

REPORT OF THE PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS ON THE NATIONAL NORMS AND STANDARDS ON TROPHY HUNTING OF LEOPARD IN SOUTH AFRICA DEVELOPED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) (NEMBA)

1. INTRODUCTION

The Speaker referred the **National Norms and Standards on Trophy Hunting of Leopard in South Africa developed in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)** to the Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs (the Committee) for consideration and report back to the House in accordance with the Rules and Orders of the Mpumalanga Provincial Legislature.

In terms of Section 114 of the Constitution of the Republic of South Africa, 1996, (the Constitution) the Legislature is mandated to consider, pass, amend or reject any legislation or subordinate legislation in a form of either regulations or norms and standards referred to it. In considering these norms and standards, the Legislature is also mandated to facilitate public involvement in the legislative and other processes of the Legislature as per Section 118(1) of the Constitution. It is against this background that the Committee conducted a virtual public hearing to solicit inputs and views from members of the public on the Norms and Standards.

2. OBJECTIVES OF THE NORMS AND STANDARDS

The purpose of the amendment of the norms and standards of Trophy Hunting of Leopard in South Africa is to manage the threat to the leopard population in the country.

3. METHOD OF WORK

The Committee was invited by the Parliament Select Committee on Land Reform, Environment, Mineral Resources and Energy and the Department of Environment, Forestry and Fisheries (DEFF) on 03 November 2020 for a briefing on the Norms and Standards. The virtual public hearing was conducted after publishing advertisements on the Mpumalanga Legislature social media platforms, Mpumalanga print media, Provincial Media, Mpumalanga Press, Lowveld Media (Lowvelder and Mpumalanga News, News Horn; and electronic media within the 3 districts namely SABC Radio Stations (Ligwalagwala FM and Ikwekwezi FM) and Community Radio Stations namely Bushbuckridge Community Radio, Nkomazi FM, Mash FM, Voice of Hope, Eyethu FM, Emalahleni FM, Mkhondo FM and Voice of the People in order to solicit inputs/comments from interested stakeholders and members of the public. The members of the Committee participated on radio interviews to encourage the members of the public to be part of the public hearing.

The virtual public hearing was conducted on Friday, 05 February 2021, from 10h00 – 13h00. All relevant stakeholders were invited including the three (3) district municipalities, namely, Ehlanzeni, Gert Sibande and Nkangala District Municipalities. The virtual public hearing was also broadcasted live on the Mpumalanga Provincial Legislature Facebook and YouTube.

4. INTERACTION BY THE COMMITTEE WITH THE NATIONAL DEPARTMENT OF ENVIRONMENT FORESTRY AND FISHERIES (DEFF)

4.1. BRIEFING BY THE DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES (DEFF)

The Department made a presentation on the Norms and Standards pertaining to trophy hunting of leopard in South Africa and indicated that the purpose of this public hearing is to provide information to the affected public in Mpumalanga.

4.1.1. INTRODUCTION

The general information on leopard population that will also provide a background on the number of provisions on the N&S; what specific problems it is addressing and what it aims to achieve.

- Leopard are regarded as long-lived animals with a low reproductive rates; basically when compared to rats for example, female leopard normally have two cubs, have a relative low survival rate and there is relative long period of dependency of the cubs on the mothers. So it does take a relatively long time to replace a reproductive unit once that productive unit or female is taken out of the population. It takes a long time to replace that female at a place where it is able to reproduce compared to rats and rabbits as they can do it quickly and produce in high numbers.
- Leopard occur in a wide variety of habitats and different climate conditions in South Africa. They occupy approximately 20% of the habitats in South Africa suitable but is fragmented. That is primarily based or due to agricultural development and human encroachment so because of that the Department does not have a lot of information on the connectivity because their habitats are fragmented. There is really no information on the connectivity between the separate leopard populations whether; this flow from one population to the other and to what extent. The fact that the habitats are fragmented is problematic; they do occur in many Provinces; for example, in Western Cape, in there for mountainous area, parts of the North West, Mpumalanga Limpopo, Kwazulu Natal and Eastern Cape. Gauteng does not have a population of its own, but it does border North West and Mpumalanga areas. So it is possible that there is a population or later occurring that's moving across the provincial borders and might move into Gauteng.
- Leopard are sensitive to human disturbances so they tend to move away, or unless there is nowhere else for them to move. They do result in human wildlife conflict. Recently the Department did not have any reliable estimates

on population trends meaning whether the populations are increasing or decreasing there was no information on that; and because it is very difficult to determine how many populations are there. Basically the department does not have information on the Leopard population.

4.1.2. BACKGROUND

There is a Scientific Authority in South Africa that was appointed by the Minister in terms of NEMBA and their functions are specified in NEMBA as they have a very specific set of functions that they must do. Scientific Authority comprises of scientists from national and provincial departments and state entities

- One of the functions of the Scientific Authority is to determine whether international trade has a detrimental impact on the survival of species in the wild (Non-Detriment Finding) (NDF) that are listed: as threatened or protected (TOPS); or in the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- The Scientific Authority highlighted the preliminary non-detriment finding (NDF), which was published in the Gazette in 2015, and involved stakeholder engagement. The following was highlighted as key threats to leopard population in South Africa: habitat loss/ fragmentation; excessive legal and illegal off-take of damage-causing leopard; poorly managed trophy hunting; illegal trade in leopard skins for cultural and religious attire; incidental snaring; and unethical radio-collaring of leopard for research and tourism, the impact of international trade such as export and import of specimens on threatened or protected animals.
- To address the threat posed by trophy hunting, the Scientific Authority recommended: a zero trophy hunting quota for 2016, the Department indicated that in 2016 particularly they could not allocate quotas for Trophy Hunting of Leopard; development of guidelines for the allocation of leopard trophy hunting quotas, so how will the Department determine how many quotas can be used for hunting and how are they allocated for hunting; implementation of other urgent measures to facilitate sustainable use of

leopard populations because the Department is not anti-sustainable use and the need to know how they are used so that they remain sustainable, one of the measures is the norms and standards (N&S) for the management and monitoring of leopard hunts.

- Draft norms and standards (N&S) for the trophy hunting of leopard were developed and published in the *Gazette* for public participation on 08 February 2017 and it specifically relates for trophy hunting. Since recently the Department did not have reliable population trend estimates with the population increasing or decreasing.
- A National Leopard Monitoring Framework was implemented to provide data to estimate leopard density (number of leopard/ 100 km²): piloted in KZN and Limpopo in 2013; and expanded to other provinces in 2016 and 2017.

In 2016 as one of the measures to address the threats to that population; National leopard monitoring program was implemented. It was initially driven by Panthera but it has expanded quite a lot and it is now done in conjunction with most of the Provincial Conservation authorities and also private initiatives

4.1.3. KEY REQUIREMENTS FOR TROPHY HUNTING

Concerns were raised and in order to address them mechanism were put in place.

- **Uneven distribution of the hunting effort** - South African National Biodiversity Institute (SANBI) must determine Leopard Hunting Zones (LHZs).
- **The high impact of trophy hunting on the stability of the leopard population** - hunting quotas only allocated were to hunting zones that had reported a stable or increasing leopard populations over the past three (3) years; only one hunting quota per Leopard Hunting Zones (LHZs); only male leopards of seven years and older may be hunted which male leopards were most likely to have produced a successful litter of cubs, and which would be able to produce cubs of their own. There was also a clause in the norms and

standards that prohibited hunting in a zone where an erroneous female leopard killing had occurred or under-aged male was hunted, to allow the population to recover.

- **Ability to assess the age of male leopards** - The N&S required hunters to prove that they could determine the age of a leopard. If the client was not certain of the age of the leopard, establishment of a panel of experts to assist with evaluation of photographs. The Department had committed to printing information pamphlets/brochure together with hunting permit to educate people on how to identify the age of a male leopard.
- **Information to inform hunting quotas for the following hunting season** - There was also a mandatory inspection of the trophy by Environmental Management Inspectors (EMI); (relevant province, another province or DEFF) 24 hours after the hunt to ensure that the hunter was not in breach of the trophy hunting guidelines. The N&S also required hunting zones to provide information on the hunts, and particularly whether an under-age leopard had been hunted.

5. INPUTS BY STAKEHOLDERS

5.1. Virtual Public Hearing

The following stakeholders were invited by the Committee to attend the public hearing held on 05 February 2021:

1. **Endangered Wildlife Trust** - Represented by: Ashleigh Dore; Dr David Mills
2. **Kruger National Park / SANPARKS** – Represented by: Mr Richard Sowry; Ms Charlotte Nkuna;
3. **National SPCA Wildlife Protection Unit** - Represented by: Ms Nicole Venter; Ms Pricilla Stiglingh
4. **Humane Society Internationals**- Represented by: Dr Audrey Delsink
5. **Professional Hunters' Association of SA (PHASA)**: Represented by

Mr Tony Du Bruyn; Mr Dries van Coller; Ms Mariska Nel; Ms Anneke van der Merwe; Mrs Bianca Bothma

6. **Somerby Safaris** – Represented
7. **Lowveld Media:** Represented by Ms Linzetta Calitz
8. **Africa Geographic**
9. **Department of Environment, Forestry and Fisheries** – In attendance: Ms Magdel Boshoff; Ms Olga Kumalo
10. **Department of Agriculture, Rural Development, Land And Environmental Affairs:** In Attendance Ms Pamela Ntuli
11. **Department of Economic Development and Tourism:** In Attendance Mr JD Mdluli,
12. **Mpumalanga Tourism and Parks Agency:** In attendance: Mr BJ Nobunga; Mr Joshua Zwane; Mr Johan Eksteen, Mr Fhatu Mugwabana, Mr Bheki Malaza
13. Kgoshi L Mokoena – **Congress of Traditional Leaders of South Africa (CONTRALESA)**
14. Inkosi SG Ngomane - Chairperson of **House of Traditional Leaders (HTL)** and representatives from local houses
15. **Legal Resources Centre (LRC)** – Ms Sharita Samuel
16. **South African Local Government Association (SALGA):** Ms Gugu Langa
17. **Commissioner of Public Service Commission (PSC)** – Ms Salome Meso
18. **Public Protector** - In attendance: Mr Botromia Sithole
19. **Ehlanzeni District Municipality** – In attendance
20. **Nkangala District Municipality** – In attendance
21. **Gert Sibande District Municipality**– In attendance: Mr Jabu Magagula

During the virtual public hearing, the Department made a presentation on the norms and standards. After the presentation the stakeholders present at the meeting were then given an opportunity to make inputs on the norms and standards for consideration by the Committee as well as the National Council of Provinces when dealing with the norms and standards. Live interviews on the norms and standards were conducted on radio stations around the province. The closing date for written submissions on the Norms and Standards was extended to 24 February 2021. The stakeholders who were part of the public hearing raised the following:

A. THE ENDANGERED WILDLIFE TRUST'S SUBMISSION AND WRITTEN COMMENTS ON THE NORMS AND STANDARDS FOR THE TROPHY HUNTING OF LEOPARD: Attached to the report as Annexure 1; Annexure A and Annexure B

1. The Endangered Wildlife Trust (EWT), established in 1973, is a registered Non-profit Organization, whose mission is to conserve threatened species and ecosystems in southern Africa, to the benefit of all.
2. The EWT has been invited to submit written comments on the Norms and Standards for the Trophy Hunting of Leopard (N&S), which we do so in the paragraphs that follow.
3. To inform these comments we have reviewed the most recent version of the Norms and Standards for the Trophy Hunting of Leopard shared with us in an correspondence sent 21 January 2021 (2021 N&S) and the Norms and Standards for the Trophy Hunting of Leopard published in Government Notice Number 620 in Government Gazette 40601 on 8 February 2017 (2017 N&S).
4. We record that the EWT has been actively involved in the previous public participation processes for the N&S, submitting written comments on 7 March 2017 (Annexure A) and following the June 2019 public meetings (Annexure B).
5. Overall, the EWT supports the efforts taken to ensure leopard hunting is undertaken in an ecologically sustainable manner, facilitated through adaptive, science based, and management.

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Paragraph 1 of the 2021 N&S

6. Leopard hunting quota and leopard hunting permit should both be defined terms, the 2021 N&S are not clear on this distinction, which we submit will lead to confusion in the implementation of the N&S.
7. Hunting season: We recommend the hunting season be shortened to nine months to allow for the administrative duties of issuing authorities, DEFF and SANBI. There are several reporting requirements and extensive monitoring and administrative tasks which need to be completed annually before the allocation of the leopard hunting quota for the hunting season of the following

year. Thus, to ensure due diligence in the adaptive management process, the hunting season should be shortened. Further the season should be defined by SANBI based on leopard ecology in each LHZ.

Paragraph 2 of the 2021 N&S

8. At paragraph 2(3): While we recognise the cross reference to the TOPS Regulations, provision should be made clear that the N&S must be read with the provisions of NEMBA first and foremost and specific reference should be made to prohibited forms of hunting, as provided for in the TOPS Regulations.
9. The genus and species *Panthera pardus* should be moved to the first mention of 'leopard' either in 2(1) or in the definitions.

Paragraph 3 of the 2021 N&S

10. We object to the removal of timeframes in the 2021 N&S. The 2017 N&S made it clear when the leopard hunting quota may be applied for (see paragraph 3(4) of 2021 N&S). The removal of time frames makes the N&S vaguer, makes regulation of the N&S more difficult and increases the burden on the user to assess multiple sources and documents in his or her efforts to remain legally compliant.
11. At paragraph 3(2): More guidance is sought in the N&S on the process to establish a leopard hunting zone (LHZ), specifically how the LHZ is determined, what monitoring tools are used and the date by which the LHZ will be established.
12. At paragraph 3(3): More guidance is sought on the timeframes from application to the allocation of the leopard hunting quota. Further, the N&S need to clarify the process to determine the quota, the process to communicate the quota with the province (noting that in all likelihood there are more potential LHZs in a province than the annual quota which may be awarded) and the process to apply for one leopard from the provincial quota to be allocated to a specific LHZ and then applying for a permit to hunt it. We do not object to this being a joint or simultaneous application when read with paragraph 15 of this submission.

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13. At paragraph 3(4): More guidance is sought on the “once off approved leopard hunting examination”, including *inter alia*, who developed and approved the examination, what are the costs thereof and what is the pass rate? Further this should not be a once off process, but renewed periodically.
14. At paragraph 3(5): More guidance is sought on what the “proof” would be of approved training in respect of determination of the age of a male leopard. Further what constitutes approved training?
15. At paragraphs 3(6) and 3(7): The distinction between the leopard hunting quota, the allocation of one leopard from this quota to a given LHZ, and leopard hunting permit is not clear in the 2021 N&S. The distinction between first applying for the quota and then the permit has been removed (see paragraphs 3(5), 3(10) and 3(11) of the 2017 N&S), the provisions seem to suggest that this is now aligned with a join application process. This must be resolved before the final draft is published.

Paragraph 4 of the 2021 N&S

16. At paragraph 4(1): Should be amended to “*when a person hunts a leopard in a particular LHZ in respect of which a leopard hunting quota has been allocated and a leopard hunting permit has been issued,...*”
17. At paragraph 4(5): The time period prescribed for notifying the Environmental Management Inspector (EMI) within 12 hours seems impractical. We propose this be amended to 24 hours. We would also suggest that the EMI receives prior warning of the hunt.
18. At paragraph 4(6): Again, the practicalities of this time period need to be thought out, we would propose this be amended to 24 hours from notification and it should be expressly stated that the costs for this inspection must be borne by the hunter.
19. At paragraph 4(6): “Hunting trophy” is not currently defined in the TOPS Regulations and therefore must be replaced with leopard carcass to avoid any potential processing pre-inspection. The carcass to be inspected must

not have been altered in anyway pre-inspection and this must be expressly stated within the N&S.

Paragraph 5 of the 2021 N&S

20. At paragraph 5(3): This subparagraph confuses monitoring with management and we strongly urge provisions relating to the killing of a female or under aged leopard be separated from those relating to an unsuccessful hunting event. Further the allocation of 14 days to report instances where a female or under aged leopard were hunted is unjustifiably long. These instances should be subject to the same reporting time periods and provisions relating to those detailed in paragraph 3 of N&S.
21. At paragraph 5(5): The date should be prescribed within the N&S for transparency but also to assist MTPA in the planning of the reports due over a given period of time.
22. We vehemently object to the removal of the disincentives that were detailed in paragraph 4(7) of the 2017 N&S.

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We have noted the guidance provided by Ms Boshoff from the Department of Environment, Forestry and Fisheries in the public participation process on 5 February 2021 as to why the procedural elements (time frames and information to guide decisions) have been removed, primarily to allow for adaption of processes without the necessity of amending the N&S. However, the legal and governance frameworks within South Africa pertaining to wildlife are complex and the lay person will not be able to utilise these N&S as currently drafted. If the route of simplifying N&S by removing procedural guidance is taken, far greater effort needs to be put in place to ensure users understand where to find the relevant information. As the N&S are currently, they will not guide the users sufficiently, resulting in non-compliance and ultimately in declines of leopard populations through increased but unregulated / illegal offtake.

B. MPUMALANGA TOURISM AND PARKS AGENCY'S SUBMISSION AND COMMENTS ON THE DRAFT NORMS AND STANDARDS FOR TROPHY HUNTING OF LEOPARD IN SOUTH AFRICA : SCIENTIFIC SERVICES - Attached to the report as Annexure 2: Annexure C and Annexure D

A. General Comments/background:

When approved, these Norms and Standards have to be implemented. Correspondence from Mpumalanga land-owners and managers indicate limited support for governmental leopard conservation/management arrangements,

Attached letters as Annexures 1.1 and 1.2 their reasons include:

- Insufficient Stakeholder participation:

Some role-players are disappointed about the public participation related to the Leopard Norms and Standards. The level of participation was much less than with the recent Elephant Norms and Standards process. Whilst elephant mostly occur in Protected Areas, the leopard range in South Africa is significantly wider than the protected areas, hence more public participation efforts were expected.

- Role of a NGO:

- Historically Mpumalanga issued hunting permits in areas where leopard complaints were received. Due to MTPA inputs in those communities many landowners saw some value in leopard. They were more likely to tolerate stock losses.
- Due mainly to NGO inputs the national leopard hunting approach changed to areas where leopard monitoring surveys are done. The NGO specified the leopard monitoring methodology that have to be followed, which is quite expensive. The monitoring areas are selected with conservation area as a core (whilst leopard distribution is much wider). Currently the monitoring in most provinces are done by the same NGO. Where leopard monitoring is not done exactly to prescriptions, the surveys are dismissed although similar information can be provided.

C. MPUMALANGA TOURISIM AND PARKS AGENCY COMMENTS ON DRAFT NORMS AND STANDARDS - Attached to the report as Annexure 2

The MTPA comments on the draft Norms and Standards are provided according to the numbering in the draft Norms and Standards.

2. Purpose and application of these N&S

1) Purpose of Norms & Standards.

Comment: Yes, incorrect hunting approach can have a big impact. Hopefully some national direction will be provided regarding the other major impacts, e.g.: snares, DCA, habitat fragmentation, road kill, etc.

3. Quota and permit allocation for hunting of leopard

2) Regarding leopard hunting zones (LHZ).

Comment: LHZ will most probably be established in provincial leopard monitoring areas. As per methodology most areas will have Protected Areas as a core. The prescribed monitoring is quite expensive, and some provinces cannot afford it. As result those provinces will not qualify for hunting.

Currently monitoring is mostly done by the NGO.

Request: Can a workshop be arranged where the monitoring requirements are discussed Where provinces do monitoring that is not strictly aligned with prescribed methodology, the results are dismissed as not following best practice. For example:

- Methodology require two cameras per station. When only one is used due to budget constraints, the evaluation indicate non-compliance. But individuals can be identified.
- Ground hornbills' damage cameras (lost 4 cameras at Loskop). When cameras are mounted higher, the evaluation is negative. But individuals can be identified. When expensive facial recognition programs are not used, the evaluation indicate non-compliance. But individuals can be identified manually.

- 3) Passing approved hunting examination on aging of leopard.

Comment: The intention is good. However the guidelines regarding the aging of leopard are not exact. Some exceptions are possible, and need to be considered with the implementation of the Norms and Standards.

4. Management of leopard hunts

- 1) Hunt only males 7years or older.

Comment: However the guidelines regarding the aging of leopard are not exact. Some exceptions are possible.

- 2) The hunter has a duty of care to hunt without disruption of affected population,

Request: Some clarity/guidelines are required regarding the aspects to be considered to evaluate disruption of the affected population.

- 3) Hunting female / young male leopard ...may not issue permit the following year.

Comment: However the guidelines regarding the aging of leopard are not exact. Some exceptions are possible. Hopefully it will be considered when such cases are considered. How will these guidelines hold up in a court case? Fairness? A mistake by PH/hunter that is not from the LHZ, result in LHZ punishment.

- 6) Authorities to inspect carcass within 24h.

Comment: In Mpumalanga this should be possible. However, the availability of staff could be a problem in peak periods, especially in bigger provinces.

- 9) DNA analysis to be done at TOPS registered facility.

Request: Would it be possible to circulate a list of registered facilities to provinces?

- 10) DNA results forwarded to Department.

Request: Please forward results to the provinces too.

- 11) Hunters responsible for cost of DNA.

Comment: Most hunters are willing to it, and feel they contribute to conservation research.

5. MONITORING OF LEOPARD HUNTS

2) Report to include photographs:

(a) Body – pre skinning

(i) side view of body with hunter positioned directly behind – for scale.

Request: Reconsider the use of the image of the hunter with the trophy. If the purpose of image is to use it for scale, then standard items / objects should be used. In addition, it is exactly the type of images used by anti-hunting lobby. If it is part of the process, it has to be provided as part of a PAIA request.

5. Department must use information from SANBI/Scientific Authority to manage quota.

Request: Also include the information submitted by the province, as requested by DEFF.

6. Department may not allocate quotas to authorities if:

b) Scientific Authority advise that quota will impact negatively on leopard population viability,

Comment: The impact of other causes of mortality that impact on leopard populations should also be considered.

7. Hunting of leopard could disrupt stability of populations.

Request: Guidelines are required regarding the aspects to be considered to evaluate disruption of the affected population.

D. NORMS AND STANDARDS FOR THE HUNTING OF LEOPARD IN SOUTH AFRICA. VIRTUAL PUBLIC HEARING 05 FEBRUARY 2021 – PROFESSIONAL HUNTING: Attached to the report as Annexure 3

Leopards are one of the most resilient predator species in the world in terms of habitat and interaction with humans. Sightings in rural and urban areas have been well documented. A clear example may be the sightings of leopard near the Botanical Gardens and close to private hospital at Sonheuwel in Nelspruit. Yet there has been no negative interaction between these leopards and humans.

The virtual Public hearing that took place on Friday the 5th of February 2021 refers:

I must clearly state that the Mpumalanga Tourism and Parks Agency is fully in support of all current legislation, regulations, policies and Norms and Standards, both Provincial and National.

However, with specific reference to the above mentioned Norms and Standards the following points must be considered:

1. Hunting in general and more specific, the hunting of leopard, is not an exact science.
2. Very few, if any of the members and colleagues have actively hunted an animal, let alone a leopard, which enhances the fact that wrong decisions may be taken when relevant legislation, regulation or norms and standards are drafted.
3. The hunting of a leopard is a specialized field.
4. It is important to note the following points:
 - The hunting outfitter always endeavor to have his client hunt the biggest male leopard (which is generally the older leopards).
 - A hunting outfitter / professional hunter will always hunt in areas with healthy leopard populations to ensure success and as such marginal areas are seldom hunted.
 - Baiting well in advance to ensure that the correct size, sex and age leopard is targeted is normal practice.
 - Not every hunt is successful for any number of reasons, i.e. leopard not on bait when client arrive, leopard not on bait as it fed else ware,

leopard not on bait due to adverse weather conditions, leopard on bait but is not the targeted animal (young male or female) etc.

- When in a leopard blind with your client and a leopard is on the bait, the professional hunter literally only have a few seconds when the light is switched on, to evaluate the leopard on the bait to establish sex, age and size of the animal and allow his client to shoot.
 - More than one leopard of size, sex and age may be photographed by trail cameras which are set to survey a specific hunting site. Any number of these leopards may be on the bait the moment the light is switched on.
5. It is very easy for scientists, politicians, general public and the anti-hunting fraternity to sit behind a desk and make rules and regulations or comment thereon, on a subject which they know very little or nothing about.
6. The South African Wildlife Conservation success story has been well documented over the years. As it is, it is a sad state of affairs that CITES (Convention in International Trade in Endangered Species), who have clear links with anti-hunting NGOs, are so very prescriptive in the way South Africa must conserve their wildlife and how it should manage its natural resources.

Equally, SANBI is being prescriptive to the Provinces in dealing with their biological recourses in a sustainable way. There has been no documented proof that Mpumalanga is dealing with its wildlife and leopard specifically, in an irresponsible way that is to the detriment of the leopard population in the Province

7. MTPA as a responsible Nature Conservation Entity, has always been conservative in its approach to the hunting of leopard, as well as other

species such as elephant, rhino, lion and hippo, to name a few. Since 2000 records were kept of all leopard hunts for which CITES tags were required for

8. Currently, in terms of the Regulations for Threatened or Protected Species (TOPS) it is unlawful to hunt a damage-causing leopard with an international client. This may result in a landowner killing a Damage Causing Animal (DCA) leopard where livestock is killed. Should damage causing leopard not allowed to be hunted with an international hunting client, the landowner will legally shoot the animal him / herself in terms of the relevant provincial legislation and report the incident to the relevant conservation office

The consequence thereof is that a non-damage causing leopard will be hunted, as well as a damage causing leopard killed by a landowner. Both leopards may be shot legally in the same area. One by the landowner for killing his livestock and another one by a hunting client with a permit and allocated CITES tag. How does this contribute to leopard conservation?

9. Capturing and relocating a damage causing leopard may be an option. Although it is not easy to capture such animals, and not always be successful. However, it has been proven repeatedly that the animal may make its way back to the area in which it was initially captured and proceed with its killing of livestock. It has also been documented that such a leopard will the proceed to kill livestock in the area to which it has been relocated to.
10. Since 2000 the MTPA has never exceeded its allocated leopard CITES quota for any given year.
11. The last leopards that were hunted legally by international hunting clients in Mpumalanga were in 2015. In 2016 the moratorium on the hunting of

leopard was introduced by the National Department with no consideration for the hunting industry in South Africa.

This kneejerk reaction by the national Department advised by SANBI and informed by the NGO Panthera, resulted in South Africa, which at that stage was still the Big 5 hunting destination of choice in Africa, losing its Big 5 hunting destination status. The impact of which is still felt today, as more and more hunting clients chose to hunt in neighboring countries such as Namibia, Zimbabwe and Mozambique.

Poaching, illegal hunting, illegal trade in leopard skins for cultural and religious attire, etc. are rightly cited as contributing factors that may well have put pressure on the South African leopard population.

What measures are being taken address those problems?

The Scientific Authority now chose to pick on the legal hunting of leopards to try and stop the “alleged” decline in the leopard population, as if it is solely responsible for the “alleged” decline of the leopard population in South Africa.

Why would they do this? Because it is easy to regulate the industry who already conform to the relevant legislation. Legal hunting, if done right, will have a negligible impact, if any, on the leopard population in South Africa

By not allowing the hunting of leopard, the unintended consequence is rendering leopards in South Africa “valueless”. Landowners and communities who may have looked after the leopard instead of killing it. By allowing the hunting of leopard and more specifically DCA leopards it will create hunting opportunities for hunting clients and also a way of compensation for the loss of livestock. Currently leopard are deemed “valueless” the attitude of many landowners and rural communities are now to shoot, shovel and shut up. Countless leopard are now succumbing to shooting, poisoning and snaring.

The MTPA have always effectively managed the sustainable hunting of leopard within the boundaries of the Province. There are healthy and increasing leopard numbers in areas such as the Associated Private Nature Reserves (APNR), Sabi Sand Complex, the Loskop dam / Stoffberg / Lydenburg / Ohrigstad - Blyde corridor that act as source populations for the adjacent areas. The same go for the Onderberg / Krokodilpoort / Barberton areas, which all consist of prime leopard habitat (large uninhabited areas with abundant food sources in plenty of Wildlife. Numerous complaints are also received from the far southern east areas of Mpumalanga.

In as far as, the enforcement of the 7 year age limit is concerned the following:

Firstly, should the permit condition stipulate the minimum age of the leopard to be hunted as 7 years, and a leopard of say, six and a half or even younger is hunted, in terms of the permit condition the hunting client is now in contravention of the permit condition. I can tell you now, given the real situation of a leopard hunt, you will never successfully have a professional hunter or his client prosecuted in this regard, No man or women can judge the age of a leopard so accurately that he or she is exactly right given the situation in a real leopard hunt. It is just not humanly possible.

Secondly, in the event of a leopard being hunted, and it is less than 7 years old or even a female leopard, once the client pulls the trigger, the leopard is now the property of the hunting client. You will never succeed in having the trophy forfeited to the state, or anyone else for that matter, as you will never be able to proof beyond reasonable doubt that that the professional hunter or the hunting client intentionally contravened the conditions of the permit.

Therefore, an attempt to outright prosecute the client / hunting outfitter will be futile. There are however other ways to skin a cat. No pun intended. To attempt to criminalize a professional hunter or his client due to a “judgment error” of the leopard’s age is ludicrous. The only reliable and relatively accurate way to establish a leopard’s age is by having its teeth analyzed for wear and tear.

Allocation of CITES tag. Instead of allocating a tag to a landowner, the tag must be allocated to a hunting outfitter and the Provincial Authority must indicate a leopard hunting zone (LHZ) to the hunting outfitter in which he / she must then find a hunting area and hunting rights within the specific LHZ. Should a serious contravention of the permit conditions take place, the contravention must be investigated by the issuing authority. Should the outcome of the investigation indicate the contravention be serious, action must be taken against the relevant hunting outfitter. This could be a possible banning the professional hunter / hunting outfitter from applying for a CITES tag the following year or a number of years as the case may be.

This information must be shared with the other provinces through the Inter Provincial Professional Hunting Committee (IPPHC) in order to prevent the hunting outfitter applying for a tag in another province. It must be remembered that the allocation of a CITES tag to a hunting outfitter is a major issue as they stand to gain an income against the tag should the hunt be successful.

In the event of a specific hunting outfitter be found in contravention a second time, he / she must be disallowed to obtain a tag for a period of ten years. To penalize the LHZ (i.e. the area in which the leopard was hunted), as indicated in the draft Norms and Standards, or a landowner on whose land the hunt took place, for a serious contravention by a professional hunter / hunting outfitter would be absurd and shortsighted and will achieve nothing.

E. THE HUMANE SOCIETY INTERNATIONAL – AFRICA (HSI-AFRICA) AND THE NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS (NSPCA) JOINT SUBMISSIONS REGARDING THE NORMS AND STANDARDS FOR THE TROPHY HUNTING OF LEOPARDS IN SOUTH AFRICA – Attached to the report as Annexure 4

BACKGROUND

The Humane Society International – Africa (HSI-Africa) and the National Council of Societies for the Prevention of Cruelty to Animals (NSPCA) have prepared a joint submission regarding the Norms and Standards for the Trophy Hunting of Leopards in South Africa, developed in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) as per invitation from the Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs.

HSI-Africa is one of the largest animal protection organisations in the world, acting as a leading force for animal protection in countries across Africa. HSI-Africa strives to promote the human-animal bond, through the rescue and protection of dogs and cats, improving farm animal welfare, protecting wildlife, promoting animal-free testing and research, responding to natural disasters and confronting cruelty to animals in all of its forms.

The NSPCA is a statutory body established in terms of Section 2 of the Societies for the Prevention of Cruelty to Animals Act No. 169 of 19931, with the organisation's main objectives laid out in Section 3 –

“To prevent the ill-treatment of animals by promoting their good treatment by man; to take cognizance of the application of laws affecting animals and to make representations in connection therewith to the appropriate authority; and to do all things reasonably necessary for or incidental to the achievement of these objectives”.

The NSPCA is both obligated and empowered to prevent animal cruelty and promote animal welfare in terms of its statutory mandate and enforces the Animals Protection Act No. 71 of 19622 throughout South Africa.

SUBMISSION RE NORMS AND STANDARDS FOR THE TROPHY HUNTING OF LEOPARDS IN SOUTH AFRICA

- HSI-Africa and the NSPCA would like to express our gratitude for the invitation to a virtual public hearing that was held on the 5th of February 2021 regarding the draft Norms and Standards for the Trophy Hunting of Leopard in South Africa (hereafter referred to as the draft norms and standards). The NSPCA officially received an invitation on the 21st of January 2021, whilst HSI-Africa requested to join as a stakeholder shortly thereafter. All stakeholders were further instructed to make written submissions by Tuesday, the 9th of February 2021. The public participation process for the draft norms and standards developed in terms of NEMBA is not in line with the public participation processes outlined in Section 100 stating that submissions should be made within 30 days after an official notice was issued. The turnaround time provided for written submissions on the draft norms and standard is both unfair and unreasonable to allow for sufficient public participation.
- It was highlighted during the virtual public hearing that the current draft norms and standards are inadequate in the current form in addressing the various procedures and guidelines that would ensure that loopholes are mitigated and covered, including those of the draft norms and standards.
- Leopard are face numerous threats and should be highly protected: the Norms and Standards should ensure accountability on all fronts for both deliberate and accidental acts that would negatively affect the species. The Norms and Standards, once gazetted, will be legally enforceable and as such should be clear-cut, transparent and not subject to one's own interpretation and in order to avoid any unnecessary risks or detrimental impacts on the species.
- The draft norms and standards should make reference to all relevant legislation, regulations and policies, and be standard across all provinces, especially regarding permit conditions. The current legislative framework does not support equality for the same species in all provinces, meaning the same species kept and managed in one province differs from the standards

in another. In addition, the Western Cape and Mpumalanga Province do not enforce TOPS regulations, but TOPS is implemented in all other provinces. One standard must be applicable to all provinces to avoid loopholes and to facilitate improved management of South Africa's leopard meta-population.

- The Norms and Standards for the Trophy Hunting of Leopard in South Africa are still set to come into operation on a date to be determined by the Minister of the Department of namely the South African National Biodiversity Institute (SANBI), recommended further actions that formed part of the 2018 leopard hunting quota, stating that the norms and standards should be implemented and until the norms and standards come into effect, the principles and procedures contained in the draft should be adhered to.

Environment, Forestry and Fisheries (DEFF). Whilst the norms and standards are not fully gazetted, the Scientific Authority, established in terms of Section 60 (1) of NEMBA³, namely the South African National Biodiversity Institute (SANBI), recommended further actions that formed part of the 2018 leopard hunting quota, stating that the norms and standards should be implemented and until the norms and standards come into effect, the principles and procedures contained in the draft should be adhered to.

Whilst the draft norms and standards may be incorporated for hunting in the interim, it should be noted that animal welfare considerations have not been included or considered to date. This is especially concerning in terms of the August 2019 court ruling in favour of the NSPCA, where the outdated distinction between animal welfare and biodiversity management, including sustainable use of natural resources have been put to bed, ultimately highlighting that animal welfare is interconnected to all conservation and management decisions regarding wildlife. The court highlighted the following:

Section 24 of the Constitution of the Republic of South Africa No.108 of 1996⁴ states that—*“Everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and*

other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development". To unpack the relevance of the aforementioned, reference is made to the 2016 court ruling of the Constitutional Court of South Africa in the matter between the NSPCA and the Minister of Justice and Constitutional Development and others (Case no. CCT 1/16) (refer to Annexure 1). From paragraph 56 onwards the court highlighted that—"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". Furthermore, in the 2019 High Court ruling in the matter between the NSPCA, and the Minister of Environmental Affairs and others (Case No. 86515/2017) (refer to Annexure 2), the court stated from paragraph 67 that the state is obligated in fulfilling the rights contained in Section 24 of the Constitution by managing, conserving and sustaining South Africa's biodiversity and its components and genetic resources as laid out in Section 3 of NEMBA—"In fulfilling the rights contained in Section 24 of the Constitution, the state through its organs that implement legislation applicable to biodiversity, must (a) manage, conserve and sustain South Africa's biodiversity and its components and genetic resources; and (b) implement the NEMBA Act to achieve the progressive realisation of those rights."

Furthermore, Minister Creecy has committed herself and the Department to considering animal welfare in decisions that they take. Her letter dated 30 March 2020, addressed to the Wild Animal Protection Forum of South Africa, states:

"As you are aware, a process is already underway to amend the National Environmental Management: Biodiversity Act 2004, (Act No. 10 of 2004)

*(NEMBA), as part of the National Environmental Management Laws Amendment Bill, 2017, to include a legislative mandate for the regulation of the well-being of faunal biological resources in terms of NEMBA. In addition to this legislative amendment process, the DEFF accepts the recent judgement of the High Court of South Africa, Gauteng Division, Pretoria, namely that **it has to consider the welfare of wild animals in decision-making processes**. In this regard, the DEFF has already initiated a process of collaboration with relevant government departments and entities. **The welfare of wild animals, especially those bred and kept in captive environment, was an important consideration in the process of appointing the High-Level Panel members.**" [Own emphasis*

In light of the Minister's own admission, the court rulings, including the obligations of state, animal welfare should be included into all new and existing national and provincial legislation and bills, regulations, policies, norms and standards, standards and procedures incorporated by legislation or permit conditions, provincial permit conditions, international conventions and treaties, and Biodiversity Management Plans for species in terms of NEMBA. This includes the trophy hunting of leopard in South Africa.

Request: We would therefore request a moratorium on the trophy hunting of leopard until the necessary amendments have been made to the current draft norms and standards to incorporate animal welfare in a manner that is satisfactory and was subject to a public participation process.

- The purpose of the norms and standards is to manage the hunting of leopard for trophy hunting purposes in order to reduce the impact thereof on the stability of the leopard population and to ensure that trophy hunting is carried out in an ecologically sustainable manner. Whilst the norms and standards do represent a means to improve trophy hunting and efforts thereof, inadequate norms and standards are as effective as no norms and standards at all, especially as it does

not include or address all of the other interconnecting threats and issues faced by the species.

- Trophy hunting cannot be managed in an ecologically sustainable manner if isolated from all the other interconnected issues that hold both direct and indirect impacts. This can be argued to be unconstitutional in terms of Section 24 of the Constitution. Please refer to Annexure 3 and 4, comprising an in-depth submission made by HSI-Africa and other co-signing organisations in 2017 and 2019 as part of a public participation process, highlighting various challenges, concerns and recommendations on the draft norms and standards and the request for information to be considered for determination of the 2019 quota for leopard hunting trophies in South Africa, including the inadequacies and limitations that ultimately fail to include aspects of paramount importance that would be both considered to be in the best interest of the species and effective conservation efforts.
- Further to this, the High-level panel of experts, as appointed by the Minister of DEFF, Ms Barbara Creecy, has provided recommendations to the Minister after an in-depth public consultation process and further stakeholder processes in 2020 (outcome pending). The High-Level Panel (HLP) listed their focus areas 5 for leopard, stating that 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. The IUCN assessment has a similar caution that leopard population trends are missing from large portions of their range and that in southern Africa, which is considered a stronghold of the leopard, there is no evidence to suggest that leopard populations have remained stable⁶. In HSI-Africa's submission to the HLP, the concerns in the Terms of Reference that legal offtakes through trophy hunting and damage-causing-animal permits (DCAs) are often poorly managed and that there are no reliable estimates for the extent of illegal offtake of

leopards were noted and shared. Additionally, the Terms of Reference point out that offtake of leopards is not managed consistently throughout the country as most leopard trophy hunting occurs on private land, and therefore legal off-takes are poorly documented in many provinces, if at all. This means that trophy hunting cannot be conducted in an ecologically sustainable manner, if scientifically accredited reliable, precise population data of leopard remains unavailable.

Furthermore, leopards are highly vulnerable to anthropogenic threats due to their low reproductive rate. Apart from habitat loss and habitat fragmentation, other threats include poorly managed legal and illegal off-takes of leopard as damage-causing animals, for trophy hunting in South Africa 7,8 and generally9 and for body parts; the illegal trade in leopard skins for cultural and religious attire; incidental snaring; retaliatory killing10 and the unethical radio-collaring of leopards for research and tourism. In addition, the relative severity of these threats and their impact is largely unknown. Without clear, independent, and rigorous science to answer these gaps, any consumptive use of leopards would be detrimental to the survival of the leopard populations in South Africa.

Request: The pending recommendations made by the High-level panel to the Minister of DEFF and the outcome thereof should be noted by the Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs in terms of Chapter 3, Section 40 and 41 - Principles of Co-Operative Government and Intergovernmental Relations.

We urge the Committee to adopt a highly precautionary approach in order to secure the survival of the leopard in South Africa, and we look forward to future collaboration in the interest of leopard management and conservation.

F. WILDLIFE ANIMAL PROTECTION FORUM SOUTH AFRICA SUBMISSION AND COMMENTS ON THE DRAFT NORMS AND STANDARDS FOR TROPHY HUNTING OF LEOPARD IN SOUTH AFRICA- attached to the report as Annexure 5; Annexure E and Annexure F

1. There is completely insufficient credible data on leopard populations and the effect of trophy hunting on leopards. Indeed there is no need for N&S to be developed for trophy hunting of leopards, and the trophy hunting of leopards should be totally stopped and banned until at the very least a critical mass of credible, transparent and interrogated data is available.
2. The credible research that has been done is clearly showing that human-mediated killings of leopards is having devastating effect on leopard populations and indeed threatening their continued existence. The draft N&S seems to be ignoring the existing data.
3. The number of leopards remaining in South Africa is unknown but what is definitely known is that their numbers are declining at a concerning rate.
4. According to predator scientists, leopards are the most persecuted cat species in the world. And this statement is very true for South Africa.
5. This Department, in line with good scientific practice, has the duty to take a Precautionary Position in relation to the trophy hunting of leopards, particularly as they are a CITES Appendix 1 Listed Species. The fact that we are dealing with the persistence of species means that if a mistake is made the cost can be extinction or large scale extirpation.
6. The N&S cannot be developed in a vacuum, i.e. it is not only about the effects of trophy hunting on leopards. There are a number of additional pressures on leopards and all these factors together need to be taken into account. The draft N&S does not represent a holistic approach.
7. This Department needs to take the effects of climate change into account. Particularly on an animal such as leopards, which is already listed as CITES Appendix 1.
8. This Department cannot facilitate and support an industry (hunting) purely predicated on profits to the detriment of an entire species.

9. WAPFSA responses to these proposed/draft N&S are within the overall context that sport/trophy hunting of endangered and threatened species such as leopards is not a legitimate conservation tool.
10. The proponents of “trophy/sport-hunting as a conservation tool” contention are primarily sport-hunting advocacy organizations, like PHASA, CHASA, SAPA, Safari Club International etc. These organisations often cite two interrelated documents as alleged “proof” that trophy hunting can be a “useful tool” to conservationists:
- a. the IUCN SSC Guiding Principles on Sport-hunting as a Tool for Creating Conservation Incentives (09 August 2012)
 - b. CITES Resolution Conf. 2.11 (regarding trade in hunting trophies of species listed in Appendix I).The primary theory for promoting trophy hunting as a conservation tool behind the IUCN Principles and the CITES’s Resolution is that hunting can:
 - Incentivise governments in developing countries to generate conservation programmes.
 - Directly raise funding for on the ground conservation efforts in counties with otherwise limited resources.
11. Supporters of trophy hunting based conservation increasingly ignore that these so-called benefits of trophy hunting have not overcome the long-term negative effect of hunting - namely the allowance for legalised killing of these animals continues to decrease their overall chance of survivability as a species in the wild. In fact, development economists conducted a study on illegal trade of wildlife and found that “the literature advocating trade as a conservation solution for endangered species relies on models that are based on simplistic and/or extremely restrictive assumptions.”¹ The study went on to explain that “[i]n most cases these models rely on conceptual tools that have been theoretically discredited.” Indeed, many objective scientific studies and in the field observations that are not directly supported by sport-hunting organizations have repeatedly concluded that sport-hunting endangered or threatened species, even if well managed, is one of the primary factors driving the illegal trade of these species in the black market. These findings show that the legal and illegal markets are intertwined in a complex manner and that their interactions create a dual market that is impossible to regulate.

12. Development Economists such as Nadal and Aguayo are supported by South African programmes driven by the Department of Trade and Industry (DTI) and the Industrial Development Corporation (IDC), for example through the African Programme on Rethinking Development Economies (APORDE).
13. These Development Economists are extremely concerned by the lack of serious economic analysis on market structures and price formation dynamics in markets for so-called wildlife 'products' (including, of course, ivory, rhino horn, lion and tiger bones and skins, etc.). They argue that advocates of trophy hunting and deregulated trade of these 'products' have been navigating in oceans of ignorance, both in terms of the theoretical tools that are used as well as the superficial analyses of real world (existing) markets. This means that assertions concerning the movement of prices and the amount of resources that are supposed to be 'ploughed back' into conservation are in reality just empty statements.²
14. Given the remarkable exposure and research that has been generated over the past decade regarding the lack of credible evidence that sport/trophy hunting actually increases the survivability of many protected species, it is urgent that South Africa undertake a review of its policies.
15. Allowing leopards to be trophy hunted and arguing that this can be used to obtain information on leopard populations and dynamics is counter-intuitive and unscientific.
16. Trophy hunting, illegal hunting, killing for skins, 'legal destruction' and revenge killings result in many leopards dying, and by-catch from snares for the bush meat trade, are pushing leopards in South Africa to the brink of extinction.
17. Unreported and illegal killing of wildlife is widespread across southern Africa and therefore extremely pertinent.³
18. According to peer-reviewed research papers human-mediated leopard mortality is widespread, especially amongst private agricultural and wildlife ranches in South Africa.
19. A recent study on leopards in Limpopo demonstrated that legal mortality is unsustainable. Indeed this is the same study the N&S is using to propose LHZ's – this is contradictory.
20. In Limpopo and KZN for example research⁴ has shown that human-mediated leopard mortality exceeded the annual trophy "offtake rate" considered sustainable. In other words trophy hunting is causing leopard extirpation.

21. The notion of a so-called “sustainable off-take” particularly in relation to leopards is also hugely problematic, contested and untested.
22. Given the increased economic reliance on agricultural productivity, and the increased financial risk associated with intensive high-value wildlife breeding, decreased tolerance among landowners towards so-called problem animals such as leopards is inevitable.
23. The consequences of decreased tolerance towards ecologically important free-ranging wild animals in particular leopards, is likely to have significant detrimental impacts on species persistence and ecological systems more broadly.
24. Pitman et.al (2016)⁶ clearly showed that in Limpopo alone “From 2003–2012, landowners submitted 693 problem animal permit applications for nuisance wildlife, and 999 for non-nuisance wildlife. Most (79%) applications originated from game ranches. For nuisance wildlife, leopard were the most common putative problem animal (68%)”, this means that 471 leopards were known to have been killed during this period. These figures exclude unreported killings, which according to researchers, is widespread (see point 17 above).
25. Pitman et.al (2016) also demonstrated that wildlife ranching management practices have become more intensive, to facilitate the breeding of high-value game species and they are as a result increasing predator proof fencing to keep free-ranging wildlife out, and reducing populations of so-called “nuisance wildlife” through legal destruction.⁷ This is having a devastating effect on leopards.
26. Their findings demonstrated that the proportional increase in problem animal control of nuisance wildlife has far outweighed the proportional increase in game ranching trends towards more intensive practices – suggesting that intolerance is growing in momentum.⁸ The consequences of decreased tolerance towards ecologically important free-ranging wildlife such as leopards is likely to have significant detrimental impacts on their ability to survive and endure as well as on ecological systems more broadly.
27. The top three species killed as so-called ‘problem animals’ (leopards, elephants and lions) are also the most desired for non-consumptive tourism.⁹ The contribution of charismatic species such as leopards to South Africa’s economy, together with their ecological significance, make them vitally important species to conserve.¹⁰ Various Departments should work holistically and take a more precautionary approach.

28. The increased use of predator-proof fencing and the legal destruction of wildlife shows that wildlife ranching practices are in conflict with leopard conservation.
29. The predisposition to erect predator-proof fencing raises additional concerns (Woodroffe et al. 2014) because it fragments leopard habitats and significantly alters interactions between species, leading to detrimental impacts on ecosystem functions.
30. Of concern is that currently there is inadequate national or provincial environmental legislation to control this particular private sector and the negative impact it is having on conservation and protection of species such as leopards.
31. The marked growth of human population in the provinces where leopards occur is increasingly negatively impacting and threatening leopard habitat and has left the majority of suitable wildlife habitat in a highly fragmented state.¹¹
32. Pitman et.al. (2015) Leopards in Limpopo demonstrated that legal mortality is unsustainable (Pitman et al.2015), and camera-trapping surveys conducted during and after that study period indicate that leopard populations are declining (Pitman et. al 2016).
33. Another enormously concerning anthropocentric practice is the illegal trade and killing (snaring and poisoning) of leopards for cultural and multi purposes. For example in KZN one trader was found with 150 leopard skins.¹² This trader was not charged and is apparently still in business: this raises a red flag in terms of weak and incompetent enforcement. So even though theoretically a “strict permit system” governs hunting many leopards are being killed and traded illegally.
34. This Department and DEFF cannot allow leopard trophy hunting because in general, both nationally and in the provinces, there are valid concerns about the monitoring and enforcement systems, the negative effects of decentralised systems and practices and the concomitant poor management of wildlife in provinces. This includes the lack of implementation of a fully functional and transparent electronic permitting system (which is also accessible to NGOs who are monitoring trade and hunting).
35. TRAFFIC has already highlighted to DEFF that the requirement to address capacity and resource constraints affecting South Africa’s conservation authorities at national, provincial and site levels has not been addressed. This also includes South Africa's administration of CITES. According to TRAFFIC, DEFF remains derelict in fulfilling

- this critical need despite repeated promises and as a result South Africa's wildlife management remains clouded by delays, abuse and miscommunication within the current permitting structure, providing loopholes and opportunities for illegal and unintended activities for many species to proliferate.
36. The effect on leopard populations of local decision-making in the absence of adequate centralized regulation and evidence-based best practice necessary to uphold conservation objectives is extremely worrying.
 37. In addition most of the provincial nature conservation departments are under-staffed and often dysfunctional. Conservation authorities lack the human and financial resources to accurately and consistently monitor wildlife populations, 13 particularly elusive species such as leopard that range widely, and occur mainly outside of formally protected areas.¹⁴ As a result these conservation departments and officials cannot be entrusted to collect scientific data, or oversee and manage leopard issues. In particular the lack the ability to adequately effectively monitor and regulate trophy hunting activities.
 38. The effect of widely documented corruption in the provinces where leopards largely occur is also of concern and surely has the potential to adversely affect leopard populations.
 39. It is well-document that the hunting industry itself is extremely problematic and unethical and has been involved in countless illegal activities with an expansion and consolidation of criminal syndicates in its ranks. This means there is even more need for the hunting industry to be appropriately monitored, controlled and managed. DEA cannot give them a free-hand to do as they please. It certainly cannot be left up to hunting associations to self- enforce, self-police and self-instruct. Nor can it be left up to under-resourced inefficient conservation department in the provinces. Unless this issue is seriously addressed by DEA, trophy hunting, particularly of Appendix 1 animals such as leopards, whose very existence is severely compromised by human activities, should be suspended.

G. INTERNATIONAL WILDLIFE BOND (IWB) SUBMISSIONS AND COMMENTS ON THE DRAFT NORMS AND STANDARDS FOR TROPHY HUNTING OF LEOPARD IN SOUTH AFRICA - attached to the report as Annexure 6

6. OBSERVATIONS AND FINDINGS BY THE COMMITTEE

When looking at the inputs made by stakeholders and also the questions that were raised by stakeholders during the public hearing there are a lot of gaps on the proposed norms and standards. Overall what was observed by the Committee is that members of the public and other stakeholders welcomed the norms and standards.

7. RECOMMENDATIONS

The Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs recommends that in order to avoid unnecessary amendments of the norms and standards after their adoption thereof inputs made by stakeholders at this stage should be considered and be reasonably incorporated on the proposed norms and standards.

8. CONCLUSION

The Chairperson wishes to thank the Honorable Members, all members of the public for their worthwhile participation in the public hearing and for the inputs or comments they have made. Department of Agriculture, Forestry and Fisheries; and all stakeholders for their efforts in ensuring that the Committee meets its obligation and the support staff who contributed to the success of the public hearing and the production of this report.



HON TM MAKARINGE

02 March 2021
DATE

**CHAIRPERSON: PORTFOLIO COMMITTEE
ON AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS
REF: 13/4/2/6**