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## **Economic Development, Environment, Agriculture and Rural Development Portfolio Committee**

**Report on the Norms and Standards for the Trophy Hunting of Leopards  
in South Africa developed in terms of section 9(1)(a) of the National  
Environmental Management: Biodiversity Act 10 of 2004 (NEMBA); and  
referred to the Gauteng Provincial Legislature in terms of section 8(3) of  
the NEMBA read together with section 146(6) of the Constitution..**

**Friday, 20<sup>th</sup> November 2020**

The Chairperson of the Economic Development, Environment, Agriculture and Rural Development Portfolio Committee, Ms L Lasindwa, hereby tables the report on the Norms and Standards for Trophy Hunting of Leopards in South Africa developed in terms of section 9(1)(a) of the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA).

## **1. INTRODUCTION**

The Minister of Forestry, Fisheries and Environment issued Norms and Standards for Trophy Hunting of Leopards in South Africa in terms of section 9(1)(a) of the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA). The Chairperson of the National Council of Provinces (NCOP) referred these Norms and Standard for comment to all provinces in light of section 8(3) of the NEMBA read in tandem with section 146 (6) of the Constitution. These sections require the Minister to obtain the approval of the NCOP in respect of all subordinate legislation issued in terms of the NEMBA which affects provinces.

Moreover, the National Council of Provinces (NCOP) referred the draft Norms and Standards for Trophy Hunting of Leopards in South Africa in South Africa to the Speaker of the Gauteng Provincial Legislature for the Portfolio Committee for Economic Development Environment, Agriculture and Rural Development (EDEARD) for comments.

## **2. PURPOSE OF THE REGULATIONS**

The Department of Environment, Forestry and Fishery (DEFF) is responsible for the creation of a comprehensive regulatory framework through policies and legislation to improve sustainable biodiversity management in the country. The Norms and Standards seek 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.

## **3. PROCESS FOLLOWED**

The Speaker, Hon. Ntombi Mekgwe formally referred the Norms and Standards for Trophy Hunting of Leopards in South Africa in terms of section 9(1)(a) of the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA), on Tuesday, 8<sup>th</sup> September 2020 to the Portfolio Committee on Economic Development, Environment, Agriculture and Rural Development, in terms of GPL Rules 245 (1) read with 246 (1) and 247 and 248 for consideration and reporting.

On Thursday, 27<sup>th</sup> October 2020, a legal opinion and socio-economic analysis were presented to the Committee for consideration and comments. Furthermore, adverts for public comments were published on Sunday, 1<sup>st</sup> November 2020 on City Press and Sunday Times.

The NEMBA does not prescribe the role of provincial legislatures in processing the norms and standards proposed by the Minister. The Gauteng Scrutiny of Subordinate Legislature Act 5 of 2008 applies only to proposed or draft subordinate legislation made by a provincial functionary

empowered by an enabling provincial legislation. Moreover, the Gauteng Standing Rules do not make provision for the processing of norms and standards in the Legislature.

Bearing in mind the lack of a legislated internal process, the Committee resolved to adopt a cautious approach that would also comply with the Legislature's constitutional duty under section 118 of the Constitution, to facilitate public participation, in considering these Norms and Standards. It was on this score that the Committee made a call for written submissions to solicit inputs on these norms and standards from relevant stakeholders for consideration in formulating its position.

This call was published in various media platforms on Sunday, 1<sup>st</sup> November 2020 on City Press and Sunday Times

## **4. SOCIO-ECONOMIC IMPACT**

### **1. Envisaged Social Implications**

The envisaged social benefits to leopard trophy hunting include having communities derive their livelihoods from the existence of gaming facilities that have these mammals on site. Artefacts that are harvested from these will be used for cultural events as leopard skins are common traditional gear for a number of cultural groups as well as traditional healers in the country.

### **2. Envisaged Economic Implications**

The informed leopard trophy hunting would ensure job creation for people that work at game reserves. The activity would enhance ecotourism in the country which would create work opportunities for the tourism and other sectors that interface with tourism such as transport and energy. The need to continually monitor and evaluate the populations of leopard in the country would create work opportunities for subject specialists who would be used for such exercise. It is important that the trophy hunting of leopards is informed by sound science in order to determine the numbers and location of animals that can be hunted in order to ensure sustained leopard numbers in the country. It is important to ensure that local communities are able to benefit from this exercise so that it is not only the hunters that derive benefit. The building up of leopard numbers to sustainable level will be of benefit to the country and will ensure the continued existence of livelihoods and income earning for communities that can derive benefit from these. It is important for the Department to factor in the use of leopard skin in traditional attire so that this practice is balanced with stable leopard numbers.

## **5. LEGAL OPINION**

A legal opinion on the Norms and Standards was presented to the Committee on 27 October 2020 providing an analysis on their constitutional and legislative implications. The opinion also advised that there is prima facie no potential conflict that may arise between these Norms and Standards and provincial legislation in Gauteng.

## **6. SUMMARY OF SUBMISSIONS**

The Committee received an overwhelming response from various stakeholders including the Confederation of Hunting Associations of South Africa, Conservation Force, Professional

Hunter's Association of South Africa, DearSA's Enviro Expert Coalition, National Hunting and Shooting Association and individuals

None of the submissions addressed the issue of whether there may be potential conflict between the Norms and Standards and any provincial legislation. Many of the stakeholders raised the concern that the time allocated to submit comments was unreasonably short. They requested an extension for the submission of their responses.

The main submission on the contents of the Norms and Standards was by Conservation Force and it opposed the adoption of the seven year of age limitation that appears in the definitions section, 4 (1), and 4 (4). In summary these are its submissions:

- (a) The Body length and not age as a system to control harvest of adult males should be used.
- (b) Establish an incentive-based system to phase out Damage Control Animals. Landowners shall be incentives to conserve and not to destroy leopard. Sport Hunting is the best scheme to incentivize landowners. The zero quota has incentivized illegal activities to the detriment of legal regulated hunting.
- (c) Promote transparent monitoring of leopard populations through standard and user-friendly protocols.
- (d) Maintain records of offtakes and measurement of harvested leopards at Provincial and Central Government level. Proper hunting monitoring shall not rely on CITES export permits but on reliable offtake statistics.
- (e) Promote serious law enforcement actions to neutralize illegal trade in leopard skins, taking into account the cultural and religious traditions of South Africa.

Other stakeholders including Confederation of Hunting Associations of South Africa, Professional Hunter's Association of South Africa, DearSA's Enviro Expert Coalition, National Hunting and Shooting Association concurred with this submission.

## **7. RECOMMENDATIONS**

In light of the above, the Committee supports the Norms and Standards as issued by the Minister as they are in keeping with the applicable constitutional and legislative framework; and are not in conflict with provincial legislation in Gauteng.

## **8. ACKNOWLEDGEMENT**

The Chairperson further wishes to acknowledge and express her gratitude to the Honourable Members of the Portfolio Committee on Economic Development, Environment, Agriculture and Rural Development; Ms F Hassan, Mr L Makhubela, Ms B Mncube, Ms S Malobane-Nkosi, Mr M Gana, Ms A Cilliers, Mr A Tshitangano, Mr J Hoffman, Mr D Adams. Further appreciation goes to the alternate Members of the Committee namely Members: Mr J Engelbrecht and Ms K Tong.

Furthermore, the Portfolio Committee would like to express appreciation for the contribution of the following support staff members: Group Committee Coordinator Mr T Bodibe; the Committee Researchers Mr B Mabuza, Ms M Makhubele and Dr A Malapane, Senior Committee

Coordinator Mr T Skosana, Committee Coordinator Ms L Mampe, Administrative Assistants; Ms N. Mngadi and Ms V Mokubetsi, Hansard Recorder Mr S Baloyi, Senior Information officer, Ms Azwinndini Netshivhuyu, Communications Officer; Mr Takalani Ndou Service Officer Ms Busisiwe Nhlapo, and Public Participation Officer: Mr B Dhlomo for their dedication and commitment.

## **10. ADOPTION OF THE REPORT**

After due consideration, Economic Development, Environment, Agriculture and Rural Development adopted the Report on the draft Amendments to Regulations Relating to the National Norms and Standards for Trophy Hunting of Leopards in South Africa in terms of section 9(1)(a) of the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA).



**Date : Friday, 20<sup>th</sup> November 2020**

**HON. LINDI LASINDWA**

**CHAIRPERSON: ECONOMIC DEVELOPMENT, ENVIRONMENT, AGRICULTURE AND  
RURAL DEVELOPMENT PORTFOLIO COMMITTEE  
GAUTENG PROVINCIAL LEGISLATURE**