enabled the World Bank to derive key lessons learned from interviews with indigenous peoples, World Bank task managers, NGOs and governments. The key lessons identified for improving indigenous participation in biodiversity projects include the following:
    - Create indigenous-led conservation areas

- Assign indigenous land rights
- Cooperatively map community assets
- Promote full participation
- Respect organisational structures of indigenous peoples
- Create cooperative governance – avoiding unnecessary complexity
- Develop flexibility of rules and processes
- Provide adequate time
- Strengthen cultural integrity
- Advance income-generating activities
- Utilize culturally appropriate indicators

#### 6.6.6 *Reflection on the HLP's ToR in relation to the five species, and education and capacity building*

In addition to the above analysis, the sub-committee focused on drawing a picture of the current scenario of each sub-section of the ToR, mapping the education, skills and capacities needed by the wildlife sector. Effort was spent scanning all the work of the other thematic groups (sub-committees) of the HLP, to inform the view of the current scenario. Literature was also reviewed with the purpose of formulating the context for education, skills and capacity needs in respect of each thematic area, in a matrix design. The emerging insights from this work are reflected in the second set of sub-committee proposals outlined below.

#### 6.6.7 *Sub-committee proposals for consideration by the HLP*

The sub-committee developed a full scoping report, reflecting on the status quo of the sector to understand the needs and challenges linked to empowerment, education and capacity building considerations. The following is a summary of the issues for positive consideration by the HLP:

- Proposals following the review of the current context for this thematic area:
  - In terms of gaps in legislation for supporting education, skills development and capacity building, it is proposed that the HLP consider the following submissions:
    - All sector-based policies, plans and Acts – ensuring that these articulate themselves, without exception, through a clause that will give authority to the need for skills, education, awareness and capacity building. This should be done to deal with redress, equity, and the empowerment of marginalised individuals of our country.
    - The “White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity, 1997” is a good foundational policy document that should continue being used to augment existing policies. Two historical documents, namely the Human Capital Development Strategy for Environmental Sector 2009 – 2014, and the Environmental Skills Plan 2010, were also identified as good practice documents that should be revived for implementation, as part of DEFF’s Strategic Plan – supported by necessary targets and budget. The DEFF Biodiversity Sector Human Capital Development Strategy was launched in 2009 should be funded from DEFF as a national project, as part of the DEFF Human Capital Development Strategy.
    - The Human Capital and Environmental Skills Plans should empower provinces and SOEs to develop capacity through training, mentoring, upskilling of staff and workers in the sector.
    - National and provincial arms of DEFF should enhance and/ or review their human resource plans and/ or recruitment policies, to inculcate succession planning, with appropriate incentives. This

- will address partly the absorptive capacity needed within the sector in terms of a young upcoming workforce.
- In terms of the responsiveness of Higher Education Institutions, industry role players and International Agencies in relation to the sector's needs:
    - A sector specific SETA needs to be developed in light of the huge demands for accredited skills training, upskilling, mentorship, and high-level skills. The sector has a workforce and emerging ranchers who bring prior experience but who have not received any training.
    - It is recommended that from a policy perspective, capacity be built within DEFF for consultations alignment with Higher Education Institutions and industry, regarding curriculum development and training needs across the full spectrum. The said capacity should address matters of qualification registration and streamlined to the industry human capital value chain.
    - It is recommended that human capital development instruments such as bursaries, scholarships, Post-Doctoral Fellowship, Research Chairs and Centres of Excellence be established for the environmental sector, with proper consultations and studies with Higher Education institutions, industry and International Agencies.
  - A Sector Charter should be developed to regulate the sector, in this way contributing to addressing equity and economic inequality. This should be developed and or reviewed based on current case studies of relationships between government entities, local communities and land claimants.
  - In terms of indigenous knowledge systems, practices and strategies, the following should be considered:
    - Promote community-led conservation efforts: It is suggested that local communities be empowered to manage biodiversity in their own territories – recognising that this can result in a more sustained and cost-effective way to protect biodiversity.
    - Sustainable partnership model: Protected areas adjacent to local communities should develop a sustainable model with deliberate co-management strategies and benefit-sharing with community structures. BEE Charters can also come in handy to these Joint Ventures.
    - Support cooperation efforts to map community assets: These mapping activities should include training, equipment, and participatory workshops with all community members, so that their hunting places, sacred sites, agricultural plots, etc. are mapped. These exercises represent an important step in empowering communities in relation to biodiversity conservation.
    - Promote full participation of communities: There is a need to ensure that prior consultation, participation, and consent procedures are designed to be acceptable to the communities, and that these are culturally appropriate.
    - Establish signed formal agreements between community organizations and government authorities in areas where communities have claimed lands – with it recommended that entities submit cases of Protected Areas Vs Community agreements to date, to establish a benchmark of critical success factors and failures. This will enhance the understanding of the most sustainable Wildlife Model for the future.
    - Promote cultural integrity: Local communities that have strong historical continuity and cultural and spiritual heritage should be supported. Research indicates that these communities are more determined to preserve, develop, and transmit their ethnic identity and ancestral territories to future generations as the basis of their continued existence as peoples and in accordance with their own cultural patterns, social institutions, and legal systems. Contributions to cultural revitalization (traditional knowledge and spiritual beliefs) can therefore reflect back well on improved conservation efforts.

- Advance income generating activities: Due to the widespread nature of these types of activities, more in-depth understanding and review is needed to identify challenges, opportunities, and best practices for improving the quality of outcomes and increasing sustainability.
- Institutions and inter-departmental bench-marking
  - The sub-committee proposes that DEFF be benchmarked with other departments, in terms of its capacity – and associated entities (e.g. SANBI). It is also proposed that the department’s mandate and its capacity be benchmarked to carry the New Human Capital Strategic Direction, inclusive of the Environmental Skills Development Plan.
- In terms of the analysis of specifics relating to the theme of education and capacity building – vis-à-vis questions relating to the five species, as outlined in the ToR, the sub-committee proposes that the HLP consider the following:
  - Specific skills and capacity building proposals:
    - Institutions of Higher Learning are currently offering diplomas, advanced diplomas, post-graduate diplomas, Masters and PhD programmes in Nature Conservation/Wildlife Management/ Ecotourism. Opportunity that arise for training relate to the following: field guiding, photography, tourism, hunting, products, hunting/ fishing/ photography combinations as a product that must rise for training at skills level. Job opportunities include those of: camp attendants, trackers, skinner, chef, outfitters, professional hunters, breeding, breeding camps, fencing, veld management, wildlife feeding, animal health, financial and other forms of management, quality (genetic material), taxidermy and animal production – most of which will be at skills level. The basic infrastructure and knowledge already exists in the agricultural industry. The whole value chain requires training support.
    - Training sufficient personnel and workforce in animal welfare cannot be overemphasized. The curriculum at Diploma Level and degree should also have modules on Animal Welfare, with communities capacitated by continuous training on Animal Welfare.
  - In terms of High-Level Skills, proposals include the following:
    - Budgetary support should be encouraged, to support an increase in the level of research coupled with human capital instruments such as bursaries, Post-doctoral Fellowships and Research Chairs within the sector. Such an alignment should be done with a Human Capital Development Strategy for DEFF, and should differentiate the High-Level Skills, Intermediate or Skills Development and Entry Level Skills.
    - Link investment into High-Level Skills with the Big Five and all the iconic species – with encouragement of research into conservation approaches, their protection, breeding, markets for live species and/ or their derivatives, and also anti-poaching projects. Succession planning should be instituted to support the development of young upcoming researchers.
    - Increased capacity provisions for technological changes such as DNA technology and database management – e.g. illegal wildlife trade, Biobank, Camera traps, Metal detector and Bio-telemetry.
    - Invest at degree, and advanced diploma levels for the following: Pasture Management; Veterinary Practitioners; Conservation Ecologists; Population Geneticists.
    - Increase training in Higher Level Skills in Population Genetics, DNA sequencing, Bio-banking and DNA barcoding to manage small populations of iconic species. Curriculum at this level should include modules on population dynamics and distribution, diseases, ecology and animal behaviour.
    - Encourage and support additional scientific research at MSc, PhD and post-doctoral levels into aspects such as the use, and benefits/ risks associated with human use of derivatives derived from the five species. This research could be done in collaboration with pharmaceutical

- companies or the Council for Scientific and Industrial Research for Proudly South African products.
- Train wildlife vets to ensure they are able to support the demands of the growing sector. A study could be undertaken to assess the demand and supply for the skills.
  - In terms of capacity building, proposals include greater focus in respect of indigenous people's capacity needs (as outlined above), and:
    - Training of new entrants into the industry, emerging ranchers and communities on approaches and methods to deal with human-wildlife conflict
    - Training and capacity building of new entrants, rural communities and people interested in wildlife economy, in respect of the Constitutional mandate
    - Training and capacity building in respect of animal welfare, and aspects that may lead to wildlife related reputational risks (e.g. practices of concern at captive breeding facilities)
    - Leadership training – including training for Traditional Leader – in relation to the wildlife model and the associated policy and value chain considerations (e.g. business development, planning, formation of business entities, joint ventures, funding)

## 6.7 Animal welfare

### 6.7.1 Scope

The Animal Welfare Sub-committee (Sub-committee 7) considered animal welfare in terms of the conservation, management, treatment, and use of rhino, lion, elephant and leopard in South Africa. For this report, this includes free-roaming animals, managed-wild animals, intensively bred animals and animals in captivity. The sub-committee focused on establishing a broad understanding of the context of animal welfare for each of the five iconic species, before providing a detailed review of the following components, as outlined in the ToR: management, breeding, hunting, trade, and handling. The sub-committee also considered issues around rescue and rehabilitation of the five iconic species. Species-related activities outlined in the ToR were then addressed in detail, with the analysis in this regard included in the sub-committee's overview report and the supporting report and annexures. As with all other sub-committees, where detail has not been included here, it has been included in the supporting sub-committee material. Drawing on the analysis, the sub-committee finally highlights issues for further consideration by the HLP, with these focused on supporting the HLP in reaching its final recommendations.

### 6.7.2 Problem statement

Animal welfare can be simply defined as 'the physical and mental well-being and health of an animal and how it is coping with its environment'. The World Organization for Animal Health (OIE), to which South Africa is a signatory, defines animal welfare as 'the physical and mental state of an animal in relation to the conditions in which it lives and dies'. Animal welfare includes all aspects of housing, health management, breeding, husbandry, treatment, health care, handling, and transport, and includes the humane handling, management and killing of animals in the context of production, companionship, entertainment, tourism, research, and in cases of human-animal conflict. In terms of the killing of animals, an animal welfare perspective includes a focus on the various reasons for, and methods and circumstances leading to the termination of an animal's life. It includes slaughter for production and consumption purposes, culling for management purposes, hunting for sport and meat purposes, ritual and religious uses and euthanasia.

Animal welfare is science-based, with a growing body of research and expertise that acknowledges that some animals are sentient beings which can experience pain and suffering. As humans, living with, utilizing and benefiting from

animals, we have a responsibility to do so in a way that is humane and prevents suffering, and ensures quality of life. There is good scientific data, information and expertise on all aspects of care and management of elephant, large carnivores and rhino. The sub-committee notes that available research and data on the management of wild animals, and the impacts of management interventions and tourism behaviour on welfare, is not adequately considered in addressing wildlife welfare. The use of science with regards to animal welfare is selectively applied e.g. there is peer reviewed data on the welfare implications of elephant training and captivity and for large carnivores in captivity, which is not considered in decision making practices, or applied consistently to improve welfare.

Different models for evaluation and application of welfare are used. The Five Freedoms model was developed in the 1960s and is widely accepted as reflecting an absolute basic of animal welfare requirements, with focus on preventing a negative state and suffering. The Five Freedoms is currently used by the National Society for the Prevention of Cruelty to Animals (NSPCA) and some other welfare and animal protection organisations, and is recognised by South Africa's judicial system. The Five Freedoms are:

1. Freedom from thirst, hunger and malnutrition (to have access to a diet to maintain full health and vigour);
2. Freedom from thermal and physical discomfort (by providing a suitable environment including shelter and a comfortable resting area);
3. Freedom from pain, injury and disease (by prevention or rapid diagnosis and treatment);
4. Freedom from fear and distress (by providing sufficient space, proper facilities and the company of the animals own kind; and
5. Freedom to express normal behaviour (by ensuring conditions that avoid mental suffering).

There are significant shortcomings and challenges in applying the Five Freedoms to wildlife in general, and even more so with species like elephant, rhino, leopard and lion. The Five Freedoms can be applied relatively easily to captive and intensively farmed wildlife but are less appropriate in application, evaluation, and as guidelines for wildlife across the multiple uses, management, dependence, and interference levels, and in circumstances that require balancing of conservation and commercial rights.

As the science of welfare and our understanding of biological processes advances, the Five Domains Model is increasingly being accepted as a more workable and relevant model that recognizes that welfare of the animal is subjective. The Five Domains Model provides a more objective assessment and scientifically based application tool. It is more science based, objective and progressive, enables adaptation, and facilitates welfare application and assessment across the range of activities and circumstances in which animals are maintained, managed, and used. This model includes the following functional domains:

- Nutrition;
- Environment;
- Health;
- Behaviour; and
- Overall mental state and well-being.

While this model is not as widely adopted as the Five Freedoms, it is easier to understand and apply, and is more accessible to a wider section of the community, general inspectors and field officers.

A third model, One Welfare, is a growing global model that is gaining ground in non-western centric approaches to animal welfare. One Welfare highlights the interconnections between animal welfare, human well-being, and the environment. It fosters interdisciplinary collaboration to improve human and animal welfare internationally. One Welfare also helps to promote key global objectives such as supporting food security, sustainability, reducing human

suffering, and improving productivity within the farming sector through a better understanding of the value of high welfare standards (<https://www.onewelfareworld.org/about.html>). The recent COVID-19 outbreak is a perfect example of why an approach such as this is necessary.

While the nuances of our understanding of animal welfare are evolving, there are basic principles that are broadly and globally accepted, including the principle that cruelty and inhumane treatment of animals is unacceptable.

There is a growing body of research and case law supporting the integral and concerning links between animal cruelty, violence, and criminality. Animal abuse is a predictor of other violent crimes. Research in psychology and criminology indicate that acts of cruelty to animals indicate personality flaws and mental disturbance, with a high probability that an abuser will commit a range of other serious offences. Animal crimes are an indicator of other violent crimes. There are strong links between domestic violence, animal abuse and neglect – with a small jump from animals and pets to children and partners. This is known as the Toxic Triad. It highlights the need to take animal welfare and cruelty seriously, especially in a country like South Africa, where levels of violent crime and gender-based violence are extremely high. With the growth in economic challenges and high levels of crime, there has been a significant increase witnessed in terms of animal cruelty, neglect, and abandonment cases. The NSPCA's inspection and case records indicate that links exist between poor animal practice and a lack of compliance with other regulations and legislation, including permits. The linkages between animal cruelty and illegal trade are of concern, along with the growing involvement of organized crime in illegal trade.

The treatment of animals is governed by the Animals Protection Act 71 of 1962 (APA), which aims to consolidate and amend the laws relating to the prevention of cruelty to animals. Section 2(1)(r) applies to “any person who by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any un-necessary suffering to any animal ....” In terms of s1(i), the definition of ‘animal’ includes any wild animal “which is in captivity or under the control of any person”. In the context of the five species of concern, except for leopard, even free-roaming populations such as those in the Kruger National Park would be considered as being ‘under control’ because of the management plans and extensive management that is undertaken, in terms of containment fencing, water-provisioning, veterinary sampling, immobilisations, translocations, etc. For free-roaming leopard, this is less certain in cases where an individual has not taken explicit control of an animal – with application yet to be legally tested. However, while the APA may not apply to free-roaming leopards, various legal judgements have emphasised that animal welfare is linked to s24 of the Constitution, with welfare principles therefore needing to be applied regardless. For the purposes of this review, it is assumed that the APA applies to all circumstances in South Africa where the five species occur, and to any human interaction with the five species, either direct or indirect.

In addition to the provisions of the APA, killing of animals for use is governed by the Meat Safety Act (MSA) of 2000, which provides for essential national standards, including the requirement for humane slaughter. In terms of s1(1)(xxii), “slaughter means the killing of an animal and the performance of the usual accompanying acts in connection therewith in order to obtain meat and animal products there from”. However, this only applies to animals that are listed on the schedule. In terms of the five species, only elephants are currently included. A proposed amendment, which includes black and white rhino, was published in 2020. For listed animals, the MSA will apply to any killing, including for conservation reasons (e.g. culling where parts are used), human-wildlife conflict where any part is used, and to hunting, meat, or euthanasia for processing of parts.

The conditions for keeping animals in captivity are assessed and licensed under permit, in terms of the Performing Animals Protection Act 24 of 1935, as amended by, *inter alia*, the Performing Animals Protection Amendment Act 4 of 2016 (hereafter referred to as PAPA).

The NSPCA is legally mandated with the responsibility for animal welfare through the SPCA Act 69 of 1993, with s8 of the APA setting out the powers of officers of the SPCA. The Constitutional Court recently emphasised the sweeping functions of the NSPCA in “prevent(ing) the ill-treatment of animals”, noting that statutes “set the standard for how

animals are to be cared for, treated and used. Underscoring these is the notion that the prevention of unnecessary cruelty to animals – including those which we may use for service or food – is a goal of our society.”

The application of animal welfare provisions to wild animals has been dealt with by several landmark court judgements. These judgements have linked animal welfare to s24 – the Environmental Right – within the Constitution, and have emphasised that it is a goal of society that animals are widely protected from ill-treatment, including in their use. The content of these judgements reflect on animal welfare as a constitutional value, linked to both s24(a) in safeguarding the moral status of humans (i.e. human well-being), and to s24(b) in guarding the interest of animals – protecting the environment. The courts also emphasised the high standard of custodial responsibilities that persons and agencies have to show, including the importance of care for the environment, and that such care is seen as beneficial to people most broadly. Finally, these judgements confirm that animal welfare is not secondary or subsidiary to conservation, in that “animal welfare and animal conservation together reflect two intertwined values”.

The recent lion bone case (NSPCA v Minister of Environmental Affairs and Others 2020 (1) SA 249 (GP)) highlighted the fact that the Minister of Environmental Affairs was required to consider welfare issues, even if the mandate for animal welfare fell under the APA, where such is administered by the Minister of Agriculture, Forestry and Fisheries (now the Minister of Agriculture, Land Reform and Rural Development). This judgement was important, given that previously, the former DEA (now DEFF) had abrogated welfare concerns for wildlife on this basis. As a result of this judgement, NEMBA is currently under revision, with the draft bill now including a definition for ‘well-being’, where this is reflected on as a state where the “living conditions of a faunal biological resource are conducive to its health”. This revision intends “to empower the Minister to prohibit certain activities that may negatively impact on the well-being of faunal biological resources”. Section 2(a)(ii) focuses on “the use of indigenous biological resources in a manner that is ecologically sustainable, including taking into account the well-being of any faunal biological resource involved”. Section 9A states that “The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, prohibit any activity that may negatively impact on the well-being of a faunal biological resource”. The amended s97(1) will enable the Minister to make regulations relating to “the well-being of a faunal biological resource”. Once the revisions have been passed, the issue of well-being will need to be explicitly considered by issuing authorities when reviewing permits for restricted activities for the five species, within the provisions of TOPS, and within any norms and standards.

There is growing international recognition of animal rights, both within the constitutions of other nations (e.g. Ecuador – although their focus is more accurately on a “right of nature” as opposed to an animal right) and in other legislation (e.g. Pakistan, New Zealand). Animal rights do not only consider the welfare and well-being of animals, but also accord rights in a similar manner to those that apply to human rights, for example, the right to life, freedom, dignity etc. While animal welfare has been clearly linked to the Constitution, and is embedded in South African legislation, this is not the case for animal rights. However, in the 2016 case of the NSPCA vs the Minister of Justice and Constitutional Development and Others 2017 (1) SACR 284 (CC), the Constitutional Court concluded that:

*“... the rationale behind protecting animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals’ and ‘guarding the interests of animals reflects constitutional values.”*

While this debate will evolve over time, the sub-committee worked from the premise that animal rights *per se* are not protected by the Constitution, with the focus of the sub-committee being on welfare and well-being of the five species.

In addressing welfare, growing practice and insights arising via judicial system decisions highlight the importance of recognising that welfare applies beyond just the immediate well-being of the animals, or to animals directly, with consideration also given to the broader context of practices and activities that may have an indirect or longer-term impact on welfare. For example, inbreeding increases the chances of offspring having permanent or temporary decreased biological fitness, thereby affecting their health, survival, and reproduction; selective breeding for colour morphs may reduce temperature tolerance, or, for coat pattern, may create other genetic problems or weaknesses.

In terms of the five species, their conservation and use requires management activities. Furthermore, the sub-committee is of the view that there is a need to recognize that the wildlife estate forms a critical component of the South African economy, both in terms of consumptive and non-consumptive uses of the ecosystem goods and services provided by the five species. We also have to recognize challenges of regulation, compliance, enforcement, capacity, and understanding associated with the welfare and well-being of the five species in different contexts within South Africa. The welfare concerns under different uses have been identified within the Land-use and Wildlife Model report, and specific issues relating to the HLP's ToR are dealt with below.

Whilst there is some recognition of and support for wildlife welfare to be incorporated into conservation management and commercial wildlife utilisation by professional conservationists and environmentalists, there remains a concern about being seen to be 'a bunny hugger' or 'bleeding heart'. Members of the general public who are conservation orientated, or professional conservationists who are exposed to cases of welfare infringements and cruelty, become disillusioned with the failure of the other side to address wildlife welfare, and feel more comfortable and are drawn to the protectionist side. There is also the expressed concern by some that by acknowledging that there are some significant welfare concerns within conservation management, and commercial wildlife activities, it may weaken the sustainable utilisation model. The trophy hunting and sustainable utilisation debate is polarizing groups into fiercely polarised factions, with this providing no benefit to either conservation or wildlife welfare, while also hindering good principle-based debate.

While there are some conservation and commercial operators and practitioners who are ethical and take welfare into account, the overall welfare standards in the commercial wildlife sector are poor and there is a general resistance to engage with formal or responsible wildlife welfare practices. The poor standards and various cruelty cases tarnish the reputation of all involved. There is a need for government agencies to engage with wildlife welfare, especially in view of the precedent-setting lion bone judgment that requires welfare to be considered in conservation and sustainable utilisation, and in development policy and issuing of permits.

In terms of the five species of concern, the sub-committee proposes that there is a need to recognise traditional use of these species, alongside the practices associated with that traditional use. Traditional use is driven primarily by a need for a specific activity, be it to hunt a leopard for its skin for inauguration of an Nkosi, or to drive elephants away from fields through disturbance. It is also important to recognise that modern technology may have made pursuing such activities more humane (e.g. through the use of firearms for a quick kill, or fencing to separate elephants from communities). The sub-committee raised a concern as to welfare issues that arise within traditional communities through capitalist/ western practices that are driven by greed, as opposed to subsistence/ traditional behaviour driven by need. The concern is that greed drives over-exploitation and cruel or inhumane methods such as snaring/ trapping of predators in order to benefit from the sale of parts, which now also includes third parties for income generation. Of further concern is when traditional communities are prevented from accessing wildlife resources (e.g. where hunting permits are not issued; as a result of the legacy of land dispossession and apartheid legislation, drafted to intentionally remove traditional access and use of the species) and have to resort, out of necessity and due to circumstances such as poverty, to partake in illegal activities – with many illegal activities such as poaching falling outside the ambit of traditional approaches that are governed by the traditional authority, while also, by their very nature, being less humane than legal killing methods. The sub-committee notes that poaching may arise as an alternative for local community members, given that professional hunters operating in their areas may not involve them or allow access to economic opportunities associated with legal hunts. There is a need for an enabling environment in which all of the aspects pertaining to communities living with and benefiting meaningfully from wildlife, including from adjacent state reserves, are recognised – with focus required in terms of methods through which to enhance the welfare of the five species, within that context.

Whilst the Constitution provides for the environment to be protected through legislative and other measures that ensure ecologically sustainable utilisation, the requirement for 'ecologically sustainability' predominantly emphasises the view that use comes with responsibilities, including the prioritisation of welfare. By not embracing and taking ownership of

wildlife welfare, having an antagonistic approach to welfare, and not differentiating between different acceptable and questionable uses, both the conservation community and wildlife industry continue to act in a manner that creates major risks not only to their own operations, but also to the wildlife sector more broadly. Cruel practices that are associated with the exploitation of animals for human use are being increasingly scrutinized, both within South Africa and internationally. Where particularly bad acts are routine within a sector, for example in negative animal interactions with tourists, poor housing of captive animals, or hunts that go wrong, international pressure can become substantial, even to the extent of placing the international tourism market at risk, which could significantly impact the South African economy more broadly.

The wildlife sector is a key component of South African life and the economy. Good welfare practices, responsible conservation management and sustainable utilisation are not mutually exclusive, or incompatible. The challenge is to achieve a pragmatic but ethical balance with compromises that are broadly acceptable to the general public. Issues of concern need to be identified, and practical solutions developed, with transparent discussion being key to working through all the welfare issues. Where acceptable solutions are not apparent, practice that contravenes animal welfare may need to be identified for prohibition.

### *6.7.3 Issues for consideration by the HLP*

The sections that follow here reflect on overarching areas for consideration, as the HLP works towards the development of a set of recommendations for the Minister. The content included here is then followed, in greater detail, with specifics in Section 6.7.4 below.

#### **6.7.3.1 Issues of concern relating to organisational challenges:**

A number of organisational challenges have been identified as concerns that need to be addressed. These include:

- Flaws in the NSPCA model that necessitate dependence on donor funding, with this holding the potential for undue influence.
- A lack of clarity as to institutional arrangements and roles and responsibilities that pertain to the areas of agriculture versus biodiversity, with this confusion exacerbated by the new well-being clause that is being inserted into NEMBA.
- Lack of representation of wildlife-related capabilities, and a lack of involvement of DEFF leadership in welfare structures such as the NSPCA's Board.
- Fragmentation between agriculture and wildlife welfare on farms, furthered by the absence of an integrated unit to deal with both.
- General under-resourcing in relation to the roles and role-players required to adequately address wildlife welfare issues (e.g. inspectors).
- Lack of (traditional) permits issued for harvesting the five species within state reserves (or on traditional authority lands), for the purposes of traditional use (e.g. leopard skin for traditional use, rather than for commercial use/meat). This is in contrast with the provisions for plant harvesting (e.g. for reeds or medicinal purposes) or harvesting of invertebrates (e.g. mopane worm). An increase in access to such permits could allow for clean kill by rangers as opposed to illegal killing, and, with this, increased welfare.

#### **6.7.3.2 Issues of concern relating to the animal welfare model/ approach:**

A range of concerns can be summarized under the animal welfare model/ approach, assessment of welfare, and science of welfare:

- There is no overarching wildlife welfare policy.

- The definition of well-being in NEMBA is too narrow, with a call for consideration of a broader definition.
- The legal framework is dated. Consideration should be given to updating and standardizing the national and provincial welfare-related legislation and regulations.
- Welfare legislation and the application thereof is poorly understood, and is further compromised by inadequate and unclear welfare standards, and limited cooperation between industry, rescue groups, welfare organizations, and welfare inspectors.
- There is poor framing, development, or buy-in of the approach to wildlife welfare, with a modern, integrated approach such as One Welfare noted as absent.
- There is lack of understanding of 'good' and 'bad' practices, and what is acceptable – with individual perspectives dominating, further exacerbated by a lack of training or accreditation in welfare issues and animal ethics, within conservation and management training programmes.
- There is a need for government, state and provincial agencies to engage with wildlife welfare.
- Management interventions (e.g. reintroductions, relocations, population management, euthanasia, collaring, veterinary interventions) – including adaptive management methods – are not subject to ethics controls (e.g. by an ethics committee process), and management plans are not scrutinized for welfare.
- Vets within the industry are sometimes faced with circumstances of potential conflict of interest (e.g. possible conflicts between the welfare and well-being interests of an individual animal, and the interests of a paying client) – with this risk increased by the lack of ethical controls in place, in terms of veterinary management interventions.
- Not all research goes through Animal Use Committees (AUCs) or Ethics Committees.
- Tourism practices and interventions for tourism products for free roaming animals (e.g. habituation, off-road driving, euthanasia) and captive animals (e.g. housing, interactions) are not scrutinised for welfare, and are not subject to ethics controls (e.g. via ethics committee approval), standards, or guidelines of acceptable practice.
- There are no norms and standards for captive populations, and, while elephants have a defined set of norms and standards which include a focus on welfare concerns, the other species do not have a similar framing that provides for welfare controls/ regulation for free ranging populations.
- There are no standards, guidelines, or regulations for effective 'rehabilitation of animals into the wild' (an area defined as 'wildlife rehabilitation'), with specific information on the welfare of wild animals that have been injured and placed in captivity for treatment/ rehabilitation often not released. There is also concern over how confiscated animals are dealt with.
- There is a general lack of broad regulations pertinent to welfare for all wildlife, including the five iconic species – and the activities related to them.

While the above challenges reflect areas of concern, they also provide an opportunity to inform the thinking around the regulations, and to positively influence the welfare of wildlife in a holistic manner.

#### 6.7.3.3 Issues specific to animal welfare considerations as they pertain to the HLP's ToR

The table below provides an overview of the general concerns applicable to all five iconic species, before addressing concerns, per activity, at a species specific level.

**General concerns applicable to all five species across all areas of concern**

a. Legal and national imperative

Animal welfare is a legal imperative of national competency, the Animal Protection Act (APA) as associated acts and relevant High and Constitutional Court Judgements are applicable to all of the species (1-5) and to all of the activities (A-F) across the range and diversity of activities (from intensive, and captive situations to managed wild).

The Minister has noted the lion bone judgement and the need for animal welfare to be considered and to this end there is currently an MOU being drawn up between the Department of Environment Forestry and Fisheries (DEFF) and the National Society for the Prevention of Cruelty to Animals (NSPCA).

b. Constitutional rights and responsibilities

Animal welfare application and enforcement must be conducted within the parameters and the rights accorded by the Constitution and legal interpretations thereof but that these rights carry the responsibility to ensure animal welfare and prevention of cruelty. The rights in terms of the Constitution include ownership, environmental rights, religious and cultural and any other right afforded by the Constitution. Animal welfare does not infringe on any of these rights, but cruelty must be prevented under the responsibility afforded by these rights.

c. Conservation, environmental and biodiversity management and protection

Animal welfare recognises the need for management of these species and relevant activities, regulations and Constitutional and regulatory frameworks which support conservation and environmental biodiversity management.

d. Wildlife welfare challenges and issues

There has been a lack of awareness within the environmental and wildlife industry community about animal welfare and the associated Acts and legal imperatives and their application to wildlife and wildlife related activities and welfare has not been adequately addressed within conservation /wildlife activities.

Welfare is significantly compromised through significant capacity, resource and organizational challenges and structures within mandated bodies that do not necessarily accommodate the needs, diversity and range of environmental and wildlife activities and NPO status and donor funding may impact application of welfare.

The lack of official / formal representation of environment and wildlife within NSPCA structures and management contributes to challenges in addressing animal welfare within the biodiversity and the South African Wildlife model context.

There is a need for application and enforcement of animal welfare within and across the wide spectrum of diversity of activities (from intensive and captive to managed and free ranging) with a variety of species and activity-specific approaches and applications that are applicable to the various land use models and South African Wildlife model.

e. Welfare models and applicability to wildlife

The current animal model used (Five Freedoms) has limitations when applied to the range and diversity of wildlife conservation, management and economic activities. Adoption of alternate and more wildlife appropriate models may be required like the 'One Welfare' approach.

f. 9+2

Conflicting and unresolved mandates within departments for animal welfare and inadequate to absent guidelines for activities involving the species make application and enforcement of animal welfare challenging for both welfare officials, wildlife owners and conservation practitioners.

g. Correlation between intensification and welfare concerns

There is a direct and proportional correlation between the intensity of an activity (the degree of dependence of the animal on humans), the level of management and manipulation and welfare challenges and concerns and accountability or responsibility.

Administration	Mandate	Enforcement	'Consideration'
<ul style="list-style-type: none"> <li>The current responsibility for the administration of the APA and associated Acts and regulations lies with the Minister of Agriculture.</li> </ul>	<ul style="list-style-type: none"> <li>The current legal mandate for the enforcement of the APA and relevant Acts is per act of parliament and constitutional Judgements is vested in the NSPCA. But it is a 'State' case and any member of public can lay charges.</li> </ul>	<ul style="list-style-type: none"> <li>The mandate for enforcement of the APA and associated Acts currently resides with the NSPCA who are responsible for inspecting, monitoring and prosecuting animal welfare issues.</li> <li>Inspection and monitoring capacity and resources for animal welfare application for wildlife need to be addressed</li> </ul>	<ul style="list-style-type: none"> <li>The lion bone judgement requires that DEFF and other relevant bodies take animal welfare into consideration.</li> <li>This component needs to be unpacked and application and resources etc. addressed and potential capacitate relevant parties including extended Environmental</li> </ul>

		as well as institutional structures and status.	Management Inspector registration.	
<b>Ownership re Constitution / legal</b>		<b>Ownership re APA</b>		
<ul style="list-style-type: none"> <li>Ownership in terms of the Constitution - affords rights of legal ownership of wildlife but this ownership is subject to certain responsibilities and regulation</li> </ul>		<ul style="list-style-type: none"> <li>The owner in terms of the APA is defined as a person in control or possession of animal at the time of the activity and can include both the legal owner and broad application of responsibility for APA infringements.</li> </ul>		
<b>Management</b>				
<u>Veterinary concerns and conflict of interest</u>				
Veterinarians have a loyalty to clients, and this often prevents them from talking out about or addressing welfare concerns; and conflict of interest to wildlife clients in terms of having sole access to capture drugs and financial interests and ownership in wildlife industries.				
<u>Research and adaptive management processes</u>				
Many wildlife research projects are not subjected to ethical consideration and approval through properly constituted institutional ethics and Animal Use and Care Committees (AUCCs). Conservation management practitioners are not adequately regulated. In both instances, this may be contributing to both welfare and conservation management problems.				
<u>Management of confiscations and seizures</u>				
There are inadequate facilities, systems and integration of protocols and legislation regarding the handling, long and short-term placement of confiscations and seizures of illegally held wildlife (seized both in terms of welfare land or conservation legislation				
<u>Welfare in fenced reserves / metapopulation management</u>				
Reintroductions (what animals are reintroduced, captive reintroductions, etc.), population management, euthanasia for management, collaring, veterinary interventions etc.				
<b>Elephant</b>	<b>Lion</b>	<b>Leopard</b>	<b>Black rhino</b>	<b>White rhino</b>
<p>Welfare concerns around elephant management include (with a need for further evaluation and regulation):</p> <ul style="list-style-type: none"> <li>Culling techniques</li> <li>Deterrent methods (damage-causing animals)</li> <li>Impacts and viewing practices</li> <li>Relocations and reintroductions</li> <li>Use of GnRH for behavioural control in small populations and captive populations</li> <li>Effect of manipulations for tourism (waterholes, off-road driving)</li> <li>Captive elephant, riding, training and interactions have welfare concerns that require regulation. Captive norms and standards were discarded, leaving a gap in addressing the management and handling.</li> </ul>	<ul style="list-style-type: none"> <li>Concerns around a lack of management guidelines and regulations for captive lion.</li> <li>Slaughter practices for bone and product from lions is currently unregulated.</li> <li>There is no differentiation between slaughter and euthanasia</li> <li>Concern over introducing populations for tourism purposes, and then having to cull them because of insufficient prey base, and also continual introduction of predator naïve prey.</li> <li>Management practices to enhance tourism such as habituation, off-road driving, baiting.</li> </ul>	<ul style="list-style-type: none"> <li>Welfare concerns are around captive conditions and human-carnivore conflict management.</li> <li>Relatively small numbers in captivity and concerns around intensive breeding would be same as for other large carnivores.</li> <li>Relocations –unregulated relocation and collaring of free roaming leopards is a concern</li> <li>Management practices to enhance tourism such as habituation, off-road driving, baiting.</li> </ul>	<p>From a welfare perspective, black and white rhino have the same considerations and concerns and include:</p> <ul style="list-style-type: none"> <li>Currently no guidelines or regulations on dehorning from either vet council or association, DEFF or Agriculture at discretion of individual vet.</li> <li>Monitoring and marking and identification techniques: with poaching, this is necessary, but many techniques are being applied without consideration for impact on animals welfare and without trial and research through Animal Use and Care Committees (AUCC)</li> </ul>	
<b>Breeding</b>				
<b>Elephant</b>	<b>Lion</b>	<b>Leopard</b>	<b>Black rhino</b>	<b>White rhino</b>
<ul style="list-style-type: none"> <li>Captive breeding of elephants is minimal, but concern over use of GnRH as opposed to immunocontraception.</li> </ul>	<ul style="list-style-type: none"> <li>Unregulated and intensive breeding of can result in short and long-term welfare concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Relatively low breeding rates in captivity but some facilities do breed substantial numbers. Concerns about living</li> </ul>	<ul style="list-style-type: none"> <li>Like lion breeding, this has grown in absence of guidelines for husbandry and management practices.</li> </ul>	

<ul style="list-style-type: none"> <li>• While immune contraception in free roaming elephants is successful, concern over overt control, as well as nuances of lack of babies on social structure etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Intensive breeding, cross breeding and back breeding can result in congenital issues and contribute to lifelong welfare challenges.</li> <li>• Lack of regulations and guidelines contribute to challenges. Some processes re underway with the South African Predator Association (SAPA), NSPCA and DEFF.</li> </ul>	<p>standards as leopards need to be kept in very secure camps.</p>	
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**Hunting**

From a welfare perspective, hunting needs to be conducted in a way that ensures a humane and ‘clean’ kill through use of appropriate and accepted weapons, ammunition, hunting techniques and practices; follow up on injured animals; regulation and training of professional hunters.

Concerns have been raised within the hunting industry of the humanness and acceptability of certain hunting techniques and methods. Welfare implications of the pre-release of captive bred lions for hunting purposes are of concern.

Practices and welfare implications of practices around hunting activities have not been evaluated in terms of welfare concerns.

**Trade**

Live trade

There are welfare concerns around the export of live animals to countries and facilities with no welfare legislation and poor welfare practices. Whilst the APA applies only to South Africa, the cycle of trade, poor welfare and then rescue and ‘return to Africa’ has both welfare and sustainability issues. See also ‘Rescue and Rehab’ below.

**Handling**

Capture and transport

Whilst there are some excellent and experienced capture operators there are some that operate unethically and this results in some serious welfare concerns and contraventions. South African Bureau of Standards (SABS) standards exist for some activities, but are guidelines only and cannot be enforced, and are outdated.

Vet conflicts, as mentioned under the area of ‘Management’, also applies to this area.

Paying volunteers, petting and tourism

Some of the biggest welfare concerns arise around the petting, walking-with initiatives, paying volunteers and tourism activities that involve practices such a pulling young animals for petting and for paying volunteers with over handling, poor rearing practices, stress and excessive breeding of mothers and the cycle of welfare concerns. This of is particular concern in the captive lion industry but is increasing in the rhino facilities. Lesser concerns with leopard and elephant.

The South African Tourism Standards Association (SATSA) model has been proposed as it an audited process driven by tourist demand and response globally but there have been industry concerns about the SATSA guidelines.

Human safety

Concerns around the legal accountability relevant to injuries and fatalities linked to lion and elephant facilities. This is primarily a human welfare issue, it does have animal welfare implications with unnecessary destruction. Poor safety protocols and facility design and construction are frequently linked to poor welfare.

**Rescue, rehabilitation and sanctuaries**

There are a number of orphanages, rescue and rehabilitation facilities that are offering a vital service, contribute to conservation and operate with high standards of welfare, there are also a growing number of facilities that do not have good protocols with poor welfare standards and practices that may have negative conservation impacts and are not sustainable.

The welfare practices are often difficult to address as the excuse is that they are trying to help. Animals that are ‘rescued’ and can in many instances, be returned to the wild but are handled and maintained in order to ensure a ready supply of animals for paying volunteers and tourists.

Release and rehabilitation of all five of the species without the relevant protocols can result in potentially dangerous and problematic animals, social and territorial disruption of existing populations and disease concerns.

There is inadequate regulation and guidelines for these activities - especially for the five species that all have greater risk and challenges than some other species

#### 6.7.4 *Some specific issues of concern regarding wildlife welfare*

The section that follows reflects on a range of specific issues of concern – ranging from possible conflict of interest for vets, to the nature of activities that fall under the wildlife sector which come with potential welfare concerns.

##### 6.7.4.1 Veterinary input and conflict of interest

As noted above, the area of veterinarian conflict of interest has emerged as an area of concern. South Africa has a large and growing wildlife industry and increasing levels of wildlife commercialization. Wildlife veterinarians hold a near-monopoly in the industry, acting as veterinarians, capture operators, game dealers, and middlemen – with associated commercial activities e.g. green darting, volun-tourism, commercial veterinary student experience and consulting veterinarians to commercial wildlife operations. Currently, these are the only role-players with legal access to capture and immobilization drugs.

In addition, vets are also seen by the courts as the welfare experts, although they are often reluctant to testify or speak out about welfare issues, due to possible loss of clients and business. This becomes both an ethical and welfare issue, in light of the various management and trade issues where veterinary demand is high and profitable.

##### 6.7.4.2 Welfare-related training

There are some welfare-linked courses, or components of 'welfare' in select courses and qualifications on offer in South Africa. There is a newly launched Animal Welfare Assistant course at the University of South Africa (UNISA), while 'captive management' is included in various conservation courses and diplomas. There is however a lack of training in captive animal care and welfare, and welfare in general. Practical components of conservation and wildlife management training are frequently offered at commercial and captive wildlife facilities. With these limited training offerings, concern is noted that inadequate training, welfare knowledge and upskilling in this domain contributes to a cycle of poor captive management and sub-optimal welfare practices.

##### 6.7.4.3 Other activities with welfare and/ or sustainability concerns

There are numerous activities that take place within the wildlife sector, that bring with welfare concerns, but which are not regulated – and for which there are no/ inadequate guidelines. Many of these activities have become well-established, in the absence of guidelines and regulations.

###### a. Volun-tourism/ paying volunteers

There is a large, highly profitable and commercialised paying volunteer/ volun-tourism industry, supported by multiple international agencies. Well-managed, responsible and humane volun-tourism has the potential to contribute to conservation and rescue and rehabilitation and sanctuary programmes by providing much needed income, human resources and in some cases, expertise and experience. Some of the well-managed programmes provide experiential training and internships for international volunteers. Unfortunately due to the profitability of these operations, there are also cases where there is considerable abuse of young animals, which are intentionally removed from their mothers within a few days of birth, to provide a constant supply for rearing and interactions. In some cases, volunteers are fraudulently led to believe that these are genuine orphans, and that the organisation's intention is ultimately for release of the animal into the wild. This practice has been widely criticised and exposed in the lion industry, but is not limited to lion and other predators. It also includes rhino and many other game species.

The demand for a constant supply of animals for paying volunteers compromises release and rehabilitation opportunities – with animals becoming too tame or familiar with human interaction. With this, these animals need to be maintained in captivity, with this leading to welfare and sustainability concerns. The training and experience that volunteers take away from these programmes may also be based on poor protocols and incorrect information.

Research reflects that animals are often rescued, removed or purchased for use within a paying volunteer programme (i.e. rather than for inclusion within a genuine programme that requires volunteer support). Such paying volunteer may also unwittingly take up opportunities that could otherwise amount to critically needed jobs and/ or compulsory experiential training opportunities for South African conservation students. In addition, some of these programmes make use of international vets, vet students and vet nurses who do not have the necessary, or adequate, experience in wildlife – and who are not authorized to practice in South Africa in terms of the Veterinary Acts. Non-accredited training on captive care, rehabilitation and welfare is provided at some of these facilities, further contributing to problematic practices and poor welfare standards.

There are also paying volunteer veterinary experience and research programmes, some are which are very good and provide good experiential and hands-on training – while others are problematic, with practices including unnecessary and repeated immobilisations and procedures that are carried out without due consideration of the accompanying welfare, legal and humane concerns. These also continue to promote poor protocols and handling. At some facilities, animals are repeatedly drugged and sampled for health checks for paying volunteers.

This leads into and is linked to green darting practices. Whilst green darting is not supported by veterinary policy, there are many other necessary and important management and protection procedures (e.g. dehorning, tagging and DNA sampling in rhino). Corporates, donors and paying volunteers and guests can participate in these operations. Well-managed, responsible and ethical programmes bring in vital resources for conservation, while also generating awareness. But the profitability factor has compromised some of the programmes, with animals being darted repeatedly for different procedures (e.g. once each for dehorning, tagging and DNA sampling, instead of all of these procedures being carried out at one point) – with this approach adopted to accommodate all paying volunteers, guests and donors. Every immobilization and procedure carries risks and may compromise the animals, with the cumulative risk and impact of repeated drugging noted as well-recognised and acknowledged by anaesthetists. Large groups participating in these activities may increase the level of risks and impact on animals, and extend the down time for animals, to meet the desire for photo opportunities and ‘selfies’. This links to the concerns around conflicts of interest in the wildlife veterinary industry: vets get paid for these procedures and the observers contribute to the costs of the procedure, with the desire for the needs of paying observers to be taken into account potentially compromising and at odds with the individual animal’s welfare.

Lions, rhino and to a lesser extent, elephant are involved in these processes. It is worth noting that elephant conservationists and practitioners are associated with considerably fewer questionable activities, than those who operate with rhino and lions.

#### b. Interactions and tourist activities and conduct

There are a number of problematic commercial and tourist interactions which bring with welfare concerns, with these activities documented within the Southern Africa Tourism Services Association’s audited guideline process<sup>87</sup>. This set of guidelines, developed through an extensive research and consultation process, provides guidelines to support responsible decision-making in terms of participation in activities that involve animal interactions. Amongst the many activities addressed, guidelines reflect on the risks that irresponsible and inappropriate tourist behaviour and conduct on self-drives and guided drives bring – with this noted as common practice in both private and public reserves, despite the harmful impact for wild animals.

#### c. Research and management practitioners

For all research that focuses on and makes use of wild animals, there is a theoretical requirement for an application to be submitted, for the proposed research to be formally vetted and considered in terms of the necessary control processes, via institutional ethics committees. The universities have ethics committees or Animal Use and Care Committees (AUCCs), which make use of the Four Rs (Reduction, Refinement, Replace and Responsible) when

<sup>87</sup> Available at: [https://www.satsa.com/wp-content/uploads/SATSA\\_HumanAnimalInteractions\\_Final5\\_Interactive.pdf](https://www.satsa.com/wp-content/uploads/SATSA_HumanAnimalInteractions_Final5_Interactive.pdf)

reviewing research requests. There is however some research that takes place under the banner of other organisations and groups, which is not evaluated on the same basis, and which may have welfare implications (both in the immediate and longer term) for the wildlife concerned. Elephant, lion, leopard and rhino are popular research subjects (e.g. anti-poaching and monitoring devices and techniques are frequently not vetted and may have serious welfare implications). In addition, management interventions and adaptive management processes (and the practitioners) are not required to register or be accredited, or be subjected to oversight bodies of a similar nature to the Ethics Committees and AUCs in place at certain research institutes – even though some of these processes may significantly increase the stress experienced by animals, and bring with direct and indirect negative impacts from a welfare perspective.

d. Rescue, rehabilitation and sanctuaries

The rescue, rehabilitation and sanctuary community provide vital and much needed services for injured, orphaned, compromised and displaced wildlife. There is an absence of regulations and guidelines, which compromises the welfare on animals in these facilities and is further complicated by a growing commercial component, including but not limited to paying volunteers, tourist activities and donor demands, as outlined above.

e. Big cat rescue

There are an increasing number of large predator rescue facilities and sanctuaries in South Africa. There is a growing trend of bringing rescued lions ‘back home to Africa’ – with proposals of the same for elephants also increasingly being made. These rescues often involve extended periods of travel for the animals concerned from overseas destinations – with practices employed in terms of transport not always meeting compliance requirements in terms of transport and handling regulations associated with welfare – or those required by the International Air Transport Association (IATA). There have been two recent rescues of big cats from overseas facilities that required extended periods of travel. On arrival, some of the animals were noticeably impacted and compromised – with injuries to feet and faces, and with high levels of exhaustion and behaviours indicative of significant stress. Crates were also found to not be IATA compliant.

There are very serious concerns about the sustainability of the increasing numbers of these operations, with high levels of competition for a dwindling supply of donor funding resulting in potentially lower husbandry standards, poor welfare and the development of commercial activities with concerning welfare, ethical and conservation implications. Additionally, captive lions are often targeted for their body parts via poaching operations, with some of these returned cats falling victim to this practice.

The cycle of export of live lions from South Africa to zoos and captive facilities, especially to countries where there are poor welfare standards, results in this vicious cycle of sale and rescue.

f. Rhino orphanages

Poaching has resulted in numerous rhino calf orphans. With the correct handling, rearing and rehabilitation protocols, many of these orphans can be returned to the wild, fully rehabilitated and capable of breeding and reproducing. This is not only humane but directly contributes to rhino conservation. Rehabilitation protocols and processes need to be based on tried and tested rehabilitation techniques that cover all aspects of the process, from rearing to socializing, adaptation to the wild, and follow-up monitoring.

Unfortunately, this has also become big business, with large numbers of international paying volunteers and donors wanting access to and contact with rhinos for marketing and fund-raising purposes. Some of the international anti-poaching groups have contracts with orphanages that allow them access to calves for public relations and fundraising, in return for the protection and services they are provided. Many of the orphans that could and should be returned to the wild are being retained in captivity to service paying volunteers, donors and adoption programs and sanctuaries. Contact with a large number of people, and ongoing contact with people once the calves have passed the weaning

and dispersal age, results in tame and humanized rhinos that cannot be released and are potentially problematic and dangerous.

With the right protocols and intentions rhino can be fully rehabilitated, but the above-mentioned activities are resulting in policy makers and conservation-focused donors questioning the viability of rhino rescue and rehabilitation opportunities, in making a genuine contribution to rhino conservation. Rhino poaching is big business – and not just for the poachers and syndicates.

g. Elephant orphans and orphanages

Whilst there are significantly fewer elephant orphans, poaching of elephants has been gradually increasing, with this raising the risk of an increased number of orphans. There has been a noticeable increase in the numbers of calves that have been orphaned or compromised by snaring, herd disruption, and other factors. Elephants are notoriously difficult to hand raise, and responsible and successful rehabilitation is very challenging and resource-demanding. Due to the challenges and range of mental and physical factors that need to be taken into consideration for optimal elephant health, the welfare implications and risks are considerably higher than those that apply to rhino – with the latter instead being relatively ‘tough’, and easy to hand rear. There are few facilities permitted for elephant orphans – with concerns regarding an absence of standards and regulation.

h. Seizures and confiscations

Animals can be seized or voluntarily signed over under South African animal welfare legislation on the grounds of cruelty, poor welfare, permit non-compliance or other illegal activities in terms of relevant conservation legislation. The seizure of wildlife, and in particular elephants, large carnivores and rhinos, is hugely problematic and contributes to both ongoing poor welfare and cruelty and illegal activities due to the challenges of suitable placement and care facilities or alternate locations. This is further complicated by logistical challenges.

In a number of cruelty related cases, custody of animals has been awarded to NSPCA on site, with resulting legal and practical challenges and complications. In permit non-compliance seizures, animals have been placed with ‘rehabilitation’ facilities for temporary care. Legally, an animal has to be held until the legal case is resolved. This can be lengthy and extend over years. Provinces do not have resources to pay for the costs of maintaining animals during court proceedings, with costs carried by rescue facilities (which are usually donor funded). On conclusion of the case, the state may try to reclaim the animal, arguing its case as the legal owner. There have been a number of legal challenges to this – and in some cases, a refusal to hand animals back, with mixed outcomes.

#### 6.7.4.4 Organisational challenges and conflicting status of the NSPCA, policy and resources

The NSPCA and to lesser extent, local SPCAs (hereafter all referred to as ‘NSPCA’), are legally mandated with the enforcement of animal welfare and the prevention of cruelty to animals. The NSPCA is donor funded, with the main body and local SPCAs operating and managed as Non-Governmental Organisations (NGOs) or Non-Profit Originations (NPOs). Whilst carrying out an inspectorate and enforcement function, the NSPCA receives no government funding or support. The NSPCA is recognised legally and by virtue of function and the SPCA Act, as a statutory body. Because the NSPCA has to raise its own funds, this results in numerous challenges and potential conflict of interest regarding the undue influence funders may bring to bear on the NSPCA’s work. There have been proposals for government and other animal protection organisations to fund the NSPCA to increase their capacity. To date this has been met with opposition from the NSPCA’s management, given concerns that this would compromise the NSPCA’s ability to act independently in terms of enforcement and prosecution. This conflict and challenge is highlighted via a range of practices necessitated by the NSPCA’s role – e.g. where the enforcement ‘agency’ (the NSPCA) is responsible for prosecuting the body that administers its Act.

Other specific challenges faced are addressed below.

a. Resources, donors, capacity and policy

Donors are primarily animal lovers with strong welfare and/ or animal rights focus, and this includes funding for wildlife welfare functions. International and local donors and grants are primarily allocated to companion animals, dog fighting, donkeys, and to a lesser extent, to farm animals. The major source of income for the NSPCA is derived from donations from private individuals and bequests. Funding from conservation and wildlife organizations is limited. Furthermore, with there is competition with other local and large international animal protection groups (with 'protection' referring to a mix of welfare and rights). The NSPCA, in terms of the SPCA Act and Policy, may not refuse care to an animal, and are thus considered 'high-kill' shelters. This adds to pressure on resources, and increases the criticisms levelled at the NSPCA from protection organizations, while also limiting funding. With the growing anti-use/ protection/ rights movements globally, and increasing numbers of global welfare-oriented organizations, alongside increasing economic challenges, the NSPCA is vastly under-resourced, with capacity limitations with regards to wildlife welfare.

The NSPCA has a specialised Wildlife Unit that focuses in wildlife welfare. Ostrich and crocodile farming fall under the Farm Animal Unit, with airports, borders and working animals falling under the Special Projects Units. In theory, each if these units should be managed and or manned by staff with wildlife or conservation qualifications, expertise and experience, but there is a very high turnover of staff (especially specialised / qualified personnel) on the wildlife unit, and a lack of continuity. Whilst local and national inspectors undergo intensive training, due to the size of and extent of wildlife, range of uses and activities and species, the training cannot adequately equip inspectors. Just for elephants, rhinos, leopards and lions, there is a huge diversity of activities and a range of welfare and species-specific requirements. Where possible, external expertise is utilized or consulted, but this is challenging due to the politics and alignments.

b. Utilisation / conservation management

The NSPCA Policy opposes utilisation of wildlife and wildlife in captivity. However, it is responsible for the application and enforcement of wildlife welfare that includes utilisation and activities supported by the Constitution and environmental legislation and policies. The NSPCA Policy supports pragmatic conservation-based management activities, including culling and other activities, but does not support sports, recreational or entertainment activities involving wildlife. The NSPCA Policy differentiates between necessary, convenient, commercial, and entertainment.

c. Inconsistent application and enforcement

Due to the lack of resources, high staff turnover and limitations on capacity and expertise on the part of the welfare organizations, wildlife welfare application and enforcement has been inconsistent and at times erratic, to absent. This leads to poor welfare monitoring, with some facilities never being inspected, while others are inspected repeatedly, with sometimes questionable (or challengeable) advice being given on notices and warnings.

d. Farming and production of wildlife

The NSPCA works intensively with farm and production animals and with the agricultural sector. By virtue of their function and role, these role-players are frequently witness to the worst side of agricultural and production animal practices. They are thus understandably concerned with, and oppose the growing agriculturalisation of wildlife and associated farming and production processes. Whilst there is a growing inclusion of wildlife and wildlife activities under Agriculture, this would not exempt these activities from protection and enforcement under the APA.

e. Training

In terms of the training, the following is noted:

- NSPCA inspectors training: NSPCA inspectors are required to attend compulsory training and pass a set of relevant exams, in order to qualify as an inspector, obtain a competency certificate and authorization, qualification as an Animal Welfare Assistant (AWA) and registration with Veterinary Council and Red Meat Abattoir Association (RMAA). The training is intense and comprehensive, especially with regards to legislation and legal processes.

Unfortunately, in spite of repeated requests by other welfare and wildlife organizations, attendance at these courses has been refused.

- Welfare and judiciary and magistrates: The NSPCA has provided information to the judiciary and magistrates on animal welfare legislation. Courts and judiciary are increasingly sensitized to animal welfare issues and relevant case law. The NSPCA is currently the legally mandated group enforcing animal welfare legislation, *locus standi* on welfare and the right to private prosecutions on animal welfare cases.

### 6.7.5 The legal framework for animal welfare in South Africa

#### 6.7.5.1 Legal imperative

Animal welfare and the prevention of cruelty and suffering is a legal imperative in terms of South African law. To consolidate and amend the laws relating to the prevention of cruelty to animals, the Animals Protection Act 71 of 1962 (APA) was promulgated. APA *inter alia* sets out the offences one can commit in terms of animals, prohibits animal fighting, details the powers of the courts where people are convicted of offences under APA, details the circumstances under which a police official may destroy an animal, and stipulates the powers of officers of the NSPCA. Where an offence is committed in terms of APA, a successful conviction may result in a criminal record, a fine, a prison sentence, denial of the right to own animals, community service (although this is seldom given in cruelty cases<sup>88</sup>), or fines and sentences (with these stipulated in the Act, but with Magisterial/ Judicial discretion used in sentencing).

This section will focus on the legal framework applicable to welfare, focusing specifically on the provisions of APA, court judgments that have considered the welfare of wild animals, and the compliance and enforcement of legislation relating to welfare.

#### 6.7.5.2 Important definitions provided for in APA

##### a. Animal

The APA definition of ‘animal’ means any equine, bovine, sheep, goat, pig fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person.

The South African Oxford Dictionary definition of an animal has been used by the courts when the APA definition was challenged, and this definition was accepted by the Judge: “A living organism which feeds on organic matter, typically having specialized sense organs and a nervous system and able to respond rapidly to stimuli; any living creature, including man.” The definition is very wide and covers direct captivity, in which an animal is confined and completely dependent on the ‘owner for its well-being right through to free ranging / self-sustaining. This wide definition is recognised and has been applied in courts and cases.

##### b. Owner

‘Owner’ is defined in the APP in relation to an animal, includes any person having the possession, charge, custody or control of that animal. This is very wide but simple definition, that appears to include everybody from the legal owner to the facility or ranch manager, transporter, capture operator, vet darting or immobilizing an animal, to a poacher – and can be included on charge sheets and prosecution. It further appears that animal welfare is a legal imperative supported by national legislation, the contravention of which is a criminal offence which applies to everyone and to all animals, including wild, exotic, domestic and farm including rhino, elephant, lion and leopard, across a range of circumstances, management activities and uses. The unique circumstances of each case would inform the application of the APA, differentiating between levels and reasonable ability to impact on welfare. Responsible biodiversity and wildlife management would also be considered good welfare practice in ensuring appropriate and healthy habitat and environment.

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<sup>88</sup> Trendler, K. Personal observation.

c. Omission and commission

The APA, read with relevant case law, recognises a broader community responsibility to protect vulnerable and societal values. This is reflected within the provisions included in the following sections:

- Section 2(1)(q), which provides that any person who causes, procures or assists in the commission or omission of any of activities detailed in s2 or, being the owner of any animal, permits the commission or omission of any such act shall be guilty of an offence.
- Section 2(1)(r), which provides that any person by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act that causes any unnecessary suffering to any animal, shall be guilty of an offence. The sub-committee understands that this section is retroactive in nature. If a warning is issued that there is risk that cruelty could occur as a result on action or failure to take action, cruelty charges can be laid.
- Section 2(2) provides that the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he or she could have prevented the commission or omission of such act. This section is seen as speaking to foreseeability, where a person can be held liable for an action or failure to act where an outcome could have been foreseen or anticipated.

Therefore, the APA allows for prosecution not only for being directly responsible for cruelty, but also for failing to prevent or contributing to cruelty. In instances where one fails to stop cruelty or take reasonable action to prevent cruelty, a person or persons can be considered as ‘accessory’ to a crime. To illustrate the above with an example, all persons involved in dog fighting, from the owner of the dogs, property owner, spectators, book makers have been successfully prosecuted and convicted using s2(1)(q) and (r).

6.7.5.3 Offences committed in relation to animal in terms of the APA, with examples applicable to lion, leopard, elephant and rhino

The following is noted in terms of the APA provisions relating to offences committed in terms of animals:

a. Comment on the terms ‘unnecessary’ and ‘unnecessarily’

The offences one can commit in terms of animals, as provided for in s2 of the APA, are often qualified using the terms ‘unnecessary’ or ‘unnecessarily’, depending on the context. For example, s2(1)(b) provides that it is an offence to confine, chain, tether or secure any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering. The inclusion of the terms ‘unnecessary’ and ‘unnecessarily’ are considered problematic by many trying to prevent cruelty to animals. The responsibility to prove what would be considered ‘necessary’ or ‘unnecessary’ depends on what the charges and circumstances of that matter are. This determination has been used in many wildlife cases and applications of welfare in managed wild and management procedure cases.

b. Legal processes and prevention of cruelty

There is sometimes a conflict between what is required for a successful cruelty prosecution and preventing cruelty on site. This is a highly contentious issue within official welfare organizations. In attempting to address this, practitioners often focus on the following:

- Reading the Afrikaans version of the APA, given that this may give a simpler explanation of the offence.
- Ensuring offences listed on the charge sheet, and/ or warnings are specific – with prosecutors being inclined to not accept these if they are too general, or appear to be part of a ‘shotgun’ approach.
- Acknowledging that offences/ actions may fall under more than one offence.

The table below provides an overview of the offences that may be applicable per section of the APA – in relation to all animals, including wild and exotics species, but with examples included that focus primarily on elephant, lion, leopard and rhino (as per the HLP's ToR).

Section 2(1)	Examples and application of clauses
<p>a) Overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal;</p>	<p>Overload: Placing too many people on elephant back for elephant rides; weight of saddle to be considered; physical condition of animal taken into account (i.e. must be such that animal can cope with load).</p> <p>Overdrives, overrides: Can be applied to:</p> <ul style="list-style-type: none"> <li>Over chasing during capture or management activities</li> <li>Overuse or excessive exposure and handling during petting and interaction activities</li> <li>Too many rides in a given time period / elephant rides, lion 'walking'</li> </ul> <p>Section 2(1)(a) would also include activities like beating an elephant, declawing, excessive and inappropriate use of shock sticks (on genitals or lips, or to get a reaction and not for purposes of preventing problems during immobilizations), goading an animal to get a reaction for photos or tourist interactions, dehorning done in a way that permanently impairs horn growth or causes lasting harm.</p> <p>Ill-treats: Not considered a standalone clause and must be accompanied by other specific offences.</p> <p>Torture: Has been used as stand-alone offence based on definition in dictionary which refers to great suffering and anxiety</p>
<p>b) Confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather</p>	<p>This is a widely used clause with a range of applications, used in cases of inadequate shelter - and includes caging and confining in too-small camps, overcrowding, hobbling, chaining, and housing that fails to provide basic needs, protection and movement and causes animal distress, suffering and/ or compromised health or well-being. Transport offences covered by s2.1(m)</p> <p>Convenience versus necessity: Would also be used for training equipment used for and on elephant (bull hooks, ear loops, and hobbles). Was successfully used in Tuli elephant case where calves were chained to Asian elephant and dragged.</p>
<p>c) Unnecessarily starves or under-feeds or denies water or food to any animal</p>	<p>All captive/ camped animals must have access to fresh potable water and appropriate food of quality and quantity necessary to maintain health.</p> <p>With managed and semi wild: will depend on circumstances and type of water provision and what would be considered reasonable and size of area. Application of this takes into account that some species will only go to water to drink once or twice a day.</p> <p>Welfare application: Would take into account stocking rate, drought and factors that are within control of owner. Overstocking and degraded land would be considered a welfare issue. Drought cannot be controlled, but welfare application would require consideration of supplementary feeding and water supply where appropriate and possible, or alternately sale of / removal of animals or slaughter to prevent suffering in severe conditions.</p>

Section 2(1)	Examples and application of clauses
	<p>Food and water supply would also be viewed in terms of different species requirements/ characteristics. Rhino and elephant are hind gut fermenters and designed to eat frequently, with feeds spread throughout a 24 hour period; stomachs are small, so large meals not appropriate. Require food daily, bulk feeders. Whereas lion and leopard are carnivores and 'designed ' to eat less frequently, have large single stomach, so feeding a large meal every couple of days is more appropriate to their needs and biology. Lion and leopard in the wild eat fresh meat and access a whole carcass, thus supplying all their dietary requirements. Captive and semi captive require, as part of good welfare practice, carnivore nutritional supplements, and access to bone and skin to maintain jaw and neck muscles, keep teeth strong. Captive diets generally do not supply this - thus welfare application extends not just to supplying food, but providing the right type of food in the right way. Feeding and water supply in captive and semi captive situations needs to ensure that all animals in an enclosure have access to food and water stocking rate and multiple feeding and watering stations and adequate water and food.</p> <p>'Unnecessarily': allows for and recognizes that there may be times in a range of animal husbandry and management practices where restricting access to food or water may be necessary for veterinary treatment, for darting, immobilization and transport (feeding and watering just prior to these activities result in regurgitation and aspiration).</p> <p>In looking at water provision, just providing water is not sufficient. Welfare considerations would include: hygiene (clean water bowls receptacles); appropriate size and quantity of water for size and number of animals; receptacles that cannot be knocked over or carried; large enough and deep enough to accommodate size, shape of animal head and drinking habits. Giving a rhino a small bowl that it cannot get its head into because of the horn and size of the head would be a welfare issue.</p> <p>Timing of inspection / evaluation: Welfare application and inspections would need to take into account timing and reasonableness. If inspector arrives early in morning, it could reasonably be expected that cleaning and filling of water bowls would probably still be in progress; unfilled water at midday would be unacceptable. Hydration status of animal and response to water when supplied would also be factored in.</p>
d) Lays or exposes any poison or any poisoned fluid or edible matter or infectious agents except for the destruction of vermin or marauding domestic animals or without taking reasonable precautions to prevent injury or disease being caused to animals	Applies to irresponsible and incorrect use of poisons, substances, agricultural remedies etc. that would / could negatively impact other species or that cause suffering or loss of well-being to animals. Mainly used for poisoning; other clauses used for second part.
e) Being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infested with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition	An interesting and challenging section when applied to wildlife and would need to be carefully and differentially applied. <u>Parasite infestation</u> : Offence refers to the 'owner' allowing an animal to become infested with parasites. In wild free-living animals, parasites are a normal and unavoidable part of life and 'owner' could never be reasonably expected to keep animal parasite free. Whereas in a captive situation, it is a controllable situation and allowing a captive animal to become infested would be a welfare infringement. In rhino rearing, we

Section 2(1)	Examples and application of clauses
<p>that to prolong its life would be cruel and would cause such animal unnecessary suffering</p>	<p>intentionally allow healthy calves to carry a very low tick load (not tick free) to develop tolerance.</p> <p><u>Veterinary care:</u> Kruger National Park cannot be reasonably expected to provide veterinary care for every injured animal in the park, especially with natural injuries. Not just from a practical perspective and part of natural selection, but from a welfare perspective, treatment on a wild 'wild' animal maybe more stressful than leaving it. In captivity, there is the legal responsibility and capacity to provide good veterinary care.</p> <p>Snared animals: there is a reasonable expectation of attempts at veterinary care. This clause also refers to veterinary or other medical treatment or attention, recognizing that a reasonable attempt within resources and circumstances is considered an effort to address welfare. e.g. even if an inspector believes that a wound is serious enough to require veterinary attention , if an attempt to treat has been made (visible 'purple' wound spray, clear of maggots would not constitute an offence whereas a wound with maggots, dried edges and no efforts to attend to would justify a warning.)</p> <p><u>Destruction or euthanasia of animals:</u> An interesting example is the euthanasia of terminal TB lion in Kruger National Park. During the peak of the TB problems in Kruger National Park, the public would frequently phone about 'dying lion'. Once the animal is terminal and one becomes aware of it, there is a responsibility to take action and the justification of "let nature take its course" does not hold. Euthanasia of a terminally ill animal that is suffering does not change the course of nature but does prevent suffering.</p> <p>This clause is also used for hygiene and cleaning.</p>
<p>f) Uses on or attaches to any animal any equipment, appliance or vehicle which causes or will cause injury to such animal or which is loaded, used or attached in such a manner as will cause such animal to be injured or to become diseased or to suffer unnecessarily</p>	<p>Would apply to elephant training and handling e.g. hobbling, chaining saddles. Has also been applied successfully in use of inappropriate or incorrect weapons and ammunition for hunting and destruction – e.g. shock sticks. Widely applied clause in management and monitoring techniques (collaring, tagging, ankle bracelets, ear tags, insertable devices in protection and anti-poaching and research, focus on necessary, versus unnecessary and responsible use avoiding lasting damage).</p> <p>This section was successfully used in prosecution and successful conviction of <i>foie gras</i> case - force feeding using funnel caused suffering. Not relevant to wildlife but shows broad application of the section.</p>
<p>g) Save for the purpose of training hounds maintained by a duly established and registered vermin club in the destruction of vermin, liberates any animal in such manner or place as to expose it to immediate attack or danger of attack by other animals or by wild animals, or baits or provokes any animal or incites any animal to attack another animal</p>	<p>Used for feeding of live prey, which is an offence in terms of the APA.</p> <p>Has been used in some falconry cases. The application of this clause depends on the circumstances. Feeding live prey in captive and semi captive conditions, use of live bait, etc. is illegal.</p> <p>Restocking a wild or managed wild area with prey species is not considered feeding of live prey, and is a necessary management activity to ensure adequate food supply.</p> <p>Also used against poor rehabilitation practices.</p>
<p>h) Liberates any bird in such manner as to expose it to immediate attack or danger of attack by animals, wild animals or wild birds</p>	<p>Same as (g) above</p>

Section 2(1)	Examples and application of clauses
i) Drives or uses any animal which is so diseased or so injured or in such a physical condition that it is unfit to be driven or to do any work	Applicable to working animals e.g. in the case of lion and predator cub petting and volunteer facilities where cubs are sick or weak or used for petting and walking; elephant riding and interactions
j) Lays any trap or other device for the purpose of capturing or destroying any animal, wild animal or wild bird the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease	Applies to use of trapping and snaring and capture; need to prove that actions are necessary, and that capture, trapping, handling and destruction were done as humanely as possible.
k) Having laid any such trap or other device fails either himself or through some competent person to inspect and clear such trap or device at least once each day	Applicable to responsible and 'humane' trapping techniques for any purposes
l) Except under the authority of a permit issued by the magistrate of the district concerned, sells any trap or other device intended for the capture of any animal, including any wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer	Magistrate must sign order. Excludes traps etc. approved in ethically vetted and approved research protocols
<p>m) Conveys, carries, confines, secures, restrains or tethers any animal</p> <p>i. under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering</p> <p>ii. in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes;</p> <p>iii. without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary;</p>	<p>Very widely applied - mainly to transport and activities around transport, capture and handling and immobilization in the case of wildlife Applied mainly to transport and handling. Has been used with (q) and (r) for charges against entire 'chain' (capture operator, game manager, transport company, driver etc.).Used in association with SABS Codes as normative references and where available norms and standards in place.</p> <p>Is currently also being used in prosecution of cruel/ illegal slaughter of lion where animals were transported over long distances in small crates and then kept in those crates for extended periods prior to slaughter, combined with (a), (b) , (c) and (e).</p> <p>The species-specific characteristics are taken into account, relevant to how animal is transported and handled e.g. acceptable for rhino and elephant to be transported standing for acceptable distances, where in the case of lion and leopard, these would be required to have space and ability to lie down.</p> <p>Would also apply to transport crate design (non-slip flooring where needed), double flooring or when there is a need to allow for urine drainage so that animal not lying on urine; incorrect cage materials that cause injury e.g. with recent lion imports, mesh on cages caused injuries to feet and face.</p> <p>Has been successfully applied when crate construction was inadequate, allowing for escapes and injuries.</p>
n) Without reasonable cause administers to any animal any poisonous or injurious drug or substance	Not often used. Would apply to doping, steroids, use of pain medications to mask injuries etc. Has been used to charge when incorrect capture drugs were used negligently and illegally e.g. M99 for carnivores but used and covered under other clauses
o) ... [repealed]	
p) Being the owner of any animal, deliberately or without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering	This clause has increasing applicability and is increasingly being used in relation to wildlife. A recent elephant case with an absentee landowner, poor management generally, lack of maintenance of fences and boreholes and land, and failure to take action to address poor condition of animals, resulted in the Judge awarding custody of buffalo and elephant to SPCA – and further ruling that animals could be relocated, without financial compensation to 'owner' to other reserves. Cruelty charges have also been laid.

Section 2(1)	Examples and application of clauses
q) Causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act	(q) and (r) Omission and Commission clauses used together, added to all charge sheets. Very broad, and includes those directly responsible for cruelty and offences, those that were party to, and those that failed to prevent cruelty.
r) By wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal	
s) Kills any animal in contravention of a prohibition in terms of a notice published in the Gazette under subsection (3) of this section	Not applicable to wildlife, currently refers to killing of dogs for commercial purpose for either meat or skins.

c. Increased recognition the courts are showing towards welfare of wild animals

The need for and responsibility of humans to prevent cruelty and suffering and ensure the welfare of animals - recognizing that some animals are sentient and have the capacity to suffer and experience both mental and physical suffering – is entrenched in relevant Constitutional and High Court Judgements, as detailed in respect of the matters outlined below.

- *NSPCA v Minister of Environmental Affairs and Others 2020 (1) SA 249 (GP) (NSPCA 2020)*
  - The NSPCA instituted review proceedings, seeking to set aside the quotas for lion bone export set for 2017 and 2018 on the basis, *inter alia*, that then Minister of Environmental Affairs (the Minister) did not take into account the welfare of lions in captivity, which the NSPCA held was a relevant consideration. The then Minister argued that the national department responsible for the environment had no legislative mandate in terms of NEMBA to regulate welfare matters, and that the information the NSPCA had raised on the welfare of lions in captivity was not taken into account because it was not scientific in nature, nor deemed relevant to the determination of the annual quota.<sup>89</sup>
  - The court held that:
    - It was correct that the welfare mandate vested with the national department responsible for agriculture, but drew a distinction between having a welfare mandate and taking welfare considerations into account – arguing that the Minister “*erred in concluding that since she was not seized with the welfare mandate for lions in captivity, she was not obliged to give consideration to welfare issues relating to lions in captivity (if they were relevant) when determining the quota*”.<sup>90</sup>
    - The welfare of captive lions is a matter of public concern and is “*inextricably linked to how we instil respect for animals and the environment of which lions in captivity are an integral part*”.<sup>91</sup>
    - Captive lions are still part of the biodiversity sector and there is a duty on the national department responsible for the environment to manage the whole sector and set standards for it.<sup>92</sup>
    - Constitutional and legal obligations that arise *inter alia* from section 24 and NEMBA require animal welfare to be taken into consideration.<sup>93</sup>
- *NSPCA v Minister of Justice and Constitutional Development and Others 2017 (1) SACR 284 (CC) (NSPCA 2017)*

<sup>89</sup> NSPCA 2020 Paragraphs 60 and 61

<sup>90</sup> NSPCA 2020 Paragraph 67

<sup>91</sup> NSPCA 2020 Paragraph 71. The court went on to note that it would constitute a contradiction to suggest that there are different standards and considerations that apply to our treatment of lions (whether captive or wild).

<sup>92</sup> NSPCA 2020 Paragraph 73

<sup>93</sup> NSPCA 2020 Paragraph 74

- The NSPCA brought a constitutional challenge to determine whether it was entitled to privately prosecute crimes of animal cruelty. The basis for this matter began in November 2010 with a religious sacrificial slaughter of two camels that involved eight attempts to ‘slice open’ one of the camel’s throats until the slit was deep enough for the animal to bleed out; the other’s throat was slit three times. The NSPCA official ultimately shot both camels.<sup>94</sup> The NPA declined to prosecute the case and the NSPCA sought to institute a private prosecution in terms of the Criminal Procedure Act (CPA). The case turned on the distinction between juristic and natural persons. The High Court held that only natural persons are able to privately prosecute in terms of s7 of the CPA and that as the SPCA Act does not include provisions for private prosecution, when this is read with s8 of the CPA, the NSPCA does not have a right to private prosecution.<sup>95</sup>
- The Constitutional Court on the matter of animal cruelty:
  - Noted the history in South Africa of regulating against cruelty to animals which dates back to 1914.<sup>96</sup>
  - Made reference to the finding in *R v Moato 1947 (1) SA 490 (O)* that legislation was developed to promote animal protection to ‘*prohibit one legal subject behaving so cruelly to animals that he offends the finer feelings and sensibilities of his fellow humans*’.<sup>97</sup> Essentially as put in in the NSPCA 2020 to ‘*safeguard and prevent the degeneration of the moral status of humans*’.<sup>98</sup>
- The Constitutional Court set aside the orders of the High Court and Supreme Court of Appeal (SCA), finding that the NSPCA does in fact have the statutory power of private prosecution conferred upon it by section 6(2)(e) of the SPCA Act read with section 8 of the CPA.<sup>99</sup>
- *NSPCA v Openshaw (462/07) [2008] ZASCA 78 (RSA)*
  - The NSPCA appealed the decision of the Bloemfontein High Court, which dismissed the application of the NSPCA for an interim interdict to prevent Openshaw from giving live prey to tigers, holding this contravened the APA. The majority judgement dismissed the appeal, with costs, but Cameron JA’s minority judgment took a dissenting view and held *inter alia* that:
    - ‘The statutes recognise that animals are sentient beings that are capable of suffering and of experiencing pain. And they recognise that, regrettably, humans are capable of inflicting suffering on animals and causing them pain. The statutes thus acknowledge the need for animals to be protected from human ill-treatment.’<sup>100</sup>
    - ‘Though animals are capable of experiencing immense suffering, and though humans are capable of inflicting immense cruelty on them, the animals have no voice of their own. Like slaves under Roman law, they are the objects of the law, without being its subjects.’<sup>101</sup>
- *South African Predator Breeders Association and Others v Minister of Environmental Affairs and Tourism (1900/2007) [2009] ZAFSHC (SAPA 2009)*
  - The South African Predator Breeders Association, Matthys Christiaan Mostert and Deon Cilliers challenged the validity of the regulations in the TOPS Regulations<sup>102</sup>, specifically challenging the provisions that prevented lions from being hunted within a period of 24 months from being released and provisions relating to put and take animals. The High Court dismissed the application finding *inter alia* that “*hunting of lions*

<sup>94</sup> NSPCA 2017 Paragraph 4

<sup>95</sup> NSPCA 2017 Paragraphs 13, 14 and 17

<sup>96</sup> NSPCA 2017 Paragraph 55

<sup>97</sup> NSPCA 2017 Paragraph 55

<sup>98</sup> NSPCA 2020 Paragraph 64

<sup>99</sup> NSPCA 2017 Paragraph 65

<sup>100</sup> SAPA 2009 Paragraph 33

<sup>101</sup> SAPA 2009 Paragraph 32

<sup>102</sup> Published in Government Notice R152 in Government Gazette 29657

*bred in captivity has damaged the reputation of the Republic of South Africa immensely. It is clear on the evidence and also not disputed that very many people all over the world find the notion of hunting a lion bred and raised in captivity, often by hand, and totally dependent on humans for its survival, abhorrent and repulsive.*"<sup>103</sup>

- When this matter was taken on appeal<sup>104</sup>, the appeal was successful in part. The court declared the inclusion of lions in the definition of listed large predator invalid in so far as it applies to a put and take animals.
- *S v Lemthongthai 2015 (1) SACR 353 (SCA) (Lemthongthai 2015)*
  - Lemthongthai was convicted on 26 counts of contravening s80(1)(i) of the Customs and Exercise Act (CEA) and 26 counts of contravening s57(1) of NEMBA. In the Magistrates Court he was sentenced to ten years' imprisonment in respect of the contraventions of the CEA and to a total of 30 years' imprisonment for all of the offences under NEMBA. Lemthongthai appealed the sentence in the high court, which amended the sentence to 30 years' imprisonment. He appealed again to the SCA, which reduced the sentence to a fine of R1 million and a period of imprisonment of 13 years.<sup>105</sup>
  - The SCA specifically stated "*(c)onstitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general*".<sup>106</sup> The court in NSPCA 2020 held that the Lemthongthai cases relate animal welfare to questions of biodiversity, holding that "*animal welfare is connected with the constitutional right to have the environment protected ...and that this integrative approach correctly links the suffering of individual animals to conservation, and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined values.*"<sup>107</sup>

#### 6.7.5.4 Compliance and enforcement

##### a. General policy and practice

The following currently accepted policies and approaches to welfare and prevention of cruelty are noted. Whilst not incorporated into law, these are recognised and utilized by courts in considering animal welfare cases as practice:

- Prosecution is the last option and a progressive approach is applied;
- Education, awareness and outreach;
- Monitoring;
- Notice (issued for non-contraventions of APA but where improved welfare is required);
- Warnings (issued for contraventions of APA);
- Seizure of animals or voluntary sign over; and
- Prosecution.

Provision is not made in the APA for warnings and notices, but judges and magistrates want to see 'reasonable' actions and opportunities afforded to the owner to address the welfare concern or contravention and be given an opportunity to comply. The attitude and response of the owner are taken into consideration, thus if the owner is compliant and cooperative, this will be seen favourably by courts. In applying welfare, the capacity, resources and circumstances of the owner are taken into consideration. For example, a subsistence farmer in a poorer rural area will be handled

<sup>103</sup> SAPA 2009 Paragraph 72

<sup>104</sup> SA Predator Breeders Association and Others v Minister of Environmental Affairs and Tourism [2011] 2 All SA 529 (SCA)

<sup>105</sup> Lemthongthai 2015 Paragraph 23

<sup>106</sup> Lemthongthai 2015 Paragraph 20

<sup>107</sup> NSPCA 2020 Paragraph 64

differently to a wealthy game owner who is breeding commercially and has access to vets and other resources. It is recognised that there are resource limitations for many South Africans. Their right to own animals is respected, with it recognised that welfare must be improved through proactive support, assistance and education.

Notices must be specific and make constructive suggestions to improve welfare. Warnings must be specific and allow for reasonable time to comply, dependent on circumstances and the welfare problem.

#### b. Levels of welfare contraventions

The following levels of welfare contraventions are taken into account in decision-making:

- **Cruelty:** Avoidable, foreseeable suffering that may be intentional or due to neglect, or negligence, unreasonable, wanton. Offences in terms of APA prosecution.
- **Suffering/ poor welfare due to ignorance/ lack of access to resources:** Evaluated in terms of the level of suffering, resources, information and support available. Education, notice, warning or prosecution is circumstance and 'attitude/ response' dependent.
- **Poor/ inadequate welfare/ management:** Varying degrees and impacts, with a range of corrective action, dependent on circumstances and degree of impact of well-being of animal.

#### c. Complaints and complaint procedure

Complaints are received by National or regional SPCAs. The nature and seriousness of the complaint determines which unit handles the matter. Complaints relating to lion, rhino, leopard and elephant are usually handled by the national inspector due to the level of expertise required, however, due financial restraints these complaints are increasingly referred to local SPCAs. Wherever possible, it is preferred to have written complaints. Officials seldom react to social media and will not respond to generic complaints about 'lonely leopards, tearful elephant or unhappy lion'. Complaints must be specific, and all complaints are logged on system. Policy requires that a complaint be handled within a required time, with feedback provided to complainants. Specific details of the inspection findings should not be supplied to the complainant. The following is noted in terms of the nature of complaints, and anonymity provisions:

- **Complainants:** Most credible and actionable complaints about lion, elephant, rhino come from 'insiders' (staff, volunteers, vet nurses, other operator/ breeders, occasionally vets and some from conservation authorities). Complaints are also received from tourists, the public, and more recently are made by participants in management activities. A large number of complaints and a high volume of information is received from animal protection organizations – with this relating to both specific actionable complaints, and general complaints. Officials must all deal with a number of regular 'activist' complainants who complain and demand action on a weekly basis - although their complaints are usually not specific (e.g. they *inter alia* call for the closure of facilities, or banning of activities that do not fall within welfare jurisdiction, or do not amount to actionable complaints). These are problematic, resource demanding and also frequently involve public complaints about the NSPCA's/ SPCA's failure to act.
- **Anonymity:** All complaints are kept anonymous / confidential. This was confirmed in a legal challenge.

#### d. Inspections

Specifics in terms of inspections are addressed below:

- **Proactive /routine Inspections:** Proactive or routine inspections are carried out on a planned and coordinated, usually area based.
- **Reactive inspections:** Reactive inspections are complaint based.
- **Follow-up inspections:** These are conducted when notices, or warnings have been issued, or where there are further complaints, or after a case. All inspections are unannounced and not by appointments. Reports and accompanying photos are filed on all inspections.

- **Checklists and systematic inspections and data collection:** Standardized and comprehensive checklists are used for inspection on lion, elephant and rhino facilities. Inspectors are trained in using the checklists. Data is collated and evaluated by Research officer. The use of these checklists facilitates standardized, systematic, more objective, consistent inspections.

e. Enforcement

The NSPCA is legally mandated to ensure compliance and enforcement of the APA, with this confirmed by the SPCA Act 69 of 1993. This mandate has also been confirmed by various constitutional and High Court judgments. Section 8 of the APA sets out the powers of officers of the SPCA, providing that if authorized by a magistrate of a district, any officer of the SPCA may, *inter alia*:

- Without warrant and at any time with the consent of the owner or occupier, or failing such consent on obtaining an order from a magistrate, enter any premises where any animal is kept, for the purpose of examining the conditions under which it is so kept;
- Without warrant arrest any person who is suspected on reasonable grounds of having committed an offence under this Act, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant; and
- On the arrest of any person on a charge of an offence under this Act, seize any animal or thing in the possession or custody of that person at the time of the arrest and take it forthwith to a police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act.

The APA also allows for the authorization of animal welfare officers by other animal welfare / protection organisations. There are a few animal welfare organizations that have authorized inspectors with delegated powers and successful prosecutions/ convictions. With the exception of the AACL (Animal Anti Cruelty League) who have their own training and certification program, the majority, if not all of the other organizations have staff who were previously trained by and hold work experience from the NSPCA or an SPCA, as this competency/ certification is recognised by the Judiciary.

#### 6.7.5.5 Challenges around compliance and enforcement

a. Concurrent mandates

The Minister of Agriculture administers the APA 71/1962 and associated acts and regulations. Other legislation also used in welfare (Criminal Procedures Act, Sexual Offences Act, POCA etc.) is administered by the Minister of Justice.

Animal welfare is a national competency, so welfare is not complicated in the same way that conservation is complicated by concurrent competency. Provincial, regional, council and municipal regulations and ordinances do not override the national legal imperative. Welfare requirements can be stronger and more prescriptive, but cannot be less prescriptive than the national Act. That said, the fragmented and '9 & 1' environmental / wildlife legislation, lack of consistency and standardization, wide variation in permitting requirements and conditions, and the extent to which welfare is addressed complicates compliance, enforcement and application of welfare, for both the permit holder and welfare inspectors.

b. Mandate versus responsibility

*NSPCA v Minister of Environmental Affairs and Others* 2020 (1) SA 249 (GP) clarified one of the biggest challenges in achieving proper governance of welfare of wild animals: the issue of mandate, and where it rests. The court confirmed that, while it was correct that the welfare mandate vested with the national department responsible for agriculture, there was a distinction between having a welfare mandate and taking welfare considerations into account – and that the Minister “erred in concluding that since she was not seized with the welfare mandate for lions in captivity, she was not obliged to give consideration to welfare issues relating to lions in captivity (if they were relevant) when determining the quota”.

Whilst the legal mandate for animal welfare is vested in the Minister of Agriculture and enforcement thereof by NSPCA/ SPCA and other duly authorized welfare officials, the responsibility for animal welfare lies with the individual citizen, businesses, organizations and government and provincial agencies. She further provides that this applies the other way, in that NSPCA/ SPCAs and other duly authorized animal welfare inspectors/ organisations, whilst not having the legal mandate for biodiversity conservation, are required to take this into account in applying and enforcing animal welfare.

c. Prosecution, process and education

The NSPCA/ SPCA and other organisations approach education and welfare as education and awareness first, and prosecution as a last resort (unless there are cases of obvious cruelty). The accepted process is to give notices, with an educational component for non-contraventions and non-prosecutable offences but which impact on welfare and could potentially become cruelty. Official warnings are issued for contraventions of the APA and prosecutable offences. The courts recognize and want to see 'reasonableness', and an indication that the 'owner' was informed and given every reasonable opportunity to comply or improve conditions. Prosecution is seen as a last resort, due to the costs applicable – recognising that where cases can take up five years to be resolved, this is incredibly draining on resources. Prosecutions are also not necessarily the best way to address immediate welfare concerns, and convictions are also not necessarily viewed as a reliable indication of welfare standards within a sector or industry. Certified/ registered inspectors conduct inspections, carry out preliminary investigations and conduct evidence gathering, compile docket and charge sheets and then hand this over to SAPS, and liaise with prosecutors. Inspectors are seen as expert/ state witnesses in terms of welfare and cruelty, with input or testimony gathered from appropriate experts.

6.7.5.6 Amendments to legislation

The following pending amendments to legislation are noted:

a. Animal Protection Amendment Bill 2018

The Animal Protection Amendment Bill 2018 is still on the table and is widely supported, although there is still a lengthy process to get this finalised and implemented. Training would still need to be rolled out, and an inspectorate would still need to be established, to support implementation. No timetable or ant firm commitment could be obtained.

b. Amendments to NEMBA per the National Environmental Management Laws Amendment Bill [B 14D2017]

In 2017, several amendments to NEMBA were included in the National Environmental Management Laws Amendment Bill, with the intention of empowering the Minister to regulate on matters relating to the well-being of wildlife. These amendments are as follows:

- Defining well-being as “a state where the living conditions of a faunal biological resource are conducive to its health.”
- Section 2(a)(ii) currently provides that the objective of NEMBA, within the framework of the NEMA, is to provide for the use of indigenous biological resources in a sustainable manner. The proposed amendment will replace the above with “(ii) the use of indigenous biological resources in a manner that is ecologically sustainable, including taking into account the well-being of any faunal biological resource involved.”
- Including within s9A a provision that that “the Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, prohibit any activity that may negatively impact on the well-being of a faunal biological resource.”
- Amending s97, allowing the Minister to make regulations relating to the “...the well-being of a faunal biological resource.”

The Bill has not been passed as yet, but has been approved by the Portfolio Committee (2017). There were however delays, and the process has been activated to be considered by the current administration (via the National Assembly

and the National Council of Provinces – with it currently located with the latter). The national elections and COVID-19 have impacted on the process.<sup>108</sup>

#### 6.7.6 *Welfare application and processes, with specific reference to lion, elephant, rhino and leopard (with working examples)*

##### 6.7.6.1 Implications and scope for the five iconic species

- Animal welfare legislation and the prevention of cruelty applies equally to and includes all activities associated with the handling, utilisation, management, and conservation of lions, leopards, elephants, and rhinos.
- Lions, rhinos and elephants have high tourist and commercial value, which has also resulted in these groups of animals having considerable welfare challenges, problems and accounting for a high proportion of APA contraventions and cruelty cases. The absence of regulations and the realities of conflicting mandates, coupled with exponential growth in commercial utilisation, has increased the problems faced. The more intensive and hands-on the activity, the greater the risks for welfare concerns.
- Any activity in relation to these species must be in line with the Constitution. Whilst biodiversity conservation is not the legal mandate of the NSPCA and duly authorized officials must take biodiversity conservation and ecologically sustainable development into consideration when assessing the welfare circumstances of an activity or situation.
- When reflecting on animal welfare, it would be important for the HLP to focus on strategic actions and the application of animal welfare with regards to organizational issues and challenges, the policy of animal welfare organizations and the support of linked regulations and legislation, as a way of improving impact.

##### 6.7.6.2 Conservation management processes and welfare application

Two examples are provided below in terms of conservation management processes and the application of welfare principles, as a way of outlining the factors the sub-committee views as key in this regard:

- **Elephant culling:** From a welfare perspective, it is recognised that an over-population of animals that cannot be supported by a specific environment could result in elephants starving. Thus, in considering elephant culling, the welfare application would focus on the necessary science and data to support the need for a cull – including considerations such as whether all alternative options been considered (relocation, contraception, etc.), and whether this assessment is fully supported by credible data and science. Where all alternatives have been exhausted, culling would be supported. This would need to be carried out using humane techniques that cause the least amount of suffering. Removal of live calves would not be supported – with such cases calling for the whole family group to be culled.
- **Rhino dehorning:** A welfare perspective would not support dehorning for harvesting for commercial purposes – in that this would be deemed to be a non-essential act, with risks to the animal associated with chemical immobilisation and unknown impacts thereof. Dehorning for harvesting and trade is currently legal, and thus there are no grounds to oppose this – but such practices require due care, and focus on the welfare of the animal during the process. Dehorning as an anti-poaching measure would be supported, given that the purpose would be to protect animal.

##### 6.7.6.3 Welfare and hunting

Whilst, for example, the NSPCA statement of policy does not support hunting for recreation, it recognises that it is legal and within constitutional rights, but requires a clean kill and ‘fair chase’. Late last year in the greater Kruger

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<sup>108</sup> Confirmed telephonically with M Boshoff (DEFF) 18 May 2020

APNR, there were two contentious elephant hunts about which NSPCA received complaints. One was an illegal hunt but as far as the Wildlife Unit was able to determine, it was an acceptable kill so no action could or would have been taken. The second hunt was, as far they could determine legal but involved multiple shots and unnecessary and avoidable suffering and thus possible grounds for prosecution.

#### 6.7.6.4 Hunting, slaughter and killing

South African welfare legislation requires humane handling and killing of animals. The humaneness of slaughter or killing has been extensively studied, with ongoing research and development in this field.

#### 6.7.6.5 Conservation management

Welfare application in South Africa recognises that conservation management is necessary, but must be based on scientific, conservation and humane considerations. Wildlife welfare and good conservation practices are not mutually exclusive or incompatible. Individual welfare can be recognised and achieved within the greater meta-population and biodiversity context, without compromising responsible conservation management.

#### 6.7.6.6 Species-specific considerations

The following is noted in terms of the iconic species covered via the HLP's ToR:

- Elephants and lions: Due to the nature and extent of the use of lions (farming, petting, captive hunting, paying volunteers, sanctuaries) and elephants (interactions, zoos, riding, hunting, habitat/area restraints, conflict) in commercial activities, and the biology of the species, significant welfare and cruelty concerns have been experienced – with matters pertaining to these species constituting a high percentage of complaints received. The high profile and charismatic nature of these species may also be a contributing factor in the number of cases. The understanding, insight and supporting data and research arising from expert input means that welfare considerations are solidly applied in these two species, but that efforts are limited by resources and capacity: there are too few inspectors, too many cases and complaints, and significant financial restrictions that impact on the number of routine inspections and the nature of responses to complaints.
- Rhinos: There has been a recent increase in welfare concerns and complaints involving rhinos. This is linked to the poaching crisis and an increase in all associated activities, including dehorning, intensive farming, management, monitoring and protection activities and rescue, and the spectator nature of these activities. Rhinos are relatively stoic and tough, and there is less public responsiveness and awareness around rhino welfare.
- Leopards: There are a low number of complaints and known welfare issues, although some are serious in nature – linked to issues of captive breeding, hunting and trade. Numbers of complaints in these areas are relatively low. Welfare complaints and contraventions are mostly linked to human-wildlife conflict measures and management. There are also welfare issues around unregulated collaring of leopards for tourism or what is perceived by some as 'pseudo-research'. There are also concerns around relocations to solve human-carnivore conflict. These relocations are frequently poorly monitored, with the prospects for survival of the animals viewed as questionable – with such processes noted as often not resolving the conflict at the source.

#### 6.7.6.7 Ownership and areas of responsibility and custodial obligations

Linked to the point above is the custodial obligations of a landowner with lions and elephants. By requesting and being issued a certificate of adequate enclosure, the landowner is taking complete custodianship of those animals, so the APA applies in its broadest sense. When the Labour Relations Act or the Health and Safety Act (H&SA) is applied to landowners, this is the case: the landowner is responsible for the health and well-being of all people who enter the property, whether working there or visiting. The sub-committee proposes that this principle should apply to the health and well-being of animals. Leaders are required to be appointed as per s16.1 and s16.2 of the H&SA, and have to undergo training to ensure that they can perform those responsibilities. There is no similar process when a landowner

takes ownership of a population of animals such as lion or elephant, or formal delegation of responsibility for the behaviour, infrastructure, and interventions that affect the welfare and well-being of animals. Such responsibility or delegation would include the need to be adequately qualified and trained to take on that responsibility, formally appointed to do so, and delegated only formally through a process that also requires training. Besides hunting, most elephants are killed on reserves (where most are actually killed) due to human-elephant conflict, normally because of poor internal fences, or due to poor tourist guide behaviour, artificial water provisioning and other issues which could be prevented, if responsible management was practiced.

#### 6.7.6.8 Self-regulation

There have been strong motivations by the wildlife community to self-regulate, with valid and understandable reasons raised in terms of reducing red tape, regulation and bureaucracy.

- From the welfare side, there have been significant problems with self-regulation of welfare standards. The legal framework also complicates the self-regulation of welfare standards: membership of organizations and associations is voluntary, membership based (and funded), and attempts to regulate or address welfare standards from within the industry and captive animal breeding community has been largely problematic (with some exceptions). Associations are industry representatives, and attempts to regulate or discipline errant members on welfare issues often only results in the withdrawal of membership.

## 7 PUBLIC SECTOR ENGAGEMENTS (PHASE 2)

### 7.1 Context to the HLP's public sector engagement process

Phase Two of the HLP's work centred on stakeholder engagements with the public sector stakeholders. The stakeholder consultation process undertaken by the HLP was delivered in line with the requirements specified within its ToR, with the content thereof as follows:

*"The panel will facilitate national dialogue necessary to systematically solicit views from interested and affected parties.*

*Apart from recognizing previous reports on the various species above including Parliamentary Committee reports, national assessments, publications, reports by international and national NGOs and UN bodies as well as any other credible sources, the department also recommends that there must be a national dialogue that will be conducted in a structured approach which will systematically deal with all stakeholders including but not limited to:*

- *Scientific community and other communities of practice*
- *Government policy makers and implementers (DEA & DAFF, DIRCO etc.)*
- *Wildlife & sustainable use industry in South Africa (organizations that represent hunters, breeders etc.)*
- *Non-Governmental organizations (advocacy groups, media etc.)*
- *Interested public*
- *National and international conservation organizations and hunting organizations*
- *Communities living and working in and adjacent to relevant protected areas*
- *Importing states (e.g. China, Vietnam, USA etc.)*

*...The assignment for the Panel will entail public hearings, round-table discussions, dialogues, written submissions, fact-finding missions, scientific evidence and other forms of information that will enable evaluation and assessment of current practices, regulatory measures and policy positions. The Panel will identify gaps and seek to understand and make recommendations based on the following questions elaborated in the species specific focus areas."*

As outlined in Chapter Three, the HLP followed a multipronged stakeholder engagement process, with this reflected in its consultations with:

- Public sector stakeholders – with the term 'public sector stakeholder' used to refer to Organs of State, as defined in terms of s239 of the Constitution, alongside inter-governmental structures and multilateral organisations; and
- Public stakeholders – with this including 'general public' stakeholders, community leadership bodies and 'affected communities' (i.e. those communities living/ working in or adjacent to protected areas in which the iconic species are found).

This chapter focuses specifically on the process of, and key messages and insights derived from the public sector stakeholder engagement process.

## 7.2 Overview of the public sector engagement process

The HLP's planning and preparatory process for public sector engagements included the following steps:

- Letters of invitation were sent to identified Organs of State, requesting their participation in relevant engagement session(s)
- Organs of State were provided with an opportunity to make written submissions to the HLP
- In addition to the focus on organisations, identified individuals within the public sector were also invited to make written submissions to the HLP
- Workshops and oral presentations were used as a platform to engage on issues, with some sessions followed by the submission of further written input by stakeholders to elaborate on issues raised by the HLP

From November 2019 to June 2020, the HLP engaged in public sector consultations with a range of public sector organisations, including DALRRD, DEFF the Department of Tourism, the NPA, the Hawks, SANBI, SANParks, the Scientific Authority, State Attorney Services, SARS, and provincial departments and conservation authorities involved with the five species. While there were a number of preliminary engagements with public sector stakeholders during the months from November 2019 to February 2020, the HLP's first multi-stakeholder public sector workshop took place from 12 to 13 March 2020, with this session involving relevant national and provincial government departments, provincial conservation authorities, and government entities.

Issue-specific hearings were also held with departments, provinces and entities, in relation to the following issues:

- The Rhino Committee of Inquiry and the Lion Colloquium on captive lion breeding and hunting
- The Scientific Authority, and tourism;
- Legislation;
- Law enforcement;
- Transformation and the biodiversity economy;
- Intensive breeding;
- The Panel of Experts on Hunting Report; and
- The SRT on Elephant and Assessment.

The table below provides a summary of the various engagements: –

	Focus or Title	Date	Public sector stakeholder	Event
1	Strategic Perspective: Approach and Modalities	28 November 2019	DEFF	The HLP Inception and Induction Workshop
2	Agricultural Sector Perspective: Current Policies and Interface with Wildlife	28 November 2019	DALRRD	The HLP Inception and Induction Workshop
3	Conservation Status and Management of Large African Mammals	28 November 2019	SANParks	The HLP Inception and Induction Workshop
4	Presentation on the Future for Large Mammal Management	28 November 2019	SANParks	The HLP Inception and Induction Workshop

Focus or Title		Date	Public sector stakeholder	Event
5	International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)	28 November 2019	Mr Michael 't Sas-Rolfes	The HLP Inception and Induction Workshop, Presentation by Panel member
6	Internal Stakeholder Consultation Workshop	12 to 13 March 2020	Government Institutions: Various	Public Sector Stakeholder Consultation Workshop
7	Consultation with Senior Legal Counsel regarding the required legal opinion on constitutional issues raised by the HLP	7 April 2020	Senior Legal Counsel	HLP Business Meeting of 7 to 8 April 2020
8	Presentation on Conservation Status and Management of Lion Population	12 May 2020	SANParks	The Issue-based HLP meeting on the Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
9	Presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation)	12 May 2020	DEFF	The Issue-based HLP meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
10	Presentation on Non-Detrimental Findings on Lion Bone Quotas	12 May 2020	Scientific Authority	The Issue-based HLP meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
11	Presentation on Status and Management of Rhino Populations	12 May 2020	SANParks	The Issue-based HLP meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
12	Presentation on Rhino Committee of Inquiry (Col) (outcomes and implementation)	12 May 2020	DEFF	The Issue-based HLP meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
14	Presentation on Rhino Lab Outcomes	12 May 2020	DEFF	The Issue-based HLP meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion
15	Presentation on Introduction to the work of the Scientific Authority	14 May 2020	Scientific Authority	The Issue-based HLP meeting with Scientific Authority and the Department of Tourism
16	Presentation on Non-detrimental Findings (NDFs) and Quotas	14 May 2020	Scientific Authority	The Issue-based HLP meeting with Scientific Authority and the Department of Tourism
17	Presentation on Issues of Relevance to the Work of the Panel	14 May 2020	Scientific Authority	The Issue-based HLP meeting with Scientific Authority and the Department of Tourism
18	Presentation on Tourism and Impact on Tourism of Issues Relating to the ToR of the Panel	14 May 2020	Department of Tourism	The Issue-based HLP meeting with Scientific Authority and the Department of Tourism
19	Presentation on Legislative Framework: Constitution, Mandates and Litigation Overview	20 May 2020	DEFF	The Issue-based HLP meeting on legislation: DEFF presentation on Legislative Framework
20	Presentation on draft legislation underway affecting the five species	20 May 2020	DEFF	The Issue-based HLP meeting on legislation
21	Presentation on DEFF's response to some of the key issues raised by the Panel	22 May 2020	DEFF	The Issue-based HLP follow-up meeting to the initial session on legislation
22	Presentation on Animals Protection Act/ Animals Improvement Act	22 May 2020	DALRRD	The Issue-based HLP follow-up meeting to the initial session on legislation
23	Presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions	22 May 2020	SANBI	The Issue-based HLP follow-up meeting to the initial session on legislation

Focus or Title		Date	Public sector stakeholder	Event
24	Presentation on Perspectives on Biodiversity Sector Transformation	26 May 2020	DEFF	The Issue-based HLP meeting on Transformation
25	Presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture	26 May 2020	DALRRD	The Issue-based HLP meeting on Transformation
25	Presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard	5 June 2020	DEFF	The Issue-based HLP meeting on Enforcement
26	Presentation on Wildlife Trafficking Approach	5 June 2020	DPCI	The Issue-based HLP meeting on Enforcement
27	Presentation on Legislative Review and Related Matters	5 June 2020	NPA	The Issue-based HLP meeting on Enforcement
28	Presentation on Strengthening Capabilities/ Combating the Illicit Economy	5 June 2020	SARS	The Issue-based HLP meeting on Strengthening Capabilities/ Combating the Illicit Economy
29	Presentation on Scientific Round Table and Elephant Assessment	29 June 2020	DEFF	The Issue-based HLP meeting on Intensive Breeding, POE on Hunting, Scientific Round Table and Elephant Assessment
30	Presentation on Report on Intensive Breeding	29 June 2020	Scientific Authority	The Issue-based HLP meeting on Intensive Breeding, POE on Hunting, Scientific Round Table and Elephant Assessment
31	Presentation on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment	29 June 2020	DEFF	The Issue-based HLP meeting on Intensive Breeding, POE on Hunting, Scientific Round Table and Elephant Assessment
32	Presentation on Scientific Round Table and Elephant Assessment	29 June 2020	DEFF	The Issue-based HLP meeting on Intensive Breeding, POE on Hunting, Scientific Round Table and Elephant Assessment

Full summaries of each of these engagements are provided in Annexure H.

### 7.3 Analysis of inputs from the public sector engagement process

A range of issues emerged from the public sector stakeholder engagement process, with these varying from issues of mandate and the challenges of concurrent competences, to status quo considerations, gaps and risks associated with biodiversity management and science, wildlife crime, legislative frameworks and implementation, application inconsistencies, resource use, ownership and property rights.

The sections that follow reflect the analysis of inputs received – with themes, insights and recommendations captured in respect of two frameworks:

- The species-specific ‘areas of focus’ as outlined in the HLP’s ToR
- The emerging set of ‘big issues’ identified by the HLP across the course of its work<sup>109</sup>

<sup>109</sup> Please note: Where themes reflect a duplication of those within the ToR, the analysis is clustered under the relevant ToR-related category.

Specific elements associated with each of these categories are reflected in the table below.

Framework for analysis	Key elements
<b>Species-specific 'areas of focus'</b>	<ul style="list-style-type: none"> <li>• Elephant: Keeping in captivity; hunting; population management; trade; stockpiling/ management of stockpiles (elephant ivory); impact and benefits; handling and well-being</li> <li>• Rhinoceros (White and Black): Keeping in captivity; hunting; trade (rhino horn); stockpiling/ management of stockpiles (rhino horn); impact and benefits; handling and well-being</li> <li>• Lion: Keeping in captivity; breeding in captivity; hunting (captive-bred lion); population management; trade (lion bones); stockpiling/ management of stockpiles (lion bones/ skeletons); impact and benefits; handling and well-being</li> <li>• Leopards: Hunting; trade (leopard skins); impact and benefits; handling and well-being; demand (domestic and international) management (leopard products, e.g. skins, claws, teeth)</li> </ul>
<b>Emerging set of 'big issues' identified by the HLP</b>	<ul style="list-style-type: none"> <li>• National Policy on Biodiversity Conservation and Sustainable Use</li> <li>• Transformation of the wildlife sector</li> <li>• Capacity building, education, training, and empowerment of human capital across the wildlife sector</li> <li>• Welfare and the ethical treatment of wildlife</li> <li>• Inefficiencies in governance of the wildlife sector (9+1+1 issues)</li> <li>• Agriculture and conservation policy conflicts</li> <li>• State protected areas</li> <li>• South Africa's international standing and reputation</li> <li>• Management of the five iconic species in the wild</li> <li>• Hunting of the five iconic species</li> <li>• Translocation of the five iconic species outside their natural range</li> <li>• Conservation and ecologically sustainable use of leopard</li> <li>• Captive lions</li> <li>• Free-roaming/wild rhino horn and elephant ivory</li> <li>• Legal rhino horn and elephant ivory State, private and community stockpiles</li> <li>• Commercial use of rhino horn from captive breeding operations</li> </ul>

It should be noted that it is not the intention for this chapter to address all inputs and representations comprehensively – with it not being feasible to do so, given the level of detail included in many of the submissions and engagements. Instead, the intention is to provide a summary of the type of issues raised, and key issues for HLP consideration.

## 7.4 Inputs associated with the five iconic species

Key messages emerging from inputs received are reflected on below, in relation to each of the species.

### 7.4.1 Iconic species: Elephant

Public sector stakeholder inputs in relation to the elephant are addressed below, in relation to the following ToR categories: (1) keeping in captivity; (2) hunting; (3) population management; (4) trade; (5) stockpiling/ management of stockpiles (elephant ivory); (6) impact and benefits; (7) handling and well-being. Inputs from stakeholders are only raised where these were specifically mentioned – with some areas therefore reflected as receiving no comment.

- In terms of **keeping elephants in captivity**, DEFF highlighted concerns about the introduction of wild elephants into zoos. The capture of wild elephants for the purposes of introduction into captive facilities in terms of the Elephant Norms and Standards (ENS) is permitted only in exceptional circumstances. A further concern related

to the export of wild elephants from South Africa to neighbouring countries, where the subsequent introduction of wild elephants into zoos is not necessarily prohibited.

- In respect of **population management**, the HLP was advised that, according to the latest update of the African Elephant Database (AED) maintained by the African Elephant Specialist Group (AfESG), African elephant numbers have decreased from approximately 550 000 to 470 000 between 2006 and 2013. South Africa has a total population of approximately 30 418 wild elephants, with these occurring on state and private properties, as well as in parks – with management thereof supported by contractual partnerships.
- In relation to the area of **hunting and trade**, inputs provided through the public sector engagement process included the following:
  - DEFF reflected on a number of specifics in terms of the status of elephants – with the species listed as ‘vulnerable’ on the IUCN Red List globally. In South Africa, they are listed as ‘Least Concern’. South Africa has approximately 26 000 to 28 000 elephants, of which 78% occur in the Kruger National Park and associated reserves. Elephants are listed on Appendix II on CITES. South Africa’s trophy hunting quota is 300 tusks (i.e. 150 elephants). Between 2000 and 2016, an average of 57 trophies were exported annually. The 2015 Non-Detriment Finding (NDF) indicated that trade in the species poses a low risk for the species in the wild, as the species is well-managed
  - The Scientific Authority noted that a strategy is currently being developed in consultation with partners to address elephant management and challenges associated with elephants. The content of this strategy will include a focus on the following issues, amongst others: understanding the meaning different people attach to elephants; the broader role of elephants in society; challenges associated with elephants – in the context of land allocation (including issues of ownership, tenure and access) or competing land-use; the integrity of the national elephant herd (i.e. from a sustainable conservation perspective).
  - Trade in juvenile elephants to zoos is not permitted in South Africa in terms of the Elephant Norms and Standards, as the whole cow-calf group must be translocated. Concern has however been raised by DEFF in terms of the allowance for whole cow-calf groups to be exported from South Africa to neighbouring countries, given that the exported juveniles may then be separated and traded to other parties, via these neighbouring countries.
  - According to DEFF, poaching of elephants for illegal trade in ivory has been increasing over the past few years, with this mostly occurring in the Kruger National Park.
- In terms of the areas of **stockpiling/ management of stockpiles (elephant ivory)**, and **impact and benefits**, no specific input was received.
- In relation to the area of **handling and well-being**, the following was noted:
  - DEFF highlighted the practice of training captive elephants for human interactions (e.g. elephant back safaris or circuses) as a concern, given the potential cruelty involved in training methods. To mitigate this concern, the department developed the Minimum Standards for the Management of Captive Elephants, which was intended to be included as Annexure VII to the Elephant Norms and Standards. However, based on the judgment of the Supreme Court of Appeal of South Africa in the matter of SA Predator Breeders Association vs. Minister of Environmental Affairs and Tourism, and the subsequent sourcing of legal advice regarding the mandates of the Ministers responsible for the environment and for agriculture, a decision was taken that the draft minimum standards could not be implemented under NEMBA. The provisions of the draft minimum standards focus primarily on the welfare of captive elephants. An amendment relating to, amongst others, the well-being of faunal biological resources has been proposed to NEMBA. These proposed amendments are currently subject to the Parliamentary approval processes, but once implemented, the draft Minimum Standards for the Management of Captive Elephants can be reviewed and implemented under NEMBA, as part of the Norms and Standards.

#### 7.4.2 Iconic species: White and Black Rhino

Stakeholder input reflected on the conservation or protection status of rhino, with the following noted:

- In terms of the appendices of CITES, white rhino are listed in Appendix II, while southern black rhino, south-central black rhino and eastern black rhino are listed as Appendix I species.
- In terms of the IUCN Red List (regional assessment, 2016), white rhino are listed as ‘Near Threatened’. Southern black rhino and south-central black rhinoceros are listed as ‘Endangered’. Eastern black rhinoceros are listed as ‘Critically Endangered’.
- In relation to NEMBA listings, the white rhino is listed as ‘Protected’, southern black rhino and south-central black rhino are listed as ‘Endangered’, and the eastern black rhino is listed as an invasive species, given that it is not indigenous to South Africa.

The following ToR issues are addressed below in relation to public stakeholder inputs on the white and black rhino: (1) keeping in captivity; (2) hunting; (3) trade (rhino horn); (4) stockpiling/ management of stockpiles (rhino horn); (5) impact and benefits; (6) handling and well-being. Where no input was provided in relation to a specific ToR area, this is reflected as such.

- In terms of **keeping in captivity**, no specific input was provided.
- In relation to the area of **hunting**, no specific input was provided.
- In relation to the area of **trade**, inputs provided through the public sector engagement process included the following:
  - According to the Scientific Authority of South Africa, white rhino is listed on Appendix II of CITES and can only be exported: (1) to ‘appropriate and acceptable destinations’, for the purposes of allowing international trade in live animals; and (2) as part of the exporting of hunting trophies. ‘Appropriate and acceptable destinations’ are defined as those destinations: (1) that are suitably equipped to house and care for the animal; (2) where trade would promote in situ conservation; (3) where the facility where the rhino will be kept is an institutional member of either the World Association of Zoos and Aquaria (WAZA), an affiliated member of WAZA, or an accredited member of a regional zoo association recognised as a reputable association by the CITES Management Authority of the State of Import. In terms of exporting trophies, horns of rhino to be exported must be micro-chipped, and DNA samples must be taken prior to export. For South Africa, the DNA samples must be sent to the Veterinary Genetics Laboratory at Onderstepoort for analysis and DNA banking.
  - In order to facilitate the national coordination of permits for the domestic trade in rhino horn, all provincial MECs (Members of the Executive Council) responsible for biodiversity conservation have agreed that, in terms of s87A (3) of NEMBA, the Minister will be the issuing authority for permits relating to the selling and buying of rhino horn within the borders of South Africa. The MECs will continue to be the issuing authorities for permits relating to other restricted activities such as the possession, transport and export of rhino horn.
  - Regulations and prohibitions relating to domestic trade in rhino horn were published in the Gazette for implementation. These provisions will commence on a date to be determined by the Minister of Forestry, Fisheries and the Environment, by notice in the Gazette.
  - Due to wildlife trafficking, which includes illegal killing of rhino and the associated illegal trade in rhino horns, being recognised as serious transnational organised crime, and subsequent to the work done by the Committee of Inquiry, the SAPS, in conjunction with DEFF and other departments from the Justice, Crime Prevention and Security (JCPS) Cluster, developed the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT). The action plans of both the Rhino Conservation Lab and the NISCWT are

strategically aligned, to ensure synergy between the two processes. The NISCWT has been finalised but requires Cabinet approval for implementation.

- In terms of **stockpiling/ management of stockpiles (rhino horn)**, the following inputs were provided:
  - The Rhino Norms and Standards specifies that all individual rhino horns must be recorded in a national database. Officials from DEFF's Directorate of Biodiversity Enforcement have undertaken annual verifications of privately-owned rhino horn stockpiles, to verify the following: possession permits; marking; weights; measurements; DNA sampling. Through these verification activities, officials have found that not all provinces comply with the Rhino Norms and Standards. There are also people who have not been issued with possession permits for rhino horns, despite submitting applications. In addition, not all rhino horns have been captured on the national database.
  - The concurrent competence of nature conservation in the Constitution makes it difficult for DEFF's enforcement teams to act on cases where provincial government counterparts fail to enforce or adequately oversee compliance.
  - MINMEC asked DEFF to investigate the possibility of centralising all State-owned rhino horn stockpiles. In line with this, DEFF enlisted the SAPS Security Advisory Services (SSAS) and SAPS to assist with an assessment of various vaults across South Africa, to evaluate their suitability for centralisation. Large, medium and small vault were visited and evaluated, with the assessment report being considered, after which DEFF will make recommendations to MINMEC on the centralization possibilities.
  - Current rhino horn stocks include the following:
    - State rhino horn stockpiles: 27 640.95 kg (15 422 pieces) of legal rhino horn; 3 587.42 kg (1 339 pieces) of illegal rhino horn
    - Private rhino horn stockpiles: 47 544.81 kg (18 321 pieces)
    - Total volumes of legal rhino horn: 75 185.76 kg (33 743 pieces)
- In terms of the area of **impact and benefits**, no specific input was received.
- In relation to the area of **handling and well-being**, no specific input was received.

#### 7.4.3 Iconic species: Lion

The Biodiversity Management Plan for lions identifies three categories of lion:

- Wild lions: Lions that completely fulfil their role in biodiversity processes, are largely unmanaged, and exist only in formally proclaimed national parks and game reserves. Conservationists do not actively manipulate vital rates and demographics of these lions.
- Managed wild lions: All lions that have been re-introduced into smaller fenced reserves. Managers actively manipulate some vital rates and demographics, with the intention of limiting population growth and maintaining genetic diversity.
- Captive lions: Lions bred exclusively to generate money. Managers actively manipulate all vital rates and demographics.

SANParks provided the HLP with input on the current numbers and population trends of lions – noting that the IUCN's 2016 assessment identified lions globally as a 'vulnerable' species. While this is reflected in a general global decline in wild lion numbers, with steep declines in East Africa (59%), West Africa (66%) and Central Africa (66%) since 1993, the wild lion population of Southern Africa increased by 8% over the same period. South Africa has a stable and increasing population of wild lions of approximately 3 008 lions. This is seen as a tribute to a conservation philosophy that views all parks as complex adaptive socio-ecological systems in which role-players strive to maintain the natural functioning and resilience of ecosystems. The African Regional Assessment reflects the conservation status of the lion

as being 'of least concern', with this classification mainly due to the fact that lions are largely kept in fenced protected areas where human conflict is minimal.

In terms of wild lion populations in unfenced areas, IUCN data reflects a 23% decline in unfenced populations in Central, East and West Africa. Unfenced wild lion populations in Southern Africa declined by 6%.

The population of managed lions in fenced populations has grown by 16% since 1993.

The following ToR-related areas are addressed below in relation to public stakeholder inputs on the lion: (1) keeping in captivity; (2) breeding in captivity; (3) hunting (captive-bred lion); (4) trade (lion bones); (5) stockpiling/ management of stockpiles (lion bones/ skeletons); (6) impact and benefits; (7) handling and well-being.

- In terms of **keeping in captivity – and hunting (of captive-bred lions)**, DEFF raised the following:
  - Welfare concerns relating to:
    - Conditions in captive breeding facilities – with particular concern in terms of the absence of enforceable welfare standards
    - Methods used to slaughter captive-bred lions
    - Animal interaction practices – e.g. cub petting; 'walking with lions'
    - Early removal of cubs to stimulate oestrus in females
  - Tourism-related concerns – with particular focus on:
    - Volunteer tourism, given that tourists often choose to volunteer on farms that breed lions based on claims that they are supporting conservation, without realising that many farms breed lions for hunting
    - Animal interactions (e.g. cub petting), where these operations are criticised for their purely commercial nature, for concerns in terms of inappropriate treatment of animals, and for concerns relating to interactions being sold to tourists when they do not realise that the same cubs are being bred for hunting
  - The minimum period applicable before captive-bred lions can be hunted following their release onto an 'extensive wildlife system' – with this concern relating to the prohibition on put-and-take hunting (as per TOPS Regulations) which applies to listed large predators, but not to lions. Based on the judgment of the Supreme Court of Appeal of South Africa in the case of SA Predator Breeders Association vs. Minister of Environmental Affairs, the prohibition on put-and-take hunting has been removed entirely from the draft revised TOPS Regulations.
  - The need to focus on the costs of keeping lions in captivity, for those who live with wildlife – with this concern often overshadowed by concerns relating to conservation matters.
- In relation to the area of **breeding in captivity**:
  - DEFF raised concerns about the risks associated with using captive-bred lions as a potential form of 'insurance' (i.e. using captive-bred lions to support conservation efforts), due to the potential of inbreeding and the absence of resistance to diseases.
  - Ethical considerations were flagged in respect of breeding and slaughtering iconic species such as the lion, solely for use in the bone trade.
- In relation to the area of **trade (of lion bones)**, inputs provided included the following:
  - Lions are included in Appendix II of CITES, with the following annotation pertaining to an export quota:

*"A zero annual export quota is established for specimens of bones, bone pieces, bone products, claws, skeletons, skulls and teeth removed from the wild and traded for commercial purposes.*

*Annual export quotas for trade in bones, bone pieces, bone products, claws, skeletons, skulls and teeth for commercial purposes, derived from captive breeding operations in South Africa will be established and communicated annually to the CITES Secretariat.”*

- Legislative and conservation tools that currently apply to lions include the following:
  - NEMBA and the CITES Regulations – applicable in relation to the regulation of international trade
  - NEMBA, TOPS Regulations and provincial conservation legislation: Applicable in regulating restricted activities
  - Scientific Authority: Responsible for determining the annual export quota applicable to the export of lion bones, bone pieces, bone products, claws, skeletons, skulls and teeth, in accordance with the CITES Annotation applicable to the listing of African lion
  - Biodiversity Management Plan for the African lion
  - The NDF for lion, as published in the Gazette on 23 January 2018
- The Scientific Authority noted that the DNA Monitoring of Lion Trade Project was rolled out in support of the CITES trade in lions. CITES was concerned that tigers would be illegally shipped as Appendix II Lion bones from South Africa, and therefore tabled a collaboration with the National Zoological Garden to perform sampling of DNA on confinement at ports of export, to confirm the species in question. This technique provides a practical tool in forensic investigations and supports compliance of regulated legally traded African lion bones – thereby assisting government role-players in ensuring that CITES Regulations and requirements for the annual review of the quota are met.
- During the period of 2008 to 2011, CITES permits were issued for the export of 1160 lion skeletons, primarily to Laos (85%) and Vietnam (13%). A lion bone export quota was introduced by CITES COP17 in 2016 in response to concerns linked to fuelling of demand. Prior to this quota, all trade was allowed. In 2017, the export quota was set at 800 skeletons, with this based on known trade levels that existed prior to the introduction of quotas. The 2018 quota was based on the same principles but made use of updated information on the level of trade prior to 2016. This indicated much higher levels of trade and an increased risk of illegal trade. As a result, the recommended quota was increased to 1500. This quota was subsequently reviewed and reduced to the 2017 export quota (800 skeletons). The 2019 quota was postponed due to the NSPCA court case<sup>110</sup>.
- As at early 2020, the Scientific Authority reviewed the trade in lion bones and other derivatives in the context of three objectives: (1) minimizing the impact on wild lions; (2) reducing illegal trade; (3) supporting the legal use of wildlife if it does not negatively impact the survival of the species in the wild. Evidence was reviewed in respect of trade, the ability of facilities to produce without taking from the wild, and poaching. The Scientific Authority concluded that there is clear and consistent evidence of ongoing demand for the bones and body parts of large cats. While a demand has existed since at least 2003 (i.e. preceding South Africa's trade in bones), with this demand affecting all large cats, there are several uncertainties. These include, for example, the role of trade in stimulating demand; impacts of a quota on wild lion populations; dynamics of demand across Africa and in South East Asia; and capacity to enforce any bans on trade. The Scientific Authority has proposed an adaptive management approach as the best way to respond to these uncertainties.

The Scientific Authority indicated the need for discussion on the following:

- How the welfare/ well-being mandate would be implemented, taking into account that both the department and provinces are already constrained in numbers, systems and infrastructure with the implementation of the current legislation

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<sup>110</sup> The Scientific Authority's affidavit regarding the allocation of the lion bone export quotas was made available.

- The issue of the data deficit relating to trade and monitoring – with this remaining an important issue of concern.
- Additional legislative tools required to give effect to the welfare mandate
- How this would impact on overlapping mandates between DEFF and DALRRD
- Whether welfare issues should be considered only when dealing with species in captivity, or whether welfare considerations should also be applied for species found in protected areas/ species in the wild?
- Whether communities should be consulted in the lion bone quota setting processes (i.e., as part of a public participation process)
- Whether NDFs should also consider societal issues regarding lions bred in captivity and aspects of harvesting – and whether both positive and negative aspects of harvesting have been considered (including possible reputation risks associated with setting quotas).
  - The Scientific Authority noted the following as necessary in moving forward:
    - Discussion on how the welfare/ well-being mandate will be implemented, taking into account that both DEFF and the provinces are already constrained in terms of capacity, systems and infrastructure needed to implement the current legislation.
    - Discussion on whether NDFs should also consider societal issues associated with lions bred in captivity and aspects of harvesting – with focus placed on positive aspects, in addition to the negative aspects that are currently reflected.
    - Discussion on the reputational risks associated with South Africa’s practice of setting quotas.
    - Consideration of the data deficit that currently exists in relation to trade, and monitoring thereof, given the associated risks.
  - The Scientific Authority raised the following as further questions that would need to be considered when moving forward:
    - Would adaptive management require additional legislative tools to give effect to such mandate?
    - How would this impact on overlapping mandates between DEFF and DALRRD?
    - Would welfare issues be considered as well for species found in protected areas/ species in the wild – as opposed to only being considered when dealing with species in captivity?
    - Should communities be consulted more in the lion bone quota setting processes (e.g. via a public participation process)?
- In terms of **stockpiling/ management of stockpiles (lion bones/ skeletons)**, no specific input was received.
- In terms of the area of **impact and benefits**, no specific input was received.
- Issues raised in relation to the area of **handling and well-being are addressed** under the categories of keeping and breeding in captivity, hunting (of captive-bred lions) and trade.

#### 7.4.4 Iconic species: Leopard

The following ToR-related areas are addressed below in relation to public stakeholder inputs on the leopard: (1) hunting; (2) trade (leopard skins); (3) impact and benefits; (4) handling and well-being;(5) demand management (domestic and international) for leopard products (e.g. skins, claws, teeth).

- In terms of **hunting**:
  - In addition to habitat loss, key documented threats to leopards include: excessive off-takes (legal and illegal) of putative damage-causing animals; poorly managed trophy hunting; the illegal trade in leopard skins for cultural and religious attire; incidental snaring; and the unethical radio-collaring of leopards for

research and tourism. However, the relative severity of these threats and their impact on the national or provincial leopard populations remains unknown. Trophy hunting (practiced to maximize economic returns) and legal Damage Causing Animal control (practiced to minimize economic losses) are formally, though often poorly, managed, while other forms of harvest are illegal and therefore unregulated.

- There are almost no reliable estimates for the extent of illegal off-take of leopards, though data from a few intensive studies in South Africa suggest that levels of illegal off-take exceed levels of legal off-take. Most leopard trophy hunting occurs on private land. Harvest of leopards is not managed consistently throughout the country; some provinces implement effective controls, others do not. Legal off-takes are poorly documented in many provinces. There is an urgent need for a coordinated national strategy which provides standardized guidelines to all provinces for the management of leopards
- DEFF is concerned that almost no reliable estimates exist to indicate the extent of off-take of the leopard population, even though data from a few intensive studies in suggest that illegal off-take levels exceed legal off-take levels. Off-take involves legal but previously poorly managed trophy hunting; illegal removal (in most cases) of damage-causing leopard; and illegal removal for the skin trade for cultural and religious attire.
- Some views are that trophy hunting of leopard should be prohibited due to the fact that leopard is threatened with extinction; and insufficient scientific information is available to indicate that the South African leopard population can sustain trophy hunting. To this end, the Scientific Authority developed guidelines for the allocation of leopard trophy hunting quotas and have been recommending trophy hunting quotas in accordance with the above-mentioned guidelines, since 2017.
- DEFF developed a draft set of Norms and Standards for trophy hunting of leopard, in terms of which hunting of a female leopard will be prohibited. Hunting efforts will be evenly distributed through a zonal approach, where male leopard may be hunted in a particular leopard hunting zone only if the leopard population in that particular zone has been stable to increasing over the past three years.
- In relation to the area of **trade (leopard skins)**, inputs provided included the following:
  - According to the Regional Red List Assessment (2016), the South African leopard population is estimated to range between 2813 and 11632. Further work is needed in this area. The conservation/ protection status of the South African leopard population is as follows:
    - Included in Appendix I of CITES;
    - Listed as Vulnerable in terms of the IUCN Red List (regional assessment, 2016), as well as at global level; and
    - Currently listed as Vulnerable in terms of NEMBA.
  - Legislative and conservation tools that currently apply to leopard include the following:
    - NEMBA and the CITES Regulations: applicable in relation to the regulation of international trade
    - NEMBA, TOPS Regulations, and provincial conservation legislation: Applicable in regulating restricted activities
    - Scientific Authority: Responsible for determining the annual export quota applicable to the export of lion bones, bone pieces, bone products, claws, skeletons, skulls and teeth, in accordance with the CITES Annotation applicable to the listing of African lion
    - An NDF for leopard, as published in the Gazette on 10 September 2015, with this including a request for additional scientific information
    - A CITES-determined annual export quota of 150 leopards for trophy hunting, although off-take for trophy hunting purposes is managed domestically through a quota that is determined annually by the Scientific Authority, on the basis of leopard monitoring data
- In terms of the area of **impact and benefits**, no specific input was received.

- In terms of **handling and well-being**, no specific input was received.
- In terms of **demand management (domestic and international) for leopard products (e.g. skins, claws, teeth)**, no specific input was received beyond the content included above in respect of quotas.

## 7.5 Analysis of inputs in relation to the HLP-agreed 'big issues'

The analysis of public sector stakeholder inputs, status quo reflections and recommendations in respect of the HLP-agreed 'big issues' is included below. It should be noted that where species-specific issues were raised, these are listed under the section above. General inputs relating to the 'big issues' identified by the HLP are reflected here. Some of the 'big issues' were not addressed through stakeholder inputs, with this noted below.

### 7.5.1 National Policy on Biodiversity Conservation and Sustainable Use

The issue of a 'National Policy on Biodiversity Conservation and Sustainable Use' emerged as a priority, given the HLP's recognition of the absence of an overarching national policy. The following stakeholder inputs and observations were noted as relevant in relation to such a policy, and to the broader legislative framework:

- In terms of the legislative framework:
  - Stakeholders identified areas of misalignment and inconsistency in terms of definitions and language included in the principal Act, and in subordinate legislation (e.g. in respect of CITES and TOPS)
  - In terms of NEMBA:
    - While the objectives of NEMBA embrace the three pillars of the Convention on Biological Diversity (CBD), some provisions were noted as being restrictive, with no enabling provisions in place to support sustainable use and to stimulate the economy (where such an approach is envisaged and reflected on in the National Biodiversity Economy Strategy (NBES) and the 3 feet plans of the Wildlife Economy Strategy). To address this, a call was made for a new chapter to be developed, focused specifically on sustainable use.
    - NEMBA does not adequately provide for species that are affected by activities which are not deemed to be restricted, but which contribute to habitat destruction/ degradation.
  - In terms of observed legislative gaps relating to welfare:
    - Stakeholders raised concerns regarding the diluted nature of the policy position on welfare, as a result of numerous court cases. While DEFF has indicated that it remains committed to integrating welfare considerations into biodiversity conservation, it is constrained by mandate issues.
    - Subsequent to the lion bone quota judgement, DEFF convened a meeting with key role players in December 2019. A Memorandum of Understanding (MoU) with the NSPCA is under development to support improved co-operation. The NSPCA and SAPA were also tasked with leading the development of guideline to be used in decision-making processes. In addition, all lion breeders within the industry were required to provide the Scientific Authority with studbook data on all lions in captivity by March 2020. After considering all relevant available information, the Scientific Authority is to formulate advice to the Minister, with the Minister to consider and undertake public consultation as required by the law.
- In terms of policy considerations, challenges noted included:
  - Administrative bottlenecks, which could be resolved through delegation of authority to MECs and relevant senior management role-players within DEFF
  - The absence of a provision for:

- Addressing and improving the efficiency of the electronic permitting system, with this required in order to improve the permit application process and associated reporting
  - Incentive based self-administration of the industry, with set standards and a certification system
  - Unblocking administrative bottlenecks impacting on professional hunters, hunting outfitters and trainers (with up to 17 permits currently required)
- The lack of formal recognition of the Wildlife Forum – with the proposal that such recognition be provided, and that the People and Parks Forum be extended
- Sub-optimal use of legislative tools to improve awareness and capacity building (e.g. strategies, NDFs, Biodiversity Management Plans)
- In terms of policy development:
  - HLP members were reminded of new government approaches to policy development, including the Socio-Economic Impact Assessment System (SEIAS) approach. In 2007, Cabinet decided on the need for consistent policy initiatives, legislation and regulations, and assessment of the socio-economic impact thereof. SEIAS assessments are undertaken by the line function department, with a unit at the Presidency created to ensure vetting of policy and the adoption of a harmonious approach across the whole of government; These efforts are aimed at minimizing the unintended consequences from policy and related initiatives, including unnecessary costs from implementation risks – and encouraging mitigation thereof.
  - DPME guidance reflects on the need for evidence-based policy-making (EBPM), which helps policy makers and service providers make better decisions and achieve better outcomes by drawing on the best available evidence from research, evaluation and other sources, and using this to address the issue at hand – via analysis of :
    - The nature, size and dynamics of the problem;
    - Policy options that might be considered to address the problem;
    - Effective and ineffective interventions to solve the problem;
    - The likely positive and negative consequences, and the intended and unintended consequences of the proposed policy option;
    - Effective and ineffective modes of delivery and implementation; how long the policy will have to run before positive results will be achieved;
    - Resources required to implement the policy;
    - The costs and benefits of the proposed policy, and on whom will these costs and benefits fall;
    - The sustainability of the policy – economically, socially, and environmentally.

### 7.5.2 Transformation of the wildlife sector

The biodiversity economy includes businesses and other economic activities that either directly depend on biodiversity for their core business or contribute to the conservation of biodiversity through their activities. Economic activities that depend on biodiversity are wide-ranging – e.g. nature-based tourism, fishing, traditional medicine, wildlife ranching and more.

In 2014, DEFF developed the National Biodiversity Economy Strategy (NBES), which was subsequently approved by Cabinet in 2015. The NBES is set to play a major role in the transformation of the biodiversity economy, by motivating marginalised individuals to start their own biodiversity-based enterprises, while also enhancing the entrepreneurial spirit of current players in the sector, thus creating an appreciable and sustainable economic presence. The strategy sets an industry growth goal by specifying that by 2030, South Africa should have an inclusive, sustainable and responsive biodiversity economy that grows at 10% per annum, while providing a foundation for social well-being, and maintaining the ecological resource base. The NBES seeks to contribute to the transformation of the biodiversity

economy in South Africa through encouraging inclusive economic opportunities, reflected in terms of equity across the sector (e.g., in terms of access to resources, equitable and fair processes and procedures, and distribution of resources – including business, human, financial, indigenous species, land and water resources). It further specifies that this growth should be achieved through cooperation between the private sector, government and communities.

DEFF's presentations and submissions to the HLP on Wildlife Economy and Transformation Programme provided context in terms of South Africa's history of land dispossession, while also reflecting on the legislative framework, and programmes which support transformation in communities and among the youth of the country, such as the People and Parks Programme. The Operation Phakisa Biodiversity Economy Lab was noted as a key platform for further supporting transformation of the sector. Content reflected on the following:

- The Biodiversity Economy Lab:
  - Fifteen initiatives were identified in relation to wildlife, with these focused on:
    - Identification and prioritisation of 10m ha of land for transformation of the wildlife economy
    - Coordination of existing support mechanisms under a 'Wildlife Support Unit', to ensure sound, efficient support for new entrants to the industry
    - Increasing capacity and support for at least 300 community entities, including CPAs, Trusts and traditional authorities
    - Creating supply-chain linkages and capacitating 4000 SMMEs (new and existing), so that they are positioned to locally capture the value of ancillary goods and services to the wildlife economy
    - Operationalising the uMfolozi Biodiversity Economy Node as a pilot for the wildlife node concept
    - Empowering 4000 emerging entrepreneurs and farmers through focused capacity-building programmes
    - Formalising South Africa's game meat market, and creating a network of game meat processing facilities
    - Implementing a campaign that drives participative transformation and consumer growth for wildlife-related activities and products
    - Creating an enabling legislative environment through the amendment of NEMBA
    - Developing and implementing wildlife industry standards
    - Implementing a national wildlife economy branding scheme
    - Developing and implement an electronic wildlife permitting system and centralised database
    - Re-positioning" the Wildlife Forum as an efficient interdepartmental/ industry collaboration and co-ordination platform, to promote the benefits of the wildlife economy
    - Developing an integrated knowledge/ evidence generating and sharing platform to support the wildlife economy
  - The five year sectoral targets identified included the following: 2.5m ha of land under wildlife production; 2500 hectares of land for indigenous species identified and cultivated; 2000 youth, women and PDIs participating in the wildlife, ecotourism and bioprospecting/ trade value chain; 50 000 heads of game for PDIs and communities secured (15 000 from government; 35 000 from the private sector); 55 000 jobs from biodiversity economy sector created (4 000 from government; 51 000 from the private sector); and 45 community beneficiation programmes implemented.
  - Some of the key transformation drivers for the biodiversity economy sector were noted as including: access to land by the previously marginalised population; access to capital, to finance business ventures; access to business networks and partnerships; access to markets for new products; skills training, mentorship and empowerment for new entrants, including local communities and those acquiring land through restitution; accelerated rural economic development.

- Biodiversity Economy Transformation Projects – with these noted as including the following: Environmental Protection and Infrastructure Programmes (EPIP); Biodiversity Economy Infrastructure projects, including protected areas opportunities; the SMME Support Programme; the Game Meat Youth Learnership Programme; Wildlife Extension Officers Partnership; Support for Traditional Authorities Pilot Project; The Environmental Mega-hub initiative.
- The People and Parks Programme – with this programme primarily focused on addressing issues at the interface between conservation and communities, with particular focus on the realisation of tangible benefits for communities who were previously displaced from their land, to pave the way for the establishment of conservation areas. Key thematic areas addressed under the programme include: (1) restoration of land rights; (2) co-governance; (3) economic development; (4) capacity building and awareness; (5) community stewardship.
- Youth programmes within the biodiversity conservation space, with these including:
  - The People and Parks Youth Forum: The purpose of the programme is to provide awareness and capacity building in respect of biodiversity and conservation within protected areas in South Africa, while also ensuring enterprise development amongst young people in neighbouring protected areas. The Forum provides guidance on strategic issues, and overarching policies and procedures. In particular, it aims to guide and monitor the implementation of youth conservation-related programme and projects.
  - The Youth Community Outreach Programme: This is a community based environmental education and awareness programme aimed at nurturing a cohort of young people to be Environment Ambassadors, whilst creating economic and skills development opportunities. It is composed of two components or streams:
    - Ward based or protected areas environmental education and awareness (with this including youth champion environmental education at ward level, championed by Ward Councillors; establishment and strengthening of ward environmental forums; development of ward environmental profiles, depicting environmental challenges and recommended solutions, as well as database of unemployed youth – for integration into municipal Integrated Development Plans (IDPs))
    - Environment information dissemination through community libraries (with environmental information shared through a DEFF hyperlink in all libraries equipped with ICT and connectivity, through environment information corners in libraries, via environmental campaigns and environmental days, and through a school environmental education programme)
  - The Youth Conservation Programme (YCB): This is a CITES COP17 Legacy Programme, which aims to mobilise youth around conservation in a way that stresses the importance of every individual playing a role in the protection of South Africa's natural wealth, while simultaneously highlighting the possibilities for social economic upliftment through conservation.
  - The Global Youth Biodiversity Network (GYBN) and the South Africa Youth Biodiversity Network (SAYBN):
    - Through the GYBN, international youth organisations and individuals had the opportunity to meet within the context of a regional capacity building workshop, under the common banner or goal of biodiversity loss prevention. This provided a platform for African youth to share experiences and learn from young people from other countries in Africa.
    - The SAYBN serves as a further platform for youth to share experiences and learn from other young people from different provinces across South Africa.
  - The Man and Biosphere (MAB) Youth Forum: With young people from South Africa participating in the UNESCO Biosphere Reserve Youth Forum, to ensure contribution to the 2030 Agenda for Sustainable Development.
  - The Kids in Parks Programme: This programme has achieved notable strides, exposing more than 50 000 children (from grades 5 to 11) who come from previously disadvantaged communities to national parks.

This is a partnership initiative between DEFF, the Department of Basic Education, SANParks and a private sector partner, Pick n Pay. Through this programme, children are provided with an opportunity to experience life in the park (with many being exposed to such an experience for the first time), and are provided with further opportunities to learn, at a practical level, about natural and cultural heritage resources in these protected areas.

- Other Youth Programmes: Many other educational youth programmes are in place, such as SANParks' Junior Ranger Programme, the Kudu Green School Initiative, Ezemvelo KZN's S'fundimvelo Environmental Education Programme, the Greater Mapungubwe Transfrontier Conservation Area's Children in the Wilderness Initiative, and others.

Building on the above, DEFF requested the HLP to consider the following questions as part of its work:

- In terms of historical practices:
  - How many PDI enterprises/ communities have sold lions in auctions or been involved in breeding lions?
  - How many PDIs/ communities located on community-owned land hold hunting concessions for the five species?
  - How many black professional hunters and outfitters have been assisted to enter the market?
  - What is the percentage of quotas for the five species that have been allocated to black professional hunters, outfitters, communities, and black-owned game reserves?
  - What is being done to ensure that businesses trading in the five species contributes to sectoral transformation efforts?
- In terms of supporting transformation in the sector:
  - How do we ensure ownership of the five species by PDIs and communities?
  - How can traditional authorities own protected areas in the same way as private landowners?
  - How can the existing legislative framework become a stronger enabler of transformation – and what additional legislation is needed to drive this objective?
  - How can wildlife viewing be considered as a major component of sustainable use?
  - How can community representation in the wildlife sector be improved to unlock some of the challenges?
  - How can funding from various sources such as GEF funding be made more accessible to communities and PDI projects, rather than to consultants?
  - How can more land be made available for wildlife/ conservation farming as opposed to agricultural land?
  - How can informal hunting as a cultural activity be integrated into the formal sector/ economy – and what are the possible opportunities in this regard?
  - Required needed in terms of a system to adequately monitor jobs created in the wildlife sector, wildlife farming, hunting, ecotourism, etc.

### *7.5.3 Capacity building, education, training, and empowerment of human capital across the wildlife sector*

The overarching 20-year framework for the wildlife sector is supported by the Biodiversity Human Capital Development Strategy (HCDS), which takes the form of a full value chain approach<sup>111</sup>. SANBI is mandated to lead the development and implementation of the HCDS for the biodiversity sector, via a range of environmental policies, including the 2005 National Spatial Biodiversity Assessment (NSBA), the 2005 National Biodiversity Strategy and Action Plan (NBSAP)

<sup>111</sup> As reflected in the content, which includes a Youth Development Programme, a species focused strategy, in-depth analysis on the effectiveness of the existing co-operative governance system and the outcomes-based service delivery model – taking into account the prevailing circumstances, including the new District Based approach.

and the 2007 National Biodiversity Framework (NBF). To support it in delivering on this role, SANBI has also entered into a partnership agreement with The Lewis Foundation (with the Tony and Lissette Trust, which includes conservation as its main focus).

The HCDS' vision reflects as follows:

*“By 2030 the sector aims to develop a socially equitable and suitably skilled workforce of biodiversity leaders, professionals and technicians to optimally implement national dynamic, expanding and increasingly complex biodiversity and development mandates and goals.”*

The strategy aims to address four key challenges: systemic challenges across the pipeline; reactive and ineffective education and skills development policies; skewed demographics in talent supply; supply versus demand misalignment. It is further supported by the following Communities of Practice: the Biodiversity Planning Forum; the Biodiversity Information Management Forum; the Provincial and Metro Planning Working Group; and the Biodiversity Stewardship Technical Working Group.

A number of Global Environment Facility (GEF) projects are also of relevance here in relation to the domain of capacity building – including:

- The Biodiversity and Land Use Project (GEF 5) – where:
  - The objective of this project is to minimize the multiple threats to biodiversity by increasing the capabilities of authorities and land-owners to regulate land use and manage biodiversity in threatened ecosystems at the municipal scale – with capacity building focused on the following role-players: EIA practitioners and case officers, environmental assessment practitioners (EAPs); municipal planners and IDP managers, stewardship facilitators, and community conservation officers.
  - This project centres on the co-development of decision support tools, protocols and guidelines (e.g. savannah and thicket ecosystem guidelines, land use scheme guidelines, biodiversity stewardship guidelines), focused capacity development interventions, and staff placements.
- Strengthening institutions, information management and monitoring to reduce the rate of illegal wildlife trade in South Africa (GEF 6) – with this project seeking to:
  - Increase capacity within the Scientific Authority of South Africa (SAoSA) in relation to legal and sustainable wildlife trade – through training members in effective wildlife trade monitoring and assessment
  - Develop and implement a capacity and skills development strategy for SAoSA's secretariat and provincial scientific services, to support monitoring and reporting of wildlife trade – and build the capacity of the secretariat and provincial scientific services accordingly
  - Address the above through the following activities: a capacity needs assessment of scientific services required by SAoSA's secretariat and the provinces; together with training institutions, development of a training programme for each level of identified capacity needs; development of a training curriculum for new SAoSA interns; development of funding models and options for a strengthened SAoSA secretariat and provincial scientific services; development of a structure and delivery model for a strengthened SAoSA secretariat and provincial scientific services; development of a recruitment and retention strategy

#### 7.5.4 Welfare and the ethical treatment of wildlife

According to DALRRD, 'animal welfare' relates to how an animal is coping with the conditions in which it lives. An animal is considered to be in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress.

Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/ killing. Thus, animal welfare refers to the state of the animal.

DALRRD subscribes to animal welfare principles aligned to the five freedoms: freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour.

Public sector stakeholders highlighted the following legislation as relevant in relation to animal welfare:

- Performing Animals Protection Act, 1935 (Act 24 of 1935), as amended: This applies to any animal that is used for exhibition, training or display purposes (with or without monetary compensation). The Act does not apply to: the confinement or training of animals for military, police or sporting purposes or the purposes of an agricultural show, horse show, dog show, caged bird show or any public zoological gardens; the exhibition of animals at a military or police tournament or at a gymkhana, or at any such show or in any such gardens; or to the use of an animal for safeguarding by the South African Defence Force, the SAPS or the Prisons Service.
- Animals Protection Act, 1962 (Act 71 of 1962): This law applies to all animals regardless of their purpose or conservation status. Section 2(1)(b) notes that any person who confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather, shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or to imprisonment.
- Animal Matters Amendment Act, 1993 (Act 42 of 1993): This provides for directions in respect of injuries caused by animals.

During discussions, the HLP noted that animal rights are not vested in the Constitution, and will therefore not be considered by the HLP for the purposes of making recommendations on the legislation – with the applicability of the five freedoms to free-ranging wildlife needing to be considered as an individualistic approach. It was argued that the HLP should view welfare as a management issue that is best addressed through sensible legislation – with policies required to prohibit activities that would result in stress to animals (e.g. activities such as the repeated translocation of elephants). To this effect, an amendment to NEMBA is currently being subjected to Parliamentary approval processes, with this amendment including a mandate to regulate the well-being of wild animals, while being mindful of the existing capacity to implement such welfare legislation provisions.

The legal mandate to implement the Animals Protection Act rests with DALRRD, but DEFF has a responsibility to consider welfare during its decision-making processes. The HLP was advised to consider varying mandates in provincial legislation in relation to the regulation of welfare, given that most provincial Acts or ordinances have at least a limited mandate (as opposed to no mandate at all).

#### *7.5.5 Inefficiencies in governance of the wildlife sector (9+1+1 issues)*

A number of inefficiencies and challenges were raised in respect of the governance of the wildlife sector – particularly as a result of the at-times concurrent roles of national and provincial counterparts, and other bodies. The following points were raised during stakeholder engagements:

- Welfare is not complicated by concurrent competences in the same way as conservation and environmental legislation. Provincial, regional, council and municipal regulations and ordinances in respect of welfare matters do not supersede the national legal imperative (i.e. welfare requirements across sub-national spheres can be stronger and more prescriptive than the national legislation, but cannot be less prescriptive than what is required in terms of national legislation).

- More broadly, the fragmented '9+1+1' environmental/ wildlife legislative system lacks consistency and standardisation, with wide variation in permitting requirements and conditions, as well as extent to which welfare is addressed, complicating compliance, enforcement and application of welfare considerations, for both permit holders and welfare inspectors.
- 'Norms and Standards for the Management of Damage-Causing Animals in South Africa' have been developed and finalised. However, non-uniform regulatory provisions of the respective provincial conservation acts or ordinances hinder the potential of uniform implementation and enforcement of these norms and standards. Stakeholders advised that this challenge could be resolved through a simple amendment of the offences section of NEMBA, shifting this to declare non-compliance with the norms and standards issued in terms of NEMBA, as an offence. Until such time as such an amendment is made, the draft norm and standards which apply to any Damage Causing Animal, and not only to leopard in particular, will be converted to guidelines for implementation at provincial level.

#### *7.5.6 Agriculture and conservation policy conflicts*

Overlapping mandates between different government departments across national, provincial and local spheres creates uncertainty, with overlapping mandates and areas of policy conflict in relation to the domains of agriculture and conservation playing out in the regulation of species such as the ostrich and crocodile.

In South Africa, 'wildlife ranching/ game farming' is defined as the management of game in a sizeable game-fenced system, with human intervention in the form of water provision, provision of supplementary food in periods of drought, control of parasites, and health care provision. Game farming has been recognised as an agricultural activity, while game meat is recognised as agricultural product in terms of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

DALRRD highlighted a number of pieces of legislation which hold a direct and/ or indirect impact on wildlife, including, amongst others, the Game Theft Act, 1991 (Act No. 105 of 1991), the Fencing Act, 1963 (Act No. 31 of 1963), the Conservation of Agricultural Resource Act, 1983 (Act No. 35 of 1983), the Animal Disease Act, 1984 (Act No. 35 of 1984), the Animal Protection Act, 1962 (Act No. 71 of 1962). Cross-cutting legislative issues such as ownership of game, farms and holdings, and breed evaluation and improvement were also highlighted. Additional areas for consideration by the HLP were noted as including the implications of the Game Theft Act, and the consequences of listing wild species in terms of Animal Improvement Act, 1998 (Act No. 62 of 1998).

#### *7.5.7 South Africa's international standing and reputation*

According to the Department of Tourism, policies, legislation and practices on elephant, lion, leopard and rhino management, breeding, hunting, trade and handling have a direct impact on 'Destination South Africa' as a tourism product. South Africa's National Tourism Strategy includes a Vision statement of "Inclusive and quality growth of the South African Tourism Economy", with objectives including a focus on 'effective marketing' and the facilitation of 'ease of access'.

In their presentation to the HLP, the Department of Tourism covered the following issues:

- In terms of animal control, utilisation and hunting: A question regarding what is appropriate, and what is not, with this question raised primarily in relation to lions and rhino – and more specifically, to issues of canned lion hunting, the lion bone trade, and rhino poaching. The department reflected on calls for improved animal interactions and responsible tourism practices, and an end to unethical practices by captive facilities that offer different levels of interaction between humans and animals.

- In terms of what was framed as a ‘muddled environment’: The observation of claims and counter-claims of limited conservation value offered by breeding facilities – with tensions noted between hunting destinations, photographic safari destinations and conservation destinations that frame themselves as centres of ‘care’.
- The impact of the above on South Africa as a Destination Brand, with:
  - HLP members advised that in October 2019, the Southern Africa Tourism Services Association (SATSA) finalised the ‘Animal Interaction Guidelines’, which define the following activities as unacceptable – with this classification supported by key industry players and tour operators: performing animals; tactile interactions with all wild animals; walking with predators or elephants; tactile interactions with predators or cetaceans; riding of wild animals – including riding or sitting on elephants, ostriches, crocodiles. Of these activities, those associated with the ‘captive lion breeding industry’ were deemed to be most unacceptable. HLP members were informed that the SATSA guidelines drew on Grant Thornton (BDO) research, and research from the University of the North West (including a survey on the economic value of hunting of trophy hunters (2015/16), and a 2011 analysis of the economic impact of hunting for biltong purposes).
  - Other guidelines such as the July 2018 ‘Fair Trade Tourism Good Practice Guidelines for Captive Wildlife’ also developed – recognising the challenges associated with distinguishing between facilities that provide genuine conservation operations or sanctuaries, and those that do not (i.e. where some facilities that describe themselves as sanctuaries, rehabilitation centres, endangered species centres or similar are found to be wanting).
- DEFF’s current work in developing a Voluntary Certification System for wildlife ranching (including agriculture, ecotourism including hunting, and conservation).
- EWT’s, the Centre for Environmental Rights’ and The Lewis Foundation’s work in compiling “Fair Game”, a paper focused on proposals for improving the well-being of South African wildlife via an overhaul of the regulatory environment, with particular focus on standardisation and consistency.
- PHASA’s efforts to engage with the Department of Tourism, with this concluding with the understanding that the Department of Environmental Affairs is to deal with policy areas related to its mandate, while the Department of Tourism is to deal with tourism aspects. It was also noted that PHASA is a member of the Tourism Business Council of South Africa (TBCSA).

Finally, HLP members were advised that South Africa’s tourism brand would be impacted by the policies and implementation mechanisms arising from the HLP’s work. While the current approach to the international marketing of South Africa as a destination by South African Tourism (SAT) does not expressly include the promotion of hunting, the establishment of a robust animal management framework would improve the perceptions of South Africa as a destination, and promote tourism flows from key source markets.

#### *7.5.8 Management of the five iconic species in the wild*

In relation to the management of the iconic species, SANParks reflected on the 2018 Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) Assessment Report, which looked at how poaching and the illegal wildlife trade had exacerbated the decline in species, and the fact that more species of plants and animals are threatened with extinction now than at any other time in human history. The main drivers of such decline and extinctions were noted as including overkill and environmental change.

SANParks’ presentation also reflected on the status of African mammal population, with the large mammal population declining in Africa’s protected areas due to over-exploitation and land conversion. Key messages related to the need for suitable and adequate habitat (incl. food and water) for large mammals, adequate protection from over-exploitation (including from poaching), and fencing to limit human-wildlife conflict. Two broad conservation challenges were also

raised in respect of mega-herbivores: over-exploitation associated with poaching and illicit trade, and an over-abundance – associated with vegetation destruction.

HLP members were advised of the indirect drivers of change underpinning the proximate direct causes of the decline in biodiversity – with significant opportunities or mechanisms for leverage for decision makers to influence the extent to which the status and trends of biodiversity and ecosystem services are impacted. The HLP was also asked to consider the many questions being raised amongst conservationists, policy makers and other interested stakeholders on various aspects relating to the economy, society and biosphere, some of which could be interrogated by the HLP. In executing its work, the HLP was also asked to consider the following:

- Would interventions (e.g. culling; contraception; etc.) be necessary to safeguard habitat conditions for other species?
- Should wildlife populations be exploited for economic reasons – and if not, how could conservation be funded?
- Would the financial and manpower investment be justified in light of competing national needs and interests?
- Could rapidly declining populations be protected effectively in the wild, given the limited size of many reserves and parks?
- What would the approach be when engaging with communities where unemployment rates in some cases exceed 80%, in order to attain a common understanding and vision on the management of rhino, for the benefits of all people including the communities that live next to parks such as the Kruger National Park?
- In light of the projected global changes such as climate change, human populations and rapid urbanization, how would one ensure the improved and effective management of protected area?

#### *7.5.9 Additional 'big issues' not addressed further in terms of stakeholder inputs*

No further input was shared by stakeholders in relation to the following 'big issues' – beyond that already reflected on under Section 7.4 (with content only presented once, in the interests of avoiding duplication):

- State protected areas
- Hunting of the five iconic species
- Translocation of the five iconic species outside their natural range
- Conservation and ecologically sustainable use of leopard
- Captive lions
- Rhino horn and elephant ivory from free-roaming/ wild animals
- Rhino horn and elephant ivory stockpiles
- Commercial use of rhino horn from captive breeding operations

## 8 ENGAGEMENTS WITH THE GENERAL PUBLIC, COMMUNITY LEADERSHIP STRUCTURES AND AFFECTED COMMUNITIES (PHASE 3)

This chapter reflects on the HLP's engagement process with (1) members of the general public, and (2) community leadership structures and members of affected communities. Specifics are presented on the principles and approach followed for each stakeholder engagement process, alongside inputs received from stakeholders – including key messages and proposals for consideration by the HLP. All content addressed here is supported by more detailed reports included within Annexure I.

### 8.1 Engagements with the general public

#### 8.1.1 Overview of the engagement process with members of the general public

Key points for noting in terms of the process and principles adopted during engagement with members of the general public are as follows:

- In terms of the process followed in respect of stakeholders falling within the 'general public' category:
  - Public stakeholder engagements were initiated on 27 March 2020, through notices that were published in the Gazette and newspapers (the Star (2 April) and City Press (5 April)).
  - Through the above, the HLP initiated the broader public engagement process – inviting the public to submit written submissions, scientific information, socio-economic information or any other relevant information. Over 70 individual submissions were made
  - All inputs received were reviewed and analysed by the full HLP, with the support of the HLP's Secretariat – with inputs used to inform the HLP's review of the status quo and possible recommendations.
  - All members of the public who submitted inputs were invited by the HLP to participate in a set of stakeholder category-specific engagements, with these serving as an opportunity to share additional information, to provide further input on the submissions, and to respond to questions of clarity.
- In terms of the virtual stakeholder engagement sessions subsequently rolled out with categories of stakeholders:
  - All stakeholder engagements with public stakeholders were held online, consistent with COVID-19 protocols.
  - Organisations were provided with a set of questions/ areas in which the HLP required further clarity in relation to their submissions, with these questions sent to stakeholders prior to the engagements.
  - Stakeholder sessions were designed to primarily serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase. During the sessions, organisations were provided with a 25 minute time slot for engagement with the HLP (15 minutes for presentations, with 10 minutes for questions and answers), while individual stakeholders were also provided with a five minute slot each, for further input to be shared.
  - Delegates were advised that where the HLP had further questions, these would be sent out to all participants present, in the interests of transparency.
  - All sessions were recorded, with the content from the sessions used as a further input into the HLP's deliberations. Summaries of sessions are included in Annexure I of this report – with inputs clustered in the context of the 'big issues' emerging during the HLP's deliberations.
- During the stakeholder engagement sessions, participants were also advised of the broader practices followed by the HLP to support sound process (e.g., the fact that all HLP members had signed a Declaration of Interest, to



### 8.1.3 Summary of engagements

The table below provides a summary of engagements with public stakeholders falling within the following categories: the wildlife industry; conservation NGOs and individuals; welfare and advocacy groups; eco-tourism groups; and tourism business associations.

**Table 1: Stakeholder engagement sessions with public stakeholders**

#	Category of stakeholder	Date	Stakeholders present
1	Wildlife Industry	29 September 2020	Members of the general public falling who made formal submissions to the HLP as part of the public participation process, and who fall within the Wildlife Industry Category
2	Conservation NGOs and Individuals	2 October 2020	Members of the general public falling who made formal submissions to the HLP as part of the public participation process, and who fall within the Conservation NGOs and Individuals Category
3	Welfare and Advocacy Groups	6 October 2020	Members of the general public falling who made formal submissions to the HLP as part of the public participation process, and who fall within the Welfare and Advocacy Groups Category
4	Eco-tourism Groups	7 October 2020	Members of the general public falling who made formal submissions to the HLP as part of the public participation process, and who fall within the Eco-tourism Groups Category
5a	Tourism Business Associations	13 October 2020	Members of the general public falling who made formal submissions to the HLP as part of the public participation process, and who fall within the Tourism Business Associations Category
5b	NSPCA (unable to attend the session of 6 October 2020)	13 October 2020	Members of the NSPCA

Details of attendees and discussions at each session are provided in Annexure I.

### 8.1.4 Analysis of inputs from the engagement sessions with members of the general public

The sections that follow reflect the analysis of inputs received from the engagement process with public stakeholders – with ideas, insights and recommendations captured in respect of the set of the ‘big issues’ that started to emerge through the literature review and research phases of the HLP’s work (including through the work of the thematic sub-committees), via engagement with various stakeholder groups, and through a range of HLP workshops and review sessions. Specifics relating to the iconic species, as per the ToR, are captured within the context of these ‘big issues’ – which include the following:

1. National Policy on Biodiversity Conservation and Sustainable Use
2. Transformation of the wildlife sector
3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector
4. Capacity building, education, training, and empowerment of human capital across the wildlife sector
5. Welfare and the ethical treatment of wildlife
6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)
7. Agriculture and conservation policy conflicts
8. State protected areas
9. South Africa’s International Standing and Reputation

10. Management of the Five Iconic Species in the Wild
11. Hunting of the five iconic Species
12. Live export of the five iconic species
13. Conservation and ecologically sustainable use of Leopard
14. Elephant and ivory management
15. Rhino and rhino horn management and trade
16. Rhino horn and elephant ivory stockpiles
17. Commercial use of captive rhino horn
18. Captive lions

The analysis of stakeholder inputs from members of the general public, including status quo reflections and inputs or suggestions in respect of the HLP-agreed 'big issues', is included below. It should be noted that, while inputs are clustered in respect of the different stakeholder categories, the stakeholders engaged within these categories are by no means viewed as homogenous in terms of perspectives or recommendations.

#### 8.1.4.1 National Policy on Biodiversity Conservation and Sustainable Use

In reflecting on the status quo in respect to this area, messages raised by stakeholders were as follows:

- From stakeholders within the 'tourism business associations' category:
  - Based on analysis undertaken by SATSA as part of their 'animal interaction' research, some of the gaps identified in the legislative framework and practices associated with regulating the use of African animals include:
    - In terms of NEMBA: a lack of enabling provisions; only applicable to TOPS.
    - Insufficient norms and standards, in particular for TOPS.
    - Excessive and ineffective permitting; inconsistent permitting across provinces, not always compliant with legal requirements - with welfare provisions frequently omitted.
    - Misalignment of provincial and/ or national legislation.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the 'conservation NGOs and individuals' category:
  - A call for a national policy framework that incorporates content on the governance of natural resources, including specifics on the involvement of communities and community structures in the management of natural resources.

#### 8.1.4.2 Transformation of the wildlife sector

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the 'wildlife forum' category (inclusive of members involved in activities such as hunting, breeding and trade in respect of the derivatives of the five iconic species):
  - Acknowledgement of limited levels of transformation in the sector – with concerns raised regarding the absence of a transformation agenda and a transformation strategy.

- Challenges faced by new entrants into the sector were outlined – with these ranging from difficulties in accessing training and mentoring, to the high cost of equipment, limited access to land, limited resources, and difficulties in accessing markets.
- A range of regulatory factors that serve as barriers to entry – including, amongst others, restrictive regulations for hunting, and the requirement for professional hunters to be registered in nine provinces.
- From stakeholders within the ‘eco-tourism groups’ category, an observation that the captive breeding industry benefits only a few people.
- From stakeholders within the ‘tourism business associations’ category, an observation that current practices in the wildlife sector in respect of animal interactions hinder the potential of the tourism sector to grow, and with this, to support transformation.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - A request for government to partner in supporting transformation (e.g., through funding, land, infrastructure, reducing red tape) and in unlocking the wildlife economy’s financial value (e.g., via legal international trade).
  - Ensure new black entrants benefit from well-regulated trade – as both owners and/or custodians – e.g., through sales, product beneficiation, and job creation.
  - Drive structural change in respect of decision making bodies: including PDIs in leadership structures involved in the sector; revising professional hunting legislation so that it is more balanced and allows for improved access (e.g., access to quality hunting areas and concessions); linking CPAs with transformation opportunities.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Facilitate transformation through allowing people to benefit financially and economically from wildlife economy – e.g., via access to quotas for leopard hunting.
  - Identify mechanisms that support community governance structures and transformation of the wildlife economy, regardless of land ownership status.
- From stakeholders within the ‘tourism business associations’ category, support transformation through new forms of collaboration e.g., land reform/ agriculture/ collaboration between white farmers and emerging farmers, and the establishment of ecosystems of support.

#### 8.1.4.3 Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Support conservation through: incentivising landowners to drop fences and create more connected landscapes, linking community owned and private sector land, for great benefit from international tourism; building understanding of the benefit of a whole-ecosystem approach.
  - For elephants: implement new methods to support elephant use of corridors with reduced Human Animal Conflict (e.g., provide a 1km buffer free of human development, to support elephant movement; provide supplements and water to prevent raiding of crops; use bees to protect crops and trees).
- From stakeholders within the ‘welfare stakeholder category’:
  - Consider the lthala model of non-consumptive conservation-based land use practices that allow for less invasive use of wildlife – where:

- Focus is placed on the inclusion of various partners, including communities, in developing project conservation based land use principles at the core (with the Ithala project aiming to support elephant movement across territories in a way that benefits rather than harms communities).
- Practices aim to constrain elephant numbers and constrain elephants to designated areas as a way of reducing human-wildlife conflict – while also using tools (e.g., bees) to support greater.
- Emphasis is placed on where money enters the community (e.g., 4x4 trails; home stays), and activities that cycle money in the community (e.g., alien plant removal; bee keeping; making baskets and walking sticks) – with this increasing community socioeconomic resilience to shocks, while reducing dependency on government.
- Encourage indigenous wildlife practices that support dignity, mutuality, equality, upholding the rights of nature, and ensuring a flourishing and healthy planet.
- Follow an approach to the environment that includes restoration of ecological health, emphasis on well-being and dignity of individual animals, recognition of One Health and mitigating the risk of zoonotic diseases, rewilding, social and intergenerational justice, transparency, economically sustainable livelihoods, accountability, and balance (not prioritising animal lives over human lives).

#### 8.1.4.4 Capacity building, education, training, and empowerment of human capital across the wildlife sector

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘tourism business associations’ category:
  - Acknowledgement of capacity and process challenges when applying welfare to captive breeding facilities (e.g., NSPCA pay for its own vets to gather and submit evidence; cases are lengthy)

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - Support skills development and growth of knowledge and practices relating to environmental management amongst communities living alongside protected areas, so that they can participate in the sector.

#### 8.1.4.5 Welfare and the ethical treatment of wildlife

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - Ethical and welfare concerns associated with captive predators and canned lion hunting, which jeopardise the recovery of tourism revenue, alongside conservation.
- From stakeholders within the ‘welfare stakeholder’ category:
  - Concern that DEFF’s current approach is aggregative in nature (i.e., animals as individuals do not matter) – yet courts have indicated that constitutional values dictate a more caring attitude, with the NSPCA case reflecting animal welfare as including the intrinsic value of animals as individuals – with this requiring a shift to an integrative approach.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - In relation to culling of elephants: address welfare concerns honestly and transparently – explaining options considered; managing culling in a responsible way.

- From stakeholders within the ‘welfare stakeholder’ category:
  - Ensure adherence to an alternative policy framework that is consistent with: the existing statutory framework including the Animal Protection Act; court case jurisprudence; environmental rights reflected in s24 of the Constitution; and socioeconomic development approaches that incorporate ecological sustainability from a biodiversity perspective.
  - An approach that aligns with an integrative approach – based on an understanding that the lives of individual animals matter, and that animals are deserving of respect.
  - Moving away from practices that exploit individual animals.
- From stakeholders within the ‘tourism group bodies’ category:
  - Establish measurable criteria on an activity by activity basis, to reflect when activities in the wild are being carried out in a responsible manner that is ‘ethical’ and ‘humane’. Set internationally reputable standards and measurable criteria with a scientifically determined weight factor.

#### 8.1.4.6 Inefficiencies in governance of the wildlife sector (9+1+1 issues)

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - Challenges experienced in the sector, as a result of limited resources, inefficiencies and autonomy at a provincial government level: mixed levels of delivery (e.g., for permits, and oversight of captive breeding operations); inefficiencies, underfunding, skills gaps and increased expenses, and varying experiences, outcomes and different systems in use across the provinces.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Acknowledgement of concurrent competency challenges between DEFF and DALRRD; provincial and national legislation and compliance conflicts.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - Establish a national database (as per the NEPAS system in use in Mpumalanga and North West) to allow for monitoring and reporting.
  - Shift away from provincial autonomy to a ‘one size fits all’ national ordinance (e.g., for hunting), with addendums for province-specific issues.
- From stakeholders within the ‘tourism business associations’ category:
  - Based on analysis undertaken by SATSA in the context of research on human animal interaction, gaps in the current legislative framework and practice in terms of regulation of the use of African animals – with some of these gaps including:
    - Lack of sufficient collaboration between national departments and between national and provincial departments
    - Lack of capacity (human and financial) to efficiently monitor legislation and regulations – Green Scorpions, NSPCA, DALRRD, DEFF (environmental management inspectors under NEMA). Enforcement action for only well publicised cases of cruel treatment.

#### 8.1.4.7 Agriculture and conservation policy conflicts

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- Within the ‘wildlife forum’ category, SA Hunters specifically reflected their opposition to the listing of wild animals under the Animal Improvement Act and the use of captive breeding of wildlife for purely commercial purposes.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Concern raised by the NSPCA regarding the listing of wild species under the Animal Improvement Act, with this meaning that a lot of our wildlife will be intensively bred – raising concerns as per the 2002 panel of scientists who reviewed intensive breeding of wildlife and highlighted potential risks, including issues relating to sustainable utilization, and threats posed to biodiversity and species.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - “Follow a policy that favours a conservation-driven approach, over a production-driven approach”.
  - The NSPCA noted the overlapping mandate between DEFF and DALRRD, acknowledging that both departments have to carry out their mandates and collaborate when there is an overlap, as per Chapter Three of the Constitution – with welfare noted as part of each department’s mandate – as ruled by the court.
- From stakeholders within the ‘eco-tourism’ category:
  - Look at opportunities for an inclusive economy that differentiates between natural lands, working lands with regenerative agricultural practices (increasing health of the land and surrounding air and water, providing room for nature to expand, increasing farm incomes, and improving nutritive value of food), and hybrid lands (integrating natural and working lands and built infrastructure)

#### 8.1.4.8 State protected areas

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Poor management of numbers of animals – e.g., in the Kruger National Park.
  - Limited financial viability in national and provincial parks.

#### 8.1.4.9 South Africa’s International Standing and Reputation

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - Most stakeholders highlighted the reputational damage associated with captive breeding.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Respondents reflected a general consensus around the damage caused to South Africa’s international standing as a result of practices such as captive breeding of lions. Focus was also placed on the need to make choices with an understanding of global responsibility, and the potential impact on South Africa’s economy and on other countries and their conservation efforts – particularly given that many have fewer resources to manage challenges such as poaching.
- From stakeholders within the ‘welfare sector’ category:
  - International shift towards practices that recognise the rights of nature – e.g., Bans of ivory/ horn; bans on trophies.
  - Global concerns regarding zoonotics, and contribution at a global level of each nation to ‘One Health’ and ‘One Welfare’ – with commercial intensive breeding: increasing direct contact between humans and wild

animals; creating opportunities for pathogen transmission; negatively impacting South Africa's global standing.

- South Africa is a member of the African union, which endorsed the Animal Health Strategy leading to 2035, and One Health Approach.
- From stakeholders within the 'eco-tourism' category:
  - Wildlife is South Africa's world differentiating factor - playing a key role in tourism revenue.
  - Concerns voiced by tourists and the volun-tourism industry in terms of practices such as captive breeding, cub petting and the like contribute to significant reputational damage for South Africa.
- From stakeholders within the 'tourism bodies' category:
  - Reflection of value of tourism industry, and loss of potential earnings and jobs due to reputational damage and global concern regarding 'animal interactions' and related practices.
  - SATSA's analysis of status quo reflects urgency of change in respect of current 'animal interaction practices' and tourism, with South Africa seen as having "once chance" to mediate tensions, to place the country at the front of ethical travel destinations (thereby growing the industry); to enhance the value of the tourism wildlife economy by guiding and providing comfort to consumers/ tourists in their decisions; to enhance social co-benefits (job creation; preservation of species for future generations); and to improve the welfare of wild animals in captivity/ identify unacceptable activities – with "tourism's sustainability depending on what potential tourists think".

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the 'wildlife forum' category:
  - While the harm from captive breeding was acknowledged by most, the proposed approach through which to address this varied – with focus largely on reputation management and communication (e.g., a factual, educational campaign regarding the need for and importance of harvesting ...[animals] as a population management tool, to address negative reporting regarding hunting/culling of elephant, which might be detrimental to our tourism market).
  - Only a few stakeholders called for an end to the practice, given the long-term harm to the wider sector (with SA Hunters raising damage such as: a reduced demand for hunting from 'responsible hunting organisations'; international trade restrictions; the negative impact on biodiversity and wildlife economy; and a shift away from 'wild', to other forms of land use).
  - Some parties (e.g., PROA; CPHC) called for a 'bold' decision to focus on sustainable use – and for South Africa to 'stop pandering to the West'.
- From stakeholders within the 'conservation NGOs and individuals' category:
  - Approach biodiversity as a global good, considering the impact on other countries and species – and engage in discussions at the highest level about global responsibility and diversified funding mechanisms for biodiversity conservation.
  - Address reputational damage through sharing stories of fair trade experiences and opportunities, and through establishing and communicating a clear decision on where South Africa stands on intensive breeding/ captive breeding.
- From stakeholders within the 'welfare sector' category:
  - End intensive farming of wild species, and close interactions – taking zoonotics into account.
  - Take decisions with cognisance of the impact on neighbouring countries and their wildlife.
- From stakeholders within the 'tourism bodies' category:

- SATSA: Reform the trade in live animals and animal parts: to attract tourists and grow the economy; to reflect South Africa's alignment with a post-COVID-19 world; to align with the Constitution, case law from the Constitutional Court, and African custom; to demonstrate an understanding of the importance of driving long term benefit for all.
- TBCSA's: HLP to provide a clear direction in terms of the sector – given the experience of being 'in the middle' of many conflicting views (with TBCSA's members including a range of private sector operators, some of whom support and others who oppose activities under discussion).
- Introduce a satellite account for wildlife based tourism, to fully understand the impact of perceptions.
- Manage information and brand, recognising the reality of the information era – where information can become contagious in a moment. Develop a 'South Africa' communication strategy and effort, to manage South Africa's reputation – and establish a team of stakeholders locally and globally who can be activated in cases of 'contagion', to support the brand and manage risk.

#### 8.1.4.10 Management of the five iconic species in the wild

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the 'wildlife forum' category:
  - Concerns regarding improper management of elephant numbers – leading to environmental destruction, and fewer numbers outside of parks, as a result of human-wildlife conflict.
  - A view that over-regulation within the wild reduces conservation efforts.
- From stakeholders within the 'conservation NGOs and individuals' category:
  - Concerns regarding elephant overpopulation and destruction of habitat in areas (with concerns raised about the Kruger National Park), due to exceeding carrying capacity.
- From stakeholders within the 'welfare sector' category – in terms of funding, view that:
  - Privatisation, commercialisation and commodification of wildlife is not a desirable or effective way of financing biodiversity protection – with wildlife 'paying' through the role of individual animals and species within functioning ecosystems, and via the real value of the services those ecosystems provide
  - South Africa should target benefiting from a number of international initiatives that are examining how to fund mechanisms to halt and reverse biodiversity loss.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the 'wildlife forum' category:
  - A call for the norms and standards to be reviewed, so that they do not prevent sustainable management of species – and are not so restrictive that they discourage private owners from managing/ keeping animals (with a request that key role-players are engaged during this process).
  - In terms of population control, stakeholders raised different proposals – with these ranging from culling and 'hunting in a socially responsible manner', to 'sustainable use'. PHASA argued that euthanasia, contraception and allowing death through thirst or starvation viewed as wasteful/ irresponsible.
- From stakeholders within the 'wildlife forum' category:
  - A call for the norms and standards to be reviewed, so that they do not prevent sustainable management of species – and are not so restrictive that they discourage private owners from managing/ keeping animals (with a request that key role-players are engaged during this process).

- In terms of population control, stakeholders raised different proposals – with these ranging from culling and ‘hunting in a socially responsible manner’, to ‘sustainable use’. PHASA argued that euthanasia, contraception and allowing death through thirst or starvation viewed as wasteful/ irresponsible.
- From stakeholders within the ‘welfare sector’ category:
  - Recommend South Africa investigates resourcing initiatives beyond income generation through wildlife tourism: e.g. linking development and climate funding to wildlife and biodiversity protection; green investment incentives and financial disclosure requirements to leverage private sector finance; national debt deferral/ repayment holidays, and debt forgiveness for developing countries, in return for biodiversity investment (“debt for nature schemes”); trade deals that include action on biodiversity protection and animal welfare; debt swaps for investment in public health, food and water security, linked to long-term nature protection initiatives; green taxes (polluter pays); blended finance schemes; incentivization of finance for nature from private sources.
  - From the NSPCA; In terms of balancing trade-offs (e.g., when a species like elephant have increased above carrying capacity), the principle has to include a focus on the basics of conservation – managing in line with the norms and standards, an elephant management plan, habitat management, etc. If the receiving habitat is impacted negatively, it must be addressed, given that the ecosystem is only as healthy as all the fauna and flora that make up the habitat.

#### 8.1.4.11 Hunting of the five iconic species

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - All participants recommended that hunting be allowed for all five species (with elephants, lions and leopards viewed as not being endangered) – although there were varied views on whether this should only apply to ‘fair game’ hunts or should also include hunting of captive-bred species.
  - Benefits of hunting raised by stakeholders included the following: adding economic value to species; reducing incentives for poaching; providing revenue for conservation; preventing a shift to less-environmentally sound land uses; management of population; revenue for maintenance costs.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Based on evidence reviewed hunting for trophies has limited benefit for communities.
- From stakeholders within the ‘welfare stakeholder’ category:
  - Concerns raised regarding trophy hunting, hunting of captive-bred lions, and hunting of elephant bulls (with concerns regarding the detrimental effect on elephant societies noted).
- From stakeholders within the ‘eco-tourism stakeholder’ category:
  - Consumptive and non-consumptive use of wildlife contributes to job creation and the economy – with consumptive use often contributing economically to areas where other options – while both eco-tourists and hunters impact the biodiversity of an area (although the contribution per hunter economically is greater than that per eco-tourist) (Prof P van der Merwe)
- From stakeholders within the ‘tourism groups’ category:
  - Many view hunting as part of their tradition, with a number of communities depending on hunting for upliftment.
  - TBCS: Not many of its members are against hunting, but there is significant opposition to hunting of lions bred in captivity.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - Hunting to form part of sustainable utilisation for all iconic species (with WRSA specifically noting that this would be acceptable, “as long as it is ‘socially responsible’, does not cause reputational harm, and is in line with quotas”).
  - Varying perspectives regarding which animals should be included in hunting (e.g., PHASA and CPHC: ranched lions, managed wild lions and wild lions – but not captive ‘tamed lions’; SA Hunters and SABHSSA: only wild lions; AGRA: wild lions).
  - AGRA argued that hunting quotas for rhino should be limited until there are sustainable populations, while hunting of elephants should be allowed as a population control mechanism.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Varied support for trophy hunting – e.g., supported by WWF SA when trophy hunting applications provide benefits to communities and private land-owners, or those involved in conservation programmes.
  - A view held by many was that ‘ethical’ hunting was supported – with provisions varying, where these included a proviso that hunting: did not include captive bred animals, did not pose a threat to survival of target/ non-target species; respected local customs and traditions; included efforts to avoid unnecessary suffering; was legally compliant; was supported by a harvesting framework in place, with monitoring and enforcement.
- From stakeholders within the ‘welfare stakeholder’ category:
  - Most stakeholders called for an end to trophy hunting – but were less explicit about hunting.
  - SAIFAC proposed a “just transition” in respect of the hunting industry – with emphasis to be placed on helping reskill workers to move into new economies.
  - A range of stakeholders called for non-lethal forms of wildlife management, rather than the use of hunting or culling.
  - From the NSPCA: trophy hunting faces much criticism, including due to limited evidence that money goes back to communities, into protecting the habitat, or into other forms of conservation. Once this is addressed, and there is a clearly defined objective of why the activity is undertaken, with criteria that are internationally recognised, and with evidence that all operate in the confines of internationally recognized criteria, with transparent measures, there will be less concern. If an old male elephant is hunted in an ethical and humane way, aligned to the criteria, there will be less concern.

#### 8.1.4.12 Live export of the five iconic species

In reflecting on the status quo in respect this area, proposals were raised by stakeholders from the ‘conservation NGOs and individuals’ category, with these including:

- A call for DEFF to investigate the welfare of live rhino transported to China and Vietnam, given concerning updates in terms of how they are being managed – with a number of stakeholders noting that the onus rested on South Africa, as the exporter, to ensure conditions in source and destination location were sound and met welfare requirements.
- In terms of non-lethal options for the management of elephants, Ian Rushworth provided input on the translocation to areas outside of South Africa, noting that while possible, this required significant support: proper coordination; national mechanisms of support, logistics with transport; and intergovernmental exchange.

#### 8.1.4.13 Conservation and ecologically sustainable use of leopard

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the 'wildlife forum' category:
  - All stakeholders within this category supported the sustainable use of leopards – with it agreed that this would need to be supported by improve norms and standards, regulation, monitoring and reporting.
  - A number of stakeholders argued that leopard numbers were increasing – and that there was increased international interest in leopard hunts.
- From stakeholders within the 'conservation NGOs and individuals' category:
  - From NWGA PMF's perspective, as a proponent of lethal and other methods of managing leopard, the following challenges were raised: the failure of non-lethal methods of leopard management; the fact that the Standard Operating Procedures for leopard management remain unapproved; challenges in terms of permits not being issued on time, and not being issued at all in some provinces; limited to no assistance provided with leopard management in some provinces; suboptimal use of quotas and tag systems.
  - Mixed views regarding the status and prevalence of leopards – with a number of stakeholders reflecting that their numbers have increased, while Panthera reported a decline in leopard numbers across 24 of 25 sites, due to poaching for skins and body parts, with only the Kruger National Park noted as holding stable populations.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the 'wildlife forum' category:
  - Allow hunting of leopard - to manage population size, increase their value, allow for and monitor legal trade in skins.
  - Do not provide permits for hunting of damage-causing animals.
  - Establish a sound hunting monitoring protocol (e.g., using "reliable offtake statistics" rather than CITES export permits); monitor across public and private land; include mechanisms to encourage cooperation by land-owners
- From stakeholders within the 'conservation NGOs and individuals' category:
  - Of those who proposed hunting of leopard as a way of managing the population:
    - WESA recommended the use of hounds for hunting of leopards: reduces hunting of female leopards and hunting of young leopards – but would require monitoring of population densities for careful management, and reduced quotas (given the success of hounds in hunting).
    - NWGA PMF proposed that a compensation plan be established for stock-holders/ game-farmers, that included trophy hunting of old male leopards – with monitoring of sustainable uptake of leopards to be managed through collective meetings of farmers associations and the department, with monitoring of tag allocations at a district level.
  - Panthera argued that hunting leopards will not translate into more stable populations, with a proposal made for the use of 'wild-skins' (fake leopard/ lion skins made in partnership between Panthera and rural communities) for wide-spread use – while acknowledging that Chiefs and various leadership categories are widely recognised as being entitled to use real skins.

#### 8.1.4.14 Elephant and ivory management

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘welfare stakeholders’ category:
  - An increase in poaching has been observed across parts of South Africa, including Kruger National Park, with a parallel increase in illegal ivory trade. Poaching has led to a significant elephant population decline across many parts of their range, with CITES-sanctioned ‘one off sales’ of ivory viewed as stimulating demand/ fuelling poaching – while there is strong international consensus on the need for a comprehensive ban on ivory trade at international/ domestic levels.
  - By encouraging legal sale of ivory, South Africa is encouraging illegal trade elsewhere in the world.
- From stakeholders within the ‘eco-tourism groups’ category, an observation that once off sales in ivory have resulted in increased demand.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘conservation NGOs and individuals’ category, it was argued that:
  - A critical step related to the need for South Africa to sign off and implement the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT).
  - In terms of population management of elephants, various mechanisms should be considered – with WESA calling for the application of the decision support system used by the Association of Private Nature Reserves (which makes provision for decision making that does not depend on each option failing, before culling is considered). In contrast, CIC argued that hunting and other options should be adopted, with decision making on a case by case basis, with culling as a last resort.
- From stakeholders within the ‘welfare stakeholders’ category:
  - A proposal was made for the Elephant Norms and Standards to be updated to include: a focus on both welfare and well-being; a focus on ecologically sustainable development; adoption of mitigating actions before lethal control is considered; a reduction in the timeframe applicable for the management of elephant populations (down to 5 years), recognising that elephant populations are capable of doubling every ten years.
  - Undertake a retrospective assessment of previous elephant management guides.
  - South Africa to supports the international momentum to shut down ivory markets and reduce stockpiles.

#### 8.1.4.15 Rhino and rhino horn management and trade

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘welfare stakeholders’ category:
  - Even if South Africa has seen reduced poaching, there is increased rhino poaching in other rhino range states (especially Botswana and Zimbabwe) – with all decisions taken locally needing to be considered in the context of the wider continental context.
  - Legal domestic trade and calls for the reintroduction of legal international trade are viewed as stimulating demand and incentivising poaching – with concern that a legal domestic market may facilitate illegal international trade in rhino horn, and complicate law enforcement.
  - Legal trade in rhino horn is inconsistent with CITES resolutions and decisions.
  - Concerns were raised regarding rhino horn trade regulations, with rhino horn trade by foreign nationals not prohibited, and with only a three year prohibition on production/ trade in rhino horn pieces/ powder opening the door to further risk – while challenges exist, in the practice of enforcement, given that SAPS has terminated its relationship with eRhODIS.
- From stakeholders within the ‘eco-tourism groups’ category:

- Similarly to the views raised by others, a key concern that legalising rhino horn trade will result in criminal syndicates exploiting legal routes to increase demand, price and supply of illegal trade, while also stimulating poaching.
- A call for communities to be part of solution – i.e., benefiting from rhino, with wild rhinos viewed as one of the best routes through which to boost tourism.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the 'wildlife forum' category:
  - While not addressed by all stakeholders, a call was made for legal rhino horn trade to be allowed, given: benefits for communities; potential reduction in poaching and black market trade, and the potential to unlock value of rhino horn.
  - Government to secure funding for security costs, in conjunction with private sector.
  - Ensure well-regulated trade in rhino horn, characterised by: DNA sampling and registration of horn on eRhODIS system, for full traceability; procurement via an electronic shop window (subject to required taxation, FICA, etc.) – with revenue going to accredited owner.
- From stakeholders within the 'conservation NGOs and individuals' category:
  - Consider the Rhino Committee of Inquiry recommendations as a framework (e.g., recommendations on good governance, monitoring progress towards indicators).
  - In national parks, ensure black rhinos are horned – with this serving as their only defence against predators, especially with the increasing destruction of dense bush.
  - For trade to take place, WWF SA argued that the following would be needed: management and compliance systems that provide traceability; the international use of tools like the national electronic permitting system, and DNA ID and mechanisms for ivory and rhino horn stockpile management; establishment of bilateral agreements with key countries – with management through the Wildlife Information Management Unit; alignment of legislation to control movement, and proof of capacity to enforce for compliance purposes – ultimately under the mandate of CITES.
  - In terms of intensive farming practices and trade in wildlife, WWF SA further noted the need to consider risks associated with the spread of zoonotic diseases when people, livestock and wildlife are in close contact – and the threat of spill-over infections that increase during intensive farming practices, trade in wild animals which act as vectors, and habitat destruction.
- From stakeholders within the 'welfare stakeholders' category:
  - View rhino population and poaching trends in context with other African rhino range states when making decisions on rhino management and trade policy.
  - Prohibit exports of rhino horn and rhino horn products for commercial and non-commercial purposes, except for legitimate law enforcement or scientific purposes – and close the domestic rhino horn market, with EIA arguing that domestic legal markets for rhinoceros parts and derivatives provide opportunities to launder illegal rhino products, increase the burden on law enforcement, undermine the CITES trade ban, send mixed messages to consumers, and stimulate demand – thereby undermining years of demand reduction efforts.
  - To deliver on any decisions to limit or ban trade, these need to be supported by consistent and robust legal and judicial processes and enforcement efforts, and consumer education programmes.
- From stakeholders within the 'eco-tourism groups' category: focus on demand reduction by changing end use states – recognizing that zero poaching for parts is only feasible when there is no demand.

#### 8.1.4.16 Rhino horn and elephant ivory stockpiles

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘welfare stakeholders’ category:
  - All stockpiles are at risk of theft, while high security costs create an added burden for private citizens and government agencies responsible for stockpiles.
  - The United Nations Office on Drugs and Crime 2020 World Wildlife Crime Report identified the risk that stockpiles may be supplying the illegal trade.
- From stakeholders within the ‘conservation NGOs and individuals’ category, it was argued that there was no evidence to show that trade in captive bred rhino horn will reduce demand for wild rhino horn.
- From stakeholders within the ‘eco-tourism groups’ category, concern was expressed that stockpiles and trade in rhino horn and ivory would increase illegal market activity – with syndicates exploiting the gap between supply and demand (with South Africa unable to meet demand with its stockpiles).

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - No speakers expressed outright dissent over the use of conservation stockpiles – with emphasis instead placed on mechanisms for auditing of stockpiles, roll out of sales, and use of proceeds (e.g. for funding conservation work; benefiting communities).
  - Allow legal trade - given benefits for communities, potential reduction in poaching and black market trade, and unlocking of value of rhino horn (WRSA)
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - EWT noted that no stakeholders currently support trade in rhino horn or ivory. It was argued that legal ivory trade (stockpiles/ other forms), if carried out, must result in positive benefits for conservation of wild elephants – and should only be considered once a minimum set of conditions are in place: traceability of all ivory; centralised electronic permitting system; capacity in source and consumer countries to monitor and enforce; governance to ensure legal trade is not used as a cover for illegal trade.
  - In terms of the administration and implementation of enforcement systems, EWT argued that the financial burden of these should be borne by those who benefit - e.g., via levies/ permit fees - with an independent body addressing oversight.
- From stakeholders within the ‘welfare stakeholders’ category, a call was made for ivory stockpiles and rhino horn stockpiles to be destroyed – with this reducing the impact of security costs and creating a shift away from this being seen as a commodity.

#### 8.1.4.17 Commercial use of captive rhino horn

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - Benefits of commercial use of captive rhino horn were noted as including the following: assisting in biological management and conservation; rhino are not hurt when the horn is harvested; increased value for rhino; meeting demand through legal means; returning value to conservation – rather than the status quo, where criminal benefit from poaching and illegal trade.

- Challenges faced by the industry: limited funding received for management or security costs associated with rhino; poaching risks; a significant decline in interest in/ value from rhino ownership; varying practices allowed across the provinces.
- Private reserves receive little funding for management or security costs associated with rhino, and are running out of resources – while the value from and interest in rhino ownership has dropped significantly (PROA; Claudiashoop Wildsplaas)
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Varied recommendations were presented in terms of captive rhino horn (with a few parties arguing that there would be no place for such practices). Common messages related to: the importance of and need for transparency in information; the importance of maintaining welfare standards; the need for evidence-based decision making, a conservation focus and prevention of damage to the national metapopulation (e.g., through over-domestication).
  - Concerns were raised around a lack of evidence to show trade in captive bred rhino horn will reduce demand for wild rhino horn – while EWT argued that evidence reflects that bans in trade have reduced poaching.
- From stakeholders within the ‘eco-tourism groups’ category:
  - Concerns with farming rhino, where farmed rhino are not wild. An example was provided of the Vicuna, which was farmed, with numbers on farms increasing, while numbers in the wild declined (with farms needing vets, fences, and staff – while there are no significant costs attached to poaching).
  - Intensive captive breeding reflects a shift away from focusing on the well-being of both animals and people living adjacent to parks – with the approach only benefiting a few, while harming South Africa’s reputation, tourism and wildlife.

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - Promote captive breeding of rhino to generate income for breeders, conservation and security efforts, funding for community projects, national revenue, increase the value attached to rhino, protect the species, and reduce incentives for poaching through allowing legal international trade
  - Ensure well-regulated trade in rhino horn, characterised by: procurement via an electronic shop window (subject to required taxation, FICA, etc.) – with revenue going to accredited owner (PROA)
  - When dehorning rhino, ensure DNA sampling and registration on eRhODIS system, for full traceability – and certify, from seller to end user (PROA).
- From stakeholders within the ‘conservation NGOs and individuals’ category, perspectives varied, with:
  - WWF SA arguing that there should be no captive breeding of any populations, unless wild populations are depleted, and breeding is science-based, aligned to a conservation management plan for the species.
  - Others – e.g. CIC – noting no objections to captive breeding (of any species), as long as high animal welfare standards are in place, and as long as captive-bred lions are not released into the wild (including for ‘hunting’).
  - A call for focus to be placed on conservation outcomes and what is best for species and populations (including preventing land conversion), rather than focusing on individual rhino.
  - An observation that some species (e.g. black rhino) are not suited to captive breeding.
  - Implementing mechanisms to incentivise the private sector to conserve rhinos: incentivising those who are cooperative (e.g., free permitting; standing permits); simplifying the system; improving methods for security management (e.g., use of code names; limited sharing of information).

- Ensure research into the needs and specifics of captive bred rhino populations (e.g., the impact of breeding context on hormones, digestive systems, genetics, requirements from a husbandry and care-taking perspective, supplementary feeding, impact of dehorning, growth cycles of juveniles, etc.).
- A key recommendation relating to the need to ensure that concerns of selective breeding and over-domestication are countered, so that rhinos retain the potential to be part of the national metapopulation (limits to supplementary feeding; do not treat as agricultural animals, as this may risk selective breeding).
- From stakeholders within the ‘eco-tourism groups’ category: stop captive rhino horn breeding – and return farmed rhino to the wild.

#### 8.1.4.18 Captive lions

In reflecting on the status quo in respect this area, key messages raised by stakeholders were as follows:

- From stakeholders within the ‘wildlife forum’ category:
  - Challenges raised included: an absence of consistent practices/ norms and standards; poor oversight and enforcement; varying provincial practices and capacity, oversight and degrees of regulation; ‘rogue elements’ within the industry; in the absence of provincial enforcement of permit conditions, a dependency on the operator to self-regulate; reputational damage as a result of captive breeding practices.
- From stakeholders within the ‘conservation NGOs and individuals’ category, all stakeholders who spoke on the issue of captive-bred lions reflected concerns relating to the industry, with these including the following:
  - The view that no objective evidence exists that captive breeding of lions for commercial purposes contributes to biodiversity conservation.
  - Concerns regarding the potential risks of the practice of intensive and selective breeding of game to biodiversity and the economy – i.e., in terms of loss of genetic diversity and adaptive potential; threats from domestication; habitat fragmentation and degradation; loss of ecosystem services.
  - Risks relating to reputational damage, the financial impact from a full cost accounting perspective (i.e. job creation; income generation; costs of monitoring; enforcement; displaced jobs in other sectors; risks to health and lives; reputational damage to hunting; added enforcement challenges for the ban on tiger bone trade).
  - The threat posed by captive breeding of lions and the sale of body parts to wild animals across Southern Africa (e.g., laundering into legal pockets; increased poaching of wild lions).
- From stakeholders within the ‘welfare stakeholders’ category:
  - Concern regarding ongoing issuing of permits by the department, despite reputational and legal risks.
  - Concerns regarding evidence of an increase in poaching of lions in the wild due to an increase in the demand for body parts.
  - Concern that the sector benefits only a few people – with limited benefits for conservation, lions in the wild (with no clear evidence of a reduction in poaching as a result of the captive lion industry), members of local communities, or South Africa as a whole – given the reputational harm, the potential for the sector to serve as a conduit for illegal trade, and practices that run counter to the cultural beliefs of some – where lions are viewed as ‘sacred’.
  - Significant concerns relating to the potential health and safety risks associated with keeping lions in captivity – e.g. for workers, in terms of physical safety; for all those who interact with these wild animals – given the potential of zoonotics.
  - Concerns regarding welfare of the animals concerned – with limited capacity amongst provincial role-players or within the NSPCA to deliver on oversight or enforcement roles, while practices like the removal

of cubs from their mothers, hiring out of cubs for petting, lion walking and then hunting influencing how the sector is viewed by the world.

- Limited levels of compliance amongst registered breeders – with adherence to norms and standards being self-regulated – while practices differ significantly across provinces.
- From an NSPCA perspective, inspections include a focus on behaviour, lack of/ inadequate shelter, food preparation, water, enclosure conditions (e.g., presence of rotten bones and meat), emaciation, neurological issues, absence of contingency plans, different species being housed together, animals in solitary confinement, inappropriate social groups in the same confined area.
- From stakeholders within the ‘eco-tourism groups’ category:
  - Current practices are contrary to the Parliamentary resolution to end captive breeding of lions.
  - Concern regarding high levels of non-compliance at current facilities, an assessment that the captive lion industry has failed to contribute meaningfully to wild lion conservation, and identification of an increase in poaching of wild lions, and body parts being harvested from wild lions across South Africa and the continent.
  - A view that captive lions hold no conservation value – given the risks of genetic homogenisation, the increasing risk of populations to disease, and the fact that many wild areas have already reached their full carrying capacity).

Proposals raised by stakeholders in respect of this area included the following:

- From stakeholders within the ‘wildlife forum’ category:
  - A range of stakeholders<sup>112</sup> proposed ongoing captive breeding of lions, under improved monitoring, and aligned to clear norms and standards (reducing reputational harm) arguing that it: supports the economy; combats poaching; supports sustainable utilisation; could be source for rewilding.
  - SAPA proposed that the issuing of permits should depend on applicants’ membership of an accredited predator organisation.
  - Three stakeholders<sup>113</sup> called for an end to captive breeding – with SA Hunters noting that the sector holds short term-benefit only for the few, is “not sustainable, and lacks the social licence”.
- From stakeholders within the ‘conservation NGOs and individuals’ category:
  - Dominant messages included a call for captive breeding to be phased out, given:
    - The impact of South Africa’s choices on others beyond the borders, in terms of the increase in poaching;
    - Reputational damage to both South Africa and to hunting;
    - Negative impacts the practice has on conservation efforts; and
    - The benefits of alternative practices, like ‘nature based tourism’.
  - One organisation, WESA, indicated support for the sustainable use of lion body parts from conservancies, if tightly controlled – although the reputational risk for South Africa, and hunting, was noted as ‘significant’.
  - WWF SA noted opposition to captive breeding of any populations, unless the wild population is depleted, and breeding is science-based conservation management plan for the species.
  - In terms of addressing the animals in captive bred facilities, in the event that the practice was ended, recommendations included:

<sup>112</sup> E.g. SAPA; WRSA; Blaauwkrantz Farm; CHASA; Rance Rural Development; Fremar Lodge and Zoo

<sup>113</sup> SA Hunters; SABHSSA; AGRA

- Conducting an audit to determine numbers of all lions in captivity – with such an audit to include specifics on status and health, to support decision making.
- Various approaches to addressing those in captivity: preventing future breeding; allowing them to live out full lives under sound conditions, if possible; where necessary, human euthanasia by qualified vets; prevention of reintroduction of captive-bred lions into the wild.
- A call was made for industry role-players to be supported in transitioning to other forms of income generation, as part of a just transition.
- From stakeholders within the ‘welfare stakeholders’ category, the dominant call was for the industry to be phased out, stakeholders advising that decisions should ultimately be made in the interests of the public, in the context of contentious and damaging practices. In terms of phasing the practice out, recommendations included:
  - An end to the issuing of permits, and ensuring no further breeding takes place during the phasing-out period.
  - Establishing a national plan for the closure of all facilities, inclusive of independent audits, and repurposing of jobs where possible to support people
  - Ensuring suitable accommodation of animals where possible, handing over to the NSPCA if accommodation is available, and euthanasia where necessary – or where animals are genetically compromised – recognising that animals cannot be released into the wild.
  - Establishing a guarantee that lion parts will not be traded
  - Focus on the education of consumers – advising that consumption for medicinal and other purposes brings no benefit.
- From stakeholders within the ‘eco-tourism groups’ category:
  - Ending captive breeding, and, through a blanket ban, ensuring that a clear messages is conveyed in terms of South Africa’s position.

## 8.2 Engagements with affected communities

The section that follows reflects on the HLP’s engagements with community leadership structures and affected communities - with the content below including an overview of the engagement process itself, a summary of those engaged, and thematic issues arising from the consultations.

### 8.2.1 Overview of the engagement process

In planning for and rolling out the stakeholder engagement process with community leadership structures and affected communities, focus was placed on adhering to the following underlying principles, approach, key steps, timeframes:

- Principles underpinning the community consultation process were as follows:
  - Consultations would be with the leadership of community structures within the context of adherence to COVID-19 Lockdown Level 1 protocols.
  - Consultation would be inclusive of Traditional Authorities, Communal Property Associations (CPAs), Trusts, Damage Causing Animal Committees and other structures, as applicable.
  - Existing forums for engagement as established by the management authorities would be utilised, although meetings would be structured as meetings of the HLP, rather than of the management authority.
  - Key questions would be posed to the community structures and presentations from the HLP would be sent in advance, where possible.
  - Consultations would take place within the mandate (i.e., the ToR) of the HLP.

- Contextual issues raised by communities would not be excluded, although the HLP cautioned that it would not be in a position to resolve contextual problems for communities.
- Criteria for identification of community structures to be consulted:
  - The HLP's ToR states that consultation should take place with "Communities living and working in and adjacent to relevant protected areas", with these being those protected areas containing populations of elephant, lion, leopard and rhino.
  - Communities viewed as key to the HLP's engagements include the following:
    - Communities experiencing the iconic species as damage-causing animals.
    - Communities deriving benefits or potentially deriving benefits from hunting, sales or other use of the species.
    - Communities impacted by rhino poaching or by anti-poaching activities.
    - Communities deriving benefits from the eco-tourism industry and eco-tourism projects associated with these species.
- The following process was followed in setting up consultations with community structures:
  - Invitations, bearing the letterhead of the High-Level Panel, were sent out via the management authority responsible for a particular protected area – with these invitations inviting community structures to a face-to-face meeting with a delegation from the HLP.
  - A delegation of around four HLP members, accompanied by members of the Secretariat, attended each meeting – with attention also placed on ensuring adherence to the necessary Lockdown Level 1 protocols.
  - The meetings were chaired in every instance by a member of the HLP, with another member of the HLP making a presentation on the HLP's mandate.
  - In each instance, the presentation included a set of questions to the community representatives, to guide discussions.
  - Translation was provided where needed and meetings were held in the language with which community representatives were comfortable.
  - In all meetings, the HLP communicated that it would be handing its report, with recommendations, to the Minister for her consideration.
  - Representatives of community structures expressed their appreciation to the HLP for having taken the time to come and consult them.

### 8.2.2 Summary of engagements

The table below reflects specifics in terms of the community leadership structures and affected communities consulted.

**Table 2: Stakeholder engagement sessions with community leadership structures and affected communities**

#	Community	Date	Stakeholders present
1	National House of Traditional Leaders	21/10/20	Sitting of the National House of Traditional Leaders
2	National Committee of People and Parks	29/10/20	National Committee of People and Parks
3	Associations of Traditional Healers	29/10/20	National Associations of Traditional Healers
4	Congress of Traditional Leaders of South Africa (CONTRALESA)	26/11/20	Office Bearers of the NEC of CONTRALESA
5	Makuya Nature Reserve, Limpopo	9/11/20	Three Traditional Councils who are owners of Makuya Nature Reserve
6	Maphophe Village, Limpopo	10/11/20	Community structures on the western boundary of the Kruger National Park in the vicinity of Maphophe Village, Limpopo

#	Community	Date	Stakeholders present
7	Phalaborwa, Limpopo	11/11/20	Community structures on the western boundary of the Kruger National Park in the vicinity of Phalaborwa, Limpopo
8	Skukuza, Mpumalanga	12/11/20	Community structures adjacent to the Kruger National Park in Mpumalanga
9	Pilanesberg, North West	9/11/20	Community structures adjacent to Pilanesberg, Madikwe and Borakalalo Game Reserves
10	Hluhluwe, KwaZulu Natal	11/11/20	Community structures adjacent to Hluhluwe Imfolozi, Tembe Elephant Park, iSimangaliso in KwaZulu Natal
11	Addo Elephant National Park	11/11/20	Community structures adjacent to Addo Elephant National Park in the Eastern Cape

Full summaries of each of these engagements are provided in Annexure I.

### **8.2.3 Analysis of inputs from the engagement sessions with members of affected communities**

Community inputs, questions, concerns and recommendations that were raised during the course of the proceedings were clustered into a set of emerging thematic areas – with each of these thematic areas addressed below, alongside the specific inputs received.

#### **8.2.3.1 Damage-causing animals**

Key messages relating to the theme of ‘damage-causing animals’ are outlined below:

- Participant inputs on the status quo:
  - Many communities adjacent to Big 5 protected areas experience elephants, lions and leopards (and other species) primarily as damage-causing animals. Stock losses caused by lion and leopard are common and there are also incidents where there has been injury or loss of human life. Elephants from protected areas frequently cause damage to crops.
  - Poor fence maintenance is seen as a primary cause of the human / wildlife conflict with the western boundary fence of Kruger National Park (as well as the fences of Imfolozi Game Reserve and Madikwe Game Reserve) giving particular cause for concern. The exception was the Addo Elephant National Park where it was reported that the fence was in good shape and that damage-causing animals were not a major cause of concern.
  - The view was broadly expressed that the issue of compensation for damage caused by animals coming from protected areas was not satisfactorily dealt with. SANParks was reported to have a flat rate of R5000 for loss of stock outside the Kruger National Park, which did not cover the value of animals lost, while in respect of the Madikwe Game Reserve there is a lack of clarity as to the mechanisms to claim for damage caused by such animals. In several instances the view was expressed that white landowners were treated differently to black landowners when dealing with claims.
  - Their recommendations include the following:
    - A recommendation was made by the National Committee of People and Parks that government should develop a uniform policy across provinces and national entities relating to compensation for damage-causing animals adjacent to Big 5 protected areas. This policy would outline the responsibilities of both reserve management and of neighbouring communities and stock farmers.
    - Further a recommendation was made that the upgrading and maintenance of fences around Big 5 protected areas be given attention.

### 8.2.3.2 Hunting of Iconic Species

Key messages relating to the theme of 'hunting' are outlined below:

- Participant inputs on the status quo:
  - Most community structures adjacent to the Big 5 protected areas expressed a view that they were not engaged in commercial hunting and that they did not derive any benefits from hunting, and such hunting has the potential to generate substantial income for the communities owning the land in the Makuya Nature Reserve. In earlier years the Makuya, Mphaphuli, and Mutele communities (co-owners of the Makuya Reserve) had benefited from income from hunting quotas and had been able to apply this income to youth training and education projects.
  - Quotas for commercial hunting (including elephant) are however issued annually on the Makuya Nature Reserve, which has an open boundary with the Kruger National Park. An example was given of an elephant hunt in the Makuya Reserve which was auctioned for R770 000 and three buffalo for R230 000 each, although this particular hunt did not take place for a number of reasons.
  - The view was expressed in respect of the Makuya Reserve that hunting quotas were insufficient, were not issued on time, and that overseas clients were favoured in the application of the quota system. It was reported that hunting operations on white-owned land were allowed to continue outside the 6-month season that was allowed for local communities.
  - In respect of Pilanesberg and Madikwe Game Reserves in the North West Province, it was reported that commercial hunting of elephant, lion, leopard and rhino had taken place prior to 2003/4 and the proceeds of this had been utilised to contribute to the management costs of these reserves. All hunting in North West Reserves had however been stopped in 2003/4 due to the objections of tour operators, who were threatening to cease marketing the North West reserves for tourism purposes due to hunting taking place, inclusive of the iconic species.
- Their recommendations include the following:
  - A recommendation was made by the Makuya, Mphaphuli and Mutele Traditional Councils that there be a review of the mechanisms and criteria for the allocation of hunting quotas and that SANParks do the assessment for the determination of quotas for the Makuya Reserve which would then form the basis for an allocation by LEDET.

### 8.2.3.3 Eco-Tourism

Key messages relating to the theme of 'Eco-Tourism' are outlined below:

- Participant inputs on the status quo:
  - Several communities indicated they were of the view that they did not benefit from the eco-tourism activities that were taking place in the Big 5 protected areas.
  - An exception to this was the Mayibuye Ndlovu Development Trust, which represents all 9 communities adjacent to the Addo Elephant National Park. The Chairperson of the Trust made a presentation in which it was indicated that the Trust receives a scaled percentage of the turnover from the Matyholweni rest camp in the south of the Park, and also 10% of the turnover from the Cattle Baron Restaurant, which is a concessionaire in the Park.
  - A connection was made to the ToR of the Panel by the Chairperson of the Trust indicating that the revenue which the Trust receives from the Park is generated through the eco-tourism activities in the Park, which are themselves dependent to a large extent on the presence of elephant, lion and rhino in the Park. The Trust was then able to utilise this revenue to implement youth education and training, and other social and business projects, for the benefit of the community.

- Support for eco-tourism was also indicated in a submission from Kgosi Victor Suping, who made a written submission following the meeting in the North West. In this submission Kgosi Suping indicated on behalf of one of the communities adjacent to the Madikwe Game Reserve that they would prefer to 'keep Madikwe Game Reserve as a tourism destination' rather than as a hunting destination. This preference was expressed in the light of the success of Madikwe Game Reserve in creating permanent jobs in an area which was isolated from other developments and opportunities. Financial support was needed for communities to exercise their rights to lodge development within the Reserve.
- Their recommendations include the following:
  - The Mayibuye Ndlovu Development Trust recommended that they be allowed to access opportunities to conduct guided game drives in the Addo Elephant National Park as a mechanism to increase their revenues from eco-tourism in the Park.

#### 8.2.3.4 Use of 'natural resources'

Key messages relating to the theme of 'natural resources' are outlined below:

- Participant inputs on the status quo:
  - Most communities expressed a wish to gain better access to natural resources from protected areas.
  - This would include derivatives from those animals (including elephant, lion and leopard) that have been dealt with as damage-causing animals.
  - In some instances there was access to meat from damage-causing animals that had been shot but the bones, skins and heads were taken away.
  - The KhoiSan community around the Addo Elephant National Park had a need for the access to animal skins, teeth and warthog tusks for the creation of artefacts for which there is a market.
  - The annual cull of around 3000 warthogs in the Addo Elephant National Park should provide an opportunity for the community to become involved in the establishment of a wildlife abattoir and to enter the wildlife meat market.
- Their recommendations include the following:
  - No specific recommendation.

#### 8.2.3.5 Use of Derivatives

Key messages relating to the theme of 'Use of Derivatives' are outlined below:

- Participant inputs on the status quo:
  - In the consultation session with the Associations of Traditional Healers it was explained that traditional healers made extensive use of derivatives from the species that formed the ToR of the HLP. Apart from the use of the hides of lion and leopard for cultural and traditional purposes, there is a significant use of bones, horns, fat and claws of these species for medicinal purposes.
  - Clarity was given that the consumption of the meat of lions is practiced with a view being expressed that the use of lion products from wild lions would be preferable than those that are captive bred.
  - There was a need for traditional healers to have a reliable and continuous access to these derivatives, and to have meaningful participation in decision making around this issue.
  - The legislation through NEMA and NEMBA did not however provide an adequate enabling framework for access to these derivatives. There was little understanding of the role of traditional healers as indigenous knowledge holders and practitioners in respect of the use of these species.

- Studies had been done on the markets at Faraday and elsewhere, which had shown that there is huge market for skins, bones, fat and other derivatives for medicinal purposes. Yet government still regards this as part of the informal sector and does not see the need to formalise this industry.
- Traditional healers had lost trust in the government as government is seen to be sharing indigenous knowledge with the pharmaceutical industry thus making the traditional healers reluctant to share this knowledge.
- The traditional healers would not support a total ban on the use of derivatives from the iconic species as many were dependent on these products for their livelihood.
- Their recommendations include the following:
  - A recommendation was made that an enabling environment should be created through a permitting system which would create better access by traditional healers and would regulate the access by foreign national to derivatives from the iconic species and other species of wild animals.
  - Government should establish a Reference Group including traditional healers to deal with negative perceptions around this sector and to consider the different dimensions including spirituality, culture, trade and medicinal aspects.

#### 8.2.3.6 Relationships with Management Authorities

Key messages relating to the theme of 'Relationships with Management Authorities' are outlined below:

- Participant inputs on the status quo:
  - There was a broadly expressed view across the community structures that relationships with the management authorities were not good including LEDET, SANParks, Ezemvelo KZN, NW Parks.
  - The possible exception was the management of the Addo Elephant National Park where a well-structured relationship had existed for many years between park management and the Mayibuye Ndlovu Development Trust.
  - Dissatisfaction with LEDET and SANParks was expressed in strong terms by community representatives at the consultation sessions at Maphophe and Phalaborwa in Limpopo Province. LEDET in particular were seen as not consulting adequately and as not including the 3 traditional councils in decision making in respect of the Makuya Nature Reserve.
  - In the Phalaborwa meeting the view was expressed that consultation sessions were sometimes held by SANParks and other departments but that these were often just tick box exercises for government as these meetings never led to any project implementation.
  - A lack of consultation on the ground by Ezemvelo KZN was expressed by community representatives during the meeting at Hluhluwe in KwaZulu Natal.
  - The Co-Management Committee (CMC) in Pilanesberg was functioning but did not deal with key issues such as the recent decision to de-horn the rhinos in the Reserve. The view was expressed by traditional leaders in the North West that there were parallel mechanisms for communication as the CMCs included only the CPAs and left out the traditional leadership.
- Their recommendations include the following:
  - It was recommended by traditional leadership in the North West that where traditional leaders were not included in CMCs they should be included in order to give a more cohesive platform for communication.

#### 8.2.3.7 Ownership

Key messages relating to the theme of 'Ownership' are outlined below:

- Participant inputs on the status quo:
  - In some instances unresolved land claims were creating an impediment to economic development for the owners of land within protected areas.
  - The Colchester claim in the south of the Addo Elephant National Park was presenting a difficulty in respect of the rights currently enjoyed by the Mayibuye Ndlovu Development Trust.
  - In respect of the Makuya Nature Reserve the land is owned by the 3 traditional councils but the Makuya Reserve is managed by LEDET. The exclusion of communities from decision making processes means that the sense of ownership is diminished and there was a request that they be given back their full land rights. This would allow communities to utilize eco-tourism development opportunities while LEDET could continue to manage the conservation function on the Reserve.
  - In some instances, title has been granted but benefits from this title are not forthcoming. The Welgeval CPA in Pilanesberg got title in 2008 but have still not received any benefits from the concessionaire who operates on their land.
  - The National Committee of People and Parks indicated that the transfer of land to legitimate land claimants has been very slow and this has inhibited these landowners from participating in the wildlife economy.
- Their recommendations include the following:
  - It was recommended that the process of transfer of ownership of land in and adjacent to parks and reserves be speeded up and that the Commission on the Restitution of Land Rights be engaged in this regard.

#### 8.2.3.8 Employment and Training

Key messages relating to the theme of 'Employment and Training' are outlined below:

- Participant inputs on the status quo:
  - Many communities expressed the view that they needed better access to employment within the parks/reserves.
  - The view was expressed that preferential opportunities should be given to members of neighbouring communities except in those cases where specific skills were required.
  - There are not proper processes in place in respect of the Kruger National Park for ensuring that recruitment takes neighbouring communities into account and nepotism is rife.
  - The lack of employment opportunities was a factor in the possibility of youth turning to crimes such as poaching, and management authorities should put in place programmes for the training of youth with a view to enhancing the ability of youth to fill positions in the parks/reserves.
  - Apart from employment protected area management should be empowering small businesses by making economic opportunities available.
  - Where the environmental monitor programme had been suspended it should be reinstated as a matter of urgency. This was not only a source of employment and career development, but played a critical role in dealing with poaching.
- Their recommendations include the following:
  - It was recommend that programmes for the education and training of youth to take up opportunities in the wildlife sector be stepped up, and that capacitation of communities also be enhanced.

#### 8.2.3.9 Trade in Elephant Tusks and Rhino Horn

Key messages relating to the theme of 'Trade in Elephant Tusks and Rhino Horn' are outlined below:

- Participant inputs on the status quo:

- There were differing views expressed by community structures on the issue of trade in elephant tusks and rhino horn.
- The view was expressed in the KwaZulu Natal consultation session that the community was against the legalisation of the trade in rhino horn as it would lead to an escalation in poaching and the extinction of the species. This view was echoed in Limpopo at the consultation in Maphophe Village.
- In the Phalaborwa consultation, however, the legalisation of the trade in rhino horn was supported and a proposal made that there should be a surcharge of 8% on the sale of rhino horns with these funds going to communities.
- Communities around the Pilanesberg Game Reserve were of the view that the rhino horn trade had already been legalised through the High Court ruling in 2017 and that the stockpiles of rhino horn and elephant ivory that are held by North West Parks Board should be sold and the proceeds used to address the massive infrastructure backlog (fences and roads).
- Within this context there was also a view expressed that it was inappropriate for international groups to be dictating to South Africans as to what should be done with the stockpiles of horns and tusks.
- Their recommendations include the following:
  - It was recommended by communities around Pilanesberg that the stockpiles of rhino horn and elephant ivory should be sold in order to raise funds for the infrastructure needs of the Reserve.

#### 8.2.3.10 Captive Lion Breeding

Key messages relating to the theme of 'Captive Lion Breeding' are outlined below:

- Participant inputs on the status quo:
  - Communities consulted generally did not express views either for or against the captive lion breeding industry, and it appeared that there was little connection to or contact with this industry.
  - CONTRALESA however expressed an unambiguous view that the captive lion breeding industry and the hunting of captive bred lions were unacceptable. Lions and leopards are associated with royalty and traditional leaders are the custodians of these animals and of cultural values.
  - The breeding of lions in captivity and the hunting of such animals was therefore completely unacceptable and should be stopped.
  - CONTRALESA further expressed the view that white lions are the pride of Africa and should not be in private hands – but should rather be under the custodianship of government as they held a particular place in the spiritual well-being of the nation.
  - It was also suggested that there should be an audit of taxidermists to ascertain whether the derivatives of these species were going to local clients or to foreign clients.
- Their recommendations include the following:
  - The recommendation was made by CONTRALESA that the captive breeding of lions should be stopped as this was culturally unacceptable, given their association with royalty.

#### 8.2.3.11 Leopard Skins

Key messages relating to the theme of 'Leopard Skins' are outlined below:

- Participant inputs on the status quo:
  - There was widespread support among traditional leadership, and among other leadership of community structures, for the utilisation of leopard skins for traditional use.

- The view expressed in the meeting with the National House of Traditional Leaders was that the House would be open to further discussion on the regularisation of the use of leopard skins in order to ensure that only those who had the right to wear a leopard skin would be able to do so. There has been a proliferation of the use of leopard skins by some who were not entitled to do so and the National House was open to further discussions on how to regularise this and to set up guidelines as to who may and who may not wear leopard skins.
- The point was made in the North West meeting that the cultural use of leopard skins should not put the population under pressure as one leopard skin should last a long time and there was no need for the repeated acquisition of leopard skins for cultural use.
- A number of community leaders expressed the view that there needed to be a legal mechanism to acquire leopard skins for legitimate use by traditional leaders as when there was no legal route then illegal activity would increase.
- There was no support for the use of fake leopard skins and the suggestion was made that consideration should be given to the captive breeding of leopards for their skins in order to safeguard the wild populations.
- Their recommendations include the following:
  - It was recommended that the National House of Traditional Leaders be engaged by government to develop guidelines as to who should be entitled to possess and to wear a leopard skin for cultural purposes.

#### 8.2.3.12 Transformation

Key messages relating to the theme of 'Transformation' are outlined below:

- Participant inputs on the status quo:
  - There was a broadly held view that the wildlife industry remained a white owned and white managed industry and that steps needed to be taken by both government and the private sector to ensure transformation of this industry.
  - There was little or no participation by communities in the captive lion breeding industry or in the ownership and breeding of rhino.
  - Although there was job creation through eco-tourism, the ownership and participation in this sector, both inside and outside of parks and reserves, did not generally include communities and opportunities needed to be found for community participation and for transformation in general.
  - The hunting industry remained untransformed and steps needed to be taken by both government and the private sector to ensure broader participation in this industry.
  - The National Committee of People and Parks expressed the view that 26 years after democracy the wildlife industry remains in the hands of a minority and that there needs to be a robust discussion around the issues of transformation and empowerment.
- Their recommendations include the following:
  - There was broad support for the development of a Transformation Charter, or similar process, which would see community structures participating alongside government and the private sector to ensure the transformation of the wildlife industry.

## 9 FRAMING AND PRESENTING THE HLP'S RECOMMENDATIONS: THE HLP'S GUIDING VISION AND PRINCIPLES, AND THE EMERGING 'BIG ISSUES', ASSOCIATED GOALS AND RECOMMENDATIONS

The section that follows provides an overview of the HLP's guiding vision for the wildlife sector, as well as the set of principles that serve to frame the HLP's goals and recommendations, for consideration by the Minister. These are then followed by the 18 'big issues' in respect of which the HLP developed statements relating to the context, goals, recommendations, and preliminary inputs for the implementation thereof.

### 9.1 Vision

As the HLP initiated its work, we identified the need for creating a shared vision of the broader context in which we would frame any recommendations, and to ensure that these are well grounded in the practical realities, consistent with the legislative framework, and aligned with societal and government aspirations. To provide this aspirational horizon against which to reference our thinking, we identified the following consensus "working vision":

*Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.*

### 9.2 Principles

Within the broader constitutional, environmental policy and legislative framework and associated principles, the HLP deliberations were guided by the vision outlined above and the following principles which emerged through the HLP's various stakeholder and internal engagements – with members of the HLP recognising that many, if not all, of these principles possibly holding further value in guiding future decisions in relation to the wildlife sector:

**People first:** People, their needs and well-being should be placed at the forefront of our concern, and their physical, psychological, spiritual, developmental, cultural and social interests should be considered, to ensure inter and intra generational equality.

**Systems approach:** A systems approach to sustainability should be followed, where this recognizes that the economic system, socio-political system and ecosystem are embedded within each other, underpinned by an integrated governance system that holds all the systems together within a responsive regulatory framework.

**Constitutional supremacy:** The starting point when the environment, including the five species (whether captive or wild) is affected is s24 of the Constitution – and all recommendations, decisions, law and policies related to the environment must be consistent with, interpreted and applied consistently, therewith.

**Public trust:** Wildlife<sup>114</sup> is held in public trust for the people, and its beneficial use must serve the public interest and be protected as the people's common heritage.

**Rights and responsibilities:** Rights have associated responsibilities, accordingly, ownership and its associated use of wildlife in South Africa is not free from responsibility, regulation, governance and, in some instances, restrictions or

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<sup>114</sup> NEMA includes a definition of public trust that refers to the 'environment' being held in public trust, with the environment further defined as including "Land, water, atmosphere... microorganisms and combinations of plant and animal life...."

limitations. Where different constitutionally protected interests are involved, a contextual balancing of rights against the fundamental constitutional values must take place.

**Improved performance:** Law, policies, decisions and interventions in the wildlife sector, should improve efficiencies in governance, connectivity in wildlife, collective buy-in of affected role players, enhance uniformity across South Africa and reduce financial and environmental vulnerabilities.

**Shared custodianship:** Conservation of wildlife on state managed land must be sustainably financed by government while sustainable land use returns on private and communal land should be fostered through an enabling legal framework that provides for fully internalising priced and unpriced costs and benefits, appropriate institutional structures, rights and incentives, such that the most desirable form of land use is a diversity of wildlife.

**Sector diversity:** A diverse wildlife sector and associated wildlife economy where different business models and wildlife-based enterprises enhance the resilience of the sector in different landscapes and in various environmental and economic conditions.

**Welfare:** The well-being and welfare of wildlife must form an integral part of all wildlife-based practices, recognising that the five species are capable of suffering and of experiencing pain, and that sentience requires a higher level of consideration of the impact of actions on the welfare of animals.

**Desirability:** Wildlife-based enterprises and activities should be justifiable and desirable, where desirability should be considered in terms of social responsibility, environmental sustainability and economic efficiency, and the internalisation of the social and environmental costs of the benefits generated.

**Proudly South African:** Whilst recognising South Africa's international responsibilities relating to the five species, we should endeavour to conceptualise our own South African approach in a way that acknowledges the needs and aspirations of our own people.

**Responsible trade:** Decisions on national and international wildlife trade must not be detrimental to the survival of species and associated habitats, adversely affect the broader wildlife sector, and must be supportive of conservation, display sensitivity toward traditional cultural values of people, and mitigate wildlife crime.

**Duty of care:** All persons, organisations and government departments have a duty of care to conserve and avoid loss of biodiversity, anticipate and prevent irreversible environmental change and adopt a cautious approach in relation to any decisions taken in respect of the environment.

**Rights of Indigenous Peoples:** Indigenous peoples have the right to self-determination and full participation in the wildlife sector, to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, and to practice, with dignity, the diversity of their traditions, cultures, customs, histories and aspirations.

**Redress:** The State must provide redress through effective mechanisms, developed in conjunction with indigenous communities and persons disadvantaged by unfair discrimination, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

**Transformation:** There is a collective responsibility on all role players in the wildlife sector to ensure the inclusive participation in the sector and in its growth.

**Stakeholder inputs:** In developing recommendations, decisions and policies, there should be a concerted effort for equitable and effective engagement with relevant stakeholders, especially with vulnerable and disadvantaged persons and groups.

**Stakeholder values:** The interests, needs and values of all relevant stakeholders must be considered, including recognising all forms of knowledge, including scientific, traditional and ordinary knowledge.

**Living with wildlife:** In recognising and acknowledging their sacrifices, people living with wildlife, for the public good, should be prioritised in terms of access and flow of benefits from wildlife and compensation of negative impacts incurred.

**Women, youth and people with disabilities:** The vital role of, and full participation of women, youth and people with disabilities in the wildlife sector must be promoted.

### 9.3 Goals and recommendations

The following section provides the goals that the panel identified as needing to be achieved in order to meet the ToR that guided its work. As noted within Chapter Three, the HLP identified a range of big-picture issues that need to be addressed, with each of these supporting delivery on the specific ToR components – with this approach adopted rather than focusing on a recommendation for each ToR component separately.

A context is provided for each goal, and each goal has a specific recommendation or set of recommendations regarding what needs to be done for delivery on the goal, with indications of actions that need to be taken. These goals and recommendations are the outcome of a series of workshops held by the panel during the course of its work, as well as the work of a number of task teams and sub-committees, public sector stakeholders, general public stakeholders and community consultations. The initial phase of the work of the panel is summarised in the previous chapters, and created what was effectively a “situation analysis”. This provided the point of departure for the panel, and this was enriched by the engagement with, and submissions by, the public sector stakeholders, and the submissions of the general public and affected community stakeholders through the public consultation process. Further clarity was provided through consultations with public stakeholders that had made submissions through a series of online consultation sessions.

The voice of communities living with and adjacent to the iconic species was largely missing from the written submissions, and the panel initiated a focused series of public consultations to hear that voice, including meeting with the House of Traditional Leaders, Association of Traditional Healers, People and Parks, and in-person visits to communities adjacent to Kruger (4 different consultations), Northwest (Pilanesberg, Madikwe, Borakolalo), KZN (HIP, iSimangaliso, Tembe, Ithala), and Eastern Cape (Addo). The goals and recommendations take these various inputs into account.

Reference is made throughout this section to the five iconic species from the HLP’s ToR, meaning elephant, black rhino, white rhino, leopard, and lion.

In accordance with its ToR, the HLP has sought consensus on the matters before it. To this end, the HLP has adopted the legal definition of consensus as contained in s1(1) of the Standards Act, 2008 (Act No. 8 of 2008) as follows - “consensus means general agreement, characterized by the absence of sustained opposition to substantial issues by an important part of the concerned interests, arrived at by a process that involves seeking to take into account the views of the parties concerned and to reconcile any conflicting arguments”. As explained in the notes to the draft 2018 National Norm for the development of South African National Standards, this definition of consensus need not imply unanimity. Where consensus could not be found, provision was made for minority views as per the HLP’s ToR. These Minority Views are provided along with the consensus decision.

In the finalisation of the following goals and recommendations, the HLP has been guided by its ToR, the Constitution of South Africa, and our environmental law, specifically the Environmental Management Principles outlined in s2 of the National Environmental Management Act (Act 107 of 1998).

### 9.3.1 National Policy on Biodiversity Conservation and Sustainable Use

#### 9.3.1.1 Context

In respect of a national policy on biodiversity conservation and sustainable use, the HLP recognises that –

- There is no overarching national policy on biodiversity nor one specific on wildlife conservation and sustainable use that guides a coherent and integrated approach by the different provinces and conservation agencies, especially in the light that conservation is a concurrent competence between provinces and national.
- The lack of a clear vision for the future of South Africa's wildlife and associated wildlife sector, is impeding inclusive, integrated and synergistic growth of the wildlife economy and contributes to the building of tension and increasing incidents of litigation against government.
- There have been a number of processes in the past, including Ministerial Panels and the Committee of Inquiry into the Trade in Rhino Horn (the 'Rhino Committee of Inquiry') as indicated under Section 5.9, to assist the Minister with decision-making amidst a lack of guiding policy, but these have not translated into effective policy or provided the sector with a vision for the future.
- An integrated and overarching policy can address challenges of overlapping mandates between different departments that have been identified as a major challenge for role players in the wildlife sector.
- In addition to the Convention on Biodiversity and associated guidelines and the National Biodiversity Economy Strategy, the draft White Paper on Biodiversity Conservation and Sustainable Use, which was developed through a broad-based consultative process, can be useful as a departure point for the development of a national policy on biodiversity conservation and sustainable use.
- Wildlife is viewed differently to domestic animals and seen as part of their wildlife heritage by the people of South Africa. In developing national policy on biodiversity conservation and sustainable use, it would be critical that a concerted effort is made to not only consult with the wildlife sector, but to actively involve the people of South Africa, and in particular, to empower rural communities to participate meaningfully.
- In addressing policy elements on sustainable use, the current definition included in NEMBA is too narrow in its framing, is not in line with a systems approach to sustainability, and is interpreted differently by various stakeholders.
- Different stakeholders also hold different views on wildlife ownership, rights and responsibilities and this is a source of conflict and frustration.
- South Africa has a reputation as a world leader in environmental protection and conservation and sustainable use of wildlife that contribute to the sustainable development goals of our developing economy.
- To improve conservation performance and harness the full potential of the wildlife economy in support of human well-being and socio-economic development, environmental justice with restitution, transformation and full participation of communities and previously disadvantaged groups are required.
- Wilderness, near natural areas and wilderness are the foundation of the ecosystem goods and services that sustain human health, fuel the economy, prevent environmental degradation, promote conservation of our wildlife heritage, and provide a competitive advantage for wildlife-based tourism and the wildlife economy
- Domestication of wildlife poses a direct risk to the conservation of wildlife and its above-mentioned value propositions.

- The context and recommendations provided in this report on Lion, Leopard, Elephant and Rhino can inform the development of principles and approaches in a national policy.
- With the socio-economic challenges South Africa faces as a developing country, Government cannot fund the full conservation bill for the country and sustainable financing and effective governance mechanisms that secure wildlife inside and outside of formal protected areas are necessary to secure the future of wildlife in South Africa.
- Alignment in wildlife policies and approaches, together with SADC agreements, can support regional conservation and socio-economic successes and can be leveraged to strengthen other international engagements.

### 9.3.1.2 Goal

Given the above context, the HLP has agreed on the following goal in respect of a National Policy on Biodiversity Conservation and Sustainable Use –

*A National Biodiversity Conservation and Sustainable Use Policy is in place by December 2022*

### 9.3.1.3 Recommendation

With a view to the achievement of the goal above, the HLP recommends the following –

*That the Minister urgently initiates a process to develop an overarching national policy on biodiversity (including wildlife) that provides a clear vision and objectives on South Africa's approach to conservation and sustainable use of the country's biodiversity. The measure of how the current challenges associated with the five iconic species are addressed through the Policy should serve as the test of the policy's efficacy.*

In implementing this recommendation, the HLP proposes that the following be considered in developing the national policy:

- The HLP's principles, vision and recommendations as captured in this report.
- Promotion of an authentic wild sense of place consisting of larger contiguous areas containing vibrant self-sustaining populations of the iconic and other species that secure conservation and sustainable use and that requires less management intervention and regulation.
- Supporting the development of wildlife-based destinations and biodiversity economy nodes that create economies of scale for greater viability in wildlife-based enterprises and value chains that simultaneously achieve conservation and socio-economic development objectives.
- Clearly defining the terminology used for the sector in order to ensure a common understanding of, often, complex, confusing and misunderstood concepts.
- Aiming to unite the sector around common, national interest and objectives; provide clear and strong policy positions on different options and approaches.
- Exploring the development of a Sector Development Strategy with a shared vision and clear targets which addresses identified barriers and bottlenecks, trade-offs, governance, beneficiaries, investment, and business opportunities, etc.
- Clarifying issues of property rights, including rights of use and access, liability, management, beneficiation, rights and responsibilities for wildlife on state, private and communal land. In this regard, the policy should explore various property right regimes/ownership options, including user rights allocated as per the mining and fishing sector.

- Considering the relationship between fencing, ownership and resource use rights as informed by the Acts dealing with game theft, fencing and the subdivision of agricultural resources and provincial ordinances and legislation dealing with exemption and certificates of adequate enclosure, and its unintended consequences such as intensification and associated impacts on wildlife, fragmentation of wildlife landscapes and free ranging populations, and degradation of habitats.
- Aiming to enhance human well-being, as framed by our Constitutional rights, through ensuring that animal welfare and well-being is sufficiently addressed.
- Epitomising a shift to an Africanised conservation approach, that embraces the diverse cultures, traditions, and knowledge systems in South Africa, values such as Ubuntu, environmental justice and modern philosophies such as convivial conservation.
- Developing minimum standards and best-practice guidelines in collaboration with role players to pro-actively inform responsible practices and reduce over-regulation.
- Facilitating innovative interventions to support implementation, such as a wildlife certification system for responsible products/destinations; a wildlife business chamber; a communication strategy; self-regulation or self-administration where appropriate; and integrated electronic solutions for permitting and reporting.
- Explores the concept of a wildlife sector Fund, similar to the Marine Living Resources Fund, as a statutory fund, that supports, *inter alia*, conservation, compliance and enforcement, and the transformation and development of the sector. Where the funds are raised from, for example, levies on the sales of wildlife parts and derivative products and general wildlife-dependent trade and wildlife-related permit or license fees, use fees, licenses, levies from private sector, a tourism levy, etc. Where the resources are then allocated to support the sustainability and development of the wildlife sector, including: the development of SMMEs; localisation of value chains into rural environments; the inclusion of PDIs and communities; conservation costs; and enforcement and compliance etc.
- Deals with trans-frontier planning to increase scaling with neighbouring countries, further increasing wildness, and leveraging wildlife assets for regional socio-economic development.

### 9.3.2 Transformation of the wildlife sector

#### 9.3.2.1 Context

In respect of the transformation of the wildlife sector, the HLP recognises that –

- The legacy of South Africa's apartheid history, including the establishment of protected areas, white-owned wildlife ranches and wildlife-based tourism destinations, is visible within the wildlife sector that is still largely untransformed.
- A growing and diverse, vibrant and responsible wildlife economy where participants in the wildlife economy can perform optimally, provides optimal opportunities for transformation and productive partnerships.
- The Biodiversity Economy Lab identified specific transformation initiatives and targets but there is no coherent approach/strategy to collectively integrate these within the broader wildlife sector.
- wildlife sector stakeholders have indicated a commitment to transformation, but raised concerns that initiatives and systemic and project specific challenges do not receive the necessary support from government.

- Informed by the subcommittee findings (see 6.4 above) and the community consultations (see 8.2 above), the following key challenges were identified that constrain meaningful participation of designated groups, either as rural communities living with the five species, or as entrepreneurs in the wildlife economy.
  - Access to and benefit from wildlife.
  - Absence of title deeds for land makes it impossible to use land as security to finance development for wildlife-based enterprises.
  - There is a general lack of understanding of the wildlife economy or the opportunities it holds compared to traditional agricultural practices and the requirements for active participation.
  - Traditional knowledge, approaches and methods to wildlife management are not well understood by the sector, undervalued and not considered in mainstream biodiversity management and utilisation.
  - There is insufficient participation in wildlife-based policy processes as there is a need to first empower role players before expecting constructive engagement in some cases; challenges in communication (language and infrastructure) needs to be considered; and specific representative structures such as traditional leadership, traditional healers etc. are not considered as key role players in the wildlife sector.
  - Existing decision-making structures and focus groups, at a national and provincial level lack representation e.g. lion working group and Wildlife Forums.
  - Traditional leaders are not sufficiently empowered to govern in terms of biodiversity resources in traditional authority areas.
  - Co-management structures and support mechanisms for community owned wildlife areas, including protected areas, does not sufficiently empower communities to meaningfully participate in the management and beneficiation of biodiversity resources on these areas.
  - There is a general lack of understanding from conservation orientated personnel to develop models and adapt approaches that empower and capacitate communities around protected areas to fully understand and engage in the wildlife economy and sector.
  - Communities indicated that they would appreciate the ability to visit private and state parks that they live next to.
  - Although there are a range of activities by state agencies and NGOs to build community participation in conservation by designated groups and wildlife economy, these are fragmented and fall short of delivering meaningful and sustainable successes.
  - There is no structure/mechanism for ongoing meaningful support on aspects such as general awareness of the wildlife sector and industry, wildlife-based enterprise and value-chain opportunities and requirements, viable business models, investment and contract development support, wildlife management and monitoring, training, etc.
  - Models exist in neighbouring countries that may be of value in developing sustainable community support structures.
  - Opportunities for direct involvement in conservation and the wildlife economy in rural areas are not sufficiently harnessed through the development and enhancement of the full value chain of wildlife-based activities that create economies of scale in support of accelerated rural economic development and associated employment and poverty reduction opportunities.
  - Sound science-based information is critically important for informed decision-making in the sector, but all sources of evidence should be considered, including indigenous knowledge and practice, experience on the ground, and aspirations and insights from different stakeholder groups.
  - The erosion of indigenous peoples' connection with-, and access to-, wildlife, including the five iconic species, undermines traditional value systems and traditional practices and uses of wildlife. Traditional use

of products from the iconic species, whether for customary use or in traditional healing, is de-legitimised through current legislation and practice, impacting negatively on cultural values and traditional rights.

- Traditional healers indicated that their value systems are not considered in decisions on use of wildlife such as intensive breeding of the five iconic species that reduces spiritual value.

### 9.3.2.2 Goal

Given the above context, the HLP has agreed the following goal in respect of the transformation of the wildlife sector –

*Ensure inclusive growth and radical transformation of the wildlife sector through an enabling environment that embraces meaningful inclusion and participation of all population groups.*

### 9.3.2.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Develop a focussed Transformation Charter for a Vibrant wildlife sector that addresses, as a minimum, the specific challenges identified by the HLP, inclusive of a meaningful participation framework for communities from designated groups and representative structures,*

and,

*Within 12 months, deploy suitably qualified, enabled and resourced Biodiversity Economy Node Champions for identified Nodes that can position the wildlife sector as a preferred rural economic development strategy, with localised community-based wildlife economic value chains based on the conservation and sustainable use of the five species, linked to state, private, and community protected and wildlife areas, with innovations that can transform rural economies,*

and,

*Establish a mechanism/structure for ongoing technical, research and business support to the wildlife sector, in particular to communities, SMMEs, and entrepreneurs to facilitate the growth of the wildlife economy and radical transformation.*

In implementing these recommendation, the HLP proposes –

- Within 12 months the Minister should ensure identification of Transfrontier Conservation Areas (TFCAs) and wildlife economy nodes to pilot local community wildlife management and ownership projects
- Within 24 months the Minister should ensure identification of the protected areas which should be piloted in transferring land ownership and animal management to Previously Disadvantaged Individuals and Communities
- Within 5 years the Minister should ensure that existing legislation is amended to give legal effect to the country's transformation agenda mandate in order to support programs such as black wildlife associations, community empowerment in decision making, and transformation related matters.
- The NEMBA and various regulations need to deal specifically with transformation of the sector, in line with the approach taken in the Marine Living Resources Act.
- Ensuring representation of relevant groups, such as traditional leaders, healers and People and Parks Forum, on relevant forums (such as the Wildlife Forum, Lion Working Group, Vulture Working Group, Elephant Forums).
- Using the Wildlife Forum to monitor the implementation of the specific initiatives in the Transformation Charter.

- The initiation of processes to address the effectiveness of existing forums (People and Parks and co-management committees, traditional healers association) and aim to strengthen existing structures within the communities (e.g. traditional authority structures, community property associations (CPA)).
- Developing a good practice guideline on meaningful participation at various levels from protected areas to provincial and national policy processes, to guide relevant role players, including government officials to ensure engagement is appropriately tailored around the context and type of engagement, respecting local leadership, customs, forums, capacity, including different levels of literacy and awareness of rights and wildlife issues.
- Allocation of funds from the proposed wildlife sector Fund (see 9.3.1.3), to support the achievement of key objectives, including transformation of the sector.
- Enhancement of SANBI's capacity to raise general awareness through appropriate brochures, pamphlets and communications and to provide technical, scientific and research support to the wildlife sector, specifically in respect of the development of guidelines, standards and monitoring of relevant trends, etc.
- Consider the establishment of a Wildlife Business Chamber as part of the mechanism/structure for ongoing support to the wildlife sector, with an on-line wildlife sector Hub where relevant information, concept business plans for specific wildlife-based activities, concept partnership models and contractual agreements, empowerment programs, etc. are made available to the entire wildlife sector to support.
- Institute a Wildlife Innovation Program (potentially supported by the Wildlife Chamber and SANBI) where relevant role players, can submit models, proposals and initiatives in support of transformation and growth of the wildlife sector. This can include development of specific wildlife-based enterprises, financing models, development and/or improvement of localised value chains, etc. Proposals that are found to be worthy, can be prioritised for further development with the proposer, implementation, resource and funding support where required and made available on the Wildlife Hub. The youth can also be incorporated by for example running an annual youth in wildlife innovation competition.
- Structured programmes need to be developed with communities living adjacent to reserves with the iconic species to ensure participation and influence by the community in processes and decisions, and providing opportunity for transparent communication and engagement. This should include specifically issues around safety (fencing and problem animal control), enforcement, and job creation/benefit flows.
- Facilitate access to wildlife for traditional cultural, spiritual, health and well-being uses. Consideration to be given to legislative and policy reform; partnerships between hunters and traditional leaders/healers to make full use of derivatives of responsible hunts; legal value chains from responsibly harvested wildlife into a formalised Muti economy, with high standards that promote safety from zoonoses and the maintenance of spiritual values.
- Empower traditional leadership to develop and manage wildlife areas under their custodianship through empowerment in landuse zoning; securing wildlife areas with appropriate game species; management and monitoring; sustainable use and wildlife-based enterprises.
- Promoting, where appropriate, the re-institution of traditional indigenous methods, approaches, and uses of the wildlife estate, with specific reference to wildlife areas under custodianship of traditional leadership.
- Better use of existing government and public works programmes, conservation agency initiatives, NGO projects and fora (e.g. Savannah Network Meeting, Ezemvelo Conservation Symposium, DEFF Biodiversity Indaba, etc.) to facilitate integration, coordination and effectiveness of transformation initiatives, approaches and programmes.
- Improving the provision of training to new entrants to the industry, emerging private owners, and communities on relevant aspects as outlined in section 6.6 above.

### 9.3.3 *Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector*

#### 9.3.3.1 Context

In respect of thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector, the panel recognises that in addition to the situational analyses and context provided in the background and reference chapters of this report –

- The Wildlife Economy has three core sectors, namely, the state, private sector and communities and is underpinned by complex and multi-faceted wildlife-based ownership models and approaches that include profitable enterprises such as live game sales, hunting, game products and ecotourism.
- The exceptional biodiversity of South Africa, including the five iconic species, provides a wide range of benefits to the country's economy, society and human well-being. Sustained benefit flows are however dependent on functioning ecosystems and healthy species populations with high genetic diversity. In this, all custodians are expected to contribute to the public good, but the balance of this is different among the three sectors: state areas are primarily for public good, private areas for private good, and communal areas are mostly producing public rather than private good.
- Increased investment in effectively managing, conserving and sustainably utilizing biodiversity by the public and private sector in South Africa has led to 13,2% (14,9 million hectares) of South Africa coming under conservation (including declared protected areas, Biosphere Reserves and World Heritage Sites).
- Approximately 9,000 privately owned game ranches account for a further 17.7% (20 million hectares) of wildlife habitat in the country.
- Significant tracts of land under the custodianship of communities, land reform beneficiaries and new entrants to the sector will increasingly make a further substantial contribution as part of a successful transformation strategy.
- There is a meaningful opportunity for the sector to yield inclusive rural economic growth and the creation of new biodiversity-related jobs and enterprises and there is a National Biodiversity Economy Strategy in place.
- Wildlands, wildlife, and the five iconic species in particular have been identified as providing a unique selling point for wildlife-based tourism and in developing Brand South Africa.
- Illegal activities, such as poaching and illegal trade pose a major risk to conservation and the wildlife sector, and protection and enforcement comes at a high cost to the sector, both state and private.
- International wildlife-based tourists are discerning, and there is competition among destinations, with increasing importance to demonstrate that experiences are authentic, responsible and sustainable to maintain competitiveness.
- Wildlife-based tourism has driven a major expansion of land into which the iconic species have been reintroduced in South Africa, including onto state, private and community owned areas. These have been major catalysts for the regional economy where this has occurred, such as the rebranding of the "Elephant Coast" in KZN.
- The five iconic species are critical to international photo-tourism that contributes significantly to the GDP, and foreign income, not only for activities associated with wildlife, but for other activities that international visitors pursue while in South Africa.
- In scenic and more pristine areas, photo-tourism is the most effective mechanism to create broad employment from the iconic species.
- There are misconceptions on the impact of hunting and photo-tourism with both activities consuming natural resources and having an environmental impact that has to be determined through full-cost accounting methods.

- The five iconic species are central to a vibrant international hunting industry that provides high levels of income, at relatively low environmental cost, with opportunities for wildlife-based economic activities in areas that may not be feasible for photo-tourism such as the more arid areas of the North West Province and Northern Cape.
- International wildlife-based tourism is a significant income stream for many extensive wildlife areas that contribute to the conservation of the five iconic species with a variety of business models being applied, including both hunting and photo-tourism in the same area.
- Land ownership and access to land is a barrier to entry by previously disadvantaged individuals into Big Five based wildlife economy activities.
- State conservation agencies are seen by some stakeholders as competing unfairly with the private sector in so far as economic activities in state protected areas are concerned, preventing benefit flows both directly and indirectly to affected communities and private land owners.
- The requirement of large areas for self-sustaining populations, together with high costs of acquisition, conservation, management and security of the five iconic species, serve as major economic barriers to entry in establishing destinations for wildlife-based tourism.
- There is a greater demand than availability of quotas for hunting of wild lion and elephant, which constrains potential growth of the industry, and associated benefits to the economy; this also promotes the hunting of captive bred lion.
- While international trade in conservation rhino horn and elephant ivory could provide substantial income and benefit flows to support conservation and security costs, it is not feasible for the near future because of constraints on trade by CITES and legitimate concerns around laundering and increased involvement of organised criminal syndicates.
- Conservation and sustainable use of other species of wildlife is promoted and enhanced in areas that have been secured for the iconic species.
- South Africa is a global leader in the translocation, reintroduction, and management of the iconic species, with growing national populations of all of the species.
- Legislative requirements (e.g. the Game Theft and Fencing Acts and provincial ordinances and legislation) and risks of human-wildlife conflict, have led to the fencing of areas where the iconic species have been reintroduced, with concomitant negative implications for natural dispersals impacting wildlife population numbers and densities.
- Fencing is largely cadastral based, but there are many different institutional arrangements for collective “ownership” of multiple cadastral units that have developed in wildlife areas with the Big Five, and a best-practice model for most effective land-use is not clear, or strongly supported by policy of government.
- In many areas there are populations of the iconic species adjacent to each other, separated by fences, which offer the potential for fence-dropping to create larger areas that improve conservation and economic viability and reduce environmental vulnerability, management inputs and costs.
- The development of a voluntary, market-driven certification scheme for the wildlife industry has been identified as a potential intervention by the Biodiversity Economy Lab to recognize and reward the contribution of communities and the wildlife ranching sector to the biodiversity economy while at the same time adequately mitigating reputational and ecological risks and reducing negative impacts on ecosystem services, thereby maintaining the social contract and improving competitiveness in the international market.
- The methodology has been developed for assessing and identifying areas in the country that effectively conserve nature outside of protected areas in line with the ‘Other Effective Area-based Conservation Measures’ (OECMs) – as informed by the IUCN and Convention on Biological Diversity.

- OECMs are geographically defined areas other than protected areas which are governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic and other locally relevant values.
- The majority of lion and elephant occur in larger state protected areas with options for effective population management and the provision of substantial prey base having been identified by stakeholders as ownership and management constraints for elephant and lion respectively.
- While some Big Five areas have been restituted to communities, the benefits to these communities, and other communities living adjacent to such areas, are not flowing in a fair and equitable manner. Access to such areas for spiritual, traditional, cultural, and economic value is largely restricted.

### 9.3.3.2 Goal

Given the above context, the HLP has agreed the following goal in respect of thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector –

*Thriving populations of the five iconic species with localised wildlife economic value chains based on conservation and sustainable use of the five species, linked to state, private, and community wildlife areas, with innovations that can transform rural economies.*

### 9.3.3.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Recontextualising the National Biodiversity Economy Strategy to fully leverage the value of the iconic species as a unique selling point for South Africa, prioritising both responsible photo-tourism and hunting.*

and

*Develop and implement best practice models and approaches that promote partnerships between wildlife custodians in support of larger wildlife areas with reduced environmental vulnerability, and scaling up conservation, social and economic benefits,*

and

*Reposition state protected areas as core components, in integrated regional conservation and wildlife economy nodes that can simultaneously contribute to conservation and accelerate rural socio-economic development.*

and

*Ensuring access and benefit sharing in a fair and equitable manner by local communities living with and adjacent to Big Five areas.*

and

*Increasing the wildness and facilitating the expansion of existing areas with the five iconic species, and their introduction into additional areas, in order to enhance their conservation.*

In implementing these recommendations, the HLP proposes the following –

- Develop a multi-sectoral approach for the establishment of biodiversity economy nodes through collaborative partnerships between affected departments and stakeholders that can simultaneously achieve conservation, ecological sustainability and socio-economic development objectives in rural landscapes by accelerating the viability and opportunities of wildlife-based enterprises and value chains.

- Review legislation and policies and provide support to facilitate fence-dropping between wildlife custodians with the iconic species to promote shared investment and benefit scaling, enhancing wildness, and reducing the need for population management interventions.
- Consider alignment between these larger wildlife areas, the OECM initiative and the Wildlife Certification System to give support and formal recognition to their contribution to conservation and socio-economics and develop appropriate incentives, including devolution of appropriate powers for self-administration of conservation and resources use.
- Consideration of further incentives to support the private conservation of the five species, under existing Treasury Stewardship Legislation (Income Tax Act S37(D)), through including some form of biodiversity stewardship agreements for protecting threatened species.
- Take learnings from the regional Community Based Natural Resource Management approaches, which have proved successful, and tailor these to enhance the South African wildlife model based on the iconic species.
- Review the approach of provincial conservation agencies and SANParks towards protected areas expansion and incorporation of land, with a view to adopting innovative approaches and equal partnership approaches that facilitate rather than constrain responsible wildlife-based initiatives.
- State protected areas should form the core of expanding and consolidating the Big Five wildlife estate, and effectively protect the wildlife area and populations and allowing adjacent private sector and communities' broader economic participation.
- Implement focused projects to achieve contiguous area expansion, with appropriate corridor linkages, for areas of up to 500 000 ha with the five iconic species, which will allow for larger, self-regulating populations, and provide for a much greater quota for responsible hunting. The National Biodiversity Economy Strategy and the Biodiversity Lab have identified priority areas for Biodiversity Economy Nodes. From the perspective of the five species, suggested areas are: Waterberg, Limpopo valley, the North West Heritage Park, northern KZN, Addo surrounds, Karoo and other areas that may be identified through appropriate processes.
- Identify specific community owned land that can be incorporated into the above Big Five areas with full access and benefit opportunities, such as at the Hluhluwe-iMfolozi Park (HiP) Biodiversity Economy Node, removing major barriers to entry into the full wildlife-economy value chain by communities.
- In protected areas with the iconic species where communities have ownership, implement viable models of tourism ventures that are community based, and promote synergy between these and state owned enterprises.
- Identification of land that can be purchased by black entrepreneurs for inclusion into expanded Big Five areas, with support as identified under 9.3.2 above.

#### 9.3.4 *Capacity building, education, training, and empowerment of human capital across the wildlife sector*

##### 9.3.4.1 Context

In respect of capacity building, education, training, and empowerment of human capital across the wildlife sector, the panel recognises –

- The general lack of knowledge and awareness of the value of conservation, and in animal welfare and well-being, which will require the training and capacitation of role-payers and stakeholders across the sector.
- Lack of sector specific skills in governance, policy, the effects of policy on incentives and land use choices, and the feedback loops between policy, economics, and environment.
- The widespread challenges in governance and compliance across the sector.

- The general need for further training and capacitation of government employees at various levels, as the complexities of regulation, compliance, and enforcement, and the daily management challenges, within the wildlife sector, require specific skills, competencies, capacity, and experience unique to the sector.
- The specific activities associated with the various wildlife industry value chains, such as for hunting, photo-tourism, or meat production, which require specialised skills, capacity, training, and experience at all skill levels.
- There is a deep pool of indigenous knowledge and practices in living with wildlife which has not been drawn upon as a context for capacity development.
- The imperative to transform the sector in a holistic and meaningful manner, which requires empowerment and capacity development of new entrants to the various value chains and career options within the sector, as well as of the traditional authority leadership, in order to enable resource poor rural communities to take ownership of their wildlife heritage, and unlock the opportunities, and facilitate the flow of benefits into communities.
- The imperative to empower and capacitate representatives on co-management structures for community owned wildlife areas in order to ensure equitable and influential participation, and empowerment of community interests in decision-making.
- The current formal education and training qualifications do not capacitate graduates adequately for careers and entrepreneurship in the wildlife sector.
- The relatively low level of bursary and other financial support to students for qualifications within the wildlife sector.
- The relatively low level of focused research support for activities within the wildlife sector.

#### 9.3.4.2 Goal

Given the above context, the HLP has agreed the following goal in respect of capacity building, education, training, and empowerment of human capital across the wildlife sector –

*A Sector wide Human Capital and Environmental Skills Plan / Strategy in place that is framed around issues revealed through challenges experienced with the five iconic species*

#### 9.3.4.3 Recommendation

With a view to the achievement of the goal above, the HLP recommends the following –

*The development of an integrated plan that empowers provinces and state-owned entities, private sector, and traditional communities, to develop capacity through training, mentoring, upskilling of staff and workers in the sector.*

In implementing this recommendation, the HLP proposes the following –

- In the short term, develop and implement initiatives to raise public awareness on the wildlife sector and wildlife-based activities, including key interventions associated with the implementation of recommendations from the HLP.
- Establish, improve and empower relevant structures to empower and support the wildlife sector, with specific reference to those in support of transformation
- Identification and incorporation of indigenous knowledge and practices into training and development programmes and curricula is essential.
- Ensure that the Chamber for Wildlife and wildlife sector Hub proposed above support the wildlife sector in areas where needs have been identified.

- Improve the capacity of SANBI to provide technical and scientific support to the wildlife sector. In this consider funding generated through the permit and licensing fees.
- Review and updating of the current formal education and training qualifications to holistically capacitate graduates entering into the wildlife sector.
- Ensure incorporation of the role and functioning of the wildlife sector and conservation and sustainable use in school curricula.
- Linking formal professional hunting training and guiding qualifications to ensure that professional hunters are also qualified guides and that guides have a better understanding of responsible resource use, including hunting.
- Developing appropriate SAQA registered training modules with opportunities for recognition of prior learning. In the case of professional hunting – the SAQA approved training for professional hunting should serve as the minimum standard for hunting schools to ensure professionalism.
- Development of training materials, program and capacitating of role-payers and stakeholders across the sector in:
  - Animal welfare and well-being, and aspects that may lead to reputational risk in the wildlife sector, especially management interventions for captive facilities.
  - Governance and compliance.
  - Skills to deal with the complexities of regulation, compliance, and enforcement within the wildlife sector, including further training of government employees at various levels.
  - Skills, competencies, capacity, and experience in practical management of the five iconic species, and the habitats within which they occur.
  - Specific activities associated with the various wildlife industry value chains, such as for hunting, photo-tourism, or meat production.
  - Key interventions aimed at new entrants to the various value chains.
  - Business development, planning, formation of business entities, joint ventures, funding, wildlife legislation, wildlife management, and wildlife governance issues aimed at traditional leadership and co-management structures in community owned wildlife areas.
  - Dealing with human–wildlife conflict for new entrants to the industry, emerging ranchers.
  - Proactive prevention methods for human-wildlife conflict that capacitate all members of the wildlife industry to deal with conflict in a proactive manner.
- Several areas of strategic interventions were identified including:
  - Guiding the research landscape in areas identified as weaknesses by the HLP, including Research Chairs, infrastructure, focused research funding, etc.
  - Empowerment initiatives to support PDI new entrants to the wildlife sector in key areas of opportunity.
  - Allocation of bursaries and other support to students entering the qualifications for work in the wildlife sector.
  - Establishment of a small unit (with DTI expertise) to provide meaningful support in terms of capacity and transformation issues within the wildlife sector, including advice on compliance with legislation, permits, opportunities for public-private partnerships etc.
  - Recognising the constraints on government fiscus, this approach must include academic institutions, NGOs, associations, and private wildlife sector to support government in capacity building of the whole sector.

### 9.3.5 *Welfare and the humane and responsible treatment of wildlife*

#### 9.3.5.1 Context

In respect of welfare and the humane, responsible treatment of wildlife, the HLP recognises that –

- Animal welfare includes all aspects of housing, health management, breeding, husbandry, treatment, health care, handling, transport, and includes humane handling, management for companionship, entertainment, tourism, research and human-animal conflict, and killing of animals for production and hunting, noting that not all of these elements apply to the five species under consideration.
- Animal welfare is science-based with a growing body of research and expertise that acknowledges that some animals are sentient beings that can experience pain and suffering.
- As humans, living with, utilizing and benefiting from animals, we have a social and moral responsibility to do so in a way that is humane and prevents suffering, and ensures quality of life.
- Animal rights or freedoms are not more important than human rights of landholders living with or owning wildlife.
- There are good scientific data, information and expertise on all aspects of care and management of elephant, large carnivores and rhino.
- Different models for the evaluation and application of welfare are used, including the Five Freedoms and the Five Domains Models. These are however not appropriate for wild populations.
- The application of animal welfare provisions to wild animals has been dealt with by several landmark court judgements, linking animal welfare to the Environmental Right within the Constitution (s24), including the recognition that animals are sentient beings. There are however only specific welfare standards for wild elephant and standards for the other iconic species have not been developed.
- The National Environmental Management: Biodiversity Act (NEMBA) draft Bill now includes a definition for animal 'well-being' which will apply to the five species and their management and use.
- There are some conservation and commercial operators and practitioners who are responsible and take welfare into account, but there are concerns about the overall lack of consideration of welfare aspects in the wildlife sector, including by government, in hunting, photo-tourism and captive and selective breeding.
- The listing of wildlife for animal improvement under the Animal Improvement Act, and potential intensification of management practices poses significant welfare risks that will exacerbate the current challenges being experienced.
- Attempts have been made to improve wildlife welfare particularly in captive facilities with several meetings and other processes taking place between government and the private sector.
- There were proposals from the captive breeding sector that self-regulation could be viable after development of agreed national welfare standards, but it is currently not an option and is limited by legislation.
- Where there are good welfare practices, ecological, social, and economic outcomes from sustainable use of the five species are enhanced.
- Poor welfare has been confounded by the unresolved confusion in mandate between the Departments of Environment and Agriculture, resulting in wildlife welfare being neglected.
- The available research and data on the impact of management interventions and tourism behaviour on animal welfare is not adequately considered in addressing wildlife welfare.

- The 'One Welfare' approach, which highlights the interconnections between animal welfare, human well-being, and the environment, is a growing global model that is gaining ground in non-western-centric approaches to animal welfare.
- The treatment of animals is governed by various acts, and the NSPCA is legally mandated with the responsibility for animal welfare.
- Poor welfare standards and cruelty cases tarnish the reputations of all involved and the country as a whole.
- There is a need to recognise traditional use of the iconic species, and the practices associated with that traditional use.
- Where acceptable solutions are not apparent, practices that contravene animal welfare requirements may need to be identified for prohibition.

#### 9.3.5.2 Goal

Given the above context, the HLP has agreed the following goal in respect of welfare –

*Standards and practices within the wildlife sector meet the minimum acceptable standards for animal welfare and well-being, based on the One Welfare approach that emphasises the link between animal welfare, human well-being, biodiversity, and the environment.*

#### 9.3.5.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Taking a One Welfare approach, the Minister should immediately initiate a process to engage with welfare and well-being issues across the sector, with a view to including elements within the conservation and sustainable use policy for the sector,*

*and*

*The Minister to engage with DALRRD to clarify overlapping mandates for welfare and well-being, and the role of the NSPCA with the aim to rationalise legislation where appropriate and develop standard operating procedures to provide clear guidance to government and the wildlife sector on roles and responsibilities.*

*and*

*Consider delegation of powers for welfare inspections to a broader group of suitably qualified people, similar to the approach of EMIs to support compliance and enforcement in the welfare.*

*and*

*Develop minimum norms and standards for welfare within all aspects of the sector relating to the five iconic species.*

In implementing these recommendations, the HLP proposes the following –

- Governance framework challenges to be addressed:
  - The poor understanding, framing, development, and buy-in to wildlife welfare must be addressed through, for example, the introduction of a modern, integrated approach such as the 'One Welfare' approach.
  - Review the NSPCA model to determine if this is the best mechanism for addressing welfare issues.
  - The general under-resourcing of capacity to address wildlife welfare, must be addressed, including reviewing the NSPCA funding and operational model that creates a dependence on donor funding.

Consider capacitating individuals who work in the welfare domain, to complete the necessary training, to deal with welfare, similar to EMIs (and/ or exploring increasing the mandate of EMIs to include compliance and enforcement of welfare and/ or well-being).

- Institutional arrangements in terms of responsibility for welfare need to be urgently addressed for immediate implementation, especially with the new well-being clause being inserted into NEMBA. Poor cooperation between industry, rescue groups, welfare organizations, and welfare inspectors must be addressed, including exploring an integrated wildlife welfare unit.
- The lack of representation of wildlife and DEFF in welfare structures, e.g. NSPCA Board, must be addressed.
- The welfare implications resulting from the listing of wildlife for animal improvement by DALRRD must be considered and the full costs of developing standards, implementation and enforcement be determined and addressed.
- The narrow definition of well-being in NEMBA must be reviewed and broadened, with alignment of relevant conservation agencies' legislation.
- Government / state and provincial agencies to initiate a process to engage effectively with wildlife welfare.
- Management interventions (reintroductions, relocations, population management, management plans, euthanasia, collaring, veterinary interventions), including adaptive management, should be scrutinised for welfare.
- Standards of best practice should be developed, or promulgated as Norms and Standards, for the following key areas within the wildlife sector:
  - Management of wild and captive populations, given that, while elephants have norms and standards with welfare concerns addressed, the other species should have a similar framing that provides for welfare controls/regulation for free ranging populations; these standards should be informed by our understanding of animal behaviour, as with the incorporation of sentience of elephants into the elephant norms and standards.
  - Responsible hunting and photo-tourism, which should incorporate welfare and well-being standards. Tourism practices and interventions for tourism products for free roaming (habituation, off-road driving, euthanasia) and captive (housing, interactions) environments should be addressed.
  - Research should include Animal Use Committee or Ethics Committee approvals.
  - Veterinary interventions must be addressed.
  - Effective rehabilitation of animals into the wild e.g. Code for Wildlife Rehabilitation (e.g. dealing with welfare around injured wild animals being placed in captivity for treatment/rehab and never being released). This should also deal with how seized animals are dealt with.
  - Welfare and well-being aspects related to traditional use should be considered and appropriate measure put in place in collaboration with local communities, traditional healers and traditional leaders.
- Welfare must be linked to all restricted activities through permitting requirements and restrictions.
- Costs related to implementing welfare requirements need to be fully internalised into permitting costs or similar under a “user pays” full cost accounting model.
- Capacity development in welfare:
  - The lack of understanding of good and bad practices, and what is acceptable must be addressed through the development of appropriate SAQA approved training that should be a requirement for relevant conservation and management personnel.
  - Accredited welfare courses need to be developed and offered through formal education institutions and these qualifications should be a permitting requirement for keeping wildlife in captivity.

### 9.3.6 Inefficiencies in governance of the wildlife sector (9+1+1+1 issues)

#### 9.3.6.1 Context

In respect of inefficiencies in governance of the wildlife sector (9+1+1+1<sup>115</sup> issues which impact on the wildlife sector), the HLP recognises that –

- There is a concurrent legislative mandate for the environment and conservation held by national and the nine provinces as established in the Constitution. However, s146 of the Constitution provides for instances where in the event of a conflict between national and provincial legislation, national legislation prevails. Instances provided in s146 include where a matter requires uniformity to be dealt with effectively and where the legislation is necessary for the protection of the environment. Both instances apply to the legal framework applicable to wildlife in general and the five species specifically.
- The concurrent legislative mandate has resulted in a plethora of conservation / biodiversity related legislation. In some instances, the provincial legislation is dated having been promulgated pre-Constitution. Reviews and assessments of provincial and national legislation have found examples of the legislative provisions being fragmented, inconsistent and in some instances conflicting.
- There are identified opportunities to strengthen the national legal framework as it pertains to biodiversity as detailed in 6.2 above, however the provincial legislative framework as it pertains to biodiversity requires extensive review. Calls for rationalisation of legislation, as it pertains to biodiversity, to create a unified body of legislation were notable in the consultation sessions.
- The current 9+1 system creates division between provincial conservation authorities and national as well as duplication and confusion amongst clients – it is inefficient. This inefficiency is heightened by dated, paper-based, non-integrated and non-aligned permitting systems
- There is duplication in management structures across state protected areas, issuing authorities, and compliance processes which create major inefficiencies, inconsistencies, incoherence, and confusion, and poor understanding of roles and responsibilities;
- The sector is underfunded, making efficiencies critical; there may be a challenge in management of funds, and a need for the consolidation of resources; and there is a lack of capacity for compliance and enforcement across the sector.

#### 9.3.6.2 Goal

Given the above context, the HLP has agreed the following goal in respect of inefficiencies in governance of the wildlife sector (9+1+1+1 issues) –

*Legislation, policy, roles and responsibilities, of state actors at different levels in the wildlife sector are integrated, rationalised, and redefined, where appropriate, and fully understood and acted on by all involved, such that issues of concurrent competency do not continue to compromise their conservation and sustainable use.*

#### 9.3.6.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

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<sup>115</sup> 9+1 refers to the 9 provinces and the national environment department who have concurrent legislative competence for the environment. 9+1+1 refers to the additional regulatory overlaps with the national agriculture department. 9+1+1+1 refers to the further additional regulatory overlaps with national protected area state-owned entities (i.e. South African National Parks (SANParks) and the iSimangaliso Wetland Park Authority)

*The implementation of biodiversity related legislation is revised, to ensure the efficient, effective, coordinated, coherent, and unified, where appropriate, administration and governance of the five iconic species as flagships for all species.*

and

*Minister to use all tools and processes at her disposal to enhance cooperative governance, including those in NEMA 24C.(3)(a), and, where appropriate, should consider mandating national state agencies, with province based offices as needed, responsible for each of their administration, management, and/or oversight for the five iconic species.*

and

*Recognising that national legislation prevails over provincial legislation where there is a conflict, as an immediate priority, to review and revise, and where applicable, rationalise national and provincial legislation to streamline and simplify processes, and ensure a law and policy framework that is standardised and consistent across the country for the five species.*

In implementing these recommendations, the HLP proposes –

- The rationalization of biodiversity related legislation and management authorities, including addressing the reality or perception that industry is hamstrung by too much non-smart regulation and lack of implementation capacity;
- Strengthen the national legal framework as it pertains to biodiversity through legislative amendment as detailed in 6.2 above;
- That the proposed National Policy on Biodiversity Conservation and Sustainable Use should clarify goals, and roles of landholders, provinces, national authorities, NGOs and associations in order to address overlaps, confusion, and conflicting or unclear mandates;
- In the short-term: the development and implementation of a national electronic permitting system, with a view to creating a national issuing authority;
- Enhancing the ability of SANBI and the Scientific Authority to provide evidence-based guidance and innovation for the wildlife sector, including data collection and management, extension support, capacity development etc.; data should include both wildlife numbers and relevant socio-economic indicators.
- Exploring the potential to devolve more property Rights (ownership) and certain powers to landowners who are willing to organize themselves into sector associations, or communities, thereby expanding or defragmenting landscapes by removing fences and providing wildlife corridors; consider incentivising self- administration through enabling legal/regulatory provisions, where feasible;
- Researching, designing and implementing interventions to make wildlife conservation more competitive as a land-use, including innovative funding mechanisms and developing a sustainable funding model for the state sector.

### 9.3.7 Agriculture and conservation policy conflicts

This section focusses on Acts, regulations, and policies administered by the Department of Agriculture, Land Reform and Rural Development (DALRRD) that preclude, or negatively impact on, the effective achievement of s24 of the Constitution.

#### 9.3.7.1 Context

In respect of Acts, regulations, and policies administered by the Department of Agriculture, Land Reform and Rural Development (DALRRD) that preclude, or negatively impact on, the effective achievement of s24 of the Constitution, the panel recognises –

- The DALRRD has administrative responsibility for a number of laws and policies that may directly affect the effective achievement of the different components of s24 of the Constitution, including laws and policies that have intended and unintended negative consequences for the appreciation and the protection of the five species and the ecosystems in which they occur;
- Despite the Constitutional requirement for co-operative governance and intergovernmental relations, inter-departmental processes and procedures are not in place to address these conflicts or mitigate their negative consequences for the environment, including the confusion they create about what constitutes wildlife with increasing moves towards domestication, among others;
- Various agricultural Acts that may preclude, or negatively impact on, the effective achievement of s24 of the Constitution including –
  - The Game Theft and Fencing Acts, which have the unintended consequence of degrading the naturalness and wildness of the wildlife estate through the fragmentation of the landscape, interrupting and degrading natural ecological processes (prevent movement, gene-flow, cause mortality etc.). This leads to over-management of the ecosystem and species of concern (require fencing, waterholes, artificial burning, supplemental feeding, reproductive control, supplementations, culling etc.).
  - The Game Theft, Fencing and Animal Diseases Acts, which have the unintended consequence of undermining the effective conservation of four of the iconic species (excluding leopard) through the fragmentation of populations into small isolated units that are not individually viable, are over-managed as per above, and may not be recognised as being wild (e.g. classified as managed wild). This means that they are not regarded as contributing to the global conservation of the species and undermines our global reputation as a conservation leader.
  - The Animal Diseases Act which prevents effective meta-population management of the iconic species and the expansion of their range into areas in which they historically occurred.
  - The Animal Improvement Act, which promotes the domestication and intensive and selective breeding of iconic wildlife, undermining the sense of place of wild Africa, the conservation of the species in the wild, and the ecologically sustainable use of the species for both photo-tourism and hunting.
  - The Game Theft, Fencing, Animal Diseases, Animal Improvement, and Performing Animals Acts which prevent effective ecologically sustainable use of the iconic species for justifiable economic and social development through provisions that require standards that prevent free roaming wildlife, reducing naturalness and wildness, prevent economic scaling and new entrants, and negatively impacting on the reputation of South Africa as a wildlife destination and international leader in conservation.
  - The Meat Safety Act which lists wildlife species, including elephant (and black and white rhino in the draft revisions), but does not make adequate provision for the humane slaughter of the species (or groups of animals as contemplated in the draft Game Regulations).
  - The Game Theft, Fencing, Animal Diseases and Meat Safety Acts that impede the natural (or assisted) movement of wildlife, including the iconic species (excluding leopard), into traditional authority lands, as had happened historically into white owned land. This results in the persistence of apartheid inequalities and prevents the achievement of environmental justice through transformation of the wildlife sector and the bio-economy, as well as effective land-restitution with achievement of the components of the Environmental right for this and future generations.
- Proper effect is not being given to the implementation of the Animals Protection Act (APA) for wildlife and within the wildlife economy which undermines the essential animal welfare/conservation linkage required in terms of s24 of the Constitution. This includes both inadequate provisions relating to wildlife welfare in the APA and resource and capacity limitations that impact on the effective compliance and enforcement of APA where violations in terms of wildlife welfare occur.

- The Environment Portfolio committee convened a colloquium on captive lion breeding for hunting and resolved (reports No 167—2018) that “The Department of Environmental Affairs and Department of Agriculture Forestry and Fisheries should present a clear programme of work on how they intend to address animal welfare and health issues that had been raised during the Colloquium, which straddle the mandates of the two departments, outlining clear timeframes for achieving this”; to date this has not been achieved.

#### 9.3.7.2 Goal

Given the above context, the HLP has agreed the following goal in respect agriculture and conservation policy conflicts

–

*Efficient and effective cooperative governance, as contemplated in the Constitution, promotes the achievement of s24 of the Constitution, and other provisions, in such a way that our iconic wildlife is protected for the benefit of this and future generations, and ensures/ promotes inclusive and equitable benefit sharing.*

#### 9.3.7.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*The Minister requests Cabinet to establish an inter-ministerial committee (IMC) on biodiversity conservation and sustainable use to lead cooperative governance in this area. The IMC should undertake the review and revision of conflicting legislation and practice, championing the protection and conservation of the five species in the wild, enhancing the wildness and conservation reputation of South Africa. The work of the IMC should seek to stimulate strategic ecologically sustainable use of natural resources for justifiable economic and social development.*

and

*Initiate a process for testing legislation under the mandate of DALRRD and where applicable other governmental Departments for consistency with s24 of the Constitution, and revoke/revise provisions that are in conflict, such as the domestication of the five iconic species.*

In implementing these recommendations, the HLP proposes –

- Terms of reference of the IMC on biodiversity conservation and sustainable use must be SMART.
- The consideration of different ownership models for wildlife which would best give effect to s24 in an integrated manner, and consider implications of relevant legislation.
- Consideration should be given to the minimum fence specification and fenced area size requirements of the five species in terms of their ecological natural processes, such that these can be achieved with no or minimal management intervention and inputs.
- The consideration of a requirement in the legislation for an Environmental Impact Assessment, depending on the surrounding land-use, that takes into consideration concerns for wildlife, for any fencing above minimum agricultural specification (1.2 m wire strand), including the reclassification of land-use bordered by such a fence, with recognition of the full (direct and indirect) environmental costs of such fencing, such that this can be included in the municipal scheme for appropriate rates assessment.
- The consideration of internal fencing above minimum agricultural specification being recognised as a formal subdivision of agricultural land as contemplated in the Subdivision of Agricultural Land Act (Act 70 of 1970).
- The consideration of a more balanced interpretation and implementation of the Animal Diseases Act, which takes into account the need to re-establish natural corridors of movement of wildlife, and for the translocation of the four

species (excluding leopard) more freely for conservation purposes. This includes consideration of provisions for control of diseases such as foot and mouth, corridor disease, and tuberculosis (TB).

- The revision of the Animals Protection Act and the Societies for the Prevention of Cruelty to Animals Act, 1993 (Act 169 of 1993) to ensure the welfare of wildlife is fully protected under law, and to put in place appropriate regulations to ensure compliance with this, including appropriate governance and funding models for the National Society for the Prevention of Cruelty to Animals (NSPCA).
- The revision of the Meat Safety Act to fully consider the welfare of wild animals during the entire slaughter process, and finalising regulations for game under this Act which fully account for animal welfare and well-being concerns of wildlife.
- The revision of the Animal Improvement Act and its regulations to remove the five iconic species, and putting in place legislation that prevents the domestication and intensive and selective breeding of these iconic wildlife species.
- The revision of the Performing Animals Act and its regulations to remove the five iconic species, and their use for performance be prohibited.
- The consideration of how the various acts negatively affect transformation in terms of resource poor communities, and entrance of previously disadvantaged individuals into the wildlife industry.
- Consideration of removing the five iconic species from under the auspices of Agriculture with all elements sitting firmly under DEFF, including welfare, captive animals and farmed wildlife. The required capacity will need to be developed in DEFF.
- That elements in Agriculture legislation that are not in compliance or aligned with s24 of the Constitution be repealed.

### 9.3.8 Protected areas

#### 9.3.8.1 Context

In respect of protected areas, the HLP recognises –

- The 9+1+1+1 system as well as the governance burden resulting from a lack of rationalisation of state protected areas, results in challenges to effectively manage these areas, including lack of sufficient resources, especially in provincial state protected areas.
- All the provisions of the NEMPAA are not being appropriately implemented for protected areas across the various provinces.
- Some state conservation agencies are severely constrained in terms of budgets and personnel that are far below what is required for the execution of mandates.
- There are management challenges associated with the five iconic species in protected areas, either through unnecessary extensive management interventions or the lack of sound interventions, with associated animal welfare concerns, implications for other species or reduction in real or perceived wildness, such as reproductive control of lion and elephant in small protected areas and increased conflict between individual animals.
- The contribution of state protected areas to society is often only considered in terms of their species conservation contribution and not in relation to the securing of ecosystem services that underpin the economy or their actual or potential role in rural socio-economic development.
- State protected areas in general, are underperforming in terms of their potential to stimulate local and regional socio-economic development, especially if compared to private protected areas.

- Although some communities around state protected areas have sensitivities about forced removals to establish protected areas, and lack of inclusive participation and benefit flows, especially where part of the land belongs to them, there is a general agreement that protected areas are needed to conserve their wildlife heritage.
- Potential benefits from state protected areas identified by communities include, amongst others, opportunities to develop and own wildlife-based enterprises such as tourism lodges, financial benefits, jobs and entrepreneurial opportunities, access for cultural practice, meat from hunting/culling, and a few animals when needed for cultural events.
- Communities adjacent to state protected areas expressed concern that there are not sufficient resources for proper management, including maintenance of fences, which results in human-wildlife conflict and tension between protected areas and rural and agricultural communities.
- There is a general feeling that appropriate compensation is not provided by government for damage caused by animals escaping from state protected areas.
- Many private protected areas provide alternative sustainability models, and there are examples of successful private-public-community partnerships.
- Examples exist, such as in the Umfolozi Biodiversity Economy Node, where wildlife areas from communities have been fenced into a state protected areas, with positive results that include, reduction in investment costs to communities to establish viable wildlife-based enterprises, improved investment opportunities, expansion of protected areas and range for the iconic species at reduced cost to government, reduced human-wildlife conflict and improved relations between protected areas and communities, unlocking of opportunities for socio-economic develop in marginalised rural communities.
- Legislation does not prohibit hunting in all categories of protected areas. It is a policy decision of the management authority and examples exist where both hunting and photo-tourism takes places on the same protected area.
- The private sector seems to be more effective in addressing the poaching risks to rhino's than state protected areas.
- Although some stakeholders perceive hunting in areas adjacent and open to state protected areas to be inappropriate, other stakeholders believe it to be an appropriate strategy that provide incentives to adjacent landowners and communities to align their landuse to that of protected areas and by doing that, expand wildlife areas and habitat available to the five iconic species whilst reducing the need for management interventions to control population numbers.
- In the case of Kruger National Park and the adjacent private and communal wildlife areas in the greater Transfrontier Conservation Area, there is a process to develop minimum standards for wildlife-based tourism activities involving the five species, including reporting on environmental indicators as well as a hunting protocol.
- Although state protected areas and their private and community partners make some effort towards integrated monitoring, determining of sustainable resource use quotas, and synergistic wildlife-based activities in open wildlife areas, there is room for substantial improvement through open and transparent engagements.
- In cases where hunting quotas are determined for communities in these open areas, government does not always administer it in a way that optimises opportunities for communities.
- While Trans-Frontier Conservation Areas (TFCAs) may be enhancing conservation, they may not be achieving their broader intended outcomes, and there may be additional opportunities for TFCAs.

#### 9.3.8.2 Goal

Given the above context, the HLP has agreed the following goal in respect of state protected areas –

*Rationalised state protected areas and improved contribution of all protected areas to conservation and sustainable use of the five species, and as drivers of local and regional rural economies.*

### 9.3.8.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Making state protected areas more effective and efficient as drivers for conservation and rural socio-economic development, through innovative and integrated approaches. Attention should be given to amongst others, rationalisation of protected areas, streamlining governance, consolidating organisational costs, accountability to performance standards, expansion and connectivity, enhancing economies of scale, and partnering effectively with the private sector and communities,*

and

*Adopt a national strategy for recognising, enhancing, and incentivising, the contribution of private protected areas and other area based conservation measures with the five iconic species that contribute to conservation and socio-economic development through sustainable use of the species.*

In implementing these recommendations, the HLP proposes the following –

- Larger state protected areas with the five iconic species should be developed and repositioned not only as conservation areas, but also as wildlife destinations and nodes for rural socio-economic development.
- In so far as state protected areas with the five iconic species are concerned, consider rationalisation where all these protected areas are managed by a single oversight agency (possibly SANParks) which would reduce costs, improve alignment of management approaches and enhance effective resourcing.
- An enabling legislative and policy environment must be created for effective protected area management that improves operational performance and reduces bureaucratic red tape, improves positive impact in host communities, and facilitates productive partnerships.
- Partnerships with private and communal custodians of wildlife should be key to any protected area expansion strategy, acknowledging the role and contribution of other stakeholders in a more equitable and respectful manner.
- Innovative protected area expansion models should be developed that facilitate productive partnerships between protected areas, communities and private sector, including dropping of fences, with positive results such as reduction in investment costs to communities to establish viable wildlife-based enterprises, improved investment opportunities, expansion of protected areas and range for the iconic species at reduced cost to government, reduced human-wildlife conflict and improved relations between protected areas and communities, unlocking of opportunities for socio-economic development in marginalised rural communities.
- Expansion strategies for range extension of the five iconic species should consider climate change effects on their potential range over time.
- Reconsider the funding model for state protected areas, understanding that the notion that protected areas have to be self-funded, is against the principle of trusteeship based in NEMBA and NEMPAA.
- Performance of formal protected areas must be improved urgently, starting with an audit of budget and resource allocations to perform mandated responsibilities, as well as performance against adherence to NEMPAA.
- State protected areas should improve their conservation performance on the area under their mandate, but become more outward looking in improving human well-being and socio-economic development in host communities, building positive relations and partnerships. Performance measures should reflect this.
- Explore alternative governance models for the co-management of state protected areas as provided for in NEMPAA.

- Structured programmes need to be developed with communities living adjacent to protected areas with the iconic species to ensure participation and influence by the community in processes and decisions, and providing opportunity for transparent communication and engagement. This should include specifically issues around safety (fencing and problem animal control), enforcement, and flow of benefits.
- Effectiveness of People and Parks forums should be evaluated and a process initiated to improve performance in line with recommendations mentioned under the Transformation Section (9.3.2 above).
- A revised approach to the management of the iconic species to achieve larger areas and reduced interventions, thereby enhancing welfare and wildness.

### 9.3.9 South Africa's international standing and reputation

#### 9.3.9.1 Context

In respect of South Africa's international standing and reputation, the HLP recognises that –

- South Africa has a positive conservation reputation globally.
- South Africa is part of the global community and its international engagements will be respectful of that fact.
- Certain South African positions taken in engagements at the international level may result in negative impacts for the country (e.g. may risk job security, jeopardise foreign investments, negatively impact international tourism and other forms of trade, etc.).
- South Africa must represent the interests and rights of all citizens, including the Environmental Right, in any decisions, including those decisions and commitments made at the international level.
- South Africa has commitments and obligations in terms of various multilateral environmental agreements, including with SADC, which must be upheld.
- A perception of wildness and wilderness in the wildlife sectors presents an international competitive advantage for South Africa.
- South Africa's positive reputation in relation to conservation and as an eco-tourism destination must be maintained and promoted.
- There are risks and threats to our reputation, that captive, intensive, and selective breeding, handling, captive interactions, 'canned' hunting, and bone and derivative trade brings South Africa.
- The captive industry threatens South Africa's reputation as a leader in conservation of wildlife, and as a country containing iconic wild animals, through perceptions of domestication of iconic wildlife species.
- That there is a direct reputational risk from captive breeding, keeping, hunting, and trade, for the broader photo-tourism and wild hunting market, and tourism to South Africa in general.
- Captive keeping and hunting of lions was identified as detrimental by all tourism and conservation NGOs in the public participatory process as well as by CONTRALESA.
- There are demonstrable (peer reviewed) zoonotic risks associated with the intensive breeding and keeping of lions, which poses a real risk of an epidemic of existing or new zoonotic diseases, emerging in South Africa, and moving abroad; COVID-19 outbreaks have occurred in a number of animal species, including felids and specifically lions, with potential for mutation and back-infection to humans.
- That there is a direct reputational risk from captive lion breeding and hunting for the broader hunting industry, in terms of their hunting of wild lions, and hunting in general – both for meat and trophies.
- South Africa's conservation reputation globally and locally is at risk from undesirable practices in the wildlife sector.

- South Africa was a global pariah state under apartheid, and South Africa is signatory to the UN Declaration on the Rights of Indigenous Peoples, but the wildlife sector has moved little from 1994, and the Rights of access and traditional appreciation and use of wildlife to communities that live with are near wildlife have not been restituted; this manifests most strongly in the high levels of rhino poaching emanating from poor communities.
- Many cultures in South Africa identify and are spiritually aligned with lions and the captive breeding of lions is culturally dispossessing of this value to communities.

#### 9.3.9.2 Goal

Given the above context, the HLP has agreed the following goal in respect of South Africa's International Standing and Reputation –

*South Africa is regarded as a leader in terms of conservation practices and responsible wildlife utilisation in the global arena, and continues to be a sought-after wildlife-based tourism destination*

#### 9.3.9.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*The development of protocols for proactive international engagement, including for formal multilateral structures, that clarify how South Africa positions itself for best practice biodiversity conservation and sustainable use. Such position is informed by inclusive consultation and communication with the local and international community, and will subsequently be based on a fully informed policy*

and

*Identify key interventions that can enhance our international standing and reputation in terms of sustainable use of the five iconic species, such as certification systems, sector codes of conduct, norms and standards and guidelines for specific activities such as hunting and photo-tourism.*

and

*Develop a risk management strategy that facilitates identification and consideration of potential risks to our global reputation proactively before these become a liability*

In implementing these recommendations, the HLP proposes the following –

- Until the proposed Biodiversity and Sustainable Use Policy is approved, the protocol should be developed based on the collective recommendations of the HLP, as contained in this document, and which have taken cognisance of the reputational risks in their formulation; this includes protection of the wildness of our iconic species and their welfare and well-being, through, *inter alia*, preventing domestication, captive breeding, volun-tourism, elements of interaction tourism as indicated by SATSA guidelines, and other elements of undesirable practice.
- In developing the protocol, the Minister should initiate processes that give strong and meaningful voice to the traditional rights of indigenous peoples, especially in terms of their traditional approaches to appreciation, management, and use of wildlife, including specifically the voice of traditional leaders and healers.
- At the international level (in line with our MEA), there must be enhanced and more meaningful pre-event engagements to ensure agreements and disagreements have been openly discussed and debated. These discussions must also consider the possible impact of any decisions (e.g. loss of tourism, loss of international funding, etc.)
- There is a need to engage more meaningfully with DIRCO and other sector partners for local engagement, such as Tourism, Economic Development, COGTA, etc.

### 9.3.10 Management of the five iconic species in the wild

#### 9.3.10.1 Context

In respect of the management of the five iconic species in the wild, the HLP recognises –

- That South Africa is globally recognised as a leader and innovator in conservation, especially in terms of some of the iconic species.
- That wildness is an important component of African wildlife landscapes, and its importance as part of the branding of a globally competitive hunting and photo-tourism destination.
- That ecologically sustainable use, including hunting and photo-tourism, are important components of the wildlife economy, and have contributed to the conservation successes in South Africa through, among others, the increase in land under conservation and the expanded range and population of the iconic species.
- That over-management has a number of negative impacts, including –
  - Interventions in water, fire, clearing, mowing, feeding, lick-blocks, game introductions, contraception, reproductive suppression, translocation, culling, collaring and veterinary intervention to achieve narrow reserve objectives, negates the perception and reality of the sense of place of wildness.
  - Managing and classifying population as managed-wild, negates their potential conservation contribution, particularly of lion and elephant, and small populations are not recognised internationally for conservation contribution.
  - Challenges in terms of wildlife welfare as it may not be necessary, or may be inappropriate, or should not be implemented as an ongoing as opposed to emergency intervention.
  - Over-management to achieve narrow objectives, such as for tourism product (e.g. continuous introduction of naïve game onto small reserves with lions or housing animals in an area too small to meet their ecological demands) or hunting (put-and-take from areas smaller than their natural home range, as opposed to harvesting from stable, free-ranging populations) raises welfare and well-being challenges.
- Metapopulation management plans must be developed where they are not yet in place for the iconic species to ensure that the conservation benefit of these animals in fragmented populations are maximised and to prevent over management.
- That the wildlife sector is complex, diverse, and there is a need for flexibility and adaptive management. Thus, different approaches to wildlife management should inform different approaches in terms of regulation.
- That permitting processes for restricted activities and management plans are cumbersome, inefficient, duplicated, and hinder effective, flexible, innovative, and beneficial (to animal and people) actions, e.g. emergency translocation of rhino from poaching threat, or the movement of animals across provincial boundaries.
- That poor management practice has a negative impact on the wildlife sector, and the country as a whole, with reputational damage affecting both hunting and photo-tourism. Thus, there is a need for responsible practice in the wildlife sector.
- That custodians of the species should be able realize the value of the species through responsible practices.
- That formal consideration of animal welfare concerns is not currently required in management decisions and implementation.
- That the sentient nature of wildlife is increasingly recognised, especially in the case of elephants, where this has been embedded into the principles of the elephant Norms and Standards. Thus, the behaviour and sociality of animals needs to be carefully considered in their management.

- That elephant population management, including culling, and elephant range manipulation, are provided for and regulated by the Norms and Standards for the Management of Elephants in South Africa, but no such norms exist for the other four species; an elephant management plan is also required and delineated.
- That poaching and illegal trade pose a major threat to rhino conservation, an increasing threat to elephant conservation, and a possible emerging threat to lion and leopard conservation, and prevention requires debilitating resource investment.
- That damage-causing animals are an important concern for elephant, lion, and leopard, and current approaches dealing with this are inconsistent and unsatisfactory, and do not adequately compensate resource-poor community members. The amount of compensation paid to communities is below market value, is less than that paid to white farmers, and is not paid timeously. There are inconsistencies in compensation between government agencies.
- Communities raised concerns over poor management of fences resulting in animals escaping from protected areas and government authorities then responding poorly on damage-causing animal issues.
- That the five iconic species cross international boundaries, emphasising the importance of transfrontier conservation areas (TFCAs) and co-management arrangements with neighbouring countries.

#### 9.3.10.2 Goal

Given the above context, the HLP has agreed the following goal in respect of the management of the five iconic species in the wild –

*Responsible, adaptive, transparent, and accountable management, which secures thriving and sustainable populations of the five species and their habitats, for the benefit of all components: wildlife, wildlife custodians, and society at large.*

#### 9.3.10.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Participatory development of Biodiversity Management Plans and / or Norms and Standards, (as appropriate) for the management of lion, rhino, and leopard, and review of existing Norms and Standards to address challenges and improve impact,*

and

*Develop effective national-level monitoring and reporting of the management and sustainable use of the five species,*

and

*Incorporation of humane and responsible management practices, including for animal welfare and well-being, into the ethos and regulation of wildlife management in South Africa.*

and

*Taking a systems approach to reduce negative impacts to people and wildlife resulting from human-wildlife conflict, including a focus on innovative non-lethal measures that reduce risk and prevent damage. More specifically, develop proactive Norms and Standards for damage-causing animals, which include national consistency in compensation for damage caused by damage-causing animals, and which empower and capacitate people living with wildlife, and that establish mechanisms for communities to directly benefit from the management of damage-causing animals, such as through localised SMMs.*

and

*Incentivising and facilitating adaptive management of the five iconic species in a responsible manner, including evaluating the legislation to reduce over-regulation.*

and

*Develop processes and mechanisms for critical monitoring, reporting, and evaluation of data, including socio-economic data, focused research on key gaps, including a national research strategy for the wildlife sector including the wildlife economy), and enhanced extension capacity to translate learning into practical management implementation.*

In implementing these recommendations, the HLP proposes –

- The streamlining and rationalising of the regulation and implementation of restricted activities (see 9.3.6.2 above), with innovations that place more trust in the hands of the landowner who has demonstrated responsible practice, and contribution to increasing wildness of the species (such as land expansion).
- Developing innovative incentives for conservation and responsible socio-economic contributions by wildlife custodians for the five species, considering mechanisms and approaches such as a wildlife certification system, Other Area Based Conservation Measures of the IUCN and CBD, and the Stewardship Program.
- That existing norms and standards and biodiversity management plans be reviewed and those to be drafted for other species are urgently drafted and finalised.
- Prioritising wildness and range expansion in planning and implementation of management interventions of the five iconic species, and with this –
  - Emphasise the need for protected areas expansion and connectivity between populations through corridors;
  - Consider using the persistence of evolutionary processes, such as described in the Framework to Measure the Wildness of Managed Large Vertebrate Populations, to inform appropriate sizes of wildlife areas; and
  - Incorporate the dropping of fences and new approaches to wildlife ownership that provide for collective approaches to conservation management.
- Providing opportunities for expanding TFCAs to increase movement of iconic species across boundaries in larger areas, which requires less management intervention, and restores natural processes.
- Ensuring that animal welfare and well-being aspects are considered in all management interventions and approaches.
- Ensuring transparency and full-cost accounting of wildlife-based activities on state protected areas.
- Require that benefits from responsible and sustainable use of the five species support conservation and responsible management of the species, with custodians of wildlife being the primary beneficiaries.
- Provide for sound metapopulation management, adaptive management and quick management response when necessary and appropriate (also applicable to restricted activity regulations and practice).
- The implementation of a process to engage with the issues of damage-causing animals, and the current legislation, regulations, ordinances and approaches, with a view to a more transparent, responsible, equitable, consistent, and humane approach to dealing with this in general, and for each of the iconic species. Outcomes from this should be included into revisions of norms and standards and biodiversity management plans, and other legislation (e.g. NEMBA, TOPS, and provincial ordinances) as appropriate. Novel prevention and incentivisation approaches, and step-wise escalation of response as appropriate, should also be considered.

- Where fences are intended as barriers between communities and the iconic species, these should be properly maintained, including rebuilding relationships with communities to build trust in their safety from the dangerous animals.
- A structured consultation programme, with feedback, should be developed with communities living adjacent to reserves with the iconic species, to develop transparency and trust, and especially relating to aspects such as damage-causing animals, enforcement programmes, and potential benefit flows.
- That permitting for restricted activities, including standing permits, should include a formal process for evaluation of the welfare and well-being implications and risks of the activity being applied for, including proof of sufficient knowledge of care of species.
- As compensation for the harm caused by damage-causing animals is fraught with challenges worldwide, alternative approaches should include the implementation of pilot projects in the impacted communities, using suitable measures to prevent damage such as ditches dug to exclude elephants, use of bees to deter elephants and generate honey, painting eyes on cattle hind quarters to deter predation, the use of livestock guarding animals and herdsmen to prevent predation and investigating trophy hunting of damage-causing animals where biologically sustainable (especially for leopards).
- That the Rhino Committee of Inquiry recommendations must be implemented, with consideration given to including aspects of elephant and lion where appropriate, as the poaching of rhino, and increasingly of other species, is a major concern and risk to the conservation of the species, and viability of reserves.
- That impermeable barrier fencing should be reviewed with a view to requiring mitigation and offset for the indirect costs from degradation of the landscape and defining no-go areas for introduction or release of specific species.
- That, in order to protect the sense of wildness of South African wildlife landscapes and the iconic species –
  - Captive facilities for the five iconic species should be reviewed, with a view to phasing these out; and
  - The domestication and intensive and selective breeding of the five iconic species should be prevented and restricted in legislation and regulation.
- That special consideration should be given to mechanisms to rewild captive rhino from breeding facilities, as these could provide a strong conservation benefit to the species, both in South Africa and for other range states.
- The enhancement of professional/specialists services to support the wildlife sector, including extension services, possibly by increasing the capacity of SANBI, the Scientific Authority (as envisaged by NEMBA) or provincial ecological services.
- To develop capacity in the industry to responsibly deal with issues internally through specialist training in key areas e.g. damage-causing animals management and proactive non-lethal measures thus also removing reliance on government etc. to deal with issues.
- The consideration of the professional accreditation of practitioners and decision-makers, with appropriate minimum qualification standards, professional registration, continual professional development and mechanisms to achieve these.
- That the inclusive management associations, such as the Lion Management Forum and Elephant Specialist Advisory Group should be promoted and supported for all of the iconic species, noting that the Rhino Management Group exists, but is not inclusive in terms of membership, and these should promote legal, humane and responsible management practices.

### 9.3.11 *Hunting of the five iconic species*

#### 9.3.11.1 Context

In respect of the hunting of the five iconic species, the HLP recognises that –

- Hunting is a part of the South African heritage and culture.
- Some stakeholders do not support hunting of the iconic species for trophies and believe photo-tourism is a more appropriate way to generate benefits from the species.
- There is a general lack of understanding that responsible trophy hunting has minimal ecological and environmental impact and that it can contribute to conservation and socio-economic development.
- The IUCN developed guidelines for trophy hunting to contribute to conservation and recognise that responsible hunting can contribute to conservation.
- There have been various hunting standards developed over time in South Africa, but none of these have been adopted by relevant role players as a national responsible hunting standard.
- Associated management practices for populations and wilderness are important aspects of the branding of a competitive hunting destination.
- Hunting is an important income stream as part of the viable business models of a large percentage of private wildlife areas that contribute to the conservation of wildlife habitats.
- Hunting generates economic benefits as part of the South African rural economy.
- It is important to ensure that custodians of the species can realize the value of the species through different ecologically sustainable use value chains, and that income from hunting can contribute to making wildlife land-use competitive.
- Actual or perceived irresponsible hunting practice poses a risk to South Africa's reputation as both a hunting and photo-tourism destination, and it has a negative impact on the broader wildlife sector and country as a whole.
- It is important to consider animal welfare and well-being in the context of hunting.
- Trophy hunting is under increasing international scrutiny and all activities related to this must be done using best practice and full transparency to prevent reputational damage and international outcry.
- There is a need for transformation in the sector and equitable benefit-sharing amongst wildlife custodians, including communities, not only in terms of economic benefits, but also in terms of access to animals and derivatives for traditional use.
- The number of wild lion and elephant hunted in South Africa is very low when considering the potential growth in populations – this can further improve with range expansion through establishment of more large wildlife areas.
- There is uncertainty as to ownership and rights to free-roaming animals moving out of state protected areas such as Kruger National Park and Kgalagadi, or across borders such as in northern Limpopo and northern KZN. There are inconsistencies between provinces, and between private land and communal land.
- There is currently not an appropriate mechanism in place that is applied throughout South Africa to share financial benefits resulting from hunting of free ranging animals that move over several properties. The new proposed leopard hunting Norms and Standards does provide a mechanism by considering leopard hunting zones.
- There are concerns about the inconsistencies in approaches to control of damage-causing animals through hunting as it seldom follows a systems approach, it may lead to over reporting of damage to increase opportunities

to hunt, and where rural communities live with wildlife, they seldom benefit from the hunting of such damage-causing animals.

- Opportunities for traditional healers to gain legal access to derivatives for traditional uses from legally hunted species, are not exploited.

#### 9.3.11.2 Goal

Given the above context, the HLP has agreed the following goal in respect of the hunting of the five iconic species –

*South Africa repositioned and promoted as a destination of choice for legal, regulated and responsible hunting of the five iconic species, emphasising the authentic wildness experience, that is humane, grounded in universally-shared ethical principles, and that promotes conservation and rural livelihoods.*

#### 9.3.11.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*The development and implementation of a national responsible, and sustainable hunting standard for the five iconic species that addresses the ecological, economic, and social aspects, inclusive of welfare considerations,*

and

*Repositioning of South Africa as a destination of choice for legal, humane, regulated and responsible hunting of the five iconic species.*

In implementing these recommendations, the HLP proposes –

- The development of a national approach for increasing the opportunity, quantity and quality of hunting the five iconic species in wild areas of South Africa. This should include the consideration of consolidation to make areas large enough for wild (minimally managed) lion and elephant, including corridors and communities adjacent to state protected areas, that can provide source populations for sustainable harvesting on community or private land.
- That government through its relevant departments and programs, recognises and openly supports responsible hunting as part of the cultural heritage of different cultural groups in South Africa.
- Engagement of Department of Tourism in promoting South Africa as a preferred hunting destination.
- Review and development of more appropriate terminology to reflect the true nature of hunting by local and international hunters and the difference with illegal activities and poaching.
- The development of Norms and Standards for the responsible and sustainable hunting of the five iconic species (potentially within species specific Norms and Standards such as elephants) which includes, amongst others –
  - principles of authentic wildness of the experience;
  - consideration of animal welfare and well-being, including enhancing the probability of a clean kill;
  - specified minimum qualification and experience for hunting the iconic species, and the need and responsibility for mandatory back-up shot after the hunter has fired;
  - no hunting of a captive bred individual and explicit prevention of put-and-take hunting;
  - minimum requirement set for each species following translocation, as to when it would be considered for legal, humane and responsible hunting, and an authentic wildness experience. This should be done through a participatory and consultative process by the Scientific Authority, including a scientific and professional expert panel that takes into consideration the behaviour, sociality, and sentience of the species;

- clarity and consistent processes for the hunting of damage-causing animals through a consultative process that incorporates concerns of all stakeholders;
- the promotion of transparency through, for example, a photographic record of all hunts being lodged with the Scientific Authority as a means of monitoring trade;
- a transparent process for quota setting that is evidence-based and demonstrates sustainability, under the auspices of the Scientific Authority.
- The revision, simplification, alignment and unification of legislation, regulations, ordinances, registration and permitting processes so that there is one national, web-based system that promotes responsible hunting.
- The establishment of a process to engage with stakeholders, associations, and NGOs to –
  - develop a shared understanding and ethos of hunting of the iconic species as an ecologically sustainable use of a wild landscape, including promoting legal, humane and responsible hunting as a part of the South African heritage and culture;
  - develop a wildlife certification system for best practice operators/reserves; and
  - consider “fair trade certification” or “hunter donation for virtuous use” recognition to facilitate the uptake of the value chains for the supply of products from legal, humane and responsible hunting.
- The establishment of a process to engage with traditional leaders, traditional healers, hunting associations and NGOs to develop a supply chain for products from legal, humane and responsible hunting through regulated muti markets or traditional leaders.
- The consideration of alternative approaches to the allocation of hunting permits that incentivises wildness of population and landscapes, such as preference to land associations that have green certification and drop fences. This can include management plan-based allocations delegated to associations.
- Self-administration in the issuing of hunting licences by hunting associations and electronic reporting of hunting reports for animals of the iconic species (and possible other TOPS species) that would assist in monitoring the impact of hunting and demonstrate its social and economic contribution.
- The implementation of standards and quality controls for the current system of hunting schools, which is inefficient and not comparable across provinces or schools, with SAQA accredited training.
- Creation of a bursary scheme to encourage PDIs to enrol and qualify with a mentor-mentee scheme to facilitate skills transfer.
- Identify obstacles to entry into the market for PDIs – especially as professional hunters, then find ways to break these barriers.

### 9.3.12 *Live export of the five iconic species*

This section focusses on protecting South Africa’s iconic biodiversity assets from international dilution through introduction outside of natural range, and enhancing their status within range states.

#### 9.3.12.1 Context

In respect of protecting our iconic biodiversity assets from international dilution through introduction outside of natural range, and enhancing their status within range states, the HLP recognises that –

- The export of wild elephants into captivity is not permitted under the Elephant Norms and Standards.
- Restrictions on the export of wild animals into captivity is permitted under CITES, and our current policies and processes allow this for rhino, lion, and leopard.

- Our international reputation as a leader in wildlife conservation, especially across Africa, could be enhanced or damaged through live export.
- Live export for in situ conservation purposes is allowed under CITES for the five species, and we pursue that.
- There is need to source individual lion, elephant, and rhino for in situ conservation reintroductions in many range states.
- South Africa is a world leader in conservation reintroductions and supplementations of these species, including knowledge and understanding, technologies, and technical competency.
- There is potential for translocations to promote our relationships and standing with other African countries in the collective conservation of the five iconic species; but there are concerns as to risks to our reputation from poor conservation practice at destinations.
- The transfer of wild animals into captivity in other countries has the potential to harm our reputation as a wildlife destination, in terms of the acceptability and appropriateness of the destinations, concerns over welfare and well-being at the destination, and the erosion of wildness through moving animals into captivity.
- The export of live rhinos and lion from South Africa to destinations known to consume horn and bones raises concerns regarding the extent to which these exports would be deemed to be humane and responsible.

#### 9.3.12.2 Goal

Given the above context, the HLP has agreed the following goal in respect of protecting our iconic biodiversity assets from international dilution through introduction outside of natural range, and enhancing their status within range states –

*Through custodianship and translocation between range states only, conservation status of our five iconic species is enhanced and maintained for present and future generations.*

#### 9.3.12.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*The Minister to initiate processes to engage with other range states of the iconic species to develop collective strategies for their conservation and custodianship, including for translocation, where appropriate, across range states, thereby leveraging our highly developed technical capacity in this regard.*

and

*The Minister should investigate and where necessary prevent the export of live specimens of the five iconic species outside of their range states, or into captivity in other countries, thereby protecting their iconic African status, their welfare and our unique economic advantage.*

In implementing these recommendations, the HLP proposes –

- The need to engage with range states across Africa, and into Asia for lion, to develop a broader strategy for conservation translocation of these species in the collective interests of range states.
- The need to legislate through norms and standards, for species other than elephant, that no individuals may be moved from the wild into captivity other than for rehabilitation purposes;
- The need to legislate that no individuals of these species would be exported from South Africa other than wild individuals being trans-located to appropriate and acceptable in situ conservation destinations in range states.

### 9.3.13 Conservation and ecologically sustainable use of leopard

#### 9.3.13.1 Context

In respect of the conservation and sustainable use of leopard, the HLP recognises that –

- Leopard are free roaming across a large proportion of the country and are difficult to contain through fencing.
- Leopard are a critical ecological component of ecosystems, especially when lions do not occur and they are the apex predator.
- Leopard are a major source of human-wildlife conflict, not only for rural communities, but also for the agricultural sector.
- There is widespread illegal killing of leopard by landowners on the premise that they are, or will become, damage-causing animals and there is no incentive for landowners to protect the species. The number of animals killed illegally is unknown.
- Mechanisms and practices to mitigate livestock predation from leopard are available, but often not trusted, sometimes contentious, or with short-term costs.
- Leopard skins have an important traditional use.
- Leopard skins are used as religious regalia by some groups.
- Leopard are an important component of international hunting packages, making such packages internationally competitive.
- Leopard are considered threatened in South Africa, and have been up-listed from Least Concern (2004) to Vulnerable C1 in the most recent South African red-list assessment (2016), due to small population size and an estimated continuing decline of at least 10% over three generations.
- The non-detriment finding (NDF) for leopards indicate that in addition to habitat loss, key documented threats to leopards include: excessive off-takes (legal and illegal) of putative damage-causing-animals; poorly managed trophy hunting; the illegal trade in leopard skins for cultural and religious attire; incidental snaring; and the illegal, irresponsible and/or inhumane radio-collaring of leopards for research and tourism.
- Because leopard is a threatened or protected species (TOPS) and CITES listed species, there are criteria in place to record the number of leopards that are legally killed as damage-causing animals, or for export of international hunting trophies. There are however challenges from both the hunting sector and government in implementation, and reporting against criteria and indicators.
- Although there is a new national guideline for participative monitoring of leopard (including through private sector initiatives), there is mistrust between a large portion of the wildlife industry, government and researchers in respect of monitoring approaches and data on the number of leopards and population trends.
- The illegal international trade of leopard skins into South Africa is a major reputational risk, which has the potential to damage relationships with our key wildlife partners in SADC and Africa.
- The illegal trade of leopard products for traditional medicine poses a risk, and undermines the rights of healers to practice their trade in a free and fair manner.
- Widespread collaring of leopards for pseudo-research purposes poses a threat to leopards who wear collars that generate little or no data for their whole life, and where there are no strategies to remove the collars on animals who often grow too large and are strangled by the collars.
- The unregulated, unplanned capture and relocation of leopards deemed to be ‘damage-causing animals’ poses risks to both source (through the removal of an individual) and destination locations (through infanticide, territorial

conflict, damage-causing animal killings) and seldom resolves the conflict, and often creates further conflict at the release site.

- There are new proposed Norms and Standards for trophy hunting of leopard.
- The identification of Leopard Management Zones that can stretch over several properties, assist in developing shared custodianship for leopards and benefits amongst role players. This approach is however not applied in all provinces with resulting frustrations from some stakeholders.
- There is no national stakeholder forum dealing with leopards, but aspects of leopard impacts are dealt with at the National Predator Management Forum, focussed at developing appropriate measures for dealing with management impacts in the agricultural sector.

#### 9.3.13.2 Goal

Given the above context, the HLP has agreed the following goal in respect of the conservation and sustainable use of leopard –

*The conservation and ecologically sustainable use of Leopard is enhanced.*

#### 9.3.13.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*The development of an integrated, shared, strategic, approach to leopard management that considers all the dimensions, and is inclusive of all stakeholders.*

and

*Leverage the added-value benefit of hunting leopard to enhance, broaden, and transform the hunting industry.*

and

*Forefront and incentivise approaches by wildlife custodians who contribute to the conservation of leopards and their habitats, including through leopard management zones on private and communal landscapes, and that shift perspectives of leopard as a damage-causing animal, to a core value-add socially and economically.*

and

*Implement mechanisms to ensure that traditional leaders and traditional healers can access and derive benefits from leopard parts and derivatives e.g. skins, for traditional, cultural, and spiritual needs, in a sustainable manner that enhance the dignity and freedoms required for such traditional practices.*

In implementing these recommendations, the HLP proposes –

- The development of a Biodiversity Management Plan (BMP) for leopards together with the necessary norms and standards appropriate for key components such as hunting, damage-causing animals, traditional use, trade, etc. (see welfare, management and hunting goals - 9.3.5.2, 9.3.10.2 and 9.3.11.2 above).
- In line with the context provided above, establishing and popularising a clear understanding of the conservation value of leopard as well as their contribution to the economy such as through eco-tourism, as well as the potential from hunting, with a view to stimulating broader conservation in key areas.
- Initiate a meaningful and inclusive process for the development of a strategic approach to leopard management in communal areas with consideration to greater authority for traditional leaders in securing conservation and sustainable use.

- Promoting the development of collective leopard conservation and management zones that are large enough to allow for sustainable harvesting based on sound management and monitoring. For example, for a Leopard Management Zone that complies with the required size specification for self-sustaining leopard populations, and that meets management and monitoring indicators, a sustainable quota can be allocated to the Zone with benefits from use disseminated to the Zone.
- Effective implementation of national leopard monitoring protocols, hunting quotas and standards, as well as the identification of Leopard Management Zones to be prioritised across all provinces.
- Establishment of a national Leopard Forum to coordinate and integrate stakeholder input and implementation on amongst others: responsible hunting of leopard; leopard monitoring and research; responsible approaches to human-wildlife conflict and damage-causing animal control; and development of a Biodiversity Management Plan for leopard.
- The development of a coherent approach for human-wildlife conflict and damage-causing animals within the private sector and communities tailored to the specific needs of the role players in the sector in order limit negative impacts on stakeholders and to prevent illegal killing of leopard.
- Investigate incentive schemes for predator (leopard) friendly products and meat in the same manner as for Dolphin Friendly Tuna and Badger Friendly Honey.
- The development and implementation of a communication and awareness strategy around leopard to positively influence human perceptions and behaviours associated with leopard, including consultation with traditional leaders and traditional healers, and their structures.
- The legitimisation of the use of leopard skins for traditional leadership investiture and traditional practice based on –
  - an audit and registration of all leopard skins owned by traditional leadership;
  - an assessment of the needs of traditional leaders for additional skins for traditional purposes and appropriate and acceptable means to acquire skins in a sustainable manner; and
  - a possible amnesty to improve buy-in and audit results.
- The legitimisation of the use of legal and responsibly acquired leopard products for traditional healers and establishing legitimate, sustainable value chains linked to the hunting/harvesting of leopard, and which protects the spiritual value of these, while preventing commodification which reduces the value for traditional spiritual use.
- The consideration of a reasonable quota determined for meeting the requirements of traditional leaders and healers for leopard skins and derivatives within community owned lands or other potential areas, where they can be ecologically sustainably harvested by conservation managers.
- An engagement with religious groups that use leopard skins as religious regalia with a view to ending illegal trade in leopard skins, including strategies such as sharing of real skins when necessary, and substitution with artificial skins.
- Improving enforcement to reduce illegal trade of leopard into South Africa, and developing mechanisms to regulate the trade more effectively.

### 9.3.14 *Elephant and ivory management*

This section focusses on elephant and ivory management in the context of South Africa's elephant population management challenges.

### 9.3.14.1 Context

In respect of the management and sustainable use of elephants and ivory in South Africa, and based on a combination of stakeholder input and verifiable scientific literature, the HLP recognises that –

- South Africa has growing populations of elephants and concerns have been raised about future management challenges within confined fenced areas as population densities increase.
- Introduction of elephants to smaller fenced areas have been very successful and there are now approximately 80 properties with elephant, many of which have either exceeded their initial preferred stocking densities or will soon do so, noting that modern management approaches do not focus on elephant numbers per se, but on conserving spatial heterogeneity in densities.
- The elephant Norms and Standards, require each property to have an approved management plan, and must demonstrate that the full hierarchy of management options, including contraception, range expansion and translocation, are exhausted before consideration of culling as a management option, and an approved culling plan is required.
- About 26 properties in South Africa are implementing contraception, which is reducing the population growth rate, but does not prevent growth in the short-term.
- Finding new destinations for translocation of elephants to reduce population size is a challenge with large numbers of elephants being available for translocation.
- Increased elephant numbers in fenced areas have impacts on other vulnerable species, but they also facilitate growth of other species.
- SANParks have indicated that they are not concerned about the overall elephant population size of the Greater Kruger area, which is substantiated by scientific evidence, but concerns have been raised by some stakeholders about habitat and broader biodiversity impacts associated with the ongoing growth of the population.
- Since the culling of elephant in Kruger National Park has been stopped, population growth has reduced from 6.5% to 4.2% and data indicates no significant negative impacts on vegetation communities in Kruger National Park.
- The differential approaches to water provision inside and adjacent to Kruger National Park would have differential impacts on vegetation inside and adjacent to Kruger National Park.
- Future elephant management may entail significant financial and socioeconomic cost implications, with potential funding sources for likely necessary interventions unclear.
- South Africa has large stockpiles of elephant ivory from wild and wild managed populations in state and private hands. These stockpiles will continue to grow along with the elephant populations and related natural mortalities.
- Local communities have stated that they are aware of the existence of these stockpiles, mindful of their potential value, and eager to participate in any benefits that may flow from them.
- The sale of stockpiles, and ongoing ivory collected, could raise significant funds for conservation of the species, in both state and private hands.
- Non-detriment findings for the species indicate that the export of elephant ivory would not have a detrimental effect on the species.
- International commercial trade in ivory, parts and derivatives must be approved by the parties to CITES.
- South Africa is one of 37-38 African elephant range states and accounts for between 4.5 and 6.5% of the continental African elephant population.

- South Africa is a signatory to the SADC Protocol on Wildlife Conservation and Law Enforcement, which recognises that the survival of wildlife depends on the perceptions and development needs of people living with wildlife, social-economic value of wildlife, and equitable distribution of benefits from the sustainable use of wildlife. This protocol also includes a commitment to establish a common framework for the conservation and sustainable use of wildlife resources in the region, including effective enforcement of laws, and cooperation to develop, as far as possible, common approaches to the conservation and sustainable use of wildlife.
- South Africa participated in a CITES approved one-off sale in 2008, which was not appropriately set up to achieve either market-related prices or a meaningful long-term elephant conservation benefit.
- It is claimed that the use of the funds from the sale was not transparent, and it was not demonstrated that they were clearly used for conservation purposes or had an impact on improving the conservation status of the species.
- The sale was conditional on an agreed subsequent 9-year moratorium on future trade, which created confusion in the market. Elephant poaching surged following the sale, but the reasons for the surge are contested.
- Due to the poaching surge, China, the world's largest ivory consumer, agreed to close its legal domestic elephant ivory market and SADC countries have been unable to convince CITES Parties that further legal sales should be permitted.
- There is current substantial international resistance to approving trade at CITES, and it appears unlikely that a proposal for trade will receive the 66% majority vote required to pass such a proposal for the foreseeable future.
- The ongoing trade debate has been seen as very divisive within Africa. In the past, South Africa has typically aligned itself with other southern African (SADC) countries, which account for the majority of Africa's large elephant populations, against Kenya and various other countries on the continent, many of which have much smaller and more seriously threatened elephant populations and are not in favour of sustainable use and trade.
- Many countries that do not favour trade have destroyed their ivory stockpiles – including a particularly large burn in Kenya in 2016; this has had an indeterminate effect on poaching, which has continued at the continental level.
- While arguments for and against trade are advanced with an apparent evidence base, there are key sticking points that are disputed.
- There are various current attempts to build a consensus on future sustainable elephant management approaches, including coherent policies on trade, sustainable use and stockpile management. These attempts and processes are ongoing.

#### 9.3.14.2 Goal

Given the above context, the HLP has agreed the following goal in respect of elephant management and the handling of ivory in South Africa –

*South Africa will focus on addressing elephant population management priorities and related financing needs, and adopt a position that engages stakeholders and range states to work towards building a global consensus for elephant conservation and sustainable use.*

#### 9.3.14.3 Recommendation

With a view to the achievement of the goal above, the HLP recommends the following –

*To meet the urgent socio-economic development requirements of people living with elephants, Government must rigorously explore and support the implementation of alternative benefit streams to international ivory sale, such as highlighted in the recommendations under transformation of the sector.*

and

*Minister to release a policy position stating that South Africa does not envisage submitting a trade proposal to CITES as long as current specified circumstances prevail, consistent with principles of sound adaptive risk management, clarifying that international commercial ivory trade is not an immediate, lucrative source of income for wildlife conservation or financial benefit*

and

*Notwithstanding this position, the Minister to engage with stakeholders and elephant range states to build consensus for a global conservation and sustainable use approach to African elephant.*

and

*Informed by scenario analysis, the Minister to initiate a long-term socio-economic cost-benefit and risk analysis of economic implications of different trade and use options, including those that might involve ivory stockpiles. Due consideration to be given to perceptions and expectations of elephant custodians and local communities and equitable sharing of benefits and costs.*

and

*Government to develop measures for a systems approach to elephant management as a national meta-population, giving specific attention to issues of concern within specific reserves, including approaches addressing increasing densities in small fenced reserves as an immediate priority.*

In implementing these recommendations, the HLP proposes –

- That Government initiate processes within the National Biodiversity Economy Strategy that better leverage and expand the role of elephants as a flagship for both hunting and ecotourism, including ensuring that communities can access opportunities for both, but particularly for ecotourism opportunities in state reserves.
- That Government initiates an engagement process around the CITES issues with other parties, both that support and opposed trade ivory;
- That Government develops a communication and engagement strategy on its plans to bring stakeholders on board with a clear articulation of timelines, in order to manage stakeholder expectations;
- Establish a negotiating team that can engage strongly and credibly with all other African range state governments, as well as other stakeholders, in a strategic manner to build an African consensus.
- In developing approaches to address increasing densities in small fenced reserves, the following to be considered:
  - Approve a National Elephant Conservation Strategy that provides a framework for dealing with elephant population growth in a holistic and integrated manner across reserves.
  - Facilitate establishment of a consultative forum among relevant stakeholder to identify key challenges and possible solutions, along the lines of the Lion Management Forum.
  - Promote mechanisms to facilitate range expansion through dropping fences and establishing corridors for movement.
  - Identify possible acceptable and appropriate destinations in range states for translocation of elephants for reintroduction or supplementation, in consultation with conservation related forums in SADC and Africa, and in consultation with the IUCN SSC African Elephant Specialist Group.
  - Coordinate and assist in negotiating relevant bilateral agreements at political and technical levels to facilitate elephant translocation to range states.
  - Create awareness and manage publicity relating to supplementation, reintroduction and control interventions.
  - Revise the Elephant Norms and Standards, if required, to reflect agreed solutions

### 9.3.15 Management of rhino poaching, rhino horn stockpiles and trade

This section focusses on the management of rhino poaching, rhino horn stockpiles and trade in the context of South Africa's rhino population management challenges.

#### 9.3.15.1 Context

In respect of the management of rhino poaching, rhino horn stockpiles and trade, and based on a combination of stakeholder input and verifiable scientific literature, the HLP recognises that –

- With 87% of the world's white rhinos, 37% of its black rhinos, amounting to a total of 75% of Africa's rhinos and two thirds of the entire global rhino population, South Africa remains the world's most important and potentially influential rhino range state.
- Poaching for rhino horn persists as a serious threat and although poaching rates appear to have slowed down during the COVID-19 era there are grave concerns that levels may rise again as the economies of Asian consumer countries are rapidly recovering.
- The private sector plays a substantial and growing role in conserving South Africa's rhino population and has been outperforming the state in terms of anti-poaching success, such that the proportion of rhinos on private land has grown from ~30% in 2012 to more than 50% at present.
- The costs of anti-poaching interventions in reserves are very high, and due to COVID-19, income streams have substantially declined for many reserves, making sustainability of populations a critical issue, especially for some private owners.
- As an anti-poaching strategy, many rhinos are being subjected to more intensive management, including routine dehorning, attracting to safer areas through supplemental feeding, and, in some cases, confinement.
- Given that CITES provides captive breeding as an exemption route for trade, some private owners have explored the option of meeting the requirements for official captive breeding operations.
- Notwithstanding the above, assessments by the IUCN African Rhino Specialist Group indicated that at present all South African rhinos in intensively managed populations retain conservation value, and can be re-introduced into the wild. However, this could change in time after an extended period of confinement, intervention and possible selective breeding. Hence, it is desirable to move away from such intensive practices as soon as possible; i.e., once security threats are adequately addressed.
- White rhinos are relatively docile animals that lend themselves to fairly low intervention management that would be compatible with community-based wildlife ranching that could still satisfy conservation breeding criteria.
- The HLP was presented with a progress report on implementation of the rhino Committee of Inquiry (COI) recommendations and subsequent Rhino Lab process.
- Although progress has been reported in most areas, some critical milestones appear to remain outstanding, most notably with Cabinet approval of the National Integrated Strategy to Combat Wildlife Trafficking, community engagement, and demand management.
- The COI's recommendations on demand management have been largely implemented by third parties rather than government, both in terms of NGO demand reduction efforts and consumer research.
- Despite the complexities of the issues involved, there is consensus that South Africa is currently not in a strong position to submit a proposal to amend the current CITES Appendix II listing annotation for the southern white rhino.
- There are concerns that South Africa's domestic rhino horn trade enables illegal exports.

- Communities living adjacent to State Reserves, who were consulted as part of the panel process, expressed mixed views on the issue of legal trade. Some expressed strong support for it and others opposition.
- Submissions to the HLP suggest that the question of trade legalization remains highly polarized, in part due to a lack of adequate information.
- The current status of live populations, in both private and state protected areas (especially Kruger) is unclear, and there is a need to conduct another proper census of national rhino numbers in 2021, with the full cooperation of all sectors, which has been dwindling in recent years.
- Until these issues are addressed and assessed in a transparent and neutral manner based on strong and robust evidence and full accountability, it is unlikely that the Parties at CITES would approve a proposal to amend Appendices to allow trade in these parts and derivatives from wild harvested populations.

#### 9.3.15.2 Goal

Given the above context, the HLP has agreed the following goal in respect of the international commercial trade of free-roaming/wild rhino horn in South Africa –

*South Africa will prioritise the implementation and completion of the Committee of Inquiry Recommendations and the associated Rhino Action Plan, and assume a global leadership position in conserving rhino through the development of a consensus position on key rhino issues with stakeholders and range states.*

#### 9.3.15.3 Recommendation

With a view to the achievement of the goal above, the HLP recommends the following –

*To meet the urgent socio-economic development requirements of people living with rhino, Government will develop and implement alternative benefit streams to international rhino horn sale, such as highlighted in the recommendations under transformation of the sector and including mechanisms to incentivise private rhino ownership and partnerships.*

and

*While welcoming Cabinet's decision to adopt the Committee on Inquiry into Rhino's Option 3 in terms of trade in rhino horn, to date there has been insufficient progress on some of the key requirements to justify a submitting an Appendix II amendment proposal to CITES for commercial international trade in rhino horn; as such the Minister should intervene to ensure urgent progress is made in terms of the outstanding conditions of the COI Option 3 and the Rhino Action Plan, notably Cabinet approval and funding of the National Integrated Strategy to Combat Wildlife Trafficking, and efforts to engage with communities and rhino horn consumers. The Minister should further facilitate full participation in a 2021 rhino population census and ensure that horn stockpiles are adequately accounted for and secured, pending any future decisions on whether and how they should be used to support rhino conservation.*

and

*Given our leadership role in rhino conservation, and notwithstanding our sovereign interests, the Minister should lead a process of engagement, inclusive of private rhino landowners, with rhino range states to develop a consensus on global conservation of rhino, and a range state consensus on whether and under what conditions international commercial trade in rhino horn would be acceptable, such that a down-listing proposal would only be taken to CITES when the COI Option 3 conditions and the Rhino Action Plan work areas are met, and there is broad agreement from the range states to support this proposal, which we anticipate will take 3-5 COPS. Such a process should be informed by scientific*

*evidence, including adequate analysis of the dynamic social and economic aspects of stockpile management and trade, and include initiatives to overcome existing conflicting perceptions of underlying facts relating to the situation.*

and

*The Minister to release a policy position stating that SA will not propose or support amendments to the CITES appendices relating to South African rhino specimens, until these conditions are met.*

and

*Recognising the major contribution made by private rhino management custodians, government to engage with these owners to identify their key challenges and how solutions to these can be supported, including considering costs incurred in protecting rhino, and potential longer term unintended consequences of interventions to prevent poaching.*

In implementing these recommendations, the HLP proposes –

- That Government initiate processes within the National Biodiversity Economy Strategy that better leverage and expand the role of rhino as a flagship for both ecotourism and hunting, including ensuring that communities can access opportunities for both, but particularly for ecotourism opportunities in state reserves.
- That Government develops a communication and engagement strategy on its plans to bring stakeholders on board, with a clear articulation of timelines, in order to manage stakeholder expectations;
- Building a respected negotiating team that can engage strongly and credibly with all other African range state governments, as well as other stakeholders, in a strategic manner to build an African consensus.
- In developing approaches to address intensification of rhino management in response to poaching:
  - Approve a National Rhino Conservation Strategy that provides a framework for dealing with rhino management in a holistic and integrated manner across reserves, that provides clear definition and guidance for different management practices to ensure that they do not compromise the conservation of the species.
  - Incorporate the necessary specific practice into Norms and Standards for the management of rhino, including clear definitions and standards for different levels of intensification of management.
  - Facilitate establishment of a consultative forum among all relevant stakeholders to identify key challenges and possible solutions, along the lines of the Lion Management Forum.
  - Promote mechanisms to promote economies of scale to defray/dilute costs.
  - Identify ways to incentivise private ownership, including mechanisms to offset costs of rhino protection, such as through rates adjustments, tax rebates, etc.

### 9.3.16 Rhino horn and elephant ivory stockpiles

#### 9.3.16.1 Context

In respect of the use of stockpiles of rhino horn and elephant ivory, the HLP recognises that –

- South Africa has substantial stockpiles of rhino horn and ivory which has been obtained through rhino dehorning for protection, natural mortality, collection from the field, or confiscation from poachers.
- These stockpiles are in state, private and community hands.
- The costs of maintaining these stockpiles are substantial.

- There are ongoing risks of horns and ivory ending up in the illegal trade, although whether this has a positive or negative impact on rhino and elephant conservation is contested.
- The COVID-19 pandemic and global and local responses to it have had a significant economic and financial impact on the conservation and wildlife sector, and that there is a need for the urgent injection of funds into conservation, state, private, and community owned, and for socio-economic development of communities living with wildlife.
- The ongoing militarisation of conservation in the form of anti-poaching units is alienating communities adjacent to parks and driving perceptions that animal lives are more valuable than human lives.
- Communities have identified the positive impact that sale of stockpiles could have in addressing resource constraints in protected areas and upgrading and maintaining of infrastructure.
- There is global interest from NGOs and philanthropists willing to buy stockpiled horn and ivory in order to then have these destroyed; however, such an approach, which has been repeatedly rejected by other SADC countries, is highly controversial and raises significant concerns.
- Various countries that oppose sustainable use have publicly destroyed stockpiles, but the conservation benefits of these events are unclear as poaching pressure does not appear to have been significantly reduced by such action.
- For both ivory and rhino horn, there is an issue of determining a fair selling price and transparent sale process for national assets for which legal access to international markets is currently blocked, but that are known to have significant values on illegal markets.
- There is a further concern about destroying stockpiles with limited to no income flowing from them, given, for example, the levels of poverty in many rhino- and elephant adjacent communities and the significant costs of rhino protection and conservation in particular. This concern is heightened when there is a belief that these stockpiles may be very valuable if legal trade were ever to recommence.
- SANParks management have in the past expressed grave concerns relating to the signalling effect of stockpile destruction to their own staff, noting the likelihood that it would incentivize rangers to sell collected ivory and rhino horn to illegal traders rather than turn these items in as they are currently doing.
- Stockpile sale or disposal that results in stockpile destruction would potentially signal a radical change in sustainable use policy for South Africa, thereby creating confusion and extreme polarization in the wildlife sector, as well as potentially harming political relations with other SADC range states.
- The merits of stockpile disposal and destruction have been vigorously debated among economists and conservationists. There is no agreement on its theoretical or practical efficacy as a conservation measure and there are substantial risks and even geopolitical concerns (related to cultural sensitivity) associated with this practice, especially in the case of rhino horn.
- Whereas the risks of ivory stockpile destruction relate largely to the previously mentioned points (i.e., perceptions and political repercussions) in the case of rhino horn there is an elevated risk of compounding incentives for rhino poaching driven by causing a further upward pressure on illegal market prices driven by speculation on the potential of extinction.
- Substantial reduction of rhino horn stockpiles constrains strategic flexibility and weakens the potential to establish legal trade as a competitive alternative to illegal trade, should it emerge that this is the most sensible (or even only feasible) long-term option for effective rhino conservation and related wildlife economy transformation, which is a view currently held by a large majority of South African rhino custodians.
- Given the frequency of dehorning in recent years, South Africa by now has built up a substantial horn stockpile, amounting to several years' worth of supply to the illegal market at current levels of poaching.

- The current status of rhino horn stockpiles and potential for centralization along with clarity on security and accountability is another outstanding matter to be addressed.

#### 9.3.16.2 Goal

Given the above context, the HLP has agreed the following goal in respect of stockpiles of rhino horn and elephant ivory –

*A coherent stockpile management and disposal policy in place, following an inclusive process to investigate the full range of options for future stockpile use, taking into account conservation, social and economic risks, costs and benefits.*

#### 9.3.16.3 Recommendations

With a view to the achievement of the goal above, the HLP recommends the following –

*Minister to initiate a consultation process with South Africa's SADC partners to determine whether and under what conditions stockpile disposal, and especially destruction of either ivory or rhino horn, is consistent with agreed regional protocols,*

and

*Minister to develop a consistent stockpile management and disposal policy after consultation with all interested and affected parties, in particular elephant and rhino custodians and local communities, to ensure that no mixed messages are sent out in relation to long-term sustainability goals.*

and

*Minister to establish a task team of appropriately qualified specialists, including risks specialists, in the economics of resource trade to conduct a full risk, sensitivity and cost-benefit analysis of the potential impact of rhino horn and ivory stockpile destruction on market dynamics and consequent incentives for illegal activity and poaching.*

and

*If, following the above, stockpile disposal is deemed a sensible policy option:*

*Minister to consider the option of marketing stockpiles of ivory and horn to international donors and philanthropists for appropriate disposal in South Africa, with a significant portion of the income to be directed towards conservation and development of resource poor communities living with rhino and elephant, and*

*Minister to develop a transparent public process for price-bidding and a fair and equitable, demonstrably conservation-positive distribution of benefits.*

#### 9.3.17 Captive rhino breeding operations – Majority recommendation supported by 64% of the HLP

This is an area in which the HLP could not reach consensus. As provided for in the HLP ToR and Charter, two alternative recommendations are presented.

The following section provides the majority recommendation supported by 64% of the HLP.

##### 9.3.17.1 Context

In respect of the captive rhino breeding operations in South Africa, the majority of the HLP recognises that –

- Rhino populations remain severely threatened by poaching, and moves towards more intensive management practices and routine dehorning as strategies to mitigate risks and reduce security costs, have demonstrated success.
- The white rhino Biodiversity Management Plan focuses on large wild populations, but recognises that rhinos managed under semi-intensive conditions, which facilitate most natural behaviour patterns while allowing for partial supplementary feeding, play an important role in the conservation of the species.
- The Scientific Authority Guidelines for semi-intensive populations were developed to ensure that: semi-intensively-managed rhinos remain behaviourally and genetically similar to wild rhinos; prevent any actions that will lead to domestication of the species; enhance conservation of the species' genetic diversity; ensure that sensitive biodiversity areas are avoided; minimise the fragmentation of continuous natural landscapes into small fenced pockets, so as not to compromise ecosystem integrity and the conservation of other plant and animal species; and guard against rhino being kept in semi-intensive conditions for extended periods, given that this approach is deemed a temporary measure to safeguard rhinos during the poaching crisis.
- The semi-intensive populations constitute a significant portion of rhino on private land and the trend is growing.
- There are differences in the way in which the term 'captive breeding' is applied to rhinos by the TOPS regulations, CITES, and IUCN SSC African Specialist Group guidelines, and these may also not align with public perception, all of which creates confusion.
- Research has shown that a substantial majority of private rhino custodians in South Africa support rhino horn trade and a majority (~63%) are not averse to so-called captive breeding as a means to achieve this.
- Only a few populations, including South Africa's largest private rhino population have been registered as Captive Breeding Operations in terms of TOPS, with a number of applications under review.
- CITES provides certain exemptions relating to trade where the species has been bred in captivity, and to qualify for this exemption under our law, the CBO must be registered with the Management Authority, and, where required, with the Secretariat. Currently no population in South Africa is officially registered in this regard under the CITES Regulations.
- The African Rhino Specialist Group currently recognizes all existing privately held TOPS-registered CBOs as having conservation value and as suitable potential sources for replenishing depleted wild populations, although this could change over time following the sustained use of certain intensive management practices.
- There are high standards of practice in most of these facilities, but there are no agreed animal welfare standards for rhino management through the entire captive to wild continuum.
- The biodiversity and reputational risks identified in the Scientific Authority report on intensive and selective breeding of game, are also relevant for captive rhino breeding operations but, to date, no rhino selective breeding practices of substantial concern are known to have taken place.
- Although there is some disagreement among conservation scientists about the current value of and genetic risks associated with existing captive and semi-intensive populations, there is agreement that for those particular animals to maintain their conservation value it is desirable to move them out of deemed captive breeding situations and back into accepted wild managed or wild conditions as soon as practically possible.
- As is standard practice among all rhino owners and custodians who dehorn rhino, these private rhino ranchers have been accumulating stockpiles of rhino horn, at least some of which were obtained before they could be deemed to have been captive populations by virtue of their TOPS registrations.
- Stakeholders have expressed concerns related to the potential impact of legal trade in horn from captive animals, including the inability to adequately meet market demand and the possibility that this might increase risks to wild

populations, including those in other African and even Asian range states. Hence, a precautionary approach has been called for in relation to any attempts at legal trade.

- Notwithstanding the above, appropriately regulated and managed future trade in rhino horn from semi-intensive rhino populations could potentially contribute to wild rhino conservation (ecological sustainability), sector transformation and employment (social contribution) and the wildlife economy (economic sustainability).
- There is concern that captive horn trade prior to achieving the COI Option 3 recommendations could trigger further poaching pressure and increase risk to populations.
- There is concern that trade in captive rhino horn using potential loophole(s) in CITES would further alienate range states and stakeholders that are currently opposed to such trade, and undermine the strategy for South Africa to lead in developing consensus support across range states for conservation and sustainable use of rhino.
- Privately held stockpiles sourced from operations that have transitioned toward intensively managed conditions in recent years retain their strategic and market value and these should be included in any potential market realignment strategy, or ensure that they do not become stranded assets, especially if the owners would be willing to embrace wider social goals of conservation and transformation.
- Private rhino owners have made a substantial contribution to conservation of rhino, despite, in recent years carrying increasing protection costs that question economic sustainability. Lack of recognition from government for this, lack of policy clarity, and increasing lack of trust among stakeholders compromises development of a shared national strategy for rhino conservation and sustainable use. A stable foundation is required to require any traction in this regard.

#### 9.3.17.2 Goal

Given the above context, the majority of the HLP recommends the following Goal in respect of the commercial use of captive rhino horn in South Africa –

*The current trend of increasing intensive management and registration of rhino captive breeding operations is reversed within a period that allows for a sustainable conservation outcome*

#### 9.3.17.3 Recommendations

With a view to the achievement of the goal above, the majority of the HLP recommends the following –

*Recognising the conservation value and contribution of existing semi-intensive rhino populations, and the extreme urgency to develop an inclusive and integrated solution to the rhino conservation and poaching problem, Minister to immediately put in place a process for phasing out TOPS and other legislative registrations of and permits for Captive Breeding Operations, with solutions that allow for optimal conservation outcomes for captive and semi-intensive populations, and long-term sustainability of rhino;*

and

*With urgency, the Minister to clarify that CITES Captive Breeding Operation registrations, other forms of production for trade, registrations for international trade under the CITES Regulations, CITES certification as captive specimens, and trade in horn from captive rhino, will not be officially supported/and or approved until the recommendations of Option 3 of the COI and Rhino Action Plan are fully addressed, noting that all rhino horn (including from captive specimens) may, in the future, be permitted for trade if approved by CITES.*

and

*The Minister to urgently clarify to private owners and stakeholders, the required conditions of the COI Option 3 and the Rhino Action Plan, and the progress achieved to date, outstanding aspects, and the process being put in place to achieve the conditions within a reasonable period.*

and

*The Minister to urgently consult, with strong participation, with private owners of captive rhino breeding operations to plan for their coherent integration into a national long-term strategy for rhino conservation, social transformation and tackling illegal rhino horn trade, consistent with the Rhino Action Plan, including innovative short-term incentivisation for private rhino owners.*

and

*Reversing the trend toward captive rhino populations and intensification of management must include planning reintroduction to the wild in South Africa, and regionally in other range states, where there are safe destinations, subject to assessments of adequate security at identified destinations.*

In addition to the above recommendations that include specific actions for the Minister to pursue, the majority of the HLP has identified the following interventions for consideration:

- A balanced communication strategy aimed at bringing all stakeholders closer together by reducing misconceptions and misinformation should be developed, which provides clarity of the various processes outlined, with transparency to enhance awareness.
- Through this strategy, government to clarify its position on the different private owners and their approaches to management, the goal of reversing the trend of intensification, the potential for conservation benefit from the various operations, including for transformation of the sector, and how these can be achieved through the support of government, private owners, communities, Conservation NGOs, and other stakeholders.
- Given the complexities of the situation, the Minister to establish a group of specialists to be available to advise the Minister on technical aspects underpinning any proposed solutions.
- The Norms and Standards for the management of rhino proposed in 9.3.15 above should provide clear guidance for the different acceptable approaches to the management of rhino in the face of the poaching threat, including for semi-intensive management of rhino.
- The Scientific Authority Guidelines for semi-intensive management of rhino should be appropriately renamed and amended accordingly to eliminate confusion between Captive Breeding Operations as per TOPS definition, and those that are semi-intensive.
- As a positive incentive to private owners, consideration should be given to the inclusion of rhino populations that comply with the Scientific Authority Guidelines, in a national Wildlife Certification System that is being developed, and in other ways.

#### *9.3.18 Leveraging the value of rhinos in South Africa to drive rhino conservation and a transformed and rewilded rural economy – Minority recommendation supported by 28% of the HLP*

As noted in 9.3.17 above, this is an area in which the HLP could not reach consensus. As provided for in the HLP ToR and Charter, two alternative recommendations are presented.

The following section provides the minority recommendation supported by 28% of the HLP.

### 9.3.18.1 Context

In respect of leveraging the value of rhinos in South Africa to drive rhino conservation and a transformed and rewilded rural economy, a minority of the HLP recognises that –

- Noting that rhinos are a uniquely African and South African product and are highly suited to non-lethal sustainable production.
- Noting that the current trade restrictions impose an opportunity cost to the South African wildlife economy of Rand 2 to 4 billion annually (Annual rhino production is at least 5 tonnes, and potentially 10 tonnes. Sales value is approximately \$15,000-25,000 per kilogram. Thus lost income to South Africa varies from R2.35 billion (lower limit) to 3.75 billion (upper estimate) annually).
- Stockpiles could provide an additional 5 tonnes per year for a decade (R1-R2 billion) annually, but this will require a 2/3 CITES majority.
- Rhinos, therefore, are South Africa's single most important lever for converting and consolidating the wildlife economy and wildlife lands at scale, and for creating the growth that is essential for transforming the sector to directly address poverty, inequality and unemployment. Theoretically current rhino stocks could leverage 10 million hectares of wild lands, or considerably more, given that wildlife has to pay R200/hectare to outcompete livestock, and providing that institutions governing property rights, markets and transformation are well designed. A well protected rhino population can expand at 6-10% annually, as can the economy and landscape dependent upon it.
- Noting that the opportunities to trade and properly finance rhino conservation far outweigh risks linked to reputation or illegal trade, ideas that have been associated with illegal wildlife trafficking and the continual decline in African rhinos since 1973, we suggest that well-regulated rhino utilization and trade will enhance South Africa's reputation and displace illegal trade and criminality.
- Noting that the continued investment in rhino protection on private land is exceedingly fragile, and that policy clarity will greatly reduce risks of rhino neglect, disinvestment, etc.
- Noting that there is potential for export trade through CITES for rhinos registered nationally as captive breeding operations, and also that South Africa has an exceptionally strong case to promote legal-regulated trade through CITES.
- As substantiated below, CITES provides certain exemptions for captive breeding as a route to trade, but although some populations have been registered in terms of TOPS, no population in SA is registered as a Captive breeding Operation under CITES yet.
- A substantial majority of private rhino custodians in South Africa support the legalization of rhino horn trade and a majority (~63%) are not averse to commercial captive breeding as a means to achieve this.
- It will be in no-one's interest to euthanize these rhinos.
- Noting that well-crafted legal, regulated trade and associated markets and regulations can utilize the very high value of rhinos and rhino trade to simultaneously achieve the following objectives:
  - Rapid expansion of South Africa's rhino herd to at least 100,000 animals, with a minimum target of doubling the population every decade.
  - Substantial rewilding, scaling and expansion of the wildlife sector (target 10 million hectares) through policies that maximise returns to landholders (state, private, community) and use market rules to incentivise rhino production on large, defragmented landscapes while discouraging industrial/factory-farming rhino production (thus defragmenting the wildlife estate more generally).

- Genuine transformation by ensuring that at least 25% of the capital stock of rhinos, and 25% of the cash flow from rhinos, (some hundreds of millions of rand annually), directly addresses poverty at household level by using rhinos to establish wildlife production through sustainable black owned village companies and SMMEs.
- Monitoring of environmental, social, and economic outcomes as the mechanism for the adaptive governance of this policy proposal and landholder and stakeholder accountability.
- Noting that South Africa can contribute to reframing flaws in CITES that promote captive breeding at the expense of wild raised wildlife trade. There are other precedents where CITES has allowed trade in Appendix I species such as the Nile Crocodile and the Vicuña.
- Noting that the primary power of the government lies in creating confidence and a regulatory framework to achieve these objectives.
- Note on Specific CITES Considerations –
  - Article VII, paragraph 5, of the CITES Convention provides that, where a Management Authority (in this case DEFF) of the State of export is satisfied that any specimen of an animal species was bred in captivity, or is a part of such an animal or was derived therefrom, a certificate issued by that Management Authority (being DEFF) to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V of the CITES Convention.
  - In Resolution Conf. 9.3, for specimens of Appendix-I species, the source codes in paragraph j) recommend as follows:
    - 'D' to specimens that are bred in captivity for commercial purposes and traded under the provisions of Article VII, paragraph 4; and
    - Paragraph j) in the operative part of Resolution Conf. 8.15 resolves that Parties shall restrict commercial imports of captive-bred specimens of species included in Appendix I to those produced by registered breeding operations (specifically registered by the Management Authority being DEFF under these circumstances).
    - Paragraph b) of Annex 4 to Resolution Conf. 8.15 resolves that Parties shall reject any document granted under article VII, paragraph 4, if the specimens concerned do not originate from a registered breeding operation.

#### 9.3.18.2 Goal

Given the above context, a minority of the HLP recommends the following Goal in respect of South Africa's rhinos, including those in registered captive breeding operations and associated horn stockpiles –

*Establish legal regulated trade using all available CITES mechanisms to utilize the high value of rhinos to:*

- *drive substantial expansion and improvements in rhino conservation, encourage extensive and/or wild rhinos whilst discouraging and/or preventing factory farming of rhinos;*
- *drive the transformation of the industry with specific strategies to capitalise rural communities with wildlife potential;*
- *capture rhino value chains for legal, regulated landholders (state, private and community), funding protection, and displacing (outcompeting) illegal trade and criminality;*
- *leverage the very high value of rhino to drive a major expansion of the wildlife economy, including positive public goods such as landscape defragmentation, conservation of many other species, job creation, and economic growth.*

### 9.3.18.3 Recommendations

With a view to the achievement of the goal above, a minority of the HLP recommends the following –

*That the Minister establishes a bold policy position that recognises and consolidates the South African rhino conservation model, entrenches the above objectives, and creates certainty and confidence in the rhino and wildlife sector.*

and

*That the Minister reviews and carefully recrafts the regulatory “market place” and other rules to maximise the value of rhinos to landholders and South Africa, and leverages this value to achieve the above-mentioned objectives, with an emphasis on community upliftment and extensive rhino conservation.*

and

*That the Minister unlocks this value by submitting a comprehensive rhino trade proposal to CITES based on the above goals (emphasising rhino recovery, rural upliftment, and expansion of conservation), preferably in liaison with signatories of the SADC Protocol on Wildlife Conservation and Law Enforcement (1999) and other African partners.*

and

*That the Minister carefully consider all mechanisms to conserve and pay for the high costs of rhino conservation, including legal, regulated captive breeding operations, keep policy options open such as the use of legal Captive Based Trade CITES provision, but strives to work with CITES and other partners to develop well-crafted long-term rhino financing and conservation.*

and

*The Minister authorizes compliant CBOs in terms of CITES article VII para 4 and 5 with immediate effect.*

and

*The Minister together with the Minister of the DTIC immediately engage the consumer nations of China, Vietnam, Laos, etc. to establish bilateral trade agreements regarding the rhino horn specimen (based on, and setting precedent for, legal, regulated sustainable trade in support of the South African model).*

and

*The Minister engages the security cluster to implement the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT), this document is awaiting the signature of the President of the Republic in order to be implemented.*

In implementing these recommendations, it is proposed that –

- The Minister shall establish a rhino owners/producers task force comprising one third membership of state agencies pro-rated according to rhino populations, one third membership of private rhino owners, and one third membership of wildlife landholders pro-rated according to land ownership (including consumptive and non-consumptive landholders).
- This task force shall be given three months to produce an implementation plan that achieves the objectives outlined above (plus an additional goal of avoiding future risk of excessive concentration of rhino capital) and includes a strategy for establishing a sustainable rhino economy and unlocking trade through CITES.
- The Minister shall convene a meeting of the majority of African rhino range states by June 2021, especially co-signatories of the SADC Protocol on Wildlife Conservation and Law Enforcement (1999), to negotiate and agree short-term and long-term regional strategies for the rhino economy and CITES.

- As noted in the second minority recommendation for lions (see 9.3.21.3 below), the Minister shall consider establishing a national wildlife economy / natural resources board comprising one-third private wildlife land owners, one-third rural civic membership, and one third urban civic membership. The rhino owners/producers association shall report to this board, and to the Minister, with the Minister making final legally-binding policy decisions.

### 9.3.19 Captive lions – Majority recommendation supported by 62.5% of the HLP

This is the second area in which the HLP could not reach consensus. As provided for in the HLP ToR and Charter, three alternative recommendations are presented.

The following section provides the majority recommendation supported by 62.5% of the HLP.

This section focusses on the breeding and keeping of captive lions in South Africa for economic gain, including trophies, bones and derivatives, and tourism for viewing and human interactions.

#### 9.3.19.1 Context

In respect of the breeding and keeping of captive lions in South Africa, the Panel recognises that –

- The Parliamentary Portfolio Committee for Environment held a Colloquium on captive lion breeding for hunting in 2018, which resolved (reports No 167—2018) that “The Department of Environmental Affairs should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice”.
- Rewilding of captive lions is not feasible from conservation principles and captive breeding is currently not necessary for conservation purposes.
- The commercial lion business involving intensive and selective breeding, handling, canned hunting and bone and other derivative trade presents a threat to South Africa’s reputation with associated political and economic risks including negative impacts on the broader photo-tourism market, and tourism to South Africa in general.
- The captive lion industry threatens South Africa’s reputation as a leader in the conservation of wildlife, and as a country and destination with iconic wild lions, as the housing of wild or captive-bred lions is perceived as the domestication of this iconic species.
- There is a Lion non-detriment finding (NDF) that suggests that trade in captive trophies and captive live specimens and lion bones does not impact negatively on wild populations.
- The captive lion breeding and hunting industry presents a direct risk to the trophy hunting industry in terms of the hunting of wild lions and trophy hunting in general, and feeds the perception that we hunt farmed or semi-tame animals in SA.
- The captive lion industry provides very little economic activity benefiting a few relative to the other components of the sector, including relatively few jobs.
- The captive lion industry does not contribute meaningfully to transformation in South Africa.
- The captive lion industry does not contribute to the conservation of wild lions.
- The trade in lion derivatives poses major risks to wild lion populations in South Africa, including concerns raised by communities adjacent to Kruger National Park about increasing lion poaching in Kruger National Park, and, especially, wild populations in other countries with relatively low conservation funds to protect them.
- The trade in lion derivatives poses major risks to stimulating illegal trade, including through the laundering of poached parts.

- There are demonstrable (peer reviewed) zoonotic risks associated with the intensive breeding and keeping of lions, which poses a high risk of an epidemic of existing or new zoonotic diseases, emerging in South Africa, and moving abroad; COVID-19 outbreaks have occurred in a number of animal species, including felids, with potential for mutation and back-infection to humans, and the World Organisation for Animal Health have listed lion as one of the species with a high susceptibility to infection.
- The captive lion industry does not represent ecological sustainable use.
- There is a presence of a large number of lions currently in captivity in many locations.
- There are major concerns over work conditions and safety of workers on lion farms.
- There are major concerns about the safety of tourists visiting these facilities and many attacks and fatalities have been reported.
- Although some operators may implement acceptable standards of welfare, there are major welfare contraventions in the industry in general.
- Investors in captive lion breeding, keeping, and use through hunting, interaction tourism, derivative sales etc. do so at their own risk, as with investment in any novel or developing industry.
- An existing stockpile of lion bones is registered with the Department.
- There are risks to employment, economy, and to the lions themselves associated with an immediate ban on trade with captive lions and derivatives.

#### 9.3.19.2 Goal

Given the above context, the majority of the HLP has agreed the following goal in respect of captive lions –

*South Africa does not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially.*

#### 9.3.19.3 Recommendations

With a view to the achievement of the goal above, the majority of the HLP recommends the following –

*Minister puts in place a process to halt and reverse the domestication of our iconic lions, through captive lion keeping, breeding, and commercial use, putting in place ethical and humane procedures for euthanasia of existing captive lions;*

and

*Minister puts in place policy decisions for an immediate halt to (1) the sale of captive lion derivatives, including the appropriate disposal of existing lion bone stockpiles and lion bone from euthanised lions, (2) the hunting of captive bred lions, and (3) tourist interactions with captive lions, including, so-called, 'volun-tourism', cub petting, etc.*

and

*The Minister engages with other Departments and the SETAs to identify mechanisms to protect employment of workers on captive lion facilities, including redeployment to other components of the wildlife sector, repurposing/retraining, and/or incorporation into the agricultural sector.*

In implementing these recommendations, the majority of the Panel proposes –

- That minimum standards for the welfare and well-being of captive lions for accredited zoos, rehabilitation centres, and sanctuaries are agreed through an independent process (role-players, regulatory authority) and included in permit conditions, for as long as facilities continue to hold captive lions;
- That minimum standards for health and safety in the workplace for workers at captive lion facilities are finalised and implemented, including mitigating the risks of the transmission of a pathogen from the captive lions to humans (zoonotic spill over);
- A policy decision to prohibit trade in lion derivatives implemented through, for example –
  - a zero quota as an interim measure, and
  - an immediate prohibition in terms of Section 57(2) of NEMBA because of the negative effect on wild lions in terms of poaching for body parts, and laundering of skeletons, and
  - in the longer term, an amendment to Section 57(2) to make it broader, i.e. broaden from negative impact on wild population, such as negative impact on conservation and sustainable use more broadly, and to consider also animal well-being and human health, including from zoonosis;
- An immediate moratorium on the issuance of permits for hunting of captive bred lion. In the longer term, an Amendment of Regulation 24 and 26 of TOPS regulations to include lions as a listed large predator, and concerns raised by the HPL;
- Immediately amending the conditions of permit holders to exclude activities such as tourist interactions. In the longer term, to use the new clause 9A in the revised NEMBA for well-being of animals;
- That no permits should be issued for any new entrants into the field of captive lion keeping and breeding;
- The immediate revision of permit stipulations to prohibit new breeding, and to require the sterilisation of lions to prevent further breeding, or immediate euthanasia;
- The enhancement of mechanisms to prevent and avoid stimulating illegal trade in lion derivatives from captive facilities, including an audit of captive lions and the controlled disposal of skeletons; and
- That the Minister establishes an independent committee to formulate a process for the ethical and humane euthanasia of captive lions, and disposal of their carcasses, in consultation with captive lion breeders and keepers, and other stakeholders.

### 9.3.20 Captive-bred and wild ranched lions – First minority recommendation supported by 20.83% of the HLP

As noted in 9.3.19 above, this is an area in which the HLP could not reach consensus. As provided for in the HLP ToR and Charter, three alternative recommendations are presented.

The following section provides the first minority recommendation supported by 20.83% of the HLP;

This section focusses on the breeding and keeping of captive lions in South Africa for economic gain, including trophies, bones and derivatives, and tourism for viewing and human interactions.

#### 9.3.20.1 Context

In respect of the breeding and keeping of captive lions in South Africa, a minority of the HLP recognizes that –

- The Parliamentary Portfolio Committee for Environment held a Colloquium on captive lion breeding for hunting in 2018, which resolved (reports No 167—2018) that “The Department of Environmental Affairs should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice”

- The lion industry is complex and includes, *inter alia*, wild lions, wild-managed lions, ranched lions (raised for hunting), and ‘working’ lions (animals raised for human interactive purposes).
- Lion numbers in wild lion populations in South Africa are increasing and there is no immediate requirement for captive breeding of lions to support conservation.
- Due to limitations in habitat availability, population numbers of wild lions have to be controlled through contraception or euthanasia despite a small number of wild lions that are hunted annually.
- Hunting of a wild lion can generate significantly higher income than a captive-bred lion, and in doing so, provide an incentive for conserving wild lions and their associated habitats.
- Rewilding of captive lions is widely considered as undesirable and captive breeding is currently not necessary for conservation purposes.
- The Scientific Authority highlighted a number of biodiversity and economic risks associated with captive and selective breeding of lion, including risks of domestication of this iconic species.
- The production and sale of harvested lion products, including bones, claws, and teeth, mainly as a by-product of the above, for which an Asian consumer market exists, in addition to some local demand for traditional uses.
- Africa’s wild lion populations (~20,000 animals) are threatened, and South Africa provides a rare example of a stable or increasing population of wild lions (about 2,000), and also has 8-10,000 captive bred and ranched animals that may or may not act as a buffer for continental wild lion conservation by harbouring genetic diversity and providing an alternative supply source to markets for harvested wild lion products (including trophies).
- The primary issue in South Africa is related to a surplus of lions and the use of this surplus, including issues of euthanasia of captive bred lions, wild managed lions (from state protected areas), and wild ranched lions. Lions breed quickly, and captive bred lions, ranched lions, and wild managed lions (in public protected areas) are subject to euthanasia.
- Highly publicised concerns about lion raising practices represent a risk to other components of the South African wildlife economy.
- Many argue that the captive lion industry threatens South Africa’s reputation as a leader in the conservation of wildlife, and as a country and destination with iconic wild lions, as the housing of wild or captive-bred lions is perceived as the domestication of this iconic species.
- Many argue that the captive lion industry does not contribute to the conservation of wild lions.
- There are serious concerns about the safety of tourists visiting facilities that offer lion interactions and many attacks and fatalities have been reported.
- Although some operators may implement acceptable standards of welfare, there are major welfare contraventions in the industry in general.
- Many also argue that the captive lion breeding and associated hunting industry presents a direct risk to the trophy hunting industry in terms of the hunting of wild lions, and trophy hunting in general, and feeds the perception that we hunt farmed or semi-tame animals in South Africa.
- The lion industry contributes in various ways to some components of the South African wildlife economy as, *inter alia*, a tourist attraction, a value-add to a sub-sector of the hunting industry, and through the creation of employment opportunities.
- There is broad social agreement that all practices, be these aimed at conservation, economic development, education or tourism, need to be humane.

- Following the Parliamentary Colloquium, a minority of industry participants have made efforts to reform the wild ranched / hunting and 'working' lions subsectors, by establishing and adhering to a set of norms and standards acceptable to both the market and US Fish and Wildlife Service (USFWS).
- A comprehensive risk-adjusted cost-benefit analysis of the industry does not exist, and opinions differ on issues of economic and conservation contributions and the fair distribution of costs and benefits, including the imposition of reputational risk on certain sectors and the country as a whole.
- The relationship between legal exports of harvested lion parts and derivatives and their conservation is complex and contested, with some arguing that it stimulates consumer demand and therefore poses a threat to wild lion populations. However, an alternative view holds that this legal supply meets consumer demands that might otherwise be met through illegal means, including increased poaching of wild lions. The NSPCA vs DEA judgement found that legal lion exports were not negatively impacting wild lion populations.
- There is a Lion NDF that suggests that trade in captive trophies and captive live specimens and lion bones does not impact negatively on wild populations.
- Under CITES, South Africa is mandated to establish and enforce an annual export quota of lion skeletons and has done so following principles of adaptive management but without taking animal welfare considerations into account. Following the NSPCA judgement any future exports must take such considerations into account.
- The two quota releases of lion skeletons were subjected to stringent controls such that the risk of laundering was effectively reduced to negligible levels.
- The legal export trade is opposed by many simply on grounds of its poor public image.
- Local South African communities use lion parts for traditional purposes and would like access to supply.
- An existing stockpile of lion skeletons is registered with the Department.
- The industry does not appear to have meaningfully embraced social transformation.
- Local communities have overwhelmingly expressed the view that commercial captive lion breeding and cub petting as currently practiced violates African cultural values.
- There are risks to employment, economy, and to the lions themselves associated with an immediate ban on trade with captive lions and derivatives.

#### 9.3.20.2 Goal

Given the above context, a minority of the HLP recommends the following Goal in respect of Captive-bred and wild ranched lions –

*Practice of commercial captive breeding and keeping lions in captivity is phased out, and the sustainable use of lions and their derivatives in South Africa is substantially reformed.*

#### 9.3.20.3 Recommendations

With a view to the achievement of the goal above, a minority of the HLP recommends the following –

*Minister places an immediate and permanent ban on the practice of commercial cub-petting.*

and

*Minister places an immediate moratorium on captive breeding licences.*

and

*Minister initiate a time-bound process to phase out all lion interactions (i.e., walking with lions, etc.).*

and

*Minister puts in place legal, responsible and humane procedures for euthanasia of existing captive lions for those facilities that wish to pursue this option.*

and

*Minister initiates a technical investigation, in consultation with the US Fish and Wildlife Service (USFWS) and other interested parties, into the development of norms and standards associated with potential future hunting of wild managed and 'ranching' lions that are not habituated to humans. Such an investigation to provide definitive national guidelines in respect of 1) genetic management, 2) acceptable minimum adaptation periods after translocation, 3) minimum area size and related fair chase considerations and 4) necessary conditions for acceptable contribution to conservation (e.g. cross subsidies); alternatively, to conclude that allowing and adequately regulating such hunting is not feasible at all.*

and

*Following precautionary principles of adaptive management, to avoid potential adverse unintended consequences, Minister develops and puts in place an exit strategy for legal skeleton trade, based on a careful cost-benefit and risk assessment that takes into account existing held stockpiles, possible reactions of existing lion owners and consumer markets, potential to stimulate illegal activity, socio-economic considerations, and ultimate potential impacts on wild lion populations.*

and

*Minister to acknowledge the efforts of industry participants who have taken proactive efforts to reform, by granting them favourable treatment in this process.*

In implementing these recommendations, it is proposed that –

- An immediate moratorium on all forms of captive breeding, by way of licence suspension.
- Announcement of a permanent ban on so-called 'speed breeding', which involves early removal of cubs from mothers, to signal a new direction in decisive leadership from South Africa on animal welfare concerns relating to wild carnivore species and reposition brand South Africa as a tourism destination for encountering undomesticated wildlife.
- Amending the conditions of permit holders to immediately exclude cub-petting and all other tourist activities involving direct physical contact with lions, with a sunset clause / phasing out of walking with sub-adult animals, over an appropriate time period, to provide economic support toward closure of facilities.
- That minimum standards for the welfare and well-being of captive lions for accredited zoos, rehabilitation centres, and sanctuaries are agreed through an independent process (role-players, regulatory authority) and included in permit conditions, for as long as facilities continue to hold captive lions, with strict oversight of these conditions and high penalties and mandated closure for violation of restrictions on tourist interaction.
- An immediate moratorium on the issuance of permits for hunting of captive bred lion, pending a full technical investigation as contemplated above; any future potential agreed standards for hunting wild-managed lions, especially those bred under 'ranching' conditions, to also be subjected to appropriate animal welfare and well-being considerations.
- The immediate revision of permit stipulations to prohibit new breeding, and to require the sterilisation of lions to prevent further breeding, or immediate euthanasia.

- That the Minister establishes an independent committee to formulate a process for the legal, responsible and humane euthanasia of captive lions, in consultation with captive lion breeders and keepers, and other stakeholders.
- That, considering the lack of any substantial evidence that past legal skeleton exports have negatively impacted wild lions, and further that CITES continues to recognize South Africa's right to set an annual export quota, Minister considers the potential risks that an immediate permanent ban on all future skeleton exports might: 1) create essentially unjustified economic hardship for lion breeders facing winding-down costs, thereby leading to; 2) possible resentment and stimulation of illegal activity in response, and which may in turn; 3) stimulate further illegal activity that could eventually negatively impact wild and wild-managed lion populations.
- That the Minister weigh up the full relative costs, benefits, and risks of an immediate and permanent export ban versus an incremental phasing out approach that would avoid potential market shocks and allow for developing a better understanding of market demand dynamics and adapting to these.
- That the Minister becomes essentially familiar with and recognises the successful efforts to prevent laundering of illegal products into the secure chain-of-custody export system that has been created and used to control the quota to date, having employed DNA-based forensic techniques for effective traceability.
- That all future annual skeleton export quota decisions (including possible zero quotas) follow a structured decision-making process, consistent with the widely accepted principles of a precautionary adaptive management approach, to ensure that such risks of illegal activity – and especially spill-over effects onto wild lion populations – are minimized; further, that such a process is developed in collaboration with the South African Scientific Authority / SANBI and appropriate expertise relating to the fields of risk management and understanding the interactions of wildlife trade policy decisions and illegal trade dynamics.
- That in executing all of the above, the Minister prioritises liaising with elements of the industry known to have been compliant and proactive in addressing the concerns of those opposed to the captive lion breeding industry; further, that in the event of future trade or hunting quotas being granted, Minister considers preferential allocations to such proactive and compliant actors, with the justification that such an approach should incentivise more general reform within the wildlife sector.

#### *9.3.21 Ranched and working lions – Second minority recommendation supported by 16.67% of the HLP*

This is an area in which the HLP could not reach consensus. As provided for in the HLP ToR and Charter, three alternative recommendations are presented.

The following section provides the second minority recommendation supported by 16.67% of the HLP.

This section focusses on the regulation, economic and management of lions in South Africa, especially “working lions” for tourism interactions and “ranched” lions for hunting.

##### 9.3.21.1 Context

- Categorization of the lion industry – the lion industry is complex and includes the following activities:
  - Wild lion populations. According to IUCN, the only lions with direct conservation value are Kruger and Kgalagadi.
  - Wild managed lions in state protected areas. Like wild lions, they often have Tuberculosis and other diseases. Inbreeding has been acknowledged and a substantial number of wild lions have been euthanized.
  - Raising of “ranched lions” for hunting purposes, clearly defined by the PHASA's Norms and Standards for the hunting of large predators.

- Working Lions – these are the lions used for cub petting and lion walks etc. These lions may never be hunted and are marked accordingly. They are managed and owned through the South African Predator Association. Tame, human imprinted, habituated lions are not permitted to be hunted.
- Production of lion products, including bones, claws, and teeth, mainly as a by-product of the above.
- General concerns and comments –
  - Noting that Africa’s wildlife populations (20,000 animals) are threatened, that South Africa provides a rare example of a stable or increasing population of wild lions (about 2,000), and that South Africa also supports 8-10,000 ranches and working lions that may or may not be a buffer to wild lion conservation, genetic lion diversity, the impact of product markets on wild lions, etc.
  - Noting further that the primary issue in South Africa is not that lions are threatened, but is more often related to high levels of publicity associated with various uses of lions including:
    - Reputation risk associated with the hunting of so-called “canned lions” or lion petting and euthanasia
    - The keeping and management of lions in inhumane conditions
    - The rapid reproduction rates of lions and the use of surplus lions, including issues of euthanasia
  - Noting the contrary view that these concerns are not always substantiated, balanced, quantified or verified, the claim that a few bad apples may be smearing a broader industry that is cleaning up its act (or needs to), and the claim these assertions may be magnified by special interests that gain directly or indirectly by creating publicity of conflict.
  - Noting that the lion industry needs to be judged in terms of multiple criteria including economic development and job creation (and even as a new agricultural product that has nothing to do with conservation), transformation criteria, humane treatment criteria, and conservation criteria.
  - Noting concern that the captive lion breeding and hunting industry presents a risk to the trophy hunting industry, and a perception that South Africa hunts farmed or semi-tame animals, but also contrary evidence that clients know what they are buying and find the product acceptable.
  - Noting that clarification over non-detriment findings and importation into America, and significant efforts by the industry to establish norms and standards, the number of lions hunted has increased from a low of 355 (2016) to 489 (2019) worth R70 million in direct trophy fees (and probably four times this in GDP value added).
  - Noting that concerns over work conditions and safety of workers on lion farms and concerns about the safety of tourists including attacks and fatalities, have been reported.
  - Noting that implementation of acceptable standards of welfare may be uneven, with high standards on some properties being undermined by contraventions on other properties, weaknesses in the capacity of state agencies and the SPCA to monitor and substantiate the extent and quantity of these contraventions, and the absence of data with which to substantiate or refute media-led accusations of impropriety.
  - Noting that the sector is perceived to be racialized and in dire need of transformation, that transformation is extremely challenging in an industry that is shrinking rather than growing industry, but that all sustainability of all sectors of the wildlife industry in South Africa require an accountable pathway to genuine transformation including fair employment, black ownership, skills/professional training, community development, black participation as customers, etc.
  - An existing stockpile of lion bones is registered with the Department.
  - Noting, nonetheless, that there is broad social agreement that all practices, be these aimed at conservation, economic development, education or tourism, need to be humane
- Lion products –
  - The issue of the sale of lion products is exceedingly complex.

- Treating lions as a commodity is ethically unacceptable to many social groups, but not to others. These others, including many Africans, find it ethically unacceptable to destroy potentially valuable products. To quote: “Why can’t you harvest something for its products if it’s sustainable?”
- In a post-colonial, multi-cultural world, there are dangers in managing wildlife through any sense of moral certainty or superiority.
- The claim that selling domestic lion products “stimulates demand’ and is a risk to wild lions is theoretically questionable in terms of the basic economic theory of supply and demand, and is not backed by evidence. Indeed, much evidence points the other way – species that are owned and utilized tend to increase, whereas species that are “protected” tend to decline.
- A contrary claim is that lion products create legitimate value for wildlife, including Eastern markets, because use is not intrinsically wrong and should be encouraged where it feeds back into investments in wildlife land through legal, regulated uses and trade that is sustainable and humane.
- There is concern about “commoditising” and domesticating an iconic species like lions, and a counter debate about the boundary between wildlife and domestic species on a crowded planet, and why lion farming is different to farming crocodiles, or deer, or game birds, or domestic species.
- There is wide acceptance that all use must be humane.
- Regulation –
  - The Parliamentary Portfolio Committee for Environment held a Colloquium on captive lion breeding for hunting in 2018, which resolved (reports No 167—2018) that “The Department of Environmental Affairs should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice”;
  - There has been considerable progress in self-regulation by actors in the lion and private wildlife industry since the Colloquium, and this groundwork provides a substantive basis to clarify the modalities and goals of the lion industry, and exclude non-compliant actors.
  - There is a Lion non-detriment finding (US Fish and Wildlife Service (USFWS) requirement) that suggests that trade in captive trophies and captive live specimens and lion bones does not impact negatively on wild populations.
  - The criteria currently enforced by the various provinces is the minimum legal requirement.
  - There is insufficient capacity to monitoring and enforce even the present level of regulations.
  - In this context, considerable progress has been made by the industry to establish norms and standards, but the step of empowering the industry to enforce these standards has not yet been taken.
  - Specifically, regarding ranched lions, PHASA and SAPA have:
    - Set in place a system of norms and standards that are significantly higher than that which is currently required by the various provincial authorities.
    - These strict requirements have been adopted and accepted by all members who hunt lion. Non-compliance leads to immediate disciplinary action. Minimal human intervention is permitted and all reasonable actions to ensure welfare and health aspects are implemented. The standards set by PHASA are significantly higher than what is currently required by the various provincial authorities. Standards preclude the hunting of human-imprinted lions, restricts hunting of wild ranched lions, and insists on fair-chase principles.
    - The early evidence is that these provide an acceptable market product, including to the US Fish and Wildlife Service (USFWS).
    - Nonetheless, this system is new, and while its intention is to exclude non-compliant operators, it is as yet unproven.

- Further, data is required on the economic and conservation upsides of these practices including jobs, taxes, value added to other hunted species and wild land generally, efforts and success towards an inclusive industry and black ownership and participation and so on. This includes evaluating claims that lions are converting by-products from Free State feedlots into economic and wildlife value, and that the hunting of ranched wild lions doubles the value of other animals hunting on lion packages and therefore also of wildlife-based land uses.
    - The standards set by PHASA are significantly higher than that which is currently required by the various provinces.
    - The sector is not constrained by inadequate legislation and regulations but by the shortage of human and financial resources to enforce its regulations. The Government and the NSPCA have failed to enforce compliance, and the sector should not be penalised for this.
    - Notwithstanding this progress, implementation is disadvantage because the industry (e.g. PHASA) is not legally empowered to self-regulate by, for example, linking operating permits to membership requirements and regular certification and inspection as is currently proposed. (In a High Court Case between expelled PHASA members and PHASA, Judge Prinsloo ruled that you may not penalize an individual for partaking in a legal activity permitted by law. Thus members that PHASA intended to expel for not complying with PHASA criteria members had their membership reinstated and PHASA lost the case with a cost order against it).
- Bans, property rights and land use choices –
  - Importantly, we note that the tendency to use bans to conserve wildlife is not matched by the evidence that they work. To the contrary, the preponderance of evidence is that they do more harm than good:
    - Any action that restricts trade under-values wildlife and its ability to compete for space with alternative land uses (mainly domestic species). In many places, including on community and private land in South Africa, habitat conversion is the greatest threat to wildlife, and substantially outweighs the threat of illegal wildlife trade.
    - Bans have a strong tendency to shift trade and the money associated with the trade out of legal, regulated channels into a criminal economy. This empowers the illegal economy relative to the legal one, with negative consequences way beyond the loss of wildlife in terms of the criminalization of society with differential consequences on the rural poor.
    - Bans conflict with s25 of the South African Constitution and the Bill of Rights, in that they truncate rights associated with private property without democratic due process and consent, and without compensation.
    - In reducing profitability, bans tends to force operators into the shadows, resulting in an increase rather than a reduction in bad practice. Commercial desperation and associated shortcuts and practice exacerbate rather than reduce the inhumane treatment of lions
    - Bans, as prompted extensively in the semi-popular conservation literature, are based on inaccurate or incoherent economic assumptions. They ignore the reality that exchange and trade are the foundation of global wealth and the competitive ability of wildlife, and the fact that the effects of trade are secondary to, and depend on, wildlife ownership. Thus, legal, regulated trade invariably has positive consequences for wildlife where it is combined with wildlife proprietorship. By contrast, trade may exacerbate wildlife decline where there is weak or no proprietorship of wildlife, but this is an open-access or tragedy of the commons governance arrangement where the outcome for wildlife is bleak.
- The right to due process –
  - This conflict over the use of lions emerged from substantial concerns and negative publicity around “canned lion.” We are faced with contradictory claims that the use of captive bred and wild ranched lions has or does

not have positive or negative environmental consequence. We are also faced with contrary views over whether to prioritise welfare and well-being, ecological, or economic prerogatives.

- Noting that people have a right to make a living and to trade, but also a responsibility to do so humanely.
- We have an obligation to base decisions on scientific, economic and socio-political facts, and to guard against over-reacting to media-based publicity.
- Given the complexity of the lion industry, the many viewpoints, and the need to verify numerous opinions that are substantiated at different levels of veracity, we have not had time to collect sufficient facts to come down on one or other side of the argument.
- We are extremely uncomfortable with dictating one-off decisions that will result in one or other party resorting to legal action. We cannot, in good conscious, set in place the precedent of simply shutting down an industry, or establishing moratoriums, on the basis of such limited data and based on the claims of special interest groups that may or may not have a vested interest in controversy or outcomes. The privileging of one set of opinions over another, will lead to accusations of moral superiority, ethical biases, and so on.
- Furthermore, establishing a precedent of arbitrary decision-making will be extremely damaging to a wildlife economy that is fragile, that needs economic certainty, and that is already discounting wildlife relative to domestic stock because of a fear of regulation that is perceived as one-sided, and ill-considered and costly to wildlife as a land use option.
- Therefore, we advocate for the establishment of carefully structured processes that ensure that the regulations are matched by the capacity to enforce these regulations, through a process of monitoring, adaptive management and transparency.
- Our primary concern, therefore, is to not make a decision one way or the other, but to recommend a process that will rapidly, meaningfully and substantially reform lion management in South Africa to the benefit of all South Africans, lions and the health of the South African landscape. This approach must:
  - take into account, and establish, acceptable practices and processes for collectively governing lion issues through legal and moral due process;
  - guard against arbitrary single issue decision-making and the draconian banning of a sector without due process;
  - account for primary and secondary economic consequences;
  - be in compliance with Constitutional protections of property rights and adequate compensation, as well as issues of minority rights and informed consent.

#### 9.3.21.2 Goal

Given the above context, and acknowledging significant efforts to reform by certain components of the industry, a minority of the HLP recommends the following Goal in respect of the breeding and keeping of ranched and working (captive) lions in South Africa such that the industry is forced to hold itself accountable to norms, standards and due process (i.e. to clean itself up):-

*Establish transparent governance processes that substantially reform the commercial management of lions in South Africa*

#### 9.3.21.3 Recommendations

With a view to the achievement of the goal above, a minority of the HLP recommends the following –

*Noting that current regulations are extensive, but not implemented, we therefore we urge the Minister to establish a three-tier system for lion regulation including:*

- *Tier 1 Self-regulation through empowered and accredited membership organizations.*
  - *Establish membership organization/s to represent lion breeders. It shall be compulsory for all legal, regulated, permitted lion-breeders to be members of these organizations, which shall operate democratically, and*
  - *These organizations shall be empowered, through the Minister, to establish minimum standards for ranched lions (including hunting) and for captive bred lions, and to enforce these standards. These standards shall be similarly agreed by bonafide members of the wildlife industry through a committee/board with membership pro-rated according to wildlife land ownership)*
  - *They shall have the power to inspect, sanction, and remove members according to agreed norms and standards and procedures*
  - *They shall provide an annual report to the Minister detailing the economics of the industry, a full summary of accreditation inspections and corrective actions taken, and a transformation plan and progress towards its implementation*
  - *That renewal of organization membership and government permitting shall operate on a three-year cycle, and shall be governed by successful accreditation.*
- *Tier 2 Independent inspectorate.*
  - *That the Minister establishes an independent mechanism and inspectorate process wherein actors such as the Ministry, SPCA, and the wildlife industry generally, scrutinise annual reports and conduct random, independent inspections to verify or contradict these reports.*
- *Tier 3 Ultimate responsibility shall nonetheless remain with the Minister*
  - *The Minister shall oversee the functions and performance of both membership organizations and the independent inspectorate, including validation of minimum standards for lion keeping, worker and tourism safety, and shall have ultimate authority to intervene in the case on non-performance by either of these, or on a case-by-case basis as determined by the Minister.*
  - *This mechanism provides the basis for a well-informed, accountable adaptive process, including quality information, review, and external scrutiny, as the basis for substantial reform of the lion industry.*

In implementing these recommendations, a minority of the HLP proposes –

- Within three months, the Minister shall formally empower and task a lion breeder's membership organization to establish norms, standards and operating procedures to achieve the goals laid out in Tier 1. This will include requirements for an annual "state of the captive / ranched/ working" lion sector that includes the metrics described above.
- These norms, standards and procedures approved by a wildlife industry oversight board/committee with membership from private landholders, communities, provincial and national park agencies pro-rated according to the area of wildlife habitat they are responsible for (and paid for by landholder levies).
- The Minister shall set up an independent captive lion inspectorate board comprising one third representation of civil society from urban areas, one third from rural areas, and one third wildlife industry representation. To operationalise this board (i.e. random or strategic inspections of the above), and using funding provided equally by the Ministry and a levy on the industry of no more than 2% of turnover, the Minister shall set up an independent technical inspectorate comprising dedicated staff from agencies such as SANBI, Provinces, SPCA according to provincial requirements. The Inspectorate shall report to the Minister through the Board on an annual basis. The size and composition of this inspectorate shall be matched to landscape/area/ provincial challenges, and shall not exceed the budget provided by prorated lion levies for each area.



## ANNEXURE A: TERMS OF REFERENCE FOR THE HLP

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### Annexure A

#### TERMS OF REFERENCE

**APPOINTMENT OF THE HIGH-LEVEL PANEL OF EXPERTS FOR THE REVIEW OF POLICIES, LEGISLATION AND PRACTICES ON MATTERS OF ELEPHANT, LION, LEOPARD AND RHINOCEROS MANAGEMENT, BREEDING, HUNTING, TRADE AND HANDLING.**

#### 1. INTRODUCTION AND BACKGROUND

- 1.1 The Department of Environmental Affairs upholds the Constitutional Mandate in the Bill of Rights especially the role of government encapsulated in Section 24, which advocates for the environment to be protected through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. Further to this, is the operationalization of the objectives of the National Environmental Management: Biodiversity Act, 2004 (Act No.4 of 2004) on conservation, sustainable use and fairness and equitable sharing of benefits arising from the use of genetic resources. The parameters in question refer to protection of the environment through measures that promote the environmental, social and economic imperatives for the present and future generations.
  - 1.2 Public sentiments on matters of captive breeding, handling, hunting and trade in lions, elephants, leopard and rhinoceros specimens have implications on the country's conservation reputation. Current issues of contention are mainly related to irresponsible and unsustainable conservation practices. This is especially evident in several areas of conservation including and not limited to these iconic species.
  - 1.3 In view of the above, the Minister of Environmental Affairs is appointing a High-level Panel (herewith referred to as the Panel) to review practices, regulatory measures and policy positions on aspects of conservation that are directly and indirectly related to hunting,
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trade, captive keeping, handling of iconic species of elephants, rhinoceros, lion and leopards.

- 1.4 The assignment for the Panel will entail public hearings, submissions, scientific evidence and other forms of information that will enable evaluation and assessment of current practices, regulatory measures and policy positions. The panel will identify gaps and seek to understand and make recommendations based on the following questions elaborated in the focus areas below.

## 2. FOCUS AREAS FOR THE PANEL OF EXPERTS

### PART A: ELEPHANTS

Elephants are iconic species in the South African conservation landscape. They play a significant role in creating and maintaining ecosystems that allow or influence persistence of other species. Elephants are amongst the most magnificent but also problematic members of South Africa's wildlife population. They provide several economic opportunities, such as ecotourism, however, elephants are amongst some of the key species impacted by high levels of poaching and wildlife trafficking.

The panel of experts will assess and provide policy positions on the following:

- **Keeping of elephants in captivity:** genesis of keeping elephants in captivity in South Africa, methods, size of captive facilities, handling of elephants in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures
  - **Hunting of elephants:** should hunting of elephants be permissible and what are the legal requirements and conditions for such
  - **Population management:** population control including culling and contraceptives, intercountry translocations
  - **Trade in elephant ivory:** Ivory export, Trade or no trade, Mechanisms of the trade, Determination of the quota
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- **Ivory stockpiling:** Options for stockpiling or not stockpiling, what are the costs and value for keeping ivory stockpiles to conservation
- **Management of stockpiles:** How is it standardised, traceability, marking and reporting in elephant ivory
- **Impact and benefits:** How does the variety of management practices like captive keeping, trading in elephant ivory contribute value to conservation in South Africa.
- **Handling and Well-being:** Practices, standards and guidelines for permitting facilities that contribute to conservation objectives

## PART B: RHINOCEROS

In 2014, the Minister of Environmental Affairs, appointed a Strategic Task Team referred to as a Committee of Inquiry (Committee of Inquiry in terms of Treasury Regulations) to assist the Department of Environmental Affairs (DEA) with preparations for CITES CoP 17 on rhino matters considering that both these species are impacted by high levels of poaching and illegal wildlife trafficking. Discussions relating to legal and illegal trade involving specimens of rhinoceros species is ongoing in the context of the Convention of Trade in endangered Species of Fauna and Flora.

Through a process of stakeholder consultation, scenario planning, analysis of case studies and various workstream documents as well as a decision-tree analysis process, the Committee identified five key areas that require interventions. These interventions were needed to address wildlife crime and enhance government's ability to conserve rhino species in their natural habitat, as well as enhancing opportunities to realise benefits associated with conservation. The Committee was strongly of the view that these interventions are essential for an effective response to rhino poaching irrespective of whether (or not) South Africa seeks to trade in rhino horn.

The five key interventions for rhino included:

- **Enforcement:** law enforcement (including anti-trafficking and anti-poaching), significant improvements in intelligence capabilities, understanding of a full
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value chain approach of illicit networks (led by SAPS), and enhance provincial anti-poaching capacities.

- **Community Empowerment:** strengthen governance in communities surrounding protected areas with elephants
- **Demand Management:** describe a detailed view on data required to inform policy, and actionable initiatives for more result oriented communication to different stakeholders
- **Management of Rhino populations:** outline processes to develop and share best practices to optimise birth rates
- **Responsive Legislation:** develop an enabling and responsive legislative environment

In the light of the above the Panel of Experts is tasked to evaluate the outcomes of the Committee of Inquiry and make recommendations relating to:

- The status of the implementation of the rhino lab initiatives as per Committee of Inquiry outcomes
  - Review and provide advice on the submission of the Rhino related trade proposals to the next coming CITES COP
  - Review and advise on management of rhino horn stockpiles and related specimens
  - Explore and assess the feasibility of establishing government Central System Database for rhino horn stockpile
  - Advise on the possible conservation, socio- economic and political implications of live exports of rhino to countries outside the range states (political economy)
  - Analysis of the demand management dynamics of consumer countries
  - Develop the Lobby/Advocacy strategy for rhino horn trade in different key areas including, but not limited to:
    - Review the current status quo for the domestic trade in rhino horn and assessment of its relationship with illicit trade in rhino horns
    - Review current legislation and processes on domestic rhino horn and provide recommendations on the domestic rhino horn trade.
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- Identification of new or additional interventions required to create an enabling environment to create an effective rhino horn trade

The panel of experts will assess and provide policy positions on the following:

- **Keeping of rhinoceros in captivity:** genesis of rhino farming in South Africa, farming and breeding methods, handling of rhino, legal requirements for management of privately owned rhino, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures
- **Hunting of rhino:** should hunting of rhino be permissible and what are legal requirements and conditions for such
- **Population management:** metapopulation management and rhino range states translocations
- **Trade in rhino and rhino horn:** rhino horn export, domestic trade or no trade, mechanisms of the trade, live sales and exports
- **Rhino horn stockpiling:** options for stockpiling or not of rhino horn, costs and value of keeping rhino horn stockpiles to conservation
- **Management of stockpiles:** standardization, traceability, DNA profiling, rhino horn markings and reporting
- **Impact and benefits:** how do the various management practices and trade in rhino horn contribute to conservation in South Africa?
- **Handling and Well-being:** practices, standards and guidelines for permitting facilities that contribute to conservation objectives

### **PART C: LEOPARDS**

Leopards (*Panthera pardus*) have a long lifespan with low reproductive rates. They are tolerant of a wide range of habitats and climatic conditions, including mountains, bushveld, woodlands, desert and semi-desert and forests. However, like most felids, leopards are relatively poor dispersers and the degree of connectivity between

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populations, within and outside of South Africa, is unknown. Although more resilient than many other large carnivores, leopards are still sensitive to human disturbance and have been eradicated from at least 37% of their historic African range.

Approximately 20% (248,770 km<sup>2</sup>) of South Africa comprises suitable leopard habitat, although much of this is highly fragmented due to agricultural development, persecution and human encroachment. Today leopards are found in the remote mountainous regions of the Western Cape, parts of North-West, Limpopo, Mpumalanga, KwaZulu-Natal, the Eastern Cape, and the semi-desert areas of the Northern Cape bordering on Botswana. There is no rigorous estimate for the size of the South African leopard population, nor reliable estimates of leopard population trends at national or provincial scales.

In addition to habitat loss, key documented threats to leopards include: excessive off-takes (legal and illegal) of putative damage-causing-animals (DCAs); poorly managed trophy hunting; the illegal trade in leopard skins for cultural and religious attire; incidental snaring; and the unethical radio-collaring of leopards for research and tourism. However, the relative severity of these threats and their impact on the national or provincial leopard populations remain unknown. Trophy hunting (practiced to maximize economic returns) and legal DCA control (practiced to minimize economic losses) are formally though often poorly managed, while other forms of harvest are illegal and therefore unregulated.

There are almost no reliable estimates for the extent of illegal off-take of leopards, though data from a few intensive studies in South Africa suggest that levels of illegal off-take exceed levels of legal off-take. Most leopard trophy hunting occurs on private land. Harvest of leopards is not managed consistently throughout the country; some provinces implement effective controls, others do not. Legal off-takes are poorly documented in many provinces. There is an urgent need for a coordinated national strategy which provides standardized guidelines to all provinces for the management of leopards.

The panel of experts will assess and provide policy positions on the following:

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- **Hunting of leopards:** rationale and basis for hunting or no hunting, determination of the quotas and associated conditions, hunting standards, methods of hunting
- **Trade in Leopard skins:** trade or no trade, mechanisms of the trade, determination of quotas
- **Demand management:** dynamics of domestic and international demand, demand for leopard products (skins, claws, teeth), legislative and legal regime for demand management
- **Impact and benefits:** how do various management practices and trade in leopard specimens benefit conservation in South Africa?

#### **PART D: LIONS**

South Africa is home to a lion population of just over 10,000 lions, with close to 3000 lions in the wild and approximately 7000 lions in captive bred facilities. The wild lion is stable and growing owing to abundance of prey, disease management and successful conservation strategies. The captive bred lion population has grown significantly over the years due to favourable market conditions for trophy hunting and trade in lion bones. However, captive lion breeding, trophy hunting and trade in lion specimens present some contentions between the lion trade industry and animal welfare or rights groups and have negatively impacted South Africa's tourism industry. These contentions draw attention to the policy and legislative position of the South African Government on lion management. While provincial governments are permit issuing authorities for restricted activities and trade matters pertaining to lions, the National Department of Environmental Affairs is the national CITES focal point whose role is mainly liaison and coordination with CITES authorities of the trading or consumer countries.

The implications of public sentiments on South Africa's handling of the above matters of contention have escalated into an international discourse that necessitates a national dialogue. The department, therefore, seeks to get more insight into the

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management of lions and trade in lion bone in South Africa. The panel of experts will assess and provide policy positions on the following:

- **Breeding of lions in captivity:** genesis of captive breeding of lions in South Africa, methods, size of breeding facilities, euthanasia of lions in captivity, handling of lions in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, petting zoos and related activities, as well as associated compliance and enforcement protocols and measures
- **Hunting of captive bred lions:** hunting rationale in captive breeding facilities, conditions for hunting of captive bred lions, size of hunting farms, release periods of lions for hunting and legal requirements for hunting captive bred lions
- **Trade in lion bones and Leopard skins:** lion bone trade or no trade, mechanisms of the trade, determination of the quota
- **Stockpiling:** options for stockpiling or not stockpiling lion bone, what is the value in keeping lion bone skeletons and related products to conservation?
- **Management of stockpiles:** standardization, traceability, DNA profiling, lion bone marking and reporting
- **Impact and benefits:** how do various management practices like captive breeding, trade in lion bones and other specimens contribute to conservation in South Africa?
- **Handling and Well-being:** practices, standards and guidelines for permitting facilities that contribute to conservation objectives.

The panel will facilitate national dialogue necessary to systematically solicit views from interested and affected parties.

### 3. ROLES AND RESPONSIBILITIES OF THE PANEL OF EXPERTS

The Panel is established as an advisory body to the Minister and will provide the Minister with their best available advice, opinions and recommendations on the subject before them. As such, the following approach should guide the work of the Panel and the conduct of its members:

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- Each Panel member is to serve in his or her personal capacity and cannot be represented by an alternate. Officials of organs of State serve in their capacity as experts in a specific area of work and not as representatives of organs of State.
- The Panel's role is advisory in nature and will be facilitated by the Chair, appointed by the Minister.
- The Panel will provide expert opinion based on best available knowledge and individual opinion related to the issues to be discussed and as set out above.
- The Panel must ensure a sound public engagement process to facilitate and consider the diversity of stakeholder views and contributions;
- All matters discussed and opinions evaluated should be treated with the utmost confidentiality. The Panel members will not disclose any information to the public, organisations or the media until the work of the panel has been completed, their report has been reviewed and approved by the Minister and is officially published.
- The Panel must seek consensus on the matters before it and present to the Minister a report that has the support of all panel members. In order to achieve such consensus panel members will need to show a measure of flexibility and understanding for differences of views between Panel members.
- The Panel can co-opt experts in specific areas of work and/or may invite experts to advise on specific issues or matters of interest to the Panel.
- The Panel members may be requested to present information to platforms to be identified by the Department.
- The key outputs of the Panel will be reports and recommendations relating to the key matters to be considered as contained in section 2.

#### **4. DURATION OF WORK**

The Panel's work will commence from November 2018 and be completed by November 2019. Specific members may be requested to continue with key aspects of the work relevant to the proposal and the final preparations for the COP. It is envisaged that there will be a minimum of six meetings of the Panel noting that the first introductory meeting will be held as soon as possible following appointment of Panel members by the Minister, and that additional meetings will be convened on dates agreed upon by the Panel.

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Apart from recognizing previous reports on the various species above including Parliamentary Committee reports, national assessments, publications, reports by international and national NGOs and UN bodies as well as any other credible sources, the department also recommends that there must be a national dialogue that will be conducted in a structured approach which will systematically deal with all stakeholders including but not limited to:

- Scientific community and other communities of practice
- Government policy makers and implementers (DEA & DAFF, DIRCO etc.)
- Wildlife & sustainable use industry in South Africa (organizations that represent hunters, breeders etc.)
- Non-Governmental organizations (advocacy groups, media etc.)
- Interested public
- National and international conservation organizations and hunting organizations
- Communities living and working in and adjacent to relevant protected areas
- Importing states (e.g. China, Vietnam, USA etc.)

The national dialogue should include at least three site visits to relevant protected areas, private farms and communities, captive breeding facilities and the like for fact-finding missions of realities on the ground and to gain improved understanding of the issues presented above. The department further recommends that public consultations must include people who will be economically affected by any recommendations from the Panel.

## **6. ADMINISTRATION AND SECRETARIAT**

All administrative, financial and logistical matters related to the Panel's work will be managed by a dedicated Secretariat appointed by the Department of Environmental Affairs. The Department will procure the services of appropriate researchers to assist the Panel in its work.

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## ANNEXURE B: CHARTER OF THE HLP

### CHARTER FOR THE HIGH-LEVEL PANEL

#### 1. INTRODUCTION AND BACKGROUND

- 1.1. The Department of Environmental Affairs' mandate is derived from section 24 of the Constitution of the Republic of South Africa, 1996, (the Constitution) which advocates for the environment to be protected through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. The Department is also currently operationalizing the objectives of the National Environmental Management: Biodiversity Act, 2004 (Act No.4 of 2004) on conservation, sustainable use and fairness and equitable sharing of benefits arising from the use of genetic resources. The parameters in question refer to protection of the environment through measures that promote the environmental, social and economic imperatives for the present and future generations.
- 1.2. Public sentiments on matters relating to captive breeding, handling, hunting and trade in lions, elephants, leopard and rhinoceros specimens have implications on the country's conservation reputation. Current issues of contention are mainly related to irresponsible and unsustainable conservation practices. This is especially evident in several areas of conservation including and not limited to these iconic species.
- 1.3. In light of the above, the Minister of Environmental Affairs, Forestry and Fisheries (the "Minister") appointed a Panel to review practices, regulatory measures and policy positions on aspects of conservation that are directly and indirectly related to hunting, trade, captive keeping, handling of elephants, rhinoceros, lion and leopards (the Panel).
- 1.4. The role for the Panel includes conducting public hearings, processing public submissions, reviewing scientific evidence and other forms of information that will enable the evaluation and assessment of current practices, recommending regulatory measures and preparing policy positions. In addition, the Panel will identify regulatory gaps and seek to understand and make recommendations to the Minister based on its Terms of Reference.

## **2. THE PANEL'S OFFICIAL DESIGNATION (TITLE)**

The Advisory Committee – High-Level Panel, hereinafter referred to as “the Panel”.

## **3. AUTHORITY**

The Minister appointed the Panel in terms of section 3A of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) on 10 October 2019; as published in Notice No. 1317 of Government Gazette No. 42761.

## **4. PURPOSE OF THE CHARTER**

The overall purpose of this Charter is to set out the roles and responsibilities, governance arrangements as well as outlining the processes and procedures to guide the Panel in its day to day functioning. In particular, the Charter is intended to provide a concise overview of the: -

- 4.1 roles, functions, responsibilities and powers of the Panel and its sub-committees;
- 4.2 powers delegated to the Panel sub-committees; and
- 4.3 policies and practices of the Panel in respect of matters such as governance, declarations, conflicts of interest, Panel meeting documentation and procedures and the nomination, remuneration, appointment, induction, training and evaluation of the Panel and its sub-committees.

## **5. COMPOSITION AND APPOINTMENT OF THE PANEL**

The Panel consists of not less than 10 (ten) but not more than 25 (twenty-five) members as appointed by the Minister of whom such Panel Members:

- 5.1 when viewed collectively, must be persons who are suited to serve on the Panel by virtue of their qualifications, expertise and experience in the fields of conservation management, and implementation of biodiversity policies and legislation;

- 5.2 are committed to and subscribe to the objectives and principles of conservation and sustainable use as enunciated in section 24 of the Constitution, the NEMA, the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and its subordinate legislation, the applicable policies, as well as relevant provincial legislation;
- 5.3 are persons who have knowledge of agricultural legislation, game management practices, and matters related to animal well-being;
- 5.4 have knowledge and/or experience in game/wildlife conservation and management practices, as well as matters related to the well-being of animals;
- 5.5 have knowledge and/or experience in environmental conservation and sustainable use;
- 5.6 have knowledge of environmental conservation, agricultural and veterinary related legislation, policies, regulations and protocols;
- 5.7 have expertise in the management of elephant, lion, leopard and rhinoceros in particular;
- 5.8 have knowledge and/or experience in community-wildlife interface and related matters;
- 5.9 are persons who are Experts on species concerned;
- 5.10 are persons who are individuals with clear legal expertise;
- 5.11 are persons who embrace diversity and consider inclusivity of various opinions;
- 5.12 are persons who represent the Youth, Women and Traditional leaders; and
- 5.13 are persons who represent People with disabilities.

## 6. PURPOSE AND ROLE OF THE PANEL

- 6.1. The Panel is established as an advisory body to the Minister and will provide the Minister with their best advice, opinions and recommendations based on available scientific support and their knowledge of the subject before them.
- 6.2. As such, the following approach guides the work of the Panel and the conduct of its members:
- 6.2.1 subject to paragraph 6.2.2 below; each Panel Member is to serve in his or her personal capacity and cannot be represented by an alternate;
  - 6.2.2 officials of organs of state serve in their capacity as experts in a specific area of work and not as representatives of organs of state;
  - 6.2.3 the Panel's role is advisory in nature and will be facilitated by the Chair, who is appointed by the Minister;
  - 6.2.4 the Panel will provide expert opinion based on the best available knowledge and individual opinion related to the issues to be discussed by the Panel;
  - 6.2.5 the Panel must ensure sound consultation processes are followed to facilitate and consider the diversity of stakeholder views and contributions on matters that have been identified by the Minister as requiring public consultation;
  - 6.2.6 all matters discussed and opinions evaluated by the Panel should be treated with the utmost confidentiality by all Panel Members. The Panel Members will not disclose any information to the public, organizations or the media without the express approval of the Minister;
  - 6.2.7 upon completion of its work the Panel will submit the final report for approval by the Minister;
  - 6.2.8 the Panel must seek consensus on the matters before it and present a report to the Minister that has support of all Panel members. In order to achieve such consensus, Panel Members will need to demonstrate a measure of flexibility and understanding for differences of views and/or opinions amongst Panel Members. In the event, where such consensus cannot be obtained then the Panel's report, with clearly motivated areas of disagreement, can be submitted to the Minister. Notwithstanding this provision, all endeavours must be made to seek consensus from all of the members of the Panel;
  - 6.2.9 the Panel can co-opt experts in specific areas of work and/or may invite experts to advise on specific issues or matters of interest to the Panel; and
  - 6.2.10 the key outputs of the Panel will be reports and recommendations relating to the key matters to be considered as contained in the terms of reference.

- 6.3. Apart from recognizing previous reports on the various species above including Parliamentary Committee reports, national assessments, publications, reports by international and national Non-Governmental Organizations and United Nations bodies as well as any other credible sources, the Panel will ensure that there is consultation with key stakeholders through round table meetings conducted in a structured approach which will systematically deal with all stakeholders including but not limited to:
- 6.3.2 scientific community and other communities of practice;
  - 6.3.3 government policy makers and implementers (Department of Environment, Forestry and Fisheries, Department of Agriculture, Forestry and Fisheries, Department of International Relations and Cooperation, etc.)
  - 6.3.4 wildlife & sustainable use industry in South Africa (organizations that represent hunters, breeders etc.);
  - 6.3.5 Non-Governmental organizations (advocacy groups, media etc.);
  - 6.3.6 interested public;
  - 6.3.7 national and international conservation organizations and hunting organizations;
  - 6.3.8 communities living and working in and adjacent to relevant protected areas; and
  - 6.3.9 importing states (e.g. China, Vietnam, United States of America etc.).
- 6.4. The consultations should include at least 3 (three) site visits to relevant protected areas, private farms and communities, captive breeding facilities and the like for fact-finding missions of realities on the ground and to gain improved understanding of the issues presented above. The Panel will also facilitate national dialogue necessary to systematically solicit views from interested and affected parties on the issues that require consultation that fall within the mandate of the Panel and as approved by the Minister.

## **7. ROLE OF THE CHAIRPERSON**

- 7.1. Prior to the first meeting of the Panel the Minister appoints a Chairperson of the Panel and at that first meeting the members of the Panel must elect sub-committees based on the agreed approach and methods of execution of the work.
- 7.2. If the office of Chairperson becomes vacant the Minister appoints an Acting Chairperson or a permanent Chairperson depending on the circumstances.
- 7.3. In instances where the Chairperson will not be able to attend a meeting, the Chairperson may designate a member to act as a Chairperson of a specific meeting.

- 7.4. The Chairperson provides overall leadership to the Panel, without limiting the principles of collective responsibility for the Panel decisions.
- 7.5. The Chairperson shall ensure that all the Panel Members are fully involved and informed of any business issue on which a decision has to be taken.
- 7.6. The Chairperson shall ensure that Panel Members play an effective role in the management of the Panel's roles and responsibilities and that they participate fully in the operation and governance of the Panel.
- 7.7. The Chairperson shall exercise independent judgement, act objectively and ensure that relevant matters are placed on the agenda and prioritised properly by the Panel.
- 7.8. The Chairperson shall work closely with the Secretariat in ensuring that at all times all the Panel Members fully understand the nature and extent of their responsibilities as the Panel in order to ensure the mandate given to the Panel is done within the scope of the work and stipulated timeframes.
- 7.9. The Chairperson shall arrange for all Panel Members to be properly inducted, oriented and provided with the necessary training required to deliver on the outputs as detailed in the Inception Report.
- 7.10. The Chairperson shall act as the main link between the Ministry and the Department of Environment, Forestry and Fisheries and the Panel and ensure that at the inception phase of the Panel convening, the Panel will provide an Inception Report; plan of action, timelines and resources required for the execution of the work.
- 7.11. The Chairperson will approve and convene all of the Panel meetings, prepare and approve all meeting agendas (with the support of the Secretariat), attend all meetings, adjourn any meetings and chair all meetings. The Chairperson may decide to delegate the responsibility to chair certain agenda items or parts of the meetings to members of the Panel during the meeting. The delegation does not absolve the Chairperson of their responsibility as outlined in 7.4 above; unless if the matter under discussion relates to an Agenda item wherein the Chairperson has a personal interest; and in such matters an acting Chairperson shall be appointed.

## **8. SUB-COMMITTEES ROLES AND RESPONSIBILITIES**

### **8.1 Formation of sub-committees**

- 8.1.1 Any member may propose that the Panel forms a sub-committee for a specific area of work or task
- 8.1.2 A sub-committee of subject matter specialists may be constituted where it is necessary to carry out the mandate of the Panel, to refer a specific matter to persons with specialist knowledge.
- 8.1.3 The sub-committee can be created for a specified time period or an unspecified time period.
- 8.1.4 The proposal shall be tabled at the Panel meeting and shall be decided by the Panel.

### **8.2 Dissolution of sub-committees**

- 8.2.1 Any Panel member may propose the dissolution of a sub-committee where such sub-committee no longer meets the objectives of the Panel, no longer meets the purpose why it was formed, has not performed as required by the Panel or any similar reason.
- 8.2.2 Where a sub-committee was created for a specified time or mandate, such committee shall automatically dissolve after expiry of such stated time period or after completion of the work of the sub-committee, unless the Panel resolves and directs otherwise.
- 8.2.3 A proposal to dissolve a sub-committee shall be tabled at the Panel meeting for deliberation, setting out the reasons for the termination of the sub-committee and why alternate interventions would not suffice.

### **8.3 Membership of and Appointment to a sub-committee**

- 8.3.1 Appointments of members to a sub-committee will be based on the same criteria as for members of the Panel, however it will not be a requirement to:
  - a) Only include Panel members;
  - b) Comply with the group representation requirements for appointments; and
  - c) Consider membership of Panel structures and committees.
- 8.3.2 The sub-committee shall review members and recommended by majority vote of preferred members, taking due consideration of members of other sub-committees, which shall be submitted to the full Panel for consideration and approval.
- 8.3.3 The Panel shall approve the appointment of members whose membership shall commence from the immediately succeeding sub-committee meeting.
- 8.3.4 Where the Panel does not approve any of the membership, the Chairperson of the Panel shall communicate the reasons for such decision to the sub-committee.

#### **8.4 Appointing a Chairperson of each sub-committee**

- 8.4.1 The sub-committee Chairperson is responsible for guiding and overseeing the activities of the sub-committee/s.
- 8.4.2 The sub-committee Chairperson does not exercise power over the members of the sub-committee but is responsible for coordination of sub-committee activities.
- 8.4.3 The sub-committee Chairperson shall be appointed by the members of the sub-committee.
- 8.4.4 The sub-committee Chairperson shall nominate an alternate from members within the sub-committee, which alternate shall act in the sub-committee Chairperson's stead if the sub-committee Chairperson cannot fulfil his or her duties for a particular time period or for the remaining part of his or her term. The alternate shall act in the sub-committee Chairperson's stead until such time as the sub-committee Chairperson can resume his or her duties or until a new Chairperson has been elected.
- 8.4.5 The general term of office for members and the Chairperson of the sub-committee shall be the same as for the Panel members and the Panel Chairperson.
- 8.4.6 The Chairperson shall also attend to sub-committee business between meetings, as assisted by the sub-committee members. The Chairpersons shall also work together to ensure that all of the sub-committee's deliverables are undertaken timeously.
- 8.4.7 The Chairperson shall institute such measures as are necessary to ensure the effective functioning of the sub-committee, including:
- a) Monitoring attendance and participation of sub-committee members;
  - b) Ensuring that input for final positions is properly collated, reviewed and engaged upon with stakeholders, and timeously submitted.
- 8.4.8 The Chairperson of the sub-committee shall be accountable to the Panel for the sub-delegated authority and how it was effected and monitored by the sub-committee.
- 8.4.9 Where the Chairperson of the sub-committee is uncertain of the mandate of the sub-committee on a particular matter, a matter raised is outside its mandate but within the mandate of the Panel or the sub-committee requires the support of the Panel to execute any part of its mandate, the Chairperson of the sub-committee shall refer the matter in writing to the Panel for consideration and feedback at the immediately succeeding Panel meeting, unless the Chairperson of the Panel directs otherwise.

#### **8.5 Conflicts of interest for sub-committee members**

The process for dealing with conflicts of interest at sub-committees shall be the same as for the Panel but will be referred to the Panel, as follows:

- 8.5.1 The Chairperson of the sub-committee shall notify the Panel of any such conflict of interest arising in respect of any sub-committee member; and
- 8.5.2 The Panel shall evaluate and conclude on such conflict of interest and communicate its decision to the Chairperson of the sub-committee.

## **8.6 Responsibilities of the sub-committee members**

- 8.6.1 To facilitate on all progress and work related to their assigned themes, but with an option to be involved and assist other sub-committees
- 8.6.2 The sub-committees are working' committees and will require members to not only attend meetings, but ensure that they participate appropriately and assist in meeting the objectives as determined by the Panel outside of meetings, as contained in the sub-delegated authority.
- 8.6.3 Members appointed to the sub-committee are expected to formally report to the sub-committee at every meeting concerning any new developments, problem areas or any important information, which the sub-committee should be made aware of. This does not deviate from the need to bring matters to the attention of the Chairperson and as and when matters arise.
- 8.6.4 If sub-committee members cannot attend a meeting, they are expected to notify the Chairperson and as would be appropriate.
- 8.6.5 The Panel needs of sub-committee members are as follows:
- 8.6.5.1 Respect of and commitment to fellow members, in supporting the reputation of the sub-committee, in terms of its ability to attract quality membership, and for its knowledge, expertise and integrity;
- 8.6.5.2 Proactive contribution during sub-committee meetings and in attending to sub-committee business between meetings, including:
- a) Achievement of quality thresholds of contributions in terms of technical content, innovation, comprehension and timeliness (which is relevant to each members' area/s of expertise); and
  - b) Regular, active and constructive participation in meetings;
- 8.6.5.3 Specific and general proactive feedback on issues and developments which are relevant to the Panel objectives;
- 8.6.5.4 Absolute observance of confidentiality, where required;
- 8.6.5.5 Reporting back to the members of the sub-committee and/or the Panel.

## **9. DURATION OF WORK**

The Panel's work will commence from November 2019 and be completed by November 2020. Specific members may be requested to continue with key aspects of work relevant to the proposal and the final

preparations for Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of Parties(COP) 18. It is envisaged that there will be a minimum of 6 (six) Panel meetings noting that the first introductory meeting will be held as soon as possible following the appointment of Panel Members by the Minister, and that additional meetings will be convened on dates agreed upon by the Panel.

## **10. OFFICE OR OFFICIAL TO WHOM THE PANEL REPORTS**

10.1 The Panel will report to the Ministry of Environment, Forestry and Fisheries;

10.2 The Secretariat will facilitate the administrative processes for the requisite reporting.

## **11. ESTIMATED ANNUAL OPERATING COSTS**

11.1 The estimated annual cost of operating the Panel is R6m (six million Rand). This includes sitting fees, preparation, research and traveling time to committee meetings as well as travel and subsistence allowances to support meetings per annum, as necessary.

11.2 The Head of the Secretariat will manage and monitor the expenditure against this budget and provide monthly reports to the Chairperson.

## **12. REMUNERATION**

12.1 Members of the Panel shall be remunerated in accordance with a determination to be made by the Minister in consultation with the Minister of Finance. Remuneration shall include sitting fees, preparation, research and traveling time to committee meetings as well as travel and subsistence allowances. The following shall be applicable to all remuneration matters concerning the Panel Members:

12.1.1 Panel Members shall submit claims for sitting fees, preparatory work, and travel and other expenses incurred in fulfilling their roles as members of the Panel;

12.1.2 Panel Members shall be remunerated for each hour served up to a maximum of the daily rate (as determined by National Treasury in concurrence with the Minister of Finance) for each day served, applicable to sitting fees, research and travelling time;

- 12.1.3 Sitting Fees for attendance at the High-Level Panel Meetings including stakeholder engagements, public hearings, dialogues, discussions (*daily rate to a maximum of the day rate where the time taken is more than 4 hours in a day*)

Position	Full-time (for comparison only)	Per meeting	
		Per day	Per hour
Chairperson	R1 087 879	R4 317	R540
Vice-Chairperson	R952 181	R3 778	R472
Member	R660 087	R2 619	R327

- 12.1.4 Meeting Preparation time or Research Work activities outside the meeting/sitting time of normal meeting(s) - The Panel members will be remunerated up to the maximum of the day rate (that being 8 hours) as preparatory or research work for each meeting attended. The hourly rates are applicable where regular meetings, preparation for meetings and additional work time (research work) will be paid if work time is four hours or less a day. *[NB: even if travelling time and the meeting take place on the same day, the principle of the maximum of the day rate is still applicable.]* Meeting preparation time and/or Research Work activities must be approved by the Chairperson.
- 12.1.5 Panel Members shall receive travel and subsistence allowances in line with the National Transport Framework Policy rates.
- 12.1.6 flights, accommodation, car hire, transfers, conference registration and attendance fees, venue fees, catering etc. shall be arranged by the Panel Secretariat and be paid for by the DEFF in line with DEFF Policy and rates; and
- 12.1.7 Panel Members utilising their private vehicles for official travel related to the Panel shall maintain a travel log and submit claims on a monthly basis via the Panel Secretariat. Mileage claims shall be paid in line with National Transport Framework Policy rates.

## 13. MEETINGS OF THE PANEL

### 13.1. Frequency

The Panel will hold at least 6 (six) meetings over the appointment period. Additional meetings may be held at the request of the Chairperson or any one of the members of the Panel after discussion with the Chairperson.

### 13.2. Quorum and Decision Making

- 13.2.1 The notice of each meeting of the Panel, confirming the venue, time and date, and enclosing an agenda of items to be discussed will, unless otherwise agreed by all concerned, be forwarded to each Panel member and any other person required to attend, not less than 7 (seven) working days prior to the date of the meeting.
- 13.2.2 A quorum will consist of a majority of Panel members; of which the majority must be a representative of 50 (fifty) percent of the Panel members plus 1 (one); present in person or via video conferencing, closed circuit television or telecommunication facilities.
- 13.2.3 As indicated in the Terms of Reference “the Panel must seek consensus on the matters before it and present a report to the Minister that has support of all Panel members. In order to achieve such consensus, Panel Members will need to demonstrate a measure of flexibility and understanding for differences of views and/or opinions amongst Panel Members.”
- 13.2.4 In the event, where such consensus cannot be obtained then the Panel’s report, with clearly motivated areas of disagreement, can be submitted to the Minister. Notwithstanding this provision, all endeavours must be made to seek consensus from all of the members of the Panel.
- 13.2.5 In matters of substance where it is not possible to achieve consensus the record should reflect as such and the record and report of the Panel should reflect both the majority and minority view on such issues.
- 13.2.6 No invited attendees will participate in decision making at meetings of the Panel.

### 13.3. Agenda

- 13.3.1 The Panel shall establish an annual work plan that will be included in the Inception Report; to ensure that all relevant matters are covered by the agendas of the meetings planned for the year. The annual work plan must ensure proper coverage of the matters set out in this Charter;
- 13.3.2 The number, timing and length of meetings as well as the agendas of the meetings are to be determined in accordance with the annual work plan;
- 13.3.3 The Chairperson and the Secretariat shall, in consultation with the Panel members, draw up an Agenda for each meeting;
- 13.3.4 A detailed meeting Agenda, together with supporting documentation, shall be circulated at least 7 (seven) working days prior to each meeting. Notwithstanding this provision, the Chairperson may approve a shorter time period in extra ordinary circumstances; and

13.3.5 The Panel Members must be fully prepared for Panel meetings to be able to provide appropriate and constructive input on matters for discussion.

#### 13.4. Attendance

13.4.1 In the absence of the Chairperson, the Chairperson must designate a member of the Panel to chair a specific meeting. In the event that the Chairperson is not in a position to designate a member from the Panel before the meeting, then the Panel members present at the meeting will elect one of their members to chair the meeting. This will be applicable to both the Panel and sub-committee meetings.

13.4.2 Panel Members may invite any person to attend specific meetings or parts of a meeting, with the prior approval of the Chairperson.

13.4.3 Panel Members are expected to participate fully, frankly and constructively in Panel discussions and other activities and to bring the benefit of their knowledge, skills and abilities to the Panel.

13.4.4 Panel Members must attend all scheduled meetings of the Panel, including meetings called on an ad hoc basis for special matters, unless prior apology, with reasons, has been submitted to the Chairperson or Secretariat.

#### 13.5. Minutes

13.5.1 The Panel must determine the procedure for calling meetings and the procedures to be followed at meetings;

13.5.2 The Secretariat will keep appropriate records of all meetings of the Panel as well as minutes of the proceedings and all decisions made;

13.5.3 The minutes of the meetings shall be completed within 7 (seven) working days of such meeting and shall be circulated to all Panel members; and

13.5.4 The minutes of the meetings shall be formally approved by the Panel at its next scheduled meeting and will be signed by the Chairperson after such approval.

### 14. SPECIALIST EXPERTISE CONSULTATION

The Panel may, with the approval of the Minister and in consultation with the Department consult any individual expert for specialist input required during the work of the Panel.

## 15. PERSONNEL AND FINANCES OF THE PANEL

- 15.1. The Director-General of the Department must, after consultation with the Panel, designate officers or employees appointed as the Technical Support Team and Secretariat for the proper performance by the Panel of its duties.
- 15.2. The personnel referred to in paragraph (a) are responsible to the Chairperson of the Panel and accountable to the Department.
- 15.3. The Director-General is the accounting officer of the Panel.
- 15.4. Subject to any law regulating access to information, the Department must provide the Panel with such information the Panel may require to fulfil its duties in line with its appointment provisions.
- 15.5. The expenses of the Panel and its sub-committees are funded by the Department from the money appropriated for that purpose by Parliament or received from other sources approved by the Minister.

## 16. RULES

The Panel may make rules relating to any matter which the Panel deems necessary for the achievement of its objects, including rules relating to a code of conduct for members of the Panel.

## 17. DELEGATION AND POWERS

- 17.1. The Panel shall delegate certain functions to well-structured committees but without abdicating its own responsibilities.
- 17.2. Delegation of functions by the Panel in terms of paragraph 19.1 above shall be made in writing and shall involve the following:
  - 18.2.1 appropriate constitution of committees with due regard to the skills required by each committee;
  - 18.2.2 the establishment of a framework for the delegation of authority to the Department's management and these matters should be monitored and evaluated on a regular basis; and
  - 18.2.3 the execution of the sub-committee's mandate as outlined in its terms of reference.

17.3. The Panel committees will observe the same rules of conduct and procedures as the Panel unless the Panel determines otherwise.

17.4. The Panel shall clearly define the parameters of all sub-committees including *ad hoc* sub-committees.

## **18. INDUCTION OF PANEL MEMBERS**

18.1. The newly appointed Panel Members will have the benefit of an induction programme aimed at deepening their understanding of the Panel's work, the Department and the environment in which the Panel operates.

18.2. The Secretariat will assist the Chairperson with the induction and orientation of Panel Members.

18.3. The induction and ongoing training programmes of the Panel will incorporate risk governance.

## **19. REVIEW**

This Charter shall be reviewed and updated as and where a need arises.

**CHAIRPERSON (ACTING)**

**HIGH-LEVEL PANEL**

**DATE:**

## ANNEXURE C: HIGH-LEVEL PANEL (HLP) PROGRAMME OF WORK

**Table 1: HLP Programme of Work (Milestones)**

Milestones	Activity	Timeframe
Milestone 1	High-level Panel appointment/ induction workshop	November 2019
Milestone 2	Organisation of work	End February 2020
Milestone 3	Consultation of public sector stakeholders and report	End March 2020
Milestone 4	Interim report finalisation	End April 2020
Milestone 5	Consultations with departments and entities	May and June 2020
Milestone 6	Consultations with public including communities	September and October 2020
Milestone 7	Development of a draft report with recommendations	November 2020
Milestone 9	Finalise and submit to Minister	November 2020

**Table 2: HLP Programme of Work (Work and Activity Plan Detail)**

Milestones	Activity	Expected outputs	Responsibility	Timeframe
<b>Milestone 1:</b> HLP appointment and induction workshop	Public Notification (Gazette Notice)	Gazette Notice 42761	DEFF & Secretariat	November 2019 - Completed
	Public Notification (National Newspapers)	Commencement of the Inaugural Meeting and Induction Workshop	Secretariat	
	Formal Letter of Appointment appointed Panel Members	Letters of Appointment to be sent through Ministry to each Panel Member	Secretariat	
	Schedule the Inaugural Meeting and Induction Workshop	Inaugural Meeting & Induction Workshop	Secretariat	
	Letters of Invitation to Panel Members and Guests Speakers	Confirmation of Attendance	Secretariat	
	Logistics – Travel Arrangements	Confirmation of Logistics	Secretariat	
	Logistics – Meeting Venue & Accommodation		Secretariat	
	Meeting Documentation – Content	Meeting Pack	Secretariat	
<b>Milestone 2:</b> Organisation of Work	Identification of Themes	Envisaged Outcome (Scoping or Elements of the Themes)	The Panel	End February 2020 – Completed
	Aligning Themes to Terms of Reference (Species)			
	Allocating Responsibility to Teams	Preparation for Desktop Work Thematic Areas of Work with Outcomes		
	Consolidation of Concept Notes and Deliverables			
<b>Milestone 3:</b> Consultation of public sector stakeholders and report	Identify List of Government Stakeholders	Internal Stakeholder Engagement Report of all Submissions to Panel	Secretariat	End March 2020 – Completed
	Identify List of Industry Stakeholders		Secretariat	
	Poster and Letter of Invitation Requesting Written Submissions or Request to Dialogue with the High-Level Panel		Secretariat	
	Receipt of Submissions and Dialogue request to be submitted to Secretariat	Engagement Meeting with High-Level Panel	Secretariat	
	Consolidation of Submissions received per Stakeholder Organisation and Province	Adoption of Inception Report to Minister	Secretariat	
	Consolidation of Schedule of all Dialogues request per Stakeholder Organization and per Province	Gap Analysis	Secretariat	

Milestones	Activity	Expected outputs	Responsibility	Timeframe
	Consultation Internal Stakeholder Engagement		High-Level Panel	
	Produce draft Report	Draft Report	High-Level Panel	
<b>Milestone 4:</b> Interim Report finalisation	Finalisation of Interim Report	Report (Situational Analysis, Inception and Progress)	High-Level Panel	End April 2020 – Completed
<b>Milestone 5:</b> Consultations with departments and entities	Consultation with Public Sector Stakeholders through Issue Based Meetings e.g., Rhino COI and Lion Colloquium		High-Level Panel Members	May, June 2020 – Completed
	Government Notice inviting Written Submissions to High-Level Panel (March)			
	Newspaper advert inviting Written Submissions to High-Level Panel (April)			
	Gazette and media statement extending the deadline to 15 June (May)			
	Consultation with Public Sector Stakeholders through Thematic Meetings e.g., Legislation, Transformation, Enforcement, Tourism			
	Production of Issue Based Situation Report in preparation for Public Stakeholder Engagement			
<b>Milestone 6:</b> External consultations	Panel to conduct site visits to Captive Lion Breeding facilities, Protected Area and other as per ToR's		High-Level Panel Members	September and October 2020
	Consolidation and analysis of Submissions after deadline of 15 June	Report on submissions tabled to Panel	Secretariat & High-Level Panel Members	
	Consideration of submissions by Panel and setting up schedule of engagements with Public Stakeholders			
	Consultation with Public Stakeholders to participate in Public Hearings, Dialogues and Workshop	Hearing Reports on Issues raised	Secretariat/ Report Writer	
	Targeted Community Consultations	Community Consultation Reports	Secretariat/ Report Writer	
	Consolidate work done with Public Stakeholders including Communities			
<b>Milestone 7:</b> Development of a draft report with recommendations	Develop the draft report with Recommendations	Draft Report	High-Level Panel Members	November and December 2020
<b>Milestone 8:</b> Submit final report to the Minister	Submit Final Report to Minister	Final Report	High-Level Panel	21-Dec-2020

Table 3: HLP Meeting Schedule and Dates (Revised)

No.	Month	Date(s)	Meeting format	Times	Location	Status
1.	March 2020	12 – 13 March 2020	Internal Stakeholder Consultation	09:00am – 16:30pm	Johannesburg	Completed
		25 March 2020	Theory of Change Workshop	09:00am – 16:30pm	Pretoria	Postponed
		26 - 27 March 2020	Consultation with Legal Expert and Panel Meeting	09:00am – 16:30pm	Pretoria	Completed
2.	April 2020	7 – 8 April 2020	High Level Panel Meeting	09:00am – 16:00pm	Virtual Meeting	Completed
		17 April 2020	High Level Panel Meeting	09:00am – 15:00pm	Virtual Meeting	Completed
3.	May 2020	4 May 2020	High Level Panel Meeting	09:00am – 15:00pm	Virtual Meeting	Completed
		12 May 2020	High Level Panel Meeting on Rhino Committee of Inquiry (9.00 – 11.30) High Level Panel Meeting on Portfolio Committee Colloquium on Lion Issues (11.30 – 14.30)	09:00am – 14.30pm	Virtual Meeting	Completed
		14 May 2020	High Level Panel Meeting with Scientific Authority (9.00 – 11.00) High Level Panel Meeting on Tourism (11.00 – 13.00)	09:00am – 13.00pm	Virtual Meeting	Completed
		20 May 2020	Special meeting around all Legislation with Interest-based team	09:00am – 13.00pm	Virtual Meeting	Completed
		22 May 2020	Follow Up meeting to deal with outstanding issues from Lion and Rhino meeting	09:00am – 13.00pm	Virtual Meeting	Completed
		26 May 2020	Special meeting on Transformation and Biodiversity Economy	09:00am – 13.00pm	Virtual Meeting	Completed
4.	June 2020	5 June 2020	High Level Panel Meeting on Law Enforcement (9.00 – 12.20) High Level Panel Business Meeting (13.00 – 15.00)	09:00am – 12:30pm 13.00pm – 15.00pm	Virtual Meeting	Completed Completed
		12 June 2020	High Level Panel Workshop	09:00am – 13.00pm	Virtual Meeting	Completed
		18 – 19 June 2020	Secretariat finalises capturing and analysis of Submissions	09:00am – 13.00pm	Virtual Meeting	Completed
		22 June 2020	High Level Panel Meeting to be briefed on submissions by Secretariat (Discussion on submissions postponed)	09:00am – 13.00pm	Virtual Meeting	Completed
		29 June 2020	High Level Panel Meeting on Intensive Breeding, POE on Hunting, Elephant Round Table	09:00am – 13.00pm	Virtual Meeting	Completed
5.	July 2020	3 July 2020	High Level Panel Business Meeting	09:00am – 13.00pm	Virtual Meeting	Completed
		10 July 2020	High Level Panel Meeting to consider Situation Analysis Draft 1 and Categorisation of Submissions	09:00am – 13.00pm	Virtual Meeting	Completed
		31 July 2020	High Level Panel Business Meeting and Situation Analysis	09:00am – 14.00pm	Virtual Meeting	Completed
6.	August 2020	7 August 2020	High Level Panel Business Meeting and Situation Analysis	09:00am – 13.00pm	Virtual Meeting	Completed
		31 August / 1 Sept	High Level Panel Facilitated Workshop and Business Meeting	09:00am – 14.00pm	Virtual Meeting	Completed

No.	Month	Date(s)	Meeting format	Times	Location	Status
7.	September 2020	8, 9 Sept	High Level Panel Facilitated Workshop (Big 10 Issues) (cntd.)	09.00am – 14.00pm	Virtual Meeting	Completed
		16 Sept	High Level Panel Business Meeting	09.00am – 13.30pm	Virtual Meeting	Completed
		29 Sept	Consultation 1 – Engagement with Wildlife Industry Stakeholders	09.00am – 17.00pm	Virtual Meeting	Completed
8.	October 2020	2 Oct	Consultation 2 – Engagement with Conservation NGOs	09.00am – 17.00pm	Virtual Meeting	Completed
		6 Oct	Consultation 3 – Engagement with Advocacy Groups and Welfare Groups	09.00am – 17.00pm	Virtual Meeting	Completed
		7 Oct	Consultation 4 – Engagement with Eco-Tourism Groups (9 – 11am) Business meeting (11.00 – 13.00)	09.00am – 13.00pm	Virtual Meeting	Completed
		13 Oct	Consultation 5 - Meeting with SATSA, TBCSA, Brand SA. NSPCA Separate Meeting	09.00am – 13.00pm	Virtual Meeting	Completed
		21 Oct	House of Traditional Leaders	11.30am – 13.00pm	Virtual Meeting	Completed
		23 Oct	HLP Planning meeting	9.00am – 11.30am	Virtual Meeting	Completed
		29 Oct	Meeting with People and Parks National Steering Committee (plus Traditional Healers)	9.00am – 13.30pm	Environment House plus Virtual	Completed
9.	November 2020	3 Nov	Meeting with Portfolio Committee	09.00am – 12.00am	Virtual Meeting	Completed
		9, 10, 11 Nov	Engagement with Community Structures (Limpopo)	09.00am – 16.30pm	Limpopo: Makuya; Maphophe; Phalaborwa	Completed
		9 Nov	Engagement with Community Structures (NW)	09.00am – 16.30pm	North West: Sundown Ranch	Completed
		9 – 11 Nov	Site Visits: Makuya 9 Nov; Pilanesberg 9 Nov; Addo 11 Nov	09.00am – 16.30pm	Limpopo: Makuya North West: Pilanesberg E Cape: Addo Elephant	Completed
		11 Nov	Engagement with Community Structures (KZN)	09.00am – 16.30pm	KwaZulu Natal: Hluhluwe	Completed
		11 Nov	Engagements with Public Stakeholders	09.00am – 13.00pm	E Cape: Addo Elephant	Completed
		12 Nov	Engagement with Community Structures (Mpumalanga)	09.00am – 16.30pm	Mpumalanga: Skukuza	Completed
		17 Nov	High Level Panel Meeting on Finalisation Protocol	09.00am – 14.00pm	Virtual Meeting	Confirmed
		26 Nov	High Level Panel Meeting to Discuss Captive Breeding	09.30am – 14.00pm	Virtual Meeting	Completed
		26 Nov	High Level Panel Meeting with CONTRALESA	08.00am – 09.30pm	Virtual Meeting	Completed
27 Nov	High Level Panel Business Meeting	09.00am – 13.00pm	Virtual Meeting	Completed		
10.	December 2020	1, 2, 3 Dec	High Level Panel Workshop 1 on Recommendations	09.00am – 17.00pm	Hybrid Meeting	Completed
		8, 9, 10 Dec	High Level Panel Workshop 2 on Recommendations	09.00am – 17.00pm	Hybrid Meeting	Completed
		14 - 15 Dec	Panel meeting to adopt report	9.00am – 17.00pm	Virtual Meeting	Completed
		21 Dec	Report submitted to Minister			Confirmed

**ANNEXURE D1: INITIAL LEGAL OPINION RECEIVED BY THE HLP**

## Opinion

### Advisory Committee – Minister of Environment, Forestry and Fisheries

#### The establishment of the Panel

- 1 Following concerns about captive lion breeding and trade in lion bones, the Minister of Environment, Forestry and Fisheries appointed an Advisory Committee (the Panel) in October 2019.
- 2 The Terms of Reference (“TOR”) of the Panel are lengthy. It is not necessary to set them out in full here. They mark out the functions and powers of the Panel; i.e. the Panel cannot travel beyond those TOR.
- 3 In summary, the Panel is required to *review and make recommendations on regulatory measures, policies and practices on hunting, captive keeping, management, handling of and trade in lion, leopard, elephant and rhino*. According to the List,<sup>1</sup> black rhinoceros is endangered, lion and leopard are vulnerable, and the African elephant and white rhinoceros are protected species. The four species (referred to as iconic) were obviously selected for review and recommendation, because they are protected against unregulated use and exploitation by humans. And, their continued existence and proliferation are necessary for a healthy environment.

1 The List of Critically Endangered, Endangered, Vulnerable and Protected Species Notice R151 published on 23 February 2007 in Government Gazette 29657, as amended by Notice 700 published on 14 December 2007 in Government Gazette 26436

- 4 Regulatory measures and policies are clear. It is unclear what is contemplated by 'practices' in the TOR. We have assumed it includes the implementation by the DEA or relevant authorities of regulatory measures and policies.

#### **Our advice**

- 5 We were asked a series of questions. We answer them below. Some questions answered were not expressly asked. But they arise out of the inquiry we are briefed to undertake.

#### **Is the Panel a forum?**

- 6 The Panel is not a forum, as contemplated in s39 of the Constitution; i.e. it is not a judicial or quasi-judicial body upon which the Constitution has imposed a duty to interpret the Bill of Rights in accordance with the interpretive rules set out in s39.

#### **Is the Panel's task to interpret s24**

- 7 The task of the Panel is not to interpret s24. It is not required by its TOR to inform the Minister what s24 means. Its task is to review regulatory measures, policies and practices, and to make recommendations about them. That task should be guided and influenced particularly by s24 of the Constitution.

- 8 Section 24 provides as follows:

*"Everyone has the right –*

*(a) to an environment that is not harmful to their health or well-being;  
and*

*(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –*

- (i) *prevent pollution and ecological degradation;*
- (ii) *promote conservation; and*
- (iii) *secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

9 Section 24(a) means what it says. All persons have the right to an environment that is ecologically healthy and safe.<sup>2</sup> Section 24(b) imposes a duty on the state to take reasonable legislative, regulatory, policy and other measures to prevent environmental harm, to promote conservation and to secure ecologically sustainable development of natural resources while promoting justifiable economic and social development.

**What is the role of the Panel and how does it discharge that role?**

10 It seems to us that the role of the Panel when reviewing regulatory measures and policies, is the following:

- Identify the relevant regulatory measures and policies;
- Determine whether they comply with s24(b); i.e. do they meet the obligations imposed on the state by s24(b)?
- Identify how and why they fail to comply with s24(b);
- If they do not, make recommendations about what measures should be taken to ensure compliance with s24(b).

<sup>2</sup> *Director: Mineral Development, Gauteng Region and Sasol Mining (Pty) Ltd v Save the Vaal Environment* 1999 (2) SA 709 (SCA) at 719

**How does s24(b)(iii) affect the work of the Panel?**

- 11 Section 24(b)(iii) does present a difficulty. How does the panel determine whether regulatory measures and policies secure ecologically sustainable development of natural resources, while simultaneously promoting justifiable economic and social development?
- 12 Section 24(b)(iii) contemplates two objectives: protection of the environment from pollution, degradation and harm on the one hand, and socio-economic development on the other. According to the Constitutional Court, it also contemplates balancing these two objectives through the ideal of sustainable development.<sup>3</sup>

**How does *Fuel Retailers* help to understand the role of the Panel?**

- 13 In the *Fuel Retailers* judgment, Ngcobo J expresses the constitutional requirement, that the state balances these two objectives when taking legislative, regulatory and policy measures, in broad, vague and practically unhelpful terms.
- 14 So – the environment and development are thus inexorably linked<sup>4</sup>; economics and ecology must be completely integrated in decision making and law making decisions<sup>5</sup>; ‘sustainable development ...use and exploitation of natural resources are at the core of the protection of the environment’<sup>6</sup>; development must be ‘compatible with the need to protect and improve’ the ‘environment for the benefit, of the ‘population’<sup>7</sup>; meeting the ‘needs of the present without

<sup>3</sup> *Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province* 2007 (6) SA 4 (CC) at [44]-[62]

<sup>4</sup> At [44]

<sup>5</sup> At [44]

<sup>6</sup> At [45]

<sup>7</sup> At [46]

compromising the ability of future generations to meet their own needs';<sup>8</sup> a type of development that integrates production with resource conservation and enhancement, and that links both to the provision for all of an adequate livelihood base and equitable access to resources'.<sup>9</sup> And so, it continues.

15 We urge the Panel to read the judgment for themselves. It might help understand very broadly what considerations the Constitutional Court considers to be relevant.

16 What did all of this mean practically? In *Fuel Retailers* the Department had granted authorization under the Environment Conservation Act 73 of 1989 for the construction of a fuel filling station. The question there, was whether the authorization was reviewable on the ground that the Department had failed to consider the socio-economic impact of the proposed filling station.

17 In *Fuel Retailers*, the court was not reviewing regulatory measures or policies. It was reviewing a decision to grant an authorization to construct a filling station. That might amount to a practice; i.e. the way in which the relevant authority implemented the applicable statutory and regulatory measures. In that sense, it is helpful to consider how the Constitutional Court dealt with the requirement of s24(b)(iii).

18 The Fuel Retailers Association complained that the filling station was within a radius of 5 kilometres of 6 other filling stations that adequately served the needs of the community there. Another filling station would affect the viability of the 6

<sup>8</sup> At [47]

<sup>9</sup> At [48]

filling stations particularly because of a decline in the growth of fuel consumption in the area.

19 The Constitutional Court found that the Department had not considered 'need and desirability'. The Department had taken the view that it was not necessary to consider 'need and desirability' because those considerations fell under the purview of the local authority under the applicable ordinance.

20 The Constitutional Court held that the failure to consider 'need and desirability' amounted to a failure to consider the socio-economic impact of a proposed development as required by NEMA<sup>10</sup> (in giving effect to s24(b)(iii)). Recall that courts do not apply s24(b)(iii) directly. The subsidiarity rule requires courts to apply the provisions of the legislative or regulatory instrument that give effect to s24(b)(iii).<sup>11</sup> In *Fuel Retailers*, the Constitutional found that the failure to comply with NEMA was reviewable and justified the setting aside of the authorization.

21 What *Fuel Retailers* teaches is this. In reviewing whether regulatory measures, policies and practices comply with s24(b)(iii) the Panel is required to do the following:

- Review the statutes, regulations, policies and practices that have been identified as giving effect to or implement s24(b)(iii);
- Compare the provisions or practices in question with s24(b)(iii);

<sup>10</sup> National Environmental Management Act 107 of 1998

<sup>11</sup> See *My Vote Counts NPC v Speaker of the NA 2016 (1) SA 132 (CC)* at [44] – [66]

- If they fail to secure ecologically sustainable development of natural resources, while simultaneously promoting justifiable economic and social development, then they do not comply with s24(b)(iii);
- Whether they fail to secure ecologically sustainable development or fail to promote justifiable economic and social development, are areas of debate and dispute among different interest groups in relevant communities;

22 We suspect that before determining these questions, the Panel might need to consult with those interest groups.

**Is animal welfare relevant to the work of the Panel?**

23 The question we are asked is this. Does s24 contemplate animal welfare? The short answer to that question is – yes.

24 In *NSPCA Minister of Justice and Constitutional Development*<sup>12</sup> the dispute concerned the right of the NSPCA to prosecute offenders for cruelty to camels.

25 The Constitutional Court ruled that a statutory power of private prosecution is conferred upon the NSPCA by section 6(2)(e) of the Societies for the Prevention of Cruelty to Animals Act 169 of 1993 read with section 8 of the Criminal Procedure Act 51 of 1977.

26 In making that ruling, the Constitutional Court endorsed judgments by the SCA<sup>13</sup> and found that animal welfare is connected with the constitutional right to have

<sup>12</sup> *NSPCA v Minister of Justice and Constitutional Development* 2016 ZACC 46 at [54]-[61]

<sup>13</sup> *S v Lemthongthai* [2014] ZASCA 131 – a case on rhino poaching.

the “environment protected . . . through legislative and other means” as contemplated by s24.<sup>14</sup>

27 In *NCSPCA v Minister of Environmental Affairs*, the High Court found that the constitutional and legal obligations that arise from s24, NEMBA and the 2015 Biodiversity Management Plan for Lion require the consideration of animal welfare when setting an export quota for trade in lion bone.<sup>15</sup>

28 The real question for the Panel though, is not whether s24 contemplates animal welfare. The panel’s task is to determine whether the regulatory measures, policies and practices that have been identified by the Panel, adequately protect the welfare of lion, leopard, elephant and rhino in respect of hunting, captivity, management of, and trade in those species.

29 In that regard, the question of what to do about the apparent difficulty of animal welfare falling within the jurisdiction of the Ministry of Agriculture rather than the jurisdiction of the Ministry of Environment, Forestry and Fishing, should be addressed by the Panel.

#### **Does private ownership of wild animals affect the work of the Panel?**

30 Wild animals are capable of private ownership. Under our common law, and in particular under the *actio de ferris*, owners are prohibited from bringing their wild or dangerous animals on or into a public place, or a place to which members of

South African Predator Breeders Association v Minister of Environmental Affairs and Tourism [2010] ZASCA 151 – a case on canned lion hunting.

<sup>14</sup> NSPCA v Minister of Justice and Constitutional Development 2016 ZACC 46 at [58]

<sup>15</sup> NCSPCA v Minister of Environmental Affairs [2019] ZAGPPHC 367 at [57]-[7]

the public have access.<sup>16</sup> The obligations of the state under s24 apply to animals subject to private ownership.<sup>17</sup>

- 31 The legislative and regulatory measures contemplated by s24 include measures that regulate the private ownership, holding, management and trade of wild animals, including the species relevant here. The Panel is tasked with determining whether those measures adequately regulate the hunting, captivity, management of and trade in the relevant species. They include species that are privately owned. In particular, the Panel is required to determine whether those measures protect the welfare of those species and whether they ensure a safe and healthy environment, while promoting socio-economic development. Put differently, do they meet the obligations imposed on the state by s24(b)
- 32 Keeping and managing these species and trading in them are relevant in the current coronavirus crisis. The outbreak of the virus is said to have occurred in a market where wild animals were kept and traded. Are the regulatory measures, policies and practices in place, adequate to prevent or minimize the risk of the outbreak of, for example, viruses at places where these species are kept and managed for, *inter alia*, trading purposes while promoting trade in them?

#### **How are conflicts between competencies resolved?**

- 33 We were asked to advise on the interaction between schedule 4 and 5 of the Constitution. Specifically, we were asked how conflicts between competencies are resolved and whose mandate prevails where there is a conflict.

<sup>16</sup> Van der Westhuizen v Burger [2017] ZASCA 178 at [3]

<sup>17</sup> NSPCA v Minister of Justice and Constitutional Development 2016 ZACC at [55]-[56]

- 34 We are unclear about what concretely is contemplated by these questions. However, in the absence of a concrete example, we will endeavour to answer the question in the abstract.
- 35 Schedule 4 and 5 of the Constitution deal with areas of legislative competence – in other words, areas in which a sphere of government is empowered to legislate. There is some debate about whether this includes executive powers but that has not been resolved by the Courts. These schedules allocate authority to National and/or Provincial Government to legislate in respect of the areas listed in the Schedule.
- 36 Environment, Nature Conservation and Pollution Control fall under concurrent Provincial and National legislative competence in Schedule 4. This means that both Province and National Environmental Departments can legislate on these issues.
- 37 Section 146 of the Constitution deals with conflicts between national and provincial legislation in relation to a functional area in Schedule 4 and provides that national legislation which applies uniformly over the country as a whole prevails where:
- (a) *The national legislation deals with a matter that cannot be regulated effectively by legislation enacted by the respective provinces individually.*
  - (b) *The national legislation deals with a matter that, to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity by establishing-*
    - (i) *norms and standards;*
    - (ii) *frameworks; or*
    - (iii) *national policies.*
  - (c) *The national legislation is necessary for-*
    - (i) *the maintenance of national security;*

- (ii) *the maintenance of economic unity;*
  - (iii) *the protection of the common market in respect of the mobility of goods, services, capital and labour;*
  - (iv) *the promotion of economic activities across provincial boundaries;*
  - (v) *the promotion of equal opportunity or equal access to government services; or*
  - (vi) *the protection of the environment.”*
- (3) *National legislation prevails over provincial legislation if the national legislation is aimed at preventing unreasonable action by a province that-*
- (a) *is prejudicial to the economic, health or security interests of another province or the country as a whole; or*
  - (b) *impedes the implementation of national economic policy.”*

38 Section 148 of the Constitution further provides that if a dispute concerning a conflict cannot be resolved by a court, the national legislation prevails over the provincial legislation.

39 Importantly, the Constitution attempts to avoid conflicts and provides in section 150 that:

*“When considering an apparent conflict between national and provincial legislation, or between national legislation and a provincial constitution, every court must prefer any reasonable interpretation of the legislation or constitution that avoids a conflict, over any alternative interpretation that results in a conflict.”*

40 Therefore, national legislation will prevail where the legislation is necessary for the protection of the environment.

T J Bruinders SC  
Nasreen Rajab-Budlender  
Makhotso Lengane  
15 March 2020

**ANNEXURE D2: SUPPLEMENTARY LEGAL OPINION RECEIVED BY THE HLP**

**SUPPLEMENTARY OPINION****DEA: HIGH LEVEL PANEL****WHY THE SUPPLEMENTARY OPINION?**

- 1 A number of questions have arisen from our opinion dated 15 March 2020, a video conference with the High-Level Panel on 7 April 2020, and from a document dated 16 April 2020 summarizing the questions to be addressed in this supplementary opinion.
  
- 2 The questions (and our responses) are in four parts:
  - 2.1 Part 1 details general questions;
  - 2.2 Part 2 seeks further clarification on section 24 itself;
  - 2.3 Part 3 deals with questions concerning concurrency of mandates; and
  - 2.4 Part 4 details all other questions.

**PART ONE****How does s24 influence the work of the panel?**

- 3 May the Panel interpret section 24 in carrying out its duties? In particular, clarity is sought on how the Panel must assess legislation, regulations and policy under s24, where there no judicial authority in point.
  
- 4 The starting point is the Panel's Terms of Reference ("TOR"). The Panel's mandate is limited by its TOR. All discussion and any recommendations must fall within TOR. If they do not, the Panel would be breaching its TOR.
  
- 5 The TOR do not include the interpretation of s24. That is unsurprising. Interpretation is the task of courts. But in advising the Minister and making

recommendations, s24 should guide the panel, because s24 is relevant to the advice given and recommendations made. Being guided by s24 means that the Panel must have regard to how courts have interpreted and applied s24, particularly in the areas relevant to the TOR.

- 6 The TOR provide that the job of the Panel is to “*review practices, regulatory measures and policy positions on aspects of conservation that are directly and indirectly related to hunting, trade, captive keeping, handling of iconic species of elephants, rhino, lion and leopards.*”
- 7 It is also required to conduct public hearings, receive submissions, evidence and other information that will enable an “*evaluation and assessment of current practices, regulatory measures and policy positions, identify gaps and make recommendations*” to the Minister as detailed in the TOR.
- 8 With that in mind, the Panel must as a starting point, be guided by:
  - 8.1 the clear language of s24 itself;
  - 8.2 how the courts have given meaning to and interpreted s24; and
  - 8.3 how the statutes have sought to give effect to s24.
- 9 If the Panel is of the view that the statutes do not adequately give effect to s24, it could make recommendations in that regard to the Minister.
- 10 So, for example, if the Panel’s concern is about the correct balance between conservation, use and development – it must look to the decisions of our courts that have already considered and found on the correct balance to be drawn between these.

**PART TWO: FURTHER CLARIFICATION ON SECTION 24**

11 What if the Panel encounters a matter not previously considered by the courts?

The Panel must have regard to s24, the wording of relevant statutory or regulatory provisions and the purpose and objectives of the relevant instruments, before making recommendations about that matter. Views of the Panel on the meaning of relevant statutory or regulatory provisions are not binding on the Minister.

12 Section 24 of the Constitution provides as follows:

*“Everyone has the right –*

*(a) to an environment that is not harmful to their health or well-being;*

*and*

*(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –*

*(i) prevent pollution and ecological degradation;*

*(ii) promote conservation; and*

*(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

13 Section 24(a) and (b) must be read together. That is the import of the use of the word ‘*and*’ between ss24(a) and (b).

14 Together, they provide that everyone has a right to a safe environment and to have the environment protected through the measures detailed in section 24(b)(i)-(iii). Section 24(b)(i)-(iii) provide the constitutional criteria that guide legislation and

regulations enacted to give effect to s24 and policy and governmental action that affect the environment.

- 15 Does s24(b)(i)-(iii) constitute a closed list? Section 24(b) is not so much a list that governs e.g. the exercise of a discretion, as constitutional criteria for the protection of the environment. Government is under a duty to apply those criteria when its actions affect the environment. It is not under a duty to apply other environmental principles or criteria. But it may, depending on the context, be required to apply environmental criteria not incorporated in s24(b). The welfare of individual animals is but one example of the introduction by our courts of a criterion that is not expressed in s24(b), but that should guide Government when its actions affect the environment. Government can potentially afford more rights under s24. But it may not limit s24 rights (unless it does so consistently with section 36 of the Constitution.)

***The meaning of justifiable***

- 16 What does 'justifiable' mean in section 24(b)(iii)? Notably, the word must be read in the context of the phrase in which it is found - "*justifiable economic and social development.*"
- 17 Section 24 seeks to provide constitutional protection to the environment. Its purpose is not to protect or regulate social or economic development generally. Section 24 provides only environmental criteria that justify social and economic development. In the context of s24 justifiable social and economic development, means development that protects the environment, prevents environmental

degradation, promotes conservation and secures ecologically sustainable use of natural resources.<sup>1</sup>

***The courts on balancing the factors in s24***

18 We have previously explained that section 24 requires that a balance be drawn, between the factors in section 24(b). For the panel's convenience, we provide an overview of the s24 analysis as a starting point.

19 Section 24(a) provides a right to a safe (not harmful) environment for all South Africans. In ***Save the Vaal***<sup>2</sup> the SCA explained that

*“Our Constitution, by including environmental rights as fundamental justiciable human rights, by necessary implication requires that environmental considerations be accorded appropriate recognition and respect in the administrative process in our country.”*<sup>3</sup>

20 Section 24(b) reflects the principle of “sustainable development”. In ***Fuel Retailers***,<sup>4</sup> Ngcobo J explained this principle as follows:

*“The Constitution recognises the interrelationship between the environment and development; indeed it recognises the need for the protection of the environment while at the same time it recognises the need for social and economic development. It contemplates the integration of environmental protection and socio-economic development.”*

<sup>1</sup> See, e.g. *Metcash Trading v Commissioner for South African Revenue Services* 2001(1) SA 1109 (CC) at para 62. See also, *Bill of Rights Handbook*, Currie and De Waal, 6th Ed, p151

<sup>2</sup> *Director: Mineral Development, Gauteng Region and Sasol Mining (Pty) Ltd v Save the Vaal Environment* 1999 (2) SA 709 (SCA)

<sup>3</sup> *Ibid* at 719

<sup>4</sup> *Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province* 2007 (6) SA 4 (CC).

*It envisages that environmental considerations will be balanced with socio-economic considerations through the ideal of sustainable development. This is apparent from section 24(b)(iii) which provides that the environment will be protected by securing 'ecologically sustainable development and use of natural resources while promoting justifiable economic and social development'. Sustainable development and sustainable use and exploitation of natural resources are at the core of the protection of the environment."*<sup>5</sup> (emphasis added)

- 21 Ngcobo J acknowledged that sustainable development requires an appreciation that economic development cannot occur without environmental protection:

*"[D]evelopment cannot subsist upon a deteriorating environmental base. Unlimited development is detrimental to the environment and the destruction of the environment is detrimental to development. Promotion of development requires the protection of the environment. Yet the environment cannot be protected if development does not pay attention to the costs of environmental destruction. The environment and development are thus inexorably linked."*<sup>6</sup> (emphasis added)

- 22 Sustainable development is integrally linked to the principle of "*intergenerational justice*". This is reflected in section 24(b) which requires the state to take reasonable measures, including statutory and policy measures, to protect the environment "*for the benefit of present and future generations*". Statutory and policy measures must take into account the impact of development on future generations. All legislative and policy measures must comply with the environmental rights and criteria laid down in s24.

<sup>5</sup> *Ibid* para 45

<sup>6</sup> *Ibid* at para 44

***The Balancing Act Required***

23 As explained during the video conference, in giving effect to section 24, a balancing act is required between the principles of conservation and sustainable development. The sufficiency of this balance will ultimately only be determined by a court, if challenged.

24 The Constitution itself recognises that there must be a balance between conservation and development - neither at the expense of the other. What is 'justifiable' economic and social development should be a balance between factual and policy considerations. *Fuel Retailers* explains how to draw the balance.

25 In *BP Southern Africa (Pty) Ltd v MEC for Agriculture, Conservation, Environment and Land Affairs*,<sup>7</sup> the Court held in regard to property and environmental rights:

*"In any dealings with the physical expressions of property, land and freedom to trade, the environmental rights requirements should be part and parcel of the factors to be considered without any a priori grading of the rights. It will require a balancing of rights where competing interests and norms are concerned. This is in line with the injunction in s 24(b)(iii) that ecologically sustainable development and the use of natural resources are to be promoted jointly with justifiable economic and social development".<sup>8</sup>*

26 The Court also held in relation to what is sustainable development:

*"This is so because sustainable development constitutes an integral part of modern international law and will balance the competing demands of*

<sup>7</sup> 2004 (5) SA 124 (W)

<sup>8</sup> *BP Southern Africa (Pty) Ltd at 143B - C*

*development and environmental protection. The concept of 'sustainable development' is the fundamental building block around which environmental legal norms have been fashioned, both internationally and in South Africa, and is reflected in s 24(b)(iii) of the Constitution.*

*Pure economic principles will no longer determine, in an unbridled fashion, whether a development is acceptable. Development, which may be regarded as economically and financially sound, will, in future, be balanced by its environmental impact, taking coherent cognisance of the principle of intergenerational equity and sustainable use of resources in order to arrive at an integrated management of the environment, sustainable development and socio-economic concerns. By elevating the environment to a fundamental justiciable human right, South Africa has irreversibly embarked on a road, which will lead to the goal of attaining a protected environment by an integrated approach, which takes into consideration, inter alia, socio-economic concerns and principles.”*  
*(emphasis added)*

- 27 Unchecked social and economic development without consideration of its effects on the surrounding environment, biodiversity and wildlife would not, in our view, be justifiable. Development must take into account the protection and maintenance of flora and fauna, heritage sites, gravesites, and other relevant considerations that straddle conservation and development.
- 28 Our supplementary brief refers to the issue of the international trade in rhino horn and the conflicting arguments for and against the ban. It is beyond the scope of this opinion for us to provide an assessment of these arguments. For purposes of answering the question put to us in the supplementary brief, we are of the view that the Panel is correct that its function is to assess the various arguments, and

consider which best satisfies the requirements of section 24 and the case law, before making a recommendation to the Minister on the issue.

### ***Reputation and Perception***

- 29 The laws as they stand do not provide for a consideration of 'reputational impact' or 'perception' in relation to the captive breeding of lion. The Panel is required by its TOR to evaluate existing laws and policy and make recommendations to government on the gaps in policy or laws. Government would then be entitled to consider whether it wishes to amend existing legislation and/or policy or enact new legislation or make new policy.

### ***Welfare of animals***

- 30 We are referred to an article by Prof Bilchitz in which Prof Bilchitz distinguishes between an aggregative and integrative approach to interpreting section 24. He goes on to argue that there is a move by the Constitutional Court towards an integrative approach. The case referred to by Prof Bilchitz is *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Others [2016] ZACC 46*. The case concerned whether the NSPCA was empowered to institute private prosecutions in terms of the Criminal Procedure Act 51 of 1977 read with the SPCA Act 169 of 1993.
- 31 Whatever the highly respected academic views of Professor Bilchitz, the Constitutional Court has found that our courts protect individual animals against suffering. They do that to protect animal welfare because animal welfare is intrinsic to our constitutional values.
- 32 The relevant finding is the following:

*“[57] The Supreme Court of Appeal in Lemthongthai explained in the context of rhino poaching, that “[c]onstitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general”. The Court concluded further that this obligation was especially pertinent because of our history. Therefore, the rationale behind protecting animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals .*

*[58] Lemthongthai is also notable because it relates animal welfare to questions of biodiversity. Animal welfare is connected with the constitutional right to have the “environment protected . . . through legislative and other means”. This integrative approach correctly links the suffering of individual animals to conservation, and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined values.”*

33 In this regard, we note as follows:

33.1 The Courts have increasingly accepted the intrinsic and biodiversity value of animals.<sup>9</sup> In our view these considerations apply to animals in the wild and privately-owned animals.

33.2 In addition to the judgments referred to above, in *NSPCA v Minister of Environmental Affairs*<sup>10</sup> the High Court clarified that animals in captivity

<sup>9</sup> See for example the discussion in *NSPCA v Minister of Environmental Affairs and others 2020 (1) SA 249 (GP)* at para 64

<sup>10</sup> As yet unreported judgment of Kollapen J in the Pretoria High Court, Case number 86515/2017 dated 6 August 2019.

constitute biodiversity for purposes of NEMBA, and that the obligations arising from section 24 apply similarly to animals in captivity,<sup>11</sup>

33.3 The Constitutional Court has yet to consider the question of whether trophy hunting is constitutional or not. Were it to do so, it would have to consider its judgment in *NSCPA v Minister of Justice* case above, and whether its reasoning in that case applies to the facts before it. The Court would have to assess the link between conservation and welfare specifically in the context of trophy hunting. We do not have sufficient instructions to express a view on whether the Constitutional Court would find that trophy hunting is unconstitutional.

33.4 All the arguments previously articulated in relation to how section 24 balances conservation, use and development, apply with equal force to animal welfare considerations under section 24.

***Are the principles in section 24 rigid or flexible and fluid?***

34 The provisions of the Bill of Rights are fixed and remain so until amended by Parliament. But, in law, as in life, context is everything.

35 The way that s24 is interpreted and applied may change over time. We have referred to its interpretation and application currently as reflected in judicial authority. The Panel must apply those judgements when doing its work. The future interpretation and application of s24 depends on the circumstances at the time. What that means is that the Panel must pay particular attention in its work to

<sup>11</sup> At paras 70 - 74

relevant facts. And it should not ignore relevant views from all persons who have an interest in, or are affected by, the recommendations it will make.

### **PART THREE: CONCURRENCY OF MANDATES**

36 The questions addressed here are these:

36.1 Does Schedule 4 and 5 of the Constitution provide both legislative and executive powers?

36.2 What options are available to private persons, and/or the Panel, to resolve a conflict where government departments are failing to resolve an inter-departmental conflict through co-operate governance or otherwise?

36.3 What are the constitutional provisions that deal with resolution of conflicts between spheres of governments?

36.4 Which are the National Regulations that have not been approved by the NCOP as they relate to Provincial Acts? and

36.5 What is the recourse available to the wildlife sector where clear guidance is not provided to the sector in respect of an overlap of mandates?

#### ***Schedules 4 and 5 – executive and legislative powers?***

37 Schedule 4 and 5 of the Constitution are limited to areas of legislative competence; i.e. areas in which a sphere of government is empowered to legislate.

38 Where do we find the regulation of executive competence? The 'basic structure of our government consists of a partnership' between the three spheres of

government – national, provincial and municipal.<sup>12</sup> This rule of governance requires that the three spheres of government ‘exercise their powers and functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere’.<sup>13</sup>

39 How is this achieved?

*“The Constitution achieves this by s 44 (national legislative competence); s 85(2) (national executive competence); s 104(1) (provincial legislative competence); s 125(2) (provincial executive competence); and ss 156(1) and (2) (local executive and legislative competence). Schedule 4 of the Constitution lists functional areas of concurrent national and provincial legislative competence and Schedule 5 lists functional areas of exclusive provincial legislative competence. In this way powers are distributed among, and in some cases reserved, to each sphere of government. A necessary corollary of this is that one sphere may not usurp the functions of another, although intervention by one sphere in the affairs of another is permitted in limited circumstances. In addition deadlock-breaking measures are in place for instances when legislation originating from different spheres conflicts; and the idea of cooperative government includes dispute resolution provisions so that inter-governmental disputes may be resolved without litigation.”<sup>14</sup>*

<sup>12</sup> *Doctors for Life International v Speaker of the National Assembly* 2006 (6) SA 416 (CC) at [82]

<sup>13</sup> *Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Constitution of the Republic of South Africa* 1996 (4) SA 744 (CC) at [289]

<sup>14</sup> *Maccsand (Pty) Ltd v City of Cape Town* (SCA2011 (6) SA 633 (SCA) at [12]

***Options for private persons, and/or the Panel, to resolve a conflict where government departments are failing to resolve an inter-departmental conflict through co-operate governance?***

40 Private persons are entitled to approach a court to ask for appropriate relief – if the facts support such a case. We are not able to say much more in the abstract. But each case would depend on its own facts.

***The constitutional provisions which deal with resolution of conflicts between spheres of government***

41 As previously advised, s146 of the Constitution provides for conflicts between national and provincial legislation in relation to a functional area in Schedule 4. It provides that national legislation which applies uniformly over the country as a whole, prevails in the following circumstances:

- (a) The national legislation deals with a matter that cannot be regulated effectively by legislation enacted by the respective provinces individually.
- (b) *The national legislation deals with a matter that, to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity by establishing-*
  - (i) *norms and standards;*
  - (ii) *frameworks; or*
  - (iii) *national policies.*
- (c) *The national legislation is necessary for-*
  - (i) *the maintenance of national security;*
  - (ii) *the maintenance of economic unity;*

- (iii) *the protection of the common market in respect of the mobility of goods, services, capital and labour;*
- (iv) *the promotion of economic activities across provincial boundaries;*
- (v) *the promotion of equal opportunity or equal access to government services; or*
- (vi) *the protection of the environment.”*
- (3) *National legislation prevails over provincial legislation if the national legislation is aimed at preventing unreasonable action by a province that-*
  - (a) *is prejudicial to the economic, health or security interests of another province or the country as a whole; or*
  - (b) *impedes the implementation of national economic policy.”*

42 Section 148 of the Constitution further provides that if a dispute concerning a conflict cannot be resolved by a court, national legislation prevails over provincial legislation.

***National Regulations which have not been approved by the NCOP as they relate to Provincial Acts***

43 What is the status of Regulations that have not been approved by the National Council of Provinces (“NCOP”) in relation to a conflict with a Provincial Act?

44 Apparently, the TOPS regulations have not been approved by the NCOP and Mpumalanga is applying its own provincial conservation legislation that is in conflict with the National Regulations.

- 45 Section 146(6) of the Constitution provides that a law made in terms of an Act of Parliament or a Provincial Act, prevails only if that law has been approved by the NCOP.
- 46 Section 146(7) provides that if the NCOP does not reach a decision within 30 days of its first sitting after a law was referred to it, that law must be considered for all purposes to have been approved by the Council. The NCOP is also required by section 146(8) to provide reasons for not approving a law that has been referred to it.
- 47 The answer to this question would therefore depend on whether the TOPS Regulations have been referred to the NCOP, and whether the NCOP has taken a decision to approve the Regulations. In the absence of an approval - whether specific or by effluxion of time as contemplated in section 146(7) - the Regulations do not prevail over the Provincial Act.

***The recourse available to the wildlife sector where clear guidance is not provided to the sector in respect of an overlap of mandates***

- 48 There appears to be an overlapping of mandates in the Wildlife Sector between national and provincial legislation. As set out above, national legislation prevails, as contemplated by s146(2). This may be an example of an area that the Panel is required to bring to the Minister's attention.

## **PART FOUR**

### **Private Property Rights**

- 49 As explained during the video conference, private property rights are not absolute, and are subject to limitation under s36 of the Constitution.

- 50 For example, you are entitled to own land on which you live. However, you are not entitled to use that land in a way that is contrary to the law. Your rights over your property may be limited by laws regulating how and what you build on the land, how much noise you make on the land, what you are entitled to grow on the land, etc.
- 51 This reasoning would apply with equal force to breeding animals in captivity. It must comply with any statute that regulates that activity.

### Unpacking Section 24

- 52 How should the Panel balance s24 against other rights in the Bill of Rights and the relationship between implementing legislation and the constitutional provision?
- 53 There may be some confusion in relation to the relationship between s24 and legislation enacted to give effect to it. We refer the panel to what we say above in relation to the content and scope of s24 and how to balance the criteria of s24(b).
- 54 The Constitution is the supreme law and all other legislation and conduct must be consistent with the Constitution.<sup>15</sup> Therefore, the starting point when the environment is affected, is always s24. All legislation and regulations enacted to give effect to section 24 must be consistent with s24 and must be interpreted and applied consistently with s24.<sup>16</sup> In this regard, the Constitutional Court<sup>17</sup> explained that no right is absolute and that each right is always already limited by every other right. In some instances a law limits one right in order to give effect to another right.<sup>18</sup>

<sup>15</sup> Section 2 of the Constitution.

<sup>16</sup> Section 39 of the Constitution

<sup>17</sup> In *Bernstein v Bester NNO* 1996 (2) SA 751 (CC) at [67]

<sup>18</sup> *South African Police Services v Solidarity OBO Barnard* 2014(6) SA 123 (CC) at [162]

55 Where different constitutionally protected interests are involved, the Courts have held that one must conduct a contextual balancing of the rights against the fundamental constitutional values.<sup>19</sup>

56 Froneman J explained this process as follows:

*“the appropriate route is often to interpret rights holistically and robustly and then consider whether intrusions into those rights are reasonable and justifiable in a democracy. Amongst the factors to be considered is whether the impact of the implementation of a s 9(2) measure on other rights is more severe than necessary to achieve their purpose. This follows from the mention of the extent of the limitation and less restrictive means in s 36. No single consideration is determinative; rather, ‘the court must engage in a balancing exercise and arrive at a global judgment on proportionality and not adhere mechanically to a sequential check-list’. This court has found that a proportionality analysis, while not the only appropriate method, is often well placed for navigating the contested terrain of competing rights or values. This concept is embedded in and consistent with the Bill of Rights and its spirit, purport and objects. . .*

*. . .*

*This not only involves balancing in the abstract, but requires a case-sensitive and concrete assessment of the competing rights. A right or value should not be compromised more than necessary, in the context of a constitutional state founded on dignity, equality and freedom in which government has positive duties to promote and uphold such values.”<sup>20</sup>*  
*(emphasis added)*

<sup>19</sup> Sachs J in *Minister of Finance v Van Heerden* 2004 (6) SA 121 (CC) at [140]

<sup>20</sup> *South African Police Services v Solidarity OBO Barnard* (supra) at para 164-166.

- 57 Therefore, competing rights must be resolved by first attempting to read the rights consistently. Where that is not possible they must be reconciled by a balancing of rights that is consistent with the values of the Bill of Rights.

T J Bruinders SC  
Nasreen Rajab-Budlender  
Makhotso Lengane

29 April 2020

## ANNEXURE E: STAKEHOLDERS

The following organisations and people have engaged with the High-level Panel to date -

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
African Wildlife Services/Safaris	AWS		Leon	Bezuidenhout	Written submission
Anonymous/Safari		Mr	John	Power	Written submission
Beauty Without Cruelty SA	BWC	Mr	Toni	Brockhove	Written submission
Blaauwkrantz Farm, EC		Mr	Eardley	Rudman	Written submission
Black Rock Rhino Conservation, Association of Live Rhino Conservators (ALRC)	ALCR	Mr	Derek	Lewitton	Written submission
Blood Lions		Mr	Ian	Michler	Written submission
Born Free Foundation	BFF		Mark	Jones	Written submission
Brian Boswell		Mr	Brian	Boswell	Written submission
Charan Saunders		Ms	Charan	Saunders	Written submission
Christina Hiller		Ms	Christina	Hiller	Written submission
Claudiushoop Wildsplaas		Ms	Sylvia	Fick	Written submission
Confederation of Hunting Associations in South Africa	CHASA		Stephen	Palos	Written submission
COX Attorney		Mr	Ian	Cox	Written submission
Custodians of Professional Hunting and Conservation	CPHC	Ms	Coira	Goss	Written submission
Dave Balfour		Dr	Dave	Balfour	Written submission
Elephant Specialist Advisory Group of South Africa	ESAG		Lucy	Bates	Written submission
EMS Foundation		Ms	Michele	Pickover	Written submission
Endangered Wildlife Trust	EWT		Samantha	Nicholson	Written submission
Environmental Investigation Agency	EIA		Taylor	Tench	Written submission
Global White Lion Protection Trust		Ms	Linda	Tucker	Written submission
Graeme Siebert			Graeme	Siebert	Written submission
Humane Society International - Africa	HSI		Tony	Gerrans	Written submission
Ian Rushworth		Mr	Ian	Rushworth	Written submission
International Council for Game and Wildlife Conservation	CIC	Dr	Kristóf	Hecker	Written submission
International Wildlife Bond	IWB		Stephen	Wiggins	Written submission
Javelin Capital			Phil	Biden	Written submission
Jensen Safari		Mr	Holger	Jensen	Written submission
John Jay College of Criminal Justice			Monique	Sosnowski	Written submission
Kube Yini Private Game Reserve			Jane	Wiltshire	Written submission
Lord Ashcroft KCMG PC		Lord	Michael	Ashcroft	Written submission
Makuya Traditional Council		Mr	Ronald	Makuya	Written submission
Manya Gittel		Ms	Manya	Gittel	Written submission

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
National Wool Growers' Association (NWGA) - Predator Management Forum	NWGA	Ms	Lynette	van der Walt	Written submission
Padua University, Italy: School of Veterinary Medicine			Barbara	de Mori	Written submission
Panthera		Dr	Paul	Funston	Written submission
Pongola Nature Reserve			Karel	Landman	Written submission
Private individual		Mr	Daryn	Hiltunen	Written submission
Private individual		Dr	Salomon	Joubert	Written submission
Private individual		Adv (Dr.)	Ramola	Naidoo	Written submission
Private Rhino Owners Association	PROA	Mr	Pelham	Jones	Written submission
Professional Hunters Association of South Africa	PHASA	Ms	Tersia	Du Plooy	Written submission
Rance Rural Development (Pty) Ltd		Mr	John	Rance	Written submission
SA Black Hunters and Sports Shooting Association	SABHSSA	Ms	Phumelele	Kwayimani	Written submission
SA Hunters and Game Conservation Association	SAHGCA	Mr	Fred	Camphor	Written submission
Sable Park		Mr	Piet	Warren	Written submission
Sandra Linde Taxidermy		Ms	Sandra	Linde	Written submission
Silent Valley Game Breeders		Mr	Charl	du Toit	Written submission
South African Predator Association (SAPA)	SAPA	Ms	Carla	van der Vyver	Written submission
South African Predator Breeders Association	SAPA		Pieter	Potgieter	Written submission
Thaba Tholo			Reuben	Els	Written submission
The Fremar Lodge and Zoo Facility, Meyerton		Ms	Maryn	Prinsloo	Written submission
The IUCN African Rhino Specialist Group (AfRSG) and WWF	IUCN SSC AfrSG, WWF Namabia	Mr	Mike	Knights	Written submission
The South African Institute for Advanced Constitutional, Public, Human Rights and International Law and University of Johannesburg	SAIFAC, UJ	Prof.	David	Bilchitz	Written submission
TRAFFIC		Mr	Tess	Rayner	Written submission
Trollope Brothers		Mr	John	Trollope	Written submission
True Green Alliance	TGA	Mr	Ron	Thomson	Written submission
Ukutula Lodge and Game Reserve		Mr	Willi	Jacobs	Written submission
University of North West	UNW	Prof.	Peter	van der Merwe	Written submission
University of the Free State	UFS	Dr	Francois	Deacon	Written submission
We Are All Mammals		Mr	Jake	Rendle-Worthington	Written submission
Wildlife ACT Fund Trust		Dr	Simon	Morgan	Written submission
Wildlife and Environment Society of South Africa and National	WESSA and NACSSA		Jeremy	Anderson	Written submission

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Association of Conservancies & Stewardship of South Africa					
Wildlife Ranching SA, Wildlife Producers Association PROA, GRF and academics	WRSA, WPA, PROA, GRF	Dr	Peter	Oberem	Written submission
WRSA (Wildlife Ranching SA)	WRSA	Ms	Andri	Kitshoff-Botha	Written submission
WRSA (Wildlife Ranching SA)	WRSA		Gerhard	Heyneke	HLP presentation - Public sector
Professional Hunters Association of South Africa	PHASA		Barry	York	HLP presentation - Public sector
South African Predator Association	SAPA	Prof.	Thabo	Masihlelo	HLP presentation - Public sector
Custodians of Professional Hunting and Conservation	CPHC		Paul	Stones	HLP presentation - Public sector
African Game Ranchers Association	AGRA		Mlungisi	Bushula	HLP presentation - Public sector
African Game Ranchers Association	AGRA		Mike	Gcabo	HLP presentation - Public sector
South Africa's Hunters	SA-Hunters		Richard	Sowry	HLP presentation - Public sector
South Africa's Hunters	SA-Hunters		Boetie	Kirchner	HLP presentation - Public sector
World Wild Fund World Wide Fund For Nature – South Africa	WWF-SA	Dr	Joanne	Shaw	HLP presentation - Public sector
International Council for Game and Wildlife Conservation	CIC		Mark	Ryan	HLP presentation - Public sector
Elephant Specialist Advisory Group of South Africa	ESAG		Antoinette	van der Water	HLP presentation - Public sector
Elephant Specialist Advisory Group of South Africa	ESAG	Dr	Michelle	Henley	HLP presentation - Public sector
Endangered Wildlife Trust	EWT		Yolan	Friedman	HLP presentation - Public sector
Endangered Wildlife Trust	EWT		Harriet	Davies-Mostert	HLP presentation - Public sector
Blood Lions			Louise	De Waal	HLP presentation - Public sector
Blood Lions			Edith	Kebesiime	HLP presentation - Public sector
EMS Foundation	EMS		Cormac	Cullinan	HLP presentation - Public sector
Portfolio Committee		Mr	F	Xasa (ANC)	HLP presentation - Public sector
Portfolio Committee		Mr	N	Paulsen (EFF)	HLP presentation - Public sector
Portfolio Committee		Mr	N	Singh (IFP)	HLP presentation - Public sector
Portfolio Committee		Ms	S	Mbatha (ANC)	HLP presentation - Public sector
Portfolio Committee		Ms	A	Weber (DA)	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Ishaam	Abader	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Shonisani	Munzhedzi	HLP presentation - General Public
South African National Parks	SANParks	Mr	Fundisile	Mketeni	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Skumsa	Ntshanga	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Linda	Garlip	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Olga	Kumalo	Technical Support
Department of Environment, Forestry and Fisheries	DEFF	Ms	Sonja	Meintjies	HLP presentation - Public sector

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		Title	First Name	Surname	
Department of Environment, Forestry and Fisheries	DEFF	Ms	Frances	Craigie	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Magdel	Boshoff	Technical Support
Department of Environment, Forestry and Fisheries	DEFF	Mr	Mpho	Tjjiane	Technical Support
Department of Environment, Forestry and Fisheries	DEFF	Mr	Nkhumeleni	Mbedzi	Technical Support
Department of Environment, Forestry and Fisheries	DEFF	Mr	Thomas	Mathiba	HLP presentation - Public sector
South African National Parks	SANParks	Dr	Sam	Ferreira	HLP presentation - Public sector
South African National Parks	SANParks	Dr	Luthandzo	Dziba	HLP presentation - Public sector
South African National Parks	SANParks	Dr	Claire	Ntshane	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Fatima	Rawjee	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Joel	Mamabola	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Tjaart	Kruger	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Melindie	Booyesen	HLP presentation - Public sector
North West Rural, Environment and Agricultural Development	READ	Mr	Jonathan	Denga	HLP presentation - Public sector
North West Parks Board	Parks Board (NW)	Mr	Piet	Nel	HLP presentation - Public sector
Limpopo Economic Development, Environment and Tourism	LEDET	Mr	Sam	Makhubele	HLP presentation - Public sector
Limpopo Economic Development, Environment and Tourism	LEDET	Mr	Errol	Moeng	HLP presentation - Public sector
Ezemvelo KZN Wildlife	EKZNW	Dr	Thokozani	Mkhize	HLP presentation - Public sector
Ezemvelo KZN Wildlife	EKZNW	Mr	Petros	Ngwenya	HLP presentation - Public sector
Department of Environment and Nature Conservation	DENC	Mr	David	Paulse	HLP presentation - Public sector
Gauteng Department of Agriculture and Rural Development	GDARD	Mr	Leon	Lotter	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI	Prof	John	Donaldson	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI	Dr	Michele	Pfab	HLP presentation - Public sector
Provincial -Western Cape (DEADP)	DEADP	Ms	Laros	Marlene	HLP presentation - Public sector
Provincial -Western Cape (DEADP)	Western Cape (DEADP)	Mr	Albert	Ackhurst	HLP presentation - Public sector
Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs	DESTEA	Mr	Coenie	Erasmus	HLP presentation - Public sector
Mpumalanga Tourism & Parks Agency	MPTA	Mr	Fhatuwani	Mugwabana	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI	Ms	Antonette	Kotze	HLP presentation - Public sector
Free State Department of Economic, Small Business	DESTEA	Ms	Nozi	Nkoe	HLP presentation - Public sector

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Development, Tourism and Environmental Affairs					
Department of Tourism	DOT	Mr	Senzo	Nkala	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI		Monica	Mwale	HLP presentation - Public sector
Cape Nature	Cape Nature		Deon	Hignett	HLP presentation - Public sector
Cape Nature	Cape Nature		Lucille	Rodd	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF		Wadzi	Mandivhenyi	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI		Rose	Masela	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI		Abner	Ditshego	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF		Lindiwe	Motsweni	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Khorombi	Matibe	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Ms	Koena	Cholo	HLP presentation - Public sector
Department of Environment, Forestry and Fisheries	DEFF	Mr	Albi	Modise	HLP presentation - Public sector
Isimangaliso		Mr	Caiphus	Khumalo	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI		Jeanette	Selier	HLP presentation - Public sector
Kwa-Zulu Natal Wildlife	KZNW		Craig	Mulqueeney	HLP presentation - Public sector
Gauteng Department of Agriculture and Rural Development	GDARD		Lihle	Dumalisile	HLP presentation - Public sector
Limpopo Economic Development, Environment and Tourism	LEDET		John	Kruger	HLP presentation - Public sector
Department of Rural Development & Land Reform	DLRRD	Dr	Michael	Modisane	HLP presentation - Public sector
Department of Rural Development & Land Reform	DLRRD	Mr	Lengane	Bogatsu	HLP presentation - Public sector
Department of Rural Development & Land Reform	DLRRD	Ms	Irene	Sinovich	HLP presentation - Public sector
Department of Rural Development & Land Reform	DLRRD	Ms	Busisiwe	Mdaka	HLP presentation - Public sector
South African National Biodiversity Institute	SANBI		Monica	Mawela	HLP presentation - Public sector
Brand South Africa	BrandSA		Petrua	De Kock	HLP presentation - Public sector
Brand South Africa	BrandSA		Thulisile	Manzini	HLP presentation - Public sector
Brand South Africa	BrandSA		Thoko	Modise	HLP presentation - Public sector
South African Revenue Services	SARS		Priticia	Jones	HLP presentation - Public sector
South African Revenue Services	SARS		Coffet	Lebepe	HLP presentation - Public sector
South African Revenue Services	SARS		Hugo	Taljaart	HLP presentation - Public sector
Department of Tourism	DOT	Ms	Sibongumusa	Ngidi	HLP presentation - Public sector
Kwa-Zulu Natal Wildlife	KZNW		Andy	Blackmore	HLP presentation - Public sector
Eastern Cape Finance, Economic Development, Environmental Affairs and Tourism	DEDEA		Phumla	Mzazi	HLP presentation - Public sector

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South African National Parks	SANParks		Abel	Ramoelo	HLP presentation - Public sector
Kwa-Zulu Natal Wildlife	KZNW		Lethogonolo	Phadima	Attendee - Hearing Consultations
Wild ACT		Mr	Zama	Ncube	HLP presentation - Public sector
National Council of Societies for the Prevention of Cruelty to Animals	NSPCA		Douglas	Wolhuter	HLP presentation - Public sector
Southern Africa Tourism Services Association	SATSA		David	Frost	HLP presentation - Public sector
Southern Africa Tourism Services Association	SATSA		Kaeira	Powers	HLP presentation - Public sector
Tourism Business Council of SA	TBCSA		Tshifhiwa	Tshivhengwa	HLP presentation - Public sector
Pan African Bar Association of South Africa	PABASA	Adv	Nasreen	Rajab-Budlender	Legal Counsel
Pan African Bar Association of South Africa	PABASA	Adv	Timothy	Bruinders	Legal Counsel
High Level Panel Member	HLP	Prof	Brian	Child	Panel member
High Level Panel Member	HLP	Mr.	Kule	Chitepo	Panel member
High Level Panel Member	HLP	Ms	Ashleigh	Dore	Panel member
High Level Panel Member	HLP	Mr.	Stewart	Dorrington	Panel member
High Level Panel Member	HLP	Nko si	Mphumalanga	Gwadiso	Panel member
High Level Panel Member	HLP	Kgo si	Edward	Mabalane	Panel member
High Level Panel Member	HLP	Mr	Reuben	Malema	Panel member
High Level Panel Member	HLP	Dr	Kelly	Marnewick	Panel member
High Level Panel Member	HLP	Ms.	Lulama	Matyolo	Panel member
High Level Panel Member	HLP	Mr	Tebogo	Mogashoa	Panel member
High Level Panel Member	HLP	Mr	Mavuso	Msimang	Panel member
High Level Panel Member	HLP	Dr.	Tshifhiwa	Nangammbi	Panel member
High Level Panel Member	HLP	Ms.	Lizanne	Nel	Panel member
High Level Panel Member	HLP	Ms.	Mmboneni Esther	Netshivhongweni	Panel member
High Level Panel Member	HLP	Prof	Azwihangisi Edward	Nesamvuni	Panel member
High Level Panel Member	HLP	Ms.	Sisubisiwe Maureen	Ngcobo	Panel member
High Level Panel Member	HLP	Hosi	Pheni Cyprian	Ngove	Panel member
High Level Panel Member	HLP	Mr.	Michael John	't Sas-Rolfes	Panel member
High Level Panel Member	HLP	Prof	Robert Hugh	Slotow	Panel member
High Level Panel Member	HLP	Mr	Deon	Swart	Panel member
High Level Panel Member	HLP	Inko si	Mabhudu Israel	Tembe	Panel member
High Level Panel Member	HLP	Ms	Karen	Trendler	Panel member
High Level Panel Member	HLP	Mr.	Andries Lucas	van Coller	Panel member
High Level Panel Member	HLP	Ms.	Pamela	Yako	Panel member
High Level Panel Member	HLP	Chief	Livhuwani	Matsila	Panel member
High Level Panel Member	HLP	Dr	Theresa	Frantz	Panel member

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		Title	First Name	Surname	
Department of Environment, Forestry and Fisheries	DEFF	Mr	Paul	Daphne	HLP Secretariat
Department of Environment, Forestry and Fisheries	DEFF	Mr	Peter	Lukey	HLP Secretariat
Department of Environment, Forestry and Fisheries	DEFF	Ms	Leseho	Sello	HLP Secretariat
Department of Environment, Forestry and Fisheries	DEFF	Ms	Tebogo	Mashua	HLP Secretariat
Department of Environment, Forestry and Fisheries	DEFF	Mr	Khuthadzo	Mahamba	HLP Secretariat
Department of Environment, Forestry and Fisheries	DEFF	Ms	Ofentse	Mashiyane	HLP Secretariat
People and Parks National Committee	P&P	Mr	Velaphi	Malatji	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Sicelo	Mpeba	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Ms	Nombuso	Mlambo	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Thabo	Mokoena	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Ms	Asanda	Ketwa	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Vuyo	Tiki	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Tallman	Sibiya	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	John	Mathebe	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Rev	Justice	Ramoba	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Jabulani	Mpontshane	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Joseph	Ramosoeu	HLP presentation - Hearing Consultation
People and Parks National Committee	P&P	Mr	Lourance	Mogakane	HLP presentation - Hearing Consultation
Traditional Healers			Gloria	Mokgale	HLP presentation - Hearing Consultation
Traditional Healers			Ben	Mpho	HLP presentation - Hearing Consultation
Traditional Healers			Bonile	Jack-Pama	HLP presentation - Hearing Consultation
Traditional Healers			Mduduzi	Malebatja	HLP presentation - Hearing Consultation
Traditional Healers			Rantobeng	Noko	HLP presentation - Hearing Consultation
Traditional Healers			Segage	Muntu	HLP presentation - Hearing Consultation
Traditional Healers			Sellwane	Mokgatsi	HLP presentation - Hearing Consultation
Traditional Healers		Gogo	Phepsile	Maseko	HLP presentation - Hearing Consultation
Traditional Healers			BL	Nkomo	HLP presentation - Hearing Consultation
Traditional Healers			Ellias	Ndlovu	HLP presentation - Hearing Consultation

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Traditional Healers			Nomahlubi	Simamane	HLP presentation - Hearing Consultation
Traditional Healers			Ben	Rampono	HLP presentation - Hearing Consultation
Traditional Healers			Beauty	Namise	HLP presentation - Hearing Consultation
Traditional Healers			Lulama	Mpahla	HLP presentation - Hearing Consultation
Traditional Healers			Mkhule Somhloho	Dlamini	HLP presentation - Hearing Consultation
Community Consultation, Makuya Nature Reserve - Limpopo	Makuya T/C	Ms	Ida	Baloyi	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Makuya T/C		L.E	Glongwane	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Makuya T/C		S.H	Nemasisi	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Makuya T/C		T.M	Sigari	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Makuya T/C		M.H. Z	Makuya	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Maphaphuli T/C		W.A	Dzilili	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Maphaphuli T/C		N	Magese	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	SanParks		William	Mabasa	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	LEDET		Lusani	Seani	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	SANParks		Tinyiko	Golele	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	Mutele Royal		Mutele	Mukondeleli	HLP presentation - General Public
Community Consultation, Makuya Nature Reserve - Limpopo	LEDET		M	Ramatsea	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB	Mr	Piet	Nel	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	BBK	Mr	David	Pheto	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	BBK		Linchwe	Ramono	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	P&P		Jerry	Motshegare	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Weigeaal CPA		Martin	Sefara	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB		Kearabetswe	Moremi	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	BBK CPA		Moses	Mankheli	HLP presentation - General Public

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Community Consultation, Sundowner Country Estate Hotel - North West	Kokame CPA		A	Seloro	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Kokame CPA		Portia	Seloro	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Jonathan CPA		Pumkile	Cira	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Lenatong Trust		Jack	Shelaloke	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Lenatong Trust		Elizabeth	Sebonye	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	GA. Habedi CPA		Albert	Seoke	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Klipuboorstad CPA		Kgantso J	Mabilu Snr	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB		Moremi	Lesejani	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB		Johnson	Maoka	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	RKM		Kagiso	Maleka	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB		Elias	Seutane	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	NWPB		Nandipha	Gysman	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West			Magalefe	Ntuane	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West			Batlang	Batlang	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Mooke CPA		Zacharia	Maema	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Mooke CPA		Stephen	Molepelle	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Kokane CPA		Lebogang	Seloro	HLP presentation - General Public
Community Consultation, Sundowner Country Estate Hotel - North West	Bahututshé Baga Suping Authority	Kgo si	SV	Suping	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Mhinga T/C		Godfrey	Mhinga	HLP presentation - General Public

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		Title	First Name	Surname	
Community Consultation, AFM Church at Maphophe - Limpopo	African Trophy Safari Tourism Corp	Mr	Daniel	Maphophe	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Clara	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Gidjana Development Committee		Tsakani	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Benny	Manganyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Salphinah	Risenga	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Hlekani Beatrice	Mahlaule	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Winnie	Baloyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Gidjana T/C		MJ	Mabunda	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Rhandu	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Nkhensani	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Kruger National Park		Faranani	Lalumbe	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Kruger National Park		Minor	Makamu	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Sannie	Matsubuke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Lotnicia	Mathonsi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Beneth	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Ricias	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Joyce	Msengi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Tsakani	Makhubele	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Dangisani	Sithole	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Kruger National Park		Mmabatho	Witness	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Madonsi Land Claim Community Trust		Wilson	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Tentswalo. P	Baloyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Kruger National Park		Dalton	Mabasa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Casel		Lucas	Maringa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Headman		R.G	Maphophe	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	N.G.T		W.J	Bila	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, AFM Church at Maphophe - Limpopo	N.G.T		T	Bila	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	SanParks		Wilson	Mabasa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	C.L.O. SanParks		Timani		HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Yingisani	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Catherine	Mitleni	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Tourism World		Hendrick	Maboko	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo		Adv	Nxogire	Mavunda	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Stephineh	Vurheni	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Alburt	Manganyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	SanParks		Tinyiko	Golele	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Indelite	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Grace	Mabasa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Mphephu	Mtleni	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Maria	Sithole	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Hilter	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Grace	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Basani	Ngobeni	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Grace	Hlungwani	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Rhandzu	Mahori	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Lizy	Baloyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Doris	Maluleke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Tsakani	Chauke	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	SanParks		Ndwakhulu	Motobvu	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Nomsa	Khosa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			H.J	Nwamba	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo			Hleketani	Maphophe	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	P&P		Mhloti	Mabasa	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	P&P		GE	Sithole	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, AFM Church at Maphophe - Limpopo	P&P		S.B	Hlungwani	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Maphophe R/C		R.P	Maphophe	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Community Member		M.G	Manganyi	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Community Member		Mjaji	Sithole	HLP presentation - General Public
Community Consultation, AFM Church at Maphophe - Limpopo	Community Member		Nyeleti	Manganyi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Ba-Phalaborwa Municipality		Abide Khomotso	Manyama	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Ba-Phalaborwa Municipality		Moshale	Modise	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Selwana Nature Reserve		Sonti	Malatsi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		KE	Mashele	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		Vincent	Maluleke	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mopani COHSTATA/Affairs		Moshika	Mohlake	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	LEDET		D	de Klerk	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			KA	Maswanganyi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo					HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Lucky	Mogoto	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			July	Mabunde	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Daniel	Nukeni	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			TM	Mahlaule	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Ndidani	Chief	Kanelani	Ndidani	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	SanParks		Constance	Ngobeni	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mthimkhulu	Hosi		Mthimkhulu	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mthimkhulu		John	Manganyi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	L/Ranch		J	Marungane	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Maseke Tribal		Khutso	Malatji	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Gratavel	Selwane	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Barnard	Malatji	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Piet	Malatji	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Aubry	Molgane	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Reckson	Manumah	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Simange	Dlamini	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			JR	Chauke	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Philemon	Tsukaba	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Whisky	Matwala	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Enough	Malatole	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo			Balikile	Mashile	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Josephina		PS	Warren	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Josephina		A.	Schoeman	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Batley		Rianda	Bosho	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		Justice	Shiluvha	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		Piet	Mabhunda	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		Wilson	Sambu	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mahlathi		Simon	Boloyi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Community Member		Joohn	Kubayi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mahlathi Lodge		Basambilu	Manganye	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mahlathi Lodge		KS	Chake	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Mahlathi Lodge		Annah	Moyana	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	SanParks		Solly	Themba	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	SanParks		Patience	Mdungazi	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	Maseke T/C		Alpha	Maletji	HLP presentation - General Public
Community Consultation, Phalaborwa Sport Centre Hall - Limpopo	SanParks			Mabaso	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Kruger National Park		Solly	Themba	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	South Forum		Jabulani	Mnisi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	South Forum		Petros	Marule	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Kruger National Park		Helen	Mmethi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Manyeleti B Forum		Patricia	Sihlangu	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Nkomazi Municipality		Sipho	Mahlangu	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Nkomazi Municipality		Thabane	Chauke	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Lubambiswan o Forum		Jimmy	Sithole	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Lubambiswan o Forum		Elmon	Mthombothi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	South Forum		Petros	Marule	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, Skukuza - Mpumalanga	Lubambiswano Forum		Thabiso	Nkosi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Siboshwa		David		HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Siboshwa		Emmali	Samambo	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Siboshwa		Nicholas	Ngomane	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mpakeni T/C		Sicelo	Samkoni	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Hoxani T/C		JK	Mnisi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mdluli T/C		ZV	Magagula	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mdluli T/C		M.P	Nkuma	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	SanParks		Lucia	Hlatswayo	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Matsamo T/C		Zakhele	Zithe	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Matsamo T/C		Deborah	Mhlongo	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Matsamo T/C		Fikiswa	Pule	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Kwa-Lugedlane Royal		Zwelithini	Ngomane	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	SanParks		Wisani	Lubisi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	SanParks		Connie	Khoza	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga			Ntsako	Sibuyi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga			Tutu	Mkhatshwa	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mpakeni T/C		NE	Nkosi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mpakeni T/C		IS	Sibande	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Nkambeni T/C		Wilson	Nyaunga	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Nkambeni T/C		Bonga	Mhaule	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Mnisi T/C		Dick	Mnisi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	TBF		Walter	Mnisi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	TBF		Getrude	Chawane	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Kgosi Maluve		Nhlanhla	Milauzi	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga			Khulekani	Mlambo	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Gomondwane		Edward	Lushaba	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation, Skukuza - Mpumalanga	Gomondwane		Moyila	Samba	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Gomondwane		Hendrick	Lusibane	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Gomondwane		William	Sambo	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga			Kenny	Mahlangu	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga			Thoko	Sibande	HLP presentation - General Public
Community Consultation, Skukuza - Mpumalanga	Hoxani T/C		JK	Mnisi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Tembe Trust		Mlawu	Nhlabathi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Tembe Trust		LS	Sithole	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Tembe Trust		JJ	Tembe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Tembe Trust		P	Tembe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Tembe Trust		MM	Khumalo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	CAV		J	Steenkamp	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Msibi Traditional Council		SF	Msibi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mavuso Traditional Council		MM	Mavuso	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Somopho		MJ	Mbangweni	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Somopho		BS	Mthembu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Msibi Traditional Council		WM	Mntungwa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		SM	Nxumalo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Wildlife Act		Thokozani	Mlambo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		Sam	Ndwandwe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		Sizwe	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Inkosi		SS	Msomi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Inkosi		MN	Mathenjwa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Induna		TJ	Mthombeni	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		SSA	Gama	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		JM	Mthiyane	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		Bonginkosi	Maletsa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	People and Parks Youth		Nhlanipho	Nhleko	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Land owner		NN	Masondo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Land owner		MI	Nkosi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Land owner		MJ	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Land owner		H	Ndandwe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Induna		B	Mavuso	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Kwaximba		MS	Malmbo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Kwaximba		GP	Mxineka	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mandlakazi		EB	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mandlakazi		QM	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ntshongase Traditional Council		Inkosi	Ntshongase	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Isimagaliso Wetland Park		Chaiphus	Khumalo	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Hluhluwe Imfolozi Park		Des	Mponza	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ithala Game Reserve		Simon	Buthelezi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Khambi Traditonal Council		LM	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ithala Game Reserve		ZZ	Masuku	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Khambi Traditonal Council		TI	Mpungose	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Ezemvelo KZN Wildlife		CM	Coetze	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Sibiya Traditional Council		TK	Sibiya	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Obuka		Moses	Magwasa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Abakwahlabisa Traditional Council		MG	Hlabisa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Abakwahlabisa Traditional Council		P	Zondi	HLP presentation - Public sector
Community Consultation-Hluhluwe, KwaZulu Natal	Hlabisa		DJ	Hlabisa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Hlabisa		M	Mngobezulu	HLP presentation - General Public

Organisation	Acronym	Representative, contact person, or participant			Interaction with the HLP
		Title	First Name	Surname	
Community Consultation-Hluhluwe, KwaZulu Natal	Mtubatuba		SM	Ntshangase	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mtubatuba		SC	Mkhonazi	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Isimagaliso Wetland Park		LM	Zulu	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Silwane Trust		OM	Mgini	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Silwane Trust		TE	Dlamini	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Kwamthethwa		MS	Mthethwa	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Okhuko Trust Co-Management-HIP		Ntombenhle	Nene	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	People and Parks Forum		PL	Sibiya	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mdletshe		BM	Mdletshe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mdletshe		SN	Mdletshe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mdletshe		PN	Mdletshe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Mdletshe		SS	Mdletshe	HLP presentation - General Public
Community Consultation-Hluhluwe, KwaZulu Natal	Department of Environment, Forestry and Fisheries		S	Thabede	HLP presentation - General Public
CONTRALESA			Kgosi	Pilane	HLP presentation - Hearing Consultation
CONTRALESA			Siphosezwe	Mahlangu	HLP presentation - Hearing Consultation
CONTRALESA			Zolani	Mkiva	HLP presentation - Hearing Consultation
CONTRALESA			Taumang	Mathibeng	HLP presentation - Hearing Consultation
CONTRALESA			Prince	Manene Tabane	HLP presentation - Hearing Consultation
CONTRALESA			Aaron	Messelaar	HLP presentation - Hearing Consultation
CONTRALESA			Ronny	Matlala	HLP presentation - Hearing Consultation
CONTRALESA			Princess, Clara	Rhavhele	HLP presentation - Hearing Consultation
CONTRALESA			Clara	Digare	HLP presentation - Hearing Consultation

## ANNEXURE F: INPUT REGISTER

The following provides a list of the various inputs that have been submitted to the High-Level Panel for consideration –

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Strategic Perspective Approach & Modalities	28 November 2019	Department: Forestry, Fisheries and the Environment	General	All	Presentation
Conservation Status and Management of Large African Mammals: rhino, elephant, leopard and lion	28 November 2019	South African National Parks	All	General	Presentation
The Future of large Mammal Management	28 November 2019	South African National Parks	All	All	Presentation
International Dynamics of Legal & Illegal Trade	28 November 2019	Mr Michael 't-Sas-Rolfes	All	All	Presentation
Animal Improvement Act - Game Farming	28 November 2019	Department: Agriculture Land Reform and Rural Development	General	General	Presentation
Mandate Overview and Terms of Reference (ToR)	28 November 2019	Department: Forestry, Fisheries and the Environment	General	General	Presentation
Case No:86515/2017 - Lion Bone Judgement Report, in matter between National Council of Society for Prevention of Cruelty to Animals and Minister of Environmental Affairs (First Respondent), Director General of Environmental Affairs (Second Respondent), South African Predators Association (Third Respondent)	06 August 2019	Department: Forestry, Fisheries and the Environment	Lion	All	Case
Report of the Portfolio Committee on Environmental Affairs on the Colloquium on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country, held on 21 and 22 August 2018, dated 08 November 2018	13 November 2018	Department: Forestry, Fisheries and the Environment	Lion	Breeding	Unpublished report
Constitutional Mandate - Legal Opinion	01 April 2020	Legal Counsel	General	General	Written submission
Additional Supplementary Opinion	04 May 2020	Legal Counsel	General	General	Written submission
The Status of African Lions	12 May 2020	SANParks	Lion	Population	Presentation
Briefing: Portfolio Committee Colloquium Resolution Relating to Captive Lion Breeding	12 May 2020	Department: Forestry, Fisheries and the Environment	Lion	Breeding	Presentation
Relevant actions and activities relating to rhino and lion input to the High Level Panel	12 May 2020	Scientific Authority	Lion	General	Presentation
Status of Rhino Population	12 May 2020	Department: Forestry, Fisheries and the Environment	Rhino	Population	Presentation
Rhino COI	12 May 2020	Department: Forestry, Fisheries and the Environment	Rhino	All	Presentation

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Rhino Lab Implementation	12 May 2020	Department: Forestry, Fisheries and the Environment	Rhino	All	Unpublished report
Committee of Inquiry Final Report	2012	Department: Forestry, Fisheries and the Environment	Rhino	All	Unpublished report
Committee of Inquiry Summary Report	2012	Department: Forestry, Fisheries and the Environment	Rhino	All	Unpublished report
Lionel Bone Quota - Affidavit Scientific Authority		Scientific Authority	Lion	All	Unpublished report
Rhino Issues Manager Report - Final Report (2012)	2012	Department: Forestry, Fisheries and the Environment	Rhino	All	Unpublished report
Input to the HLP - Background and relevant issues	14 May 2020	Scientific Authority	All	All	Presentation
HLP - Non-Detriment Findings and Quotas	14 May 2020	Scientific Authority	All	All	Presentation
HLP - Species specific issues	14 May 2020	South African National Biodiversity Institute	All	All	Presentation
DoT Perspective on HLP	14 May 2020	Department of Tourism	General	General	Presentation
Associated Private Nature Reserves (APNR): Commercial Elephant & Lion Hunting for Conservation Funding data	2015 - 2019	Scientific Authority	Leopard & Elephant	General	Unpublished report
Black Rhinoceros Hunting Quota - CITES proposal CoP18-048	23 May-03 June 2019	Scientific Authority	Rhino	Hunting	Unpublished report
Criteria for the Captive Breeding of White Rhino in South Africa	May 2018	Scientific Authority	Rhino	General	Unpublished report
Leopard Hunting Zones	2018	Scientific Authority	Leopard	Hunting	Unpublished report
Leopard Monitoring - Multi State Models, University of Cape Town		Scientific Authority	Leopard	Population	Unpublished report
Leopard Monitoring - Best Practice Guidelines Final	February 2020	Scientific Authority	Leopard	Population	Unpublished report
Non-detriment finding assessment for Panthera leo (African lion)	25 September 2017	Scientific Authority	Lion	All	Unpublished report
NDF for Black rhino_Mar2018_R2	March 2018	Scientific Authority	Rhino	All	Unpublished report
Scientific Authority Report on Selective and Intensive breeding-submission 2019	2018	Scientific Authority	All	Breeding	Unpublished report
Recommendation on export of rhino	15 March 2017	Scientific Authority	Rhino	Trade	Unpublished report
Advice on trophies from managed lion populations	08 December 2017	Scientific Authority	Lion	Hunting	Unpublished report
Recommendation for 2018 leopard quota	19 January 2018	Scientific Authority	Leopard	Hunting	Unpublished report
Advice on release period for hunting of captive bred lion	19 February 2018	Scientific Authority	Lion	Hunting	Unpublished report
Leopard monitoring final report_2018	February 2019	Scientific Authority	Leopard	Hunting	Unpublished report

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Report to the Minister-2014-2015	1 April 2014 to 31 March 2015	Scientific Authority	All	Population	Unpublished report
Report to the Minister-2017-2018	1 April 2017 to 31 March 2018	Scientific Authority	All	Population	Unpublished report
Guidelines for lion metapopulation management	2017	Scientific Authority	Lion	Population	Unpublished report
Supplemental information in support of the CITES CoP18 proposal to increase South Africa black rhinoceros hunting quota	August 2019	Scientific Authority	Rhino	Hunting	Unpublished report
Introductory Remarks	20 May 2020	Department: Forestry, Fisheries and the Environment	General	General	Presentation
Legislative Framework Constitution, Mandate and Litigation Overview	20 May 2020	Department: Forestry, Fisheries and the Environment	General	General	Presentation
Legislation in Progress	20 May 2020	Department: Forestry, Fisheries and the Environment	General	General	Presentation
Written Responses to Questions posed - North West		READ	General	General	Unpublished report
Written Responses to Questions posed - Gauteng		GDARD	General	General	Unpublished report
Written Responses to Questions posed - Limpopo		LEDET	General	General	Unpublished report
Written Responses to Questions posed – Mpumalanga		MTPA	General	General	Unpublished report
Written Responses to Questions posed - Eastern Cape		DEDEAT	General	General	Unpublished report
Department response Presentation	22 May 2020	Department: Environment, Forestry and Fisheries	General	General	Presentation
Update on Animal Welfare in Relation to Captive Lions Breeding	22 May 2020	Department: Agriculture, Forestry and Fisheries	Lion	Welfare	Presentation
National Biodiversity Human Capital Development Strategy and Related Capacity Development Intervention	22 May 2020	SANBI	General	General	Presentation
Biodiversity Economy Sector Transformation	26 May 2020	Department: Environment, Forestry and Fisheries	General	General	Presentation
Recommendations of the Advisory Panel on Land Reform and Agriculture	26 May 2020	DALRRD	General	General	Presentation
Conservation Settlement Models	26 May 2020	DALRRD	General	General	Presentation
Law Enforcement: Wildlife Crime - Focus on Rhino, Elephant, Lion and Leopard	05 June 2020	Department: Environment, Forestry and Fisheries	All	All	Presentation
Wildlife Trafficking Approach	05 June 2020	DPCI	All	All	Presentation
Combatting Illegal Trade	Friday, 05 June 2020	SARS	All	All	Presentation

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Prosecution of Environmental Crimes	05 June 2020	NPA	General	General	Presentation
Received written submissions	15 June 2020	External Stakeholders	General	General	Written submission
Intensive and selective breeding	29 June 2020	Scientific Authority	Lion	Hunting	Presentation
Panel of Experts on Professional & Recreational Hunting in South Africa	29 June 2020	Department: Environment, Forestry and Fisheries	All	Hunting	Presentation
Science Round Table & Assessment of South African Elephant Management	29 June 2020	Department: Agriculture, Forestry and Fisheries	Elephant	Population	Presentation
Elephants, ecosystems and people: towards an integrative, collaborative South African research programme	06 December 2006	Department: Environment, Forestry and Fisheries	Elephant	Population	Presentation
Assessment-of-South-African-Elephant-Management-2007	2007	Department: Environment, Forestry and Fisheries	Elephant	Population	Unpublished report
Elephant Science Round Table Reach Consensus - final statement 230806	23 August 2006	Department: Environment, Forestry and Fisheries	Elephant	Population	Unpublished report
Panel of Experts on Hunting ToR 2005	2005	Department: Environment, Forestry and Fisheries	All	Hunting	Unpublished report
PoE research paper Status quo of hunting industry final		Department: Environment, Forestry and Fisheries	All	Hunting	Unpublished report
PoE research report Conservation Impacts Third Draft(final)		Department: Environment, Forestry and Fisheries	All	Population	Unpublished report
PoE Research report Legislation and policy - Final for publication		Department: Environment, Forestry and Fisheries	All	Population	Unpublished report
PoE Research reports International Best Practises final		Department: Environment, Forestry and Fisheries	All	Population	Unpublished report
Recommendations Made To Minister of Environmental Affairs & Tourism by Elephant Science Round Table in Cape Town on 18 January 2006	18 January 2006	Department: Environment, Forestry and Fisheries	Elephant	Population	Unpublished report
Report of the POE on Hunting in South Africa 2005	2005	Department: Environment, Forestry and Fisheries	All	Hunting	Unpublished report
Scientific Authority Report on Selective and Intensive breeding-submission 2019	11 July 1905	Scientific Authority	All	Hunting	Unpublished report
Summary-for-Policymakers-2007	2007	Department: Environment, Forestry and Fisheries	All	General	Unpublished report
National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) Briefing Note		Department: Environment, Forestry and Fisheries	All	Wildlife Trafficking	Memorandum/Written Submission
Briefing of the High Level Panel on Transformation (People and Parks)		Department: Environment, Forestry and Fisheries	All	Transformation	Memorandum/Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Briefing of the High Level Panel on Transformation (Wildlife Economy)		Department: Environment, Forestry and Fisheries	All	Transformation	Memorandum/Written Submission
Committee of inquiry summary report		Department: Environment, Forestry and Fisheries	Rhino	Trade	Report
Progress on the Implementation of Recommendations of the Panel of Experts on Professional and Recreational Hunting in South Africa and the Elephant Science Round Table		Department: Environment, Forestry and Fisheries	All	Hunting	Memorandum/Written Submission
An Assessment of the Potential Risks of the Practice of Intensive and Selective Breeding of Game to Biodiversity and the Biodiversity Economy		Scientific Authority of South Africa		Breeding	Report
Notes for the High Level Panel - Implementation of Elephant Research Strategy		Department: Environment, Forestry and Fisheries	Elephant	Population	Memorandum/Written Submission
Report of the Portfolio Committee on Environmental Affairs on the Colloquium on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country, held on 21 and 22 August 2018, dated 8 November 2018	November 2018		Lion	Breeding	Report
Rhino Issue Manager FINAL REPORT	2012	Department: Environment, Forestry and Fisheries	Rhino	All	Report
Submission of Information to the High-Level Panel by the Department Pertaining to Elephant, Rhinoceros, Lion and Leopard- (TOPS and CITES)		Department: Environment, Forestry and Fisheries	All	All	Memorandum/Written Submission
Request for input to the panel of experts	01-Apr-20	Piet Warren	Elephant	All	Stakeholder Written Submission
Submissions to the Advisory Committee (The High-Level Panel), Appointed to Review Existing Policies, Legislation and Practices Relating to the Management And Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	Humane Society International - Africa	All	All	Stakeholder Written Submission
The advisory committee (high-level panel) appointed to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros.	06-Apr-20	Daryn Hiltunen	Elephant	All	Stakeholder Written Submission
Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Beauty Without Cruelty SA	Rhino	Trade and Stockpile	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Private Rhino Conservation in RSA	07-Apr-20	Thaba Tholo	Rhino Elephant Lion	Hunting, Trade and Stockpile	Stakeholder Written Submission
National Environmental Management Act, 1998 (Act No. 107 of 1998) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	11-Jun-20	International Wildlife Bond	All	All	Stakeholder Written Submission
Submission to the Advisory Committee to Review Policies, Legislation and Practices Relating to the Management of Rhino	14-Apr-20	Claudiusshoop Wildsplaas	Rhino	Trade Governan ce	Stakeholder Written Submission
Black Markets: A Comparison of the Illegal Ivory and Narcotic Trades  Global ivory market prices since the 1989 CITES ban	16-Apr-20	Monique Sosnowski- John Jay College of Criminal Justice	Elephant	Trade	Articles
Submission of Scientific and Socio-Economic Information	17-Apr-20	African Wildlife Services	All	Hunting	Stakeholder Written Submission
Elephant Breeding Herd Analyses, Kruger National Park. Elephant Management Issues Kruger National Park Elephant Population. Kruger National Park: Notes on the Advent of Commercial Poaching. Some Comments on the Management of Elephants and Related. Management Issues in the Kruger National Park. Please help me, I am a fool. Where have all the rhinos gone?	20-Apr-20	Dr Salomon Joubert	Elephant Rhino	Governan ce Population	Stakeholder Written Submission
Submission to the High-Level Panel in Terms of Government Gazette Notice 221 of 2020	11-May-20	Voice4Lions	Lion	Captivity	Stakeholder Written Submission
The importance of character judgments and worldviews in shaping conservation conflict; Untangling the conservation value of African lions ( <i>Panthera leo</i> ) bred in captivity” and a review paper titled “The effectiveness of trade bans and the role of market-based instruments in poaching prevention.	14-May-20	Christina Hiller	Lion	Captivity	Article
Submission for Consideration of Advisory Committee to Review Existing Policies, Legislation and Practices Relating to the Management of Rhinoceros in SA	16-May-20	Trollope Brothers	Rhino	Hunting	Stakeholder Written Submission
Advisory Committee (High-Level Panel)	18-May-20	Dr Francois Deacon- University of the Free State	Rhino	Hunting	Stakeholder Written Submission
Animal-Visitor Interaction: Ethical Reasoning and Participatory Approach Towards Achieving Regulatory Process for Animal-Visitor Interactions (AVI) in South Africa	21-May-20	Barbara de Mori- Padua University – Italy: School of Veterinary Medicine	All	Handling Welfare	Article

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Why it is essential that South Africa takes steps to enable its private white rhino owners to obtain income from the horn trimmed off their animals	21-May-20	Kube Yini Private Game Reserve	Rhino	Trade	Stakeholder Written Submission
High Level Panel	21-May-20	Adv Ramola Naidoo (Dr)	All	Trade	Stakeholder Written Submission
Submission to the Panel of Experts	22-May-20	WESSA and NACSSA	All	All	Stakeholder Written Submission
Global Ecology and Conservation, compiled by Melville Saayman, Petrus van der Merwe, and Andrea Saayman on the Economic Impact of Trophy Hunting in the South African Wildlife Industry	26-May-20	Prof P van der Merwe-University of North West	All	Hunting	Stakeholder Written Submission
This is the loudest clearest NO STOP!! I can possibly muster.	27-May-20	Manya Gittel	Other	Other	Stakeholder Written Submission
Comments to High Level Panel	28-May-20	Ian Rushworth	Elephant	Population	Stakeholder Written Submission
Comments to High Level Panel	29-May-20	Custodians of Professional Hunting and Conservation	All	Hunting Governance	Stakeholder Written Submission
Submission on Matters Related to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	30-May-20	COX Attorney	All	Governance	Stakeholder Written Submission
General requirements for all Cheetah breeding in South Africa	31-May-20	Cheetah Society	None	None	Stakeholder Written Submission
Submission to Advisory Committee (High Level Panel) Appointed to Review Existing Policies, Legislation And Practices Relating to the Management and Handling, Breeding Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	31-May-20	Private Rhino Owners Association	Rhino	Trade Captivity Handling	Stakeholder Written Submission
Submission to the Chairperson -Advisory Committee (High-Level Panel)	31-May-20	The Game Ranching Collective	All	Governance	Stakeholder Written Submission
Review and Practices on Rhino, Elephant, Lion and other species-DPCI: Wildlife Trafficking Approach	05-Jun-20	Directorate for Priority Crime Investigation	All	Law Enforcement	Power point Presentation
NPA Presentation on Legislative Review & Related Matters	05-Jun-20	National Prosecuting Authority	All	Law Enforcement	Power point Presentation
High Level Panel Enforcement	05—10-20	South African Revenue Services	All	Law Enforcement	Power point Presentation
Law Enforcement: Wildlife Crime-Focus on Rhino, Elephant, Lion and Leopard	05-Jun-20	DEFF	All	Law Enforcement	Power point Presentation
Advisory Committee (High-Level Panel)	10-Jun-20	Jensen Safaris	Lion	Hunting	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Advisory Committee (High-Level Panel)	10-Jun-20	Anonymous	All	All	Stakeholder Written Submission
Advisory Committee (High-Level Panel)	11-Jun-20	TRAFFIC	Elephant Rhino	Population Trade	Reports
Advisory Committee (High-Level Panel)	11-Jun-20	Dave Balfour	All	Trade	Articles
Submission to Minister Creecy's High Level Panel	11-Jun-20	Eardley Rudman: Blaauwkrantz Farm	Leopard	Population	Stakeholder Written Submission
Submission from the Born Free Foundation to South Africa's Advisory Committee (High-Level Panel) Appointed to Review Existing Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	12-Jun-20	Born Free Foundation	All	All	Stakeholder Written Submission
Comment from the Eastern Cape Predator Management Forum (PMF) to Minister Creecy's High Level Panel With Specific Reference to the Management of Leopard in the Eastern Cape	12-Jun-20	Predator Management Forum	Leopard	Population	Stakeholder Written Submission
Focus Area for the Panel of Experts	12-Jun-20	Ukutula Lodge and Game Reserve	All	Captivity	Stakeholder Written Submission
Submission of work relevant to the High-Level Panel pertaining to captive-bred lions	12-Jun-20	Blood Lions	Lion	All	Stakeholder Written Submission
Call for written submissions, scientific or other relevant information concerning the review of policies, legislation and practices relating to the management, handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros	13-Jun-20	IUCN SSC AfrSG Rhino Specialist Group	Rhino	Trade	Stakeholder Written Submission
Submissions: Regarding "The Minister's Panel of Experts".	13-Jun-20	The True Green Alliance	All	All	Stakeholder Written Submission
Input for the Review of Policies, Legislation and Practices on Matters Of Management, Breeding, Hunting, Trade and Handling Relating to Captive Bred Lions (Panthera Leo).	14-Jun-20	Mev. Carla van der Vyver	Lion	Captivity	Stakeholder Written Submission
EIA Submission to the Advisory Committee (High-Level Panel) Appointed to Review Existing Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	14-Jun-20	Environmental Investigation Agency	Rhino Elephant	Trade Stock piling	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Submission to the High Level Panel (Minister's Advisory Committee) on the Management, Hunting, Trading and Breeding of the Elephant, Lion, Leopard and Rhino	14-Jun-20	Makuya Traditional Council	All	Hunting	Stakeholder Written Submission
Development of Welfare and Management Standards for Elephants in Human care in Southern Africa	15-Jun-20	We are all Mammals	All	Captivity	Stakeholder Written Submission
Review of Policies, Legislation and Practices on Matters of Elephant, Lion, Leopard and Rhinoceros Management, Breeding, Hunting, Trade and Handling	15-Jun-20	Brian Boswell	All	All	Stakeholder Written Submission
Advisory Committee to Review Existing Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	SA Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)- UJ	All	Handling Welfare	Stakeholder Written Submission
Advisory Committee (High-Level Panel)- Our Story	15-Jun-20	Silent Valley Game Breeders	Rhino	Trade Hunting	Stakeholder Written Submission
High-Level Panel appointed by South African Minister of the Environment, Ms Barbara Creecy, Established to Review Policies, Legislation and Related Practices on the Management, Breeding, Hunting, Trade and Handling of Elephant, Lion, Leopard and Rhinoceros.	15-Jun-20	Lord Ashcroft	Lion	Captivity Breeding	E-Book
Through the publication of Notice No. 221 in Government Gazette No. 43173, the High-Level Panel invited members of the public to submit written submissions, scientific information, socio-economic information or any other relevant information on matters related to the handling, management, breeding, hunting and trade of elephant, lion, leopard and rhinoceros	15-Jun-20	SABHSSA (SA Black Hunters and Sports Shooting Association)	All	Hunting	Stakeholder Written Submission
Advisory Committee to Review Policies, Legislation and Practices on Matters Related to the Management, Breeding, Hunting, Trade and Handling of Elephant, Lion, Leopard and Rhinoceros and Related Matters	15-Jun-20	EMS Foundation and Animal Law Reform South Africa	All	All	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Advisory Committee to Review Policies, Legislation and Practices on Matters Related to the Management, Breeding, Hunting, Trade and Handling of Elephant, Lion, Leopard and Rhinoceros - Government Gazette Notice No. 43173 221 of 2020 dated 27 March 2020	15-Jun-20	Future 4 Wildlife Ban Animal Trading Southern African Fight for Rhinos Four Paws Vervet Monkey Foundation Animal Talk Africa Institute for Critical Animal Studies White Lions Beauty Without Cruelty SA African Climate Change Alliance Youth Representative Centre for Animal Rehabilitation Big Cat Sanctuary Monkey Helpline International Organisation for Animal Protection	All	All	Letters of endorsement of EMS Foundation submission
Calling for submissions, scientific information, socio-economic information or any other relevant information to the Advisory Committee (High-level Panel) appointed by the Minister to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion leopard and rhinoceros.	15-Jun-20	The Fremar Lodge and Zoo Facility Meyerton	All	Hunting Captivity Governance	Stakeholder Written Submission
Submission of scientific, socio-economic, or any other relevant information to the Advisory Committee (High Level Panel or HLP) on matters related to the management, handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros G/N notice 277 of 2020, G/G 4332 closing date (as extended) 15th June 2020.	15-Jun-20	Rance Rural Development (Pty) Ltd	Leopard	Population	Stakeholder Written Submission
High-Level Panel for the Review of Policies, Legislation and Practices on Matters Related to the Management And Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	Elephant Specialist Advisory Group of South Africa (ESAG)	Elephant	Population	Stakeholder Written Submission
The Endangered Wildlife Trusts' Written Submission Supported by Scientific and Socioeconomic Information to the High-Level Panel on Matters Related to the Management, and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	Endangered Wildlife Trust	All	All	Stakeholder Written Submission
Matters Related to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros as Contemplated in NEMBA	15-Jun-20	Wildlife Ranching SA	All	All	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Input for the Panel of Experts	15-Jun-20	Pongola Nature Reserve	Rhino Leopard	Hunting	Stakeholder Written Submission
The Rhino Reality	15-Jun-20	Black Rock Rhino	Rhino	Trade	Article
Comments to the Advisory Committee (High-Level Panel) on Matters Related to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	Panthera	Lion	Trade Captivity	Stakeholder Written Submission
Submission Response to Notice No 221 in Government Gazette No 43173	15-Jun-20	International Council for Game and Wildlife Conservation	All	Hunting Captivity	Stakeholder Written Submission
In Response to Notices 221 and 227 in Government Gazette Nos 43173 and 43332	15-Jun-20	Wildlife ACT Fund	All	Captivity Trade	Stakeholder Written Submission
Advisory Committee to Review Policies, Legislation and Practices on Matters Related to the Management, Breeding, Hunting, Trade and Handling of Elephant, Lion, Leopard and Rhinoceros and Related Matters	15-Jun-20	Global White Lion Protection Trust	Lion	Governance	Stakeholder Written Submission
Submission by SA Hunters and Game Conservation to the High-Level Panel on the Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros.	15-Jun-20	SA Hunters and Game Conservation Association	All	Captivity Hunting	Stakeholder Written Submission
CHASA Submission as invited in Notice 221 of 2020	15-Jun-20	The Confederation of Hunting Associations in South Africa	All	Hunting Trade Stockpiles	Stakeholder Written Submission
Wildlife Trade Bans – Paving The Way to Extinction	15-Jun-20	Professional Hunters Association of South Africa	All	Hunting Trade	Stakeholder Written Submission
The Ranch Lion Industry in South Africa	15-Jun-20	South African Predator Breeders Association	All	Hunting Captivity	Stakeholder Written Submission
A call to phase out captive wildlife entertainment in tourism as an essential element of “growing back better” and preparing for tomorrow’s responsible and sustainable tourism.	15-Jun-20	World Animal Protection/Blood Lions	All	Captivity	Stakeholder Written Submission
WWF South Africa submission to the Advisory Committee for the review of policies, legislation and practices on matters of elephant, lion, leopard and rhinoceros management, breeding, hunting, trade and handling	15-Jun-20	WWF South Africa	All	All	Stakeholder Written Submission
Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Beauty Without Cruelty SA	Rhino	Stock piling	Stakeholder Written Submission

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Review of Existing Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros	15-Jun-20	The National Council of Societies for the Prevention of Cruelty to Animals	All	Handling Well-being	Stakeholder Written Submission
Submission to Panel of Enquiry on Management of Lion, Leopard, Elephant and Rhino	15-Jun-20	Graeme Siebert	All	Trade Population	Stakeholder Written Submission
Lion Bone and Skin Trade Impact	15-Jun-20	Sandra Linde Taxidermy	Lion	Hunting	Stakeholder Written Submission
Response to Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Javelin Capital	Rhino	Trade	Stakeholder Written Submission
Response to Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Charan Saunders	Rhino	Trade	Stakeholder Written Submission
Response to Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Sarah Tompkins	Rhino	Trade	Stakeholder Written Submission
Response to Notices 221 and 227 in Government Gazette Nos 43173 and 43332 - Submission to the Advisory Committee appointed by the Minister to review the existing policies, legislation and practices related to the management, handling, breeding, hunting and trade of Elephant, Rhino, Lion and Leopard.	15-Jun-20	Colin Bell	Rhino	Trade	Stakeholder Written Submission
Panel of Experts on Professional and Recreational Hunting in South Africa - (2005)	29-10-20	DEFF	All	Hunting	Power Point Presentation
Science Round Table and Assessment of South African Elephant Management	29-10-20	DEFF	All	Elephant	Power Point Presentation
High-Level Panel Transformation Subcommittee Meeting	30-Jul-20	Ezemvelo KZN Wildlife	All	Transformation	Power Point Presentation
Presentation to South Africa's advisory committee (High-Level Panel) appointed to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros	Oct-20	Born Free Foundation	Elephant Rhino	Breeding	Power Point Presentation

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
EIA Presentation to the High-Level Panel on Elephants, Lions, Leopards, and Rhinoceroses	06-Oct-20	Environmental Investigation Agency	Elephant Rhino	Trade Stockpiles Trafficking	Power Point Presentation
High Level Panel Presentation		Wildlife Act	All	Captivity	Power Point Presentation
Captive Lion Breeding for Hunting in South Africa- Harming or Promoting the Conservation Image of the Country?		Brand South Africa	Lion	Breeding Hunting	Power Point Presentation
Input to High Level Panel Stakeholder Consultation		IUCN SSC African Rhino Specialist Group (AfRSG)	Rhino	Population	Power Point Presentation
High Level Panel Stakeholder Consultation, 02 October 2020	19-Oct-20	IUCN SSC African Rhino Specialist Group (AfRSG)	Rhino	Population	Written Response to Questions posed by HLP
WWF South Africa presentation to the Advisory Committee for the review of policies, legislation and practices on matters of elephant, lion, leopard and rhinoceros management, breeding, hunting, trade and handling	02-Oct-20	WWF South Africa	All	Trade Breeding	Power Point Presentation
Presentation to South Africa's advisory committee (High-Level Panel) appointed to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros	Oct -20	Born Free Foundation			Power Point Presentation
Presentation to the Chairperson & High Level Panel for the Review of Policies, Legislation and Practices relating to Management, Breeding, Hunting, Trade and Handling of Elephant, Lion, Leopard and Rhinoceros	13-Oct-20	SATSA		Trade Handling Well-being	Power Point Presentation
Overview – CIC response to Notice No. 221 in Government Gazette No. 43173	02-10-20	CIC	All	Well Being Welfare Hunting	Power Point Presentation
Presentation to High Level Panel	02-10-20	Predation Management Forum	Leopard	Hunting Population	Power Point Presentation
Input for the Review of Policies, Legislation and Practices On Matters of Management, Breeding, Hunting, Trade and Handling Relating to Captive Bred Lions ( <i>Panthera Leo</i> ).	23 -Oct-20	Mrs A.C. (Carla) van der Vyver	Lion	Handling	Written Response to Questions posed by HLP
The Chairperson and Members	30-Oct-20	CHASA	All	Hunting	Written Response to Questions posed by HLP
Response to questions requested by the high level panel following the consultation process of 2 October 2020.	02-Oct-20	Dr SC Joubert	Elephants	Population	Written Response to Questions posed by HLP
The Endangered Wildlife Trust's replies to additional questions posed by the High Level Panel	26 -Oct-20	EWT	All	All	Written Response to Questions posed by HLP
Responses to Follow-Up Questions from HLP Regarding Submission on Elephant Management	26- Oct-20	Ian Rushworth	Elephant	Population	Written Response to Questions posed by HLP

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Infectious Diseases and the Illegal Wildlife Trade Legal ivory trade in a corrupt world and its impact on African elephant populations Proceedings of the 16th Working Meeting of the Crocodile Specialist Group of the Species Survival Commission of IUCN – The World Conservation Union convened at Gainesville, Florida, 7 – 10 October 2002 Wildlife and laundering: interaction between the under and upper world Wildlife Trade and Global Disease Emergence		Monique Sosnowski	All	All	Articles
Questions to Panthera from the High-Level Panel	25-Oct-20	Panthera	Lion Leopard	Breeding	Written Response to Questions posed by HLP
The High-Level Panel of Experts For The Review of Policies, Legislation and Practices on Matters of Elephant, Lion, Leopard and Rhinoceros Management, Breeding, Hunting, Trade and Handling.	26-Oct-20	African Game Ranchers Association	All	Transformation	Written Response to Questions posed by HLP
Responses to HLP Questions		Blood Lions/World Animal Protection	Lion		Written Response to Questions posed by HLP
In relation to the follow-up questions you have forwarded, please see below.		Born Free Foundation	Elephant		Written Response to Questions posed by HLP
Responses of the CIC to the additional questions from the South African High-Level Panel for the Review of Policies, Legislation and Practices on the Management, Breeding, Hunting, Trade and Handling of the Elephant, Lion, Leopard and Rhinoceros		CIC	All	Hunting	Written Response to Questions posed by HLP
Responses to the Questions of the High-Level Panel	29-10-20	Colin Bell plus 95 signatures	Rhino	Hunting Trade	Written Response to Questions posed by HLP
High Level Panel Stakeholder Consultation 29 September 2020		CPHC	All	Hunting Tourism	Written Response to Questions posed by HLP
Response to two additional questions asked by the High-Level Panel	22-Oct-20	Dave Balfour		General	Written Response to Questions posed by HLP
Thank-you for giving me an opportunity to comment		Eardley Rudman	Leopard	Breeding Tourism	Written Response to Questions posed by HLP
EIA Response to Questions from the High-Level Panel		EIA			Written Response to Questions posed by HLP
EMS Foundation and Animal Law Reform South Africa Answers to Questions Received on 20 October 2020		EMS Foundation/ ALRSA			Written Response to Questions posed by HLP

Full Title / Reference	Dated	Submitted by	Species focus	Issue focus	Submission type
Thank you for the opportunity to present our policy submission at the stakeholder consultation meeting on the 2nd October 2020. Please find below a written summary of our presentation and answers to the questions asked by the Panel		ESAG			Written Response to Questions posed by HLP
Written Response From HSI-Africa to the Ministerial High Level Advisory Panel on Rhino, Elephant, Leopard and Lion	26-10-20	Humane Society International	Elephant		Written Response to Questions posed by HLP
Response to High Level Panel Consultation Meeting held on 29th September 2020	22-10-20	Rance Rural Development			Written Response to Questions posed by HLP
Questions Raised by the Panel		Black Rock Rhino Conservation	Rhino	Trade	Written Response to Questions posed by HLP
Answers to the questions from the High-Level Panel: 26 October 2020:		PHASA			Written Response to Questions posed by HLP
Herewith my answers (in blue) to the questions received from the HLP		Piet Warren Plaas			Written Response to Questions posed by HLP
Responses to HLP Questions		Ron Thompson			Written Response to Questions posed by HLP
Response by SA Hunters and Game Conservation Association to the High-Level Panel on the Questions Received in Follow-Up to our Presentation to the Panel		SA Hunters and Game Conservation Association			Written Response to Questions posed by HLP
SAPA's response to Questions Flowing from its Presentation to the High Level Panel's Stakeholder Consultation Meeting on the 29 September 2020		SABHSSA			Written Response to Questions posed by HLP
SATSA'S Response to Written Questions from the High-Level Panel	21-10-20	SATSA			Written Response to Questions posed by HLP
Responses to HLP Questions		TRAFFIC			Written Response to Questions posed by HLP
Responses to HLP Questions		Sylvia Fick			Written Response to Questions posed by HLP
Captive Bred Lions Have a Huge Conservation Value		True Green Alliance Conclusion			Press Release
WRSA Q&A – High Level Panel		WRSA			Written Response to Questions posed by HLP
WWF South Africa submission of response to follow up questions from the High Level Panel Consultation Meeting, held on the 2nd October 2020.		WWF South Africa			Written Response to Questions posed by HLP

## ANNEXURE G: OUTPUT REGISTER

The following provides a list of the various outputs that have been generated by the High-Level Panel and its Secretariat to date –

High-Level Panel Output Register								
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input	
HLP Inception Meeting & Induction Workshop, 28 & 29 November 2019, The Regency Apartment Hotel, Pretoria, Menlyn	Agenda	Programme of the Meeting	2019/11/28-29	Panel Secretariat	High-Level Panel	Agenda	Standard output	
	Minutes & Action List	Outcome of the Meeting	2019/11/28-29	Panel Secretariat	High-Level Panel	Minutes & Action List	Standard output	
	ToR	High Level Panel ToR	2019-11-29	Panel Secretariat	High-Level Panel	Document	Standard output	
	Charter	Report on the Advisory Committee, High Level Panel Charter	2019-11-29	Panel Secretariat	High-Level Panel	Document	Requested output	
	Project Timeline	Advisory Committee, High Level Panel Roadmap with Timelines	2019-11-29	Panel Secretariat	High-Level Panel	Draft report	Requested output	
	DOS	Signed Declaration of Secrecy	2019-11-29	Panel Secretariat	High-Level Panel	Other	Requested output	
High Level Panel Second formal Meeting, 16 - 17 January 2020, Fire and Ice Hotel, Menlyn	Agenda	Programme of the Meeting	2020/01/15-17	Panel Secretariat	High-Level Panel	Agenda	Standard output	
	Minutes and Action List	Outcome of the Meeting	2020/01/15-17	Panel Secretariat	High-Level Panel	Minutes	Standard output	
	Charter	High Level Panel Charter	2020-01-16	Panel Secretariat	High-Level Panel	Document	Requested output	
	Code of Conduct	High Level Panel Code of Conduct	2020-01-16	Panel Secretariat	High-Level Panel	Document	Requested output	
	Scoping Documents	Scoping Document - Constitutional Framework		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - Mandates and Legislation		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - Land Use		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - Transformation		1900-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - South African Wildlife Model		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - Education and Capacity Building		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Scoping Document - International Position		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
	Scoping Document - Welfare and Clarification		2020-01-16	Thematic Sub-committee	High-Level Panel	Draft report	Requested output	
	Programme of Work	High Level Panel Programme of Work (Work Plan)		2020-01-16	Panel Secretariat	High-Level Panel	Draft report	Requested output
ToR	Summary of Term of Reference		2020-01-16	Panel Secretariat	High-Level Panel	Draft report	Standard output	

High-Level Panel Output Register								
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input	
High Level Panel Third formal Meeting, 26 - 28 February, Velmore Hotel, Centurion	Agenda	Programme of the Meeting	2020/02/26-28	Panel Secretariat	High-Level Panel	Agenda	Standard output	
	Minutes and Action List	Outcome of the Meeting	2020/02/26-28	Panel Secretariat	High-Level Panel	Minutes & Action List	Standard output	
	Vision Statement	Vision Document	2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output	
	Thematic Areas - Progress Reports	Progress Report - Constitutional Framework		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - Mandates and Legislation		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - Land Use		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - Transformation		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - South African Wildlife Model		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - Education and Capacity Building		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - International Position		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
		Progress Report - Welfare and Clarification		2020-02-28	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
	Stakeholder Strategy	High Level Panel Stakeholder Consultation Strategy, List and Invitation Letter		2020-02-28	Panel Secretariat	High-Level Panel	Document	Requested output
	Sub-Committees Questions to Internal Stakeholders	Sub-Committees list of Questions - Stakeholder Engagement		2020-02-28	Panel Secretariat	High-Level Panel	Document	Requested output
HLP Internal Stakeholder Workshop, 12 - 13 March, Emperors Palace Kempton Park	Agenda	Programme of the Meeting	2020-03-21	Panel Secretariat	High-Level Panel	Agenda	Standard output	
	Minutes and Action List	Outcome of the Meeting	2020-03-21	Panel Secretariat	High-Level Panel	Minutes & Action List	Standard output	
	Invitation	Advert & Notice - Inviting External Stakeholders to Submit written submission	2020-03-27	Panel Secretariat	High-Level Panel	Other	Requested output	
Fourth High Level Panel Meeting, 07 -08 April 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020/04/7-8	Panel Secretariat	High-Level Panel	Agenda	Standard output	
	Minutes and Action List	Outcome of the Meeting	2020/04/7-8	Panel Secretariat	High-Level Panel	Minutes & Action List	Standard output	
	Consolidated Report	Consolidated - Concept report on thematic areas	2020-04-08	Panel Secretariat	High-Level Panel	Draft report	Requested output	
	Draft Interim Report	Draft Interim Report	2020-04-30	Panel Secretariat	Panel Chair	Draft report	Requested output	

High-Level Panel Output Register							
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input
Fifth High Level Panel Meeting, 17 April 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-04-17	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-04-17	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Extension Notice, written submission	Extension Notice - Inviting External Stakeholders to Submit written submission	2020-04-17	Panel Secretariat	High-Level Panel	Document	Requested output
	Matrix Reports	Matrix Reports, per Thematic Area	2020-04-17	Thematic Sub-committee	High-Level Panel	Draft report	Requested output
	Interim Report	Finalised Interim Report	2020-04-17	Panel Chair	Minister	Final report	Requested output
Seventh High-Level Panel Meeting, 04 May, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-04	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-04	Panel Secretariat	High-Level Panel	Minutes & Action List	Standard output
	Programme of Work	Revised Programme of Work	2020-05-04	High-Level Panel	High-Level Panel	Document	Requested output
	Status Update, submitted submissions	Review and Status Report - Received External Submissions	2020-05-04	Panel Secretariat	High-Level Panel	Document	Requested output
High-Level Panel Meeting on Rhino Col and Lion Colloquium, 12 May 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-12	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-12	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Further Clarity Questions	List of Questions to presenters	2020-05-12	High-Level Panel	Presenters	Document	Requested output
Scientific Authority and Tourism, 14 May 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-14	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-14	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Further Clarity Questions	List of Questions to presenters	2020-05-14	High-Level Panel	Presenters	Document	Requested output
High-Level Panel Meeting on Legislation, 20 May Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-20	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-20	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Presentation	Legislation Sub-Committee Presentation	2020-05-20	Thematic Sub-committee	High-Level Panel	Presentation	Requested output
	200 pages Documents	Legislative Gap Analysis	2020-05-20	Thematic Sub-committee	High-Level Panel	Document	Standard output
	Further Clarity Questions	List of Questions to presenters	2020-05-12	High-Level Panel	Presenters	Document	Requested output
Follow-up Meeting with DEFF and SANBI, 22 May Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-22	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-22	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Further Clarity Questions	List of Questions to presenters	2020-05-22	High-Level Panel	Presenters	Document	Requested output

High-Level Panel Output Register							
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input
High-Level Panel Wildlife Economy/Transformation Meeting, 26 May 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-05-26	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-05-26	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Presentation	Transformation Sub-Committee Presentation	2020-05-26	Thematic Sub-committee	Thematic Sub-committee	Presentation	Requested output
	Further Clarity Questions	List of Questions to presenters	2020-05-12	High-Level Panel	Presenters	Document	Requested output
High-Level Panel Business Meeting, 05 June 2020, Virtual Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-06-05	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-06-05	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Further Clarity Questions	List of Questions to presenters	2020-05-12	High-Level Panel	Presenters	Document	Requested output
High-Level Panel Meeting on Enforcement, 05 June 2020, Virtual Meeting Room (Zoom Platform) Hosted by the Panel	Agenda	Programme of the Meeting	2020-06-05	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-06-05	Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting/ Workshop, 12 June 2020, Virtual Meeting Room (Zoom Platform), facilitated by Brian Child	Problem Tree	Panel Identified Main Issues and their effects	2020-06-12	High-Level Panel	High-Level Panel	Presentation	Requested output
High-Level Panel Meeting on Comments from Stakeholders, 22 June 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting	2020-06-22	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-06-22	Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting on Intensive Breeding, PoE on Hunting, Round Table & Elephant Assessment, 29 June 2020, Virtual Meeting Room (Zoom Platform) Hosted by Chairperson	Agenda	Programme of the Meeting	2020-06-29	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-06-29	Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 03 July 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting	2020-07-03	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-07-03	Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel, Business Meeting 10 July 2020, Zoom Conferencing (online), Chairperson: Ms Pam Yako	Agenda	Programme of the Meeting	2020-07-10	Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting	2020-07-10	Panel Secretariat	High-Level Panel	Minutes	Standard output
	Presentation	Categorisation of Submissions received	2020-07-10	Panel Secretariat	High-Level Panel	Presentation	Requested output
	Presentation	Presentation on Situational Analysis	2020-07-10	Panel Secretariat	High-Level Panel	Presentation	Requested output

High-Level Panel Output Register							
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input
High-Level Panel, Legislation sub-committee with Provinces 13 August 2020, Zoom Conferencing (online), Chairperson	Agenda	Programme of the meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action List	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
	Presentation	Application of the legislation			High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 31 August 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Workshop, 01 September 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Workshop, 09 September 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 23 October 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 17 November 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 01 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 02 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 03 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 08 December 2020, Virtual Meeting	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output

High-Level Panel Output Register							
Event	Short Title	Full Title / Reference	Dated	Submitted by	Submitted to	Output Type	Solicited / Unsolicited Input
Room (Zoom Platform), Hosted by Chairperson							
High-Level Panel Meeting Business Meeting, 09 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 14 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output
High-Level Panel Meeting Business Meeting, 15 December 2020, Virtual Meeting Room (Zoom Platform), Hosted by Chairperson	Agenda	Programme of the Meeting		Panel Secretariat	High-Level Panel	Agenda	Standard output
	Minutes and Action list	Outcome of the Meeting		Panel Secretariat	High-Level Panel	Minutes	Standard output

## ANNEXURE H: PUBLIC SECTOR STAKEHOLDER ENGAGEMENTS

This annexure contains summaries of all the engagements the High-Level Panel has had with public sector stakeholders. Included below is an overarching table, providing an overview of engagements. The tables that follow reflect the content of each engagement.

**Table 1: HLP engagements with public sector stakeholders**

	Title	Date	Stakeholder	Event
1	Strategic Perspective: Approach and Modalities	28 November 2019	Department of Environment, Forestry and Fisheries (DEFF)	The High-Level Panel Inception and Induction Workshop, Agenda Item 3, Presentation by the DEFF on Strategic Perspective: Approach and Modalities
2	Agricultural Sector Perspective: Current Policies and Interface with Wildlife	28 November 2019	Department of Agriculture, Land Reform and Rural Development (DALRRD)	The High-Level Panel Inception and Induction Workshop, Presentation by the DALRRD on Agricultural Sector Perspective: Current Policies and Interface with Wildlife
3	Conservation Status and Management of Large African Mammals	28 November 2019	South African National Parks (SANParks)	The High-Level Panel Inception and Induction Workshop, Presentation by the SANParks on Conservation Status and Management of Large African Mammals
4	Presentation on the Future for Large Mammal Management	28 November 2019	(SANParks)	The High-Level Panel Inception and Induction Workshop, Agenda Item 3, Presentation by the SANParks on the Future for Large Mammal Management
5	International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)	28 November 2019	Mr Michael 't Sas-Rolfes	The High-Level Panel Inception and Induction Workshop, Presentation by the Panel member on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)
6	Internal Stakeholder Consultation Workshop	12 to 13 March 2020	Government Institutions:	Internal Stakeholder Consultation Workshop of 12 to 13 March 2020
7	Consultation with Senior Legal Counsel	7 April 2020	Senior Legal Counsel	High-level Panel Business meeting of 07 to 08 April 2020 – Consultation with Senior Legal Counsel regarding the required legal opinion on constitutional issues raised by the Panel
8	Presentation on Conservation Status and Management of Lion Population	12 May 2020	SANParks	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, SANParks presentation on Conservation Status and Management of Lion Populations
9	Presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation)	12 May 2020	DEFF	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation)
10	Presentation on Non-Detrimental Findings on Lion Bone Quotas	12 May 2020	Scientific Authority	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, Scientific Authority presentation on Non-Detrimental Findings on Lion Bone Quotas
11	Presentation on Status and Management of Rhino Populations	12 May 2020	SANParks	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, SANParks presentation on Status and Management of Rhino Populations

Title		Date	Stakeholder	Event
12	Presentation on Rhino Committee of Inquiry (Col) (outcomes and implementation)	12 May 2020	DEFF	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Committee of Inquiry (Col) (outcomes and implementation)
13	Presentation on Rhino Committee of Inquiry (Col) (outcomes and implementation)	12 May 2020	DEFF	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Committee of Inquiry (Col) (outcomes and implementation)
14	Presentation on Rhino Lab Outcomes	12 May 2020	DEFF	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Rhino Lab Outcomes
15	Presentation on Introductory to the Work of Scientific Authority	14 May 2020	Scientific Authority	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Introductory to the Work of Scientific Authority
16	Presentation on Non-detrimental Findings (NDFs) and Quotas	14 May 2020	Scientific Authority	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Non-detrimental Findings (NDFs) and Quotas
17	Presentation on Issues of Relevance to the Work of the Panel	14 May 2020	Scientific Authority	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Issues of Relevance to the Work of the Panel
18	Presentation on Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel	14 May 2020	Department of Tourism	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel
19	Presentation on Legislative Framework: Constitution, Mandates and Litigation Overview	20 May 2020	DEFF	The Issue-based High-level Panel meeting on legislation, DEFF presentation on Legislative Framework: Constitution, Mandates and Litigation Overview
20	Presentation on draft legislation underway affecting the 5 species	20 May 2020	DEFF	The Issue-based High-level Panel meeting on legislation, DEFF presentation on draft legislation underway affecting the 5 species
21	Presentation on DEFF's response to some of the keys issues raised by the Panel;	22 May 2020	DEFF	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, DEFF presentation on DEFF's Responses to some of the Issues Raised by the Panel
22	Presentation on Animals Protection Act/ Animals Improvement Act	22 May 2020	DALRRD	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, DALRRD presentation on Animals Protection Act/ Animals Improvement Act
23	Presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions	22 May 2020	SANBI	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, SANBI presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions
24	Presentation on Perspectives on Biodiversity Sector Transformation	26 May 2020	DEFF	The Issue-based High-level Panel meeting on Transformation, DEFF presentation on Perspectives on Biodiversity Sector Transformation

	Title	Date	Stakeholder	Event
25	Presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture	26 May 2020	DALRRD (Land Affairs)	The Issue-based High-level Panel meeting on Transformation, DALRRD presentation on Perspectives on Biodiversity Sector Transformation
26	Presentation on Transformation to provide a presentation on the Work of the Transformation Sub-committee	26 May 2020	The Panel: Sub-committee on Transformation	The Issue-based High-level Panel meeting on Transformation to provide a presentation on the Work of the Transformation Sub-committee.
27	Presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard	5 June 2020	DEFF	The Issue-based High-level Panel meeting on Enforcement, DEFF presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard
28	Presentation on Wildlife Trafficking Approach	5 June 2020	DPCI	The Issue-based High-level Panel meeting on Enforcement, DPCI presentation on Wildlife Trafficking Approach
29	Presentation on Legislative Review and Related Matters	5 June 2020	DPCI	The Issue-based High-level Panel meeting on Enforcement, NPA presentation on Legislative Review and Related Matters;
30	Presentation on Strengthening Capabilities/ Combating the Illicit Economy	5 June 2020	SARS	The Issue-based High-level Panel meeting on Strengthening Capabilities/ Combating the Illicit Economy
31	Presentation on Scientific Round Table and Elephant Assessment	29 June 2020	DEFF	The Issue-based High-level Panel meeting on Scientific Round Table and Elephant Assessment
32	Presentation on Report on Intensive Breeding	29 June 2020	Scientific Authority	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment, Scientific Authority presentation on the Report on Intensive Breeding
33	Presentation on Intensive Breeding, POE on Hunting, Round Table & Elephant Assessment	29 June 2020	DEFF	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Table & Elephant Assessment, DEFF presentation on Intensive Breeding, POE on Hunting, Round Table & Elephant Assessment
34	Presentation on Scientific Round Table and Elephant Assessment	29 June 2020	DEFF	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment, DEFF presentation on Scientific Round Table and Elephant Assessment

## Summaries of HLP engagements with public sector stakeholders

The tables below provide summaries of all engagements undertaken with public sector stakeholders.

<b>Title</b>	<b>Strategic Perspective: Approach and Modalities</b>																											
<b>Presenter</b>	DEFF																											
<b>Full Event Title</b>	The High-Level Panel Inception and Induction Workshop, Agenda Item 3, Presentation by the DEFF on Strategic Perspective: Approach and Modalities"																											
<b>Start Date and Time</b>	2019-11-28 08:00am																											
<b>End Date and Time</b>	2019-11-29 16:00pm																											
<b>Venue</b>	The Regency Hotel, Pretoria																											
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF To welcome and provide an induction to all members appointed by the Minister to form part of the Panel, and to commence with the work of the Panel.</li> <li>• DEFF to provide a presentation on Strategic Perspective: Approach and Modalities.</li> <li>• SANParks to provide a presentation on Conservation Status and Management of Large African Mammals.</li> <li>• SANParks to provide a presentation on Future for Large Mammal Management</li> <li>• DALRRD to provide a presentation on Agricultural Sector Perspectives: Current Policies and Interface with Wildlife; and</li> <li>• DEFF to provide a presentation on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</li> </ul>																											
<b>Event Format</b>	Plenary Panel meeting																											
<b>Stakeholders participating</b>	Panel members and Secretariat: Technical Support: Officials from DEFF: Officials from SANParks: Officials from DALRRD:																											
<b>Key discussions</b>	Reflection on key legislative framework regulating the five iconic species, which includes the Constitution of the Republic of South Africa, 1996 (Constitution), with more emphasis on s24 (environmental right) and s231 (ratification of international agreements), NEMBA and its associated legislative tools such as TOPS and CITES Regulations, Biodiversity Management Plans and etc. Furthermore, reflection on the conservation/biodiversity status of each species concerned, as well as threats, conflicting views and conservation tools under implementation or developmental stage.																											
	<b>Polarised debates</b> <table border="1"> <tr> <td>Conservationist approach</td> <td>Preservationist approaches</td> </tr> <tr> <td>Sustainable use (consumptive)</td> <td>Sustainable use (non-consumptive)</td> </tr> <tr> <td>Science-based decision making</td> <td>Sentiment driven decisions</td> </tr> <tr> <td>Adaptive management</td> <td>Fixed &amp; inflexible approaches</td> </tr> <tr> <td>Contextual/local response</td> <td>Global system "one size fits all"</td> </tr> <tr> <td>Incentivized conservation</td> <td>Disincentives and controls</td> </tr> <tr> <td>Demand management</td> <td>Demand reduction</td> </tr> <tr> <td>Multi-dimensional approaches</td> <td>Linear approaches</td> </tr> <tr> <td>Value addition</td> <td>Value erosion</td> </tr> <tr> <td>Biological resource</td> <td>Commodification</td> </tr> <tr> <td>Welfare &amp; well being</td> <td>Rights based approaches</td> </tr> <tr> <td>Inclusive and human rights</td> <td>Property rights and individual freedoms</td> </tr> <tr> <td>Self-administration</td> <td>Self-regulations</td> </tr> </table>		Conservationist approach	Preservationist approaches	Sustainable use (consumptive)	Sustainable use (non-consumptive)	Science-based decision making	Sentiment driven decisions	Adaptive management	Fixed & inflexible approaches	Contextual/local response	Global system "one size fits all"	Incentivized conservation	Disincentives and controls	Demand management	Demand reduction	Multi-dimensional approaches	Linear approaches	Value addition	Value erosion	Biological resource	Commodification	Welfare & well being	Rights based approaches	Inclusive and human rights	Property rights and individual freedoms	Self-administration	Self-regulations
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<b>Key outcomes</b>	Considering the number of emotive and complex prevalent conservation and sustainable use issues, particularly issues concerning the five iconic species, which had attracted continued media interest, nationally and internationally, and more particularly issues around elephant culling, ivory rhino horn stockpile, trade in																											

	<p>rhinoceros horn, illegal killing of leopard population, and the emerging issues around lion bone trade, an urgent need had risen for the Panel to review all relevant existing policies, legislation and practices in relation to the five iconic species.</p> <p>The Panel to take into account all relevant or affected stakeholders involved in conservation and biodiversity management, including government, regulators, conservation agencies at both provincial and national sphere, regulated communities, communities, NGOs, animal welfare and rightists, media, international, regional, sub-regional and the industries' role players in the process.</p>
<b>Key Issues for/by the HLP</b>	The Panel to urgently review all relevant existing policies, legislation and practices in relation to the five iconic species, as formally guided by its Terms of Reference (ToRs).

<b>Title</b>	<b>Agricultural Sector Perspective: Current Policies and Interface with Wildlife</b>
<b>Presenter</b>	Department of Agriculture, Land Reform and Rural Development (DALRRD)
<b>Full Event Title</b>	The High-Level Panel Inception and Induction Workshop, Presentation by the DALRRD on Agricultural Sector Perspective: Current Policies and Interface with Wildlife
<b>Start Date and Time</b>	2019-11-28 08:00am
<b>End Date and Time</b>	2019-11-29 16:00pm
<b>Venue</b>	The Regency Hotel, Pretoria
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF To welcome and provide an induction to all members appointed by the Minister to form part of the Panel, and to commence with the work of the Panel;</li> <li>• DEFF to provide a presentation on Strategic Perspective: Approach and Modalities;</li> <li>• SANParks to provide a presentation on Conservation Status and Management of Large African Mammals;</li> <li>• SANParks to provide a presentation on Future for Large Mammal Management</li> <li>• DALRRD to provide a presentation on Agricultural Sector Perspectives: Current Policies and Interface with Wildlife; and</li> <li>• DEFF to provide a presentation on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</li> </ul>
<b>Event Format</b>	Plenary Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical Support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the DALRRD:</p>
<b>Key discussions</b>	<p>Defined "wildlife ranching/game farming" as the management of game in sizable game fenced system, with human intervention in form of provision of water, supplementary of food in periods of drought, control of parasites, and provision of health care. Game farming had been recognised as an agricultural activity, while game meat is recognised as agricultural product in terms of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).</p> <p>Listed number of legislation with direct and indirect impact on wildlife, and includes Game Theft Act, 1991 (Act No. 105 of 1991), Fencing Act, 1963 (Act No. 31 of 1963), Conservation of Agricultural Resource Act, 1983 (Act No. 35 of 1983), Animal Disease Act, 1984 (Ac No. 35 of 1984), Animal Protection Act, 1962 (Act No. 71 of 1962), etc., as well cross-cutting legislative issues such as ownership of game, farms and holdings, breed evaluation and improvement, etc.</p>
<b>Key outcomes</b>	Overlapping mandates between different government departments in all sphere of government (national, provincial and local), thus creating uncertainty regarding where the mandate lies in terms of regulating species such as Ostrich and crocodile.
<b>Key Issues for the HLP</b>	The Panel to consider the implications of Game Theft Act, and the consequences of listing of wild species in terms of Animal Improvement Act, 1998 (Act No. 62 of 1998).

<b>Title</b>	<b>Conservation Status and Management of Large African Mammals</b>
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<b>Presenter</b>	SANParks
<b>Full Event Title</b>	The High-Level Panel Inception and Induction Workshop, Presentation by the SANParks on Conservation Status and Management of Large African Mammals
<b>Start Date and Time</b>	2019-11-28 08:00am
<b>End Date and Time</b>	2019-11-29 16:00
<b>Venue</b>	The Regency Hotel, Pretoria
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF To welcome and provide an induction to all members appointed by the Minister to form part of the Panel, and to commence with the work of the Panel;</li> <li>• DEFF to provide a presentation on Strategic Perspective: Approach and Modalities;</li> <li>• SANParks to provide a presentation on Conservation Status and Management of Large African Mammals;</li> <li>• SANParks to provide a presentation on Future for Large Mammal Management</li> <li>• DALRRD to provide a presentation on Agricultural Sector Perspectives: Current Policies and Interface with Wildlife; and</li> <li>• DEFF to provide a presentation on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</li> </ul>
<b>Event Format</b>	Plenary Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical Support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the DALRRD:</p>
<b>Key discussions</b>	<p>Reflection on the <b>2018 Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) Assessment Report</b>: which looked at how poaching and illegal wildlife trade had exacerbate species decline, and the fact that more species of plants and animals are threatened with extinction now than at any other time in human history. The main drivers of such decline and extinctions are overkill and environmental change.</p> <p>Further reflected on the <b>status of African mammal population</b>, and indicated that the large mammal population had been declining in Africa's protected areas due to over-exploitation and land convention. Indicated that the condition for conservation success for large mammals would be suitable and adequate habitat (incl. food and water), Adequate protection from over-exploitation (incl. from poaching), and fencing to limit human-wildlife conflict. Again reflected on the two broad conservation challenges for mega-herbivores as being over-exploitation associated with poaching and illicit trade, as well as over-abundance associated with vegetation destruction. Lastly reflected on the African and local conservation status and context around the five iconic species concerned.</p>
<b>Key outcomes</b>	Underpinning the proximate direct causes of decline in biodiversity are the indirect drivers of change, therefore, significant opportunities (leverages) exist for decision makers to influence the extent to which these drivers effect the status and trends of biodiversity and ecosystem services. The Panel was advised to consider that there were many questions being raised amongst conservationist, policy makers and other interested stakeholders on various aspects relating to the economy, society and biosphere, some of which could be interrogated on by the Panel.
<b>Key Issues for/by the HLP</b>	<p>Some of the questions to be considered by the Panel in executing its work:</p> <ul style="list-style-type: none"> <li>• Would intervention (e.g. culling, contraception) be necessary to safeguard the habitat conditions for other species?</li> <li>• Should wildlife populations be exploited for economic reasons? If not, how could conservation be funded?</li> <li>• Would the financial and manpower investment be justified in light of competing national needs?</li> <li>• Could rapidly declining populations be effectively protected in the wild, given the limited size of many reserves and parks?</li> <li>• What would be the approach when engaging with communities where the unemployment in some cases exceeded 80 % in order to attain a common understanding and vision about the management of rhino for the benefits of all people including the communities that live next to parks such as Kruger National Park (Kruger National Park)?</li> <li>• In light of the projected global changes, such as climate change, human population and rapid urbanization, how would one ensure the improved and effective management of protected area?</li> </ul>

<b>Title</b>	<b>Presentation on the Future for Large Mammal Management</b>
<b>Presenter</b>	SANParks
<b>Full Event Title</b>	The High-Level Panel Inception and Induction Workshop, Agenda Item 3, Presentation by the SANParks on the Future for Large Mammal Management
<b>Start Date and Time</b>	2019-11-28 08:00am
<b>End Date and Time</b>	2019-11-29 16:00
<b>Venue</b>	The Regency Hotel, Pretoria
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF To welcome and provide an induction to all members appointed by the Minister to form part of the Panel, and to commence with the work of the Panel;</li> <li>• DEFF to provide a presentation on Strategic Perspective: Approach and Modalities;</li> <li>• SANParks to provide a presentation on Conservation Status and Management of Large African Mammals;</li> <li>• SANParks to provide a presentation on Future for Large Mammal Management;</li> <li>• DALRRD to provide a presentation on Agricultural Sector Perspectives: Current Policies and Interface with Wildlife; and</li> <li>• DEFF to provide a presentation on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</li> </ul>
<b>Event Format</b>	Plenary Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical Support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the DALRRD:</p>
<b>Key discussions</b>	<p>Wildlife plays an important role in the African socio-economic-ecological system integrity with their persistence in improving the quality of living and enhancing livelihoods of local people. In order to manage the socio-economic ecological role and fare-share benefits, there is a need to restore ecological processes, mimic ecological processes, mitigating risks and strive for equality in sustainability, whereas, in order to ensure persistence of the socio-economic ecological role, there is a need to disrupt organised crime, improve the well-being of people and manage cultural practices and habits.</p> <p>Further reflected on how the general mammal trends also vary across the regions in Africa, as well as some of the conservation success, which includes Rangers Applied Best Practice Management, pioneers saw the value in what they were doing, large protected areas provided recovery, innovative approaches provided expansion and legal incentives provided more areas.</p>
<b>Key outcomes</b>	<p><b>Innovative vision:</b> being “A sustainable ecosystems connecting society”, of which the outcome is resilient dynamic ecosystems that provide equitable opportunities for socio-economic development and natural heritage experiences while maintaining sustainability. Further provided the local context around the five iconic species concerned.</p> <p><b>Elephant-</b> Impact not associated with elephant density in a particular reserve; waterhole clumped close to each other influence elephant effects way more than just how far water is away; manage impact on a local scale because of mismatch between impact and how elephants use landscape; elephant declining on continental scale with Kruger National Park as an exception;</p> <p><b>Lion-</b> Restoring and allowing ecological processes to play out buffered emerging disease, inbreeding and allowed prey biomass to stabilize or increase leading to robust wild populations; managing collapse of lions’ reasons for living in groups and male dispersal; South Africa’s managed lion meta-population is now key lion conservation unit; South African lions are least concern, range expanded and <b>numbers increased with large component in captive facilities.</b></p> <p><b>Leopards-</b> Threats to leopard includes direct and indirect persecution, cultural regalia, irresponsible trophy hunting, road kills, research and tourism and poisoning; South African conservation status is vulnerable.</p>

	<p><b>Rhinoceros</b>- Drivers of perfect rhino poaching storms includes long history of cultural and trade. Inelastic demand, high profit potential, inadequate enforcement, unclear property rights and human-wildlife conflict disincentives.</p> <p>Typical strategic response to curb illegal wildlife trade is to disrupt organised crime and fix social injustices in your own yard; Most debates focuses on conflict of benefits to conservation elite, but ignores costs of living with wildlife and hidden risks; wildlife and associated land uses should contribute in various ways to sustainability and human well-being supporting National Development Plans, Strategic Development Goals and Aichi Targets, by having high level of interest preceding over individual philosophy, establishment of reserves and national management plans, revision of various Norms and Standards for wildlife management, development of various Biodiversity Management Plans, and implementation through a cross government integration.</p>
<b>Key Issues for/by the HLP</b>	<p>Some of the questions to be considered by the Panel in executing its work:</p> <p><i>Elephant</i>- What are the projects and development objectives? How do elephants contribute to or threat that; how do one need to manage them? How do one manage what need to manage? What are risks with managing? How do one mitigate risks? How do one measure success of achieving objectives? What did one learn and how would one change?</p> <p><i>Lion</i>- Policy failures may associate with most influencers having an interest, with few having constitutional accountability or experiencing the cost of living with wildlife; policy should facilitate, not regulate; policy should mitigate, not prohibit; policy should use objectives benchmarks; policy should enables managers; policy should learn from other challenges; policy should be dissolving decision-making; policy should be adaptive and experimental; and policy should have good governance.</p> <p>Leopard- Good governance in the following manner, Recognizing rights (participatory, consensus, inclusive, equitable), Lawful (Constitutional, Rule of law), Responsible enabling (accountable, transparent, responsive, practical), and desired outcome (effectiveness).</p>

<b>Title</b>	<b>International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</b>
<b>Presenter</b>	Mr Michael 't Sas-Rolfes
<b>Full Event Title</b>	The High-Level Panel Inception and Induction Workshop, Presentation by the Panel member on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)
<b>Start Date and Time</b>	2019-11-28 08:00am
<b>End Date and Time</b>	2019-11-29 16:00pm
<b>Venue</b>	The Regency Hotel, Pretoria
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF To welcome and provide an induction to all members appointed by the Minister to form part of the Panel, and to commence with the work of the Panel;</li> <li>• DEFF to provide a presentation on Strategic Perspective: Approach and Modalities;</li> <li>• SANParks to provide a presentation on Conservation Status and Management of Large African Mammals;</li> <li>• SANParks to provide a presentation on Future for Large Mammal Management;</li> <li>• DALRRD to provide a presentation on Agricultural Sector Perspectives: Current Policies and Interface with Wildlife; and</li> <li>• DEFF to provide a presentation on International Dynamics of Legal and Illegal Trade: Wildlife Trade Policy (A wicked problem?)</li> </ul>
<b>Event Format</b>	Plenary Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical Support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the DALRRD:</p>
<b>Key discussions</b>	<b>Three specific challenges for South Africa:</b> being, Wilderness (maintaining integrity of ecosystems, species evolution and genetics), Animal Welfare (Managing wildlife with compassion to acceptable standards), and Human development/ socio-economic transformation (ensuring that all South Africans benefits from wildlife).

<p><b>Key outcomes</b></p>	<p><b>Policy and research challenges includes the following:</b> Conflation of conservation and animal welfare concerns; how do we compromise on these potentially conflicting goals? Wildlife trade is part of complex adaptive systems, how do we deal with risk in the face of complexity and uncertainty? What exactly is genuinely precautionary approach?</p> <p><b>Evidence on trophy hunting (trade):</b> Kenya's 1977 hunting ban largely a failure (incentive problem); likely significant impacts of trophy hunting restrictions and bans, especially in countries such as Namibia; negative impacts of hunting ban in Botswana.</p> <p><b>Evidence on trade policy impacts:</b> For <b>elephants/ivory trade</b> (winners and losers); <b>For rhino</b> - (most successful rhino conservation is in countries with sustainable use and stronger institutions; key role of trophy hunting and private owners; rhino horn trade ban extremely costly to enforce); <b>For lions</b> – (South Africa is the only country with commercial captive lion breeding and also only country in Africa which all wild lion populations are increasing; no evidence that lion none exports are negatively affecting wild lion populations in South Africa).</p> <p>Shifting global hegemony, with geopolitical dimensions such as (Southern Africa being a pro-sustainable use country, while East African countries (Kenya) being protectionists): Value orientation around sustainable use v protectionists; ideological way again around sustainable use v protectionists, with team sustainable use v team abolition of certain activities; split personality in CITES; conflicting institutions; evolution institutions.</p> <p><b>The case for legal supply:</b> Trade bans fail to address underlying drivers of poaching and declines in <i>in situ</i> wildlife populations and may even aggravate; under certain circumstances legally-supplied wildlife products can displace and out-compete illegal markets and thereby reduce poaching pressure; legal trade can also raise much-needed funds for <i>in situ</i> conservation directly, or otherwise support the wildlife economy indirectly;</p> <p><b>Assumption</b> – competitive legal/ sustainable production and trade function; effective supply chain management and enforcement; and certification system and/or discerning, cooperative consumers.</p> <p><b>The case for wild trade prohibition:</b> Any legal commercial trade in a harvest wildlife product, confuses consumers, expands illegal markets by raising demand, enables laundering and undermines law enforcement; therefore there must be a complete trade ban; <b>Assumption</b> – undiscerning law enforcement and consumers, bans have significant stigma effect, sufficient financial resource protection and enforcement, and opportunity costs of <i>in situ</i> conservation are constant or declining.</p> <p>African megafauna- numbers are declining, even in protected areas; protected areas are chronically underfunded; human populations in Africa are growing, leading to increased demand for resources, land conversion, habitat fragmentation, human-wildlife conflict and some unsustainable harvesting/ illegal wildlife trade.</p> <p><b>Grey areas-</b> few markets are entirely legal or illegal – loopholes are pervasive; legal and illegal activities interact dynamically through grey zone; under certain conditions, legal activity can crowd out illegal activity.</p>
<p><b>Key Issues for/by the HLP</b></p>	<p>Current issues of contention: Ivory – where is it headed? Rhino horn trade- should it be legalised? Lion bone trade – Should it be banned? Trophy hunting – should it be banned (or just certain types)? Are these contention grounded in ethics or science? Do wildlife trade bans work for conservation, or do they simply create an enabling environment for professional criminal syndicates to monopolise the trade, aided and abetted by corrupt government officials along supply chains? Wildlife as a public or private good? What is the best approach at global scale? Are global trade bans the right answers? Must everyone agree? Who sets the global policy agenda? Whose wildlife is it anyway?</p>

<b>Title</b>	<b>Public Sector Stakeholder Consultation Workshop</b>
<b>Full Event Title</b>	Public Sector Stakeholder Consultation Workshop of 12 to 13 March 2020
<b>Start Date and Time</b>	2020-03-12 08:30am
<b>End Date and Time</b>	2020-03-13 15:00pm
<b>Venue</b>	Emperors Palace, Kempton Park
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>To solicit views from the public sector on whether the Panel was on the right track or not;</li> <li>To obtain inputs on challenges faced by public sector stakeholders, with specific reference to the five iconic species concerned; and</li> <li>To request stakeholders to identify areas of improvement.</li> </ul> <p>The outcome of the workshop to assist the Panel to improve members' common understanding of issues regarding the holistic nature of biodiversity conservation and management in South Africa</p>
<b>Event Format</b>	Plenary and break away sessions
<b>Stakeholders participating</b>	Panel members and Secretariat; Technical support; Government Institutions
<b>Key discussions</b>	<p><b>Constitutional Framework:</b>  <i>The Panel requested expert external legal advice on the following issues in order to make informed recommendations:</i> In interpreting and understanding the Constitutional provisions, should one read the Constitution with other legislation? Should a right be read in isolation, or together with its implementing legislation? Who has authority to interpret the Constitution? In moving forward, can the HLP provide an interpretation of s24 (Weighing s24 against other Constitutional rights, e.g. property rights, and what course of action to take in the case of conflicting Constitutional rights; and In respect of s24, whether it is an absolute or progressive right, whether it includes welfare, which direct rights are imposed by s24, and whether sustainable use is a direct right, clarity is required on the meaning of "justifiable"; and which obligations does s24 place on South Africans?).</p> <p><i>Questions posed to stakeholders by the Panel:</i> Information required on the following: Legislative tools regulating conservation in provinces and any challenges thereof; Legislative tools regulating permitting systems, and challenges thereof; Challenges with implementation of s24 of the Constitution; Documentary proof of all "other measures" that directly relate to conservation and ecological sustainable use of the concerned species (this includes but is not limited to policies, guidelines and internal positions).</p> <p>Key discussion: Constitutional Framework: Concerns regarding the making of scientific recommendations, or taking science-based decisions, in the absence of a policy framework; the interpretation of the Constitution is based on two ideologies applicable in African wildlife conservation, namely 1) an exclusionary approach, and 2) an inclusive human rights-based approach; the Panel to consider how these two ideologies impact the way in which the Constitution is interpreted; Government should consider developing a clear policy framework on issues identified as per the ToRs; Considering South Africa's obligations in terms of international agreements such as the Convention on Biological Diversity (CBD), and its objectives that relate to conservation, sustainable use of biological resources, and fair and equitable sharing of the benefits derived from biological resources, the Panel to consider how these obligations limit or enhance the application of s24; The Panel to unpack the issue of sustainable use vs animal welfare, and whether s24 of the Constitution provides for welfare mandate; The concurrent competence in respect of nature conservation, which is created by schedule 4 of the Constitution, causes challenges, especially for compliance and enforcement, thus the Panel to consider this challenge from a Constitutional perspective, and to consider whether the concurrent competence is still relevant in 2020; DEFF to provide information on prosecutions relating to wildlife; the Panel to consider things that are done in terms of pre-Constitutional provincial legislation, and which are absent in national legislation, e.g. the establishment of a Conservation Board; and the impact of inconsistencies, e.g. in respect of permits, on prosecutions to be considered.</p> <p><b>Mandate and legislation:</b>  <i>Questions posed to stakeholder by the Panel:</i> Information required on the following: Extent to which tools (Biodiversity Management Plans, etc.) incorporated in legislation are being utilized in addressing concurrent mandates and conflicts related thereto (DEFF and Provinces); Detailed information on the electronic permitting system and estimated date of launch, as well as a degree to which it will address inconsistent approaches taken to permitting by the different provinces; status of any SOPs or guidelines (that are uniform across South Africa) to guide the use of the electronic permitting system; Related to the issuance of permits, what other factors beyond those specifically stated in regulation 10 of the TOPS regulations are considered? Considering the existing councils and societies, for example the Health Professional Council of South Africa (HPCSA), the</p>

South African Veterinary Council (SAVC), and the Law Society, what requirements should be included for a council that would provide a platform for enhanced self-regulation for all direct wildlife users and managers, for example, hunting, breeding, trade etc., and indirect users (interested and affected parties)?

*Key discussions:*

*Tools:* generally environmental tools are not used for the resolution of conflict in legislation, but DEFF to confirm; general sense that tools should be developed to further guide the concurrent mandate, and that existing tools (biodiversity management plans and Non-Detriment Findings) are not being used to the fullest degree; various mechanisms for consultation and participation are used, which include inter-governmental consultation through Working Groups and MINTECH, approval by the National Council of Provinces, consultation through the national Wildlife Forum, Standard Operating Procedures (SOPs), and norms and standards; lack of ability of the state to retain custodianship of wild animals escaping from land under its jurisdiction, and proposed amendment to NEMBA to address this gap; and DEFF has initiated a process relating to the rationalization of legislation, which is aimed at resolving conflict. The process to be continued in the next financial year;

*Electronic permit system:* the national TOPS permit system to be launched on 1 April, but is dependent on the amended TOPS Regulations becoming effective and the hosting of roadshows on its implementation; the national CITES permit system is still under development, the national permit system only address species listed as TOPS and in appendices of CITES, and does not include provincially listed species, whereas provinces need all provincially protected species to be included; the national TOPS permit system will enable provinces to issue integrated permits; most of the provinces either have existing on-line systems or are developing systems; uncertainty on how provincial permit systems would be integrated with the national permit system (provincial systems developed by the State Information Technology Agency (SITA) may more likely be fully integrated); further consultation is required on this matter, but lack of clarity as to when and how the consultation will take place; and further area of uncertainty is the degree of guidance on the issuance of permits through this electronic system to insure uniformity across South Africa;

*Factors to be considered for the issuing of permits:* Does DEFF considers other factors, in addition to those specified in Regulation 10 of the TOPS Regulations, e.g. relevant scientific information, factors contained in NEMBA relating to the refusal or cancellation of permits, or non-detriment findings; some provinces have guiding documents on the issuance of permits; and the factors to be considered by issuing authorities for the issuing of permits have been expanded in the draft revised TOPS Regulations;

*Self-regulation:* clarity was provided on the difference between self-regulation (could involve permitting and compliance monitoring activities) and self-administration (non-regulatory activities); enabling and related provisions in legislation would need to be created to provide for self-regulation; checks and balances to be included; uncertainty on how self-regulation would impose on the mandate of the provinces; concern around a lack of common purpose was noted; it was questioned how such a council would ensure the promotion of constitutional rights; certification systems to be considered for the purpose of self-regulation; further unpacking of the issue is required, e.g. to determine which aspects of self-regulation would be acceptable, and Constitutional considerations; and need to consider the value of Councils in providing a common purpose, whereas a common purpose within the wildlife industry may currently be lacking; and

*Other considerations:* lack of comprehensive biodiversity-related policy to inform NEMBA (not a legal requirement). Although the White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity has been developed, it has not been implemented; policy direction for tourism-based human-wildlife interactions needed; activities relating to animal interactions not addressed in the TOPS Regulations, but are addressed in the Performing Animals Protection Act, 1935 (Act No. 24 of 1935); need to distinguish between activities affecting the welfare of animals and activities threatening the survival of animals, linked to the need to distinguish between a legislative mandate and responsibility; need to consider that South Africa's policy positions are also informed by international agreements – policy gaps may be more relevant to new legislative developments; uncertainty of how to deal with matters dealt with in terms of provincial legislation, which is not dealt with by NEMBA, e.g. establishment of Conservation Boards; concerns were raised around the regulatory controls for display of animals and a request the HLP look into this. The TOPS Regulations contain provisions relating to commercial exhibition facilities, and additional provisions included in the draft revised TOPS Regulations; concerns were raised around human and animal well-being around captive interactions; and impact of legislation administered by other departments, such as the inclusion of animals of species in terms of the Animal Improvement Act, 1998 (Act No. 62 of 1998), and concerns on insufficient consultation during the listing process.

**Land Use and Wildlife Model:**

<p><i>Key questions posed to the Stakeholder by the Panel:</i> Ownership, fencing, and land fragmentation (including intensification)? Legislation / regulations, conservation implementation and viability of the wildlife sector? Benefits from use, and risks to, the wildlife sector, and viability of different wildlife business models?</p> <p><i>Key discussions:</i></p> <p><i>Risk map:</i> the risk map considers only s24 of the Constitution – considering other sections of the Constitution could have a different outcome; concern regarding value judgement, e.g. 'over managed', 'wildness', and what is wilderness; how the various criteria in the risk assessment were weighted – risk vs benefit; and risk of land-use change if a system is no longer economical viable anymore, to be considered;</p> <p><i>Ownership and legislative uncertainty:</i> lack of clarity provided by legislation regarding the ownership of game; e.g. if an elephant breaks out of the Kruger National Park into neighbouring private nature reserves, the landowner has right of use of such elephant; however, should the elephant break out onto a communal area, the community does not have right of use due to absence of a management plan; unclear implications of the Game Theft Act, 1999 (Act No. 105 of 1999) - whether game is dealt with like cattle, or whether ownership is conditional, i.e. a number of conditions to be complied with in order to obtain ownership; and inequality of ownership for different parts of society;</p> <p><i>Fencing:</i> minimum standards for fences exist, but no maximum allowances e.g. burying fences, height, risk assessments, etc.; key risk in intensification; e.g. low risk in low biodiversity areas but high risk for protected area expansion; unintended risks of fencing e.g. restriction of movement of wild animals; during periods of drought elephants can move from nature reserves bordering Kruger National Park, into Kruger National Park due to more abundance of food – a more holistic approach is needed; and need to highlight how benefits of diverse land-use, which includes fences, could be reaped, while minimising the negative impacts;</p> <p><i>Captive/ intensive breeding:</i> captive animals could act as a buffer for wild animals e.g. increase in lion poaching due to South Africa not being able to issue permits for lion bone trade; and the benefits of captive/ intensive facilities are not indicated in the mapping the landscape;</p> <p><i>Communal involvement / transformation:</i> integration of smaller parcels of communal or resituated land into larger areas to maximise viability: engagement with stewardship community is important; immediate access to Big 5; involvement of community in decision-making and accountability for the benefit is critical (<i>tag for governance and transformation groups</i>); unintended consequences of introduction of the Big 5 often not considered; therefore whether the Big 5 always increases tourism potential and improves economic viability, to be further discussed; the wildlife estate model needs to be inclusive of traditional land and communities, and of ownership, management contribution and responsibility; and hidden costs and benefits to be understood;</p> <p><i>Trans-Frontier Conservation Areas (TFCAs):</i> the concept of a TFCA is a matrix of different land uses which combined contribute to the socio-ecological sustainability of a system; mechanism to accommodate different management philosophies, and governance in place, but ecological benefits of the scale are lacking, due to e.g. due to border fences; and TFCAs provide larger landscapes and increase connectivity, which are important aspects in response to climate change;</p> <p><i>Buffers around parks:</i> Buffers created through integrated land use, but ecological buffers also needed, e.g. for use of bush meat in drought times; zone of influence is a concern and needs to be addressed, e.g. open cast coal mines on border of Hluhluwe-iMfolozo Park, next to wilderness area, create continual encroachment and threat; need to have capacity to implement legislation; municipalities etc. to take conservation into consideration in their planning; importance of management of connected landscapes, e.g. catchment management - late rains, drying rivers due to over- and/ or illegal extraction, especially problematic in transboundary rivers that are dependent on South Africa for water supply; and a buffer is a particular size around a park and not necessarily an ecological buffer e.g. a whole river system leading into the park;</p> <p><i>General:</i> the primary aim of most wildlife businesses is commercial gain; however, need to consider the significant contribution of private areas to conservation, e.g. private nature reserves adjacent to Kruger National Park in spite of human intervention (water provision, tree clearing, etc.), especially to species such as rhino and elephant; potential to quantify a rhino's carbon footprint and capturing it in the economic model to contribute to the concept of offsets; and in assessing conservation benefits, need to consider a range of environmental and system benefits.</p> <p><i>Legislative changes:</i> need to consider how these will impact ownership: proposed amendment of NEMBA to allow the state to retain custodianship of animals escaping from land under control of the state, and to enable the Minister to determine species and circumstances under which state would retain ownership; proposed update of the Game Theft Act and integration with the Stock Theft Act, 1959 (Act No. 57 of 1959); and inclusion of animals of game species in the list of land race breeds in terms of the Animal Improvement Act.</p> <p><b>Transformation:</b></p>
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<p><i>Key questions posed to the Stakeholder by the Panel:</i> Institutional arrangements regarding communities and Previously Disadvantaged Individuals (PDIs) who are owners or directly affected by the ecotourism, trade, hunting, breeding and management of the iconic species: when declared, what management powers do communities and PDIs have on the breeding hunting and management of the iconic species; when declared who appoints management authority to be responsible for the management, breeding and hunting of the iconic species; what are the community and/or PDIs responsibilities in initiating and managing commercial activities of the iconic species in those protected areas, and who decides on those responsibilities; how do communities and/or PDIs benefit from the breeding, hunting and management of the iconic species; and what support does the government give to the communities and/or PDIs to improve skills on the management, hunting and breeding of the iconic species; what are the regulatory enablers for transformation on the management, breeding and hunting of the iconic species? What support (access to land, animals, finance, translocation of animals, etc.) does the government provide to communities and/or PDIs to enable them to be involved in the hunting, management and breeding of the iconic species? How does your provincial regulatory framework address the transformation agenda to empower communities and/or PDIs in the breeding, management and hunting of the iconic species? In your area of responsibility, what do you think are the impediments to transformation in the management, breeding and hunting of the iconic species?</p> <p><i>Key discussions:</i> The engagement and feedback session on Transformation provided an understanding of transformation on the basis of the following aspects: ownership of land and animals; participation in the wildlife economy; skilling and business support; empowerment through knowledge sharing; gender equality; and engagement.</p> <p><i>Management powers:</i> Communities and PDIs: co-management structures in provinces; Communal Property Associations (CPAs) own the land; benefit-sharing with communities; involvement of communities, whether on community-owned or state-owned land; number of communities managing iconic species; and question – The institutional arrangement on the declared protected area, who is supposed to manage the protected area (i.e. who is the management authority) and who appoints the management authority?</p> <p><i>The appointment of Management Authorities (who):</i> Minister assigns/ appoints at national level; MEC's at provincial level; and question - Is it appropriate that communities are not managing their own land?</p> <p><i>Community benefits and/ or benefits to and/or PDIs:</i> CPP partnerships with community and private sector to create jobs; some communities benefit through breeding and hunting of iconic species; and include transformation agenda in government policies;</p> <p><i>Government support to communities and PDIs in respect of:</i> training programs; wildlife donations and loans; facilitated access to funding; infrastructure support; development of business plans; black rancher's programs in the Free State; and marketing, access to finance and business management;</p> <p><i>Enablers for transformation:</i> National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA): the requirement for declaration of protected areas is an inhibitor; appointment/ assignment of management authorities; policies are silent on addressing transformation; impact of legislation administered by other departments, e.g. Public Finance Management Act, 1999 (Act No. 1 of 1999); regulations are inhibitors and not enablers; and capacity within provinces; i.e. extension officers to be appointed.</p> <p><b>Education and Capacity Building</b></p> <p><i>Questions to be posed to Stakeholders by the Panel:</i> What skills, capacity building and mentoring programs do you have in place to promote ecotourism, trade, breeding, hunting, and management of the iconic species? What implementation strategies do you have in place? What are your sources of funding? What policies are in place to regulate/stimulate capacity building and skills? Policies on indigenous knowledge, recognition and authentication?</p> <p><i>Key discussions:</i> Provinces and entities (South African National Biodiversity Institute, and South African National Parks) offer an extensive range of training, mentoring and skills development programmes addressing sector educational capacities; e.g.: opportunities for Masters and PhD students (species-specific); internships; training programme for Environmental Management Inspectors on evidence gathering currently under development; development programme on hospitality and lodge management for community lodge within a provincial reserve; and use of dogs for detection of lion bone/ elephant ivory at ports of entry/ exit;</p> <p><i>Involvement of communities as recipients of land, in reserve management decision-making:</i> Challenges relating to education and capacity building: absorption into the workspace subsequent to training due to limited job opportunities in South Africa; gaps in specific areas, e.g. scientific capacity in respect of carnivores and large mammals; fragmentation within the sector (e.g. private, NGOs and universities) in respect of training programs, and lack of collaboration with one another; lack of interest in using the Human Capital Strategy and Skills Development Plan developed by DEFF, and not linking to any Sectoral Education and Training Authority (SETA); no dedicated (SETA) for the environment, resulting in a lack of coordination of funding for the environmental sector, whereas the AgriSETA is not aligned to environmental sector growth and development</p>
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programs; need for accreditation of training programs and programs for Recognition of Prior Learning (RPL) with a SETA; lack of incentives for future training; lack of coordination of the implementation of the Human Resource and Recruitment Strategy developed by DEFF; gap between government and private sector to create entrepreneurs; and ineffective implementation of a Succession Plan, creating challenges for career paths; Innovative funding from various sources and generally linked to project-specific programmes, which include Treasury funding, intern bursaries, sponsorship from the Endangered Wildlife Trust or other non-governmental organisations, or sale of game.

### **Welfare**

*Questions to be posed by Stakeholders by the Panel:* What are the key issues of animal welfare in the wildlife sector, including in extensive managed rangelands? Are there gaps in terms of welfare in the legislation and regulations, norms and standards, guidelines and practices for wildlife management, and sustainable use of wildlife? What are the gaps and constraints experienced as implementing authorities in terms of welfare?

*Key discussions:*

*Clarification of Rights and Welfare:* distinction between animal rights and animal welfare – the former is not vested in the Constitution and will therefore not be considered by the Panel for the purpose of making recommendations on the legislation; and applicability of the 5 Freedoms to free-ranging wildlife, considering its individualistic approach.

*Mandate and implementation:* welfare is a management issue that can be addressed through sensible legislation. What is required, is policies that will prohibit activities that will result in stress to animals, e.g. repeated translocation of elephants; the Panel to consider an amendment to the NEMBA that is currently subject to Parliamentary approval processes, which includes a mandate to regulate the well-being of wild animals; there is a need to recognise welfare and legislative implications, but also need to be realistic about existing capacity to implement welfare legislation; challenge regarding the implementation of the Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) by DEFF, which is responsible for wildlife conservation, and uncertainty how conflict should be avoided; need to understand the difference between mandate and responsibility (take into consideration). The legal mandate to implement the APA rests with the DALRRD, but DEFF has a responsibility to consider welfare during its decision-making processes; the Panel to consider whether the APA is sufficient to address welfare, and to identify potential gaps; need to consider varying mandate in provincial legislation to regulate welfare; most provincial acts/ ordinances have at least a limited mandate, as opposed to no mandate at all; and the wide application of the definition for “owner” in the APA, which includes the person in control of the animal at the time, and therefore a poacher, e.g. a poacher has been sentenced under the APA for cutting the tendons of an animal;

*Capacity and Resources:* concerns were expressed regarding diminishing resources for other areas in conservation, if welfare is regulated in terms of conservation legislation; the DEFF is considering the declaration of the APA as a specific environmental management act, which would allow an environmental management inspector to address welfare concerns in terms of the NEMA; lack of funding for provincial conservation authorities to implement a welfare mandate in terms of NEMBA; the Panel to consider innovative ways to address welfare issues, considering limited capacity; structures to be considered for the DEFF to implement a welfare mandate in terms of NEMBA; in order to enhance existing capacity, the institutional arrangement in respect of the NSPCA could be re-considered, e.g. to receive government funding for the implementation of the APA, and to have a legislative mandate to develop welfare standards; and consideration for industry to take responsibility to develop welfare standards, costs, and implementation and enforcement of welfare legislation;

*Media and Reputation:* concerns were expressed regarding management of the media, and to prevent misrepresentation of information; there was a need to be mindful of how South Africa’s policies affect its reputation and ability to attract tourists; and South Africa needs to do more to provide alternative narratives on how indigenous resources are utilised;

*Damage-causing animals and welfare implications:* lack of equipment and suitable place for translocation of damage-causing animals have welfare implications; and poisoning of Damage Causing Animal lions; and

*Cross border issues:* there was a need to consider cross-border solutions and protocols for collaboration by Customs officials, considering the capacity constraints.

### **International Position**

*Question posed to stakeholders by the Panel:* Which international parties (state and non-state) are applying pressure for policy change in SA, and how are they doing this? What exists in terms of international constraints to policy change? What conflicting international interests exist and how are the internal South African stakeholders (i.e. government departments and agencies) dealing with it? To what degree do representatives of South Africa engage with representatives of foreign countries and public sector stakeholders in preparation

	<p>for Conference of Parties for any multilateral agreements? What are your constraints in meeting our international commitments and obligations?</p> <p><i>Key discussions:</i> Pressure is being applied by NGOs through international agreements – if CITES is not effective to achieve an outcome, then another platform is used, e.g. Convention on Migratory Species (CMS) for the listing of a particular species; there is an impact of stricter domestic measures, e.g. some countries requiring that beneficiation of species to be a prerequisite for international trade (enhancement finding required by the USA); impact of wildlife activities on the tourism sector, e.g. refusal by tour operators to sell tour packages to destinations where wildlife activities regarded as unethical, are conducted; ineffective compliance and enforcement efforts are hampering South Africa’s ability to propose positions at international agreements; there is a need to use social media more effectively to address misrepresentation of information; African countries are not united in their positions at CITES Conferences of Parties; challenge to negotiate a position at an international meeting, not knowing what the domestic views would be; therefore need to have positions at strategic level in order to manage adaptively on an annual basis; need to consider potential conflict between proposals to prohibit international trade, and Constitutional rights and legislative provisions; consider the value of stakeholder engagement, including international stakeholders, prior to proposing positions at international meetings, but may need to improve consultation with African partners; challenges regarding the implementation of commitments made at international meetings; e.g. human and financial constraints to implementing agents; and capacity constraints as a result of increased needs for scientific evidence; e.g. for consideration of permit applications.</p>
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<b>Title</b>	<b>Consultation with Senior Legal Counsel</b>
<b>Full Event Title</b>	High-level Panel Business meeting of 07 to 08 April 2020 – Consultation with Senior Legal Counsel regarding the required legal opinion on constitutional issues raised by the Panel (followed by a subsequent engagement, in respect of a second brief)
<b>Start Date and Time</b>	2020-04-07 08:30am
<b>End Date and Time</b>	2020-04-08 16:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To reflect on the outcome of the internal consultation workshop held on 12 to 13 March 2020;</li> <li>• To unpack an approach for the public stakeholder engagement;</li> <li>• To consult with the Senior Legal Counsel regarding the required legal opinion on constitutional issues raised by the Panel;</li> <li>• To provide progress report on the work of the sub-committees on Thematic Areas (not presented at the meeting);</li> <li>• To revise the programme of work and timeframes; and</li> <li>• To finalise the draft Interim Report.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Senior Legal Counsels:</p> <p>Official from the State Attorneys:</p>
<b>Key discussions</b>	Discussions held on the two opinions from Senior Counsel, addressing elements raised in the HLP’s ToR (asper the first brief, the supplementary brief and follow-up correspondence)
<b>Key outcomes</b>	<p>Through the engagements with Senior Counsel, and the review and discussion of the two legal opinions, the following key issues <i>inter alia</i> were confirmed:</p> <ul style="list-style-type: none"> <li>• Section 24 provides for two rights: the right to an environment that is not harmful to one’s health and well-being (s24(a)), and the right to have the environment protected (s24(b)). This confirms the position raised in the supplementary brief: that s24 provides a direct right to have the environment protected and the subsequent sub-clauses (in s24(b)(i)-(iii)) then provide guidance to government for how the environment is to be protected.</li> <li>• Guidance on how s24(b) (i)-(iii) are balanced against each other was provided, and in the meeting on 7 April 2020, it was confirmed that the elements in s24(b)(iii) must also be balanced against one another.</li> </ul>

	<ul style="list-style-type: none"> <li>• That no ownership in South Africa is completely free from regulation, governance and in some instances, restrictions.</li> <li>• Understanding the inclusion of animal welfare considerations in s24.</li> </ul>
<b>Key Issues for/by the HLP</b>	Panel members confirmed that they would provide a Supplementary Brief to the Senior Legal Counsels for further corroboration of the legal opinion provided (with this subsequently completed).

<b>Title</b>	<b>Presentation on Conservation Status and Management of Lion Population</b>
<b>Presenter</b>	SANParks
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, SANParks presentation on Conservation Status and Management of Lion Populations
<b>Start Date and Time</b>	2020-05-12 08:30am
<b>End Date and Time</b>	2020-05-12 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (Col) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>
<b>Key discussions</b>	<p>According to the IUCN, the <b>2016 assessment</b> shows that lion population are vulnerable, with a general global decline; Lion in Southern Africa has shown a population increase of 8%; The African regional assessment shows the lion conservation status of least concern, and this is mainly due to the fact that lions are kept in fenced protected areas and where human conflict is minimal; The IUCN data shows that wild lions in unfenced populations in Central, East and West Africa has declined by 23% since 1993, and that wild lions in unfenced population in Southern Africa has declined by 6% since 1993; and lastly, that managed lions (in Africa) in fenced populations has shown growth of 16% since 1993.</p> <p>In order to manage the socio-economic ecological role and fare-share benefits, there is a need to restore ecological processes, mimic ecological processes mitigating risks and strive for equality in sustainability, whereas, in order to ensure persistence of the socio-economic ecological role, there is a need to disrupt organised crime, improve the well-being of people and manage cultural practices and habits.</p> <p>The three categories of lions as defined in the Biodiversity Management Plan - <b>Wild lions</b>: defined as completely fulfil their role in biodiversity processes and are largely unmanaged, and exist only in formally proclaimed national parks and game reserves. Conservationists do not actively manipulate vital rates and lion demographics – <b>Managed wild lion</b>: defined as to include all lions that have been r-introduced into smaller fenced reserves (managed to limit population growth and maintain genetic diversity). Managers actively manipulate some vital rates and demographics – <b>Captive lions</b>: those that are bred exclusively to generate money. Managers actively manipulate all vital rates and demographics.</p> <p>South Africa has shown to have a stable and increasing population of wild lions, and this is mainly due to conservation philosophy that all parks are viewed as complex adaptive socio-ecological system and therefore strive to maintain natural functioning and resilience of ecosystems.</p>
<b>Key outcomes</b>	<b>Innovative vision</b> : being “A sustainable ecosystems connecting society”, of which the outcome is resilient dynamic ecosystems that provide equitable opportunities for socio-economic development and natural heritage experiences while maintaining sustainability. Further provided the local context around the five iconic species concerned.

	<p>South African lions are least concern (vulnerable), with range expanded and number increased with large component in captive facilities; The debates are more focused on conflict of benefits to conservation elite, but ignores costs of living with wildlife and hidden risks; Wildlife and associated land uses should contribute in various ways to sustainability and human well-being supporting National Development Plans, Strategic Development Goals and Aichi Targets, by having high level of interest preceding over individual philosophy, establishment of reserves and national management plans, revision of various Norms and Standards for wildlife management, development of various Biodiversity Management Plans, and implementation through a cross government integration.</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Would intervention (e.g. culling, contraception) be necessary to safeguard the habitat conditions for other species?</li> <li>• Should wildlife populations be exploited for economic reasons? If not, how could conservation be funded?</li> <li>• Would the financial and manpower investment be justified in light of competing national needs?</li> <li>• Could rapidly declining populations be effectively protected in the wild, given the limited size of many reserves and parks?</li> <li>• What would be the approach when engaging with communities where the unemployment in some cases exceeded 80 % in order to attain a common understanding and vision about the management of rhino for the benefits of all people including the communities that live next to parks such as the Kruger National Park?</li> <li>• In light of the projected global changes, such as climate change, human population and rapid urbanization, how would one ensure the improved and effective management of protected area?</li> <li>• Lack of a National Strategy to deal with social responsibility for damage-causing animals, and the impact on the livelihoods of communities living adjacent to State-owned and private protected areas.</li> <li>• The Panel to engage with the North West Province, regarding the rationale behind the decision taken by Madikwe Nature Reserve of euthanizing 100 lions.</li> <li>• Information required on the conservation targets for lions and habitat. The information would assist in establishing whether or not there is a need for establishing new populations or genetic introductions from Captive Breeding Facilities, and measure of conservation success of lions.</li> <li>• Information required on the impact of diseases in the natural movement of lion between disease free zones and disease zones.</li> <li>• Data required on poisoning related incidents in Africa.</li> </ul>

<b>Title</b>	<b>Presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation)</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation)
<b>Start Date and Time</b>	2020-05-12 08:30am
<b>End Date and Time</b>	2020-05-12 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (Col) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>

<p><b>Key discussions</b></p>	<p><b>Conservation status:</b> Lions are considered the largest African members of the genus Panthera, highly charismatic, key role player in ecological functioning; In Southern Africa, lions are largely stable and have increased (vulnerable, least concern according to IUCN Red List); long-lived but low reproductive rate; poor dispersal ability due to biological, social and anthropogenic constraints, sensitive to human activities, restricted and fragmented distribution and conservation-dependent species; 2017 Non-detrimental findings (NDFs) for African lion indicated the following: no major threats to wild and managed lion populations within South Africa, trophy hunting of captive-bred lion pose no threat to the wild lion population within South Africa, consumptive use is restricted to private game reserves or ranches, and low to moderate risk and trade is not detrimental.</p> <p><b>Context around African lion:</b> Captive breeding facilities industry associated with practices such as hunting of captive bred lions (ethical issues), cub petting, volunteer recruitment, and walking with lion, and international lion bone trade as replacement for tiger bone; The practices were scrutinised by the Cook Report (British documentary film) in 1997, Blood Lion (documentary film) 2015, and media, rights groups, NGOs (National and international); Successful litigation by the South African Predator Breeders Association, where the court reflected on ethical matters v biodiversity conservation legislations, and “put &amp; take” concept; Number of critical international events such as ban of import of hunting trophies by USA due to listing of lion as threatened in terms of its Endangered Species Act, ban by Australia, France and Netherlands on import of captive-bred lion and other iconic species, as well as call by the IUCN on South Africa at its World Conservation Congress in 2016 to terminate the practice of “canned lion hunting”</p> <p><b>Colloquium on captive lion breeding for hunting in South Africa: harming or promoting the conservation image of the country( the Colloquium):</b> The Colloquium took place on 21 &amp; 22 August 2018, and was attended by government departments (DEFF, DALRRD &amp; Provinces), Conservation Agencies (SANParks &amp; SANBI), representatives from local and international NGOs, media players, and in total there was a total of 17 presentation from different institutions; Its ultimate purpose was to facilitate a national dialogue on the question of breeding of lions in captivity for the purpose of hunting and the lion bone trade.</p>
<p><b>Key outcomes</b></p>	<p><b>The Outcome of the Colloquium:</b> <i>Policy and legislative review</i> of practices to breed lion in captivity for trophy hunting and lion bone industries, with a view of ending these practices; <i>National audit of captive lion breeding facilities</i>, as well as an indication of actions against non-compliant facilities; <i>Collaboration</i> between DEFF and DALRRD to address animal welfare and health issues; <i>Re-consideration</i> of the decision to increase the 2017 lion bone export quota from 800 skeletons, to 1500 skeletons for 2018</p> <p><b>Progress on implementation of resolutions:</b> <i>Policy and legislative review:</i> DEFF has proposed amendments to NEMBA to provide for mandate to regulate well-being of faunal biological resources; proposed amendments in respect of listed TOPS species to exclude restricted activities involving any dead specimens of lion, from the exemption from permit requirements (in order to be able to regulate the export of lion skeletons in terms of a quota system). <i>Audit of captive lion breeding facilities:</i> DEFF, led by the provincial Environmental Management Inspectors (EMIs) have coordinated a national process to audit all captive lion breeding facilities, and established that the majority of non-compliance incidents related to the facilities under expired permits, or not complying with conditions of existing permits. <i>Monitoring compliance with TOPS Regulations requirements for registration of captive breeding facilities:</i> DEFF conducted inspections involving issuing authorities, to monitor whether permits and registration for all captive breeding facilities were issued in accordance with NEMBA and the TOPS Regulations. The inspections also involved all registration facilities and/or person, for all TOPS listed species (Lion, rhino, elephants, leopards &amp; etc.), and of all the 7 provinces within which inspections were held, only Limpopo and North West achieved above 50% compliance, while other showed high level of non-compliance, mainly due to provincial conservation authorities not requesting an applicant to submit information as required in terms of Annexure 2 of the TOPS Regulations for new registrations or renewals, the template developed by provincial issuing authorities for management plan for facilities, does not include all the information contained in Annexure 2 of the TOPS Regulations and thus resulted in applicants not complying, lack of proper filing system which made it difficult to access the relevant documents, and misinterpretation of the provisions of the TOPS Regulations by officials of provincial issuing authorities. <i>Collaboration between DEFF &amp; DALRRD:</i> Establishment of a Joint Task Team on Wildlife and Welfare Issues (DALRRD-coordinator, DEFF &amp; NSPCA as participants); Compliance and Enforcement (DEFF, DALRRD, NSPCA, Provinces); Strategic/operational (DALRRD &amp; DEFF).</p>

	<p><i>Lion bone export quotas:</i> Lion bone exported prior to 2007; 2008-2011 CITES permits issued for export of 1160 lion skeletons, primarily to Laos (85%), and Vietnam (13%); Lion bone export quotas was introduced by CITES COP 17 in 2016, in response to concerns linked to fuelling demand; 2018 lion bone export quota of 1500 skeletons reviewed and reduced to maintain the 2017 export quota of 800 skeletons; Judgement by the High Court in the litigation matter brought by the NSPCA v Minister of Environmental Affairs had the following outcome: the setting of quotas amounts to administrative action, an appropriate public consultation process needs to be followed in the setting of quotas, and that animal welfare is a relevant factor that must be considered by the DEFF during its decision-making processes.</p> <p><b>Current processes:</b> SAPA and NSPCA to assist with Welfare Standards that must be considered by the Scientific Authority; Considering of lion breeding facilities belonging to an association; Scientific Authority considerations including, stockpiles, peer reviewed scientific literature, stud information and other areas, and welfare standards to be considered; public consultation process to be conducted; and Scientific Authority to make recommendations for the final determination by the Minister.</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• The Panel to initiate an urgent policy and legislative review of Captive Breeding of Lions for hunting and lion bone trade purpose as one of the resolution of the Colloquium, taking into account that the need for DEFF to implement the resolutions of the Portfolio Committee. This should be done taking into account all the views of all stakeholders to make informed recommendations.</li> <li>• The Panel to address the issue of reputational risks, ethics and motives involving welfare of lions in captivity, when conducting its stakeholder engagement process, and especially with the tourism sector in order to ascertain the extent of reputational damage.</li> <li>• The Panel to assist in advising what could be considered as the best Welfare Standards for captive breeding facilities, taking into account the mind map developed by SAPA, Scientific Authority, PAZAA and NSPCA that was sent to the Panel.</li> <li>• The Panel to advice on whether a White Paper focused specifically on biodiversity issues is required, and if required what would it constitute/entail.</li> <li>• DEFF to share data relating to trade with the Panel.</li> <li>• The Panel to discuss and advice on the issue of self-administration v self-regulations.</li> <li>• The Panel to discuss whether and how cultural activities could be taken into account in biodiversity legislative development.</li> <li>• The Panel to advice on potential consequences that may emanate if the country were to do away with lion bone trade quotas.</li> <li>• Further research required on the captive bred lion genetics and rewilding.</li> <li>• The Panel to engage with the University of Free State or NMU on data relating to poisoning incidents in Africa, and actual trends in increased poisoning/intention killing of wildlife throughout Africa and links of benefits.</li> <li>• Concern with regards to the fact that Mpumalanga and Western Cape were not implementing TOPS regulations. The implications and consequences thereof in relation to the issues highlighted in the ToRs of the Panel to be further discussed. Further discussion required on how s100 of the Constitution can be invoked to deal with capacity issues and non-compliance issues in provinces, instead of relying on inter-governmental forums such as WGs, as non-compliance continues to affect biodiversity conservation in South Africa;</li> <li>• Concern that the Biodiversity Legislative Framework continues to ignore the cultural activities. Historically, it has always been important for Traditional Leaders to wear fresh lion or leopard skins during their inaugurations. This needs to be taken into account in policy review.</li> </ul>

<b>Title</b>	<b>Presentation on Non-Detrimental Findings on Lion Bone Quotas</b>
<b>Presenter</b>	Scientific Authority
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, Scientific Authority presentation on Non-Detrimental Findings on Lion Bone Quotas
<b>Start Date and Time</b>	2020-05-12 08:30am
<b>End Date and Time</b>	2020-05-12 16:00pm

<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (CoI) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>
<b>Key discussions</b>	<p>Reflection on its establishment, and its mandate as defined in terms of s60 to s62 of NEMBA, which includes, amongst others, advising the Minister on CITES NDFs for export of relevant CITES listed species (live, dead, parts, etc.), and this include the five iconic species of concern. The purpose of the NDF is to assess the impact that the export of a particular CITES species will not have on the survival of the species in the wild, evaluating the biology, management and trade of such species. CITES requires South Africa to determine and issue quotas for the export of lion bone and any other parts from captive-bred lions. The NDFs have been developed for all five iconic species, two (rhino and lion) of which have already been published for implementation, while the other two (elephant and leopard) were at various stages of approval and publications. Upon completion of its assessment, the Scientific Authority determine and recommends its determination to the Minister for final determination of lion bone export quotas.</p>
<b>Key outcomes</b>	<p>To date, the Scientific Authority has used the three objectives of minimizing impact on wild lions, reducing illegal trade, and supporting the legal use of wildlife if it does not negatively impact on the survival of the species in the wild. It has considered evidence on trade, ability of facilities to produce without taking from the wild, and poaching; There is clear and consistent evidence of ongoing demand for bones and body parts of large cats. The demand has existed since at least 2003, preceding South Africa's trade in bones, and affects all large cats; There are several uncertainties, e.g. the role of trade in stimulating demand, impacts of a quota on wild lion, dynamics of demand across Africa and in South East Asia, capacity to enforce any bans on trade; The Scientific Authority has proposed an adaptive management approach as the best way to respond to these uncertainties; Additional objectives would require further evidence and monitoring of outcomes; 2017 recommended quota (800 skeletons) was based on known trade levels that existed prior to the introduction of the quota (all trade was allowed prior to the quota); 2018 quota was based on the same principles but using updated information on level of trade prior to 2016. This indicated much higher levels of trade and an increased risk of illegal trade. As a result the recommended quota was increased to 1500; The 2019 quota was postponed due to the NSPCA court case (Affidavit prepared by the Scientific Authority regarding the allocation of the lion bone export quotas is available)</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Discussion required on how the welfare/well-being mandate would be implemented, taking into account that both the department and provinces are already constraints in numbers, systems and infrastructure with the implementation of the current legislation. Would it require additional legislative tools to give effect to such mandate? How would it impact on overlapping mandates between DEFF and DALRRD? Would welfare issues be considered as well for species found in protected areas/species in the wild, as opposed to only considered when dealing with species in captivity?</li> <li>• Communities to be more consulted in the lion bone quota setting processes (public participation process).</li> <li>• Discussion required on whether or not NDFs should also consider societal issues, lions bred in captivity and aspects of harvesting, as well as positive aspects as opposed to negative aspects only.</li> <li>• Discussion required around the impact of reputational risks in setting of quotas in general in South Africa.</li> <li>• The issue of data deficit relating around the issue of trade and monitoring thereof remains an important issue of concern.</li> </ul>

<b>Title</b>	<b>Presentation on Status and Management of Rhino Populations</b>
<b>Presenter</b>	SANParks

<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, SANParks presentation on Status and Management of Rhino Populations
<b>Start Date and Time</b>	2020-05-12 08:30am
<b>End Date and Time</b>	2020-05-12 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (Col) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>
<b>Key discussions</b>	<p>Reflection on 5 different global species of rhino comparing the population on 10 years internal starting from 2009 to 2019: Greater one-horned or Indian rhino increased its population from 2600 to 3600 in the wild; Sumatran rhinos decreased its population from 250 to less than 80 in the wild; Javan rhino increased its population from 50 to 67-68 in the wild; Southern white rhino decreased its population from 19000 to 18000 in the wild; African black rhino increased its population from 4500 to 5500 in the wild; Globally the population of both black and white rhino have declined; The assessment done by Emslie in 2018 has shown that South Africa is home to 37% of the African black rhino population, with 1,918 black rhinos; The continental black rhino population is increasing, including South Africa's black rhinos; South Africa's black rhino population has grown by 8% since 2012; South Africa is home to 87% of the southern white rhino population; South Africa's white rhino population currently stands at 14,514 (2018); &gt; 15% decline in WR numbers since 2012; The continental trends are tightly linked with the trends of the South African rhino population because South Africa contributes 74% to the continental rhino population;</p>
<b>Key outcomes</b>	<p>Drivers of perfect rhino poaching storms are long histories of culture and trade, inelastic demand, high profit potential, inadequate enforcement, unclear property rights, human-wildlife conflict disincentives; We have great vet techniques, but moving black rhinos are difficult because we move the wrong adults, while moving white rhinos are easy, but there are philosophical challenges with off-continent initiatives; Kruger National Park have established processes to assess habitats, but diseases challenge our options as it kills a small introduced groups; Conservation husbandry and farming have uncertain conservation and societal spin-offs, but may have financial benefits;</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Discussion required around mechanisms/ programmes that may be implemented to incentives the local communities and ensure societal benefits are derived from rhino management. SANParks to consider developing a strategy that would enhance their partnership with local communities in fighting ad ensure sustainable rhino horn trade.</li> <li>• The issue of Captive Breeding Operations (CBOs) for lion and rhino to be discussed. Why the department has not allowed CBOs trade internationally with rhino horn as it is permitted in term of article 14 of CITES as far as it relates to appendix 1 species.</li> </ul>

<b>Title</b>	<b>Presentation on Rhino Committee of Inquiry (Col) (outcomes and implementation)</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Committee of Inquiry (Col) (outcomes and implementation)
<b>Start Date and Time</b>	2020-05-12 08:30am

<b>End Date and Time</b>	2020-05-12 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (Col) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>
<b>Key discussions</b>	<p><b>Rhino Issue Manager:</b> Initiated to engage with all stakeholders, ascertain current information, the status quo and to elicit information and view from all diverging stakeholders; It was a combination of general and thematic national workshops, briefings and one on one interactions with key stakeholders were conducted to gather information and facilitate inputs; Stakeholders Consulted as part of RIM process included: Public Sector-Ministries and Conservation Authorities, Tourism Authorities, Science and Academe, Relevant International Agencies and bodies, Private sector organisations, pro trade, and anti-trade, commercial, civil society, Community representatives. The outcomes of the Rhino Issue Manager led to the formation of the Committee of Inquiry (Col) to answer the Rhino trade question.</p> <p><b>The Col:</b></p> <p>Due to the fact that South Africa was the largest rhino population in the world (more than 70% of world's rhino population in South Africa), poaching however remained a complex problem. As a result solutions required an integrated approach to be successful; At the time of the Col there was already an analysis of the situation which resulted in the following issues: alarming escalation in rhino poaching trends in 2008, responsive mechanisms by the department required conservation and mobilisation; polarised views on appropriate actions needed, experts convened at different levels during the response, to the direct conversation, different stakeholder at national and international engaged at all levels, different views synthesised to create and modify responses, and dynamics evolved and continued to evolve; then the Col was established to assist with such crisis, and was tasked to investigate the feasibility of South Africa tabling a proposal at the 17<sup>th</sup> COP of CITES IN 2016 for trade in rhino hon.</p>
<b>Key outcomes</b>	<p>Rhino Issue Manager: Recommended a four part strategy for the conservation of the Rhino population in South Africa:</p> <p>Funding; Safety and Security, Conservation, and Commerce and Trade; Conservation of Rhinos is dependent on a robust funding model requiring preparation of an integrated budget, sourcing funds and setting up the Global Rhino Fund: Develop and Implement a funding model; The starting point is a clear strategy an understanding of all rhino holding properties and a trained workforce: Review the existing rhino security strategy; Increase capability by hiring and training field rangers from local communities; Deploy field rangers and drones in selected protected areas; Register all rhino holdings with the DEFF; The system will then be based on strengthening security through an intelligence network within the country and at the borders and reducing the allure of poaching: Establish an intelligence and surveillance network and ensure the justice system carries out appropriate deterrents; Set up a centralized Permitting System for live rhino sales, rhino horn sales and hunts; Undertake a rhino dehorning exercise across South Africa; Upgrade security on the South African Mozambique border along Kruger National Park; Conservation will entail identifying safe rhino ranges and allowing exchange programmes locally and regionally to optimize species conservation: Identify safe rhino ranges inside and outside South Africa with a view to optimizing species conservation; Develop rhino exchange programs with other African rhino range states; It is recommended that the government lifts the ban on rhino related trade and allow commercial farming and sale of rhino horn through regulation auction platforms: Announce the government's intention to authorize commercial rhino farming and lift moratorium on rhino horn trade; DEFF to announce its intention of applying for the lifting of the trade ban in rhino horn; Authorize sale of farmed horn through auctions; Consider opening a rhino horn trading bourse possibly linked</p>

	<p>to the JSE; DEFF to request permission for two stockpile auctions in 2013 to finance efforts to fight poaching and increase ranges</p> <p><b>The Col recommendations:</b></p> <p>Assessed the current situation &amp; interventions implemented to date. Identified important trends; Process of stakeholder consultation, scenario planning, analysis of case studies a decision-tree analysis process; Committee identified five key areas that require interventions: Security (law enforcement) – Community empowerment – Biological management – Responsive legislation – Demand management / reduction; Committee also identified: 4 Options: Demand &amp; Funding and 3 Possible trade models.</p> <p>Security: Responsible government departments: All departments in the Security Cluster (lead: SAPS) Integrated national law enforcement strategy, led by the SAPS, adopted, funded and included in the strategic plans of all relevant departments / entities; Significantly enhance the country's law enforcement capacity to counter transnational organised crime, including wildlife trafficking; Review of existing MOUs with other countries to ensure they provide for enhanced law enforcement cooperation and joint investigations by the relevant authorities; Progress: Development of integrated law enforcement strategy initiated;</p> <p>Community empowerment: Responsible departments: Department of Rural Development and Land Reform, Department of Cooperative Governance and Traditional Affairs, Department of Social Development, Department of Environmental Affairs, relevant provincial departments, national-, provincial-, and local government entities: Functional municipalities around key protected areas to provide basic services, roads, transport, education &amp; health services through joint engagement by communities and conservation agencies with all relevant government departments; A Champion to be appointed to oversee Community Empowerment, in a permanent position with multi-departmental influence and funding, to develop &amp; implement a Community Empowerment Plan addressing these requirements which acknowledges past errors associated with protected area policies; Effective two-way channels of engagement to operate between communities and protected area management structures, with community involvement at management and Board level; Progress: Community Empowerment Plan to be developed if supported by IMC; Studies initiated to obtain more information to further inform actions to be implemented;</p> <p>Biological Management: Responsible departments: Department of Environmental Affairs, provincial conservation departments and conservation entities</p> <p>Approved Biodiversity Management Plans (BMPs) for black and white rhino published in government gazette for implementation; Range States action plan aimed at facilitating cooperation and collaboration to conserve rhino within its natural range (collective plan); Bilateral engagements with key range States relating to rhino management; Resources to implement management plan/s.</p> <p>Implementation of management plans; Ongoing monitoring and evaluation of the implementation of management plans; Progress: Biodiversity Management Plans for Black and White rhino developed; Draft rhino range States Action Plan developed.</p> <p>Responsive legislation: Responsible departments: Department of Environmental Affairs, Department of Agriculture, Forestry and Fisheries, Department of International Relations and Cooperation, Department of Justice and Constitutional Development and provincial conservation departments ; Existing legislation used optimally to address all aspects of illegal trade; Legislation (environmental legislation and others) reviewed to address gaps / emerging issues. Incentives for rhino conservation / ownership explored and developed; Legislative mandates relating to intensive breeding of rhino clarified &amp; legislative measures developed and implemented; International engagements with range, transit and consumer States regarding legislative provisions to address illegal wildlife trade; Integrated regulatory framework, including a permit system; Review of international law &amp; relevant multilateral agreements to determine whether there are any mechanisms that can be used to support actions against illegal rhino trade from South Africa; Progress: CPA amendments proposed; Overall review to be initiated;</p> <p>Demand management / reduction: Responsible departments: Department of Environmental Affairs, Department of Justice and Constitutional Development, South African Police Service and provincial conservation departments: Continued interactions with consumers and information-gathering mechanisms within known consumer and range States to better understand consumer patterns, attitudes and behaviour; Monitoring system to be developed and implemented to gather information relating to prices paid to poachers; Progress: DEFF in collaboration with CSIR initiated a literature review on demand reduction – identification of critical success factors.</p> <p>Trade options: OPTION 1: No trade in rhino, backed by a policy change that bans international trade in key affected species &amp; strongly supports demand reduction;</p> <p>OPTION 2: Application of current policy, but with no consideration of commercial trade, investment in demand reduction;</p>
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	<p>OPTION 3: Application of current policy, with no immediate intention to trade in rhino horn, but maintaining the option to consider regulated legal international trade in rhino horn when requirements are met;</p> <p>OPTION 4: Promote regulated, legal international trade as soon as the governance conditions are met.</p> <p>Models for trade options: MODEL 1: All legal sales channelled through a Central Selling Organisation established by the South African government.</p> <p>MODEL 2: All legal sales channelled through a government agency that allocates quotas to public and private agencies and sells these to equivalent government-controlled agencies in consumer countries.</p> <p>MODEL 3: Centralised collection, storage and certification with allocation of quotas to participating suppliers</p> <p>CITES Dynamics: Philosophical Difference between Rest of Africa and Southern Africa (Sustainable USE vs Protection); USA &amp; EU power and influence; Some anti-use NGO influence at CITES meeting and also in between CoPs; Stricter domestic measures; IUCN, TRAFFIC; SADC dynamics Lobbying is crucial in trade issues; Africa unity can be a long-term solution; SADC must strengthen its role in CITES; EU (deal maker); Strengthen Science based decision making and adaptive management; Use existing agreements BRICS etc.; Explore other trade options (rhino horn finished products, trade agreements etc.)</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The Panel to propose how rhinos in captive breeding facilities should be regulated differently than what is currently provided for in the TOPS and CITES Regulations? If clarity can be provided on the thinking, it might be found that the challenges could be addressed through measures other than legislation.</li> <li>• The Panel to provide advice and views on the draft concept note on demand management that has been developed thus far.</li> <li>• DEFF and SANParks to share with the Panel, a list of most recent community development projects.</li> </ul>

<b>Title</b>	<b>Presentation on Rhino Lab Outcomes</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Rhino Committee of Inquiry and Portfolio Committee Colloquium on Lion, DEFF presentation on Rhino Lab Outcomes
<b>Start Date and Time</b>	2020-05-12 08:30am
<b>End Date and Time</b>	2020-05-12 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• SANParks to provide a presentation on the Status and Management of Lion Population;</li> <li>• DEFF to provide a presentation on Portfolio Committee Colloquium on Lions (outcomes and implementation);</li> <li>• Scientific Authority to provide a presentation on Non-Detrimental Findings on Lion Bone Quotas;</li> <li>• SANParks to provide a presentation on Status and Management of Rhino Populations;</li> <li>• DEFF to provide a presentation on Committee of Inquiry (Col) (outcomes and implementation);</li> <li>• DEFF to provide a presentation on Rhino Lab Outcomes.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from SANParks:</p> <p>Officials from the Scientific Authority:</p>
<b>Key discussions</b>	<p><b>Rhino Lab:</b> It was established by the Minister to give effect to the Work Streams Based On Cabinet Decisions Emanating From The Committee Of Inquiry Process: 5 Pillars Of Rhino Conservation, namely: Security; Community empowerment; Biological Management; Responsive legislation; Demand management / reduction.</p> <p><b>Key objectives:</b> <i>Security (anti-poaching as well as anti-trafficking):</i> Improve efforts aimed at preventing poaching; Improve law enforcement and the ability to investigate, prosecute and adjudicate wildlife trafficking; Target disruption of criminal networks along the value chain; Coordinate law enforcement efforts at regional, national and international levels; Reduce corruption through integrity testing and covert operations.</p> <p><i>Community empowerment:</i> Enable improved governance structures to create sustainable livelihood opportunities and reduce risk to wildlife.</p>

	<p><i>Demand management:</i> Evidence based approach to changing attitudes in consumer markets and driving down exaggerated prices of horn.</p> <p><i>Biological management:</i> Review up to date research on the management of rhinos.</p> <p><i>Responsive legislation:</i> Existing legislation used optimally; Legislation reviewed to keep up to date with changing landscape while closing all existing gaps.</p> <p><b>Implementation Strategy:</b></p> <p><i>Security:</i> Anti-poaching; APU capabilities: improved standardization and use of best practices; Protection: more mobile footprint in the park, emphasis on perimeter protection; Reactive elements: ramp up of APUs in provinces, increased support for APUs in SANParks; Proactive elements: improved intelligence, transnational cooperation, and use of technology; Prosecution: improved collaboration to treat problem as organized transnational crime; Detection: increased capabilities in forensics and intelligence; Collaboration: law enforcement cooperation with transit and consumer states</p> <p><i>Community empowerment:</i> Improved governance via community facilitators; Enhance the community ranger model with a national career and roll-out plan for the community ranger model; Conduct stock take on existing economic community empowerment programs to intelligently consolidate and re-allocate resources; Develop and roll-out a broader restorative justice programme with SAPS and other partners; Launch a community empowerment plan and champions.</p> <p><i>Biological Management:</i> Guidelines for land use, e.g., intensive breeding operations; Securing and growing rhino key rhino populations, by funding holders of key populations; Improved regulatory environment, e.g., increase usage of standing permits; Improved best practice sharing across all stake-holders; Expanded RMG status reporting for white rhino and continued for black rhino; List of applied research priorities identified by RMG</p> <p><i>Responsive legislation:</i> Rhino horn stockpile management with reference to centralization and a tracking system for rhino horn stockpiles to address auditing and security concerns; Amend as appropriate; National legislation to provide for effective regulation of domestic trade in Rhino horn; Draft policy that provides financial security incentives for rhino conservation and ownership</p> <p>Initiate a policy and legislative development process including a review of constitutional mandate to move towards national consolidation of all forms of wildlife regulation; Finalize and implement the electronic national integrated permit system that enables uniformity in capturing of data and information management.</p> <p><i>Demand management / reduction:</i> Undertake peer reviewed research, with credible funding mechanism, on consumer markets and forms of demand and supply based on government direction and link this to demand management initiatives; Continue and expand investigation of the potential of alternative options to address national demand, increase benefits and disrupt illicit supply chain (e.g. trade, exporting live rhino, synthetic rhino horn); Develop targeted messages for an information campaign as part of a communication strategy relating to the status and management of rhino to address incorrect perceptions that lead to speculation that drives exaggerated prices of rhino horn</p>
<p><b>Key outcomes</b></p>	<p><b>Security:</b> A National Database developed by the Department for capturing of information of all rhinoceros horns once marked, must be kept updated by provincial issuing authorities; The current National Database, which provinces were supposed to populate, is not up to date, is not user friendly and it is difficult to retrieve information for enforcement purposes; The CD: Sector Enforcement is currently investigating the possibility of merging the RhODIS DNA; Database with the National Database as information on all rhino horns are captured on the RhODIS database when DNA samples are taken. This will make it easier for provincial issuing authorities and South African National Parks EMI to ensure that all rhino horns are included in a National Database</p> <p><b>Community empowerment:</b> People and Parks Governance blue print adopted as a blue print for community empowerment governance and the Youth Legacy programme identified as a pilot programme and engaged with People and Parks key stakeholders, operating model developed; Developed model proposal agreed to with key decision making stakeholders and ready for implementation; Combating rhino poaching prioritised in the People and Parks priority actions; People and Parks youth in conservation forum established and youth educated on Rhino matters for ease of governance (serve as focal points) to facilitate information sharing within platforms in communities in order to counter poaching Rhino hotspots identified; 5 community programmes identified in identified hotspots; 1 346 Environmental Monitors deployed in Parks along the above hotspots to assist with environmental protection; Two environmental education community programs reviewed; Skills audit in selected sites in communities adjacent to protected areas commissioned; 300 people in targeted communities employed and security improved; Concept note developed, articulating gaps identified, findings into selected community conservation programmes adapted and integrated into the EPIP programme; Ownership of wildlife by communities enhanced through game donation – improves protection. A list of</p>

	<p>community of historical and existing economic community empowerment projects around protected areas obtained in order to synchronise with the existing plans; GEF 6 funding obtained to assist in strengthening institutions, information management and monitoring to reduce the rate of illegal wildlife trade in South Africa and will assist in the creation of an information hub \$4, 886, 009, towards the centralisation of information; Implemented through partnership with Endangered Wildlife Trust; Restorative Justice technical guidelines approved; Full project proposal, work plan and budget submitted to a funder for the roll out of the restorative justice work to 2 identified communities for pilot implementation Granular Mandate and interaction model for National Youth champion developed, ToR also in place; Proposal syndicated with key decision makers and ready for implementation.</p> <p><b>Responsive legislation:</b> Implementation of a system for DNA analysis of rhino and rhino horn; Implementation of a national database for all rhino horn, including stock piles; Establishment of a compliance and enforcement component at OR Tambo International Airport; Amendment of the Rhino Norms and Standards; and Development of draft regulatory measures relating to domestic trade in rhino horn</p> <p><b>Biological Management:</b> GEF 6 project fund approved \$ 4, 886, 009; Funding will also enhance; Biological Management of rhino populations developed as part of the GEF 6/7 and EPIP (e.g. GFNR, Hluhluwe Imfolozi, Marekele, Mkhuze, Ithala); Improved security and integrated information will thus lower poaching incidents in these key rhino populations; Engagement with Permit and Enforcement Planning Committee (PEPC) undertaken to initiate discussion on the process of conducting the analysis; PEPC concluded that the activity is impossible to carry out since restricted activities involving live Rhino is not included in the standing permit; Standing permits analysis completed; List of applied research priorities identified by Rhino Management Group (RMG); Best practice sharing mechanism established with all relevant stakeholders inaugural engagement held in February 2018 and has culminated into research questions for the development of a Rhino Research Strategy; RMG status reporting for white rhino and continued for black rhino expanded; Guidelines framework in place.</p> <p><b>Demand management:</b> Rhino Research Strategy framework developed to assist in research on consumers to inform demand management initiatives; Priorities to inform research questions developed in the Rhino Research Workshop; The following re the research questions were developed: What is the value of the horn once it has been refined? How do we deal with the refinement of the horn? How much illicit stuff are we dealing with? How long does it take the horn to go through changes? ToR for the Science Policy Interface task team were expanded to cover investigation on the potential of alternative options to address national demand for Rhino horn, increase benefits and disrupt illicit supply chain developed; A work stream was established to reviewed existing research on the alternative to rhino horn was established to look at developing a framework for research inclusive of suggested synthetic rhino horn. The outcome was that this is an area that requires a dedicated team on a full time basis. The work was incorporated into the Rhino Research Strategy.</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• There is a need for the respective departments to absorb activities relevant to their mandates in their plans and strategies</li> <li>• It is imperative for the NISCWT to be approved and funded in order to systematically address illicit wildlife trade</li> <li>• To intervene effectively in terms of both demand management and/or demand reduction, more information is required on consumer's needs, attitudes and behaviour and on the current economics of rhino horn, particularly in the illegal market</li> <li>• Integrate CITES resolutions on Demand aimed at reducing illegal demand for rhino, rhino horn and related products</li> <li>• Utilise own dynamics and understanding of demand to influence the global narrative on the trade platform</li> <li>• Take advantage of the current COVID-19 restrictions to create a more focused regulatory framework that suits South Africa</li> <li>• There is history of success in reduction of uncontrolled use with the involvement of the Ministry of Health.</li> <li>• Peer review research is required research and as much wide a range of different stakeholders engaged</li> <li>• Need stronger alignment to respond to the Demand outcomes where interventions will be committed to offsetting the illegal demand in other means that would complement enforcement</li> <li>• Invest in the management of Conservation through out of the box and situational relevant strategies</li> <li>• Continue with fund mobilisation and strengthen border line co-operation alleviating</li> <li>• Promote and support the implementation of investment in communities resulting in employment creation and small business opportunities – as per government's biodiversity economy strategy.</li> <li>• Discussion required around the issue of demand management v demand reduction.</li> <li>• Improved participation at CITES by organisations/associations/NGOs required.</li> </ul>

	<ul style="list-style-type: none"> <li>• Discussion required on why South Africa has been to trade with rhino horn or put legislation in place to facilitate such trade.</li> <li>• Discussion required on whether there should be separate legislation dealing with wild and captive rhinoceros.</li> </ul>
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<b>Title</b>	<b>Presentation on Introductory to the Work of Scientific Authority</b>
<b>Presenter</b>	Scientific Authority
<b>Full Event Title</b>	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Introductory to the Work of Scientific Authority
<b>Start Date and Time</b>	2020-05-14 08:30am
<b>End Date and Time</b>	2020-05-14 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• Scientific Authority to provide a presentation on Introductory to Work of the Scientific Authority;</li> <li>• Scientific Authority to provide a presentation on Non-detrimental Findings (NDFs) and Quotas;</li> <li>• Scientific Authority to provide a presentation on Issues of Relevance to the Work of the Panel;</li> <li>• Department of Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel; and</li> <li>• Brand SA to provide a presentation on the Impact of Brand SA of Issues Relating to the ToRs of the Panel.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Officials from the Department of Tourism:</p>
<b>Key discussions</b>	<p>Functions set out in NEMBA, TOPS &amp; CITES regulations.</p> <p>General functions:</p> <p>Advise the Minister on issues relating to CITES and TOPS species (noting that these regulations relate to species in use):</p> <p><i>For South African species listed on CITES (ca. 866+444 spp):</i> Make non-detriment findings; Monitor trade; Determine the biological status of species affected by trade; Gather and review scientific information to determine whether trade is sustainable or has an impact on ecosystems</p> <p><i>For species on TOPS:</i> Monitor status; Determine impacts of restricted activities; Advise on regulation of activities for threatened species; Determine impacts of use The Scientific Authority annual operating budget ~ R2.5 million</p> <p><i>Non-detriment findings (NDFs) for rhino, lion, leopard &amp; elephant:</i></p> <p><i>Leopard</i> – Guidelines for leopard trophy hunting; leopard hunting quota; CITES documents on leopard hunting quotas; illegal trade in leopard skins; guidelines for leopard research;</p> <p><i>Lion</i> - Meta-population management of lion; Appropriate release period for captive bred lion; Trophies from managed lion populations; Export of captive bred lions; Export quota for lion bone;</p> <p><i>Elephant:</i> Hunting quotas, national strategy;</p> <p><i>Rhino:</i> Captive breeding of white rhino; Export of White Rhino to appropriate &amp; acceptable destinations; NDF for export of rhino horn; Quotas for black rhino trophy hunting.</p>
<b>Key outcomes</b>	<ul style="list-style-type: none"> <li>• “Advice from the Scientific Authority needs to take place within a defined policy space. Policy can be informed by science but this is not the only input and more scientific evidence cannot compensate for any policy uncertainty. In this context, the SA needs clear policy direction to deal with important issues such as the export of animals to zoological facilities and the hunting of captive bred lion. These are dealt with in greater detail in the report”. 2017-2018 report to the Minister</li> <li>• “As noted in the letter to the Minister, the Scientific Authority needs clarity on the policy relating to trade in lion bone. The CITES quota is unusual in that it relates to trade in captive bred specimens whereas most quotas are determined by sustainable offtake from wild populations. In the case of lion bone, the question is</li> </ul>

	<p>whether the intention is (i) to phase out the captive lion industry and set a minimum quota that mitigates any impact on wild lion populations, or (ii) to promote the captive lion industry and set a maximum quota based on what the industry can provide and that does not harm wild lion populations”.</p> <ul style="list-style-type: none"> <li>• The dynamic nature of South Africa’s wildlife trade where breeders and traders are continually exploring new trade opportunities to fund their operations.</li> <li>• Increasing interest in the biodiversity economy and the call to remove barriers to trade.</li> <li>• The global increase in illegal wildlife trade, which means that new commodities and trade routes are constantly emerging with implications for South Africa.</li> <li>• Increased listing of species on CITES Appendices or changing conditions (e.g. quotas)</li> <li>• Greater demand from importing countries for “proof” of sustainable use and conservation benefits for species traded from South Africa.</li> <li>• Increasing scrutiny of South Africa’s processes and the quality of the evidence used to make recommendations.</li> <li>• Demands from both pro- and anti- wildlife trade stakeholders for support, evidence and recommendations that are consistent with their objectives (the Scientific Authority has experienced legal challenges from both sides).</li> </ul>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Communities are not well integrated into the work of the Scientific Authority, and that remains a huge gap. The Scientific Authority to also consider communities (communal reserves) when collecting data;</li> <li>• Biodiversity arena, social &amp; economic implications are lacking which has reputational risks;</li> <li>• The Panel to take into account capacity constraints (financial and human capacity) experienced by the Scientific Authority. The Scientific Authority has four staff and an operational budget of R2.5 million per year to cover all species and functions.</li> </ul>

<b>Title</b>	<b>Presentation on Non-detrimental Findings (NDFs) and Quotas</b>
<b>Presenter</b>	Scientific Authority
<b>Full Event Title</b>	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Non-detrimental Findings (NDFs) and Quotas
<b>Start Date and Time</b>	2020-05-14 08:30am
<b>End Date and Time</b>	2020-05-14 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• Scientific Authority to provide a presentation on Introductory to Work of the Scientific Authority;</li> <li>• Scientific Authority to provide a presentation on Non-detrimental Findings (NDFs) and Quotas;</li> <li>• Scientific Authority to provide a presentation on Issues of Relevance to the Work of the Panel;</li> <li>• Department of Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel; and</li> <li>• Brand SA to provide a presentation on the Impact of Brand SA of Issues Relating to the ToRs of the Panel.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Officials from the Department of Tourism:</p>
<b>Key discussions</b>	<p><b>Non-Detriment Findings and Quotas</b></p> <p>In relevance to the panel, the Scientific Authority has carried out the following:</p> <p><i>NDF for lion</i>, which indicated that the species has poor dispersal ability; sensitive to human activities; restricted and fragmented distribution. SA showed that confidence in harvest management was uncertain, and incentives for conservation were low. It was then recommended that hunting of lion only occur in reserves smaller than 1000 km<sup>2</sup> only when in accordance with a meta-population management approach and adaptive management of lion bone export quota to ensure sustainability and to prevent any detrimental impact to wild lion populations</p>

	<p><i>NDF for leopard</i>, which indicated that leopards are sensitive to human activities; the abundance and population trends were uncertain; major threats were illegal trade in leopard skins; off-takes of damage-causing animals, the species didn't have a Biodiversity Management Plan, arbitrary export quota, the monitoring is poor thus low confidence, no conservation incentives and there were restrictions on harvest.</p> <p><i>Hunting quota for leopard</i>—a SA monitoring project was established to monitor the population and give guidance and assist in terms of the hunting quota. Several sites has been established for monitoring in collaboration with private land-owners, state owned reserves. The data is analysed by one institution and results guide the quota process.</p> <p><i>NDF for white rhino</i>, indicated that the species is widespread and common, population trend is stable, species is well managed, legislative protection is good, legal offtake is negligible, illegal offtake is substantial despite significant anti-poaching measures and the international ban on rhino horn trade is ineffective. It was then recommended that export on rhino horn for non-commercial purposes can be allowed; and legal commercial trade in rhino horn should be explored.</p> <p><i>NDF for black rhino</i>, indicated that the species is rare but the population is increasing; poaching poses a limited threat (2.4% annually); the species is well-managed, there's a high confidence in monitoring, arbitrary hunting trophy export quota; conservation incentives is low or absent. It is then recommended to increase the hunting trophy export quota to incentivize conservation.</p> <p><i>Black rhino hunting quota</i>—this was from CITES Resolution 13.5 which said to increase from five adult males not exceeding 0.5% of the population and this was to be applied to all three subspecies.</p> <p>Best practice guidelines for leopard monitoring established by the scientific steering committee for leopard monitoring to provide the Scientific Authority with objective advice on leopard monitoring and assess data derived from different sampling methods. One of the tasks assigned to the committee was to develop best practice guidelines for leopard monitoring.</p>
<b>Key outcomes</b>	
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• How best can we legalise the sale of leopard skins, how can Scientific Authority assist in this regard?</li> <li>• The Panel to have robust discussions in trying to respond to the following questions: How do we find a way to make the leopard skins legal? Illegal import of skins, how do we authorise the legal trade if we are contravening CITES? How do we strike a balance for the legal trade of leopard's skins?</li> </ul>

<b>Title</b>	<b>Presentation on Issues of Relevance to the Work of the Panel</b>
<b>Presenter</b>	Scientific Authority
<b>Full Event Title</b>	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Issues of Relevance to the Work of the Panel
<b>Start Date and Time</b>	2020-05-14 08:30am
<b>End Date and Time</b>	2020-05-14 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• Scientific Authority to provide a presentation on Introductory to Work of the Scientific Authority;</li> <li>• Scientific Authority to provide a presentation on Non-detrimental Findings (NDFs) and Quotas;</li> <li>• Scientific Authority to provide a presentation on Issues of Relevance to the Work of the Panel;</li> <li>• Department of Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel; and</li> <li>• Brand SA to provide a presentation on the Impact of Brand SA of Issues Relating to the ToRs of the Panel.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Officials from the Department of Tourism:</p>
<b>Key discussions</b>	<p><b><i>DNA monitoring of lion trade</i></b>—this project was in support of the CITES trade in lions. CITES was concerned that tigers would be illegally shipped as Appendix II Lion bones from SA. Thus stabled a collaboration with the National Zoological Garden to perform sampling of DNA on confinement at port of exports to confirm the species in question. This technique is a practical tool in forensic investigations and supports and ensures compliance of regulated legally traded African lion bones. This provides support to the government to ensure that CITES regulations and requirements for the annual review of the quota are met.</p> <p><b><i>Lion metapopulation management &amp; trophy hunting</i></b>—the Meta-population plan is detailed in the Biodiversity Management Plan of the African Lion. The Biodiversity Management Plan required the implementation of the meta-population for the managed wild lions. The USA requested a list of all properties that had wild managed lions that were eligible for hunting. Guidelines were developed for the implementation of the meta-population plan for the managed wild lions with specific reference to trophy hunting. Only properties complying with the guidelines may use trophy hunting as a management tool. A total of 59 reserves are included in this plan.</p> <p><b><i>Elephant NDFs, hunting and management strategy</i></b>—elephants are listed as vulnerable on the IUCN Red List globally and in SA are listed as Least Concern. SA has approximately 26-28 000 individuals of which 78% occur in the Kruger National Park and associated reserves. Elephants are listed on Appendix II on CITES and the SA trophy hunting quota is 300 tusks i.e. 150 elephants and an average of 57 trophies exported annually (2000-2016). The NDF indicated that trade in the species poses a low risk for the species in the wild as the species is well-managed. The NDF was developed in 2015 and needs updating. A strategy is currently being developed in consultation with partners as elephants mean different things to different people and have different roles to play. This is to understand the broader role of elephants in society, challenges in land allocation or competing land-use, the integrity of the national elephant herd concerning sustainable conservation. Issues of ownership, tenure and access amongst others.</p> <p><b><i>Export of live rhino</i></b>—white rhino is listed on Appendix II of CITES and can only be exported for the purpose of allowing international trade in live animals to appropriate and acceptable destinations and export of hunting trophies. Appropriate and acceptable destinations are defined to mean to be suitably equipped to house and care for the animal and that the trade would promote in situ conservation. The facility where the rhino will be kept must be an institutional member of either the World Association of Zoos and Aquaria (WAZA), or institutional or affiliated member of WAZA, or accredited member of a regional zoo association recognized by the CITES Management Authority of the state of import, as a reputable association. Both horns of the rhinoceros to be exported must be micro-chipped and DNA samples must be taken prior to export. The DNA samples must be sent to the Veterinary Genetics Laboratory at Onderstepoort for analysis and DNA banking.</p> <p><b><i>Captive breeding of rhino</i></b>—best captured in: Selier, S.A.J., Emslie, R., Adcock, K., Otto, M., and Pfab, M., 2018. Criteria for the captive breeding of White Rhinoceros (<i>Ceratotherium simum simum</i>) in South Africa.</p>

<b>Key outcomes</b>	
<b>Key Issues for/by the HLP</b>	Scientific information required on how reasons behind the unsustainable killing of leopard population;

<b>Title</b>	<b>Presentation on Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel</b>
<b>Presenter</b>	Department of Tourism
<b>Full Event Title</b>	The Issue-based High-level Panel meeting with Scientific Authority and the Department of Tourism, Scientific Authority presentation on Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel
<b>Start Date and Time</b>	2020-05-14 08:30am
<b>End Date and Time</b>	2020-05-14 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• Scientific Authority to provide a presentation on Introductory to Work of the Scientific Authority;</li> <li>• Scientific Authority to provide a presentation on Non-detrimental Findings (NDFs) and Quotas;</li> <li>• Scientific Authority to provide a presentation on Issues of Relevance to the Work of the Panel;</li> <li>• Department of Tourism to provide a presentation on Impact on Tourism of Issues Relating to the ToRs of the Panel; and</li> <li>• Brand SA to provide a presentation on the Impact of Brand SA of Issues Relating to the ToRs of the Panel.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Officials from the Department of Tourism:</p>
<b>Key discussions</b>	<p>Policies, legislation and practices on elephant, lion, leopard and rhinoceros management, breeding, hunting, trade and handling = direct impact on Destination South Africa as a tourism product;</p> <p><b>South Africa's National Tourism Strategy with the following vision:</b> Inclusive and quality growth of the South African Tourism Economy, and</p> <p>Following <b>objectives:</b> Effective Marketing, Facilitate Ease of Access. The Visitor Experience, Destination Management, and Broad-Based Benefits.</p> <p><b>Animal control, utilisation and hunting: what is appropriate what isn't?</b></p> <p>Largely concentrated on the Lion and the Rhinoceros; Canned lion hunting; Lion bone trade; Rhino poaching; Calls for improved animal interactions and responsible tourism practices; Unethical practices by captive facilities offering different levels of interaction between humans and animals.</p> <p><b>The muddled environment:</b></p> <p>Claims and counterclaims of limited conservation value offered by breeding facilities; Tension between a hunting destination a photo safari and a caring conservation destination; The photo safari and conservation brand values of the destination, which attract far more to the country; Volunteer tourism at farms breeding for hunting; attracted under claims of conservation; Animal interactions sold to tourists, specifically with lion cubs, when the cubs are being bred for 'canned hunting'; Animal interactions generally coming under criticism as pure commercial operations (not sanctuary or research) which may be treating animals inappropriately.</p> <p><i>Destination Brand impact of the above – "captive lion breeding industry" most prominent.</i></p> <p><b>Some underlying guidelines used by Tourism as efforts to support the wildlife sector:</b></p> <p><b>Southern Africa Tourism Services Association (SATSA) Animal Interaction Guidelines (October 2019) which define the following as unacceptable:</b> Performing animals; Tactile interactions with all wild animals; Walking with predators or elephants; Tactile interactions with predators or cetaceans; Riding of wild animal's</p>

	<p>incl. riding or sitting on elephants, ostriches, crocodiles. This is supported by key industry players and tour operators;</p> <p><b>Fair Trade Tourism Good Practice Guidelines for Captive Wildlife (July 2018):</b> Inability to distinguish between facilities providing genuine conservation operations or sanctuaries and ones that are not; Facilities describing themselves as sanctuaries, rehabilitation centres, endangered species centres or similar mislead visitors wishing to contribute to conservation courses; DEFF Voluntary <b>Certification System for wildlife ranching</b> (agriculture, ecotourism including hunting, conservation) - in progress</p> <p><b>“Fair Game”</b>– paper on <i>Improving the well-being of South African Wildlife</i> (EWT, Centre for Environmental Rights and The Lewis Foundation): aimed at an overhaul of the regulatory environment and particularly standardisation and consistency;</p> <p><b>Studies on economic value of hunting</b> by University of North West- Survey of trophy hunters (2015/16) &amp; Economic impact of hunting for biltong purposes (2011); Grant Thornton (BDO) research, which informed the SATSA guidelines; and</p> <p><b>Professional Hunters Association of SA has been engaging Tourism:</b> Engagement concluded that the Department of Environmental Affairs is to deal with policy areas related to its mandate and Tourism with the tourism aspects. Association is a member of the Tourism Business Council of South Africa (TBCSA).</p>
<b>Key outcomes</b>	<p>South Africa’s tourism Brand stands to be impacted by the policies and implementation mechanisms to arise from the HLP’s work; Tourism would support the strengthening of the regulatory environment and improved enforcement systems able to detect illegal/unscrupulous operations; Guided by Responsible Tourism imperatives, practices that fall short of what is responsible and compromise the welfare and future sustainability of animals is not be supported; A robust animal management framework would benefit perceptions about SA as a destination and promote tourism flows from key source markets; Current Approach: International marketing of South Africa as a destination by South African Tourism (SAT) will not expressly promote hunting.</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Brand SA to be given an opportunity to make a presentation later in the process as they had not prepared a PowerPoint presentation;</li> <li>• Information on statics and surveys to be made available to the Panel;</li> <li>• Lack of support of hunting activities by the Department of Tourism presents challenges;</li> <li>• Emphasis required on socio-economic development, and not just on species conservation, as well as on species on the balance sheet in the country and Natural Capital Accounting;</li> <li>• Need for the Department of Tourism to consider commissioning a neutral research on different markets in South Africa in relation to the activities highlighted on the ToR for the Panel.</li> <li>• The Department of Tourism to advice on whether the sector has competition concerning consumptive and non-consumptive use, as there has been many concerns from South Africa lobbying competitive sectors.</li> <li>• Information required on percentage of visitors that has chosen the country as a hunting destination and the associated income revenue.</li> <li>• Improved collaboration required from DEFF and Department of Tourism to try and resolve the issues relating to the promotion of sustainable use principle.</li> <li>• The Panel to take into account that funding is and remains an issue of concern in the tourism sector, and this cut across all spheres of government.</li> <li>• The Panel to take note of the fact that the Department of Tourism does provide support in various aspects of community based tourism.</li> </ul>

<b>Title</b>	<b>Presentation on Legislative Framework: Constitution, Mandates and Litigation Overview</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on legislation, DEFF presentation on Legislative Framework: Constitution, Mandates and Litigation Overview
<b>Start Date and Time</b>	2020-05-20 08:30am
<b>End Date and Time</b>	2020-05-20 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on Legislative Framework: Constitution, Mandates and Litigation Overview;</li> <li>• DEFF to provide a presentation on draft legislation underway affecting the 5 species; and</li> <li>• Presentation by the Panel on issues arising from its deliberations thus far.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	Panel members and Secretariat: Technical support: Officials from DEFF:
<b>Key discussions</b>	<p><b>Constitution and mandate:</b> <i>Importance and relevant sections in the Constitution:</i></p> <p>Section 2: Supremacy of the Constitution; s8(1): Bill of Rights binds the Legislature, the Executive, the Judiciary and all organs of state; s8(3) afford a court with powers to develop common law to limit any right, provided that s36 (limitation of rights) has been complied with; s40 provides for the constituency of government (national, provincial and local sphere of government, which are distinctive, interdependence and interrelated, and whom must observe and adhere to the following principles contained in Chapter Four of the Constitution: respect the constitutional status, institutions, powers and functions of government in the other spheres, not assume any power or function except those conferred on them in terms of the Constitution, exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere, co-operate with one another in mutual trust and good faith; s85 - The executive authority of the Republic vests in the President, who exercise this authority with the Cabinet; s85(2) - The President and Cabinet may implement legislation, develop and implement national policy and prepare and initiate legislation; s43 - The legislative authority of the national sphere of government vests in Parliament as set out in s44 of the Constitution; s91(2) The President assigns the powers and functions to Ministers; S97 The President by proclamation may transfer to a member of the Cabinet the administration of any legislation entrusted to another member.</p> <p>In the case of Minister of Water and Environmental Affairs v Kloof Conservancy [2016] 1 All SA 676 (SCA), The principle of co-operative government is based on the proposition that the Constitution devolves legislative and executive powers among three distinctive spheres of government; Each sphere of government has autonomous powers and responsibilities, and must exercise them within the parameters of its defined space; It incorrectly assumed that the national government has a supervisory and ultimately a directory role in respect of the other spheres.</p> <p>Section 152 of the Constitution: The Premier exercises the executive authority, together with the other members of the Executive Council, by implementing all national legislation within the functional areas listed in Schedule 4 or 5 except where the Constitution or an Act of Parliament provides otherwise; A province has executive authority only to the extent that the province has the administrative capacity to assume effective responsibility. The national government, by legislative and other measures, must assist provinces to develop the administrative capacity required for the effective exercise of their powers and performance of their functions.</p>
<b>Key outcomes</b>	<ul style="list-style-type: none"> <li>• Parliament in exercising its legislative authority is only bound by the Constitution; there is no provision in the Constitution or elsewhere that requires the existence of a formal policy prior to the initiation, development or implementation of legislation.</li> <li>• Any dispute concerning the administrative capacity of a province in regard to any function must be referred to the National Council of Provinces for resolution within 30 days of the date of the referral to the Council.</li> <li>• Section 100 intervention;</li> </ul> <p><b>Litigation overview:</b></p>

<p><i>New National Party of South Africa v Government of the Republic of South Africa</i>: Legislation must be rationally connected with a legitimate government purpose; Legislation must not infringe any of the fundamental rights enshrined in Chapter Two of the Constitution.</p> <p><i>Affordable Medicines Trust and Others v Minister of Health and Other</i>: Both the Legislature and the Executive are constrained by principle that they may not exercise a power and perform a function beyond that conferred on them; Laws must be written in a clear and accessible manner.</p> <p><i>Kruger and another v Minister of Water and Environmental Affairs and others [2016] JOL 34725 (GP)</i>: Challenged a moratorium on domestic trade in rhino horn as well as an amendment to the Threatened or Protected Species of Regulations; The following questions were raised in that case: Whether it was necessary to consult with Hume personally or any other rhino breeder personally before the moratorium on domestic trade in rhino horns was put in place? Whether substantial or sufficient consultation has taken place seen in the light of the Minister's failure to give notice of the proposed moratorium as prescribed? Whether Hume and Kruger have made out a case for the review and setting aside of the moratorium? Whether the amendment in terms of which lions are not listed as one of the large predators was subject to provisions of s99 and s100 of the Act?</p> <p><i>Outcome of the case</i>: No obligation on Minister to consult a lion breeder personally – Minister empowered to follow a different procedure from PAJA, as prescribed in NEMBA; S 97(3) of NEMBA makes compliance with the provisions of s99 &amp; 100 of NEMBA peremptory for amendment to regulations, but the Minister may rely on s97(4) if the amendment is not substantial; Moratorium - Government Notice must contain sufficient information to enable the public to comment; A notice without a background and in the circumstances, without the reasons for the exercise of a power, will not enable members of the public to submit meaningful representations or objections; Moratorium invalid, also because it was not published in the newspaper as required in terms of s100 of NEMBA.</p> <p><i>Grounds of review</i>: According to Hume and Kruger, the imposition of moratorium is irrational as it is incapable of curbing rhinoceros poaching; <i>Law Society of South Africa and Others v Minister for Transport and Another 2011 (1) SA 400 (CC)</i>; The requirement of rationally is not directed at testing whether legislation is fair or reasonable or appropriate. Nor is it aimed at deciding whether there are other or even better means that could have been used. Its use is restricted to the threshold question whether the measure the lawgiver has chosen is properly related to the public good it seeks to realize.</p> <p>Court found that there was no factual basis to find that the decision to impose the moratorium was irrational.</p> <p><i>Eastern Cape Parks and Tourism Agency v Medbury (Pty) Ltd (816/2016) [2018] ZASCA 34 (27 March 2018)</i>: The issue on appeal concerned the ownership of a valuable herd of Cape Buffalo, which escaped from the Thomas Baines Nature Reserve in the Eastern Cape (the reserve); The questions on appeal were whether a certificate in terms of s 2(2)(a) of the GTA is the sole prerequisite for the operation of s 2(1)(a) of the GTA; The SCA found that the production of a certificate was meant to facilitate proof that the land in issue was sufficiently enclosed to confine the species in question; It was not meant to prevent owners who had taken the necessary measures to sufficiently enclose game on land from proving that fact; The SCA concluded that the deeming provision in question cannot be extended to preclude another form of proof that the land was sufficiently enclosed so as to confine the relevant game.</p> <p><i>National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and others [2019] JOL 45</i>: The determination of the lion bone of the Minister in terms of regulation 3(2)(f) of the CITES Regulations constitute administrative action as contemplated in PAJA, because it has a direct and external legal affect; While welfare mandate for lions in captivity may substantially reside with DAFF there is a difference in law in having responsibility for the welfare mandate and taking welfare considerations into account. All relevant considerations must be taken into account; Court expressed doubt whether DAFF has the exclusive mandate in respect of welfare issues; Animal welfare is connected with the constitutional right to have the 'environment protected through legislative and other means'; Supreme Court of Appeal in <i>Lemthongthai</i> indicated that animal welfare is connected with the constitutional right to have the 'environment protected through legislative and other means'.</p> <p><i>SA Predator Breeders Association &amp; others v Minister of Environmental Affairs and Tourism [2010] JOL 26567 (SCA)</i>: The minister based his decision on the recommendations of a panel of experts. Examination of the panel's final report suggested to the court that the minister misinterpreted or distorted its recommendations; Minister's decision failed the rationality test; Rationality is a necessary element of lawful conduct by a functionary, serves to avoid capricious or arbitrary action by ensuring that there is a rational relationship between the scheme which is adopted and the achievement of a legitimate government purpose or that a decision is rationally related to the purpose for which the power was given; and to ensure that the action of the</p>
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	<p>functionary bears a rational connection to the facts and information available to him and on which he purports to base such action.</p> <p><b>The White Paper on Environmental Management Policy (White Paper):</b>          Overarching framework policy for environmental management and the overall policy framework for NEMBA; It is specifically indicated in the purpose of the White Paper that specific subsidiary and sectoral policies will fall within this framework created by the White Paper; Seven strategic goals for achieving environmental sustainability and integrated environmental management are identified in the White Paper in order to achieve the overarching goal of sustainable development; The second goal identified is entitled “Sustainable Resource Use and Impact Management”. Its focus is on the promotion of equitable access to, and sustainable use of, natural and cultural resources and promoting environmentally sustainable lifestyles; Conservation of biodiversity is identified as a specific supporting objective and focuses on conservation of landscapes, ecosystems, habitats, biological communities, populations, species and genes as well as the sustainable use of biological resources; The White Paper already acknowledges this need to continually improve;</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Overlapping mandates, especially between Environment and Agriculture legislation;</li> <li>• Self-regulation v self-administration</li> <li>• Perception of absence of formal written policy for all aspects relating to biodiversity and conservation, because the draft White Paper on Conservation and Sustainable Use of Biodiversity was never finalized. The White Paper is 22 years old and may require revision or supplementation;</li> </ul>

<b>Title</b>	<b>Presentation on draft legislation underway affecting the 5 species</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on legislation, DEFF presentation on draft legislation underway affecting the 5 species
<b>Start Date and Time</b>	2020-05-20 08:30am
<b>End Date and Time</b>	2020-05-20 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on Legislative Framework: Constitution, Mandates and Litigation Overview;</li> <li>• DEFF to provide a presentation on draft legislation underway affecting the 5 species; and</li> <li>• Presentation by the Panel on issues arising from its deliberations thus far.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	Panel members and Secretariat: Technical support: Officials from DEFF:
<b>Key discussions</b>	<p>Reflection on the objectives and intention of NEMBA, TOPS Regulations, CITES Regulations; Rhino Norms and Standards and Elephant Norms and Standards.</p> <p><b>Reflection on the following legislative amendments:</b></p> <p><b>NEMBA amendments:</b>          Part of the broader National Environmental Management Laws Amendment Bill, 2017 (NEMLA): 2 Key amendments to NEMBA to include the following new provisions: The Minister may specify the species and the circumstances under which the State remains the custodian of faunal biological resources that escape from land under its control; and The Minister may prohibit any activity that may negatively impact on the well-being of a faunal biological resource, and may make regulations relating to the well-being of faunal biological resources; <b>Progress:</b> approved by the Portfolio Committee on Environmental Affairs and in Parliamentary programme for processing.</p> <p><b>TOPS Regulations amendments:</b>          Separate TOPS Regulations and species list for: marine species, and terrestrial species and freshwater species; The revised TOPS Regulations prescribe: darting, release an angling as additional “restricted activities”; additional circumstances requiring risk assessments (e.g. for restricted activities in listed critically endangered ecosystems) – to be done by a scientific expert; circumstances requiring an identification of risk</p>

factors (e.g. establishment of new facilities) – can be done by the applicant; circumstances for marking of specimens and DNA collection; reporting by holders of permits and registrations; specific requirements involving freshwater fish species. **Progress:** currently with NCOP for approval

***TOPS list amendments:***

Categories of species are based on the IUCN Red List criteria; The amendment involved inclusion and deletion of species as well as vertical movement of species (e.g. lion); Inclusion as Protected species (as a category and not by listing of species) - specimens of species that are also included in Appendix I of CITES, and which are not already included elsewhere in the list of TOPS; Specific exemptions and prohibitions apply to species; Individually; Some general exemptions apply to all listed species; e.g.:

to members of the SAPS and SARS (Customs Division) from permit requirements in the official execution of their duties; to veterinarians to dart listed animals; to persons who are the holders of CITES permits, in the case where a species is also included in the annexures of CITES (e.g. lion, leopard), excluding for rhino or cycad specimens; in respect of dead specimens, excluding: dead specimens, or finished parts or products of lion, leopard, cheetah and African wild dog; elephant ivory and rhino horn; and freshwater fish species; and in respect of translocation of certain listed animal species (generally commercial game farm species), under specified conditions. **Progress:** currently with NCOP for approval.

***Elephant Norms and Standards amendments:*** Provisions relating to management plans (MPs): Approval of the MP within 60 working days; Provision that a permit may be issued for an activity not included in the MP, except for culling; A MP must be reviewed with the assistance of a professional natural scientist, every 10 years from date of approval; Duty of the responsible person in the case of changes in the MP prior to the compulsory review process: notification of the issuing authority in the case of non- substantial changes; amendment of the MP in the case of substantial changes, or changes in the management objectives (for approval); Duties in the case of change in ownership of the property; Specification of the extraordinary circumstances in which wild elephants may be re-translocated.

***Provisions relating to research:*** A method for the management of elephants not provided in the norms and standards may be undertaken, only as part of a research project; Requirements for a research project: approval of a project proposal prior to commencement, by: the issuing authority; and an Animal Ethics Committee (associated with a tertiary institution and linked to the National Health Act, or a research organisation or institution linked to a SANS Code), e.g. EWT or the National Zoological Garden; results of the research project must be intended for publication in a scientific journal; and annual progress report, and submission of research report, to issuing authority. **Progress:** currently with NCOP for approval.

**In response to the setting aside of the Moratorium on domestic trade in rhino horn, DEFF is in a process of developing the following legislative tools:**

***Draft regulations for domestic trade in rhino horn:***

Provide strict requirements for selling or buying of rhino horn: imported rhino horn may not be sold, unless pre-Convention; requirements to be met prior to issuing of a selling permit: possession permit; an inspection of the rhino horn to be sold to verify the markings and measurements; markings (ZA and microchip numbers) and measurements included in the national database; proof that the DNA analysis in respect of the rhino horn has been performed; Provisions relating to the selling of rhino horn via auction; both seller and buyer must have necessary permits; seller must provide the Department with a list of: registered bidders at least 48 hours prior to the auction; successful bidders within 5 working days after the auction.

***Prohibition in terms of s57(2) of NEMBA, to:***

Powder rhino horn, or to create powder, layers, slivers, chips or drill bits, with specific exclusions (e.g. when drill bits are formed during dehorning or insertion of a microchip) Sell, export or re-export the powder, layers, slivers, drill bits, or pieces of rhino horn less than 5 cm in length; The prohibition remains in place for a period of 3 years, after which the Minister will assess and re-consider the prohibitions.

***Listing notice:***

The listing notice involves Eastern black rhino (*Diceros bicornis michaeli*), namely the: deletion from the current list of invasive species; and inclusion in the list of Protected species; Rationale: Killing/ hunting is not a restricted activity in terms of NEMBA; As invasive species, Eastern black rhino does not have same protection as indigenous sub-species; All the marking requirements to also apply to Eastern black rhino; A non-indigenous species/ sub-species can only be listed as a Protected species in terms of s56(1)(d), regardless of its conservation status.

**Progress:** currently with NCOP for approval.

**Another new legislative tool underway:**

**Norms and Standards for trophy hunting of leopard, and deal with the following:**

	<p><b>Ensure even distribution of the hunting effort:</b> SANBI must determine Leopard Hunting Zones (LHZs);</p> <p><b>Reduction of impact of trophy hunting of leopard population stability:</b> Hunting quotas to be allocated in LHZs only where leopard populations are stable or increasing; Only one hunting quota per LHZ per hunting season; Only male leopards of 7 years or older may be hunted; No allocation of hunting quota in the next hunting season, in a LHZ where a female or under-aged male was hunted;</p> <p><b>Tools to enable assessment of the age of male leopards:</b> On-line examination by local hunter, or professional hunter where a hunting client is involved; Brochure/ pamphlet together with hunting permit</p> <p>Establishment of a panel of experts;</p> <p><b>Reporting requirements (assist to inform hunting quotas for following hunting seasons):</b> Inspection of the hunting trophy by EMI (relevant province, another province or DEFF); Submission of hunting returns: Successful hunts (including submission of specified measurements); unsuccessful hunts; females or under-aged males hunted; Collection of DNA sample.</p>
<p><b>Key outcomes</b></p>	<p><b>Current gaps, overlaps, impacts and implications:</b></p> <p><b>Current gaps:</b> enabling provision for welfare: minimum standards for captive elephants, and standards for captive keeping and handling; enabling provision for self-administration; recognition of wildlife trafficking: resource implications and increased penalties; State to retain custodianship of wild animals under its jurisdiction (Game Theft Act); ability to regulate methods without having to regulate species; adequate provisions to regulate exotic species; addressing diseases; <b>Need for</b> provision for integrated permit system in provincial legislation; Need for provision for integrated permit system in provincial; legislation; requirement to address training; consideration of ethics</p> <p><b>Current overlaps – key legislation:</b> Animal Improvement Act (challenges for DEFF); Meat Safety Act; Aquaculture Bill; Provincial conservation legislation</p> <p><b>Concerns/Requests from Industry:</b> NEMBA permit requirement and provincial legislative system; Need for emphasis on incentives; Other mechanisms beyond legislation; Coining of terms such as “canned hunting”; and Interfacing legislative mandates (environment and agriculture)</p> <p><b>Biodiversity Economy- emerging orientation:</b> Balancing conservation, sustainability, transformation and economic contribution</p> <p><b>Impacts of legislative amendments:</b> to date, mostly focusing on protection of species; NEMBA Bill, developed as an outcome of the Biodiversity</p> <p><b>Economy Lab, will focus on:</b> legislative gaps; promoting transformation and research; addressing effective implementation by establishing a new regulatory approach.</p> <p><b>Other key outcomes:</b></p> <ul style="list-style-type: none"> <li>• Not a legal requirement for any legislation to be informed by a White Paper Policy in order to be considered valid;</li> <li>• The Panel not to rely only on case law when interpreting legislation, but to also consider academic reviews;</li> <li>• Minimal reference to transformation issues in legislative discussions;</li> </ul>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• What are the welfare aspects that NEMBA should focus on?</li> <li>• What aspects of self-administration could be provided?</li> <li>• Should diseases be addressed in more detail in terms of NEMBA/ TOPS Regulations?</li> <li>• Should ethical considerations have a space in biodiversity legislation? Could this be linked to societal values?</li> <li>• What is the nature of incentives that can be provided?</li> <li>• The Panel to set aside a day to specifically engage provinces exclusively on challenges that they were experiencing in terms of implementation of legislation in their respective provinces;</li> <li>• The Panel to have a robust discussion on issue of lack of scientific capacity and capacity to implement legislation in national and provincial spheres of government;</li> <li>• The Panel to consider whether there is a need to have a National Central Policy to specifically deal biodiversity related matters exclusively, and not rely on the White Paper Policy on Environmental Management which broad;</li> <li>• The Panel to consider engaging on issues with long-term benefits such as Integrated Protected Area Management, and not only deal with issues with short terms benefits such as permits;</li> <li>• The Panel to assess the issue of capacity in provinces and advice on how limited resources could be effectively distributed to ensure better implementation of legislation;</li> </ul>

	<ul style="list-style-type: none"> <li>• The Panel to advice on the possibility of considering self-regulation/self-administration as one of the mechanisms to deal with capacity challenges, and to advice on how such could be administered;</li> <li>• The Panel to have a robust discussion on the issue of moral imperatives and public trust;</li> <li>• The Panel to advice on whether policy positions are required on certain issues such as intensive breeding/captive breeding, hunting, etc.;</li> <li>• The Panel to consider the report compiled by the Scientific Authority on the Impact of Intensive and Selective Breeding;</li> <li>• The Panel to have a robust discussion on the issue of overlapping mandates and legislative requirements between DEFF, DALRRD and Provinces, and advice accordingly;</li> <li>• The Panel to take into account the issue of capacity constraints (human and financially) to effectively implement biodiversity legislative tools;</li> <li>• The Panel to have a robust discussion on how the transformation agenda could be integrated into the Biodiversity Legislative Framework;</li> <li>• The Panel to have a robust discussion on how the issue of 9+1 system could be addressed (concurrent function issue);</li> <li>• Provinces to provide the Panel with information on key legislative gaps or policy challenges faced by each respective province in achieving the empowered participation by local communities in the wildlife economy;</li> <li>• Robust discussion on issues of overregulation, non-compliance and enforcement challenges.</li> </ul>
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<b>Title</b>	<b>Presentation on DEFF's response to some of the keys issues raised by the Panel</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, DEFF presentation on DEFF's Responses to some of the Issues Raised by the Panel
<b>Start Date and Time</b>	2020-05-22 08:30am
<b>End Date and Time</b>	2020-05-22 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on DEFF's response to some of the keys issues raised by the Panel;</li> <li>• DALRRD to provide a presentation on Animals Protection Act/ Animals Improvement Act; and</li> <li>• SANBI to provide a presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from SANBI:</p> <p>Officials from DALRRD:</p>
<b>Key discussions</b>	<p><b>Some of the issues raised by the Panel:</b></p> <ul style="list-style-type: none"> <li>• Paragraph 9.1 of the PC report provides that "the department should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice". Clarity required on whether the above recommendation is binding to the department or not? Are there any continued engagements with the Portfolio Committee around the implementation of the resolutions? Were there any community representatives at the Colloquium? How is the department planning to implement the resolutions, recommendations and issues highlighted at the conclusion of the report? (Implementation of Portfolio Committee lion Colloquium).</li> <li>• Clarity required on how correct is the assumption that the national government has a supervisory and ultimately a directory role in respect of other spheres of government? The understanding has always been that the Constitution of the Republic of South Africa, 1996 (Constitution) provides that when there is a problem in the provincial sphere or when there is something that is in the interest of the country's economy,</li> </ul>

	<p>then the national sphere must intervene and put measures in place to call provinces into order, especially if it affects the economy of the country or something that is going to affect another province negatively.</p> <ul style="list-style-type: none"> <li>• Has the department ever considered using s100 of the Constitution of the Republic of South Africa, to deal with capacity and non-compliance issues in provinces, instead of relying on inter-governmental forums such as Working Groups, because non-compliance continues to affect biodiversity conservation in South Africa?</li> <li>• The question of capacity constraints of the State?</li> </ul>
Key outcomes	<p><b>DEFF's response :</b></p> <p><b>On implementation of outcomes of the lion Colloquium:</b>  <i>The Constitution makes provision for the separation of powers between the three different but interdependent components of governance system: the executive, the legislature and the judiciary;</i> The Lion Colloquium was convened against this backdrop, and with the understanding that policy review is the prerogative of the Executive; The Colloquium decision, although binding and highly prescriptive called for subsequent engagement between Legislature and the Executive regarding the manner in which it would be implemented; Having considered the far reaching implications of the parliamentary decision especially if it were to be Implemented with immediate effect further engagement between various Ministers of Environment and the Portfolio Committee ensued; It was also acknowledged that most of the concerns raised at the Colloquium relating to the management, handling, breeding in captivity, hunting, trade, etc. were not exclusive to lion, but in a broader sense also affect other iconic species such as elephant, rhino and leopard and would need a collective analysis and in-depth stakeholder engagement beyond the organisations and people who were engaged by the Portfolio Committee; Hence the subsequent decision reached that the best course of action would be the appointment of an independent High Level Panel of Experts to undertake a comprehensive review of relevant policies and practices. It was believed that this process would take into account all the views and concerns continuously raised by different stakeholders; As part of its commitment to adhere to the decision, the department has been providing continuous updates to Parliament in this regard – last one on 15 May 2020.</p> <p><b>On the question of invoking s100 of the Constitution:</b>  <i>Although DEFF never considered s100, it has been concerned about issues flagged in the Biodiversity White Paper which are still valid:</i> Fragmented, polarised and inefficient administrative and legislative structures, resulting in no fewer than 17 government departments having primary responsibility for nature conservation prior to the 1994 election; Situation did not improve with the establishment of new provinces and government structures – divided responsibilities, duplication of effort, profusion of laws, lack of co-ordination have hampered effective conservation; Aggravated by lack of integration of biodiversity considerations into national decision-making, &amp; insufficient and declining allocation of resources; Underscored the need to link biodiversity conservation to needs of SA's people &amp; importance of integrating conservation into an overall strategy for conservation and sustainable use of natural resources.</p> <p><i>Several studies commissioned and tools developed:</i> Kumleben Report (1998); Western Cape Rationalisation Proposal (2006/7); Study into Management Effectiveness of Protected Areas (2010):</p> <p>Limited own revenue, 75% budgets funded by Treasuries, likely to decline; Personnel expenditure (60%) crowding operational budget; High staff turnover – average vacancy rate of &gt;40%, mirrored at HOD/CEO level; Negative impact of mergers; Competition for limited resources; Recommendation – enough imperative to consider institutional re-organization – 8 options;</p> <p><i>National Treasury driven Institutional Performance and Expenditure Review (2016):</i> 16 provincial laws and different institutional arrangements make it difficult to compare expenditure across provinces &amp; difficult to allocate resources; Proposed institution of a system that will ensure accurate, comparable and consolidated data collection; MINMEC decision (2020) to undertake a further situational analysis and ground-trothing; NB: National government is not exempt from this, and an analysis may be needed.</p> <p><b>On the issue of capacity constraints:</b></p> <p>a. Financing</p> <p><i>National Sustainable Financing Framework for Protected Areas:</i> To enhance, diversify and income sources; help strengthen the case for protected areas; enhance revenue generation; strengthen partnerships for effective management.</p> <p><i>Increased support through EPWP Programme – 10 fold increase in funding for protected areas infrastructure, NRM projects, biodiversity economy projects, deployment of environmental monitors</i></p> <p><i>Biodiversity Finance (BIOFIN) Initiative:</i> Part of a global programme being implemented in 30 countries through UNDP; BIOFIN is designed to respond to the global challenge of addressing global biodiversity loss and change while attaining national sustainable development; Needs Assessment undertaken in 2016 – R87bn</p>

needed over 10 years; Funding gap for the sector quantified; Finance solutions identified and translated into a Finance plan.

*Donor Funding* – mainly through the Global Environmental Facility, Global Climate Fund, etc.- biodiversity planning, protected area effectiveness, species and wildlife trade, biodiversity economy, land degradation, etc.

*NB: A further engagement on resourcing of the biodiversity function with National Treasury and DEFF (including Environmental Programmes Branch may be needed)*

#### b. Human Resource Development

Overarching 20 year sectoral Framework Biodiversity Human Capital Development Strategy – takes a full value chain approach (SANBI); Youth Development Programme – to be expanded on the 26<sup>th</sup>; Species focused strategy yet to be elaborated; In-depth analysis of the effectiveness of the existing co-operative governance system – Outcomes Based Service Delivery Model taking into account the prevailing circumstances including the new District Based approach.

#### **On the issue of key legislative gaps:**

*NEMBA@10 – Comprehensive Review:* Undertaken in 2015 after 10 years of implementation

to assess if NEMBA was achieving desired objectives; To ascertain if any legislative gaps & explore opportunity for synergies and alignment between provincial, national and international law; CBD Aichi Biodiversity Targets, NBSAP, National Biodiversity Economy Strategy; Looked at policy position – Environment and Biodiversity White Paper (albeit issues raised with the latter).

#### **Confirmation of some of the legislative sub-committee findings:**

- Whilst objectives of NEMBA embrace the 3 pillars of the CBD in its objectives, some provisions restrictive & no enabling provisions to support sustainable use and stimulate the economy as envisaged in NBES and expressed in the detailed 3 feet plans of the Wildlife Economy Strategy – new chapter on sustainable use proposed;
- Some misalignments and inconsistencies in definitions and language between principal Act and subordinate legislation (CITES, TOPS);
- Administrative bottlenecks which could be resolved through delegation of authority to MECs and DEFF senior management;
- NEMBA does not adequately provide for species that are affected by activities which are not deemed to be restricted, such as the ones affected by habitat destruction/degradation;
- No provision for electronic permitting system to improve efficiency in the permit application process and reporting;
- No formal recognition of the Wildlife Forum - proposed provision.....may now wish to extend this People & Parks Forum;
- No provision for an incentive based self-administration of the Industry with set stands and a certification system;
- No provisions to deal with administrative bottlenecks impacting on Professional hunters, Hunting outfitters and trainers (up to 17 permits required);
- Sub-optimal use of legislative tools to improve awareness and capacity building (strategies, NDFs, Biodiversity Management Plans);

#### **Legislative gaps related to welfare:**

Policy position diluted by the numerous court case; Department remains committed to integrating welfare considerations into biodiversity conservation but constrained by mandate issue, hence proposed amendments; Subsequent to lion bone quota judgement, DEFF convened meeting with key role players in December 2019; MoU with NSPCA under development to improve co-operation; NSPCA, SAPA tasked to lead the development of guideline to be used in decision-making processes; Lion industry to provide studbook data on all lions in captivity from all breeders to the Scientific Authority – submitted in March; Scientific Authority to formulate advice to the Minister after considering all relevant available information; Minister to consider and undertake public consultation as required by the law; and This will also call for a strengthen working relationship with DAFF

#### **New government approaches to policy development:**

*Socio-Economic Impact Assessment System (SEIAs) Approach:* In 2007, Cabinet decided on the need for consistent and assessment of the socio-economic impact of policy initiatives, legislation and regulations; SEIAs assessment undertaken by line function department; A Unit at Presidency created to ensure vetting of and harmonious approach across whole of government; Aim is to minimize unintended consequences from policy and related initiatives including unnecessary costs from implementation risks and encourage mitigation thereof.

#### **DPME Guidance:**

	<p>Evidence-based policy-making (EBPM) helps policy makers and providers of services make better decisions, and achieve better outcomes, by drawing upon the best available evidence from research and evaluation and other sources:</p> <p>The nature, size and dynamics of the problem at hand; policy options that might be considered to address the problem; effective and ineffective interventions to solve the problem; the likely positive and negative consequences of the proposed policy option; the intended and unintended consequences of the proposed policy option; effective and ineffective modes of delivery and implementation; how long the policy will have to run before positive results will be achieved; the resources that will be required to implement the policy; the costs and benefits of the proposed policy, and on whom will these costs and benefits fall; the sustainability of the policy economically, socially, and environmentally.</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The Panel to have a robust discussion on the issue of intensive breeding;</li> <li>• The Panel to exclusively engage with a retired expert on sustainability;</li> <li>• The Panel to engage with Chairperson's or members of historical Panels relevant to the work of the Panel;</li> <li>• The Panel to advice on whether a Scientific Council is required to address issues relating to biodiversity in general, including biodiversity economy issues;</li> <li>• The Panel to engage in a discussion on how the challenges experienced in protected areas in terms of infrastructure, lack of monitoring, capacity and infrastructure deterioration could be addressed;</li> <li>• Discussion required on how the issue of rationalisation process could assist in dealing with budgetary and capacity constraints;</li> <li>• More data required on structure to deal with wildlife sector, with specific focus on determining the number of jobs created through activities such as hunting, existing game farms, size of area of land protected by communities or game ranching sector. No monitoring systems in place to monitor economic growth, impacts, trends, and opportunities. Discussion required on whether SANBI could be mandated and supported with resources to conduct to assist in this regard;</li> <li>• Policy to exclusively deal with biodiversity related issues is required;</li> <li>• Discussion required on how the issue of monitoring of governance in protected areas could be addressed</li> </ul>

<b>Title</b>	<b>Presentation on Animals Protection Act/ Animals Improvement Act</b>
<b>Presenter</b>	DALRRD
<b>Full Event Title</b>	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, DALRRD presentation on Animals Protection Act/ Animals Improvement Act
<b>Start Date and Time</b>	2020-05-22 08:30am
<b>End Date and Time</b>	2020-05-22 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on DEFF's response to some of the keys issues raised by the Panel;</li> <li>• DALRRD to provide a presentation on Animals Protection Act/ Animals Improvement Act; and</li> <li>• SANBI to provide a presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from SANBI:</p> <p>Officials from DALRRD:</p>
<b>Key discussions</b>	<p><b>Animal Welfare:</b></p> <p>Means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress.</p> <p><b>Good animal welfare requires:</b></p>

	<p>Disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal.</p> <p><b>Animal Welfare Principles:</b>  <i>Animals have the right to the following five freedoms:</i> freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour.</p> <p><b>Existing Animal Welfare Related Legislation in South Africa:</b>  <i>Performing Animals Protection Act, 1935 (Act 24 of 1935) as amended:</i> This applies to any animal that is used for exhibition, training or display purposes (with or without monetary compensation.).  <i>The Act does not apply to the following:</i> Confinement or training of animals for military, police or sporting purposes or the purposes of an agricultural show, horse show, dog show, caged bird show or any public zoological gardens; To the exhibition of animals at a military or police tournament or at a gymkhana, or at any such show or in any such gardens; and To the use of an animal for safeguarding by the South African Defence Force, the South African Police or the Prisons Service.  <i>Animals Protection Act, 1962 (Act 71 of 1962):</i>  This law applies to all animals regardless of their purpose or conservation status. Section 2(1)(b): Any person who confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather, shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or to imprisonment...  <i>Animal Matters Amendment Act, 1993 (Act 42 of 1993):</i>  Provide for directions in respect of injuries caused by animals.  Progress made in developing legislation and policies relevant to the work of the Panel:  <i>Captive Lions Breeding:</i> Consultation between DALRRD and DEFF held on 05 September 2019 to develop the necessary policies; Existing draft guideline for captive lion breeding to be consulted; A Socio-Economic Impact Assessment Study (SEIAS) process to be undertaken.  <i>Animal Welfare Bill:</i> A first draft of the Animal Welfare Bill to replace the Animals Protection Act, 1962 and the Performing Animals Protection Act, 1935 has been completed; A phase 1 SEIAS application has been submitted to DPME to allow the department to engage on formal development and consultation.  Implications of High Court Judgement of 6 August 2019 by Judge Kollapen – NSPCA/Minister of Environmental Affairs:  <i>The Court judgement highlights the following:</i> In taking any administrative action, provisions of the Promotion of Administrative Justice Act, 2000 must be observed; Animal welfare must be considered in decisions and policies that affect the welfare of animals, regardless of where the legislative mandate on animal welfare lies; It is worth noting that animal welfare decisions are made on scientific justifications and not on emotions.  <i>Implications to DALRRD:</i> As the custodians of the Animals Protection Act, 1962 and the Performing Animals Protection Act, 1935, it is only natural that DALRRD will ensure compliance to animal welfare principles whenever decisions are made; The judgement has no adverse implications to the work of the department, on the understanding that scientific justification is a cornerstone of animal welfare policies.</p>
<b>Key outcomes</b>	Same as above.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The Panel to engage exclusively with the NSPCA;</li> <li>• The Panel to advice on whether DALRRD could consider developing a Biodiversity Welfare Strategy or Research or some kind of Wild Animal or Free Roaming Welfare Strategy;</li> <li>• The Panel to have a robust discussion around the welfare of free roaming animals, and how such could be addressed;</li> <li>• Discussion required on how the issue of collaboration between DEFF and DALRRD on issues of mutual interest could be improved;</li> <li>• More discussion required around the issue NSPCA being funded by NGOs, and the impact thereof. Whether such does not influence the objectivity of the NSPCA in decision making processes, especially on decisions concerning their funders;</li> <li>• Welfare issues relating to free roaming or species in the wild;</li> <li>• DALRRD to provide information on whether there were any welfare issues/gaps related to lion specifically;</li> <li>• DALRRD to provide information on whether there has been any policy that allowed for the department to acquire farms and place them at the disposal of PDIs who may want to enter into commercial farming?</li> </ul>

<b>Title</b>	<b>Presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions</b>
<b>Presenter</b>	SANBI
<b>Full Event Title</b>	The Issue-based High-level Panel meeting follow-up meeting to a session on legislation, SANBI presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions
<b>Start Date and Time</b>	2020-05-22 08:30am
<b>End Date and Time</b>	2020-05-22 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on DEFF's response to some of the keys issues raised by the Panel;</li> <li>• DALRRD to provide a presentation on Animals Protection Act/ Animals Improvement Act; and</li> <li>• SANBI to provide a presentation on National Biodiversity Human Capital Development Strategy and Related Capacity Development Interventions</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from SANBI:</p> <p>Officials from DALRRD:</p>
<b>Key discussions</b>	<p>SANBI through the environmental policies such as NSBA (2005), NBSAP (2005) and NBF (2007) is mandated to lead the development and implementation of the <b>Human Capital Development (HCD) Strategy (HCS)</b> for the biodiversity sector; SANBI entered into a partnership agreement with The Lewis Foundation (Tony &amp; Lissette Trust with main focus on conservation) to fulfil the above mandate.</p> <p><b>Vision of the HCD:</b> By 2030 the sector aims to develop a socially equitable and suitably skilled workforce of biodiversity leaders, professionals and technicians to optimally implement national dynamic, expanding and increasingly complex biodiversity and development mandates and goals.</p> <p><b>Four key challenges opted to be addressed by the HCD:</b> Systemic challenges across the pipeline; Reactive and ineffective education and skills development policies; Skewed demographics in talent supply; and Supply vs demand misalignment.</p> <p><b>Related GEF projects:</b></p> <p><b>Biodiversity and Land Use project (GEF 5):</b></p> <p><b>Project Objective:</b> To minimize the multiple threats to biodiversity by increasing the capabilities of authorities and land owners to regulate land use and manage biodiversity in threatened ecosystems at the municipal scale: Co-development of decision support tools and guidelines e.g. Savanna and Thicket Ecosystem guidelines, Land Use Scheme guidelines, Biodiversity Stewardship guidelines; Focused capacity development interventions; Staff placements</p> <p><b>Target:</b> EIA practitioners and case officers, EAPs; municipal planners and IDP managers, stewardship facilitators, community conservation officers.</p> <p><b>Plant and Animal Biodiversity Protocols and Guidelines:</b></p> <p>DEFF's online environmental assessment screening tool allows for pre-screening of a development's receiving environment.</p> <p><b>Protocols:</b> identify minimum assessment and reporting criteria (i.e. a taxon specific specialist to conduct assessments), these have a tiered approach responding to levels of species sensitivity on the ground (low to very high).</p> <p><b>Guidelines:</b> developed with plant and animal taxon specialists to provide background and context to the minimum assessment and reporting criteria contained within the Protocols. Training: on the guidelines, with</p>

	<p>EAPs and specialists. These tools are intended to standardize the quality of information presented by the specialist regarding species of conservation concern</p> <p><b>Strengthening institutions, information management and monitoring to reduce the rate of illegal wildlife trade in South Africa (GEF 6):</b></p> <p><b>Component 1:</b> Strengthening capacity and information systems for effective management of wildlife trade monitoring (SANBI)</p> <p><b>Outcome:</b> Increased capacity within Scientific Authority of South Africa (SAoSA) for legal and sustainable wildlife trade</p> <p><b>Output 1.1.</b> SAoSA members are trained in effective wildlife trade monitoring and assessment: 1.1.1. Develop and implement a capacity and skills development strategy for the SAoSA secretariat and provincial scientific services to monitor and report wildlife trade; 1.1.2. Build the capacity of the SAoSA secretariat to monitor and report on wildlife trade; 1.1.3. Provincial scientific services are able to monitor and report wildlife trade.</p> <p><b>Activities:</b> A capacity needs assessment of scientific services required by the SAoSA secretariat and provinces; Training programme developed with training institutions for each level of identified capacity needs; A training curriculum for new SAoSA interns developed; Funding models and options for a strengthened SAoSA secretariat and provincial scientific services developed; Structure and delivery model for a strengthened SAoSA secretariat and provincial scientific services developed; A recruitment and retention strategy developed.</p> <p><b>Communities of Practice contributing HCD:</b> Biodiversity Planning Forum; Biodiversity Information Management Forum; Provincial and Metro Planning working group; and Biodiversity Stewardship Technical Working group.</p>
<b>Key outcomes</b>	
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The Panel to have a robust discussion on how the scope of funding could also include lower level employees or those guys responsible for the physical management of species such as lion on the ground, and academic researchers;</li> <li>• The Panel to take into account of the fact that most GEFs funding involve consultants, and excludes communities at local level, as well towards infrastructure in protected area;</li> <li>• Gap in terms of data on potential available habitat for biodiversity economy, looking at trade-offs and land use to conduct activities related to the mandate of the Panel.</li> </ul>

<b>Title</b>	<b>Presentation on Perspectives on Biodiversity Sector Transformation</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Transformation, DEFF presentation on Perspectives on Biodiversity Sector Transformation
<b>Start Date and Time</b>	2020-05-26 09:00am
<b>End Date and Time</b>	2020-05-26 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on Perspectives on Biodiversity Sector Transformation;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Conservation Sector Specific Settlement Models: Overview of Draft Models;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture; and</li> <li>• The Panel: Sub-committee on Transformation to provide a presentation on the Work of the Transformation Sub-committee.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p>

	Officials from DALRRD:
<b>Key discussions</b>	<p>Reflection on Legislative Framework supporting “<b>Transformation</b>”, and includes the Constitution of the Republic of South Africa, 1996; NEMBA and its associated legislative tools; NEMPAA (specifically s41(3) &amp; s33, and s50); Broad-Based Black Economic Empowerment Act, No 53 of 2003;</p> <p>Restitution of Land Rights Act, 1994; Tourism Charter; Public Financial Management Act; Procurement Policies; Communal Property Association Act.</p> <p>Reflection on the history of South Africa’s land dispossession, including some of the colonial and apartheid laws that dispossessed land from Africans, Indians and Coloureds. Reflection on the <b>2030 National Development Plan</b>, specifically to those issues that relates to the Transformation Agenda. Reflection on the <b>6<sup>th</sup> Administration Priorities</b>, specifically to those that relates to the Transformation Agenda such as Economic Transformation and Job Creation, Education, Skills and Health, etc., as well as how the wildlife sector response and align to the above.</p> <p><b>Biodiversity Economy:</b> The biodiversity economy includes businesses and other economic activities that either directly depend on biodiversity for their core business or contribute to conservation of biodiversity through their activities; Economic activities that depend on biodiversity are wide-ranging, such as nature-based tourism, fishing, traditional medicine, wildlife ranching and more.</p> <p><b>Reflection on some of the programme/strategies thus far such as;</b> The Biodiversity Economy Lab: Co-hosted by DEFF and the National Department of Tourism in 2016; The National Biodiversity Assessment Report; The National Biodiversity Economy Strategy (NBES): Some of the Key Transformation Drivers for the Biodiversity Economy Sector: Biodiversity Economy Transformation Projects: People and Parks Programme: Youth Programmes within the Biodiversity Conservation Space: Global Youth Biodiversity Network (GYBN) AND South Africa Youth Biodiversity Networks (SAYBN); and SADC Wildlife Protocols.</p>
<b>Key outcomes</b>	<p><b>Some of the programme/strategy:</b></p> <p><b><i>The Biodiversity Economy Lab:</i></b></p> <p><b>15 initiatives around related to Wildlife:</b> Identify and prioritise 10m Ha for transformation of wildlife economy; Coordinate existing support mechanisms under a ‘Wildlife Support Unit’ to efficiently support new entrants to the industry; Increase capacity and support for at least 300 Community Entities including CPAs, trusts and traditional authorities; Create supply-chain linkages and capacitate 4,000 SMMEs (new and existing) to locally capture the value of ancillary goods and services to the wildlife economy; Operationalise the uMfolozi Biodiversity Economy Node as a pilot for the wildlife node concept; Empower 4,000 emerging entrepreneurs and farmers through focused capacity-building programmes; Formalise SA game meat market and create a network of game meat processing facilities; Implement a campaign that drives participative transformation and consumer growth for wildlife-related activities and products; Create an enabling legislative environment through the amendment of NEMBA; Develop and implement wildlife industry standards; Implement a national wildlife economy branding scheme; Develop and implement an electronic wildlife permitting system and centralised database; Re-position” the Wildlife Forum as an efficient interdepartmental/ industry collaboration and co-ordination platform to promote the benefits of the Wildlife Economy; Develop an integrated knowledge/evidence generating and sharing platform to support the wildlife economy.</p> <p><b>The 5 years sectoral targets:</b> 2.5 million hectares of land under wildlife production; 2500 hectares of land for indigenous species identified and cultivated; 2000 Youth, Women and PDIs participate in the wildlife, ecotourism and bioprospecting/trade value chain; 50 000 heads of game for PDIs and communities secured (15 000 from Government and 35 000 from the Private Sector); 55 000 jobs from biodiversity economy sector created (4 000 from Government and 51 000 from the Private Sector); and 45 community beneficiation programmes implemented.</p> <p><b>Some of the key transformation drivers for the biodiversity economy sector:</b> Access to land by the previously marginalised population; Access to capital to finance the business ventures; Access to the business networks and partnerships; Access to markets for new products; Skills training, mentorship and empowerment for the new entrants including local communities and those acquiring land through restitution; Accelerated rural economic development.</p> <p><b>Biodiversity Economy Transformation Projects:</b> EPIP Biodiversity Economy Infrastructure Projects; including protected areas opportunities; SMME Support Programme Game Meat Youth Learnership Programme; Wildlife Extension Officers Partnership; Support For Traditional Authorities Pilot Project; The Environmental Mega-hub initiative.</p> <p><b>People and Parks Programme:</b></p>

<p><i>Aim:</i> The overall aim of the People and Parks Programme is to address issues at the interface between conservation and communities in particular the realization of tangible benefits by communities who were previously displaced to pave way for Conservation Areas establishment.</p> <p><i>Key Thematic Areas:</i> Restoration of Land Rights; Co-Governance; Economic Development; Capacity Building and Awareness; Community Stewardship.</p> <p>Reflection on Co-management Agreements in place, such as with Ezemvelo KZN Wildlife, Mpumalanga, Isimangaliso, North West, Eastern Cape, Limpopo.</p> <p>Reflection on current status of land claims settlement.</p> <p><b><i>Youth Programmes within the Biodiversity Conservation Space:</i></b></p> <p><b><i>People and Parks Youth Forum:</i></b> The purpose of the programme is to provide awareness and capacity building around areas of biodiversity and conservation within protected areas in South Africa while ensuring enterprise development amongst young people neighbouring protected areas; The forum provide strategic issues and overarching policies and procedures. In particular, this forum guide and monitor the implementation of the youth conservation related programme/projects.</p> <p><b><i>Youth Community Outreach Programme:</i></b> It is a community based environmental education and awareness programme aimed at nurturing a cohort of young people to be Environment Ambassadors, whilst creating economic opportunities and skills development; It is composed of two components or streams; Ward Based or Protected Areas Environmental Education and Awareness: Youth champion environmental education at ward level; Ward Councillors to champion; Establish and strengthen ward environmental forums; Develop ward environmental profiles depicting environmental challenges and recommended solutions as well as database of unemployed youth; These profiles will feed into the local municipality environmental profiles and plan which will be integrated into the integrated development plans; Environment Information Dissemination through community libraries; Disseminate environment information through creation of DEFF hyperlink in all libraries equipped with ICT and connected to internet; Establish environment information library corners in the libraries without ICT equipment whereby we will have a small permanent exhibition with hard copies of DEFF information. Coordinate environmental campaigns and environmental day's events; Oversee ward environment projects; Coordinate school environmental education programme.</p> <p><b><i>Youth Conservation Programme:</i></b> CITES COP 17 Legacy Programme; The YCP is a programme that will mobilise youth around conservation in a way that stresses the importance of every individual playing a role in the protection of South Africa's natural wealth, while simultaneously highlighting the possibilities for the social economic upliftment through conservation.</p> <p><b><i>Global Youth Biodiversity Network (GYBN) AND South Africa Youth Biodiversity Networks (SAYBN):</i></b>  <b><i>Global Youth Biodiversity Network (GYBN):</i></b> Regional Capacity Building Workshop were international youth organizations and individuals met with common goal to prevent biodiversity loss. This provided a platform for African youth to share experiences and learn from young people from other countries in Africa; <b><i>South Africa Youth Biodiversity Networks (SAYBN):</i></b> This a platform for provincial youth to share experiences and learn from young people from other provinces in South Africa.</p> <p><b><i>MAB Youth Forum:</i></b> Young people South Africa participated in the UNESCO Biosphere Reserve Youth Forum to ensure contribution to the 2030 Agenda for sustainable development.</p> <p><b><i>Kids in Parks Programme:</i></b> The Programme has achieved notable strides, exposing more than 50 000 kids (from grade 5-11) who come from previously disadvantaged communities to National Parks; This is a partnership initiative between the Department of Environmental Affairs, Department of Basic Education, South African National Parks and a private sector partner, Pick n Pay; Through this programme, the kids get an opportunity to experience life in the park (some for the first time) and further get opportunities to learn practically about natural and cultural heritage resources in these protected areas.</p> <p><b><i>Other Youth Programme:</i></b> Many other educational youth programmes are in place such as SANParks Junior Ranger Programme, Kudu Green School Initiative, Ezemvelo KZN S'fundimvelo Environmental Education Programme, the Greater Mapungubwe Transfrontier Conservation Area's Children in the Wilderness Initiative and others.</p> <p><b><i>SADC Wildlife Protocols:</i></b> Important relevant decisions: Decision 15 (Elephant Conservation); Decision 16 (Rhino Conservation); Decision 17 (SADC Law Enforcement and Anti-poaching Strategy); Decision 18 (Collaboration in fighting Illegal Trade in Wildlife Products); Decision 19 (Management of Stockpiles); Decision 20 (SADC TFCA Summit 2020); Decision 21 (Development of SADC Wildlife Economy Strategy); Decision 22 (Training Programme for Wildlife Managers and Rangers).</p> <p><b><i>Tourism in Transfrontier Conservation Areas:</i></b></p>
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	<p><i>Objectives:</i> Profiling each TFCA in terms of Nature, Culture and Community; Supporting the development and growth of innovative tourism experiences in TFCAs; Developing and promoting cross-border routes and itineraries with a stronger TFCA focus</p> <p><i>In collaboration with:</i> TFCA partners across the Southern African Region; National Tourism Organisations; Tourism Ministries and Departments; SADC Secretariat; Private Sector tourism operators; International Cooperation Partners</p> <p><b>Hunting Statistics:</b> Total number income generated from hunting in South Africa in 2018, 177 billion.</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• How many PDIs enterprises/ communities ever sold lions in auctions or involved in the breeding lions?</li> <li>• How many hunting concessions of 4 species are in PDIs/ community owned land?</li> <li>• How many black Professional Hunters, Outfitters have been assisted to enter the market?</li> <li>• How many % of quotas for the 4 species were ever allocated to Black Professional Hunters, Outfitters, communities, black-owned game reserves?</li> <li>• How do we ensure ownership of the 4 species by the PDIs/ communities?</li> <li>• What is being done to ensure that businesses trading on the 4 species contribute to the sectoral transformation efforts?</li> <li>• How can the existing legislative framework be enablers of transformation?</li> <li>• The Panel to discuss on how the wildlife viewing could be considered as a major component of sustainable use;</li> <li>• The Panel to discuss on how community representation in the wildlife sector could be improved in order to unlock some of the challenges;</li> <li>• The Panel to discuss on how traditional authorities could own protected areas the same way as private landowners;</li> <li>• Discussion required on how funding from various sources such as GEF funding could be made more accessible to communities and PDIs projects, rather than consultants.</li> <li>• Discussion required on whether the existing legislation was enough to address all issues related to the transformation in the wildlife sector;</li> <li>• Discussion required on how more land could be made available for wildlife/conservation farming as opposed to agricultural land;</li> <li>• Discussion required on how the informal hunting as a cultural activity could be integrated into the formal sector/economy, and the opportunities thereof;</li> <li>• Discussion required on the need to have a system in place to monitor jobs created in the wildlife sector, wildlife farming, hunting, ecotourism, etc.;</li> </ul>

<b>Title</b>	<b>Presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture</b>
<b>Presenter</b>	DALRRD (Department of Agriculture, Land Reform and Rural Development)
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Transformation, DALRRD presentation on Perspectives on Biodiversity Sector Transformation
<b>Start Date and Time</b>	2020-05-26 09:00am
<b>End Date and Time</b>	2020-05-26 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on Perspectives on Biodiversity Sector Transformation;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Conservation Sector Specific Settlement Models: Overview of Draft Models;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture; and</li> <li>• The Panel: Sub-committee on Transformation to provide a presentation on the Work of the Transformation Sub-committee.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	Panel members and Secretariat: Technical support:

	<p>Officials from DEFF: Provincial Conservation authorities: Officials from DALRRD:</p>
<p><b>Key discussions</b></p>	<p><b>Panel appointed by the President on 21 September 2018, and was tasked with, amongst others, the following:</b> Providing a unified perspective on expropriation for the land in the wider context of persisting land inequities and unsatisfactory land and agrarian reform and urban land development and distribution achievements since 1994; Diagnosing the problems, and assessing progress and limitations with laws, policies and their implementation, and make recommendations and/ or identify of options for the way forward; Considering the immediate action steps to lay the foundation for expropriation of land without compensation, and identifying short- and medium-term measures to take forward this process; Working out the cost implications for the implementation of expropriation of land without compensation.</p> <p><b>Brief background:</b> On 24 July 2019 Cabinet received the final report of the Advisory Panel on Land Reform and Agriculture. President Ramaphosa appointed the panel in September 2018 to provide a unified policy perspective on land reform; Cabinet directed that all Ministers, through their respective departments, must study the report, identify areas of related intervention and submit these to the Minister for Agriculture, Land Reform and Rural Development; That the Minister, under the leadership of the Deputy President, as Chairperson of the Inter-Ministerial Committee of Land Reform, coordinates and presents to Cabinet clear recommendations on interventions required by members.</p> <p>73 recommendations were assessed and clustered into 7 Thematic Areas; Affected departments who provided responses included the Departments of Trade, Industry and Competitions; Agriculture, Land Reform and Rural Development; Public Works and Infrastructure; Justice and Constitutional Services; Human Settlements; Water and Sanitation; Mineral Resources and Energy; Cooperative Governance and Traditional Affairs and National Treasury; 50 recommendations relate to the functions of the DALRRD; Each recommendation was responded to with an indication if the said recommendation was supported or not; Where supported, the related work underway to address the recommendations was stated; and Where not supported, reasons were to be given and any related work also stated.</p> <p>Of the 73 recommendations: 60 are supported; 10 are not supported; and 3 were noted but need further research and analysis. The main reason for the supported recommendations is that they are already incorporated to some extent, in the work of relevant departments; Recommendations that are not supported are those requiring further research, policy deliberations and formulation of a proposed position. These include recommendations such as: Land Ceilings; Regulating Land Ownership by Foreign Nationals; Review and reallocate dysfunctional farms from previous land reform schemes such as the Land Redistribution for Agricultural Development and Share Equity Schemes.</p>
<p><b>Key outcomes</b></p>	<p><b>Categories of recommendations:</b> National Spatial Framework and Transforming Human Settlements; Implications for programme design; Accelerating Land Reform (Recommendations on available state land distribution, Recommendations on broader land redistribution, Matters on land expropriation, Matters on land development financing and land taxes, Land policy and land redistribution legislation, Land tenure reform, Food and nutrition security, Land administration); Institutional Reforms.</p> <p>National Spatial Framework and Transforming Human Settlements: Alter the spatial planning approach to settlement patterns in redistributed land; Develop Urban Land Reform Policy with a dual focus on equitable access and tenure reform; and densification to be part of urban land reform; facilitate a consolidated planning system with best practice guidelines for aligning planning, budgeting and implementation to shift from transactional to transformation approach for land reform"; Rationalisation of land use management and spatial planning to ensure consistency at all levels of Government Adopt a territorial approach to land identification and acquisition; targeting well located private and public land; Each Spatial Development Framework should identify all land owned by municipalities and its current use including rent and duration to the municipality; In addition, each Municipality should identify land to be redistributed with inputs from its residents supported by DRDLR; Develop an Urban Land Reform Policy with a dual focus on equitable access and tenure reform; Proactively audit and redistribute well-located vacant or under-utilized urban land/buildings (including state-owned and leased land); Government pro-actively build alternative housing in well-located areas for evictees and the tenure insecure urban residents, and end criminalization of unlawful occupation by the poor. Tighten its beneficiary selection process and procedures to reduce the scope of corruption; Develop beneficiary guidelines across rural and urban settings to consider who should benefit; how prioritisation of beneficiaries should take place; rationing public resources, accordingly; Developing a Land Allocation and Settlement Policy to consistently and coherently rationalise budget and land reform settlement approaches"; Prioritise those who</p>

need land and for transparency, define how they will be selected and purposefully redress gender imbalances in land ownership by revising existing customary and statutory laws rules of property administration, thus facilitating an Area-Based Planning Approach for land reform and that it is people driven; Conduct the land demand analysis, developing a Land Reform Master Plan and acquire different land to address different land demands through various acquisition methods including voluntary donations”.

Implications for programme design: Develop and support vision on Agrarian Reform-; The land rights must be vested in rural communities rather than in traditional councils or leaders and the Protection of Land Rights Act must be enacted as a stronger version of the Interim Protection of Land Rights Act, 1996 (IPILRA) – This is addressed through the Land Tenure Reform Policy and I The Land Court Bill; Water Rights – water allocation reform must re-allocate water rights to smallholder farmers - This will be addressed through an amendment to the Regulations of the National Water Act including reducing the time it takes to finalise approval of the water use licences; Develop the outcome indicators for Land Reform Monitoring and Evaluation.

**Acceleration Land Reform:**

*On available State Land Distribution:* The state must review lessons learnt from PLAS Farms using Agricultural Research Council (ARC) and available Entsika data, to refine land allocation and settlements of land reform beneficiaries; The state must further review and re-allocate dysfunctional farms from previous land reform schemes such as the Land Redistribution for Agricultural Development, Share Equity Schemes and others; The initiative towards state land disposal must also be made more transparent by improving intergovernmental and inter-departmental processes of reviewing decisions made to alienate state land; The state must also re-instate the Municipal Commonage programme.

*On Broader Land Redistribution:* Land redistribution should move towards a targeted approach based on just and equitable compensation where the State will work with those needing land and land holders to identify where and to whom land will be redistributed; Furthermore, a national land demand survey must be conducted to inform planning and the identification of land should meet specific needs; A Land Donations policy must be developed as part of the New White Paper. Land acquisition should be via land donations, negotiations and expropriation; The state should introduce specific interventions to stop leasing out of well-located state land for elite purposes; Government should analyse the potential of partnerships, as well as the transactional methods of these previous initiatives and assesses the benefits to beneficiaries and enterprise performance; Review s14 of MFMA and regulations to enable better access to, municipal land for housing / spatial transformation purposes and the state must support municipalities to work with organizations advocating for the urban landless, homeless, backyard and shack dwellers; The state must also fast-track the conclusion of restitution cases and transfer of legally secure and legally registerable tenure to communities with settlement package.

*On Land Expropriation:* Land expropriation should enable the acquisition of identified properties needed for redistribution and restitution to this end the Panel endorses this policy shift and a Compensation Policy ought to be developed and be formalized as regulations to the Expropriation Act;

The Proactive Targeted Land Acquisition programme ought to mark a shift for the State to acquire land for public interest as oppose to public purpose; The state (legislation) should define circumstances for application of Expropriation without Compensation (EWC); That the state ought to negotiate acquisition based on the new Compensation Policy and not market value; Furthermore, the expropriation Bill finalised and must specify instances that would amount to “nil compensation”; The institutional and legal provisions should also give effect to the EWC Policy direction; A Compensation Policy be developed as part of the Regulations of the Expropriation Legislation.

*On Land Development Financing and Land Taxes:* Conduct an in-depth assessment of conditions for application of land ceilings; consider imposing ceilings to the total land that may be owned by one individual or company, thus reversing land ownership concentration trend; and the State be empowered in law to compulsory acquire surplus land and determine which land will be redistributed; That the ceilings should be addressed alongside the tax inquiry, so that landholdings beyond the threshold may be acquired or punitively taxed. Regarding the Financing Land Reform, the Panel recommended that the State must leverage private sector funding by using public subsidies to de-risk the funding medium to large scale commercial black farmers and enable blended financing and crowding of private sector funding and capitalise donations, joint venture funding; The DALRRD in collaboration with National Treasury and the Land Bank is developing an integrated funding model that will also include the contribution of the state, Land Bank and commercial banks.

Furthermore, the Comprehensive Producer Support Policy makes provision for financing land reform which includes a blended finance model (This will also be part of the process of developing the Agricultural and Agro-Processing Sector Masterplan); Land Tax Inquiry: Minister must appoint a Land Tax Inquiry to consider a national policy or regulations to the Municipal Property Rates Act of 2004; Impose rates on agricultural land to disincentive the retention of large unproductive land; The tax system must recognize that land must serve a public benefit.

*On Land Tenure:* Confer tenure rights to land reform beneficiaries as envisaged by s25(6) & s5(9) of the Constitution; Tenure Reform should adopt a new approach that recognizes diverse range of communal land; It further recommends a Land Records Bill to enable citizens to hold property off-register including residents of informal settlements, farm dwellers, labour tenants and communal areas as well as the establishment of Local Land Boards to administer this system of land rights and provide for local dispute resolution; Regarding Communal Land Tenure, the New White Paper on Land Policy should clarify traditional governance and communal land rights; the Advisory Panel recommends that the state either repeals the Ingonyama Trust Act and disband the Trust, or devolve land governance to local level, with rights vested in occupiers; that government should draft a permanent statutory protection in a Protection of Informal Land Rights Bill; Regarding Mining and Informal Land Rights the Panel's recommends that the Minerals and Petroleum Resources Development Act and Marine Living Resources Act be amended to clarify coexistence of customary rights with rights allocated under these laws; that there must be a free, prior and informed consent from people and community's land rights affected by mining, commercial farming; conservation etc.; Regarding Foreign Owned Land, the Panel recommends for a land ownership audit and compulsory disclosures to protect key strategic land from foreign owners; that this must be supported by amendments to Deeds Registries Act and its regulations; With respect to Farm Dwellers and Labour Tenants the Panel recommends that they be prioritized by land reform; and the state must place a moratorium on all farm evictions and prioritize former labour tenants in the land reform process and expedite mechanism to secure farm dwellers tenure rights; Regarding Tenure reform in former Coloured Reserves the Panel's Report recommends that the state re-initiate the TRANCRAA process for the Minister to expeditiously transfer this communal land to municipalities or communities; That the state must amend the Deeds Registry Act and/or Electronic Deeds Registration System Bill to enable recording ; Land Records Bill be developed to enable citizens to hold property off-register including residents of informal settlements, farm dwellers, labour tenants and communal areas; the Bill must be prioritised to enable the majority of citizens to record and hold property off-register. Lastly, the State must create separate Tenure Reform budget line.

*Food and Nutrition Security:* The Panel recommends the alignment of Land Reform with Food Security in both rural and urban areas; In addition, the report recommended that the state should establish a public-private Food System's Committee. This should enhance rural-urban commodity chain linkages supported by special household and smallholder farmers; The state must structurally change household and commercial food production to deepen diversity in the agro-food systems. Addressed through: A National Food and Nutrition Security committee that is chaired by Department of Planning Monitoring and Evaluation (DPME); A public-private Food System's Committee consisting of government, private sector, tertiary institutions and civil society; The recommendation on structurally changing household and commercial food production to deepen diversity in the agro-food systems will be addressed through the implementation of the Agriculture and Agro-processing Masterplan that is being developed; These matters are supported in principle; and will be guided by the Land Tenure Policy Development process and a proposed "Deeds Registries Transformation Policy" that will inform governments proposed "Land Rights Recordal and Registration Bill".

*On Land Administration:* The Panel recommends Land Administration as a fourth Pillar of Land Reform and that a chapter on land administration be included in the new Green and White Paper on Land Reform Policy; A Technical Working Group be established to develop 20-year vision for land and set up an integrated land administration system as well as institutional arrangements to test new approaches; Develop enabling legislation to be called Land Administrative Framework Act to allow for a system of land recordal and Land Rights Adjudicating for customary rights. Record and secure off-register urban land rights through flexible and responsive land rights recognition processes; The state to establish Local Land Boards to administer this system of land rights and provide for local dispute resolution mechanisms that ought to be institutionalized.

*Institutional Reforms:* Establish or delegate central authority to proactively manage state land and balance competing Department's land needs; Establish Land and Agrarian Reform Agency (LARA) to take on both land reform (DRDLR) and farming support (DAFF) functions but retain two departments while renaming the DRDLR; Transfer settled restitution claims to LARA, which will be responsible for implementation of settlement agreements and post-transfer support; Office of the Valuer-General – review the functions of the OVG in-line with the Property Valuations Act; Strengthen the Land Court – the Land Claims court to become a Land Court; Appoint a judge president and four permanent judges to the Land Court. The Land Court to check that settlement give just and equitable compensation to land owners.

**Recommendations not supported:**

Agrarian Reform Vision be developed as part of the new White Paper on Land Policy; Introduction of interventions to stop leasing well located land to the elite; Recommendation that implies that the functions of the Office of the Valuer General is not in line with s25(3) of the Constitution; The assumption that land administration has not been a chapter in the White Paper on Land Policy; Recommendation that assumes a Land Administration Act will be the instrument for recording of land rights; Location of the functions of Rural

	<p>Development from the former Department of Rural Development and Land Reform; Framework to review decisions made on alienation of state land; Establishment of a Land Rights Protector to Manage High Level (land) Conflict (“The Land Rights Protector must investigate and refer all cases to NPA for prosecution to stop land related corruption”);</p> <p><b>Supported Recommendations: Work in Progress</b></p> <p><i>“Accelerating land reform”: the following interventions are in progress:</i> The Land Court Bill has been developed and will be submitted to Cabinet in Quarter 1 of 2020/21; It provides, amongst others, for dispute resolution mechanisms in line with the CCMA approach; Land Expropriation Bill is at consultation stage; Comprehensive Producer Support Policy was presented to Cabinet and provides for support for different categories of farmers; The Land and Agrarian Reform Agency; Study to Review Land Tax: It was noted that the work done by the Katz Commission in this regard was adequate; another study will not be conducted; The National Spatial Development Framework is at public comment phase.</p> <p><i>“Addressing Immediate Land Hunger” the following are in progress:</i> Release of State Land – work is in progress under the leadership of the IMC on Land Reform and Agriculture; Beneficiary Selection and Land Allocation Policy is at public comment phase; The development of the Agriculture and Agro-Processing Masterplan has commenced and will be completed in June 2020; Land Donations Policy is at public comment phase; Land Tenure Reform Policy Framework: the Upgrading of Land Tenure Rights Amendment Bill has been approved by Cabinet and submitted to Parliament for further processing; Water Policy Reforms – this work is in progress under the Department of Water and Sanitation.</p> <p><i>“Policy Frameworks, Policies and Legislation Targeted for 2020/2021 to 2024/2025” are as follows:</i></p> <p>The Deeds Transformation Policy and Bill; The Land Administration Policy and Bill; The Agrarian Reform Policy; Revised White Paper on Land Policy and the Land Redistribution Bill; Land Valuations;</p> <p><b>Land Compensation Policy and Urban Land Policy.</b></p> <p><i>Others:</i> Organisational and Personnel Implications are largely covered in line budgets. Areas that may have implications are the Land Court, the Land Reform and Agrarian Agency; The sections of the strategic focus and constitutional implications are in the ToR of the Advisory Panel and sections 24, 25, 26 and 27 and 28; The vulnerable citizens are targeted as outlined in the prioritised Beneficiary Selection and Land Allocation Policy;</p> <p><i>Way Forward:</i> The recommendations are being incorporated into the Annual Performance Plan of the Department; An integrated Programme of Action for the IMC on Land Reform is being developed to include the recommendations that have been supported; The contribution of other departments will be monitored through progress reports to the IMC.</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• Data required on a number of wildlife businesses that are still operational after land restitution process, and mechanisms to support such businesses;</li> <li>• Information required on mechanisms in place for DALRRD to engage and understand the views of communities living with wildlife, especially in relation to challenges, opportunities and value and benefits of wildlife, and whether such businesses are supported to understand the market and business;</li> <li>• Discussion required on how focus on transformation could be shifted from only focusing on communities, but to also focus on individual or private ownership;</li> </ul>

<b>Title</b>	<b>Presentation on Transformation to provide a presentation on the Work of the Transformation Sub-committee</b>
<b>Presenter</b>	The Panel: Sub-committee on Transformation
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Transformation to provide a presentation on the Work of the Transformation Sub-committee.
<b>Start Date and Time</b>	2020-05-26 09:00am
<b>End Date and Time</b>	2020-05-26 13:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• DEFF to provide a presentation on Perspectives on Biodiversity Sector Transformation;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Conservation Sector Specific Settlement Models: Overview of Draft Models;</li> <li>• DALRRD (Land Affairs) to provide a presentation on Recommendations of the Advisory Panel on Land Reform and Agriculture; and</li> <li>• The Panel: Sub-committee on Transformation to provide a presentation on the Work of the Transformation Sub-committee.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from DALRRD:</p>
<b>Key discussions</b>	<p>The definition of Transformation encompasses: A change for better life for all; especially PDIs and communities; Biodiversity economic gain by black people; Ownership and/or shareholding by PDIs or communities; not only employment; Change in life of the PDIs and communities for the better; Finding and embracing the middle path for all; Inclusive gender acknowledgement.</p> <p>The historical regime resulted in forceful removal from land which led to current SA Wildlife Model; i.e. higher percentage of wildlife land owned by minority.</p>
<b>Key outcomes</b>	
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• For the 4 iconic species - <ul style="list-style-type: none"> <li>○ No PDI and Community ownership and/or shareholding in breeding and management;</li> <li>○ Very small % of communities have ownership and shareholding in hunting and trading, e.g. Tembe, Makuya and Letaba;</li> <li>○ Communities and PDIs are excluded in the breeding and management even in their own land; e.g. census and issuing of quotas;</li> <li>○ Provincial governments are responsible for hunting of the damage-causing animals;</li> <li>○ Provincial governments are responsible for keeping damage-causing animal trophy stockpiles;</li> <li>○ Community as land owners do not benefit at all from Damage Causing Animal stockpiles;</li> <li>○ No transparency and openness on auditing of the Damage Causing Animal trophy stockpiles;</li> <li>○ Poached trophies and meat disappear with provincial governments;</li> <li>○ No transparent and openness on management and investigation of poached meat and trophies;</li> <li>○ No report back to the communities on the handling of the poached and Damage Causing Animal meat and trophy stockpiles;</li> <li>○ Need for clarity on who is securing that poached meat and trophy stockpiles; and Damage Causing Animal trophy stockpile;</li> <li>○ Need for transparency and openness on who is trading the poached meat and trophies and Damage Causing Animal trophies;</li> <li>○ It's unclear how the government deals with poached meat and trophies; and Damage Causing Animal trophies; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ It's unclear who owns animals when they are in community land as government always claims ownership.</li> <li>● The Panel to engage with the People and Parks Executive to understand their work and successes thus far in relation to its implementation of the Transformation Agenda;</li> <li>● DEFF to consolidate a submission that reflects challenges or issues hindering transformation, data showing trends in ownership, status of transformation in the biodiversity sector, as well as vision and programmes in place to implement the Transformation Agenda. DEFF to further provide progress with implementation of the Biodiversity Economy Lab initiatives, and clarity on how the Transformation Agenda is linked to the five iconic species.</li> <li>● The Panel to consider an Integrated Approach at a strategic level, such as MINTECH to address transformation issues in the wildlife sector;</li> <li>● The Panel to convene another session with Provinces and SANParks to further deliberate on transformation issues in the biodiversity sector;</li> <li>● The Panel to discuss on how multiple initiatives from government could be effectively implemented. There seem to be more initiatives in place, but with minimal progress and implementation;</li> <li>● The Panel to use a design thinking methodology that will gather all the data and information solicited from the inception on the process in order to crystalize the desired outcome, and to focus on key relevant matters that need to be addressed , rather than to address all challenges related to transformation;</li> <li>● Need for the Panel to balance the modern institutions and traditional institutions, as there is a lot of potential to involve communities in the wildlife sector;</li> <li>● In setting up the recommendations on transformation issues, the Panel to align with the targets and timeframes set in the Biodiversity Economy Lab initiatives;</li> <li>● Information required from DEFF on the following areas: <ul style="list-style-type: none"> <li>○ Record on number of PDIs already trained as PDIs;</li> <li>○ Those that are still active, if not active anymore, challenges thereof;</li> <li>○ How the issues of lack of soft skills such as marketing, business management, networking are being addressed;</li> <li>○ Measures to deal with the issue of oversubscribed;</li> <li>○ Capital investment to enable incoming new outfitters;</li> <li>○ Understanding of subsistence hunting in South Africa, opportunities of unlocking that as part of the formal economy and not the informal economy;</li> <li>○ Plans to promote sustainable use and</li> <li>○ Mechanisms in place to evaluate and monitor jobs in the wildlife and ecotourism sector, and how the statistics aligns with the work done for the NBES.</li> </ul> </li> </ul>
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<b>Title</b>	<b>Presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Enforcement, DEFF presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard
<b>Start Date and Time</b>	2020-06-05 09:00am
<b>End Date and Time</b>	2020-06-05 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>● To provide a presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard;</li> <li>● To provide presentation on Wildlife Trafficking Approach;</li> <li>● To provide a presentation on Legislative Review and Related Matters; and</li> <li>● To provide a presentation on Strengthening Capabilities/ Combating the Illicit Economy</li> </ul>
<b>Event Format</b>	Online Panel meeting

<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from the NPA:</p> <p>Officials from the DPCI:</p> <p>Official from SARS:</p>
<b>Key discussions</b>	<p>Agencies and institutions involved in combatting wildlife crime from surveillance – protection - detection - crime scene investigation - court: DEFF EMIs; National and Provincial Park authorities (EMI – Nature Conservator); SAPS (Stock Theft / Endangered Species, DPCI Hawks, LCRC, Border Police / ORS etc.); State Security Agency (SSA); South African Revenue Service CUSTOMS; SANDF; Private landowners (game farms) – limited legal standing; SAPS – Forensic Science Laboratory (associated contracted labs NZG SANBI, Veterinary Genetics Laboratory); Department of Justice - National Prosecuting Authority (and Asset Forfeiture Unit (AFU)); Financial Intelligence Centre (FIC).</p> <p>National Coordinating Forums and Structures: NATJOINTS and PROVJOINTS Structures (Operation Rhino was managed through these structures) – Priority Committee on Wildlife Trafficking; MINTTECH Working Group 4 – national and provinces; National Biodiversity Investigators Forum (NBIF); Rhino Lab Anti-Poaching Committee (RAP); EMI – SAPS Standard Operating Procedure; Collaboration with Justice College Training of Prosecutors and SAJEL awareness raising Magistrates.</p> <p>International Coordinating Forums and Structures: <i>Regional:</i> African Union – Environment &amp; Policing / Security; Lusaka Agreement Task Force (LATF) – signed but not ratified by SA; SADC – Environment &amp; Policing / Security (SARPCCO); Various elephant and rhino forums / committees; SADC LEAP (Law Enforcement and Anti-Poaching) Co-ordination.</p> <p><i>International:</i> Interpol; CITES Secretariat; World Customs Organisation; UN Office on Drugs and Crime; ICCWC (International Consortium on Combating Wildlife Crime).</p>
<b>Key outcomes</b>	<p>Rhino poaching incidents is one of the Security Priority Crimes in South Africa.</p> <p><b>Elephants:</b>  <i>Unpacking broad risks and threats:</i> Ivory is in great demand in the East, especially China; While elephant populations in many other African countries have been hit hard as a result of poaching, SA has managed to effectively combat the threat. Illegal Killing mostly in Kruger National Park: 2014=02; 2015=24; 2016=40; 2017=67; 2018=72 (one in KZN); 2019=30 (one in Mapungubwe NP); No one has been charged or prosecuted for poaching of elephants; It is difficult to trace poachers once they are outside of the Park as ivory trade routes are unknown.</p> <p><i>Illegal trade in elephant ivory: Number of seizures of ivory:</i> 2015 = 3; 2016 = 11; 2017 = 5; 2018 = 29 (including jewellery, tusks and pieces); Cases successfully prosecuted: 2015 = 2; 2016 = 6; 2017 = 9; Highest sentence: R100 000.00 or 6 years imprisonment of which half was suspended for five years on conditions.</p> <p><b>Lion:</b>  Lions are mostly killed for traditional medicine purposes as well as for their teeth and claws which are popular to wear in East Asian countries; Although lion bones are highly sought after in East Asian countries and the smuggling of bones has been detected during the time that there was no legal export quota. These primarily come from animals slaughtered at breeding facilities and we have not picked up that these illegally trafficked bones are coming from wild lions that are illegally killed. Number of lions killed illegally: 2016 = 19; 2017 = 39; 2018 = 31; 2019 = 48 (approx.).</p> <p><b>Leopard:</b>  <i>Illegal killing, trade in and possession of leopard skins:</i> Mostly for use as cultural and religious attire in SA; Illegally killed, imported and sold at traditional markets e.g. Durban and Mai Mai/Faraday markets in Johannesburg; Shembe Church members are the greatest users (an NGO, Panthera, had a project with the Shembe Church leaders where they advocate for the use of fake skins in the form of material look alikes). It worked for some but the use of genuine skins are still too high; A project to raise awareness of the negative impact of the illegal killing of leopards on their population status in South Africa and neighbouring states may assist in reducing the number of leopards killed illegally as well as the subsequent illegal trade and possession of the skins.</p> <p><i>Illegal off-takes: of putative damage-causing animals:</i> Some stock farmers (sheep/goat/cattle) regard leopards as damage-causing animals because domesticated animals are easy prey and normal fences which keep these animals in, are not leopard-proof; Farmers tend to kill the animals by shooting and trapping without applying for a permit to kill / trap and then bury the carcasses that it cannot be detected. Reasons for this is</p>

that they must have proof of damage and an official must assess the damage before a permit is issued and farmers says this takes too long; It must be mentioned that you do get farmers that request the authorities to capture the leopard and then they are released in conservation areas.

**Rhino:**

*Rhino poaching trends:* 2006=24; 2007=13; 2008=83; 2009=122; 2010=333; 2011=448; 2012= 668; 2013=1004; 2014=1215; 2015=1175; 2016=1054; 2017=1028; 2018=269; 2019=594; 2020=134 (as of date of the presentation). Number of arrests related to rhino poaching/ trafficking: 2013=343; 2014=386; 2015=317; 2016=680; 2017=518; 2018=401; 2019=332.

*Some of the rhino crisis response strategies/mechanisms since 2008:* NATJOINTS Operation Rhino until 2018; Implementing the enforcement and security initiatives of the 2010 and 2014 strategies; Technology-Layered Approach; SANParks Support Operations since 2014; Work streams based on the Committee of Inquiry's 5 pillars of rhino conservation since 2016; Rhino LA 22 Anti-poaching Initiatives; Converting Lab outcomes into functional deliverables-anti-poaching (RAP Committee); Guidelines to inform Decisions on the Establishment of Anti-Poaching Related Systems and Services; Best Practice and Strategies/Plans; Environmental Enforcement Fusion Centre; National CMORE and IBASE integration; Expansion of Zoning Approach – Wildlife Zones; National Integrated Strategy to Combat Wildlife Trafficking (NISCWT); Rhino DNA – system to determine linkages; Management of rhino stockpiles: standardization, traceability, DNA profiling, rhino horn marking and reporting; Rhino horn stockpile management;

**NISCWT:**

Based on prosecution, detection and collaboration.

*Deliverables:* Additional capacity and resources applied to combat wildlife trafficking – Operation Rhino / increased investigative capacity through the SAPS; Additional forensic capacity focused on environmental crime; Forensic Intelligence – links with other crime categories; More arrests made towards “trafficking” vs only poaching; Regional court established at Skukuza, Kruger National Park

Process to consolidate investigations / information; Crime codes adjusted to improve statistical information; Working groups to address specific issues such as forensics and technology; Training programmes rolled out (linked to joint operations) at ports of entry and exit focused on illicit wildlife trade – curriculum development for Customs. Development of materials to support training programmes and operational work focused on wildlife specimens; Increase in law enforcement visibility – joint operations involving SAPS, SARS, SANDF, DEFF, SANParks, provincial conservation authorities – for example, INTERPOL's Operation Thunderbird / Thunderstorm; Seizures in other countries communicated to South Africa & DNA samples requested; DEFF UNEP GEF project building forensic capability – in particular Veterinary Genetics Laboratory rhino DNA analysis; Barcode of Wildlife Project – expansion; Strengthened co-operation with Vietnam, China and a number of other countries; Joint international investigations being conducted following INTERPOL Regional Investigative and Analytical meetings focused on rhino; Conceptualised Rhino Research project with NPA; Environmental Compliance and Enforcement Capacity Building Projects: Air Travellers; Muti Traders; Port Enforcement officials; Port Operators and Road Traffic Officers; Training curriculum for DNA Barcoding; Criminal Docket Management; Investigative Tools manual; Inspections manual; Biodiversity Law curriculum; Fully functional and personalised eLearning platform.

**Stockpiles:**

*Rhino:* According to the Rhino Norms and Standards all individual rhino horns must be recorded in a national database; Officials from the Directorate: Biodiversity Enforcement from DEFF have been doing annual verifications of stockpiles of private rhino horn owners to verify the following: Possession permits; Marking; Weights; Measurements; DNA sampling; Through these verifications we have seen that not all provinces comply with the Rhino Norms and Standards. There are people who have applied for possession permits for rhino horns who have not been issued with permits. Not all rhino horns have been captured on the national database; The concurrent competence of nature conservation in the Constitution make it difficult for DEFF enforcement to act upon non-compliance by other Government Departments.

*Centralization of government Rhino horn stockpiles:* MINMEC requested the Department to look at possibilities of centralizing government rhino horn stockpile: DEFF requested the SSSA and SAPS to assist with assessment of various vaults in the country in order to evaluate if any of these vaults will be suitable for centralization of all government-owned horn stocks; SAPS Security Advisory Services of the Section: Protection and Security Services assisted the Department and visited and evaluated a large, medium and small vault and the assessment report is now being considered; DEFF will make recommendations to MINMEC on centralization possibilities; Current rhino horn stocks: Rhino horn government: legal = 27 640.95 kg (15422 pieces); Rhino horn government: illegal = 3587.42 kg (1339 pieces); Rhino horn private: = 47 544.81 kg (18321 pieces); Total legal = 75 185,76 (33 743 pieces)

	<p><i>Domestic rhino horn trade:</i> Number of permit applications received from 2017 to 2019: 2017=41; 2018=43; 2019=17. Since the dismissal by the Constitutional Court in 2017, of the application by the Minister of Environmental Affairs to appeal the 2015 decision of the High Court of South Africa (Gauteng Division, Pretoria) to set aside the moratorium on the domestic trade in rhino horn, a total of 67 permits have been issued for the national trade in rhinoceros horns; There are more applications than permits issued, this can be attributed to incomplete permit applications. This happened in the beginning when the trade first opened. More than 2000 horns have been sold since 2017.</p> <p>Elephant: The Department is currently looking at options for centralizing of stockpiles of rhino horn and ivory. A submission will be made to MINMEC on best practices and options.</p> <p>Areas of Focus by the Enforcement Unit: Continued implementation of Rhino Lab initiatives – focus on Wildlife Zones and funding opportunities; Approval of the NISCWT – and thereafter identify implementation priorities; Support to the NBIF / anti-poaching teams by further strengthening information management and analysis capability; DEFF/NPA Project – rhino cases – awaiting signature of MOU; How can we co-ordinate and accurately report on statistics – guideline on reporting / country commitments; Need to still strengthen capability in relation to international investigations and see how the speedy sharing of information can be facilitated – INTERPOL support critical; Strengthen stockpile management and compliance processes – linked to new contract with VGL</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• Overlapping mandates within environment / conservation sector and within law enforcement; Challenges with capacity; cannot work in silos – criminals move across the country / internationally. How do you tackle the issue holistically – including the role of the private sector?</li> <li>• Challenges in the enforcement unit: <ul style="list-style-type: none"> <li>○ Recycling criminals (repeat offenders, high number of arrests of suspects that are on bail)</li> <li>○ Slow criminal procedures (some cases – more than 10 years old)</li> <li>○ Internal involvement</li> <li>○ Sustainability of wildlife crime campaign – very costly</li> <li>○ Often Parks are situated in rural areas where poverty is high – enforcement is challenging within this environment</li> <li>○ Other factors such as basic services and unemployment also contribute to criminality</li> <li>○ In some provinces there are insufficient resources including vehicles, equipment, holding facilities, funding for training, etc.</li> <li>○ Capacity – both in terms of warm bodies and the skillset / expertise of some compliance and enforcement personnel / investigators</li> <li>○ Vacancies – posts once vacated are no longer funded</li> <li>○ Despite the different structures and improvement in collaboration with SAPS – in some instances communication between the structures / individuals remains a challenge</li> <li>○ Consistent attention to this issue – high priority – consistency across the country</li> <li>○ Inconsistent implementation of the SOP – EMI &amp; SAPS</li> <li>○ Donor funding available but need to streamline how this can work more efficiently / formalized at strategic level</li> </ul> </li> <li>• Information required on mechanisms employment by government to deal with the issue of illegal import of leopard skins in South Africa. Data presented shows that only one leopard skins has been seized.</li> <li>• Information required on number if poachers killed so far;</li> <li>• Discussion required on potential poachers; Solutions required for aging rangers as poachers are taking advantage of such aspect;</li> <li>• Discussion required on how the State could subsidize the protection or crime prevention for private owners who are bearing the largest per capita costs for protection, and those rhino are individually more important for the wildlife estate in respect on individual value of each rhino (not necessary for species conservation;</li> <li>• Discussion required on mechanisms that may be employed to ensure that there is less theft from State owned rhino horn stockpiles, as opposed to those in private hands;</li> <li>• Information required on the capacity of protected areas agencies, and on whether the Minister can be conferred with powers to put an agency under-administration through the current legislative framework, if such agency is failing to fulfil its committed mandate;</li> <li>• Discussion required around the issue of Pseudo rhino hunting which cease to exist as it had in the past yielded positive results;</li> </ul>

	<ul style="list-style-type: none"> <li>• The issue of possible impact of allowing international trade in rhino horn to be extensively discussed;</li> <li>• Information required on how criminal syndicates benefit from the legal trade of rhino horn;</li> <li>• Information required on the costs to provide security and storage of the rhino and elephant tusks;</li> <li>• The issue of enough training of prosecutions in key provinces remains an issue of concern;</li> <li>• The issue of lack of capacity in the enforcement space remains a huge concern. The Panel to discuss and advice on how EMIs could be drawn from non-government corridors, as there is a lot of skilled people that exists outside government;</li> <li>• Robust discussion required on how the welfare/well-being mandate would be enforced, and the effectiveness of the NSPCA as enforcement officers;</li> <li>• Discussion on capacity gaps should rhino horn trade be legalized;</li> <li>• Information required on national spend on enforcing wildlife crimes and related donor funding;</li> <li>• Can singular review of fragmented legislation make enforcement easier?</li> <li>• The issue of once off sale of stock piles to be discussed.</li> </ul>
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<b>Title</b>	<b>Presentation on Wildlife Trafficking Approach</b>
<b>Presenter</b>	DPCI
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Enforcement, DPCI presentation on Wildlife Trafficking Approach
<b>Start Date and Time</b>	2020-06-05 09:00am
<b>End Date and Time</b>	2020-06-05 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To provide a presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard;</li> <li>• To provide presentation on Wildlife Trafficking Approach;</li> <li>• To provide a presentation on Legislative Review and Related Matters; and</li> <li>• To provide a presentation on Strengthening Capabilities/ Combating the Illicit Economy</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from the NPA:</p> <p>Officials from the DPCI:</p> <p>Official from SARS:</p>
<b>Key discussions</b>	<p>Wildlife trafficking is a declared National Priority Crime; Serious Organised Crime; National Priority Offences” means organised crime, crime that requires national prevention or investigation, or crime which requires specialised skills in the prevention and investigation thereof, as referred to in 16(1) and (2) of the SAPS Act, 1995 (Act no 68 of 1995); Prevention, combating and investigation of Wildlife Trafficking cases are in-line with the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) and our Constitutional responsibility in terms of s24.</p> <p>Wildlife trafficking cases that relates to the illegal possession, selling, buying, transporting, processing, export, importing of rhino horns, elephant ivory, pangolin, cycads, abalone, lion bones, flora, fauna and their derivatives in an organised manner at national, regional and transnational levels.(Case selection: s17D of the South African Police Service Act 68 of 1995 (Police Act); Wildlife trafficking cases at Ports of Entry that relates to transnational wildlife trafficking with the specific focus on rhino horns, elephant ivory, pangolins, cycads, abalone, lion bones and their derivatives; Wildlife trafficking cases that have been referred to the DPCI by international law enforcement agencies for investigation and cooperation.</p>

<b>Key outcomes</b>	<p><b>NISCWT:</b> Main focus being prosecution, detection and collaboration; Paradigm Shift: not purely a conservation problem but constitutes a sophisticated form of serious transnational organised crime that is a threat to national security.</p> <p>Benefits: Improved investigations, prosecutions and adjudication; improved international cooperation and coordination; improved detection and prevention; It will have a positive impact on more than conservation by way of increased state security, increased boarder management, reduction of corruption, increased community development, improved international standing, and increased wildlife sustainability, and this is with an overall intent as to ensure reduction in wildlife trafficking in South Africa and beyond.</p> <p><b>Approach of Wildlife Trafficking:</b> Disruptive Operations: Conventional and unconventional operations with an integrated approach; Major Investigation: Investigations focus on key areas that acquire special skills, knowledge and strategic and tactical investigation methodologies; POCA approach; Project Investigations: Complex investigations that require unconventional, strategic and tactical investigation methodologies at medium and long term; POCA approach.</p> <p><b>Regional and International Cooperation, Operations and Support:</b></p> <p><b>Regional:</b> Country to country approach, SADC and SARPCCO approach, INTERPOL Regional approach</p> <p><b>International:</b> Country to country, Police to other law enforcement agencies, UNODC, INTERPOL, World Customs Organisation, Palermo Convention PROTOCOLS to combat Transnational Organised Crime.</p> <p><b>Domestic Rhino Horn Trade:</b> Pseudo hunts; Constitutional challenge Moratorium on Trade; Legal Auction translation of websites Vietnamese, Chinese, Thai; Leaking of rhino horns; Ghost buyers; Rhino Coin Cryptocurrency Crypto-conservation.</p> <p><b>Key Critical Issues:</b> Rhino DNA – System to determine linkages; ORTIA SOP; Transnational Interventions; Operational Plan; Communication Networks.</p>
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Understanding the SA Context in terms of the Wildlife Industry: Internal rhino horn trade and stockpiles; Rhino DNA management; Lion bone trade;</li> <li>• Little understanding of the actual threat: Permitting systems; Compliancy, executions;</li> <li>• Limited capacity to address the threat; Skills and Isolation; Communication; Selective case management.</li> </ul>

<b>Title</b>	<b>Presentation on Legislative Review and Related Matters</b>
<b>Presenter</b>	DPCI
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Enforcement, NPA presentation on Legislative Review and Related Matters;
<b>Start Date and Time</b>	2020-06-05 09:00am
<b>End Date and Time</b>	2020-06-05 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To provide a presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard;</li> <li>• To provide presentation on Wildlife Trafficking Approach;</li> <li>• To provide a presentation on Legislative Review and Related Matters; and</li> <li>• To provide a presentation on Strengthening Capabilities/ Combating the Illicit Economy</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from the NPA:</p> <p>Officials from the DPCI:</p> <p>Official from SARS:</p>
<b>Key discussions</b>	<b>Structure to deal with environmental prosecutions:</b> Specific crime category is monitored as per the NPS annual plan; National Prosecuting Service – Head Office: Organised Crime Unit- a National coordinator for

	<p>environmental crime; Provincial Divisions of the Directors of Public Prosecutions: Environmental crime is coordinated from the Organised Crime Units; Serious, organised crime and high profile prosecutions are being dealt with by Advocates &amp; dealt with in terms of POCA; Experienced and specialised Advocates are utilised in certain Divisions to conduct all cases in regard to endangered species; Some Divisions have environmental forums through which engagement with Stakeholders are taking place; Lower court: trained and experienced prosecutors are utilised.</p> <p><b>Statistical overview:</b> 2015 - December 2019, 2 738 cases with a conviction were finalised - conviction rate of 97.1%; Rhino cases: 215 cases were finalised with a conviction and with a conviction rate of 95.1% in which of 332 accused were convicted; 2019/2020 - 857 environmental cases were finalised with a conviction rate of 97,1%; Rhino cases: 41 cases were finalised with a conviction rate of 100% in which 59 accused persons were convicted; The environmental statistics include cases from all law enforcement agencies &amp; is representative of the broader spectrum of environmental cases (green, blue &amp; brown).</p> <p><b>Training of prosecutions:</b> The NPA is training prosecutors through the Justice College introductory course in regard to environmental legislation with the collaboration of DEFF; To enhance the prosecutor's capacity to deal with environmental crime, the NPA in collaboration with DEFF develops ad hoc advanced training. The content of this training is specifically tailored to address the issues of prosecutors who have experience in environmental prosecutions; Ad hoc training sessions are conducted to address specific challenges in a Province; Through the monitoring of environmental prosecutions, a network of prosecutors have been established which is used informally to assist each other.</p>
<p><b>Key outcomes</b></p>	<p><b>Successful Rhino Prosecutions:</b> Finalised two rhino prosecutions in the High Courts: Ndlovu &amp; 2 others: 55 charges-Theft of rhino horn, illegal hunting, dehorning, possession of rhino horn, illegal possession of M99, unlawful possession of ammunition and sentenced to 25 years imprisonment;</p> <p>Jimmy Mashopane: 10 counts of rhino poaching, 5 counts of theft, 2 counts of illegal possession of ammunition &amp; a firearm, cruelty to animals &amp; money laundering. Effective 24 years imprisonment;</p> <p>S v N Khoza: trespassing in Kruger National Park, possession of unlicensed firearm, illegal possession of ammunition, illegal hunting, possession of dangerous weapons, illegal immigrant and sentenced to 37 years imprisonment;</p> <p>S v Liu Zihou: possession of 2 rhino horns, 3 pieces of elephant ivory, 2 leopard skins and sentenced to 8 years imprisonment;</p> <p>S v Vengani Nhema: possession of two pieces of elephant tusks and sentenced to 10 years imprisonment;</p> <p>S v L Chauke &amp; 1 other: illegal hunting of 1 lion and sentenced to 8 years imprisonment;</p> <p>S v Nyathi: possession of one live pangolin and sentenced to 8 years imprisonment.</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• Key Legislative challenges include: <ul style="list-style-type: none"> <li>○ The same legislation is applicable to these species, falls within the ambit of the Biodiversity act, Provincial ordinances/management acts, and the TOPS regulations.</li> <li>○ The current legislation is not impeding the successful prosecution of cases in relation to these species</li> <li>○ However there is certain challenges that can be alleviated through streamlining the existing legislation in one act</li> <li>○ The prevalent challenges are with police – lack of experience in wildlife investigations/knowledge of legislation/DNA evidence/links between suspects/cases not done/cell phones not downloaded &amp; investigated/sharing of information.</li> <li>○ The term wildlife trafficking is not defined</li> <li>○ The concurrent jurisdiction &amp; existence of provincial legislation which regulated the same sphere as national legislation: uncertainty by public; prosecution &amp; law enforcement</li> <li>○ Hampers training, knowledge, expertise</li> <li>○ Constant amendments/new regulations creates new offences difficult to determine which was applicable during commission of crime</li> <li>○ Regulations creates offences similar to those in the Act with lesser penalties prescribed – not utilized</li> <li>○ Amended legislation not published in a consolidated format, takes a protracted time to peruse &amp; establish the exact position at a given time</li> <li>○ Inconsistent application between the various provinces in applying national legislation have the following consequences:</li> </ul> </li> </ul>

	<p>National Parks etc. are governed by NEMBA/Protected Areas Act, the result is when the Province is not implementing NEMBA, the prosecution must be conducted in terms of 2 different pieces of legislation</p> <p>No experience or knowledge pertaining to national legislation even if there is a National Park etc. situated in the Province.</p> <p>No utilisation of NEMA in Provincial prosecutions.</p> <p>Difficult to centralise prosecutions which have been committed between Provinces which implement NEMBA &amp; those that do not.</p> <p>No use of CITES during cross-border smuggling of species/derivative or section 57(1)(A) – rely on provincial import/export charges</p> <p>Difficult to understand the different requirements of the legislation in proving the exact species.</p> <p>The TOPS regulations not applicable in those Provinces</p> <ul style="list-style-type: none"> <li>• The opposing of bail is hampered by the fact that the offences resort under Schedule 1 of the CPA: NPA using offence of theft of horns/value of the animal to make Schedule 5 applicable, then have to proof the value, however placing a value on the species/derivatives are challenging because there is no legal trade &amp; difficult to determine the value of the animal to satisfy the bar of R 500 000.</li> <li>• Minimum Sentence not applicable – previous engagement with DOJ the view were that it would be difficult to introduce: Cannot be done per species/offence &amp; the fairness to introduce it for all listed species have been found unsustainable. NPA is of view that penalties in NEMBA sufficient due to significant sentences, but is open to further engagement.</li> <li>• Silencers are not regulated nor licenced: Cannot link it with to a person in the same fashion as firearms.</li> <li>• Permit system challenges: <ul style="list-style-type: none"> <li>○ No consistent/regulated system that is applicable to all provinces in issuing/record keeping</li> <li>○ Some are electronic, not linked on a database thus no verification/interlinkages between Provinces.</li> <li>○ No control/feedback/inspection in relation to if the permit has been used/how many animals was indeed transported/ imported/exported/animals can be moved in batches</li> <li>○ No verification of applicant - Found that permit holder do not know about application/animals supposedly moved/bought.</li> <li>○ Permit not always stated as being an integrated permit – impact if moved to/from Province not implementing TOPS</li> <li>○ CITES endorsed permits difficult to locate between Provinces and National Office.</li> <li>○ A specialized environmental unit to be established in the NPA to exclusively focus on the prosecutions of environmental offences, taking into account the issue of capacity constraints;</li> </ul> </li> </ul>
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<b>Title</b>	<b>Presentation on Strengthening Capabilities/ Combating the Illicit Economy</b>
<b>Presenter</b>	SARS
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Strengthening Capabilities/ Combating the Illicit Economy
<b>Start Date and Time</b>	2020-06-05 09:00am
<b>End Date and Time</b>	2020-06-05 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To provide a presentation on Law Enforcement: Wildlife Crime Focus on Rhino, Elephant, Lion and Leopard;</li> <li>• To provide presentation on Wildlife Trafficking Approach;</li> </ul>

	<ul style="list-style-type: none"> <li>• To provide a presentation on Legislative Review and Related Matters; and</li> <li>• To provide a presentation on Strengthening Capabilities/ Combating the Illicit Economy</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Provincial Conservation authorities:</p> <p>Officials from the NPA:</p> <p>Officials from the DPCI:</p> <p>Official from SARS:</p>
<b>Key discussions</b>	<p><b>SARS objectives:</b> includes, amongst others, direct taxpayers and trader who do not comply, and make non-compliance hard and costly; and increase and expand the use of data within a comprehensive knowledge management framework to ensure integrity, drive insight and improve outcomes.</p> <p><b>SARS Customs enforcement – Illegal Trade:</b> Combating and detecting illegal trade in wildlife.</p> <p><b>Legislative provisions:</b> The SARS Act, 1997, which enables SARS to: Ensure optimal compliance with Tax and Customs legislation; and Provide a Customs service that optimises revenue collection, protect our borders and facilitate legitimate trade.</p> <p>The Customs and Excise Act, 1964: section 4 – officers powers – (investigations, audit, information sharing, etc.); and section 113 – Prohibitions and Restrictions: Definition of “<b>Prohibited Goods</b>” include but not limited to the following goods are prohibited goods for the purpose of the C &amp; E</p> <p>Act: - Goods imported into the Republic in contravention of legislation, other than the Counterfeit Goods Act, prohibiting the importation of those goods; Goods in the possession of a person in contravention of legislation, prohibiting the possession of those goods; or Goods in the process of export from the Republic in contravention of legislation, prohibiting the exportation of those goods.</p> <p>Definition of “Restricted Goods” means the following goods are restricted for purpose of the C &amp; E Act; Goods imported into the Republic if those goods are subject to legislation restricting the importation of those goods otherwise than on authority of a permit or other authorisation issued in terms of that legislation; Goods in the possession of a person if those goods are subject to legislation restricting the possession of those goods by that person otherwise than on authority of a permit or other authorisation issued in terms of that legislation; or Goods for export from the Republic if those goods are restricted for the exportation of those goods otherwise than on authority of a permit or other authorisation issued in terms of that legislation.</p> <p><b>Strategic Objectives Focus on Illicit Economy: Aligned to Strategic Objectives 3 and 5:</b></p> <p>The illicit economic activities continue to pose a serious threat to South Africa’s growth, revenue base, prosperity and stability and our approach is to: Expand and improve the use of data, data analytics and artificial intelligence (AI) capabilities to enable Customs officers to detect non-compliance and illicit economic activities that previously went undetected, and enforce accordingly; Collaborate across the whole of Government and with other stakeholders locally and internationally to address illicit trade risks across different sectors of society; Build SARS capacity and capability to respond comprehensively to illicit economic activities.</p>
<b>Key outcomes</b>	<p><b>Capabilities from a Customs Perspective to assist in Illicit Trade in wildlife:</b></p> <p><b>Capabilities Detector Dog Unit (DDU) and Marine Unit:</b> The detection of especially Rhino Horn, Ivory, Wet / Dry Abalone, Crayfish, Lion Bones and Pangolin Scales hidden in vehicles, Vessels, Aircraft, Containers, Cargo, Mail, Rail, Luggage and Buildings; (Also Firearms, Explosives, Ammunition, Narcotics, Currency, Tobacco Products); and 6 Patrol Boats patrol up to 40 NM</p> <p><b>Special and Joint Operations:</b> DDU Dogs &amp; Handlers for 30 days on ad-hoc basis via NATJOINTS Structures: The Kruger National Park; Umfolozi Game Reserve – Hluhluwe; and INTERPOL / WCO Operations – Thunderbill, ThunderBall etc.</p> <p><b>Coordinating Working Groups:</b> SARS C &amp; E participation as whole of government approach: Ops Phakisa Initiative 1 and 5: Oil &amp; Gas Disaster management and Marine and Coastal Enforcement Compliance; and NATJOINTS / PROVJOC. Continued assistance and engagement as per the National Integrated Strategy to Combat Wildlife Trafficking.</p> <p><b>Join OPS success:</b></p> <p><b>Inter Departmental “Rhino 8” Ops Deployment to Mapungubwe – March 2018 achievements:</b> Inter Departmental Collaboration in the prevention and detection of Wildlife Crime; Exposure and development opportunity for the SARS detector dogs and handlers;</p>

	<p><b>Good successes recorded:</b> Confiscation of 10 x 750 ml beer; 1 Traffic fine issued (J534) of R500 (licence disk expired); 69 illegal immigrants arrested; 2 warthog tusks; 13 leopard teeth; 1 leopard bone and 2 leopard claws; 25 snares; 250 g poison; 1 leopard tortoise found in a bin and released back in the park; Possession of 2.5 kg dagga valued at R3 750) &amp; copper wire valued at R135, wire suspected to be stolen from the park fence; 15 kg copper wire valued at R675; 48 cartons of Remington Gold cigarettes valued at R11 160, penalty of R1 000 issued; Fire wood are suspected to be stolen from the park.</p> <p><b>In Inter Departmental "Rhino 8" Deployment to Piet Retief achievements:</b> o Interventions took place in Vryheid, Mahamba and Piet Retief; 11 suspects involved; RIFLE hidden in babies clothes by poachers; 4X plastic bags containing dagga, Weight 1.35 kg, R5 420; 61 bags/rolls of dagga, Weight 43.60 kg, R65 400.00; Dagga, Weight 6.320 KG.</p> <p><b>SARS Rhino 9 Deployment Hluhluwe and Phalaborwa:</b> This was a special/joint operations deployment of endangered species detector dogs &amp; handlers, with the main aim and focus on the collaboration and integrated approach in the protection and prevention of cross border smuggling and illegal wildlife trafficking to protect South African Society and Economy: Five individuals that were heading to HIP for Illegal hunting were found with possession of an illegal 375 Rifle and 16 live rounds, Axe ,Knife; Recovery of a stolen vehicle; Suspect alleged to be in possession of a unlicensed firearm, two (2) 9mm Z88 Baretta with erased serial numbers and 18 live rounds were found; Suspect was arrested for possession of an unlicensed 303 rifle and 3 live ammunition rounds; Four (4) suspects was arrested for possession of endangered species (Pangolin).</p> <p><b>Rhino 7 Joint Operation in the Kruger National Park:</b> SARS K9 joined the integrated law enforcement agencies at the Kruger National Park with the mandate to conduct searches and detections at all the gates in the park and outside, including assisting with rapid deployment and utilisation of sniffer dogs which are highly trained in detection of endangered species (Rhino horn, Abalone, Ivory and Lion bones). The team consists of seven members (Team Commander, Six handlers, six dogs and four vehicles).</p> <p>SARS K9 Successes: R2000.00 Fine and removal of protected goods; Possession of unlicensed fire arm and ammunition and illegal hunting in protected area; Second hand clothing x12 bales (seizure) value R 84000.00.</p>
<b>Key Issues for/by the HLP</b>	Need for the attention on enforcement to be also more focused on broadening the tax base, to stimulate legal wildlife trade in the country. The current legislative environment makes it difficult for legal wildlife trade to take place, and also for new entries and entrepreneurs to enter into the industry.

<b>Title</b>	<b>Presentation on Scientific Round Table and Elephant Assessment</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Scientific Round Table and Elephant Assessment
<b>Start Date and Time</b>	2020-06-29 09:00am
<b>End Date and Time</b>	2020-06-29 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To provide a presentation on Intensive Breeding, POE on Hunting, Round Tale &amp; Elephant Assessment;</li> <li>• To provide presentation of Report on Intensive Breeding and</li> <li>• To provide a presentation on Scientific Round Table and Elephant Assessment.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	Panel members and Secretariat: Technical support: Officials from DEFF: Officials from the Scientific Authority:
<b>Key discussions</b>	In 1995, during a public debate, the South African National Parks (SANParks) announced the suspension of culling in the Kruger National Park, and undertook to review its policy on the management of elephants; Up to 2005, a substantial number of consultation workshops were conducted on various aspects relating to elephant management: SANParks led a number of workshops to inform its new elephant management policy, and hosted The Great Elephant Indaba in Kruger National Park; the Wildlife and Environment Society of South Africa (WESSA); the Elephant Managers and Owners Association (EMOA), in collaboration with North West

	<p>Parks, hosted an Elephant Symposium; Care for the Wild International, Xwe African Wildlife, and Justice for Animals convened a workshop entitled “Elephants Alive”</p> <p>In 2006 the (then) Minister of Environmental Affairs and Tourism, Mr Marthinus van Schalkwyk, established the Elephant Science Round Table (SRT) to advise him on policies regarding elephant management. The SRT consisted of a number of the world’s leading elephant scientists, which also included local elephant specialists;</p> <p><b>Assessment of Elephants:</b> The Assessment of South African Elephant Management (the Assessment), was conducted in 2007, and was the first outcome of the SRT’s research programme.</p> <p><i>The Assessment:</i> focused on the interactions between elephants and humans, and between elephants and the ecosystems in which they occur; focused on the way elephants could be managed, based on their ecology, biology and social significance; and aimed to reduce scientific uncertainty relating to elephant management decisions that needed to be made in the immediate and medium to long-term future.</p> <p>Draft Norms and Standards for the Management of Elephants in South Africa (Elephant Norms and Standards) were published in the Gazette on 02 March 2007 for public comment; The Elephant Norms and Standards: were developed in parallel with the Assessment; therefore were not an outcome of the SRT or the Assessment; but incorporated the issues considered during the Assessment</p>
<p><b>Key outcomes</b></p>	<p><b>The SRT concluded that:</b> with regards to culling, at the time: there is no compelling evidence for immediate, large-scale reduction of elephant numbers in the Kruger National Park; but in some protected areas, including the Kruger National Park, elephant density, distribution and population structure may need to be managed at local level to meet biodiversity and other objectives; scientific information on key aspects to support informed decision-making on elephant management, was insufficient; and to date (at the time), elephant research focused on elephants alone, rather than on the ecosystem or social context in which they occur, or the range of management techniques that could be applied; The SRT proposed a 20-year integrative and multi-disciplinary research programme to address fundamental questions posed by the management of South Africa’s elephants.</p> <p><b>The research programme would consist of the following key elements:</b> periodically-repeated scientific assessment to transfer knowledge between the science and policy domains; modelling to attain reliable predictions of complex systems; new investigations from planned and unplanned experiments, including social, political and economic research; and the building of capacity in decision-makers, managers and researchers, as well as in institutions and technology.</p> <p><b>The key aspects relating to the management of elephants that were highlighted by the Assessment, include the following:</b> why elephants warrant special protection; elephant-human interactions; the “moral standing” of elephants; controlling the distribution of elephants; elephants and biodiversity; will elephant numbers regulate themselves? Setting numerical limits to elephant densities; increasing the size of the elephant range; translocation of elephants; reducing the birth rate in elephant populations; and lethal management.</p> <p><b>Key areas contained in the Elephant Norms and Standards:</b> guiding principles, recognizing the sentient nature of elephants; initial assessment of potential impacts of elephants on the biodiversity and habitat of the area into which a population is to be introduced; management of elephants in terms of management plans; adequate enclosure; capture, translocation, import and export of elephants; control of size, composition, growth rate or spatial distribution of wild elephant populations: contraception; range manipulation; translocation; introduction of new populations; or hunting or culling;</p> <p>lethal control – hunting and hunting methods, and culling; management of roaming or escaped elephants, relating to Damage Causing Animal elephants; and provisions for captive elephants</p> <p><b>Considerations not implemented:</b></p> <p>Implementation of draft Minimum standards for the management of captive elephants, as part of the Elephant Norms and Standards: absence of a welfare mandate in terms of NEMBA; amendment to NEMBA relating to well-being of faunal biological resources, currently underway; Application of the adaptive management approach in the management of elephants: limited scope in terms of the Elephant Norms and Standards; amendment to the Elephant Norms and Standards to allow research;</p> <p>Management of elephants as a meta-population: approach not accommodated by the Elephant Norms and Standards; development of a National Elephant Conservation Strategy for South Africa is currently underway.</p>
<p><b>Key Issues for/by the HLP</b></p>	

<b>Title</b>	<b>Presentation on Report on Intensive Breeding</b>
<b>Presenter</b>	Scientific Authority
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment, Scientific Authority presentation on the Report on Intensive Breeding
<b>Start Date and Time</b>	2020-06-29 09:00am
<b>End Date and Time</b>	2020-06-29 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>To provide a presentation on Intensive Breeding, POE on Hunting, Round Tale &amp; Elephant Assessment;</li> <li>To provide presentation of Report on Intensive Breeding and</li> <li>To provide a presentation on Scientific Round Table and Elephant Assessment.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Chairperson of the POE:</p>
<b>Key discussions</b>	<p>Top 5 impacts of intensive and selective breeding activities on biodiversity: (1) Fragmentation of the landscape – impermeable fencing restricts movement of free-ranging species reducing habitat quality and quantity; (2) Off-label use of pesticides and unlawful use of hazardous substances cause mortality of indigenous species resulting in changes in ecosystem functioning and increased threats to the conservation of threatened species; (3) Concentration of species in small areas with impermeable fences results in habitat degradation within such areas; (4) The killing of predators and other conflict species may result in a reduction in population numbers which may lead to changes in conservation status of the species and increasing the species extinction risk; (5) The disruption of social structures of removal target species may exacerbate conflict potential which could result in a decline in the survival rate of the affected population.</p>
<b>Key outcomes</b>	<p>Scientific Authority recommendations: Regulate where intensive and selective breeding facilities can be located; Regulate fencing to address negative impact on non-target priority species; Register intensive and selective breeders; EIAs for the establishment of intensive and selective breeding facilities; Outlaw the use of wild threatened species for commercial intensive and specifically selective breeding; Regulate the movement of intensively and selected bred animals to wild systems; Introduce a wildlife certification system to incentivise and reward best practice compatible with responsible biodiversity management; Critical revision of legislation governing the possession, use and penalties for the misuse of poisons; Critical review of the implications of the listing of species on the Animal Improvements Act.</p>
<b>Key Issues for the HLP</b>	<ul style="list-style-type: none"> <li>Genetic manipulation—how prevalent was it for colour variants vs selective breeding. Are selectively bred animals more superior or inferior genetically? How many recognised colour variants is the panel dealing with? Most research is done in national parks, what about private parks?</li> <li>High value species—what were the major impacts found, any colour variants?</li> </ul>

<b>Title</b>	<b>Presentation on Intensive Breeding, POE on Hunting, Round Table &amp; Elephant Assessment</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment, DEFF presentation on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment
<b>Start Date and Time</b>	2020-06-29 09:00am
<b>End Date and Time</b>	2020-06-29 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>To provide a presentation on Intensive Breeding, POE on Hunting, Round Tale &amp; Elephant Assessment;</li> </ul>

	<ul style="list-style-type: none"> <li>To provide presentation of Report on Intensive Breeding and</li> <li>To provide a presentation on Scientific Round Table and Elephant Assessment.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Chairperson of the POE:</p>
<b>Key discussions</b>	<p>Brief Background:</p> <p>Due to concerning events in the 1990s regarding hunting: allegations that South Africa was a “canned hunting” destination; and investigation by Roger Cook in 1997; The Minister of Environmental Affairs and Tourism, Mr Marthinus van Schalkwyk, was adamant to “clean up” the hunting industry; The Department published the following draft documents for comment on 28 January 2005: Norms and Standards for the Sustainable Use of Large Predators (draft Norms and Standards for Large Predators); Regulations relating to the keeping and hunting of <i>Acinonyx jubatus</i>, <i>Hyaena brunnea</i>, <i>Crocuta crocuta</i>, <i>Lycaon pictus</i>, <i>Panthera leo</i> and <i>Panthera pardus</i>.</p> <p>Then the POE was established in 2005: Prevailing issues at the time of establishment:</p> <p>The draft Norms and Standards for Large Predators were insufficient – it did not address questionable hunting practices prevalent at the time; role of trophy hunting in protected areas, and lack of consistency in this regard; controversy of hunting in the Associated Private Nature Reserves (APNR) adjacent to the Kruger National Park; and general perception that trophy hunting and recreational hunting were not properly regulated: regulated only in terms of provincial legislation; fragmented (created gaps and loopholes) and outdated; and insufficient capacity to implement and enforce.</p> <p>ToR for the POE:</p> <p>The purpose of the POE was to review existing professional and recreational hunting activities in South Africa and to recommend guiding principles for the drafting of national norms and standards for the hunting industry; The POE considered the following (expanded ToR): current status of hunting in South Africa; e.g.: economic value and impact of hunting in South Africa, and impact on the tourism industry;</p> <p>practices within the hunting industry; the practice of captive breeding of large predators for the purpose of “canned hunting” in South Africa; e.g.: extent of canned hunting and captive breeding of large predators, impact of canned hunting on tourism in South Africa, draft Norms and Standards and Regulations published for comment by the Department, international best practices regarding the regulation of hunting.</p> <p>The following principles guided the POE in the assessment of each of the issues it had to consider: sustainable use of South Africa’s wildlife, from species and ecosystem perspective; humane treatment of animals (welfare considerations); and ethical hunting practices, which relate to the “fair chase” principle; The POE commissioned 4 studies in order for the POE to make informed recommendations:</p> <p>Status quo study on the professional and recreational hunting industry in South Africa; status quo of the conservation benefits from the professional and recreational hunting industry; status quo report on the policy, legislative and regulatory environment; and international and regional best practice and lessons.</p>
<b>Key outcomes</b>	<p><b>Recommendations of the POE:</b></p> <ul style="list-style-type: none"> <li><b>Intensive versus extensive production systems:</b> Hunting should not be permitted within intensive production systems; animals that have been intensively bred but not genetically manipulated, can be hunted on extensive wildlife production systems once they have become self-sustaining; and transfer of animals from intensive to extensive wildlife production systems should only be permitted on conservation grounds.</li> <li><b>Captive-bred animals:</b> The hunting of human-habituated captive-bred animals should not be allowed; strict criteria should be developed for the continuation of existing, or establishment of new, captive breeding facilities; and captive breeding facilities should establish record-keeping systems that involve studbooks and DNA fingerprinting;</li> <li><b>Import, translocation and genetic manipulation of wildlife:</b> The import of alien species for hunting purposes should be prohibited; the translocation of species outside their range zones should be prohibited; the spread of animals that are the products of genetic manipulation of species and subspecies to new areas, must be prevented; and the hunting of genetically manipulated animals in the extensive systems where they occur must be phased out.</li> <li><b>Put-and-take and canned hunting should be prohibited, as they do not conform to fair chase or humane treatment.</b></li> </ul>

	<ul style="list-style-type: none"> <li>• National guidelines should be adopted for bow hunting.</li> <li>• With regards to “green hunting” - a clear distinction needs to be drawn between darting for scientific and management purposes, and darting for commercial gain</li> <li>• Other hunting methods: the use of dogs for tracking and retrieval of a hunted (dead or wounded) animal is acceptable, whereas hunting by means of packs of dogs should be prohibited; any other inhumane hunting method should be prohibited, which include the use of traps, snares and poison; and the use of methods such as bright lights, luring sounds or bait, and hunting from vehicles compromise the principle of fair chase, and should not be allowed;</li> <li>• Hunting in public national and provincial protected areas: commercial hunting should be prohibited; culling should not be made available on concession to trophy hunters</li> <li>• Industry transformation: opportunities involve greater community involvement in hunting, greater ownership of extensive wildlife production units by PDIs and employment opportunities in all the high-skilled occupations associated with both the wildlife and hunting industry, and its ancillary industries; transformation must be promoted through processes that include a BEE Charter and Score-Card, and a skills development strategy;</li> <li>• Damage-causing animals should not be managed through hunting concessions;</li> <li>• Uniformity in the regulation of the hunting industry should be established through national norms and standards.</li> </ul> <p><b>Recommendations not implemented:</b></p> <ul style="list-style-type: none"> <li>• Put-and-take hunting, linked with release period: Court judgment in SA Predator Breeders Association vs Minister of Environmental Affairs and Tourism.</li> <li>• Criteria for captive breeding facilities: requirements for registration of breeding facilities exist, but not criteria for which kinds of breeding facilities.</li> <li>• Norms and Standards for hunting and guidelines for bow hunting: process initiated to develop Norms and Standards for the regulation of the hunting industry; process terminated – key issue was the fast development of technology.</li> <li>• Commercial hunting in public provincial protected areas: provincial parks need to generate income to augment their budgets, whereas hunting is an important income stream</li> </ul>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• Request on submissions—title to be aligned to the ToR, especially key areas of iconic species, to give a status quo and desired policy direction;</li> <li>• Request legislative team to relook at what has been done so far and economic issues with wildlife economy as social issues are lacking and acknowledged by the department as well. What are the gaps and are there ways we can address. Data collection for the panel—putting details on a piece of paper and social economic issues, will someone be doing it or the panel? How will they do it?</li> <li>• The High Level Panel (HLP) was in 2005 and its exactly 15 years now that we have another HLP and seemingly this panel is dealing with the same issues as the one before. What has been implemented in this regard? How do we make sure we have moved away from 15 years ago?</li> <li>• Soliciting the views of communities was critical but were challenged by lack of access to communication (ITC) infrastructure. Mr Lamson Makuleke was part of the panel and managed to gather some community views through a dialogue on cross cutting issues from 10 communities.</li> <li>• Was there a view on centralization as opposed to 9 + 1 + 1?</li> <li>• Was there a view on self- regulation vs self- administration</li> <li>• In terms of challenges associated with lack of transformation, were they due to implementation of regulations? Social and economic issues are not covered in regulations. Transformation is dealt with through Biodiversity Economy Implementation Framework;</li> <li>• Why is hunting of wild elephants and lions attracting the anti-use lobby groups?</li> <li>• Concern that the Panel convened in 2005 and that 15 years later another Panel had been set up to deal with what seem to be the same issues. Information required on what had been implemented so far, as such would assist the POE in aligning its work.</li> <li>• Concern that communities were not sufficiently represented at the Panel;</li> <li>• Information required on whether the POE had a view on centralization as opposed to 9+1+1, self-regulation v self-administration, transformation, ;</li> <li>• Research required on why hunting of wild elephants and lions had attracted anti-use lobby groups;</li> <li>• Discussion required on how the Certification/Accreditation system for wildlife could be used to provide incentives for private reserves, for e/g/ relaxation of permitting requirements;</li> </ul>

	<ul style="list-style-type: none"> <li>• Rational required on why SANParks had taken a position not to allow hunting in national parks.</li> </ul>
<b>Title</b>	<b>Presentation on Scientific Round Table and Elephant Assessment</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	The Issue-based High-level Panel meeting on Intensive Breeding, POE on Hunting, Round Tale & Elephant Assessment, DEFF presentation on Scientific Round Table and Elephant Assessment
<b>Start Date and Time</b>	2020-06-29 09:00am
<b>End Date and Time</b>	2020-06-29 12:20pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• To provide a presentation on Intensive Breeding, POE on Hunting, Round Tale &amp; Elephant Assessment;</li> <li>• To provide presentation of Report on Intensive Breeding and</li> <li>• To provide a presentation on Scientific Round Table and Elephant Assessment.</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<p>Panel members and Secretariat:</p> <p>Technical support:</p> <p>Officials from DEFF:</p> <p>Officials from the Scientific Authority:</p> <p>Chairperson of the POE:</p>
<b>Key discussions</b>	<p>In 1995, during a public debate, the South African National Parks (SANParks) announced the suspension of culling in the Kruger National Park, and undertook to review its policy on the management of elephants; Up to 2005, a substantial number of consultation workshops were conducted on various aspects relating to elephant management: SANParks led a number of workshops to inform its new elephant management policy, and hosted The Great Elephant Indaba in Kruger National Park; the Wildlife and Environment Society of South Africa (WESSA); the Elephant Managers and Owners Association (EMOA), in collaboration with North West Parks, hosted an Elephant Symposium; Care for the Wild International, Xwe African Wildlife, and Justice for Animals convened a workshop entitled “Elephants Alive”</p> <p>In 2006 the (then) Minister of Environmental Affairs and Tourism, Mr Marthinus van Schalkwyk, established the Elephant Science Round Table (SRT) to advise him on policies regarding elephant management. The SRT consisted of a number of the world’s leading elephant scientists, which also included local elephant specialists;</p> <p><b>Assessment of Elephants:</b> The Assessment of South African Elephant Management (the Assessment), was conducted in 2007, and was the first outcome of the SRT’s research programme.</p> <p><i>The Assessment:</i> focused on the interactions between elephants and humans, and between elephants and the ecosystems in which they occur; focused on the way elephants could be managed, based on their ecology, biology and social significance; and aimed to reduce scientific uncertainty relating to elephant management decisions that needed to be made in the immediate and medium to long-term future.</p> <p>Draft Norms and Standards for the Management of Elephants in South Africa (Elephant Norms and Standards) were published in the Gazette on 02 March 2007 for public comment; The Elephant Norms and Standards: were developed in parallel with the Assessment; therefore were not an outcome of the SRT or the Assessment; but incorporated the issues considered during the Assessment</p>
<b>Key outcomes</b>	<p><b>The SRT concluded that:</b> with regards to culling, at the time: there is no compelling evidence for immediate, large-scale reduction of elephant numbers in the Kruger National Park; but in some protected areas, including the Kruger National Park, elephant density, distribution and population structure may need to be managed at local level to meet biodiversity and other objectives; scientific information on key aspects to support informed decision-making on elephant management, was insufficient; and to date (at the time), elephant research focused on elephants alone, rather than on the ecosystem or social context in which they occur, or the range of management techniques that could be applied; The SRT proposed a 20-year integrative and multi-disciplinary research programme to address fundamental questions posed by the management of South Africa’s elephants.</p> <p><b>The research programme would consist of the following key elements:</b> periodically-repeated scientific assessment to transfer knowledge between the science and policy domains; modelling to attain reliable predictions of complex systems; new investigations from planned and unplanned experiments, including social, political and economic research; and the building of capacity in decision-makers, managers and researchers, as well as in institutions and technology.</p>

	<p><b>The key aspects relating to the management of elephants that were highlighted by the Assessment, include the following:</b> why elephants warrant special protection; elephant-human interactions; the “moral standing” of elephants; controlling the distribution of elephants; elephants and biodiversity; will elephant numbers regulate themselves? Setting numerical limits to elephant densities; increasing the size of the elephant range; translocation of elephants; reducing the birth rate in elephant populations; and lethal management.</p> <p><b>Key areas contained in the Elephant Norms and Standards:</b> guiding principles, recognizing the sentient nature of elephants; initial assessment of potential impacts of elephants on the biodiversity and habitat of the area into which a population is to be introduced; management of elephants in terms of management plans; adequate enclosure; capture, translocation, import and export of elephants; control of size, composition, growth rate or spatial distribution of wild elephant populations: contraception; range manipulation; translocation; introduction of new populations; or hunting or culling;</p> <p>lethal control – hunting and hunting methods, and culling; management of roaming or escaped elephants, relating to Damage Causing Animal elephants; and provisions for captive elephants</p> <p><b>Considerations not implemented:</b></p> <p>Implementation of draft Minimum standards for the management of captive elephants, as part of the Elephant Norms and Standards: absence of a welfare mandate in terms of NEMBA; amendment to NEMBA relating to well-being of faunal biological resources, currently underway; Application of the adaptive management approach in the management of elephants: limited scope in terms of the Elephant Norms and Standards; amendment to the Elephant Norms and Standards to allow research;</p> <p>Management of elephants as a meta-population: approach not accommodated by the Elephant Norms and Standards; development of a National Elephant Conservation Strategy for South Africa is currently underway.</p>
<p><b>Key Issues for/by the HLP</b></p>	<ul style="list-style-type: none"> <li>• Any documents that summarizes the elephant round table or any output from the meeting?</li> <li>• The elephant Norms &amp; Standards seems to be very restrictive and lacks recognition towards the private reserves for their contribution on the meta-population, is there a way of incentivizing and recognizing these private reserves for their contribution to the national herd? A Certification/Accreditation system for wildlife is being considered and this could allow for incentive for private reserves for example relaxation or permitting requirements.</li> <li>• Hunting in national parks—why is it not allowed while we have parks that are over population with elephants such as Madikwe Game reserve? Madikwe is not a national park. SANParks took a policy decision not to allow hunting in National Parks and it is listed as a restricted activity in NEMPA.</li> <li>• Documents to made available to the Panel that summarizes the elephant round table or any output;</li> </ul>

<b>Title</b>	<b>Presentations by provinces on legislative gaps</b>
<b>Presenter</b>	Provinces
<b>Full Event Title</b>	Legislation Sub-committee meeting on legislation with provinces
<b>Start Date and Time</b>	2020-08-13 09:00am
<b>End Date and Time</b>	2020-08-13 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	<ul style="list-style-type: none"> <li>• Provinces to provide presentations on legislative gaps</li> </ul>
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ol style="list-style-type: none"> <li>1. Western Cape</li> <li>2. Northern Cape</li> <li>3. Eastern Cape</li> <li>4. Kwazulu-Natal</li> <li>5. Limpopo</li> <li>6. Gauteng</li> <li>7. Free State</li> </ol>
<b>Key discussions</b>	<ol style="list-style-type: none"> <li>1. <b>Cape Nature (Western Cape):</b></li> </ol>

**In the presentation Cape Nature indicated that they conducted a study in 2019, and below were the outcome of the study:**

Too difficult to get all the pieces of conservation legislation, including any amendments thereof; Most of the conservation legislative tools were way too old; Species not consistently categorised as “game”, however the term has been widely and commonly accepted in South Africa to identify certain species, and thus creating a problem because such has not been consistently defined across all provincial conservation legislation, or has not been defined in other provincial conservation legislation; Inconsistent regulatory provisions between provinces; Listing of certain game species in terms of Animal Improvement Act, which created a lot of uncertainty to the game industry. The province had literally objected to such listing, however have not had any response from the Department of Agriculture, Land Reform and Rural Development (DALRRD); Note evidence of inconsistencies in regulating the game industry and lack of congruence in law reform among provincial conservation authorities; All provinces require legislative reform of biodiversity conservation legislation. The reform requires a national imperative; Policies must align with the Convention on Biological Diversity (CBD) and be implemented consistently by Provinces; Establish an inter-provincial task team to address rapid law reform in relation to regulating game (and other biodiversity), aligned with multilateral environmental agreements and international conservation best practice; Regulate to mitigate associated biodiversity risks rather than regulating for the sake of regulating; Acknowledge risks associated with extra-limital distribution and enable mitigation through management plans – consistently across provinces (depending on the distribution status of the species), scientific and legal expertise as well as funding be required by the said task team; Law reform should adopt sound conservation principles: Set achievable (appropriate and relevant) biodiversity conservation targets for threatened and endemic game species; Regulate activities which threaten species survival; Develop appropriate monitoring and evaluation methods.

**Northern Cape (NC):**

**High-level overview of provincial legislation and key points of difference between provincial legislation and national legislation (focused to the five species):**

The province is in line with s24 of the Constitution of the Republic of South Africa, 1996 (the Constitution) as well as the objectives of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA); With the review and subsequent publication of the NCNCA 2012 we aligned our Act and Regulations to the contents of NEMA, NEMBA and associated regulations and norms and standards (references to Norms and Standards are outdated); It also contains issues relating to animal welfare which are slightly different to TOPS; The NCNCA includes the text of the Inter-Provincial Professional Hunting Committee (IPPHC) national policy (for the most part) relating to professional hunters, hunting outfitters, hunting schools and agents; and Wildlife translocation permit which makes use of a register system for the translocation of game from one registered game farm to another – gives the wildlife operator some measure of self-administration.

**Rhino:** Does deal with marking of rhino horn and the possession and export thereof; Our regulations do refer to the “Marking of rhinoceros horn and hunting of white rhinoceros for trophy hunting purposes” Norms and Standards although the reference is outdated (2009 Norms and Standards); and a major conflict is that our legislation does allow “to cut up, engrave, or in any manner process or modify a piece of a rhino horn, he or she must apply to the Director in writing for written authorisation prior to such cutting, engraving, processing or modification” – which contradicts the new prohibition notice dealing with rhino horn.

**Lion:** Major difference to national and other provincial legislation is that lion can only be released on extensive wildlife system where it can fend for itself i.e. no captivity; and Hunting only under certain ethical circumstances as well as regulated by certain Professional Hunting prescripts.

**Elephant:** Mostly silent as we don’t and probably will never allow elephants in our Province; Does deal with marking of elephant ivory and the possession thereof; and Our legislation does allow “to cut up, engrave, or in any manner process or modify a piece of an elephant ivory, he or she must apply to the Director in writing for written authorisation prior to such cutting, engraving, processing or modification”.

**Leopard:** Same as lion except that it can be hunted from a hide – obviously complying to the Norms and Standards for the trophy hunting of leopards (Leopard Hunting Zones and Quota?).

**Eastern Cape:**

Eastern Cape Province regulates Biodiversity with 3 pieces of Legislation: Nature and Environmental Conservation Ordinance 19 of 1974 Conservation Ordinance; Ciskei Nature Conservation Act 10 of 1987; and Transkei Decree No 9 (Environmental Conservation) of 1992; Uniform implementation is achieved through development of Operational Guidelines; Province is in the process of developing Provincial Environmental

Legislation – EC Environmental Management Bill to be submitted to the Legislature; and Once a species is listed in terms of NEMBA, the Province regulates it in terms of NEMBA, and supplements with provincial legislation where there is a need; Key points of difference between national and provincial legislation: Lists of protected, unprotected and endangered species are included as schedules in the provincial legislation while the National Legislation provides for regulations, e.g. TOPS; and Only an EMI can enforce the national legislation, while all Nature Conservator/Environmental Officers appointed as Peace Officers enforce the provincial legislation; and No National Certificate of Adequate Enclosure (CAE) nor Fencing Specifications for TOPS listed Species.

**Kwazulu-Natal (Ezemvelo KZN Wildlife):**

Legislative Framework: KwaZulu-Natal Nature Conservation Management Act 9 of 1997; Amendment 5 of 1999: *Objectives*: Protected Areas (overridden by NEMPA) Candidate protected areas; Specially protected and protected indigenous animals; Special protective measures – MEC (incl. protected indigenous animal and the ecosystems and environments); KwaZulu-Natal Nature Conservation Ordinance 15 of 1974 (Backbone of Permitting in KZN – 46 years old); KwaZulu-Natal Environmental, Biodiversity and Protected Areas Management Bill, 2014: Published for Public Comment in 2014; Already out of date; KwaZulu Nature Conservation Act 29 of 1992; Transvaal Nature Conservation Ordinance 12 of 1983; and Transkei Environmental Conservation Decree 9 of 1992.

**Key points of difference between national and provincial legislation:** National: Current; Simple Set; Generally Applied; National (DEFF) Provinces ‘consulted’; Difficult/ laborious to Amend for Provincial peculiarities; Master; Provincial: Outdated; Plethora statutes and Regulations; Selectively (inappropriately) applied different geographical areas; ‘Tailored for Province’ Driven by enforcer/ Provincial Conservation Agency; More effective / efficient amendments; Servant Relationship.

**Limpopo Economic Development, Environment and Tourism (LEDET):**

Legislative framework: Operate under the Limpopo Environmental Management Act 7 2003, Act 7 of 2003 (LEMA): Assented to on 25-03-2004.

**Difference between the national and provincial legislation:**

LEMA: No regulations; Doesn’t cover many biodiversity activities e.g. captive breeding, commercial exhibition facilities etc.; Doesn’t outline processes for citizens to know how application for permits should be made; Doesn’t have prescribed formats for various permit applications; Generalizes on all regulated species; It doesn’t allow for adaptive management; and

NEMBA: Regulations available; Covers a spectrum of biodiversity activities but not all provincial aspects are covered e.g. endemic species; It does outline processes for citizens to know how application for permits should be made; It does have prescribed formats for various permit applications; It focusses more on TOPS species; It allows for adaptive management.

**Mpumalanga Tourism and Park Agency (MTPA):**

Operate under the Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998), which regulates amongst others, biodiversity conservation, permitting issues, hunting, and provides for inspections; The legislation was outdated and not in line with Specific Environmental Management Act (SEMAs) provisions as it only came in 1998 as a result of transitional period brought about by the fact that some areas of the provinces were under the Transvaal segment, while the other areas were under the Bantu segment, and as a result the legislation had to respond to the merging of the two segments; The approach was to try to come up with one set of legislation for biodiversity conservation in the province; The province does conservation in and outside protected areas, which was different from other provinces in terms of mandate, because the provincial department deals with conservation outside protected areas, while the MTPA deals with conservation inside protected areas. This becomes a challenge as the MTPA has always been found to act as a referee and a player; MTPA as an agency has also been challenged when it comes to the issue of reporting, in that its reporting line functions is administered in one department, while conservation arm is administered in another department, and this makes the matter more complicated as the agency does not report to the department with conservation mandate; MTPA was in a process of reviewing its provincial conservation legislation to ensure that it was in line with the national legislation; Further

	<p>to that, the province has since agreed and accepted that they would need to implement TOPS Regulations, and hence the process has been underway to review its provincial legislation; MTPA has also embarked in a process of developing guidelines, especially for captive breeding operations, and invites other provinces and national departments to contribute to such proposed guidelines; The guidelines would be based on national, provincial and TOPS Regulations.</p> <p><b>Gauteng (Gauteng Department of Agriculture and Rural Development (GDARD)):</b>  <b>Legislative Framework:</b> Nature Conservation Ordinance 12 of 1983 along with its associated amendments and regulations; The National Environmental Management: Biodiversity Act 10 of 2004, and the Threatened or Protected Species regulations of 2007; GDARD has drafted the Gauteng Nature Conservation Bill, and since 2012 they keep on hitting stumbling block; and Rely on internal policy documents to work through the loopholes and closing gaps.  <b>Key differences between legislation:</b> Provincial legislation: Lists the 5 species as being specially protected or protected; Does not specify the requirements for a permit to be issued or take other environmental factors into account. It relies on the official's discretion and scientific input from Technical Services; Outdated and based on known knowledge from 1983; Numerous permit application formats.  <b>National legislation:</b> Lists the 5 species under the TOPS regulations; Specifies factors which need to be taken into account; Updated information based on more recent studies and information; Applications specified in the legislation.</p> <p><b>Free State (FS):</b>  <b>Legislative Framework:</b> FS is still mainly using the 1969 Ordinance on Nature Conservation of the Free State province and its regulations; Draft FS Nature Conservation Bill during 2014 to align Ordinance with national legislation –still not adopted; and Follow the national policies for rhino &amp; lions – no elephants or leopard in the Province.</p> <p><b>Key differences between provincial &amp; national legislation:</b> No real difference -each has its place in application; EMI's can apply national – and provincial legislation; Powers of execution is mostly the same; and Mostly national legislation supplement ordinance, e.g. AIS, TOPS, etc.</p>
<b>Key outcomes</b>	<p><b>1. Cape Nature</b>  <b>Views of province on rationalization of legislation:</b></p> <ul style="list-style-type: none"> <li>• The current 9 + 1 + 1x system is clearly inconsistent and creates division between provincial conservation authorities, duplication (i.e. hunting seasons and licensing etc.) and confusion amongst clients; and Streamlining of the permitting system-One permit system, shared between all permit issuing authorities (national and provincial) would be ideal. Whether this is possible, given resource inconsistencies between provinces and investment / entrenchment in existing systems is doubtful.</li> </ul>
<b>Key Issues for/by the HLP</b>	<p><b>2. Cape Nature</b>  <b>What works and what does not work:</b></p> <ul style="list-style-type: none"> <li>• Core of dedicated and passionate staff; Partnerships with NGOs and other organs of State; Good science and tools to facilitate / enable decision-making; Social media antagonism; Further division between conservation / animal welfare / animal rights; and Antiquated environmental legislation;</li> <li>• Need for the Panel to look at how NEMBA and any agreements could be used to facilitate governance in more detail. Concerned with the relationship between provincial and national departments, for example, unresolved issue relating to the listing of species in terms of AIA.</li> </ul> <p><b>3. Mpumalanga:</b>  <b>What works and what doesn't:</b>  Various unfunded mandates / amendments to legislation (in some instances not agreed upon by the NC) passed on to provinces for implementation which has a serious impact on budget and personnel (service delivery affected); Need to rationalize the legislation and ensure greater consistency across the nine provinces; Need to develop simplified user friendly guides to the legislation; Key to the understanding of transformation agenda is</p>

ensuring the meaningful participation of black people in the wildlife industry across the value chain; Ownership of wildlife enterprises by black people is a key success factor; With regards to capacity issues, budget has been cut by 93% so at the moment we are not doing anything to increase capacity. Programmes / sub-programmes with on average 70% vacancy. With the NC being a huge province we have serious constraints getting to all parts of the province. We only have 1 official per district to perform all NC functions as well as all National legislation / Norms and Standards; All national legislation is unfunded (no increase in budget for personnel or goods and services) and only increase in functions (CITES – African grey is one example); With regards to rationalisation or centralisation of conservation competency, it could work as provinces do not have budget to implement conservation as it should be. However, we could run into issues of ethics / legislative differences where certain activities are allowed in some provinces and not in others; The implementation of permitting should be streamlined as we are guided by the Permit and Enforcement Planning Committee (PEPC) Uniform Implementation Guidelines for TOPS and CITES (all Provinces participate), however, as stated above provinces' legislation differs in how they deal with things to some extent; The Northern Cape Province has an electronic permit system which handles both NC legislation as well as national legislation, including CITES. The Northern Cape will migrate to the national permit system if it caters for all legislation and is better than the system currently used (don't want to duplicate the issuing of permits); List of communal nature reserves or communal game farms will be provided; With regards to public stakeholder engagements, given the current scenario with COVID-19, we need to use measures such as notification by e-mail, cell phones, community radio stations, etc. The use of MS Teams and possibly other virtual platforms is also to be utilized for interested and affected parties with access to such facilities. With regards governance in protected areas, we are utilizing the monitoring effectiveness tracking tool (METT); quarterly protected area review meetings and protected area advisory committees (even though the committees for all PNRs are not fully functional); With regards to details on the proposed electronic permitting system, NC currently uses system developed in-house; A national electronic permit administration system (similar to that for EIAs and AQMP) is needed, which will allow for applicants to apply online and track their applications – consistency across provinces is a key factor to consider; The use of a national online/electronic system will have the following advantages: reduced time frames for the processing of applications and issuing of permits, due to; hard copies of applications and recommendations no longer having to be driven to Head Office for approval and issuance; applications getting lost; therefore requiring re-submission of applications; ability for the applicant to track the progress of his/her permit application; reduced cost of business, due to the fact that; permits can be submitted electronically instead of hard copies having to be handed in at the various permit offices; reduced time frames; reduced office costs (e.g. printing equipment, stationary costs, etc.); updated resource (scientific) information or resource use information (impact of restricted activities).

#### **Eastern Cape:**

##### **That works and what doesn't work?**

Implementation of TOPS differs from province to province although it is national legislation – Other provinces not implementing TOPS; Provincial legislation comes handy where national legislation is weaker or does not provide protection; The main difference is also that there seems to be more capacity at national level with staff focussed on a specific area; and The province has on numerous occasions engaged with the national department where there is conflict.

##### **Views of provinces on rationalization of legislation:**

NEMBA was supposed to address the issue of 9+1; the view of legislative rationalization makes a lot of sense particularly for the industry that currently must deal with various pieces of legislation for the various provinces; Rationalisation should also be able to address issues of uniform implementation by ALL provinces; This approach should be done with due regard to regional needs such that certain limitations / restrictions could be placed in certain geographical areas if it is in the interest of a species; Regulations can always be specific to a region or province where necessary (especially with species which are regarded as important in a particular province); Provinces should be part of the drafting process so that it does not become a normal top down approach by the national department, as was the case with the TOPS Regulations; and The Provinces will have to be part of the process and not merely consulted.

**Kwazulu-Natal (Ezemvelo KZN Wildlife):****What isn't working?**

Inefficiencies 9+2+1 Conservation Agencies; Disjunction of overlapping systems e.g. permitting; Inefficient systems and outdated permit requirements; Disjunction of powers between Minister and MEC; Disjunction of overlapping and conflicting mandates Department of Environment and Conservation; Diminishing Conservation Budgets; Conservation 'subsumed' in to other potentially conflicting mandates e.g. Environment, Agriculture, Rural Development, Economic Development, Development Planning, Tourism; and Biodiversity not high on political agenda overridden by other political mandates: Conservation expertise and interests not a requirement for MEC position; Conservation seen as problem –limits development, human-wildlife conflict, Tiers up Land; Provinces (potentially) hamstrung by 'Master Servant' Relationship; Erosion or loss of expertise, skills, institutional memory at Provincial level.

**What is working?**

Greater reliance on current national legislation Outdated Ordinances; Ordinance based legislation working as known and understood (including Courts); Province specific provisions in national legislation e.g. Listing Notice 3; Province Equally empowered as national e.g. EIA Process; Well resourced, supported and accountable conservation agency - expertise, skills, facilities, budget, etc.; and ePermitting (significant improvement on paper based).

**What is problematic?**

Economic gains overriding the conservation of the species / habitat; Sectoral and partisan influence at a policy level; Inter departmental 'undermining' of conservation enforcement (Listing of TOPS in the Animal Improvement Act); Outdated and information gaps; Centralising / removing powers from or roles of Provinces e.g. endorsing CITES permits; Misunderstanding and limited application of the precautionary and public trust principles; An infirm understanding of the legislation; Master Servant relationship between national and provinces; Lack of political support; Reduced conservation budgets and incapacity of conservation agencies; and Apparent ineffectiveness or lack of implementation of the national biodiversity framework to ensure the resourcing of provincial conservation agencies.

**Streamlining of the permitting system (include electronic permitting):** Disjunction between Government and Private Sector Caution advised as terms used seen differently; Government Streamlining? Simpler; Faster; Electronic and ultimately web based; More effective –particularly with monitoring and enforcement; Inter-provincial synchronisation; Self-administration in certain limited risk to biodiversity circumstances (**but not** self-regulation) – *Ezemvelo KZN Wildlife is yet to agree to this aspect*; Industry Streamlining? Simpler; Faster; Less restrictive; Web based; Self-Regulation with monitoring and enforcement; Interlinked Provincial and National ePermitting System; and Interlinked Provincial and National Permitting Monitoring System using mobile Apps for at least non TOPS and CITES species.

**Some solutions:** Remove duplication of legislation between national and provinces (Provide Provinces strong regulatory powers); Equilibrate the powers between national and provincial and therein remove the Master Servant relationship; Centralise conservation funding to ensure parity and adequate funding; Rationalise the number of conservation agencies to a limited few; and Financially harness 'harmful uses' of biodiversity, particularly where: there is no direct benefit to conservation; Near Threatened, Threatened, endangered, TOPS, CITES species are targeted; by way of the "The South African Conservation Trust Act to set in place a national trust funded by persons and industry that have caused lasting (and uncompensated) harm to biodiversity; Tendele Mine on iMfolozi Wilderness boundary + Nagoya Protocol.

**On the fly reminders:**

Leopard Monitoring Agreement: The Ezemvelo KZN Wildlife concluded an agreement with PANTHERA and Wildlife Act to assist with monitoring of leopards across the provinces, excluding Isimangaliso as they do not have

authority, so they still rely on data provided by the Management Authority of Isimangaliso; Attached to the agreement is the addendum which could be changed as it provides for methodology and how data may be dealt with, by who, and what goes to who; The central or ground breaking aspect of the agreement is “ownership of data”.

Framework Monitoring Agreement: Ezemvelo KZN Wildlife was busy renewing an agreement with the Wildlife Act to assist with monitoring of other species, particularly because the entity does not have enough capacity; The addendum to the agreement specifically relies on protected areas requirements, as there is no general requirement that applies across the province.

**Limpopo Economic Development, Environment and Tourism (LEDET):**

**What works and what doesn't work:** Both provincial and national legislations do not cover the transformation agenda; What's working is the conservation of species; Legislation provides for everyone to apply for permits for regulated activities but the problem is and ownership; and E.g. You train community members to become Professional Hunters and after qualifying for that profession where do they go and practice their trade without resources like land, wild animals etc.?

**Provincial view on rationalization of legislation:** It would be wise to have one national legislation embracing unique biodiversity for each province; Challenge is the concurrence that is enshrined in the Constitution of South Africa; LEMA was promulgated before NEMBA and other SEMA's; and Currently, Limpopo province is reviewing the LEMA in order to align it with the national legislations.

**Streamlining of the permitting system (including electronic permitting):**

We are living in one country though we have different provinces, therefore it would be good to have one electronic permitting system to reduce confusion to the citizens; and Addressing species specific issues in terms of locality or endemism, there could be some icon in the system to deal with that.

**Specific focus on the iconic species in the Panel's ToR's where possible:** Neither do LEMA nor NEMBA and its regulations do not cover issues that are outlined in the ToR; The HLP should look into the issue of “Transformation”; As much as we would like to address transformation, land remains a burning issue; There are interested parties out there but without land where would they practise activities such as hunting, commercial exhibition, captive breeding etc.?; and The legislation doesn't prevent anyone from engaging in all the activities, however, landowners have an advantage to do so with the exclusion of the have nots; Thousands of hectares of State land are available; ownership or joint ventures can be entered into with community members; Grants and or donor funding can be used to purchase developed facilities (Game farms, Breeding Facilities).

**Gauteng (Gauteng Department of Agriculture and Rural Development (GDARD)):**

**What works?** An effort to increase scientific knowledge, thus improving biodiversity management; Increased protection of species through national legislation. An effort has been made to cover all aspects and block all loop-holes. This does however make it difficult to navigate; and At the national level as well as in some provinces, conservation functions (e.g. TOPS and CITES) are handled by dedicated officials. Allows for a better understanding of that particular function.

**What doesn't work?** When policies/strategies/legislation are feasibly impossible to implement or contradict policies utilized by the provinces; Over-regulation of certain aspects; A lack of funding to increase capacity and resources; Difficulty in proclaiming provincial legislation. There is a dedicated political leader at the national level, whereas the political leader at provincial level must share his/her duties between various departments; A lack of an electronic permit system – GDARD is using the internal IT department who do not understand the permitting process; Outdated policy documents – do not align with current legislation and latest scientific information; and The Annexure 1 application form (TOPS) can be very confusing to applicants. It was designed to simplify the application process, but more often than not, the applicant must be educated on how to complete the form.

**What works & what doesn't?** Ordinance is utilised in about 80% in managing the wildlife industry; In the Ordinance the following are addressed-Hunting seasons, schedules for protected game, ordinary game, specified wild animals, exotic animals and protected plants are only found in provincial legislation; Minimum camp sizes; Time period before hunting lions & rhino; and National Tops, rhino norms & standards relevant to few species in Province.

**Views on rationalisation of legislation:** Rationalisation needed, but need to accommodate provincial requirements, need some flexibility for detailed regulations, cost of fees, licences & permits.

**Streamlining of permits:** Needed to thwart illegal trade – Names, ID & passport numbers differ in application; Easier for clients to track; Confusion; Need to go electronic -cost saving and facility being paid for by user - FS case; Big savings in filing & storage space, as well as operative cost; and Filing more secure.

**Specific species in ToRs:** FS has biggest number of lions in captivity (also have other cats in captivity); Lion bone trade quota shows increased export of live lions; White rhinos on private land -nearly 600 on provincial protected areas 55; FS can take many more rhinos on private land but for security –and cost issues; and Very few wild leopards in FS –no hunting allowed for the past years.

**General issues:** Huge amount of legislation competing, conflicting, challenged and updated all the time; The legal framework has not created an enabling environment for effective governance of the wildlife sector in South Africa; Need for a uniform approach in the legislative framework; Rationalisation of legislation: Is there an appetite to nationalise all conservation legislation, and cost to be covered by national department, with whatever supplementary budget that may come from provinces; Address some of the capacity constraints issues by: rationalising conservation legislation; rationalisation of conservation agencies; remove all provincial boundaries; creating a national platform; having the national EMIs operating throughout the country; regulating only what needs to be regulated; National ePermitting system in place; Need to have a clear objective of what we would want to achieve to ensure improved conservation; To have a robust and open discussion on what would really work for conservation in South Africa, and that would include possibility of making conservation a national competency.

## ANNEXURE I: ENGAGEMENTS WITH THE GENERAL PUBLIC, COMMUNITY STAKEHOLDERS, AND AFFECTED COMMUNITIES

This annexure contains summaries of HLP engagements with stakeholders from the general public, community stakeholders, and members of affected communities.

### Summaries of engagements with public stakeholders

*Key messages arising from public stakeholder engagement session #1: Wildlife Forum Category – 29 September 2020*

The following document reflects a summary of key views emerging during the public stakeholder consultation held on 29 September 2020. It provides an overview of the process, messages arising from participant presentations, and responses to High Level Panel (HLP) questions. Inputs have been clustered in the context of the emerging 'big issues' identified by the HLP – with clarity also provided in terms of the name of the organisation making each input or recommendation. Where no issues arose in terms of a particular area, this is indicated. At the start of the session, those present were introduced to members of the HLP, and provided with clarity in terms of:

- The nature of the engagement, with this designed to serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase
- The manner in which the session would be run (e.g., time allocations for presentations and questions/ answers)
- Arrangements in terms of follow up questions that the HLP may wish to ask, with these questions to be sent out to all participants present, in the interests of transparency
- Broader practices followed by the HLP to support sound process (e.g., the fact that all panel members had signed a Declaration of Interest, to declare any possible areas of conflict of interest)

#### Presentations by stakeholders

- WRSA
- PHASA
- SA Hunters
- CHASA
- SABHSSA
- SAPA
- AGRA
- PROA
- CPHC
- WEBASA
- ALRC

#### Additional inputs and comments by stakeholders

- Thaba Tholo
- Trollope Brothers
- Kube Yini
- Game Ranchers Forum
- Blaauwkrantz Farm
- Carla van der Vyver
- Brian Boswell

- Silent Valley Game Breeders
- Fremar Lodge and Zoo
- Rance Rural Development
- Pongola Nature Reserve
- Sandra Linde
- Claudiashoop Wildsplaas
- Veterinary Society
- Chair APNR

## 1. National Policy on Biodiversity Conservation and Sustainable Use

*Not specifically addressed.*

## 2. Transformation of the wildlife sector

All presenters noted the limited levels of transformation in the sector. Inputs provided in terms of the status quo, efforts by role-players to support transformation, and requirements for effective transformation of the wildlife sector, are captured below (alongside an indication of the relevant role-player making the representation).

### • Status quo of transformation in the wildlife sector:

- Do we have a transformation agenda and a transformation strategy that involves all? (SABHSSA)
- Challenges new entrants face:
  - Weaknesses outlined in the National Biodiversity Economy Strategy still remain – e.g., insufficient mentorship support for new entrants; financial challenges; barriers to entry; monopolies; ... lack of access to markets; ...limited transformation ... capacity limitations in the wildlife sub-sector; various economic transformation barriers (SABHSSA)
  - Access to the right training and coaching; high cost of equipment; access to land; limited resources; difficulty in becoming an outfitter if you do not own land – with this limiting access and advertising to international shows (SABHSSA)
  - Restrictive regulations for hunting limit prospects of sector (PHASA)
  - Professional hunters have to be registered in nine provinces (PHASA)
  - Limited knowledge about industry and offerings amongst PDIs (AGRA)
- Efforts undertaken to promote transformation:
  - Encourage members to support transformation (via private partnerships, trust funds and rural upliftment programmes) (WRSA)
  - Support mentorship and skills transfer efforts (WRSA)
  - Encourage improved opportunities through: participating in national strategies, engaging provincial government in promoting responsible wildlife economy activities, developing concept of biodiversity economy nodes, HuntEx; mentoring new entrants; offering training and support (SA Hunters)
  - Set aside percentage of the revenue for mentoring and partnership investment for new and emerging rhino owners and conservationists, at launch of Rhino Horn Trade Africa in 2018 (PROA)
  - Profit sharing agreements in place with black employees; opportunities provided for employees to learn a trade at business' expense; funds set aside for education of disadvantaged children (ALRC)

### • Recommendations/ requirements for transformation:

- Need government as part of partnership (funding; land; infrastructure, reduce red tape, etc.) (WRSA)
- Government to unlock wildlife economy's financial value (e.g., via legal international trade in horn) (WRSA)

- Transformation needs to focus on structural change: including black people in decision making bodies; making legal and other documents accessible; a revision of professional hunting legislation to being more balanced, with beneficiaries of transformation “taking centre stage” in the revision process - with changes in promoting access to quality hunting areas and concessions (SABHSSA)
- Focus needs to be on skills transfer – and education of people who live alongside PAs, in terms of full value chain of the sector (AGRA)
- Promote environmental management (including education on the impact of behavioural choices on the environment) and involve PDIs in this and the broader sector, as part of transformation (AGRA)
- Link with Community Property Associations (CPAs) and support them/ land beneficiaries in their business efforts: transformation must make business sense (AGRA)
- Ensure new black entrants benefit from well-regulated trade – as both owners or custodians – e.g., through sales, product beneficiation, and job creation (PROA)
- With many parks that are not used/ community properties that are not fully used, sector role players could support transformation efforts through mentorships – with this requiring government buy-in, governance of quotas, and confirmed identification of possible land (“we can bring it to you”) (CPHC)

### **3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector**

*Not specifically addressed.*

### **4. Capacity building, education, training, and empowerment of human capital across the wildlife sector**

*Not specifically addressed.*

### **5. Welfare and the ethical treatment of wildlife**

*Not specifically addressed.*

### **6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)**

Common proposals associated with the 9+1+1 arrangements included a call for standardised management, nationally, and improved capacity. Specifics are outlined below.

- **Status quo:**
  - Limited resources at a provincial government level to carry out mandate/ poor levels of delivery (e.g., in terms of permitting for hunts, and oversight of captive breeding operations)
  - Provincial autonomy (e.g., in terms of hunting, management of captive bred lions): results in inefficiencies, underfunding, skills gaps and increased expenses, and varying experiences/ outcomes (CPHC); leads to different permitting systems, different management requirements (e.g., some provinces require microchipping of lions, while others do not; some provinces do not limit number of animals per space), different financial outcomes (Fremar Lodge and Zoo)
- **Recommendations/ positions:**
  - Propose establishment of a national database (as per the NEPAS system in use in Mpumalanga and North West) to allow for monitoring and reporting (CPHC)

- Shift away from provincial autonomy to a 'one size fits all' national ordinance (e.g., for hunting), with addendums for province-specific issues (CPHC)

## 7. Agriculture and conservation policy conflicts

### • Recommendations/ positions:

- Opposed to listing of wild animals/ captive breeding of wildlife for purely commercial purposes (with breeding supported only when it aids conservation e.g., to address previously de-wilded or degraded areas) (SA Hunters)
- Wild animals should not be listed under the Animal Improvement Act (without consultation/ overreach in terms of DLRRD's mandate) (SA Hunters)

## 8. State protected areas

*Not specifically addressed.*

## 9. South Africa's International Standing and Reputation

While the reputational damage associated with captive breeding was highlighted by most speakers, the proposed approach to address this varied – with a number of speakers calling for reputation management, and government communication and support (i.e., in the context of continued breeding), while a few called for an end to the practice, given the long-term harm to the wider sector.

### • Acknowledgment of the importance of managing South Africa's international reputation:

- Concern regarding negative media coverage, and possible impact on tourism - e.g., in terms of animals in captivity (WRSA)
- Negative impact of captive breeding: low demand for hunting from 'responsible hunting organisations'; international trade restrictions ; negative impact on biodiversity and wildlife economy; shift away from 'wild', to other forms of land use (SA Hunters)

### • Roll out of communication and reputation management campaigns to manage international reputation:

- A call for government to embark on a "factual, educational campaign regarding the need for and importance of harvesting ...[animals] as a population management tool, to address negative reporting regarding hunting/culling of elephant, which might be detrimental to our tourism market" – with a similar approach to be followed regarding harvesting/ sustainable utilisation of other species (WRSA)
- "We need our government to work closely with other international governments and show strong support for our local wildlife policy. We need government to ... stand against the photographic industry that creates much of these issues ....when the lion (we hunted) had a name" (CPHC)

### • Calls for SA to focus on its own needs – regardless of international pressures:

- Despite loss of potential revenue, "we are too timid to take the bold step and allow for international trade" (in rhino horn) – with "international trade....provided for in CITES as sustainable utilisation and a non-detrimental activity, as supported in the NDF" (PROA)
- "South Africa needs to stop pandering to the West" (CPHC)

## 10. Management of the Five Iconic Species in the Wild

- **Status quo:**
  - Improper management of elephant numbers has resulted in environmental destruction, and reduction of numbers outside parks, given animal/ human conflict (PHASA; AGRA)
  - Over-regulation/ red tape reduces conservation efforts/ recovery of wildlife number (CHASA)
- **Recommendations:**
  - Norms and standards:
    - Review norms and standards: ensure these do not prevent sustainable management of species, and are not so restrictive that they discourage private owners from managing/ keeping animals (WRSA)
    - Engage key role-players (e.g., breeding facilities; tourism venues) when updating norms and standards; focus on reducing restrictions to improve value of wildlife (WRSA)
  - Population control:
    - Allow population control through culling and hunting in a socially responsible manner (WRSA)
    - Euthanasia, contraception or allowing death through thirst or starvation viewed as wasteful/ irresponsible – with hunting and sustainable use encouraged (PHASA)
    - Allow hunting of species in cases of overpopulation (AGRA)
  - Monitoring and reporting:
    - Monitoring and reporting to be a shared government/ private sector responsibility - including on private land (WRSA)

## 11. Hunting of the Five Iconic Species

All participants recommended that hunting be allowed for all five species – although there were varied views on whether this should only apply to “fair game” hunts or should also include hunting of captive-bred species.

- **Status quo:**
  - None of the national or provincial parks are self-sustainable financially – with hunting providing a source of income (PHASA)
  - Elephants, lions and leopards are not endangered: many parks exceed carrying capacity for elephants and lions (PHASA)
  - Loss of value of species due to inability to “overregulation, poor administration and CITES trade embargoes (PHASA – re elephants)
- **Views/ recommendations:**
  - Hunting is encouraged, and viewed as part of sustainable utilisation for all iconic species: WRSA (as long as it is 'socially responsible', does not cause reputational harm, and is in line with quotas); PHASA
  - Hunting of ranched lions, managed wild lions and wild lions is encouraged; hunting of captive ‘tamed lions’ is not encouraged (PHASA) (“PHASA disagrees with canned hunting”)
  - Hunting of wild animals – and application of “sustainable utilisation in a balanced manner” – is encouraged. No hunting of captive bred animals. Focus is on “keeping the habitat and wildlife wild, and ensuring it remains valuable” (SA Hunters)
  - Hunting of wild animals – as long as in line with the practice of fair chase hunting (SABHSSA)
  - Hunting of wild and wild managed lions supported (CPHC)
  - Fine with trade in wildlife products, and hunting of animals in cases of overpopulation (but “only lions in the wild – not tame lions, as there is no fair chase in that”) (AGRA)

- Rhino: Limit hunting quotas until there are sustainable populations. Products can be traded to enhance value, fund protection and management (AGRA)
- Elephant: reduce regulations and allow hunting as population control mechanism – with local communities allowed to consume meat (AGRA)
- **Hunting of five economic species – benefits:**
  - Adds economic value to species (WRSA; PHASA; AGRA)
  - Reduces incentives for poaching (WRSA)
  - Provides revenue for conservation (WRSA – including rhino hunts; PHASA)
  - Prevents a shift to alternative less-environmentally sound land uses, in cases where communities and others cannot see value in species (PHASA)
  - Lower impact when considered in relation to the environmental impact of photo-tourism – when full cost accounting is carried out (SA Hunters)
  - Responsible and sustainable hunting of lions will assist with management of maintenance costs (CPHC)

## 12. Live export of the five iconic species

*Not specifically addressed.*

## 13. Conservation and ecologically sustainable use of Leopard

All speakers supported the sustainable use of leopards. As with the other species, there was a broad acknowledgement of the need to improve norms and standards, regulation, monitoring and reporting.

- **Status quo:**
  - Observation from private land-owners that leopard numbers on private land are increasing (WRSA)
  - Leopards not endangered (PHASA; Rance Rural Development) – “should be positively managed and conserved rather than negatively protected” (PHASA)
  - Absence of a quota means animals have no value (seen as a liability, given loss to other animals) – resulting in leopards being killed (WRSA; CPHC)
  - International interest in/ demand for leopard hunts (WRSA; AGRA)
- **Proposals for sustainable use of leopard:**
  - Establish a “proper hunting monitoring protocol” – with hunting monitoring that relies on “reliable offtake statistics” rather than CITES export permits (PHASA)
  - Allow hunting: to manage population; increase the value of the animal (AGRA; Blaauwkrantz Farm)
  - Allow for full use of CITES quota (WRSA)
  - Allow and monitor legal trade in leopard skins (WRSA) – with law enforcement action in cases of illegal trade (PHASA)
  - Monitor and report numbers across public and private land (WRSA)
  - Approach to management to include both legislation and improved engagement with/ mechanisms to encourage cooperation by land-owners (WRSA)
  - Allow hunting quotas in areas with population growth (WRSA) – starting with a low quota, in areas where population can be proven (i.e., to manage reputational risk of leopard hunts) (CPHC)
  - Do not provide permits for hunting of damage-causing animals – given potential for abuse of system (CPHC)
  - Consider Northern Mozambique’s Niassa Game Reserve’s policy and protocol for hunting of leopard, in terms of good practice (CPHC)

## 14. Captive lions

Speakers raised a common set of challenges (e.g., absence of consistent practices/ norms and standards; poor oversight and enforcement), with recommendations ranging from ongoing support for captive breeding (with mechanisms to improve practices), to calls for a complete end to the industry.

- **Status quo – challenges include:**

- Poor oversight of the ranch lion industry (RLI) and the welfare of RLI lions by provinces (as the only entities legally enabled to ensure compliance) – with overregulation, free hands given to rogue elements, and a lack of commitment and capacity on the part of provincial officers (SAPA)
- Permits for lion farming, transporting, hunting: issued by provincial authorities, but it is then up to the operator/ individual to comply, with provincial enforcement lacking (SAPA)
- Reputational damage as a result of captive breeding practices (WRSA; SA Hunters)

- **Recommendations:**

- Recommendations in terms of **ongoing captive breeding of lions:**
  - Continue breeding animals for hunting/ selling: this protects wild animals (Fremar Lodge and Zoo)
  - Government to provide an administrative framework for farmers, to ensure operational procedures that support legislation (Fremar Lodge and Zoo)
  - Need Biodiversity Management Plan for captive lions and another Biodiversity Management Plan for wild lions (Fremar Lodge and Zoo)
  - Review and standardise norms and standards, drawing input from SAPA – and ensure standardised norms and standards are implemented by all breeders (WRSA)
  - Allow legal monitored trade in lion bones: this supports the economy; combats poaching (WRSA)
  - Support sustainable utilisation, including hunting of captive bred lions, as long as it is 'socially responsible', does not cause reputational harm, and is in line with quotas (WRSA)
  - Support for captive breeding (of lions and other species), as long as welfare issues are managed humanely (Blaauwkrantz Farm)
  - Could be a source for reintroduction of animals into the wild/ rewilding (CHASA; Rance Rural Development)
  - Change the permitting system, so that issuing of permits by provincial authorities depends on applicants' membership of an accredited predator organisation – giving the latter the ability to legally compel operators to adhere to norms and standards (SAPA)
- Views on/ recommendations for **an end to captive breeding of lions:**
  - “The iconic status of the five species is associated with their wildness – not derivatives or captive facilities” .... Captive-bred lion has short term-benefit only for the few: “not sustainable, and lacks the social licence”; concerns regarding manipulating genetics unnaturally (SA Hunters)
  - “As an association, we do not support captive breeding of animals” (SABHSSA)
  - Lions “should remain wild and not in small captive areas” (AGRA)

## 15. Elephant and ivory management

*Not specifically addressed – beyond points raised elsewhere (e.g., in relation to management in the wild)*

## 16. Rhino and rhino horn management and trade

- **Recommendations:**

- Allow legal trade - given benefits for communities, potential reduction in poaching and black market trade, and unlocking of value of rhino horn (WRSA)
- Funding:
  - Government to secure funding for security costs for rhino protection - and to work with private sector on funding efforts (WRSA)

## 17. Rhino horn and elephant ivory stockpiles

None of the speakers expressed outright dissent over the use of conservation stockpiles – with emphasis instead placed on mechanisms to prepare for decision-making, and the roll out of sales.

- **Status quo:**
  - Significant volumes of horns in stockpiles (estimations of 60 tonnes) – with this able to meet demand (PROA)
  - Current stockpiles of 70 to 80 tonnes (ALRC)
- **Recommendations:**
  - Allow legal trade - given benefits for communities, potential reduction in poaching and black market trade, and unlocking of value of rhino horn (WRSA)
  - Audit rhino horn in national and private hands, to assess economic feasibility of using stockpiles (PHASA)
  - Sell stockpiles and allow/ use future stockpile sales to fund conservation work. (WRSA)

## 18. Commercial use of captive rhino horn

None of the speakers expressed outright dissent over the commercial use of captive rhino horn, with emphasis instead placed on possible benefits, and mechanisms to support implementation.

- **Status quo**
  - Significant loss of rhino through poaching, with private reserves assisting in biological management and conservation (PROA)
  - Private reserves receive little funding for management or security costs associated with rhino, and are running out of resources – while the value from and interest in rhino ownership has dropped significantly (PROA; Claudiashoop Wildsplaas)
  - Ban on trade has not reduced poaching or illegal trade, while only criminals benefit from trade – with no value returning to conservation (PROA)
  - Different practices and allowances (e.g., in rhino horn trade) between provinces impact sales prospects (Claudiashoop Wildsplaas )
  - Rhino are not hurt when rhino horn is harvested; rhino kill each other when horn is not trimmed (ALRC)
- **Recommendations:**
  - Promote captive breeding of rhino to:
    - Generate income for breeders, conservation and security efforts, funding for community projects, and revenue for SA – via horn trade – and increase the value attached to rhino (PROA)
    - Protect the species (WRSA)
    - Reduce incentives for poaching, through legal international trade (WRSA)
  - Sale of rhino horn should be something all (including private and public role-players) can participate in, equitably and fairly (PROA)

- Ensure well-regulated trade in rhino horn, characterised by: procurement via an electronic shop window (subject to required taxation, FICA, etc.) – with revenue going to accredited owner (PROA)
- When dehorning rhino, ensure DNA sampling and registration on eRhODIS system, for full traceability – and certify, from seller to end user (PROA)

*Key messages arising from public stakeholder engagement session #2: Conservation NGO Category – 2 October 2020*

The following document reflects a summary of key views emerging during the public stakeholder consultation held on 2 October 2020. It provides an overview of the process, messages arising from participant presentations, and responses to High Level Panel (HLP) questions. Inputs have been clustered in the context of the emerging 'big issues' identified by the HLP – with clarity also provided in terms of the name of the organisation making each input or recommendation. Where no issues arose in terms of a particular area, this is indicated.

At the start of the session, those present were introduced to members of the HLP, and provided with clarity in terms of:

- The nature of the engagement, with this designed to serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase
- The manner in which the session would be run (e.g., time allocations for presentations and questions/ answers)
- Arrangements in terms of follow up questions that the HLP may wish to ask, with these questions to be sent out to all participants present, in the interests of transparency
- Broader practices followed by the HLP to support sound process (e.g., the fact that all panel members had signed a Declaration of Interest, to declare any possible areas of conflict of interest)

#### **Presentations by stakeholders**

- World Wildlife Fund South Africa (WWF-SA)
- Wildlife and Environment Society of South Africa (WESSA)
- Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC)
- National Wool Growers' Association of South Africa Predation Management Forum (NWGA PMF)
- International Union for Conservation of Nature, African Rhino Specialist Group (IUCN ARSG)
- The New Green Alliance
- Elephant Specialist Advisory Group (ESAG)
- Endangered Wildlife Trust (EWT)
- Panthera
- The International Council for Game and Wildlife Conservation (CIC)

#### **Additional inputs and comments by stakeholders**

- Piet Warren
- Daryn Hiltunen
- John Jay College of Criminal Justice
- Salomon Joubert
- Christina Hiller
- Dr Francois Deacon (Univ FS)
- Barbara de Mori (Univ Padua)
- Adv Ramola Naidoo
- Ian Rushworth
- Ian Cox
- Dave Balfour
- Graeme Siebert

## 1. National Policy on Biodiversity Conservation and Sustainable Use

- **Recommendations:**

- National policy framework to include governance of natural resources and involvement of communities and community structures into the management of natural resources (WWF SA)

## 2. Transformation of the wildlife sector

- **Recommendations/ requirements for transformation:**

- Need to identify mechanisms that support community governance structures, regardless of land ownership status (WWF SA)
- Develop a national policy framework relating to community rights, tenure and access to natural resources – as well as increased support for natural resource management by community-based organizations (WWF SA)
- Identify mechanisms that support community governance structures and transformation of wildlife economy, regardless of land ownership status (WWF SA)
- Facilitate transformation through allowing people to benefit financially and economically from wildlife economy – e.g., via quotas for leopard hunting (NWGA PMF)
- Encourage travel only to areas where percentage of money goes back to communities (CIC)

## 3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector

- **Recommendations/ positions:**

- Encourage greater support for conservation through: creating incentives for landowners to drop fences and create more connected landscapes; linking community owned land with private sector efforts, for great benefit from international tourism; building understanding of the benefit of a whole-ecosystem approach (EWT)
- For elephants:
  - Proposal of improved methods to support elephant use of corridors, with reduced Human Animal Conflict (e.g., provide a 1km buffer free of human development, for elephant movement; provide supplements and water to prevent raiding of crops; use bees to protect crops and trees; upscale unpalatable plant provision/ planting; identify community owned corridors to shift from reactive to proactive management) (ESAG)
  - Shifts in corridor management require a shift in mindset, and buying land (via collaboration with private and state) (ESAG)

## 4. Capacity building, education, training, and empowerment of human capital across the wildlife sector

*Not specifically addressed.*

## 5. Welfare and the ethical treatment of wildlife

- **Status quo:**

- Ethical and welfare concerns associated with captive predators and canned lion hunting, which jeopardise not only the recovery of tourism revenue, but also wildlife conservation in SA (WWF SA)

- **Recommendations:**

- Address known gaps around welfare legislation and enforcement (outdated Animal Protection Act and Performing Animals Protection Act) must be addressed (WWF SA)
- Address welfare concerns relating to culling of elephants honestly and transparently – explaining options considered; manage culling in a responsible way (WESA)

## 6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)

- **Status quo:**

- Concurrent competency challenges between DEFF and DALRRD, as well as provincial and national legislation and compliance noted (WWF SA)

## 7. Agriculture and conservation policy conflicts

- **Recommendations**

- Follow a policy that favours a conservation-driven approach, over a production-driven approach (Balfour)

## 8. State protected areas

- **Status quo:**

- Poor management of numbers of animals – e.g., in the Kruger National Park (Kruger National Park)
- Limited financial viability in national and provincial parks, which should be considered when making decisions (e.g., in respect of hunting)

## 9. South Africa's International Standing and Reputation

Respondents reflect a general consensus around the damage caused to South Africa's international standing as a result of practices such as captive breeding of lions. Focus was also placed on the need to make choices with an understanding of global responsibility, and the potential impact on South Africa's economy and on other countries and their conservation efforts – particularly given that many have fewer resources to manage challenges such as poaching.

- **Status quo:**

- Risk of captive breeding harming South Africa's ability to recover economically – with ethical and welfare concerns associated with captive carnivores jeopardizing recovery of South Africa's tourism revenue (WWF SA; CIC; John Jay College of Criminal Justice)
- Standards of one industry can taint the broader reputation, risking the entire wildlife economy, and biodiversity economy (WWF SA)
- Conservation depends on tourism and funds from the USA and Europe – with concern that this market could be influenced by this negative publicity, and the perception of South Africa and its treatment of wildlife (WWF SA)
- Protection of a few breeders and beneficiaries is taking place at the expense of South Africa's reputation, the tourism sector, and the associated economy (Panthera)

- South Africa is located in an interconnected world, with commitments made (e.g., the Sendai Agreement, in terms of disaster management; the Sustainable Development Goals – which require all to act based on an understanding of global impact – e.g., possible pandemics) (Adv Naidoo)

- **Recommendations**

- Approach biodiversity as a global good, considering the impact on other countries and species, not just in national or individual interest (WWF SA)
- Engage in discussions at the highest level about global responsibility and diversified funding mechanisms for biodiversity conservation (WWF SA)
- Address reputational damage through sharing stories of fair trade experiences and opportunities, and through establishing and communicating a clear decision on where South Africa stands on intensive breeding/ captive breeding (EWT)

## 10. Management of the Five Iconic Species in the Wild

Focus here was primarily on the principles to be followed in managing the five species – and practicalities associated with data gathering, determination of carrying capacity, population management, environmental management, and expansion of/ alternative territory (e.g., for elephants).

- **Status quo:**

- Overpopulation of elephants in many areas – with management needed (Ian Rushworth; TGA)
- Concerns regarding desertification of habitat in areas like the Kruger National Park, due to overpopulation (TGA)
- Kruger National Park not releasing numbers of elephants and rhino (requires transparency) – with elephant numbers in the Kruger National Park estimated between 30000 and 40000 (Joubert)

- **Recommendations:**

- Principles:
  - Prioritise conservation at a landscape level and consider the five flagship species within ecosystems, using principles of best practice across species (WWF SA)
  - Support sustainable use of wildlife where it leads to benefits for conservation and communities (WWF SA)
  - Support principles of good governance (participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law) by public, private, or communities (WWF SA)
  - Governance needs to consider social, environmental, and economic aspects within the current and future landscape of the country – with this critical to ensure sustainable growth of the biodiversity economy for the benefit of all (WWF SA)
- Look at each species to identify how many populations exist (i.e., how many groups of animals of the same species that interact daily); manage on a population by population basis, in relation to the number of animals, and the carrying capacity of each area [managing numbers below the carrying capacity – estimated at 3500 for Kruger National Park] (TGA)
- Monitoring and reporting:
  - Monitoring of key populations, transparency about numbers and transparency about quota setting is critical (WWF SA)
  - Encourage all stakeholders (tour operators; hunters; outfitters; etc.) to be involved in monitoring and law enforcement efforts (CIC)

## 11. Hunting of the Five Iconic Species

Many respondents reflected on the value of hunting as a form of sustainable utilisation – with the proviso that that this ethical (with many arguing that hunting of captive bred lions would not be ethical), well-monitored, enforced and legally compliant.

- **Status quo:**
  - Evidence that hunting for trophies has limited benefit for communities (John Jay College of Criminal Justice)
- **Views/ recommendations:**
  - Support trophy hunting applications where this provides benefits to communities and private land-owners, or those involved in conservation programmes (WWF SA)
  - Support hunting and other forms of sustainable utilisation (WESA)
  - Support ethical hunting of free ranging lions; against canned lion hunting (“it’s not hunting but shooting”) (WESA)
  - Improve monitoring; tighten up and remove potential circumstances for conflict between photographic tourism (e.g., when people identify specific animals and name them), and hunting operations (WESA)
  - Hunting should be permissible if: no threat to survival of target/ non-target species; respect local customs and traditions; includes efforts to avoid unnecessary suffering; is legally compliant; is supported by a harvesting framework in place, with monitoring and enforcement (CIC)
  - Against hunting of captive bred lions (CIC)
  - Avoid hunting of rhino, given that harvesting of horn from live rhino would generate more income (Warren)

## 12. Live export of the five iconic species

- **Recommendations:**
  - Call for DEFF to look into the welfare of live rhino transported to China and Vietnam, given concerning news about how they are being looked after (WESA)
  - With export of live rhino, onus is on the exporter to ensure conditions in source and destination location are sound/ meet welfare requirements (CIC)
  - Proposal of non-lethal options focused on translocation to areas outside of South Africa: needs proper coordination, national mechanisms of support, logistics with transport and intergovernmental exchange, etc. (Rushworth)

## 13. Conservation and ecologically sustainable use of Leopard

- **Status quo:**
  - Standard Operating Procedure (SOP) for leopard management is still not approved; permits not issued on time/ not issued at all in some provinces; no assistance provided with leopard management; quotas and tag systems not being used optimally (NWGA PMF)
  - Failure of non-lethal methods of leopard management (NWGA PMF)
  - Leopards in trouble: decline in leopard numbers across 24 of 25 sites due to poaching for skins and body parts, with only Kruger National Park noted as holding stable populations (Panthera)
- **Recommendations for sustainable use of leopard:**
  - Recommend use of hounds for hunting of leopards: reduces hunting of female leopards, and hunting of young leopards; would require monitoring of population densities for careful management, and reduced quotas (given the success of hounds in hunting) (WESA)
  - Establish a compensation plan that includes trophy hunting of old male leopards (NWGA PMF)

- Monitoring of sustainable uptake of leopards to be managed through collective meeting of farmers association and DEAT – monitoring use of tag allocations at a district level (NWGA PMF)
- Hunting leopards will not translate into more stable populations (Panthera)
- In terms of leopard skins:
  - Acknowledge that Chiefs, leadership are entitled to use of real skins
  - Replace all other use with ‘wild-skins’ – fake leopard/ lion skins made in partnership between Panthera and rural communities (Panthera)

## 14. Captive lions

Most speakers reflected concerns in terms of captive bred lions, with some proposals offered in the event that captive breeding operations are closed in the future.

- **Status quo:**
  - No objective evidence that captive breeding of these species for commercial purposes such as to produce products such as predator bones or skin contributes to biodiversity conservation (WWF SA; WESA – report from African Lion Working Group; John Jay College of Criminal Justice)
  - Potential risks of the practice of intensive and selective breeding of game to biodiversity and the economy: loss of genetic diversity and adaptive potential, threats from domestication, habitat fragmentation and degradation, and the loss of ecosystem services (WWF SA)
  - Captive carnivore wildlife breeding impact: reputational damage; concerns regarding whether assessment of benefits (e.g., job creation; income generation) include full cost accounting (e.g., costs of monitoring; enforcement; displaced jobs in other sectors; risks to health and lives; reputational damage to hunting; added enforcement challenges for the ban on tiger bone trade) (EWT)
  - Captive breeding of lions and sale of body parts is greatest threat to wild animals across Southern Africa (e.g., laundering into legal pockets; increased poaching of wild lions); captive lion breeding is ‘farming, not ‘sustainable use’ (Panthera)
- **Recommendations:**
  - Approach to captive lion breeding needs to recognise responsibility of choices beyond our borders – given increase in poaching (Panthera)
  - Support the sustainable use of lion body parts from conservancies, if tightly controlled – although reputational risk for South Africa, and hunting, is significant (WESA)
  - Oppose captive breeding of any populations – unless wild populations are depleted, and breeding is science-based conservation management plan for the species (WWF SA)
  - Prevent canned lion hunting, given reputational damage to country and to hunting, and negative impact on conservation efforts (WESA)
  - Focus on Nature Based Tourism (NBT) rather than industries like captive lion breeding (EWT)
  - What should happen to animals if captive breeding is closed:
    - Do a survey of how many lions are available, get a quota (e.g., 10 000), and use this up in two years, as we wind it down (WESA)
    - Conduct an audit of number, status and health of all lions in captivity, to support decision making; prevent future breeding; allow to live out full lives under sound conditions, if possible; where necessary, qualified vets to euthanise humanely (EWT)
    - Support industry role-players in transitioning to other forms of income generation, as part of a just transition (EWT)
    - Prevent reintroduction of captive bred lions into the wild (EWT; CIC)

## 15. Elephant and ivory management

- **Status quo:**
  - No evidence to show trade in captive bred rhino horn will reduce demand for wild rhino horn (EWT)
- **Recommendations:**
  - Protection of ivory and rhino horn smuggling is key: South Africa to sign off and implement the National integrated Strategy to Combat Wildlife Trafficking (NISCWT) (EWT)
  - Population management:
    - Culling of elephants should not be last resort. Consider the decision support system used by the Association of Private Nature Reserves (includes provision for decision making that does not depend on each option failing, before culling) (WESA)
    - Hunting and other methods should be part of wider population management plan – with approach decided on a case by case basis, and culling as a last resort (CIC)

## 16. Rhino and rhino horn management and trade

- **Status quo:**
  - No evidence to show trade in captive bred rhino horn will reduce demand for wild rhino horn (EWT)
- **Recommendations:**
  - Consider the Committee of Inquiry recommendations as a framework (e.g., recommendations on good governance, monitoring progress towards indicators) (WWF SA)
  - In national parks, ensure black rhinos are horned (only defence against predators, especially with destruction of dense bush)
  - Protection of ivory and rhino horn smuggling is key: South Africa to sign off and implement the National integrated Strategy to Combat Wildlife Trafficking (NISCWT) (EWT)

## 17. Rhino horn and elephant ivory stockpiles

The recommendations outlined below in terms of trade were not made specifically in respect of stockpiles – and could be seen as applicable to other sources of rhino horn and elephant ivory (e.g., wild).

- **Recommendations for use of current and future stockpiles:**

- No support at present for trade in rhino horn or ivory. Legal ivory trade (stockpiles/ other forms), if carried out, must result in positive benefits for conservation of wild elephants – and should only be considered once minimum conditions are in place: traceability of all ivory; centralised electronic permitting system; capacity in source and consumer countries to monitor and enforce; governance to ensure legal trade is not used as a cover for illegal trade (EWT)
- Financial burden of administration and implementation of enforcement systems should be borne by those who benefit - e.g., via levies/ permit fees, with an independent body addressing oversight (EWT)

## 18. Commercial use of captive rhino horn

Varied recommendations were presented in terms of captive rhino horn (with a few parties arguing that there would be no place for such practices). Common messages related to: the importance of and need for transparency in information; the importance of maintaining welfare standards; the need for evidence-based decision making, a conservation focus and prevention of damage to the national metapopulation (e.g., through over-domestication).

- **Status quo**

- Challenges in lack of information (e.g., white rhino numbers); delays, costs and bureaucracy associated with permitting system (IUCN ARSG)
- No evidence to show trade in captive bred rhino horn will reduce demand for wild rhino horn (EWT)
- Evidence that bans in trade have reduced poaching (EWT)

- **Recommendations:**

- Propose that there are no captive breeding of any populations, unless wild populations are depleted, and breeding is science-based conservation management plan for the species (WWF SA)
- No objections to captive breeding (of any species), as long as high animal welfare standards are in place, and as long as captive-bred lions are not released into the wild (including for 'hunting') (CIC)
- Focus on conservation outcomes and what is best for species and populations (including preventing land conversion), rather than focusing on individual rhino (IUCN ARSG)
- Evaluate decisions on possible rhino horn trade in a rational way, using as much evidence as possible – to make a decision on what is needed for the conservation of rhino (IUCN ARSG)
- Black rhino not suited to intensive breeding (IUCN ARSG)
- Allow sale of horns of white rhino captive bred populations (TGA)
- Ensure an accurate count and reporting of white rhino numbers, and ongoing release of poaching numbers (IUCN ARSG)
- Mechanisms to incentivise private sector to conserve rhinos: incentivise those who are cooperative (e.g., free permitting; standing permits); simplify the system; improve methods for security management (e.g., use of code names; limited sharing of information) (IUCN ARSG)
- Ensure research into needs and specifics of captive bred rhino populations (e.g., impact of breeding context on hormones, digestive systems, genetics, requirements from a husbandry and care-taking perspective, supplementary feeding, impact of dehorning, growth cycles of juveniles, etc.) (Dr Deacon)
- Address concerns of selective breeding and over-domestication, so that rhinos retain the potential to be part of the national metapopulation (limits to supplementary feeding; do not treat as agricultural animals, as this may risk selective breeding) (IUCN ARSG)

## 19. Other issues

The section below addresses issues that emerged regularly and cut across/ do not fit neatly within the other categories of 'big issues':

- **Definitions – including of 'sustainable utilisation' and 'contribution to conservation':**
  - Need a clearer definition and shared understanding of what is meant by “contribute to the conservation of the particular species” and “conservation objectives” (WWF SA)
  - Need a shared understanding of the 'sustainable use' principle:
    - “Use to contribute to the species' conservation / prevent land conversion ”, rather than “use as long as it's not all gone” (WWF SA)
    - Sustainable use is about “what you can produce off a natural ecosystem. In terms of lions, sustainable use would be what lions you can produce off the veld, when the veld is stocked without an irrigating master keeping it going.” (WESA)
    - The goal of sustainable development: “to provide resources for the use of present populations without compromising the availability of those resources for future generations, and without causing environmental damage that challenges the survival of other species and natural ecosystems” (Panthera)
  - CBD definition of sustainable use as the “use of components of biological diversity in a way and at a rate that does not lead to the long terms decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of current and future generations” – i.e. 'utilisation of wildlife' as a tool to promote the conservation of species, and to prevent the conversion of land to uses that are not compatible with biodiversity conversation (not as a way to justify the intensive uses of species for commercial purposes only as long as it is not detrimental) (WWF SA)
  
- **Trade and intensive breeding (regardless of species):**
  - Considerations/ recommendations:
    - Avoid the resumption of international, commercial “wildlife” trade until a demonstrably effective, enforceable and conservation-based management and compliance system is in place and adhered to along the full supply chain (by source, transit and consumer countries) (WWF)
    - Legal international trade runs alongside illicit trade in arms, humans, drugs, and stimulates illegal trade in species (John Jay College of Criminal Justice)
    - For trade to take place, the following would be needed (WWF SA):
      - Management and compliance systems that provide traceability
      - International use of tools like the national electronic permitting system, and DNA ID and mechanisms for ivory and rhino horn stockpile management
      - Establishment of bilateral agreements with key countries – with management through the Wildlife Information Management Unit
      - Alignment of legislation to control movement, and proof of capacity to enforce for compliance purposes – ultimately under the mandate of CITES
    - In terms of intensive farming practices and trade in wildlife: Consider risks associated with the spread of zoonotic diseases when people, livestock and wildlife are in close contact – and the threat of spill-over infections that increase during intensive farming practices, trade in wild animals which act as vectors, and habitat destruction (WWF)

*Key messages arising from public stakeholder engagement session #3: Welfare Stakeholder Category – 6 October 2020*

The following document reflects a summary of key views emerging during the public stakeholder consultation held on 6 October 2020. It provides an overview of the process, messages arising from participant presentations, and responses to High Level Panel (HLP) questions. Inputs have been clustered in the context of the emerging 'big issues' identified by the HLP – with clarity also provided in terms of the name of the organisation making each input or recommendation. Where no issues arose in terms of a particular area, this is indicated. The content included here is also supported by a full transcript of the session.

At the start of the session, those present were introduced to members of the HLP, and provided with clarity in terms of:

- The nature of the engagement, with this designed to serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase
- The manner in which the session would be run (e.g. time allocations for presentations and questions/ answers)
- Arrangements in terms of follow up questions that the HLP may wish to ask, with these questions to be sent out to all participants present, in the interests of transparency
- Broader practices followed by the HLP to support sound process (e.g. the fact that all panel members had signed a Declaration of Interest, to declare any possible areas of conflict of interest)

#### **Presentations by stakeholders**

- Humane Society International
- Beauty Without Cruelty SA
- Voice 4 Lions
- Born Free Foundation
- Blood Lions/World Animal Protection
- Environmental Investigation Agency
- Global White Lion Protection Trust
- SA Institute for Advanced Constitutional Public, Human Rights and International Law (SAIFAC)
- EMS Foundation / Animal Law Reform

Supporting stakeholders – many of whom chose to support other submissions (e.g., that of EMS), rather than making their own submissions:

- Baboon Matters \*
- Future 4 Wildlife \*
- Four Paws Animal Welfare Foundation \*
- Ban Animal Trading \* (BAT)
- Vervet Monkey Foundation \*
- Animal Talk Africa \*
- White Lions \*
- Southern African Fight for Rhino's \*
- Institute for Critical Animal Studies \*
- C.A.R.E\*
- African Climate Alliance \*
- Big Cat Sanctuary \*
- Monkey Helpline \*

- OIPA Chairman \*
- Lord Ashcroft (Timeslot provided on 7 Oct 2020, given diary conflict)

## 1. National Policy on Biodiversity Conservation and Sustainable Use

*Not specifically addressed.*

## 2. Transformation of the wildlife sector

*Not specifically addressed, beyond references to limited transformation in sectors such as hunting and captive lion breeding.*

## 3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector

### • Recommendations/ positions:

- Consider Ithala model of non-consumptive conservation-based land use practices that allow for less invasive use of wildlife – where:
  - Focus is placed on the inclusion of various partners, including communities, in developing a project conservation based land use principles at the core (with the Ithala project aiming to support elephant movement across territories in a way that benefits rather than harms communities)
  - Practices aim to constrain elephant numbers, and constrain elephants to designated areas as a way of reducing human-wildlife conflict – while also using tools (e.g., bees) that limit elephant movement, as a way of contributing to community income
  - Focus is on activities where money enters the community (e.g., 4x4 trails; home stays), and activities that cycle money in the community (e.g., alien plant removal; bee keeping; making baskets and walking sticks) – with this increasing community socioeconomic resilience to shocks, and reducing dependency on government (HSI)
- Encourage indigenous wildlife practices that focus on dignity, mutuality, equality, upholding the rights of nature, and ensuring a flourishing and healthy planet (Global While Lion Protection Trust)
- Follow a new approach to the environment that includes restoration of ecological health, emphasis on well-being and dignity of individual animals, recognition of One Health -and mitigating the risk of zoonotic diseases, rewilding, social and intergenerational justice, transparency, economically sustainable livelihoods, accountability, balance (not prioritising animal lives over human lives) (EMS Foundation/ Animal Law Reform)
- Risk of land with wildlife on that has been transferred to communities being changed to stock farming, in areas with limited tourism – with suggestions that these be thought of in the context of corridors and building extensive systems, rather than ‘pockets’ – building alternative income sources other than hunting (EMS Foundation/ Animal Law Reform)

## 4. Capacity building, education, training, and empowerment of human capital across the wildlife sector

*Not specifically addressed.*

## 5. Welfare and the ethical treatment of wildlife

- **Status quo:**
  - Section 24 in the Bill of Rights in Constitution is used as justification for “sustainable utilisation” of natural resources for profit through an aggregative approach – but this refers to “ecologically sustainable development”, rather than sustainable utilisation (Blood Lions/ World Animal Protection)
  - DEFF’s current approach reflects an aggregative approach (i.e., animals as individuals do not matter) – yet courts have indicated that constitutional values dictate a more caring attitude, and that that, via the NSPCA case, the goal of animal welfare is to place intrinsic value on animals as individuals – with this requiring a shift to an integrative approach (SAIFAC)
- **Recommendations:**
  - Adherence to an alternative policy framework that is consistent with: (HSI)
    - The existing statutory framework including the Animal Protection Act
    - High Court, Supreme Court and Constitutional Court jurisprudence
    - Environmental rights reflected in s24 of the Constitution, and in the constitutional principles of dignity and freedom from violence (with s24 and the focus on ‘present and future generations’ interpreted as follows: short term = cash flows; long term = a focus on a stable climate/ biodiversity)
    - Socioeconomic development from a constitutional perspective needing to be ecologically sustainable/ sustainable from a biodiversity perspective
  - An approach that aligns with an integrative approach – based on an understanding that the lives of individual animals matter, and that animals are deserving of respect (SAIFAC)
  - In line with the above, include within policy a move away from practices that exploit individual animals – e.g., zoos; capturing of baby animals/ hand-rearing; hunting; culling; animal interaction – e.g., elephant back safaris (SAIFAC)

## 6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)

*Not specifically addressed.*

## 7. Agriculture and conservation policy conflicts

*Not specifically addressed.*

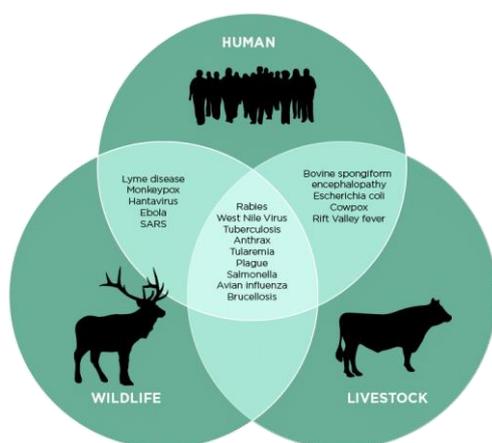
## 8. State protected areas

*Not specifically addressed.*

## 9. South Africa’s International Standing and Reputation

- **Status quo:**
  - South Africa is viewed as having a mantra of “If it pays, it stays” (Born Free Foundation)
  - International demand for wildlife products is complex, highly changeable, dependent on multiple factors, and very difficult to estimate or predict (Born Free Foundation)
  - International shift towards practices that recognise the rights of nature – e.g., US ban of ivory; bans on trophies (EMS Foundation/ Animal Law Reform)

- Global concerns:
  - COVID-19 has highlighted the need to incorporate human and animal health considerations – including zoonotics - into wildlife and biodiversity management and protection practices (EMS Foundation/ Animal Law Reform; Born Free Foundation; BAT)
  - Call for policymakers to adopt the One Health and the broader One Welfare approach, recognising that the health and well-being of people are intimately connected with the health and welfare of animals and the wider environment (Born Free Foundation; EMS Foundation/ Animal Law Reform)
  - Concern that the decisions of the South African government could affect global society health, economy and security, and biodiversity, given that (as per inputs from Beauty without Cruelty):
    - Commercial use of wildlife puts humans in direct contact with a range of wild species.
    - Wildlife farms create opportunity for pathogen transmission between wild animals and human caretakers because of regular contact for husbandry purposes, and high concentrations of wild animals in the same enclosures, poor hygiene, and stress associated with captive conditions (reducing resistance to pathogens)
    - There is increasing concern regarding zoonotics – diseases that jump between humans and animals. Known illnesses that are common across wildlife/ livestock/ humans:



(Beauty without Cruelty)

- Lions in captivity are unacceptable from an international perspective:
  - Impact on tourism is negative (including tourists being fooled into thinking efforts are part of conservation) - with risk of harming South Africa's ailing economy (Voice4Lions; EMS Foundation/ Animal Law Reform)
  - Negative impact on South Africa's standing in the international community, especially with impact of COVID-19 (Voice4Lions; Born Free Foundation; EMS Foundation/ Animal Law Reform)
- South Africa is a member of the African Union, which has endorsed the Animal Health Strategy leading to 2035, and One Health Approach (focused on interplay between domestic and wild animals, ecosystems and public health); African Head of States (including South Africa) endorsed African Platform for Animal Welfare in 2018 (Blood Lions/ World Animal Protection)
- **Recommendations**
  - Recommend an end to the intensive farming of close interactions with lions and other wildlife species, recognising the risk of pathogens and associated diseases (Beauty without Cruelty)
  - Consider a move away from consumptive use of animals (zoonotics apply to farmed animals, as well as wild animals – with the risk increased by use of antibiotics) (Beauty without Cruelty)
  - Take a highly precautionary view on the commercial breeding and exploitation of the species concerned, in light of their precarious conservation status, the damage that such activities might have on South Africa's reputation, and the advice in the IPBES Global Assessment that “opposition from vested interests can be overcome for public good.” (Born Free Foundation)

- Be cognisant of the impact of decisions take in South Africa, on the wildlife populations of neighbouring countries, and across Africa – e.g., impact of decisions on poaching of shared populations (Blood Lions/ World Animal Protection)

## 10. Management of the Five Iconic Species in the Wild

- **Status quo:**

- Funding:
  - Do not believe that the privatisation, commercialisation and commodification of wildlife is a desirable or effective way of financing biodiversity protection (Born Free Foundation)
  - Wildlife ‘pays’ through the role of individual animals and species within functioning ecosystems, and via the real value of the services those ecosystems provide (Born Free Foundation)
  - In terms of resourcing biodiversity protection, a number of international initiatives are examining how to fund mechanisms to halt and reverse biodiversity loss: UNDP Biodiversity Financing Initiative; CBD Resource mobilisation workshops and expert group in relation to post-2020 global biodiversity framework; Dasgupta review (commissioned by the UK Treasury) – looking at how we value nature and the ecosystem services (Born Free Foundation)
  - ‘Non-destructive’ wildlife tourism sector holds value in terms of income generation, job creation, and wildlife protection incentives (Born Free Foundation)

- **Recommendations:**

- General management: trade is not a solution to the management of any indigenous species (BAT)
- Funding:
  - Do not believe that the privatisation, commercialisation and commodification of wildlife is a desirable or effective way of financing biodiversity protection (Born Free Foundation)
  - Recommend South Africa investigates resourcing initiatives beyond income generation through wildlife tourism: linking development and climate funding to wildlife and biodiversity protection; green investment incentives and financial disclosure requirements to leverage private sector finance; national debt deferral/ repayment holidays, and debt forgiveness for developing countries, in return for biodiversity investment (“debt for nature schemes”); trade deals that include action on biodiversity protection and animal welfare; debt swaps for investment in public health, food and water security, linked to long-term nature protection initiatives; green taxes (polluter pays); blended finance schemes; incentivization of finance for nature from private sources (Born Free Foundation)
  - Review Kenya’s strategy of shifting people from hunting into environmental care: Strategy included creation of conservancies near Masai Mara to increase space for animal movement – linking these to benefits for communities (SAIFAC)

## 11. Hunting of the Five Iconic Species

- **Status quo:**

- Trophy hunting makes up a minimal contribution to tourism-related income, with significantly less job creation (Beauty without Cruelty)
- Ecotourism viewed as offering various benefits: respect for and promotion of nature; conservation of the environment; interpretation and education opportunities; support for communities; benefits for direct conservation; income from photo-tourism (Beauty without Cruelty)

- Hunting of ‘canned’ and/ or ranch lions viewed as unacceptable (with Voice4Lions seeing the different terms as semantics, but referring to a captive-bred animal, that is sometimes also drugged and/ or hunted in a small space) (Voice4Lions)
  - No evidence that hunting captive bred lions relieves pressure from wild lions (Voice4Lions; Blood Lions/ World Animal Protection)
  - Concern that trophy hunting benefits private land-owners primarily – with limited broader financial, conservation or community benefits (Born Free Foundation; EMS Foundation/ Animal Law Reform)
  - Concern regarding the impact of trophy hunting of elephant bulls, in terms of the detrimental effects on wider elephant society, and loss of leaders crucial to younger males (Born Free Foundation)
- **Recommendations:**
    - Commercial use of wildlife, through trophy hunting or trade, is not an effective way of ‘managing’ wildlife populations/ dealing with ‘problem animals’ (Born Free Foundation)
    - Where control of wildlife populations is considered necessary in human-managed or dominated landscapes, consider the International Consensus Principles for Ethical Wildlife Control (2017) (see slides) (Born Free Foundation)
    - Non-lethal use of wildlife is far more lucrative and sustainable than lethal use, and the presence and promotion of the latter risks damaging the economic potential of the former (Born Free Foundation)
    - End trophy hunting: “inconsistent with integrative approach to the environmental right”; “inconsistent with intrinsic value of animals” (SAIFAC)
    - Engage in a just transition in respect of the hunting industry – helping reskill workers to move into new economies (SAIFAC)

## 12. Live export of the five iconic species

*Not specifically addressed.*

## 13. Conservation and ecologically sustainable use of Leopard

- **Proposals for sustainable use of leopard:**
  - Focus on incentivising non-lethal interventions (noted as already being in place): herding techniques; electrical fences and collars; flashing lights; etc (HSI)

## 14. Captive lions

- **Status quo:**
  - Concern regarding ongoing issuing of permits by the department, despite reputational and legal risks (HSI)
  - Status quo in terms of wild lions: at risk due to wildlife trade, disease, low numbers in the wild – with need to stabilise and secure (Voice4Lions); evidence of increase in poaching due to demand for body parts (Blood Lions/ World Animal Protection)
  - Insufficient evidence of funds from captive bred lions benefiting lions in the wild – e.g. see paper by R Harvey (Born Free Foundation)
  - Projected that captive population is close to 10 000 to 12000 lions (Blood Lions)
  - White lions revered as sacred animal and climate indicator species by South Africa’s indigenous communities – “White lions are our royal family” (Global White Lion Protection Trust)
  - Challenges associated with lions in captivity/ commercial exploitation of animals:

- Reputational risk for South Africa, and for South Africa's tourism industry (HSI; Born Free Foundation; Voice4Lions)
- Health/ safety risks:
  - E.g., For those involved, including workers, in terms of physical safety (HSI; EMS Foundation/ Animal Law Reform) – with limited regulation; limited protection (EMS Foundation/ Animal Law Reform); at least 65 wildlife interaction incidents (Voice4Lions)
  - Risks for future pandemics (HSI; Beauty without Cruelty; Voice4Lions; Born Free Foundation)
  - 63 pathogens found in wild and captive lions (Blood Lions/ World Animal Protection)
- Industry supports or benefits only a few people (Voice4Lions; Born Free Foundation)
- Limited transformation (Blood Lions/ World Animal Protection)
- Repeated panels and investigation, with significant costs attached (Voice4Lions)
- Does not contribute to conservation – e.g. inbreeding (Blood Lions/ World Animal Protection)
- Welfare issues (HSI; Voice4Lions; Blood Lions/ World Animal Protection)
- Insufficient capacity within NSPCA to address welfare concerns (Voice4Lions)
- DEFF reports that nearly 40% of registered breeders are non-compliant/ operating with lapsed permits – and yet department does not have the capacity to enforce standards (Voice4Lions); voluntary adherence to norms and standards (Blood Lions/ World Animal Protection)
- Facilities sometimes serve as conduit for illegal activities (Voice4Lions)
- Bones sold to the east as 'tiger bones' (Voice4Lions)
- Stockpiling of bones for future sale also opens up risks (Voice4Lions)
- If industry were to continue, would need teams of inspectors trained in welfare matters to conduct ad hoc inspections – recognising: there is currently insufficient capacity; training is not fully aligned to this need; many breeders have sections that are not for viewing (Voice4Lions)
- **Recommendations:**
  - Make decisions in the interests of the public – in the context of contentious and damaging practices (EMS Foundation/ Animal Law Reform)
  - Phase out:
    - Ensure phased closure of captive lion breeding industry (HSI)
    - Stop issuing further permits (HSI; Voice4Lions; Blood Lions/ World Animal Protection; (EMS Foundation/ Animal Law Reform)
    - Close down industry over a two year period (Voice4Lions)
    - Ensure no further breeding during phased closure period; separate females and males (Voice4Lions); mass sterilization (Blood Lions/ World Animal Protection)
    - Remunerate NSPCA to carry out head counts during period of phasing out (Voice4Lions); audit lions and euthanise those that are compromised (Blood Lions/ World Animal Protection)
    - Call for owners to provide lifetime accommodation, under observation (Blood Lions/ World Animal Protection)
  - Should close down farms through a national plan, inclusive of independent audits – and establish alternative infrastructure with repurposed jobs, to support people (EMS Foundation/ Animal Law Reform)
  - In terms of current lions in captivity:
    - Welfare responsibility rests with the department as regulatory authority, and with lion owners, given their obligation to prevent neglect and abandonment of lions (HSI)
    - Decision to farm lions is a business decision – inherently risky. Responsibility should rest with farmers, similar to the "polluter pays" principle (EMS Foundation/ Animal Law Reform)
    - Not possible to release into the wild (Voice4Lions; ):
      - Insufficient habitat – carrying capacity has been reached, with lions breaking out of spaces where there is limited space (Voice4Lions)

- In-breeding risks of those in captivity – risking the gene pool
  - Hand over lions to NSPCA, where possible (Voice4Lions)
  - Euthanise, where NSPCA/ other suitable option is not viable – may be “only kindest option” (Voice4Lions)
  - Establish a guarantee that lion parts won't be traded (Voice4Lions)
- How to address potential ongoing demand for derivatives:
  - Focus on education of consumers – advising that consumption for medicinal and other purposes brings no benefit (Beauty without Cruelty)

## 15. Elephant and ivory management

- **Status quo:**
  - Poaching has led to a significant elephant population decline across many parts of their range, with CITES-sanctioned ‘one off sales’ of ivory viewed as stimulating demand/ fuelling poaching (Born Free Foundation)
  - International consensus on need for a comprehensive ban on ivory trade at international/ domestic levels: IUCN Resolution on Closure of domestic markets for elephant ivory; CITES Resolution; other jurisdictions that have/ are taking action – e.g., US, China, UK (Born Free Foundation; EMS Foundation/ Animal Law Reform). EU and Japan being urged to shut markets (EMS Foundation/ Animal Law Reform)
  - Increase in poaching in parts of South Africa, including Kruger National Park – and increase in illegal ivory trade (EIA)
  - By encouraging legal sale of ivory, South Africa is encouraging illegal trade elsewhere in the world (EMS Foundation/ Animal Law Reform)
- **Recommendations:**
  - Update Elephant Norms and Standards to include the following: (All HSI)
    - A focus on both welfare and well-being
    - A focus on ecologically sustainable development – to ensure consistency with environmental rights
    - Adoption of mitigating actions before lethal control is considered (this option only after all other alternatives are addressed)
    - Reduction in the term applicable for management of elephant populations – i.e. down to 5 years (given that elephant populations are capable of doubling every ten years)
  - Undertake a retrospective assessment of previous elephant management guides (HSI)
  - Recommend South Africa supports international momentum to shut down ivory markets and focus on reducing demand in terms of ivory stockpiles (Born Free Foundation)
  - Recommend secure ivory stockpile management, or destruction of ivory stockpiles (Born Free Foundation)
  - Use culling as a last resort for managing elephant populations – consider immune-contraceptive way. Also need to move away from idea of killing elephants and feeding meat to people (EMS Foundation/ Animal Law Reform)

## 16. Rhino and rhino horn management and trade

- **Status quo:**
  - Even if South Africa has seen reduced poaching, there is increased rhino poaching in other rhino range states (especially Botswana and Zimbabwe) (Born Free Foundation)
  - Legal domestic trade and calls for the reintroduction of legal international trade stimulates demand and incentivises poaching (Born Free Foundation; EIA)
  - UNODC World Wildlife Crime Report 2020 indicates an upward trend in rhino horn seizures (potentially from stockpiled horn in cases) – reflecting the need for robust stockpile management (EIA)

- Concern that legal domestic market may facilitate illegal international trade in rhino horn (Born Free Foundation; EIA)
  - Significant international rhino horn trafficking; transnational organized criminal networks control international trade (EIA)
  - International trade will stimulate demand and poaching, and complicate law enforcement (EIA)
  - Legal trade in rhino horn is inconsistent with CITES resolutions and decisions: Resolution Conf. 9.14 (Rev. CoP17) urges Parties to “develop and implement well targeted strategies for reducing the use and consumption of rhinoceros parts and derivatives” (EIA)
  - Concerns regarding rhino horn trade regulations: rhino horn regulations by foreign nationals not prohibited; only a three year prohibition on production/ trade in rhino horn pieces/ powder; challenges in enforcement with SAPS terminating its relationship with eRhODIS (EIA)
  - View that trade leads to the decline in species: rather than legal demand displacing illegal demand, trade stimulates illegal demand (SAIFAC).
- **Recommendations:**
    - Important to view rhino population and poaching trends in context with other African rhino range states, when making decisions on rhino management and trade policy (EIA)
    - Bans on trade in wildlife products (e.g. horn/ ivory) can be effective, but need consistent and robust legal and judicial processes and enforcement efforts, and consumer education programmes (Born Free Foundation)
    - Recommend prohibiting exports of rhino horn and rhino horn products for commercial and non-commercial purposes, except for legitimate law enforcement or scientific purposes (EIA)
    - Recommend South Africa close its domestic rhino horn market urgently – with domestic legal markets for rhinoceros parts and derivatives providing opportunities to launder illegal rhino products, increase the burden on law enforcement, undermine the CITES trade ban, send mixed messages to consumers, and stimulate demand - thereby undermining years of demand reduction efforts (EIA)

## 17. Rhino horn and elephant ivory stockpiles

- **Status quo**
  - All rhino horn stockpiles are at risk of theft and high security costs create an added burden for private citizens and government agencies responsible for rhino horn stockpiles (EIA)
  - Stockpiling rhino horn undermines the CITES rhino horn trade ban by sending conflicting signals to consumers, which perpetuates the demand for rhino horn that is fueling poaching (EIA)
  - The United Nations Office on Drugs and Crime 2020 World Wildlife Crime Report identified the risk that stockpiles may be supplying the illegal trade (EIA)
- **Recommendations:**
  - Destroy ivory stockpiles – reduces impact of security costs; shifts it from being seen as a commodity (EIA)
  - Recommend the destruction of rhino horn stockpiles unless kept for legitimate enforcement and scientific purposes (EIA)

## 18. Commercial use of captive rhino horn

*Not specifically addressed.*

*Key messages arising from public stakeholder engagement session #4: Eco-tourism Stakeholder Category – 7 October 2020*

The following document reflects a summary of key views emerging during the public stakeholder consultation held on 7 October 2020. It provides an overview of the process, messages arising from participant presentations, and responses to High Level Panel (HLP) questions. Inputs have been clustered in the context of the emerging 'big issues' identified by the HLP – with clarity also provided in terms of the name of the organisation making each input or recommendation. Where no issues arose in terms of a particular area, this is indicated. The content included here is also supported by a full transcript of the session.

At the start of the session, those present were introduced to members of the HLP, and provided with clarity in terms of:

- The nature of the engagement, with this designed to serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase
- The manner in which the session would be run (e.g., time allocations for presentations and questions/ answers)
- Arrangements in terms of follow up questions that the HLP may wish to ask, with these questions to be sent out to all participants present, in the interests of transparency
- Broader practices followed by the HLP to support sound process (e.g., the fact that all panel members had signed a Declaration of Interest, to declare any possible areas of conflict of interest)

#### **Presentations by stakeholders**

- Colin Bell on behalf of Eco-tourism collective \*
- Simon Morgan on behalf of Wildlife ACT Fund Trust

#### **Additional inputs and comments by stakeholders**

- Charan Saunders \*
- Sarah Tomkins, Samarah Private Game Reserve \*
- Phil Biden, Javelin Capital \*
- African Wildlife Services
- Prof P van der Merwe, Univ of NW
- Holger Jensen, Jensen Safari's
- Ukutula Lodge, Willi Jacobs

## **1. National Policy on Biodiversity Conservation and Sustainable Use**

*Not specifically addressed.*

## **2. Transformation of the wildlife sector**

- **Status quo of transformation in the wildlife sector:**
  - Captive breeding industry benefits only a few people (Wildlife ACT)
- **Recommendations/ requirements for transformation:**
  - Conservation and the regenerative green economy has the potential to create wealth and jobs for a wide range of role-players (Wildlife ACT)

### **3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector**

*Not specifically addressed.*

### **4. Capacity building, education, training, and empowerment of human capital across the wildlife sector**

*Not specifically addressed.*

### **5. Welfare and the ethical treatment of wildlife**

*Addressed in relation to species.*

### **6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)**

*Not specifically addressed.*

### **7. Agriculture and conservation policy conflicts**

#### **• Recommendations/ positions:**

- Look at opportunities for an inclusive economy that differentiates between natural lands, working lands with regenerative agricultural practices (increasing health of the land and surrounding air and water, providing room for nature to expand, increasing farm incomes, and improving nutritive value of food), and hybrid lands (integrating natural and working lands and built infrastructure) (Wildlife ACT)
- Focus on intrinsic value exchange, where the world starts taking interest in big land spaces (e.g., can buy shares in amazon forest). (Wildlife ACT)

### **8. State protected areas**

*Not specifically addressed.*

### **9. South Africa's International Standing and Reputation**

#### **• Status quo:**

- Increasing concern voiced by tourists and volun-tourism industry in terms of practices such as captive breeding, with volunteerism in businesses that cub petting and the like contributing to significant reputational damage for South Africa (Wildlife ACT)
- Wildlife is South Africa's world differentiating factor (plenty of beaches worldwide, but South Africa's wildlife is a differentiator). If South Africa did not have wildlife, tourism revenue would drop by and estimated 50% (Javelin Capital: investor in tourism in South Africa)

## 10. Management of the Five Iconic Species in the Wild

- **Status quo:**
  - Wildlife ACT's approach to volun-tourism involves the creation of two to three local jobs per five volun-tourists – with the latter involved in work that does not replace the work of local people – with the model primarily focused on supporting wild species in the wild (Wildlife ACT)

## 11. Hunting of the Five Iconic Species

- **Status quo:**
  - Consumptive and non-consumptive use of wildlife contributes to job creation and the economy – with consumptive use often contributing economically to areas where other options (e.g., ecotourism/ other alternatives for job creation) are not viable (Prof P van der Merwe)
  - Both eco-tourists and hunters impact the biodiversity of an area (although the contribution per hunter economically is greater than that per eco-tourist) (Prof P van der Merwe)
  - Hunting contributes to other aspects of the value chain (e.g., breeding, firearm industry), impacting the economy of these areas, and job creation (Prof P van der Merwe)

## 12. Live export of the five iconic species

*Not specifically addressed.*

## 13. Conservation and ecologically sustainable use of Leopard

*Not specifically addressed.*

## 14. Captive lions

- **Status quo:**
  - Current practices are contrary to Parliamentary resolution to end captive breeding of lions (Wildlife ACT; Saunders)
  - Inspection of current facilities revealed significant levels of non-compliance, yet permits were renewed (Saunders)
  - Captive lion industry has failed to contribute to wild lion conservation in any meaningful way – with efforts resulting in a net negative impact on wild populations (Wildlife ACT)
  - Increase in body parts being harvested from wild lions – across continent and in South Africa – with increase in poaching driven by increase in skeleton exports (Wildlife ACT)
  - No conservation value associated with captive bred lions (Wildlife ACT)
    - Do not reduce pressure or threats on wild lions (may increase poaching pressure)
    - Excess wild lions – in context of carrying capacity of land
    - Provide no genetic value, and cannot be used to populate other parts of Africa (would lead to homogenisation, increasing risk of populations to disease, etc.)
- **Recommendations:**
  - Stop lion bone captive breeding (Wildlife ACT)
  - If blanket ban: will assist with clear messages (end users asking how they can we talk about reducing demand, when South Africa is promoting trade) (Wildlife ACT)

## 15. Elephant and ivory management

- **Status quo:**
  - Demand in ivory increased with once off sales of ivory (Wildlife ACT)

## 16. Rhino and rhino horn management and trade

- **Status quo:**
  - Legalising trade of rhino horn will result in criminal syndicates exploiting legal routes to increase demand, price and supply of illegal trade (Eco-tourism collective)
  - Communities have to be part of solution – i.e., benefiting from rhino – with wild rhinos being the best route through which to boost tourism (Eco-tourism collective)
  - Evidence reflects that increased supply in ivory/ rhino horn/ bones is echoed in an increase in poaching (Wildlife ACT)
- **Recommendations:**
  - Focus on demand reduction by changing end use states – recognizing that zero poaching for parts is only feasible when there is no demand (Wildlife ACT)

## 17. Rhino horn and elephant ivory stockpiles

- **Status quo**
  - Trade in rhino horn and ivory would increase illegal market activity – with syndicates exploiting the gap between supply and demand (with South Africa unable to meet demand with its stockpiles) (Eco-tourism collective)

## 18. Commercial use of captive rhino horn

- **Status quo:**
  - Concern with farming rhino: Farmed rhino are not wild. Example of Vicuna: farmed, with numbers on farms increasing, while numbers in the wild declined (farms need vets, fences, staff – while no significant costs attached to poaching) (Eco-tourism collective)
  - Intensive captive breeding reflects a shift away from focusing on the well-being of both animals and people living adjacent to parks – with the approach only benefiting a few, while harming South Africa's reputation, tourism. etc. (Eco-tourism collective)
- **Recommendations:**
  - Stop captive rhino horn breeding (Wildlife ACT)
  - If blanket ban: will assist with clear messages (end users asking how they can we talk about reducing demand, when South Africa is promoting trade) (Wildlife ACT)
  - Return farmed rhino to the wild (Javelin Capital)

*Key messages arising from public stakeholder engagement session #5: NSPCA; Tourism Sector Stakeholders – 13 October 2020*

The following document reflects a summary of key views emerging during the public stakeholder consultation held on 13 October 2020. It provides an overview of the process, messages arising from participant presentations, and responses to High Level Panel (HLP) questions. Inputs have been clustered in the context of the emerging 'big issues' identified by the HLP – with clarity also provided in terms of the name of the organisation making each input or recommendation. Where no issues arose in terms of a particular area, this is indicated. The content included here is also supported by a full transcript of the session.

At the start of the session, those present were introduced to members of the HLP, and provided with clarity in terms of:

- The nature of the engagement, with this designed to serve as an opportunity for the HLP to engage on and ask further questions in respect of submissions made, as part of the public stakeholder engagement phase
- The manner in which the session would be run (e.g., time allocations for presentations and questions/ answers)
- Arrangements in terms of follow up questions that the HLP may wish to ask, with these questions to be sent out to all participants present, in the interests of transparency
- Broader practices followed by the HLP to support sound process (e.g., the fact that all panel members had signed a Declaration of Interest, to declare any possible areas of conflict of interest)

#### **Meeting with NSPCA**

- National Council of SPCAs (NSPCA) input

#### **Meeting with Tourism Sector**

- Presentation by Southern Africa Tourism Services Association (SATSA) on Guidelines
- Presentation by Tourism Business Council of South Africa (TBCSA)
- Presentation by Brand SA

## **1. National Policy on Biodiversity Conservation and Sustainable Use**

- **Status quo:**
  - Review of legislation highlights that the current legislative framework doesn't adequately regulate the use of African animals in 2020 (SATSA):
    - NEMBA: Unclear mandate (different role-players; limited mention of animal welfare in NEMBA related regulations and norms and standards)
    - Legislation is biased in favour of economic gain and human interests
    - NEMBA lacks enabling provisions, and only applies to TOPS
    - Misalignment of provincial and /or national legislation
    - Repetitive and confusing legislation and regulations
    - Lack of sufficient collaboration between national departments and between national and provincial departments
    - Excessive and ineffective permitting; inconsistent permitting across provinces, not always compliant with legal requirements - with welfare provisions frequently omitted
    - Insufficient norms and standards, in particular for TOPS

- Lack of capacity (human and financial) to efficiently monitor legislation and regulations – Green Scorpions, NSPCA, DAFF, DEA (environmental management inspectors under NEMA). Enforcement action for only well publicised cases of cruel treatment.

- **Recommendations:**

- NSPCA is not opposed to private ownership of wildlife. South Africa has followed an old method of conservation that includes putting up fences around areas, in trying to deal with sustainable utilization. Out of this came intensive and selective breeding of wildlife, colour morphs, the captive lion industry, keeping a range of animals in small areas of captivity for engagement. Collectively, this should be interrogated, to assess if practice is in line with what legislation says. Regulation of wildlife is affected by an array of national and provincial statutes – which collectively guide how both the government and private sector should conserve and use wildlife. (NSPCA)
- If selective breeding or farming with wildlife is allowed, a risk adverse approach needs to be demonstrated, recognising that this is South Africa's heritage, and taking into account conservation principles, and all warnings of changes to the landscape, biodiversity and the species (NSPCA).
- Any updates to legislation and regulatory framework, roles and responsibilities need to avoid unintended consequences. (SATSA)

## 2. Transformation of the wildlife sector

- **Status quo:**

- Current practices bring with negative consequences for economic growth, with this hindering the potential of the sector for driving transformation (SATSA)

- **Recommendations:**

- In terms of transformation, ,while there is some emergence of new operators from PDI groups organically in the sector, transformation will require new forms of collaboration – e.g., land reform/ agriculture/ collaboration between white farmers and emerging farmers, and the establishment of ecosystems of support (Brand SA).

## 3. Thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector

*Not specifically addressed.*

## 4. Capacity building, education, training, and empowerment of human capital across the wildlife sector

*Not specifically addressed.*

## 5. Welfare and the ethical treatment of wildlife

- **Recommendations/ positions:**

- Courts are seeing animal welfare and conservation as intertwined. Animal welfare has been a part of conservation since the beginning. Different natural environmental stresses influence an animal's ability to cope. With captive animals, there are different elements impacting, beyond the five freedoms. For captive animals, we need to get back to the basics. Welfare is as simple as the principle that you cannot enclose livestock in small areas as this will result in veld degradation. (NSPCA)

- Applying welfare requirements in the wild/ private areas: Cannot apply 'welfare' with one brush. Have to look at it in each context and adjust welfare to suit different environments. First intention is protection of biodiversity and conservation – recognising that there are lots of human-induced impacts on the landscape that need to be considered (NSPCA).
- Specific measurable criteria need to be established on an activity by activity basis to indicate that activities in the wild (e.g., hunting) are being carried out in a responsible manner that is 'ethical' and 'humane'. Focus should be placed on setting internationally reputable standards and measurable criteria with a scientifically determined weight factor (e.g., showing you are: contributing to communities; contributing to threats faced by species in the wild; being ethical) (NSPCA).
- Capacity and process challenges when applying welfare to captive breeding facilities:
  - NSPCA pays for its own vets to gather evidence; it takes up to two years to get a case to court. NSPCA gathers evidence, submits evidence to prosecutors for decisions, with further investigation by SAPS and the Hawks. Approach with breeders is to focus on education, to ensure the welfare of the animal is immediately addressed so that it is not so severe.
  - Dealing with an industry made up of different species. For many animals, the NSPCA only has the Animal Protection Act, but no norms and standards – with it sometimes being difficult to get the regulations the facility needs to adhere to.
  - Significant gaps in terms of wild animal welfare - with existing legislation insufficient to address this.

## 6. Inefficiencies in governance of the wildlife sector (9+1+1 issues)

### • Recommendations/ positions:

- NSPCA institutional arrangements: Important to maintain independence, with no influences over who the NSPCA can or cannot prosecute. Current arrangements do not exclude the NSPCA from working with government or other stakeholders, and do not stop the NSPCA from getting funding from government. (NSPCA)
- One Welfare would assist and should be addressed in implementation – but effectiveness depends on having effective monitoring and enforcement methods – and this needs to be supported by sufficient capacity (NSPCA).

## 7. Agriculture and conservation policy conflicts

### • Recommendations/ positions:

- In terms of the overlapping mandate between DEFF and DALRRD, both departments have to carry out their mandates and collaborate when there is an overlap, as per Chapter Three of the Constitution. Welfare is part of each department's mandate – as ruled by the court. Work independently in own fields, and when there is an overlap, they must collaborate. (NSPCA)
- Concern regarding listing of wild species under the Animal Improvement Act: means a lot of our wildlife will be intensively bred – with concerns relating to work carried out by the 2002 panel of scientists who reviewed intensive breeding of wildlife and highlighted potential risks - including issues relating to sustainable utilization, and threats posed to biodiversity and species. (NSPCA)

## 8. State protected areas

*Not specifically addressed.*

## 9. South Africa's International Standing and Reputation

### • Status quo:

*Analysis by SATSA:*

- Value of inbound tourism (SATSA):
  - Total value of tourism is R273.2 bn (8.6% of GDP), supporting 1.5 million jobs – including rural job creation
  - Inbound tourism value is R120 bn, with the bulk being leisure tourism (the consumptive industry accounts for R2 bn).
  - In 2019, South Africa received 2.6 m overseas arrivals – compared with Australia, which had 8m long haul arrivals, with South Africa not taking advantage of its rich offerings (culture, food, wine, outdoors). Factors holding South Africa's tourism industry back include:
    - Access issues (e.g., the challenge of visitors being unable to arrive without unabridged birth certificates)
    - Red tape issues for travellers/ bureaucracy
    - Perceptions: relating to safety and security; concerns regarding wildlife conservation practices – with travellers from key markets (e.g., Europe) raising questions about hunting and how animals are treated in South Africa. Children increasingly influence family choices in terms of travel – and are saying that they do not want to travel to countries where they shoot animals.
  - Key issues to consider in this: South Africa's brand, and the direct link between brand, conservation and tourism; job creation opportunities; transformation opportunities (with a growing economy supporting transformation)
- SATSA carried out a study into 'animal interactions', based on data that started emerging in 2017 that indicated the perception that tourist attractions offering animal interactions were unethical – with this holding the power to tarnish the international reputation of South Africa and severely impact the tourism industry. SA Tourism noted they would need to expend extra effort and resources in order to simply maintain South Africa's reputation and tourism brand in international markets. SATSA and SA Tourism response reflects on analysis of the issue.
- Research was carried out over twelve months by SATSA, on behalf of a number of members, to assess if animal interactions were harmful to South Africa's tourism reputation:
  - Outputs included a Guide, and a short, practical, user-friendly Tool aimed at assisting owners of captive wildlife experiences, visitors and buyers in making informed decisions based on sound ethics, to support good practice only.
  - Work recognized similar tensions to those that form the focus of the HLP – i.e., the tension between:
    - Ecologically sustainable development and use of natural resources, versus economic and social development needs
    - Short term urgency of commercial and/ or self-interest, versus longer term consequences to the environment and sustainability interests
  - Analysis reflected on the urgency of change, with South Africa seen as having once chance to mediate these tensions, to place the country at the front of ethical travel destinations (thereby growing the industry); to enhance the value of the tourism wildlife economy by guiding and providing comfort to consumers/ tourists in their decisions; to enhance social co-benefits (job creation; preservation of species for future generations); and to improve the welfare of wild animals in captivity/ identify unacceptable activities.
  - Focus was placed on pinning the assessment process and decisions on three foundations: African-centredness; and ethical framework; the Constitution – with:
    - African indigenous knowledge systems embedding environmental conservation as part of Africans' collective identity and morality – with African philosophy encouraging a collective sense of responsibility to conservation through religion, clan names, proverbs and taboos.

- The Integrative Approach chosen as the preferred framework – identified as being locally-born, locally relevant, African-philosophy-linked and Constitutional Court endorsed.
- The Constitutional Court expressly approving an “Integrative Approach” to conservation which “links the suffering of individual animals to conservation and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined value”.
- Findings of the study:
  - Tourism’s sustainability depends on what potential tourists *think* – this determined tourism levels
  - A real shift in public sentiment away from exploitation of animals for human enjoyment – with social media, campaigns, Greta Thunberg, David Attenborough, and other influencers impacting the tourism industry and product uptake
  - Significant evidence of global tourism players advising tourists against activities that involve harm and animal interaction – with each tourism operator ‘selling the world’ to their customers. Dutch tourism operators, for example, have removed all activities that include animal interaction from their portfolio. The most frequently asked questions on TripAdvisor in terms of South Africa include questions on animal interactions, ethics and responsible tourism. South Africa featured on five of the ten ‘cruellest animal interactions’, as defined by World Animal Protection.
  - Visitor and staff surveys at facilities reflected a large number of incidents with captive carnivores, and with other species.
  - South African Tourism’ CEO, Sisa Ntshona, has stated that "South African Tourism does not promote or endorse any interaction with wild animals such as petting of wild cats, interacting with elephants and walking with lions, cheetahs and so on."
  - COVID-19 has resulted in an awareness of the depth and reach of tourism jobs and what their losses mean – with practices like promoting trade/ contact with exotic species and their body parts placing tourism at further risk, especially in the context of zoonotics. Meat Safety Act and Animal Improvement Act (which lists 33 wild species as livestock) lay the ground for large scale farming: a backwards step in the context of global practice and opinion.
  - Damage to conservation reputation is damage to tourism – where the sector accounts for significant numbers of jobs, and will drive more economic recovery than other sectors

*From TBCSA:*

- Looking to HLP for a clear direction in terms of the sector – given the organisation’s experience of being ‘in the middle’ of many conflicting views (with TBCSA’s members including a range of private sector operators – some of whom are against practices like hunting of captive bred lions, and some of who are for these). (TBCSA)
- **Recommendations**
  - For tourism to be economically viable, it has to be responsive. Reform the trade in live animals and animal parts (SATSA):
    - To attract tourists and grow the economy
    - To reflect South Africa’s alignment with a post-COVID-19 world and what that will mean
    - To align with the Constitution, case law from the Constitutional Court, and African custom
    - To demonstrate an understanding of the importance of driving long term benefit ahead for all, of immediate gratification and enrichment
  - Recognising that there are varied views, with many submissions received from those who are against South Africa’s current practices – and those that are for – TBCSA recommends that a full impact assessment is carried out to determine the impact, and extent of the impact, of current animal interaction and breeding practices on the tourism industry – measured in terms of Rand value. (TBCSA)

- Introduction of a sustainability index would assist – alongside a satellite account for wildlife based tourism, to fully understand the impact of perceptions (TBCSA)
- Need to recognise that we are in an information era – where information can become contagious in a moment. Even if information is generated through a campaign, it is still an issue. Issues such as canned lion hunting and the export of lion bones reflect how a nation's brand is manufactured everywhere we are not (i.e., in factories, the landscape, manufacturing, universities, other parts of the world) – with the potential for one issue to destroy a nation's reputation (Brand SA)
- Decisions need to be taken with an understanding of the contagion effect (e.g., captive lion breeding represents a small part of the industry, but can impact the rest of the industry negatively via contagion) (Brand SA)
- Need a communication strategy and effort to manage South Africa's reputation – and need to establish a team of stakeholders locally and globally who can be activated in cases of 'contagion' to support the brand and manage risk. (Brand SA).

## 10. Management of the Five Iconic Species in the Wild

- **Recommendations:**

- In terms of balancing trade-offs (e.g., when a species like elephant have increased above carrying capacity), the principle has to include a focus on the basics of conservation. You need to manage it in line with the norms and standards, an elephant management plan, habitat management, etc. If the receiving habitat is impacted negatively, you have to address it. The ecosystem is only as healthy as all the fauna and flora that make up the habitat (NSPCA).

## 11. Hunting of the Five Iconic Species

- **Status quo:**

- Submissions received from many who see hunting as part of their tradition, and communities that depend on hunting for upliftment (TBCSA).
- Based on what TBCSA sees, not many are against hunting – but significant opposition to hunting of lions bred in captivity (TBCSA).

- **Recommendations:**

- Trophy hunting has come under lots of criticism over the years. Many argue that money goes back to communities, into protecting the habitat, or into other forms of conservation, but recent evidence shows a lot of money goes to outfitters. This needs to be addressed. Once you have a clear objective of why you do the activity, criteria that are internationally recognised, and can show you operate in the confines of internationally recognized criteria, with transparent measures, there will be less concern. If an old male is hunted in an ethical and humane way, aligned to the criteria, there will be less concern. (NSPCA)

## 12. Live export of the five iconic species

*Not specifically addressed.*

## 13. Conservation and ecologically sustainable use of Leopard

*Not specifically addressed.*

## 14. Captive lions

- **Status quo:**
  - Concerns with the captive lion breeding industry, from a welfare perspective:
    - 2018 colloquium reflected significant concern and opposition to the industry. Despite statements that it serves conservation, there is no scientific evidence of this to date – with practices like removal of cubs from mothers, hiring out of cubs for petting, lion walking and then hunting influencing how it is viewed by the world. (NSPCA)
    - There are no norms and standards (e.g., in terms of how lions should be kept); practices differ across provinces; and management against any set standards is self-regulated. (NSPCA)
    - Inspections include a focus on behaviour, lack of/ inadequate shelter, food preparation, water, enclosure conditions (e.g., presence of rotten bones and meat), emaciation, neurological issues, absence of contingency plans, different species being housed together, animals in solitary confinement, inappropriate social groups in the same confined area. (NSPCA)
    - Cub petting – including the separation of cubs from their mothers: Not in contravention with the Animal Protection Act, but it does not fit in with sustainable use of wildlife, and is an ethical issue, especially if you can prove psychological/ physical/ emotional harm. (NSPCA)

## 15. Elephant and ivory management

*Not specifically addressed.*

## 16. Rhino and rhino horn management and trade

*Not specifically addressed.*

## 17. Rhino horn and elephant ivory stockpiles

*Not specifically addressed.*

## 18. Commercial use of captive rhino horn

*Not specifically addressed.*

#### 9.4 Summaries of engagements with community stakeholders, leaders and members of affected communities

The tables below provide summaries of all engagements undertaken as part of the engagement with community organisations, community leaders and members of affected communities.

<b>Title</b>	<b>High-level Panel consultation meeting with House of Traditional Leaders</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with House of Traditional Leaders
<b>Start Date and Time</b>	2020-10-21 18:00am
<b>End Date and Time</b>	2020-10-21 19:30pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>Panel members</li> <li>House of Traditional Leaders</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>Rather than recommending replacing the leopard skin with cloth for use by traditional leaders, breeding of leopards specifically for the skin should be considered.</li> <li>Traditional hunting methods deemed illegal to be revisited.</li> <li>The Panel needs to maintain the balance between the rights embedded in s24 of the Constitution and the cultural rights.</li> <li>There has been a proliferation of usage of skins by people who are not royals (and this could be the results of overexploitation of leopard population). The NHTL indicated that there were open to a further discussion on how this issue may be resolved, in order to ensure that leopard skins were only used by those legally recognised and allowed to use them.</li> <li>The Panel to note that not all traditional leaders used leopard skins, but that other use skins from cheetah and other animals depending on their cultures and preference.</li> <li>Communities want to have a sense of belonging and ownership by being part of the land and beneficiation. In order for such to happen, government and wildlife sector needs to improve on capacitation of communities, especially for those leaving adjacent to protected areas or areas with wildlife. Communities needs to understand the importance of conserving and sustainably utilize wildlife, and the benefits thereof. Communities to also be capacitated on how they could benefit economically through sustainable utilization of wildlife.</li> <li>The Panel to also consult major constituencies representing communities such as hunters' associations.</li> <li>Traditional leaders would be unhappy about a need to replace the use of leopard skin- Proposed demarcation or zoning of areas with an appropriate certificate where sales of skin would be allowed.</li> <li>NHTL appreciated the inclusion of number of traditional leaders on the Panel and wished to thank the Minister on that regard.</li> <li>The Panel to note that most communities were frustrated by losses incurred due to damage-causing animals.</li> <li>Traditional leadership needs to advise on who is authorised to buy and use leopard skin, as others can use alternatives like impala skin painted to look like that of leopard.</li> </ul>

<b>Title</b>	<b>High-level Panel community engagement with People and Parks</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with People and Parks
<b>Start Date and Time</b>	2020-10-29 09:00am
<b>End Date and Time</b>	2020-10-29 12:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• People and Parks</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• Members of People and Parks acknowledged and appreciated the fact that for the first time in history a Panel of this magnitude has recognised the need to consult with communities living adjacent to protected areas. This would ensure that the views and needs of local communities, especially those adjacent to protected areas are heard and considered in decision making processes by government.</li> <li>• Concern was raised that for many years the lives and livelihoods of communities living adjacent to protected areas or areas with wildlife had been continuously impacted by Damage-Causing Animals. Over the years, the Department of Environment, Forestry and Fisheries (DEFF) has held many discussions around the issues of compensation for the loss of lives and livestock as a result of damage-causing animals, with no progress in terms of putting in place tangible programme or policy to resolve the issues.</li> <li>• Further to issues pertaining to the impact of damage-causing animals, there was a request for the Panel to consider recommending a national policy that would effectively address issues relating to the extent of damages, management and compensation, rather than each province or management authority implementing its own Damage Causing Animal policy.</li> <li>• Concern raised that damages claimed by communities in cases of Damage Causing Animal impact seems to be very low as compared to those claimed by farmers who are familiar with market price value related to the extent of damage or species involved. The issues of damage-causing animals would still be at the centre of discussions when the Panel conducts community engagements. Issues pertaining to damage-causing animals have also been discussed and form part of the resolutions emanating from the national conferences.</li> <li>• Request for the Panel to be more specific in terms of benefits that may be accrued by communities living adjacent to protected areas, and how such benefits may be acquired and maximised.</li> <li>• Concern that the wildlife industry has been dominated by a certain group of players, and that local communities have been continuously neglected and excluded for many years. The wildlife industry and government need to ensure that the marginalised communities are included in the industry value chain and supported.</li> <li>• On the question of how the five iconic species are viewed in terms of local customs and tradition, it was indicated that if local customs and tradition or cultural way of doing things were to be formalised, then that would be much more beneficial to local communities.</li> <li>• It was indicated that indigenous knowledge should be viewed/considered as an important element, and that the Panel should also consider consulting with those members of the community with comprehensive indigenous knowledge (traditional leaders and elderly members of communities).</li> <li>• The Panel was requested to also consider all relevant reports/resolutions emanating from the national conferences of People and Parks, as such contain many concerns raised at national, provincial and regional levels of People and Parks structures.</li> <li>• With regards to the issue of capacity as highlighted in the presentation done by the Secretariat, there has been number of programmes initiated by DEFF, however the implementation of such programmes has been slow and not convincing. The Panel was requested to pick-up on such programmes in terms of how progress and implementation rate could be enhanced.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Panel was commended on the fact that part of its mandate was to consider issues pertaining to leopard skins and traditional leaders. In its recommendations, the Panel to also assist in advising on how traditional leaders could access such skins, without overexploitation of leopard population.</li> <li>• The Panel to provide a summary of policies under review, as such would serve as guidelines in terms of identifying resolutions that may be relevant to the work of the Panel.</li> <li>• With regards to enforcement and security, government has fine policies and legislation in place, but lacks implementation efforts.</li> <li>• The Panel needs to be clear in terms of existing markets that communities may venture into, and the level to which government would support communities to venture into such markets and maximise benefits.</li> <li>• The Panel to recommend policies that would ensure sustainable use of wildlife in such a way that discourages illegal activities, and encourages growth.</li> <li>• The relevance and reliability of information disposed by officials from government or management authority continues to remain an issue of concern in many communities. Often times, officials communicate wrong and incorrect information to community members, which discourages communities from trusting officials. When community members report incidents, often times, they are supplied with incorrect information or advice, which serves no assistance, but instead creates more confusion to community members.</li> <li>• With regards to land restitution, a concern was raised that the transfer of land that has been successfully claimed by communities has been very slow. This also delays communities from participating in wildlife economy due to lack of land to practice any wildlife related activity. Land successfully claimed as far back as 1998 has not been transferred to respective communities. The Panel should also consider engaging with the Commission on Restitution of Land Rights, in order to understand what could be the delay in terms of transferring land back to the rightful owners.</li> <li>• The Panel to also consult with traditional healers as key stakeholder in so far as it relates to nurseries, and other species they use in their practices.</li> <li>• The issue of enforcement seemed to be silent. Poachers in communities (poaching incidents) do not seem to get severe/harsh sentences/punishment, and that raises serious concerns regarding the credibility of the criminal justice. Panel was asked whether they have considered consulting relevant enforcement agencies, to ensure that in cases of poaching and related crimes, the law is effectively enforced.</li> <li>• The Panel was advised to also consider consulting the leaders of the provincial and regional structures of People and Parks, as they have more information and knowledge on things happening on the ground. In this regard, the Panel may acquire diverse views, concerns and perspectives on issues of mutual interest. These structures may assist the Secretariat in identifying some of the existing structures to be consulted.</li> <li>• The Panel was commended on the fact that at the centre of its mandate was also to look at issues pertaining to transformation and empowerment. It has been 25 years since democracy, but still wildlife remains in the hands of the minority. There is a need to have robust discussions around the issues of transformation and empowerment. When the Panel engages further with other stakeholders, issues pertaining to transformation and empowerment need to be emphasized.</li> <li>• Request for Isimangaliso Park Forum and Ezemvelo Forum to be also included in the KwaZulu Natal consultation engagement.</li> </ul>
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<b>Title</b>	<b>High-level Panel community engagement with Traditional Healers</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Traditional Healers
<b>Start Date and Time</b>	2020-10-29 12:00pm
<b>End Date and Time</b>	2020-10-29 16:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• House of Traditional Leaders</li> </ul>
<b>Key discussions</b>	<ul style="list-style-type: none"> <li>• No specific inputs.</li> </ul>

<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The constituents expressed their sincere gratitude towards the Panel for considering them as an important stakeholder in such a forum. They expressed that this is a once-off scenario, as the sector seemed to be overlooked, they felt left out in many of the policy formulating forums, which have an impact on them and their livelihood. They indeed feel very a part of the broader community with this step.</li> <li>• Traditional Healers are the essential users of the species in their practices of spiritual rituals, healing and cultural practices. This includes basic daily use of the animals.</li> <li>• The pieces of legislation that impedes on the practices, growth and effectiveness of the sector are NEMA &amp; NEMBA and they do appreciate the opportunity to be submit written submissions.</li> </ul> <p>NEMBA:</p> <ul style="list-style-type: none"> <li>• confines this constituency into a box, healers only participate in Chapter Six, on permitting. Traditional healers are perceived to be the ones poaching animals yet they do not have guns and this is an indication that these are organised crimes;</li> <li>• there is no financial beneficiation for healers;</li> <li>• Enforcement--healers are brought in without any planning or commercialisation;</li> <li>• Regulated without being given a chance</li> <li>• Lack of capacity building and empowerment</li> <li>• Cultural heritage--most of the African people are given names of animals and plants and that's their totem. That is considered sacred and innately taught to take care of that animal, such as BaTau, BaKwena etc. This shows that Africans are innate with nature and obliged to protect and defend.</li> <li>• Government build laws that strengthen the rule of law and protects environmental and human rights defenders. Indigenous people and traditional knowledge can bring critical perspective on the sustainable and right based development. However, there is no understanding on the role of Traditional Healers as knowledge holders.</li> <li>• Bioprospecting Fund—NEMBA speaks of equitable sharing for development of communities. How much does this fund contain and how much are healers supposed to claim from this fund or projects that can be supported by this fund</li> <li>• Transformation—how does this fund support healers and access to the land? When will healers sit on the committees or boards that distributes these funds?</li> <li>• Equitable distribution—what does this mean if the San &amp; Khoi were given less than 5% of the profit for Rooibos when the company has launched over 38 countries. This is very disappointing and does not give hope.</li> <li>• Species in question are important to the sector in a live form and as carcasses. Access to the where the species are, is very important and it also becomes a safety issue as this has a spiritual component.</li> <li>• The hides of the leopard and lion are used as regalia for the chosen few and because of lack of access, they are commodified.</li> <li>• Extracts of these species are used medicinally such as bones, fat, horns, claws. In whatever the Panel recommends, the Minister should create an enabling environment to have access to the extracts availability by: <ul style="list-style-type: none"> <li>○ Allowing for easy or smooth permit system;</li> <li>○ When the extracts are commodified, it allows access to foreign nationals and defeats the medicinal purpose</li> </ul> </li> <li>• Interactions with nature—healthy environment in key agreements with big corporations or companies. COVID-19 pandemic has highlighted the animal and human interactions, what we feed the environment also affects humans. These big companies affect the nature we have.</li> <li>• Post 2020 Global Biodiversity Framework—highlights the importance of taking care of nature, how we work and how it affects us.</li> <li>• Guaranteed meaningful participation—must be on a continua's basis and must be inclusive of Traditional Healers. For instance, all chiefs are affected as they use the Lion fat for cultural purposes as well as leopard's skin for their inauguration.</li> <li>• The concept of hunting should be clarified, is it for the whites? When is hunting allowed for communities? How do we integrate it n cultural practices?</li> <li>• Traveling &amp; Touring—wearing of hides of animals for the chiefs and Traditional Healers is not allowed when traveling beyond our borders. Yet this is an integral part of culture that exhibits who we are as an individual</li> <li>• Language used to communicate—no indigenous languages used and thus excludes a large number of the constituency</li> </ul>

- Time allocated/deadlines—in rural setting, there's no IT support and access to the wildlife economy parks for information transfer which is a much needed investment in the country.
- Call for Wildlife Economy—healers were not aware and since the chiefs do not have land anymore, there is no land anymore. Thus, a collaboration between DEFF and Land & Rural Development is highly recommended. Find new ways of working together that will put black people at the fore front of beneficiation and yet none of the animals are given to them to protect the species, making the black people more poor.
- Lockdown period—healers are essential workers and yet during the lockdown they were not able to access the markets. Majority of healers are women who are providers, this has a huge impact on families. Nothing was offered as a relief since the sector is considered informal.
- There was a study done at different muti markets (Faraday, Mona, Durban) which revealed that this is a huge market for skins, fat of different animals, teeth etc., which involves various aspects of healing. CITES COP 17 participants visited the Faraday market with the intention to expose South Africa for its neglect. These markets are huge and have a turnover of over R15-20 million per month and it is still regarded as an informal market. It is hard to believe that such a huge market with such a huge turnover cannot have a relationship with the local government. The demand is huge with over 300 traders in wildlife products. The source of these resources may be illegal but the government does not see the need to formalise the businesses and support this local market. The worst is that the supply is not infinite, this market has a lifespan of 10years.
- Due to the COVID-19 pandemic the system closed this constituency down as its regarded as informal. Traditional healers could not get access to any material as all markets were shut down and no provision was made for them.
- This sector needs aggressive educational and awareness programmes. Aspects of health, developing business, safety of people as some products are being ingested. There needs to be a constructive relationship with all stakeholders especially government.
- Indigenous knowledge needs to be guarded. Traditional healers have lost trust in the government as they are allegedly sharing this knowledge with pharmaceutical industry and this makes this constituency reluctant to share anything going forward.
- Going forward, since the HLP has limited scope, a reference group should be established going forward which should include traditional healers to clear the bad perception on this constituency and consider the different dimensions that they represent e.g. spirituality, culture, trade, medicine and substance use.
- Access to resources is impossible and people remain poor. Caves have been known culturally to house spirits and this is important for people with calling, but access to this caves are impossible. Black people's names such as Batau, Bakwena etc. are representative of some of the animals and have a cultural responsibility to be custodians of these resources.
- The wildlife economy does not support black people. Black people do not have land. The COVID-19 pandemic has made it clear that the government is inconsiderate.
- Effective waste management—poor people without access to the waste management and infrastructure still being hit by the effects such as health, sanitation. Dumping affects the natural resources. Government should support waste management. Collaboration between communities, government, healers, private sector will assist to achieve the safe, clean environment.
- Build back better—right based approach will ensure sustainable economic stimulus, which will protect and benefit all while ensuring that independent industry to carry on working.
- Environmental degradation—zoonosis, traditional healers cannot afford to use products from animals that are contaminated or ill as this will affect the clients and has potential to transmit diseases from animals to human.
- Rivers and mountains in townships are in bad conditions and there are no ablution facilities around these areas to avoid contaminations. Adopt a river programme should expand
- there are ways to do such and they are prepared to collaborate with government and authorities at a fee. Collaboration will be at a fee and bio-piracy will not be promoted.
- Lion meat is consumed as long as is fresh.
- primary users, secondary users and practitioners are tertiary users based on the demand. Relationships with parks enable practitioners to get resources. There needs to be a memorandum of understanding to provide these products freely.
- The concept of hunting needs to be cleared so that healers can access resources in an organised manner by groups;
- the way the animal is raised matters, if the animal was fed GMO's then it won't be acceptable. The animal has to be natural as possible. Also, why the animal was raised in captivity matters.

	<ul style="list-style-type: none"> <li>a total ban would be very devastating as most traditional healers are women who are breadwinners. This will affect communities as well as livelihoods. This would be raging war on this constituency and indigenous people who have been looking after these species. Constitutionally everyone has the right to practise their culture and spirituality. Section 27 of the Bill of rights—gives people the right to choices of treatment. This will attract negativity. Government needs to find a way to work with everyone.</li> </ul>
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<b>Title</b>	<b>High-level Panel community engagement at Makuya Nature Reserve</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Makuya Nature Reserve
<b>Start Date and Time</b>	2020-11-09 09:00am
<b>End Date and Time</b>	2020-11-09 13:00pm
<b>Venue</b>	Makuya Nature Reserve
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>High-level Panel members</li> <li>Makuya Traditional Council</li> <li>Mutele Traditional Council</li> <li>Mphaphuli Traditional Council</li> <li>CMC</li> <li>CPA</li> <li>SANParks</li> <li>LEDET</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Ownership</b> Government to allow communities to have full ownership of land occupied by Makuya Nature Reserve (hereafter to be referred to as MNR). The land belongs to the 3 traditional leaders (Makuya, Mphaphuli and Mutele), whom have allowed government to manage the reserve to benefit the 3 communities. However, what was initially envisaged had not been the case for a very long time, as the 3 communities have not been able to benefit from the use of such land; hence the request from such communities to retain full ownership of MNR; Concerns raised on the manner in which LEDET had continuously excluded communities in decision-making process relating to the management of MNR, even though the reserve has not been declared in terms of the law as a nature reserve; Request for the 3 communities to be given back their full land rights, so that communities could also have some sense of ownership; this would assist in improving the manner in which community members view the reserve, and thereby curbing the rate at which poaching had and continues to take place; Communities to also be allowed to use MNR for eco-tourism purposes and any other activities that would generate income, and allow government to continue with their conservation mandate in the reserve; The transition of land rights from rural development to public works in Limpopo had a lot of impact on the issue of ownership; and Serious and urgent discussion is required between MNR, LEDET, SANParks and the 3 communities on the issue of ownership and management of land, more specifically looking at viable options that would allow communities to duly benefit from use of wildlife.</p> <p><b>Benefits to communities</b> The current policies do not allow for communities to benefit from the use of wildlife or protected areas; Current policies are not intended to regulate local communities, but whites that had benefited from the apartheid era; Request for government to set aside all apartheid legislations that were developed at that time to suppress and prevent black communities from enjoying benefits emanating from the same land that they were forcefully displaced from; Local communities have not been benefiting from the hunting quota systems for number of years. Hunting quotas has always and continues to be prioritised only for hunting clients from overseas; Hunting quotas applied by the 3 communities have not been issued on time, as compared to those issued to hunting clients from overseas, and this had been orchestrated by the government officials with self-interest; Concern raised that it seems that policy positions had and continues to be influenced by the international space, whom have no idea of</p>

the number of species that MNR and Kruger National Park has; Hence communities had not been able to hunt elephants as much as they should have been doing, considering that the two areas share fenceless boarder; In 2019 the 3 communities were only given 1 hunting quota for elephant, and later the quotas were increased to 5, upon challenged by communities; Concern raised that white farmers are allowed to bring their hunting clients to hunt throughout the year, while local communities are only allowed to bring them to hunt for a maximum of 6 months; Request for conservation laws to be transformed in order to be as inclusive as possible; Communities do not see any benefits from lion, leopard and rhinos kept in both MNR and Kruger National Park; As for elephants, at least the 3 communities are issued with quotas, even though it has not been in the rate at which they should have been allowed to hunt such elephants, considering the abundance of elephants that flows from Kruger National Park to MNR; Communities do not benefit from revenue generated generally by the reserve; Who benefits from such revenue; How can communities accrue benefits from the revenue generated during hunting seasons; where does government invest all the money generated from various activities practiced within the reserve; In previous years, the 3 communities were able to generate revenue from hunting activities, which was then used to benefit communities in terms funding for trainings and education purposes for the youth; Request for a conversation to be held around the need for economic exploitation of MNR;

#### **Relations/co-operation**

Request for legislative and decision making processes to be as inclusive as possible in order to address the needs and aspirations of local communities; Communities and government to have a round table discussion around all issues of concern and try to find meaningful solutions that would benefit the needs and aspirations of communities; The Panel to revert back to the 3 communities in terms of progress; Request for Kruger National Park and MNR to have a system where quotas would be determined by SANParks, taking into account all other relevant factors, such as scientific information, census, and that the two areas share fenceless boarder, and animals roam from Kruger National Park to MNR and vice versa; or Kruger National Park to determine quotas for MNR and provide to LEDET for final allocation; Concern raised around the lack of communication between management authorities in MNR and Kruger National Park; Request for government to assist with radio system that could address the issue of communication between the two management authorities; Request for the two management authorities to be transparent with each other on operational issues;

#### **Community empowerment and transformation**

There should be an awareness on how the hunting quota system operates and laws that generally regulate hunting as a restricted activity, which includes amongst others, application process for quota and hunting permits, and etc.; Government had failed to effectively empower communities with information, sustainable job opportunities, and etc., instead communities had only been exposed to short term job opportunities with minimal value in terms of growth; Communities to be exposed to meaningful opportunities such as being trained to become taxidermists, hunters, breeders, and etc.; Awareness to be done on policies that the Panel intends to review, so that communities could feel empowered; Concern raised that government has not been doing well in the environmental education leg; Request for government to revive this part; Request for government to consider recommending that in each reserve there be an environmental education officer, that would be able to service communities around protected areas; Such to be done as a matter of urgency; Old apartheid conservation laws to be set aside, and more transformed laws to be developed;

#### **Support from the management authority (LEDET and SANParks)**

Officials from the management authority do not support local communities, but instead, they interfere on issues that do not concern them, while they should be advising communities on how they should comply with all legal requirements; Policies should clearly define the roles and responsibilities of officials from government;

#### **Damage Causing Animal issues**

Communities are under-compensated for any loss suffered from Damage Causing Animal incidents; SANParks policy provides for compensation of 5000rand per loss of one cattle, while LEDET do not have any compensation policy; Communities do not benefit from hunting trophies emanating from wild animals hunted or killed as damage-causing animals; Clarity required on how the elephant tusks, rhino horns, leopard skins or lion bones emanating from those hunted or killed as damage-causing animals are dealt with; How could communities benefit from such specimens, instead of government taking them and keep them as stockpiles? A conversation needs to be initiated between communities and the management authorities on other ways in which communities could benefit from damage-causing animals other than benefiting from harvesting meat only; Request that in order to effectively maximise benefits derived from damage-causing animals, maybe government should build a community Abattoir and butchery that maybe used to process and package meat that could be traded for community benefits;

#### **Capacity issues**

	<p>Concern that MNR is under-capacitated; No manpower to effectively conserve/protect the reserve; Rangers are old with ill health; The management authority in MNR had been assisted through Jobs Fund Program and recently by Environmental Monitors brought by DEFF and monitored by SANParks; However, MNR recently received a letter from the DEFF suspending the Environmental Monitors Program for about 3 to 4 months, and without any indication of when the program would be re-instated; Request for the Minister to immediately re-instate the Environmental Monitors Program; The issue of lack of infrastructure in MNR remains an issue of concern; and The issue of fence that has deteriorated in MNR remains another issue of concern, as it exposes Kruger National Park to illegal activities such as poaching; Fences are no longer electrified;</p> <p><b>Illegal activities:</b> Concerned that lion poaching has increased drastically in the northern part of Kruger National Park; Buffalos and other species of similar iconic status are being killed illegally and sold for a value of around 3000 rand, which does not benefit communities at the end of the day; Need to allow communities to hunt legally in and outside the reserve, observing all necessary legal requirements; Typical example that demonstrate how communities are continued to be encouraged to conduct illegal activities, was when the community structures had auctioned one elephant for about R770 000 and 3 buffalos which were auctioned successfully for about R230 000, and in total the auction was intended to raise 1.4 million to be used to train and employ more rangers to assist MNR in their day to day operations. However, such project was never implemented due to serious interference by communities with self-interests.</p>
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<b>Title</b>	<b>High-level Panel community engagement at Maphophe community</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Maphophe community
<b>Start Date and Time</b>	2020-11-10 09:00am
<b>End Date and Time</b>	2020-11-10 13:00pm
<b>Venue</b>	Maphophe AFM Church
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Maphophe Traditional Council</li> <li>• Maphophe community members</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Damage-causing animals</b> The animals that escape the protected areas and come to the village. This goes beyond the 4 species that the panel is working with, includes hyenas, crocodiles which poses danger to people's lives.</p> <p>Previously the meat distribution to the community was handled by the rangers since 2004</p> <p><b>Hunting &amp; Exporting</b> Communities are not allowed to hunt and historically they were hunting. There is no beneficiation for the community except for meat distribution. Communities want more than meat, what happens to the derivatives? Communities would like to handle and manage their own resources</p> <p><b>Information Management and Awareness</b> This needs to be done on a continuous basis on things such as hunting rights, hunting etc. Currently, there is no support from government officials</p> <p><b>Compensation on loss of livestock or damage</b> The current SANParks policy only compensate R5000 which has been that amount for years, no increment according to inflation and this amount has no value as it doesn't even buy one cattle. Also, there is no consistency in the payments of this amount, sometimes it is paid and sometimes not at all and sometimes it is paid very late.</p>

	<p><b>Law Enforcement in the community</b> They are very crucial as they safe guarding and monitoring the management of biodiversity. This also created jobs in the community and well appreciated by the community. Currently, the programme just stopped with no warning, no one knows if it will be re-instated. Community is pleading for more law enforcers within the communities.</p> <p><b>Empowerment of Communities</b> There are no opportunities for communities and this increase criminal activities such as poaching of natural resources. Youth are unemployed.</p> <p><b>Deforestation</b> Needs to be guarded that the community does not continue chopping trees that are important to the community such as the Mopani worm tree. These trees are normally used as firewood.</p> <p><b>Trade of any endangered species</b> Trade of any endangered species should not be allowed at all.</p> <p><b>Access to Kruger National Park</b> Communities have ancestral gravesite in Kruger Park but are not allowed to go in to visit the gravesite and practice their culture.</p> <p><b>Job creation</b> Currently a lot of the community is unemployed and SANParks is seen as though is not assisting in the matter instead they only employ people from other villages in the name of communities not qualified when communities are not even consulted when these posts are available. There is no fair and equitable sharing of jobs. Nepotism is rife.</p> <p><b>Derivatives such as bones</b> Each council should establish a centre where derivatives can be sold and provided for the community to use.</p> <p><b>Government cooperation</b> The entities (LEDET &amp; SANParks) need to work on their relation with the community. Currently, the relationship has degraded and community views this entities as though they are enemies and against anything the community wants. The community wants DEFF to rather be the one assisting them instead of entities.</p> <p><b>Transparency</b> Community is asking that everything should be done in a transparent manner. They want to be included and involved in processes that involve them. The traditional council is always available to assist in everywhere.</p> <p><b>Mr Phillips</b> This person came to communities and promised them lots of money for implementing of certain projects and still nothing has been done though some pilot projects have been initiated in some communities, Maphophe community has seen nothing as yet.</p>
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<b>Title</b>	<b>High-level Panel community engagement at Impala hall, Phalaborwa</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Phalaborwa
<b>Start Date and Time</b>	2020-11-11 09:00am
<b>End Date and Time</b>	2020-11-11 14:00pm
<b>Venue</b>	Phalaborwa Impala Hall
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting

<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• SANParks</li> <li>• Officials from local municipality</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Value of Animals</b> The panel s dealing with 4 species that are not the same and cannot be treated as one. The value of elephant, lion, leopard has decreased because they can't be utilized e.g. ostrich was ones wild but now they are farmed and the meat is available everywhere and this created lots of jobs and income.</p> <p><b>Hunting</b>—Hunting generates a lot of income but not for the community.</p> <p><b>Leopard</b>—A serious damage-causing animal as lots of livestock has been lost. One leopard can utilize 1000ha.</p> <p><b>Rhino</b></p> <ul style="list-style-type: none"> <li>✓ The birth rate can be increased to 24 months if its fed instead of 3,5 years in the wild.</li> <li>✓ 8% surcharge on the sale of rhino horn should be implemented</li> <li>✓ Rhino is more profitable when its dead than alive (R80 000 vs R1,2 mil)</li> </ul> <p>Legalize the sale of rhino horns, create a legal market</p> <p><b>Law enforcers within the communities</b> Community rangers are critical are needed, chiefs can administer this programme</p> <p><b>Damage-causing animals</b> Communities are told that this is their animal when it gets on their land but they only get meat from the carcass and nothing else. There are no benefits for the community. The bones, skins, head and taken away.</p> <p><b>Capacity building and training</b> The community needs to be trained not to see meat when they see the game. Currently, there's no sense of ownership of the animals and the only time the animals have escaped the park into the land then they are killed and community sees them as meat than animals that can generate income.</p> <p><b>Cleanliness</b></p> <ul style="list-style-type: none"> <li>• the environment is dirty, there's no one to clean the environment especially in areas where there's no waste management services</li> <li>• Mopani worm trees are being cut off and robbing people of a source of protein. These trees are a source of protein that supplies beyond the province and people should nurture them. But because there's a shortage of resources people are resorting to this activity for fire wood.</li> </ul> <p><b>Offices</b> Department of Environment Fisheries &amp; Forestry (DEFF) has no offices around and provincial entities are not visible and refuse to take any responsibilities, thus no one is monitoring the environment.</p> <p><b>Custodianship</b> Communities do not have a sense of ownership of the animals as there are no benefits for assisting authorities to take care of the animals or guard against poaching.</p> <p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• There are no opportunities or benefits for the youth or the community; The youth are the ones mostly involved in the criminal activities because there is nothing for them and yet it does not seem like the government sees this; No jobs for the community or businesses</li> <li>• Training courses in tourism or ecotourism (offers more jobs); No hunting opportunities for the community</li> </ul> <p><b>School curriculum</b> Kids need to be educated from a young age about the importance of wildlife and the value of it. It should be included in the curriculum so that the youth can appreciate.</p>

	<p><b>Compensation on livestock lost</b> There is no legislation or policy on the compensation of the loss of livestock to wild animals. The community has lost a lot of livestock. SANParks only compensate with R5000 and it can't even buy a cow.</p> <p><b>Fencing of the reserves</b> Animals are posing a serious threat to human lives and there is no maintenance of the fencing around the reserves.</p> <p><b>Trust</b> The question is, 'will the minister hear our cries'. Government has been consulting but communities never get feedback or know what the developments are. Nothing changes, communities want to see actions now.</p>
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<b>Title</b>	<b>High-level Panel community engagement at Skukuza</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Skukuza
<b>Start Date and Time</b>	2020-11-12 09:00am
<b>End Date and Time</b>	2020-11-12 14:00pm
<b>Venue</b>	Skukuza Safari Lodge
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• SANParks</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Compensation on loss of livestock or damage</b> The current SANParks policy only compensate R5000 which has been that amount for years, no increment according to inflation and this amount has no value as it doesn't even buy one cattle; Also, there is no consistency in the payments of this amount, sometimes it is paid and sometimes not at all and sometimes it is paid very late. People have lost a lot of livestock and still no payment were made.</p> <ul style="list-style-type: none"> <li>• There is no legislation or policy from government on this;</li> <li>• How do people get compensated when lives are lost. This goes beyond the 4 species but also includes crocodiles, hyenas;</li> <li>• How are communities protected, quality of fence is questionable;</li> </ul> <p>Leopard is said to be unidentifiable and thus makes compensation very hard.</p> <p><b>Generational gaps of knowledge</b> Lack of education and awareness on the value of the animals in communities and this continues from generation to generation. This devalues animals and needs vigorous education and awareness.</p> <p><b>Information Management and Awareness</b> This needs to be done on a continuous basis on things such as hunting rights, hunting etc. Currently, there is no support from government officials</p> <p><b>Other departments</b> Departments of Agriculture or Forestry are not of any help at all</p> <p><b>Law Enforcement in the community</b></p>

They are very crucial as they safe guarding and monitoring the management of biodiversity. This also creates jobs in the community and is well appreciated by the community. Community is pleading for more law enforcers within the communities.

#### **Empowerment of Communities**

There are no opportunities for communities and this increase criminal activities such as poaching of natural resources. Youth are unemployed.

Also, businesses should be empowered through the parks—economic opportunities.

#### **Communication**

Communities are not told anything and do not know anything.

#### **Redline status**

Some areas were put under the red line since 1992 by the apartheid government and still today these areas have not been revised. This means that they cannot trade or participate in anything that has animals. Some buffalo crossed This makes people to remain impoverish.

#### **High Level Panel**

Government is always consulting communities as a tick box exercise, what will happen after this consultation; will the feedback come back to the community and will recommendations be implemented.

#### **Fencing around protected areas**

The fence needs to be maintained and repaired and the quality of the fence must be checked at all times to protect the communities staying next to protected areas.

#### **Politicians that affiliate with criminals in the community**

There are some politicians and high profile people who have been seen to be affiliating with criminals who are involved in poaching, this sets a bad example to the community and sends a wrong message.

#### **Legal acquisition**

We need to have a legal route to acquire natural resources such as leopard skins for royals etc. some of these resources are attached to the practice of culture and if there is no legal way to acquire them it leads people to go the illegal route even when they want to comply as they are required by culture and linked to spirituality.

#### **Budget**

The community hears on the media and news that budgets have been approved for a number of things but those funds never get to them nor do they see any improvement on things that were meant to address but the budgets are no more. Things continue to deteriorate at a faster rate.

#### **Request a meeting with Minister**

The community requests a meeting with minister to discuss the following:

- Benefits for the community to assist government in doing its mandate of taking care of the environment and wild animals; Compensation; Human lives are sacred but it seems as though government considers animal lives more sacred; Extra measures for security and safety of communities; Community rangers must be added; Custodianship or ownership of animals

#### **Access to the parks**

Communities are requesting to be given a chance to visit the neighboring parks.

#### **Damage-causing animals**

Communities need to know the officials dealing with damage-causing animals as mostly are nowhere to be found.

<b>Title</b>	<b>High-level Panel community engagement at Sundown Conference Centre, North West</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Sundown Conference Centre, North West Province
<b>Start Date and Time</b>	2020-11- 09 09:00am
<b>End Date and Time</b>	2020-11-09 14:00pm
<b>Venue</b>	Sundown Conference Centre, North West
<b>Event Purpose</b>	The Panel to provide a presentation on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• North West Parks</li> </ul>
<b>Key discussions</b>	No specific inputs.
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Rhino:</b> The view was expressed that rhino horn sales in South Africa were already legal in South Africa since a High Court ruling in 2017 and that such sales should be supported. Resources were being utilised in managing and securing the stockpiles and the sale of these stockpiled horns could generate funds for the benefit of communities and for maintenance of the protected areas eg to upgrade the roads in Pilanesberg which are in a bad state and to maintain fences; Assets such as rhino horn and elephant tusks should be traded. It was distressing some years ago to see pictures of tusks being burned in Kenya. The question was posed by community representatives as to whether it was appropriate for international interest groups to influence policy for the country on the management and trade in horns and tusks.</p> <p><b>Leopard:</b> Leopard skins have always been used by traditional leaders although this should not be a significant amount as one leopard skin should last for a long time. Should there be a shortage of skins there still would be no support for the use of fake skins. A suggestion was made that consideration should be given to the captive breeding of leopards for their skins to relieve pressure on wild populations.</p> <p><b>Elephant:</b> The commercial hunting of elephant (as well as lion, leopard and rhino) had taken place in Pilanesberg and Madikwe until 2003/4 at which point it was stopped as Tour Operators had indicated that they would cease marketing the eco-tourism lodges unless the hunting was stopped. There was no hunting currently in these reserves and the community structures were not involved in hunting.</p> <p><b>Lion:</b> The captive lion breeding industry was seen to be outside the scope of the communities.</p> <p><b>Communication:</b> The CMC at Pilanesberg is supposed to be involved in decisions on the selling of game etc but they did not know that the rhino were going to be dehorned. Comanagement must include all decision making and the management entity (NW Parks) must improve the effectiveness of communication through the CMC and other community structures. There appeared to be parallel consultation processes by NW Parks where CPAs were consulted to a greater extent than traditional leadership. There need to be clear processes for consultation between the management authorities and community structures, particularly with traditional leadership.</p> <p><b>Infrastructure (Fencing):</b> Concern was expressed at the lack of infrastructure upgrading and maintenance, particularly as it appeared that NW Parks had returned some funds at the end of the previous financial year. The Bosele Training Centre had fallen into disuse. In the Pilanesberg Game Reserve for instance there was a significant deterioration in the state of the roads which was of great concern, particularly in that the 4 CPAs owned a large part of the Reserve. The state of the fencing was a cause for concern in all three reserves.</p> <p><b>Damage-causing animals:</b> On the issue of damage-causing animals, it was indicated that the fence at Madikwe Game Reserve was in a bad state and a number of animals were getting out including lions and rhino's. There wasn't clarity on how compensation could be obtained for damage caused.</p>

	<p><b>Culling:</b> When culling is done in the protected areas the community should be informed in order that they can assess what benefits can be derived or whether there is an opportunity to participate. Neighbouring communities should be provided with meat from culling activities.</p> <p><b>General:</b> The view was expressed that Borakalalo is a poorly managed reserve and that there is not the same focus on development that there is on Pilanesberg and Madikwe. At the last game count it was discovered that 410 eland were missing; The CMC for Borakalalo has also been neglected and must become functional; On the question as to whether there was support for the concept of dropping fences so that animals could move freely within the neighbouring communities the answer was definitely not. Botswana was a different situation and what might apply there would not necessarily apply in RSA; The Welgeval CPA got title deed to their land in 2008 but have not at any stage got benefits from the concessionaire who is on their land; Kgosi Suping indicated that there was an expectation that the protected areas would support their neighbouring communities by building social infrastructure such as classrooms and creches, providing bursaries, providing a few kudu for celebrations and by creating more jobs; The communities adjacent to Madikwe Game Reserve would like to keep the Reserve as a tourism destination rather than as a hunting reserve (Note: Hunting was stopped in Madikwe in 2003/4); The communities had developmental rights in the Reserve and required financial injections so that a community lodge within the Reserve could be of the same standard as the privately owned lodges; Skills development and training is required so that communities can take advantage of the job opportunities in the Reserve, which is seen as an employment creator; There should be recruitment of rangers from within the communities, who would then operate outside the fence in order to assist with anti-poaching and to help deal with damage-causing animals; Incidents of losses of livestock caused by animals from the Reserve were not properly dealt with in the past. There needs to be the development of a Compensation Policy which will outline the responsibilities of both Reserve management and the neighbouring stock owners; There needs to be a Game Donation Policy which gives preference to communities in respect of live game donation and also in relation to the provision of venison. The Co-Management Committees need to involve traditional leaders and not just CPA's.</p>
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<b>Title</b>	<b>High-level Panel community engagement at Sundown Conference Centre, North West</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Sundown Conference Centre, North West Province
<b>Start Date and Time</b>	2020-11-09 09:00am
<b>End Date and Time</b>	2020-11-09 14:00pm
<b>Venue</b>	Sundown Conference Centre, North West
<b>Event Purpose</b>	North West Parks to provide a presentation on the management of elephant, leopard, lion and rhino in NW Parks
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• North West Parks</li> </ul>
<b>Key discussions</b>	<p>North West Parks allowed hunting of elephant, lion, leopard and rhino in Pilanesberg and Madikwe until around 2003. Hunting provided a significant component of the revenue which allowed both of these parks to show a surplus</p> <p>Hunting of elephant was practiced in Madikwe and Pilanesberg until 2003. Tour operators were refusing to market the lodges if hunting continued and NW Parks took a decision to cease hunting.</p> <p>The hunting of rhino, lion and leopard followed a similar history to that of elephant with hunting taking place alongside eco-tourism until 2003/4 at which point it was closed down due to objections from tour operators</p>
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	No specific input

<b>Title</b>	<b>High-level Panel community engagement at Kwazulu-Natal</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Sundown Conference Centre, North West Province
<b>Start Date and Time</b>	2020-11-10 09:00pm
<b>End Date and Time</b>	2020-11-10 14:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	North West Parks to provide a presentation on the management of elephant, leopard, lion and rhino in NW Parks
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Relevant organisations</li> <li>• Community members</li> </ul>
<b>Key discussions</b>	
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Involvement by community structures in opportunities such as eco-tourism or any benefits to communities from eco-tourism :</b>  The majority of the communities residing adjacent to protected areas are not benefiting anything but only the minority benefits from activities taking place in these protected areas i.e. ecotourism; The entities do not invest or plough back to the communities adjacent to the protected areas; The biodiversity economy derived from protected areas only benefits the minority of the white privileged; The communities adjacent protected areas have little knowledge about the operations and potential opportunities available within the parks and experiencing a selective employment in certain positions. The positions available are as well earmarked for certain individuals; The businesses and other entrepreneurship opportunities are earmarked for friends and political affiliates; The community felt that disregarded when opportunities arise from the KZN Wildlife and experience lot of selective employment in certain position within organisations; The community felt disregarded when opportunities arise from the KZN Wildlife and they experience lot of selective employment in certain positions within organisations.</p> <p><b>If international trade in rhino horn was legalized would there be any benefits to communities?</b>  The communities are against the notion of legal trade in the rhino and felt that it will trigger the poaching and extinction of the rhinoceros species.</p> <p><b>Any impacts of the iconic species on the communities living around the relevant protected areas and how is the issue of damage-causing animals in respect of these species dealt with?</b>  The communities experience human-wildlife conflict especially on a persistent killing of livestock by the wild animals escaping from protected areas; Communities felt that compensation for the damage caused by wild animals is not uniform and the preference is only given to a certain race or minority group. They urged the government to consider developing a realistic and uniform compensation mechanism for people residing adjacent protected areas that does not discriminate on the basis of race and colour, also consider all affected parties and avoid bias on colour and racial groups. To this effect, communities requested Minister to intervene or engage her counterparts regarding budget allocation for KZN protected areas; Private Game Reserves contribute immensely in the human and wildlife conflict and yet they are the ones that form part of consultative government meetings.</p> <p><b>Any specific issues that Community Structures want the Panel to consider when making recommendations to the Minister- Policy and Legislative Tools Review and Development:</b>  The government should ensure that affected and interested communities residing within and adjacent protected areas are consulted and involved in the development and review of policies and legislative tools. The inclusion of communities in this process will immensely contribute to the formulation and review of the policy with an actual data obtained from stakeholders which are directly affected on daily basis i.e. traditional leadership for various tribes, traditional healers, and indigenous knowledge; The community made a plea to government to fast track the process to finalise outstanding land claims and settlement agreement which are still outstanding.</p>

	<p><b>Any views on the use of leopard skins for traditional and cultural purposes and what should be done to regularize this use?</b></p> <p>The review of policy and legislative tools pertaining leopard skin should consider Traditional Leadership Act as well as cultural practices associated with various tribes and quantify the legalities of the leopard skin possession rights between the King and Traditional Leadership.</p> <p><b>Community Development and Capacity Building</b></p> <p>The protected areas management should develop a strategic framework for capacity building and development to enhance community knowledge and capacity about the importance and role of the protected areas in their livelihoods as well as promote involvement and participation of communities protected area daily operations and activities; The government should consider training communities in those skills which are mostly dominated by the minority group (whites) such as professional hunting which will be affordable.</p> <p><b>Governance, Co-management and Consultation</b></p> <p>The community mentioned that they are not represented on the Boards of the organisation therefore made plea to government to intervene in this matter to ensure that communities are well represented on the Boards of the entities and involved in the decision-making; The challenges they face are lack of communication between communities, surrounded protected areas and the government. There are many issues the communities have brought forward but there is never a way-forward or response from the protected areas management authorities and the government; The communities felt that there are not well consulted and requested government not undermine the communities on the ground as they are directly affected. Consultations and community involvement should begin at a lower level.</p>
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<b>Title</b>	<b>High-level Panel community engagement at Interpretation Centre, Addo Elephant National Park</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Interpretation Centre, Addo Elephant National Park
<b>Start Date and Time</b>	2020-11-11 09:00am
<b>End Date and Time</b>	2020-11-11 14:00pm
<b>Venue</b>	<b>Interpretation Centre, Addo Elephant National</b>
<b>Event Purpose</b>	Presentation by the Panel on the work of the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• Officials from ADDO Elephant Park</li> <li>• Mayibuye Ndlovu Development Trust</li> </ul>
<b>Key discussions</b>	<p><b>Structure of MNDT:</b> The MNDT was established in 1993 to provide a forum for liaison between the Addo Elephant National Park and the communities around the Park. Initially 8 communities were represented and then later this increased to 9; The MNDT comprises two representatives of each of the 9 communities. It meets monthly and adheres to good governance by producing audited annual financial statements. MNDT has an elected executive and is managed in terms of the Trust Deed.</p> <p><b>Socio-economic Development Projects:</b> Training of youth and adults in computer literacy; Funding for learners and drivers licences; June 16 sport event in Nomathamsanqa; Assisting schools with urgent repairs; Career EXPO days for 700 students; Assisting tertiary students with funding; Mayibuye has partnered with Universal Promise in developing a computer lab in Samkelwe SS; Distribution of sewing machines; Development of agricultural projects and community gardens; Conflict management; Compost production venture with private sector and government (joined SRCC in joint venture) Got the money back.</p> <p><b>Income Streams from Eco-Tourism:</b> The MNDT has a number of partners for different projects but it's main income stream comes from the Addo Elephant Park through the following: MNDT receives a percentage of the revenue from the Matyholweni Rest Camp in the south of the Park next to Colchester. This percentage varies depending on the occupancies at the Rest Camp. It was noted, however,</p>

	<p>that this income was at risk on account of the land claim by the Colchester Residents on a section of the Park that includes Matyholweni; MNDT receives 10% of turnover from the Cattle Baron Restaurant, which is a concession at the Main Rest Camp; SANParks have commenced with the planning and design phase for the construction of a 10 unit Lendlovu Lodge in partnership with MNDT. R30m has been made available by National Treasury for the construction of the Lodge. The lodge will be managed by SANParks and there will be a 50:50 profit sharing between SANParks and MNDT.</p> <p><b>Linkage to ToR of the Panel:</b> During presentation the Chair of MNDT indicated that there was a direct link to the ToR of the High-Level Panel. The iconic species that are included in the ToR provide the foundation for eco-tourism in the Addo Elephant National Park, and it is this eco-tourism which generates economic benefits and provides the income streams which allow the MNDT to implement it's socio-economic development programmes.</p>
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<p><b>Eco-Tourism Opportunities:</b> Open Game Drives in the Park are a profitable eco-tourism business, and the MNDT needs to be able to conduct game drives in the Park. This industry is still largely untransformed and the Park needs to play a role in facilitating the entry of MNDT: Tour guides in the private sector should be South Africans. Currently a large proportion are from elsewhere, eg Zimbabwe and Malawi.</p> <p><b>Culling:</b> There is an annual cull of around 3000 warthogs in the Park. MNDT are of the view that there is potential to benefit from this process and there has been a discussion on the possibility of setting up a mobile abattoir for game meat processing.</p> <p><b>Game Sales/Auctions:</b> The Kirwood Festival and game auction is major event with lots of economic spinoffs. It remains largely untransformed and opportunities need to be identified for participation of the MNDT; The MNDT would like a percentage of the sale of buffalo from the Park at the Kirkwood Auction, and from other game sales; The MNDT would like to be included in the SANParks game donation scheme in order to go into partnership with established operators.</p> <p><b>Enon / Bersheba Land:</b> There should be an acceleration of the development of the land at Enon Bersheba for wildlife economy and eco-tourism in order to provide benefits to these two communities. The approach by SANParks thus far has not been clear enough on how the community benefits.</p> <p><b>Hunting:</b> There is no hunting in the Addo Elephant Park as there is no hunting allowed in any National Parks. There is hunting being conducted in the surrounding areas and private game farms but this remains untransformed and there is no involvement of MNDT. There needs to be assistance in getting into the hunting industry.</p> <p><b>Use of Natural Resources:</b> There is a demand from communities for access to certain natural products from the Park such as elephant dung. The Khoisan community also have a requirement to access animal skins, teeth, warthog tusks. These are used in the creation of artifacts for which there is a market.</p> <p><b>Damage-causing animals:</b> There is no major issue in relation to damage-causing animals with reference to the 4 species. An associated issue, however, is that warthogs and kudu can cause accidents on the adjacent roads.</p> <p><b>Jobs and Recruitment of Staff:</b> There should be preference given to members of local communities when the Park is recruiting staff and there needs to training in a wide range of functions in the adjacent community.</p>

<b>Title</b>	<b>High-level Panel community engagement at Interpretation Centre, Addo Elephant National Park</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with Interpretation Centre, Addo Elephant National Park
<b>Start Date and Time</b>	2020-11-11 09:00pm
<b>End Date and Time</b>	2020-11-11 14:00pm
<b>Venue</b>	<b>Interpretation Centre, Addo Elephant National</b>
<b>Event Purpose</b>	Presentation by Mayibuye Ndlovu Development Trust
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• Traditional Councils</li> <li>• Community members</li> <li>• Officials from ADDO Elephant Park</li> <li>• Mayibuye Ndlovu Development Trust</li> </ul>
<b>Key discussions</b>	<p><b>Presentation on the management of elephant, leopard, lion and rhino in Addo:</b></p> <ul style="list-style-type: none"> <li>• The Park was established in 1931 to protect the last 11 elephants in the Addo area; Elephant population management is effected through contraception and the expansion of the Park to provide for more land for elephants; 150 elephant will soon be moved to the Kabouga section; Lions were introduced in 2003 to enhance the ecotourism product and to restore predator prey balance; Lions are contracepted every 2 to 3 years, collared and monitored. Currently 11 lions in the Park; Occupancies and revenue went up with the introduction of lions. People want to see wild lions – Kalahari lions; Addo is an important site for has black rhino; All rhino's are marked with an ear notch; Addo has healthy animals (rhino's and lions); Haven't lost a rhino in 2020 in E Cape. People are cooperating in the formation of the intelligence networks; The incursion of dogs into the Park presented a threat as this could lead to a rabies outbreak which could wipe out the entire lion population; Leopards are present in the Park but are rarely sighted</li> </ul>
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	

<b>Title</b>	<b>High-level Panel community engagement at CONTRALESA</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with CONTRALESA
<b>Start Date and Time</b>	2020-11-26 08:00pm
<b>End Date and Time</b>	2020-11-26 10:00pm
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	Presentation by the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• CONTRALESA</li> </ul>
<b>Key discussions</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• The Government to allow communities to participate fully in for instance industrialisation and tourism.</li> <li>• Consultations with communities should not only be with CPAs and traditional leadership structures but much broadly.</li> <li>• CONTRALESA appreciates the opportunity for engagements- traditional leaders should take care of the environment moving forward.</li> </ul>

	<ul style="list-style-type: none"> <li>• There are three dysfunctional game reserves in Ekangala that were owned by the former Government but traditional leaders and communities are interested in reviving them. CONTRALESA to create a platform for being presented with opportunities on wildlife economy.</li> <li>• Members have comfort in that some traditional leaders are part of the Panel but CONTRALESA is responsible for policy formulation.</li> <li>• CONTRALESA wants to hear the views of the Panel on the issue of use of leopard skin.</li> <li>• Cultivation of lions is unacceptable in terms of culture and tradition in respect of royalty and leopard is also a sign of royalty and therefore canned hunting is a no-no.</li> <li>• It is necessary to conduct auditing of taxidermists to establish what happens to the materials derived from animals- they serve international clients not local ones and they are owned by non-blacks. The audit could also indicate if they have stockpiles.</li> <li>• White lion is a pride of Africa and thus cannot be in private hands but in spiritual spaces under the stewardship of Government.</li> <li>• Transformation of the sector cannot be over emphasised enough- a charter is needed to turn around issues of ownership. Communities should not only derive benefits as consumers.</li> <li>• CONTRALESA wishes to have a face to face audience with the Minister and the Chairperson of the Panel</li> <li>• The burning of ivory shown in public media goes against the spirituality of African and association with animals.</li> <li>• CONTRALESA does not know the value and volumes of stockpiles and where they are stores, not any future government plans about them.</li> <li>• Clarity was requested about what population management meant.</li> </ul>
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<b>Title</b>	<b>High-level Panel community engagement at Portfolio Committee</b>
<b>Presenter</b>	DEFF
<b>Full Event Title</b>	High-level Panel consultation meeting with CONTRALESA
<b>Start Date and Time</b>	2020-11-03 09:00am
<b>End Date and Time</b>	2020-11-03 11:00am
<b>Venue</b>	Virtual meeting room (Zoom Platform)
<b>Event Purpose</b>	Presentation by the Panel
<b>Event Format</b>	Online Panel meeting
<b>Stakeholders participating</b>	<ul style="list-style-type: none"> <li>• High-level Panel members</li> <li>• House of Traditional Leaders</li> </ul>
<b>Key discussions</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Key outcomes</b>	No specific inputs.
<b>Key Issues for/by the HLP</b>	<ul style="list-style-type: none"> <li>• All questions raised regarding the composition, terms of reference of the Panel, resignations of Members and possible extension of the work of the Panel to be raised by the Portfolio Committee (PC) with the Minister, not the Panel as the Minister is the one who appointed the Panel.</li> <li>• The Committee will have an opportunity to engage with the report after the Panel submits it to the Minister.</li> <li>• The Panel to furnish the PC with its status of its spending to date.</li> <li>• The Panel to furnish the PC with profiles of all Panel members, including their qualifications, level of expertise, experience and knowledge.</li> </ul>

## ANNEXURE J: TERMINOLOGY

*The following glossary of terminology was compiled to facilitate a general understanding of the terms used by the HLP in their deliberations. However, apart from the use of some terms already defined in law, the definitions contained in the glossary do not necessarily represent the views, opinions, positions or understanding of all panel members.*

Term	Definition
Biodiversity*	Biological diversity- or "biodiversity"- is the number and variety of living organisms on earth, the millions of plants, animals, and microorganisms, the genes they contain, the evolutionary history and potential they encompass, and the ecosystems, ecological processes, and landscapes of which they are integral parts. Biodiversity thus refers to the life-support systems and natural resources upon which we depend. (White Paper on Biodiversity)
Broad-based black economic empowerment*	Meaning assigned to it in terms of section 1 of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003)
Canned Hunting	A colloquial term used to describe the shooting of a species that is a put and take animal, in a controlled environment whether or not under the influence of any tranquilising, narcotic, immobilising or similar agent. <i>Captive bred hunting - Refer to the hunting of animals that have been captive bred.</i>
Captive / kept in capacity or captive kept	A species which is kept in a controlled environment for a purpose other than transfer or transport; quarantine; or for veterinary treatment;
Captive bred*	Animal bred in a controlled environment
Captive breeding (rhinos)	Rhinos, usually in small (<10km <sup>2</sup> ) to very small areas living at compressed density and spacing, with routine partial or full food supplementation, with frequent levels of husbandry and veterinary intervention and a manipulated breeding system (Leader-Williams <i>et al.</i> , 1997)
Captive breeding operation*	A facility where specimens of a listed threatened or protected animal species are bred in a controlled environment for - (a) conservation purposes; or (b) commercial purposes
Conservation***	<i>The management of human use of the biosphere to yield the greatest benefit to present generations while maintaining the potential to meet the needs and aspirations of future generations. Conservation thus includes sustainable use, protection, maintenance, rehabilitation, restoration, and enhancement of the natural environment (White Paper on Biodiversity)</i> The protection, care, management and maintenance of ecosystems, habitats, wildlife species and populations, within or outside of their natural environments, in order to safeguard the natural conditions for their long-term permanence. Conservation is the same thing as sustainability and entails – – both biological and human sciences -- dealing with change; and – considering resilience rather than stability (Murphree 2001)
Consumptive use	<i>(Alternative: Refers to the use of natural resources, which can include killing of an animals, or use of water resources for lodges of wildlife-based tourism)</i>

Term	Definition
	Refers to use where an animal is killed directly as part of that use e.g. trophy and meat hunting
Controlled environment**	An enclosure designed to hold species in a way that prevents them from escaping and that facilitates intensive human intervention or manipulation in the form of the provision of food or water; artificial housing; planned parasite control; mate selection; or health care; and may facilitates the intensive breeding of the species game but excludes fenced land on which self-sustaining wildlife populations of that species are managed in an extensive wildlife system.
Convivial Conservation	Offers a new and integrated approach to understanding and practicing environmental conservation. It is a Whole Earth vision that responds to the major ecological, social and political-economic challenges facing people and biodiversity in the 21st century ( <a href="https://convivialconservation.com/">https://convivialconservation.com/</a> )
Damage-causing animal*	A classification applied to an animal where there is substantial proof that the animal, when interacting with human activities - (a) causes losses to stock or to other wild specimens; (b) causes excessive damage to cultivated trees, crops, natural flora or other property; (c) presents a threat to human life; or (d) is present in such numbers that agricultural grazing is materially depleted.
Derivative****	In relation to an animal, plant or other organism: means any part, tissue or extract of an animal, plant or other organism, whether fresh, preserved or processed, and includes any genetic material or chemical compound derived from such part, tissue or extract
Ecosystem****	Means a dynamic complex of animal, plant and micro-organism communities and their non-living environment interacting as a functional unit
Ecotourism (Wildlife-based Tourism)	<i>Wildlife tourism refers to the observation and interaction with local animal and plant life in their natural habitats (UNWTO)</i>
Environment	The surroundings within which humans exist and that are made up of- (i) the land, water and atmosphere of the earth; (ii) micro-organisms, plant and animal life; (iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and (iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;
Ethics (in the context of ethics committees)	Put simply, ethics is the study of morality – careful and systematic reflection on and analysis of moral decisions and behaviour, whether past, present or future. Morality is the value dimension of human decision-making and behaviour. The language of morality includes nouns such as ‘rights’, ‘responsibilities’ and ‘virtues’ and adjectives such as ‘good’ and ‘bad’ (or ‘evil’), ‘right’ and ‘wrong’, ‘just’ and ‘unjust’. According to these definitions, ethics is primarily a matter of knowing whereas morality is a matter of doing. Their close relationship consists in the concern of ethics to provide rational criteria for people to decide or behave in some ways rather than others. (World Medical Association, Medical Ethics Manual, 3rd edition 2015)
Extensive wildlife system*	a system that is large enough, and suitable for the management of self-sustaining wildlife populations in a natural environment which requires minimal human intervention in the form of - (a) the provision of water; (b) the supplementation of food, except in times of drought; (c) the control of parasites; or (d) the provision of health care.
Game**	All species of terrestrial mammals which are utilised through hunting and for the purposes of this document refers to antelope and large predators

Term	Definition
Governance	The structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation.[1]
Human-wildlife conflict	Involves situations in which a species poses a direct threat to people and their livelihoods, resulting in retaliation against the species they blame for this.[2]
Hunt* (Really necessary)	(a) to intentionally kill such species by any means, method or device whatsoever; (b) to capture an animal by any means, method or device whatsoever with the intent to kill; (c) to search for, lie in wait for, pursue, shoot at, tranquillise or immobilise such species with the intent to kill; or (d) to lure by any means, method or device whatsoever, such species with the intent to kill, but excludes the culling in a protected area or on a registered game farm or culling of an animal that has escaped from a protected area and has become a damage causing animal;
Hunting client*	A person who – (a) is not resident in the Republic; and (b) pays or rewards a professional hunter for, or in connection with, the hunting of an animal;
Inbreeding**	Various related phenomena that all refer to situations in which matings occur among close relatives and to an increase in homozygosity associated with such matings.
Institution (rules)	The rules of the game: the humanly devised constraints that structure human interaction. They are made up of formal constraints (such as rules, laws, constitutions), informal constraints (such as norms of behaviour, conventions, self-imposed codes of conduct), and their enforcement characteristics.
Intensive and selective breeding	The deliberate selection of and breeding for selected animal traits, usually in controlled conditions
Intensively managed rhinos	Rhinos kept in a small area, in or out of the historic range of the taxon, where deliberate husbandry, food supplementation and intensive management are routinely undertaken.
Listed threatened or protected species*	A species listed as a threatened or protected species in terms of section 56(1) of NEMBA
Management plan	Refers to a management plan developed under NEMPAA (section 41), NEMBA (section 43) or National Norms and Standards for the Management of Elephants in South Africa (paragraph 6)
Non-consumptive use	Refers to use that does not include the killing of an animal directly related to that use. This includes photo-tourism, adventure tourism, etc. The Panel acknowledges that these activities are consumptive of resources and can have an impact on the environment through use of water and food, generation of waste, transport emissions, infrastructure etc. <i>See reference to consumptive use</i>
Non-detriment findings****	Means the determination of the non-detrimental impact of an action on the survival of a species in the wild
Norms and standards*	Norms and standards are binding rules, requirements, or standards of conduct of people in processes or requirements in relation to NEMA, NEMBA and NEMPAA. Any national norms and standards issued in terms of – (a) section 9 of NEMBA to the extent that they apply to – (i) restricted activities involving listed threatened or protected species; or (ii) registered captive breeding operations, registered commercial exhibition facilities, registered game farms, registered nurseries, registered scientific institutions, registered sanctuaries, registered rehabilitation facilities or registered wildlife traders; or restricted activities involving listed threatened or protected species; or

Term	Definition
	(b) s11 of the Protected Areas Act, to the extent that they apply to restricted activities involving listed threatened or protected species in protected areas;
Other Effective Area-Based Conservation Measure (OECM)	A geographically defined area other than a protected area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socioeconomic, and other locally relevant values.
Permit*	A permit issued by an issuing authority, authorising a restricted / controlled or regulated activity involving a specimen of a listed threatened or protected species
Photo-tourism	Tourism based on viewing and photographing wildlife.
Possession permit*	A permit for keeping a specimen of a listed threatened or protected species in a person's possession without carrying out any other restricted activity
Professional hunter*	A person who is licensed in terms of provincial legislation as a professional hunter
Property right	These can include (1) the right to (1) use an asset, (2) manage an asset (3) earn income from an asset and contract over the terms with other individuals, (4) right to transfer ownership rights permanently to another party (5) exclude others from accessing one's asset without permission and/or payment.
Put and take animal	Hunting of animals bred (intensive or extensive) in one area and then released into another for the purpose of hunting** and / or Live specimen of a captive bred species that is released for the purpose of hunting the animal within a period of twenty four months after its release from a captive environment*
Registered game farm*	A game farm registered with the issuing authority
Registered wildlife trader*	A person who may hawk, peddle, barter, exchange, offer, advertise, expose or have in his or her possession for the purpose of exhibition, display, sale, hawking, peddling, bartering or exchanging, any animal (listed threatened or protected species) , and includes taxidermists and game capturers
Rehabilitation facility*	a registered facility equipped for the temporary keeping of live specimens of a listed threatened or protected species for - (a) treatment and recovery purposes, in the case of sick or injured specimens; (b) rearing purposes, in the case of young orphaned specimens; (c) quarantine purposes; or (d) relocation, with the overall intent to release the species.
Reputation**	A stakeholder's overall evaluation of an enterprise over time where this evaluation is made up from the stakeholder's experience of the visible behaviour of the enterprise, as well as the images based on its communication and its symbolism
Restricted activity	Due to the extensive nature of this definition, restricted activity has the meaning provided in section 1 of NEMBA

Term	Definition
SANBI*	The South African National Biodiversity Institute established by section 10 of the Biodiversity Act
Sanctuary	A registered facility in which a permanent captive home & provided in a controlled environment for animal (specimens of a listed threatened or protected species) that would be unable to sustain themselves if released;
Scientific Authority*	The Scientific Authority referred to in section 60 of NEMBA
Self-administration****	The introduction of measures to facilitate compliance with provisions of the NEMBA and standards set by associations or organisations recognised through the system contemplated in terms of section 59(f) of BEMBA, but excludes measures that relate to the issuance of permits in terms of Chapter 7 or functions of environmental management inspectors
Semi-intensively managed rhinos	Rhinos kept in small (<10km <sup>2</sup> ) areas living at compressed density and spacing, with routine partial food supplementation, with a high management intensity, but with a natural breeding system, i.e. where who mates with whom is not controlled (Leader-Williams <i>et al.</i> , 1997). <i>This should refer to the Scientific Authority Guideline</i>
Species****	A kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population
Specimen****	(a) any living or dead animal, plant or other organism; (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits; (c) any derivative of any animal, plant or other organism; or (d) any goods which- (i) contain a derivative of an animal, plant or other organism; or (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;
Standing permit*	A permit referred to in regulation 5(2) of the TOPS regulations that is valid for a longer specified period than an ordinary permit
Sustainable (in terms of NEMBA)****	Relation to the use of a biological resource, means the use of such resource in a way and at a rate that- (a) would not lead to its long-term decline; (b) would not disrupt the ecological integrity of the ecosystem in which it occurs; and (c) would ensure its continued use to meet the needs and aspirations of present and future generations of people;
Sustainable (in terms of the systems approach)	An approach to sustainability which recognizes that the economic system, socio-political system and ecosystem are embedded within each other, and then integrated via the governance system that holds all the other systems together within a legitimate regulatory framework. <sup>[3]</sup>
Trade*	Includes the import into the Republic, export from the Republic, selling or otherwise trading in, buying, receiving, giving, donating, or accepting as a gift, or in any way acquiring or disposing of any specimen;
Traditional knowledge	Traditional knowledge of biodiversity refers to a body of knowledge built up by a group of people through generations of living in close contact with nature. Traditional knowledge of biodiversity is both cumulative and dynamic, building upon the experience of earlier generations and adapting to the new technological and socio-economic changes of the present.

Term	Definition
Welfare	An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well-nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress[4]
Well being	A state where the living conditions of a faunal biological resource are conducive to its health.
Wild population / species	Def Wildlife: Any non-domestic animals and plants which occur in the wild. Means a specimen that is living and growing in natural conditions with or without human intervention.
Wildlife Economy#	The Wildlife Economy in South Africa is centred on the sustainable utilisation of indigenous biological resources including biodiversity-derived products for trade and bio-prospecting, the hunting industry, agriculture and agro processing of indigenous crops and vegetables and livestock breeds and indigenous marine resources and fisheries. Wildlife Economy focus areas centred on the socio-economic benefits of eco-tourism, co-managed conserva-tion areas and ancillary services to protected areas.

\* Source: Threatened or Protected Species Regulations Legislation

\*\* Source: Scientific Authority Report 2018

\*\*\*IUCN

\*\*\*\* Source NEMBA

# Source: <https://www.environment.gov.za/projectsprogrammes/biodiversityeconomy>

[1] <http://www.ibe.unesco.org/en/geqaf/technical-notes/concept-governance>

[2] <http://www.hwctf.org/>

[3] [https://www.gov.za/sites/default/files/gcis\\_document/201409/nationalframeworkforsustainabledevelopmenta0.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/nationalframeworkforsustainabledevelopmenta0.pdf)

[4] <https://www.avma.org/resources/animal-health-welfare/animal-welfare-what-it>

## ANNEXURE K: ACRONYMS AND ABBREVIATIONS

<b>ADB</b>	African Development Bank
<b>AfCFTA</b>	African Continental Free Trade Agreement
<b>AIA</b>	Animal Improvement Act
<b>APA</b>	Animal Protection Act
<b>APNR</b>	Association of Private Nature Reserves
<b>APP</b>	Annual Performance Plan
<b>APU</b>	Anti-Poaching Unit
<b>AfESG</b>	African Elephant Specialist Group
<b>AfRSG</b>	African Rhino Specialist Group
<b>BMP</b>	Biodiversity Management Plan
<b>AED</b>	African Elephant Database
<b>BAT</b>	Ban Animal Trading
<b>BBBEE</b>	Broad-Based Black Economic Empowerment
<b>BEE</b>	Black Economic Empowerment
<b>BRREP</b>	Black Rhino Range Expansion Project
<b>CBD</b>	Convention on Biological Diversity
<b>CBO</b>	Captive Breeding Organisation
<b>CEO</b>	Chief Executive Officer
<b>CIC</b>	International Council for Game and Wildlife Conservation
<b>CITES</b>	Convention on Trade in Endangered Species of Wild Fauna and Flora
<b>CHASA</b>	Confederation of Hunters Associations of South Africa
<b>CMS</b>	Convention on the Conservation of Migratory Species of Wild Animals
<b>COI</b>	Committee of Inquiry
<b>CONNEPP</b>	Consultative National Environmental Policy Process
<b>CONTRALESA</b>	Congress of Traditional Leaders of South Africa
<b>COP</b>	Conference of the Parties
<b>CPA</b>	Community Property Association
<b>CPHC-SA</b>	Custodians of Professional Hunting and Conservation South Africa
<b>DEA</b>	Department of Environmental Affairs
<b>DEAT</b>	Department of Environmental Affairs and Tourism
<b>DEFF</b>	Department of Environment, Forestry and Fisheries
<b>DAFF</b>	Department of Agriculture, Forestry and Fisheries

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<b>DALRRD</b>	Department of Agriculture, Land Reform and Rural Development
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DNA</b>	Deoxyribonucleic acid
<b>DPME</b>	Department of Planning, Monitoring and Evaluation
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>NPO</b>	Non-Profit Organisation
<b>EAPs</b>	Environmental Assessment Practitioners
<b>EBPM</b>	Evidence-Based Policy-Making
<b>EIA</b>	Environmental Impact Assessment
<b>EMI</b>	Environmental Management Inspector
<b>EPIP</b>	Environmental Protection and Infrastructure Programmes
<b>EU</b>	European Union
<b>EWT</b>	Endangered Wildlife Trust
<b>GDP</b>	Gross Domestic Product
<b>GEF</b>	Global Environment Facility
<b>GLTFCA</b>	Greater Limpopo Transfrontier Conservation Area
<b>GMTFCA</b>	Greater Mapungubwe Transfrontier Conservation Area
<b>GYBN</b>	Global Youth Biodiversity Network
<b>HCDS</b>	Human Capital Development Strategy
<b>HLP</b>	High-Level Panel
<b>HPCSA</b>	Health Professional Council of South Africa
<b>IPPC</b>	International Plant Protection Convention
<b>ICT</b>	Information and Communications Technology
<b>INGO</b>	International Non-Governmental Organisation
<b>KTP</b>	Kgalakgadi Transfrontier Park
<b>KZN</b>	KwaZulu Natal
<b>IPZ</b>	Intensive Protection Zone
<b>IUCN</b>	International Union for Conservation of Nature
<b>IDP</b>	Integrated Development Plan
<b>IPBES</b>	Intergovernmental Platform on Biodiversity and Ecosystem Services
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>KNP</b>	Kruger National Park
<b>LEAP</b>	Law Enforcement and Anti-Poaching
<b>MAB</b>	Man and Biosphere
<b>MEA</b>	Multilateral Environmental Agreement
<b>MEC</b>	Member of Executive Committee

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<b>METT</b>	Management Effectiveness Tracking Tool
<b>MinMEC</b>	Ministers and Members of Executive Councils
<b>MSA</b>	Meat Safety Act
<b>MOU</b>	Memorandum of Understanding
<b>NAMC</b>	National Agricultural Marketing Council
<b>NBES</b>	National Biodiversity Economy Strategy
<b>NBF</b>	National Biodiversity Framework
<b>NBSAP</b>	National Biodiversity Strategy and Action Plan
<b>NCOP</b>	National Council of Provinces
<b>NDF</b>	Non-Detriment Finding
<b>NEMA</b>	National Environmental Management Act
<b>NEMBA</b>	National Environmental Management: Biodiversity Act
<b>NEMPAA</b>	National Environmental Management: Protected Areas Act
<b>NEPAD</b>	New Partnership for Africa's Development
<b>NISCWT</b>	National Integrated Strategy to Combat Wildlife Trafficking
<b>NGO</b>	Non-Governmental Organisation
<b>NPO</b>	Non-Profit Organisation
<b>N&amp;S</b>	Norms and Standards
<b>NPA</b>	National Prosecuting Authority
<b>NSBA</b>	National Spatial Biodiversity Assessment
<b>NSPCA</b>	National Council of Societies for the Prevention of Cruelty to Animals
<b>NQF</b>	National Qualification Framework
<b>OAU</b>	Organisation of African Unity
<b>OECM</b>	Other Effective Area-Based Conservation Measure
<b>OIE</b>	World Organization for Animal Health
<b>OPP</b>	Operational Performance Plan
<b>PA</b>	Protected Area
<b>PDI</b>	Previously Disadvantaged Individual
<b>PEPC</b>	Permit and Enforcement Planning Committee
<b>PHASA</b>	Professional Hunters' Association of South Africa
<b>POCA</b>	Prevention of Organised Crime Act
<b>POE</b>	Panel of Experts
<b>Rhino</b>	Rhinoceros
<b>RIM</b>	Rhino Issues Management
<b>RMG</b>	Rhino Management Group
<b>RhODIS</b>	Rhino DNA Index System

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<b>SA</b>	South Africa
<b>SABS</b>	South African Bureau of Standards
<b>SABPA</b>	South African Predator Breeders' Association
<b>SADC RMG</b>	Southern African Development Community Rhino Management Group
<b>SADC</b>	Southern African Development Community
<b>SAPA</b>	South African Predators Association
<b>SANDF</b>	South African National Defence Force
<b>SANParks</b>	South African National Parks
<b>SANBI</b>	South African National Biodiversity Institute
<b>SAoSA</b>	Scientific Authority of South Africa
<b>SAPS</b>	South African Police Service
<b>SATSA</b>	Southern Africa Tourism Services Association
<b>SAYBN</b>	South Africa Youth Biodiversity Network
<b>SEIAS</b>	Socio-Economic Impact Assessment System
<b>SARS</b>	South African Revenue Service
<b>SAT</b>	South African Tourism
<b>SAVC</b>	South African Veterinary Council
<b>SCI</b>	Safari Club International
<b>SDG</b>	Sustainable Development Goals
<b>SETA</b>	Sector Education and Training Authority
<b>SMME</b>	Small, Medium and Micro Enterprise
<b>SOE</b>	State Owned Entity
<b>SOP</b>	Standard Operating Procedure
<b>SPCA</b>	Society for the Prevention of Cruelty to Animals
<b>SRT</b>	Science Round Table
<b>SSC</b>	Species Survival Commission
<b>SULi</b>	Sustainable Use and Livelihoods Group
<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats
<b>TB</b>	Tuberculosis
<b>TBCSA</b>	Tourism Business Council of South Africa
<b>TOPS</b>	Threatened or Protected Species
<b>ToR</b>	Terms of Reference
<b>UAE</b>	Unmanned Aerial Vehicle
<b>UN</b>	United Nations
<b>UNCCD</b>	United Nations Convention to Combat Desertification
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change

<b>UK</b>	United Kingdom
<b>USA</b>	United States of America
<b>USFWS</b>	US Fish and Wildlife Service
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation
<b>UNEP</b>	United Nations Environment Programme
<b>USAID</b>	United States Agency for International Development
<b>YCB</b>	Youth Conservation Programme
<b>WAG</b>	Wild Dog Advisory Group
<b>WAZA</b>	World Association of Zoos
<b>WHC</b>	World Heritage Convention
<b>WHO</b>	World Health Organisation
<b>WWF</b>	World Wide Fund for Nature