**Don Pinnock**

Report to the Parliamentary Portfolio Committee on Environmental Affairs

22 August 2018

*Environmental journalist*

Mr **Mapulane**, members of the Portfolio Committee on Environmental Affairs, members of the Colloquium, **thank you** for inviting me to present my findings and views on trophy hunting in Greater Kruger National Park.

I speak as an **investigative journalist, criminologist** and **Law** **Commissioner** for the International Union for the Conservation of Nature (**IUCN**), and…

I’d like to bring before you **three issues** relating to hunting in Greater Kruger:

* L**egislation** which is **contradictory** or **not appli**ed, both of which need to be remedied,

Assuming that Dr Pinnock is referring to the ‘conflict’ between the Threatened or Protected Species (TOPS) Regulations, 2007 and the Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998) regarding the methods of hunting of lion and the issue of the application of the TOPS Regulations by the Mpumalanga Tourism and Parks Agency (MTPA), the following:

When conflict occurs between provisions of national and provincial legislation, such conflict must be resolved in terms of section 146 of the Constitution, which sets out the circumstances in which national legislation prevails over provincial legislation. The Department is currently working with all provinces on the implementation of the TOPS Regulations. The current conflict of legislation that may be an issue at present will no longer be an issue as the new amended TOPS Regulations will be tabled in the National Council of Provinces (NCOP). The 2008 amendment of the 2007 TOPS Regulations were not tabled to the NCOP, and therefore there would be uncertainty on which legislation will prevail especially when such relates to methods of hunting.

* **Non-compliance, non-transparency** and **questionable** **trophy hunting practices**, particularly in the APNR, plus Kruger’s dereliction of duty in this regard, and…

Please clarify, with the necessary evidence, and provide recommendations.

Could you elaborate on non-compliance, non-transparency and questionable hunting practices and provide proof thereof, so that this could be addressed.

* **Reputational damage** caused by **canned hunting** to all hunting in these private reserves, particularly the hunting of lions.

No canned hunting is taking place in the APNR. This is a misrepresentation of the facts, denying the constitutional rights of these areas. The resource use is a legal practice, with these open systems being managed according to their Management Plans, as per the legislative framework, namely the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA) and the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA).

Please note that there is a clear distinction between “canned hunting” and the legal hunting of a wild lion.

Let me begin by **anticipating** the presentations by **SANparks** and the Department of **Environmental Affairs** which **follow**.

The below statement was not presented by SANParks nor by the Department of Environmental Affairs (DEA), neither was there any engagement on the below matters. Written inputs based on earlier PAIA requests (find attached – Addenda 6-8) are not presented. Further correspondence submitted to the media were misrepresented (partial representation, or misrepresentation of what has been submitted). A portfolio of evidence is available.

They’ll **tell you** that the **SANParks Policy Framework** and revis**NP Management Plan** provide for **cooperative arrangements** in an **open** system, and will **stipulate** that **hunting** is a **legitimate** **activity** in the **buffer zones** surrounding Kruger Park.

The above reflects that earlier correspondence has taken place, and in fact, responses have been submitted to EMS, Dr D Pinnock and other parties (party to the “Skye” report). Please explain the intent pertaining to the above comment?

They’ll **say** this is **consistent** with the **sustainable** **management** of wildlife, **provided** it’s **conducted** in **accordance** with the appropriate **legislative framework** and **regulation** set by the **national and provincial conservation authoritie**s – subject to Cooperative Agreements and Protocols.

As above.

It **will be pointed out** that this **activity** is **reflected** in the **Management** **plans** of Cooperative **partners**, **particularly** the **APNR** where a **controversial** **lion hun**t recently took place. All this is **true**.

As above.

A legal hunt of a lion was conducted. However, it seems as though the anti-hunting fraternity and animal rightist movement “made” the hunt “controversial”.

Please note the processes that are followed for approving hunting quotas in the Greater Kruger and the APNR (Addenda 1-3).

The fact statement pertaining to the hunt in Umbabat, is presented in Addendum 4.

The **APNR** will tell you they **need** to trophy hunt to **support anti-poaching**. I would reply: **How come Sabi Sands**, which is a grouping much like yourselves, finds **no need** to hunt?

Please note that a socio-economic survey has been done of the various conservation areas, which reflects on the socio-economic investment of the respective areas, and their contribution to the conservation estate. A range of models contribute to the conservation and socio-economic outcomes. The SSW model has a much larger infrastructure and development impact opposed to some other areas conducting resource use. The IUCN briefing paper on “*Informing decisions on trophy hunting*” paper further expands on this principle in general, and the document is attached.

Please note that all Greater Kruger reserves, including SSW, Makuya, Letaba Ranch, APNR, Manyeleti, Mala Mala, KNP, Makuleke Contractual Park etc. have resource use programmes, which are well within the legal framework (NEMPAA). Such resource use range from water use, to gravel pits, animal off-takes, tourism development impacts etc. Note that areas such as SSW also have consumptive resource use programmes (including animal off-takes for own use, or as management e.g. during drought periods), but as guided by the legal framework.

The business models of the SSW and the ANPR cannot be compared, but are supported/described according to their respective management plans, as per their constitutions, and for the reasons for which these areas were declared. A range of conservation-compatible models, not limited to tourism, is beneficial for the conservation and socio-economic outcomes of the Greater Kruger. There is no similarity between the business models of the SSW and the APNR. A full socio-economic and environmental study of the respective areas should be provided, prior to making assumptions on the most appropriate models. A range of land use models are considered to be the most resilient for the Greater Kruger footprint, and the UNDP funded Global Environmental Facility Protected Area Programme has done major research in this regard in the past two years.

The land productivity gradient, from south to north in the reserves adjacent to the KNP, based on soils and rainfall, dictates what land uses will be an economically sustainable model. The entire SSW is highly productive and able to sustain a photographic safari model across the entire reserve, they have the choice of what land use to institute. Reserves and portions of reserves further north do not have sufficient land productivity to be able to sustain a purely photographic safari model, and therefore in order to sustain the reserve economically, are required to utilize other means.

The SSW model also comes with a much larger human and carbon footprint which has other negative impacts on the system. Examples of this are a much larger ground water extraction for human and animal use, a larger and more extensive road network and a greater manipulation of the habitat through artificial water provision and bush clearing. Many land owners choose the impacts associated with hunting over the impacts of photographic safari operations.

About the **legislation** there **seems** to me to be **something amiss**…

The **Centre for Environmental Law** counted **18** pieces of national legislation, **8** biodiversity management plans, **19** norms and standards notices and procedures, **10** pieces of provincial legislation and **two** international conventions/treaties which **inform** the **protection** of **wild animals**.

Please provide us with the study, since this would be of interest. We would welcome the opportunity to comment on this, and seek how this could contribute to tangible solutions within this complex Greater Kruger institutional landscape.

Their **goal**, however, is **not welfare**.

As above.

In **almost al**l these pieces of legislation, **animals** – **including wild ones** – are considered to be **property** and a **resource**. The **underlying** **perception** is that their **management** and **care** are **agricultural** **issues** concerning **commercial** exploitation.

As above.

It is also not clear whose underlying perception is being referred to. DEA does not agree with the perception that wild animals on private property relate to agricultural issues, as no policy decision has been taken to make this distinction. The legal situation is that wild animals can be owned, are regarded as indigenous biological resources and can therefore be used and economic benefits may be derived from these resources, provided that it is done in an ecologically sustainable manner.

**Here’s the first issue:** In terms of the **Game Theft Act 105 of 1991**, **wild** **animals** in this country actually **don’t exist**. This is **because** it deems any animal **adequately fenced in** on **private** or **public** property to be **owned** and therefore **no longer wild**.

We do not agree with this statement/interpretation. It is our interpretation that when game is kept or held on private or public land that is sufficiently enclosed, they are deemed to be owned. All other game not sufficiently enclosed are deemed to be wild. A person can still own a wild animal even if the property is not sufficiently enclosed, however, should that animal move to an adjoining property and is no longer under the control of the owner, the latter will lose ownership. If another person then takes control of the animal, he may then acquire ownership.

The DEA disagrees with the interpretation that wild animals in South Africa do not exist.

Nowhere in the Game Theft Act is the status of a wild animal changed to something else by the mere fact that land is adequately enclosed. The Game Theft Act provides for the retaining of ownership of game in specified circumstances, but the animal remains a wild animal (as opposed to a domesticated animal).

The Game Theft Act also only applies where game is held for commercial or hunting purposes. Generally, national parks or provincial nature reserves do not hold game primarily for commercial or hunting purposes, but mainly for conservation purposes. However, it does not mean that hunting may not take please in these reserves as part of a management intervention. Therefore wild animals in national parks and provincial nature reserves are still wild animals, even if those reserves hold certificates of adequate enclosure. Further, the certificates on private land do not apply to all species; e.g. species such as leopard, hyena, and wild dog are generally not included in the certificates.

As there are **no unfenced areas** in SA, there are **no wild animals**. **Hunting** and facilities like **lion bone abattoirs**, are therefore **farming issues**.

We do not agree with this statement/interpretation. The fact that an area is fenced does not mean that the animals contained within that fence are domesticated and no longer wild. As an open system, neither the Kruger National Park (KNP) nor the APNR have certificates of adequate enclosure. These areas are not considered as farming areas, but are listed in the National Protected Area Register, and governed through environmental legislation (and not Agricultural legislation).

Further note that the issue of lion bone abattoirs is not relevant to this discussion at all. If there are no unfenced areas, then why the concern with the open Greater Kruger system.

The above argument also becomes confusing, especially if it is to manage “wild animals” that are perceived to belong to the Kruger. This then conflicts with other arguments.

We would welcome an independent legal opinion on this matter.

**Who actually owns these legislatively un-wilded animals is another issue.** Both Kruger Park and buffer reserves like the APNR **claim *res nullius*** (owned by nobody) as the basis of the agreement between them.

The above is not a legal interpretation, but an interpretation / opinion presented to the broader public. There is no such recognised term as “un-wilded” animals in any legislation. See comment on *res nullius*.

As **animals** **step** **over** the invisible, **unfenced line** from the **national par**k, their **status** is **claimed** to change from **res publica**e (owned by us all) to **res nullius** and trophy **hunters** can **shoot** them.

The above is not a legal interpretation, but a perception presented to the broader public.

Neither the KNP nor the APNR have certificates of adequate enclosure. Therefor neither have control over the movement of the animals and they move freely from area to area.

The statement above creates the impression that it is unlawful to hunt wild animals in national parks and provincial reserves, as they are regarded as *res publicae*. This is an incorrect impression, as there is no legislation that prohibits the hunting of publically-owned wild animals, neither does the common law prohibit this. It is SANParks’ policy decision not to allow hunting in national parks.

In correspondence **Kruger** has **claimed this.**

The complainant to clarify what KNP has claimed in context of the above? Further provide the full context and correspondence that you refer to.

***Res nullius*** has **no place in South Africa**. It was first **proposed** as a political **justification** for **white ownership** of land in the **Cape** in the **1830s** and is closely **linked** to **colonial** and **imperial** notions of **possession** and **ownership**. It is in **conflict** with the South African **Constitution**.

The above is not a legal interpretation, but a perception presented to the broader public. It is not clear on what basis Dr Pinnock regards the common law principle of *res nullius* to be un-Constitutional. Clarification should be provided in order to respond to this statement.

**Here’s a third issue:** According to the **Game Theft Act**, an animal’s **wild** **freedom** **ends** the moment someone **encloses** **it** within a fence or pen **o**r **shoots** it. In **that instant** it becomes **private** property.

We disagree with some aspects of the the statement above. The Game Theft Act regulates the ownership of game kept for commercial purposes. A person who holds game on a property that is sufficiently enclosed and a certificate of adequate enclosure was issued does not lose ownership of the game if it escapes from the property. Similarly, if a person keeps game in a pen, kraal or vehicle. The distinction between ownership of game and freedom of movement need to be acknowledged and not confused. The Game theft Act refers to ownership and is not about the freedom of movement.

**When the fences came down** between Kruger and its western neighbours, however, the **unintended consequence** was that the **private** reserves were **contained** within a **larger area** **safeguarded** by the **Protected Areas Act** and, arguably, the **law of res communis** – in the public domain as a **common heritage** to humankind.

Note that the western neighbours are not National Parks, and neither is SANParks the Management Authority. The management aspects of these private reserves adjoining the KNP are subject to the agreement between SANPArks and the owners of the private game reserves and are protected under the NEMPAA depending on whether and how they are declared.

This is **acknowledged** in **The Protected Areas Act of 2003**, which states:

‘**All animals** in a **national park** are, for as long as they occur in the national park, deemed to be **public assets held in trust** by the State for the benefit of present and future generations as **part of the public estate**.

As above. The western conservation areas are not National Parks, and are declared through the provincial legislation as Nature Reserves. The assets are not part of the KNP public estate. Once the animals cross the unfenced boundary, they are therefore not in the National Park anymore.

‘They **remain** **public assets** **even** when **they leave the national park**. This is true of both **damage causing** animals as well as **valuable** **animals**.’

Please provide us with the legislation from which this was quoted? We do not agree with your interpretation. The KNP does not and has never been deemed as adequately fenced. No relevant legislation refers to “valuable animals”.

The **implications** are that **when the fences came** down between Kruger and the APNR, the **animals** in the **private reserves** became **incorporated** into the larger entity and, in terms of the Game Theft Act**, became *res communis.***

The above is not a legal interpretation, but your interpretation / opinion presented to the broader public. We therefore disagree with this interpretation/ statement, as the Game Theft Act does not apply to wild animals that are kept for purposes other than for commercial or hunting purposes, as is the case with game in a national park. It is therefore not clear how Dr Pinnock interprets wild animals on private land to become *res communis* in terms of the Game Theft Act, the moment when fences bordering a national park are dropped.

And **in terms of the Protected Areas Act** they are **Kruger** **animals** under the park’s protection.

As above.

According to Dr Pinnock’s interpretation all wild animals in the open system become wild animals in public trust, regardless of where the animals originate; i.e. regardless of whether they originate from KNP or from the APNR.

The NEMPAA does not prohibit the hunting of wild animals in a national park, so even if it could be interpreted that all wild animals in the open system become *res communis* the moment the fences are dropped, it does not mean that it would be illegal to hunt such a wild animal. It would be no different to the selling of wild animals by SANParks as part of an off-take intervention, should this become necessary (although the animal remains alive when sold, that animal is no longer held in public trust). Yet it seems that the selling of surplus animals to private landowners is not problematic?

In **permitting** them to be **hunted**, the park is therefore **allowing** the **destruction** of public **assets** which it was **established** to **protect**.

As above – the selling of surplus animals by SANParks is no different to allowing the hunting of surplus animals in a national park (if SANparks were to allow this, which is not supported by their Policy framework though, but legally it could be permitted), as the animal is removed from the public trust domain.

**Kruger** appears to **sidestep** this **responsibility** and **make** any **enquiries** **difficult** to the point of needing to extract information by way of **PAIA** requests. It:

* Continually **insists** (as does the Associated Private Nature Reserves, the APNR) that **animals hunted** in the unfenced reserves along its border are **not from the park**, though they **obviously** **are**.

Please provide us with a copy of the entire PAIA response, “stating” the above. Kindly provide us with the relevant scientific and monitoring information, e.g. marked animals of KNP that were hunted in the KNP (stating ownership of “KNP animals”).

We therefore do not agree with your statement. The MTPA and SANParks responded to questions posted by a number of newspapers, SABC and accommodated an interview with Mr. Adam Cruise, a colleague of Dr Pinnock at Conservation Action Trust. Both SANParks and the MTPA further responded to PAIA requests (Addenda 6-8).

* It **refuses** **public access** to annual **quotas** of animals it permits to be **hunted** in the

APNR (**4 413** this year) or hunting reports.

To clarify: SANParks comment, whilst the MTPA and the Limpopo Department of Economic Development, Environment and Tourism (LEDET) issue the permits (Addenda 1-3). Please note that this has been indicated in the PAIA requests (Addenda 6-8), and that this information can be obtained from the APNR, MPTA and LEDET. Please note that the MTPA provided responses to a PAIA request which was submitted to the MTPA only.

* It **refused** **permission** for a recent **lion** **hunt** in Umbabat, but the hunt **went ahead** anyway. We have **yet to be told why**.

Please see Addenda 6-8 – responses to the EMS.

Please note that the MTPA provided responses to a PAIA request which was submitted to the MTPA only.

On the **last point**, Kruger authorities **claimed** **responsibility** for the hunt **rested** with the **Mpumalanga Tourism & Parks Agency** (**MTPA**) and not itself, and **refused** to **say** if it had been **approached** by the **provincial** **authority** for **permission** to hunt the lion.

Please clarify, by providing us with the supporting written response, where SANParks “refused” to say if KNP had been approached by the provincial authority for permission to hunt the lion? Please refer to Addenda 1, 2, 3, 4, 9 and 10, which capture the information with respect to the lion hunt.

Further note that the MTPA is the Issuing Authority for the APNR, who do not require permission from the KNP whether a hunt could proceed. However, the MTPA and APNR entities do consult with the KNP.

**This committee also needs to consider the priority of national over provincial legislation.** In the **aforementioned hunt**, it was **acknowledged** by the Umbabat **warden** that the **lion was baited**. This **violates** the **Greater KNP Hunting Protocol** for reserves which **states**:

* Hunting should be **conducted** according to **set rules** to ensure that the spirit of **fair chase** is **honoured**. It also states:
* The **animal** must be **within** its natural habitat under **free-roaming conditions** and must **be in a position to escape** the hunter.

**Neither** was **true** in the recent Umbabat lion hunt.

The hunt took place in accordance with the above mentioned hunting protocol. Umbabat is an open system with free-roaming animals.

**Baiting** the animal also appears to violate the **Threatened or Protected Species (TOPS) Regulations** of 2007 which does not permit baiting during a hunt.

Should conflict arise between national and provincial legislation, such conflict must be resolved in terms of section 146 of the Constitution. National legislation prevails over provincial legislation in the specified circumstances, if the national legislation has been approved by the National Council of Provinces. The current conflict of legislation that may be an issue at present will no longer be an issue as the new amended TOPS Regulations will be tabled to the National Council of Provinces (NCOP). The 2008 amendment of the TOPS Regulations, 2007, were not tabled to the NCOP, and therefore there would be uncertainty on which legislation will prevail especially when such relates to methods of hunting.

The **MTPA** has **not signed** the **regulations** for **five** years. But environmental lawyers **Cullinan & Associates argue** that **conflict** of this nature is **dealt** with in our **Constitution** and **TOPS** **Regulations** should **prevail** when it comes to the **killing** of a **listed** TOPS **species**.

We do not agree with this statement. The TOPS Regulations can only prevail if it has been approved by the NCOP, of which the 2008 amendments have not been tabled for approval.

They say, and I **quote**, ‘the **survival** of the **whole species** in South Africa requires a **uniform approach** and **cannot** be dealt with **effectively** by **each** **province** **making their own laws’.**

Please clarify who “they” are? Please provide the full context from where this was quoted, including authors? Then only can we respond.

**Thea Carroll** of the DEA at the time appeared to **agree**. She said it was the **Department’s** view that the **TOPS Regulations must prevail** over a **conflicting** **provision** of a **provincial** **nature** **conservation** **ordinance** when it comes to the **killing** of a **listed** threatened or **protected** species*.*(Affidavit filed on behalf of DEA in a 2012 High Court Case  between the Landmark Foundation Trust and CapeNature).

Please provide us with the full context for interpretation. The issue at hand was not conflict between national and provincial legislation that required to have been resolved, but rather whether CapeNature required a NEMBA permit for the killing of a leopard, if it did not require a permit in terms of its provincial legislation.

**There will be people** in this chamber who will **argue** that the **2007 TOPS** regulations **allowed** the **baiting** of lion. **Good news for lions** and **bad** for **lazy hunters** is that an **amendment** in **2008 removed lions from the exception** and **baiting** has been **forbidden** since then. I have **not seen** **legislation** to the **contrary**

So baiting the lion is therefore **probably illegal**.

The Mpumlanaga Nature Conservation Act Act allows for baiting. The use of the words “probably” illegal is therefore incorrect. The 2008 amendments of the TOPS Regulations, 2007, have not been approved by the NCOP. The implication is that the prohibition in the TOPS Regulations relating to the baiting of lion does not utomatically prevail over the provision of the Mpumalanga Nature Conservation Act, which makes provision for the hunting of lion by means of bait, subject to the issuance of a permit. The hunting permit was issued in terms of the Mpumalanga Nature Conservation Act and the relevant Regulations which allow for the baiting of a lion.

Could you kindly clarify why emotive words such as “lazy hunters “are used to make a point? We would much rather welcome constructive and inclusive engagement on this matter.

The **reputational damage** resulting from **lack of transparency**, **confusion** of **responsibilities** and **secrecy** was evident in the **furore** surrounding the **hunting** of the **Umbabat lion**, which was **undoubtedly** the **pride male** named **Skye** (one of his **cubs** were **killed** and his **females** were **savaged** shortly afterwards without his protection).

Clarify the lack of transparency, confusion of responsibilities?

The lion hunt was legal. The confusion was caused by the social media driven by the anti-hunting and animal rightist fraternities. Please refer to Addenda 1, 2 and 5, which clarify the mandates of SANParks vs the MTPA and LEDET. Further refer to Addendum 4 for the correct facts.

The **public** was **denied** the **name** of the **hunter** and **PH**, **denied** **access** to the hunting **permit** and **denied** **access** to the **skin** to check the **identity**.

The information referred to above is confidential and not to be made public without the consent of the individuals involved. The skin and carcass are, and will remain, the property of the hunting client. Consent must be obtained from the client to view the skin.

The **DEA** said it would **investigate** but would **await** **application** of an **export** permit. The **MTPA** **refused** **independent** **access** to verify this.

The DEA did in fact do an investigation. The MTPA has not received the outcome of the investigation.

The Umbabat warden, **Bryan Haverman**, is on record **insisting** that the hunted **lion** was an “**elderly male lion** that often **encroaches** **into** the **north-eastern** section of the Umbabat **from KNP**.” But on 8 **August** the DEA **emailed** journalist **Louise de Waal** saying:

“We wish to **reiterate** that the **hunting permit did not stipulate** as a condition that **a specific lion** should **not** be hunted.  Accordingly, **even if it is possible to verify that the skin of the hunted lion is indeed that of Skye,** this would **not** provide **evidence** that any **offences** has been committed.”

A permit for the hunt of a male lion was issued. No offence was committed.

Photos provided show that the hunted lion is not “Skye”. Please engage with the MTPA on this matter. Further please clarify if the concern is about a lion called “Skye”, or about the hunting of lion and other species in general?

On **radio** on **Friday**, **Isaac Phaahla** of SANparks **implied** he **knew** the **identity** of the hunted lion, saying ‘**that lion was named Skye’**.

This is not true. Media recordings are available to contradict this false statement.

If the lion **was Skye**, he was **below** the **permitted** **age** to hunt, which constitutes **permit** **violation**.

It cannot be proven that the lion was below age. In fact all indications are that the lion hunted is older than 8 years. No permit conditions were violated. Refer to Addendum 4.

After **journalists** **discovered** the hunt and began to **ask questions**, the amount of **ducking** and **diving** by **officials** has all the signs of a really **bungled cover-up**. It raises **worrying** **questions** about **who** they are **protecting** and **why**.

Please clarify the “discovering of a hunt”? A legal permit as per protocol was issued by the MTPA. Refer to Addendum 4.

Although **Kruger authorities** continue to **give permission** to **hunt** animals which, under the **Protected Areas Act**, remain **their responsibility**, **they are clearly and quite rightly aware of questionable practices** which should make the park **rethink** their **annual permission** to hunt in the **APNR**.

Refer to earlier comments, including the mandate of SANParks vs. the MTPA and LEDET (Addenda 1-3, 5). The determining of quotas takes place according to best practice principles.

Their **concerns** include **discrepancies** on **offtakes**, **non-compliance** in **reporting…**

Please obtain the information from the APNR, MTPA and LEDET of how the below concerns were addressed. Further see Addendum 10 for Umbabat’s response.

* **claims** that the **age** of **hunted** **elephants** **could not be assesse**d because ‘**rodents** had eaten the **tags** on their **jawbones’**,

The ANPR entity has addressed this. Please consult with the APNR Chair, who can indicate what corrective measures were followed. Please approach the MTPA and LEDET as issuing authorities that can further provide feedback on all corrective interventions that were subsequently implemented.

* **tardy** hunt **reporting**,

The APNR entity has addressed this. Please consult with the APNR Chair, who can indicate what corrective measures were followed. Please approach the MTPA and LEDET as issuing authorities that can further provide feedback on all corrective interventions that were subsequently implemented.

* **exceeding** the allowed **tusk size** on some **elephant** hunts,

As above

* **hunting lions without informing Kruger rangers**,

As above

* **not** **signing** the hunting **protocol**,

As above

* **Umbabat** requesting permits to hunt **more** buffalo in the **hunt class** than were **on the reserve**.

Please note that the requested quotas were lowered, based on recommendations made by SANParks and the MTPA. The hunting quota on both elephant and buffalo were lowered and amended for the 2018/2019 hunting season.

* **Umbabat** seemed to be of **particular concern** and

Please note that corrective actions were implemented, and that you could consult with the APNR Chair and the MTPA in this regard. Refer to the Umbabat response (Addendum 10). See earlier responses above.

* a **request** to hunt a **lion** and a leopard **was** **refused** (but the lion was hunted anyway).

Please note that insufficient information was submitted, and hence the request was not supported. However, the MTPA followed a due diligence process, and recommended the quota based on scientific information obtained. Please refer to Addenda 4, 5, 7 and 8 which also summarise the response to these matters.

There was **also** **concern** about how **income** **generated** by **hunts** was **used**. To quote Kruger:

‘It is … **not clear** towards which **conservation**, **management** and socio-**economic activities** the **revenue** generated is **being directed**. It is the **mandate** of **MTPA** as issuing authority to **verify** that **management** takes place as **per approved Management plan**, including that **revenue** generated **contributes** to the **functions** as stipulated.’

This function falls within the mandate of the issuing authority. Please obtain the information from the MTPA and Umbabat.

The **continual permitting offences** are clearly putting **pressure** on **SANParks**. When **probed** on the recent Kruger lion hunt, KNP managing executive **Glenn Phillips** said that "If **Umbabat** doesn't **sort** out their **governance** **issues**, Kruger will **re**-**erect** the **fence**."

This is a misrepresentation of facts. Mr Phillips was not probed. Please provide us with such evidence. Refer to Addendum 9 for the full background on this matter, and the Umbabat’s response (Addendum 10).

On the last **Friday** **radio** **broadcast**, **Isaac Phaahla** said **Kruger** was **reviewing** the **cooperative** **agreement** between **them** and the **APNR** and ‘**parties who do not wish to comply will no longer form part of the open system**.’

This is a misrepresentation of the radio broadcast. A copy of the broadcast can be provided.

On the **Umbabat** **lion hunt** **alone** there has been massive **international** **criticism** and **damage** to **Brand South Africa**, which will reflect on tourism.

The person from Brand SA who presented at the colloquium, did not indicate that Brand SA has been damaged as a result of the Umbabat lion hunt. Evidence to substantiate the statement needs to be provided.

The **APNR** may be **puzzled** by this, and **claim** it’s caused by **publicity** by **journalists** like myself and those they **dub** **greenies**.

Substantial engagement has taken place with the media, and information has been submitted by MTPA, SANparks and the APNR to the media, and via PAIA requests. However, the information has either been mis-represented, or partially presented. A full portfolio of evidence could be provided on request.

What they seem **unaware** of is that **hunting** what **appears** to be a **named** **pride mal**e feeds into **a general distaste** for the **hunting** of lions resulting from **canned lion huntin**g.

Refer to earlier comments. We would like to emphasise that this was not canned hunting. Secondly, the name of “Skye” is not familiar to SANParks, and might be the name that was given by certain lodge entities in Umbabat.

A **rising tide** of international public **distaste** **floats** **all ships** and, from **afar**, the **APNR** appears **indistinguishable** from canned hunting operations.

As above.

**The last point I want to make is about that damage**. I need to begin with a **question**: **Why** is a **small group** of largely **white hunters** and **game** **farmers** being **allowed** to **hold to ransom** the **country’s** formerly excellent **wildlife** **reputation** and to **damage** our **tourist** **industry**?

This seems to be a contradiction of earlier comments, in that there is no “wild”-life. Please obtain the correct information in terms of areas hunting in the open Greater Kruger system, which is not limited to the APNR. We also have community-managed areas which pursue resource use within the open Greater Kruger system.

You are welcome to obtain the information from the APNR, MTPA and LEDET in terms of the APNR contribution to conservation and social investment. Please note that the Global Environmental Facility Protected Area Programme (GEF PA) has done substantial work in this regard.

**Perceptions matter** in the tourism industry. **Consumers** are becoming increasingly **ethically conscious** and **consumer preferences** are **shifting** **away** from **unethical** activities.

The Greater Kruger hunting protocol only supports ethical practices. However, this is as much applicable for all conservation practices, including ethical tourism practices, social investment, safety and security, etc.

To quote what **Paul Stones** said yesterday, ‘We have to **look** the **world** in the **eye** and the **world** does **not like** what it sees.’ And **that world** does not **distinguish** between **baiting** a lion and **shooting** one in a pen.

We do not interpret that the above quote and context represent the legal hunting of a lion in an open system. Please note that legal hunting in an open system is not canned hunting.

The **legalisation** of the **sale of rhino horn** and **lion bones**, **canned hunting**, **elephant-back safaris**, **cub** **petting** and a **reputation** as the **best** **place** to **hunt** **iconic** and **protected** **trophy** animals is **no secret** to an international **tourism** market **thousands of times more lucrative** and providing **many more jobs** than these **ethically questionable practices**.

It is confusing how the above statement relates to the legal hunting in the Greater Kruger open system? None of the above occur in the Greater Kruger open system.

What **Kruger Park** and the **DEA** do **not** **seem** to be **aware** of is the sheer **scale** of the **overseas** **reaction** which is **undermining** the efforts of the **Department of Tourism** and **threatening** thousands of needed **jobs**.

A socio-economic assessment was done, which provides a balanced overview of how the respective Greater Kruger areas contribute to jobs, whilst considering environmental impact (with tourism having a much larger environmental footprint). The APNR is a key driver of socio-economic development.

I have **placed** on Parliamentary **record** a **report** on **damage** being done to Brand South Africa by lion **breeding**, **bone** sales and **trophy** hunting.

Lion breeding and bones sales are not conducted in the Greater Kruger open system. Nor in the province of Mpumalanga for that matter.

It runs to **46 pages** of small type listing **global marches**, **international** **campaigns**, **petitions**, **international** **newspaper** **criticism**, **films**, **youtube** videos, **reports** and **books** **criticising** these **practices**. We **do not look good** to much of the world concerned with conservation.

Please provide us with the copy of the report, which would be of interest to us.

The **report** found **bans** on the **transport** of **trophies** from the **country** by **42 international airlines**, **marches** against **lion hunting in 62** cities, **18** online **petitions** cumulatively signed by nearly **2-million people**, **10** international **campaigns** against **canned** lion **hunting** and **thousands** of **articles**. Many **tourism** **bodies** are **flagging** **hunting** as a problem in their **correspondence**.

Please provide us with the copy of the report, which would be of interest to us.

The **hunting fraternity** claims to **provide** **revenue** and **jobs**, but it’s **threatening** an **industry** with far **greater impact** in both of those areas.

Please provide us with the report where you compared statistics between hunting and non-hunting fraternities, especially from a resource economist perspective, since this would be very informative.

Note that a socio-economic assessment was done, which provides a balanced overview of how the respective Greater Kruger areas contribute to jobs, whilst considering environmental impact (with tourism having a much larger environmental footprint). The APNR is a key driver of socio-economic development.

A **report** on the **captive bred hunting industry** last year found that it **provided** **1 162** **jobs**.[[1]](#footnote-1) Paul Stones claimed the hunting industry in general provides 60 000 jobs (I’d like to see the data for that).

Please note that the hunting industry is much larger that the captive bred industry. It remains confusing as to why these two matters are mixed. We would be interested to obtain the report.

**Tourism,** by comparison**,** **employs** **687 000 people**. If we **average** family size as **five** (3 urban & 6 rural), it **puts food on the table for 3.4-million** South Africans or 6**% of our population**. That’s according to Minister **Derek** **Hanekom**.

Please provide us with the report, including a report for the Greater Kruger, which will contextualise a balanced view of the desired scenarios relevant to the Greater Kruger landcape, including the adjacent traditional authorities and associated wildlife economies (covering a range of tourism and resource use practices).

Every **8 new tourists** equals **one new job**. So every **8 tourists less** equals **one** **lost** **job**. Between 2012 and 2016 **tourism** **outperformed** all other **key** **industries** in job creation.

A **report** by the **SA Institute of International Affairs** – *The Economics of Captive Breeding in South Africa* – which has been referred to here **compared** the roughly **R2.39-billion** annual revenue from the **hunting industry** to the **tourism** spend of R144.3-billion and **warned** that **reputational** **damage** could **reduce** the latter figure by **R54.5-billion** over **the next 10 years**.

As above.

**This is what we are risking.**

**A positive external image is essential for attracting overseas tourists.** For many **years** foreign visitors have **associated** **South Africa** with **iconic** **wildlife** in natural habitats.

But over the **last few years**, **revelations** about the **truth** and **scale** of the lion **hunting** and **captive** lion breeding **industry** in South Africa, and its **direct links** with the **lion bone** industry and international crime syndicates, have seriously **tarnished** this image.

Could you kindly clarify why the captive lion breeding and lion bone industry are correlated with the hunting in the APNR?

**I leave you with two suggestions.** Trophy **hunting** is a large **international** **past-time** of, mainly, **rich Americans** and is **too powerful** and well-**funded** to stop at this stage.

This represents your opinion.

It is a perception that most of the hunters are from the USA, and that most of them are rich. Hunters from the USA make up less than 60% of the total hunters from abroad. For many hunters, regardless of their country of residence, hunting in South Africa is a life-time opportunity for which they had to save to materialise.

But we, as one of the world’s **key wildlife countries**, need to be able to **control** **where** it **takes** **place** and **what** is **hunted**.

To **clean up** our **image** tarnished by canned hunting we have to take **radical** steps.

No canned hunting is taking place in the Greater Kruger.

Firstly, we should **designate core areas where no hunting occurs**, and **Greater Kruger** is the most important. If **hunting** is to **occur**, designate **geographically peripheral areas** where this can take place.

Reserves in the Greater Kruger are in fact zoned within the Management Plans, which stipulate which activities may take place in respective zones. No hunting is taking place in the KNP, which is zoned as “core” according to the Great Limpopo Transfrontier Conservation Park Treaty (2002).

Secondly, **we should ban the hunting of all iconic and protected animals**, all of which are **under terrible threat** from **poaching** across the **continent**.

Refer to the Scientific Authority’s Non-detriment Finding for lion. It indicates that the South African population of the African lion is not under threat.

Scientifically this is an incorrect statement, as the South African lion, elephant and white rhino populations are not under threat, although poaching occurs. It is therefore not clear why the hunting of protected animals should be banned.

**Lion, elephant and rhino** numbers **crashing** across Africa and **tourists** **know that**. It **doesn't cut ice** with **them** to **say** we have **more** **here** so we **can kill them.**

As above.

**To the rest of the world**, trophy **hunting** of these animals in the **face** of their massive **illegal destruction** appears **insane** and **implicates** South Africa in **popular perception** of **aiding** their **decline**.

The hunting of wild lions is legal in South Africa.

The lion hunt in Umbabat was not illegal. Clarify why it is used in the above context, and how you have been mandated to speak or comment on behalf of “the rest of the world”.

**Lack of action and policy indifference** will undoubtedly **impact** **negatively** on the **tourism** trade, further **weakening** our **economy**.

Clarify what is implied by the above, within the context of a full resource economy report, and by providing a report on such policy concerns. Provide us with recommendations, based on concrete facts and consultation processes with a range of stakeholders and affected parties, that could constructively address the above concerns.

This is **something** **SANparks** and those who **administer** **hunting** in **Greater** **Kruger** seem to be either **completely** **unaware** of or **simply** **don’t give a damn**. I hope the **outcome** of this **colloquium** will cause them to **recalibrate.**

Refer to earlier comments.

I thank **you for** your time and **attention**.

1. Van Der Merwe, P., Saayman, M., Els, J. & Saayman, A. (2017) The economic significance of lion breeding operations in the South African Wildlife Industry. *International Journal of Biodiversity and Conservation.* [↑](#footnote-ref-1)