



**A BRIEFING TO THE PORTFOLIO COMMITTEE ON FORESTRY,
FISHERIES AND THE ENVIRONMENT ON THE
RECOMMENDATIONS OF THE HIGH-LEVEL PANEL (HLP) OF
EXPERTS FOR THE REVIEW OF POLICIES, LEGISLATION AND
PRACTICES ON MATTERS OF ELEPHANT, LION, LEOPARD
AND RHINOCEROS MANAGEMENT, BREEDING, HUNTING,
TRADE AND HANDLING, AND RELATED MATTERS**

23 November 2021



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



PURPOSE

- To brief the Portfolio Committee on Forestry, Fisheries and the Environment (hereinafter referred to as the PC) on the HLP report with specific focus to the recommendations and their intention to advance our country's position on conservation and sustainable use; and
- To update and provide progress on the implementation of the HLP report and its recommendations.



BACKGROUND

- Despite SA's excellent reputation as a global leader in conservation, especially in respect of iconic species like elephant, lion, leopard and rhinoceros, there is still a **significant level of public concern** around the policies, legislation and practices associated with these species, especially in terms of **animal welfare and wellbeing**.
- August 2018 - Portfolio Committee hosted a Colloquium on Captive Lion Breeding for hunting in South Africa
 - And concluded that the captive lion breeding industry had no place in South Africa, and did not contribute to conservation and may harm both conservation and tourism;
 - And requested DFFE to initiate a policy and legislative review with a view to putting an end to this practice
- 10 October 2019 - Minister **established an Advisory Committee to serve as the HLP** in terms of section 3A of the National Environmental Management Act, 1998 (Act 107 of 1998, NEMA).
- The HLP concluded its work and submitted a report with its recommendations in December 2020 – It was released to the public on 02 May 2021, following Cabinet endorsement.



BACKGROUND CONT.....

- The Minister further appointed an Extended High-Level Panel (EHLP), consisting of 8 members of the HLP, from January 2021 to end of June 2021.
- The EHLP was appointed to amongst others:
 - assist the Minister with stakeholder feedback sessions;
 - assist DFFE with the implementation plan of the report and its recommendations; and
 - advise the Minister on certain aspects relating to the implications of the HLP report and its recommendations on draft legislation, such as the NEMLA Bill, draft revised TOPS Regulations and species list, draft revised Elephant Norms and Standards, draft Norms and Standards for trophy hunting in South Africa and the draft revised CITES Regulations.



WHAT INFORMED THE RECOMMENDATIONS

- Need to provide policy certainty, legislative coherence and a stable base for conservation, growth and development;
- End irresponsible, inhumane and unsustainable practices that greatly harm the reputation of South Africa;
- Reposition SA as a leader in conservation, and also promote Africa's coherence and unity in relation to these species;
- Better balance our economic, social, cultural and natural heritage needs
- Re-imagine the role of protected areas, both state and other, in contributing to ecologically sustainable rural development in a manner never before conceived.
- Initiate transformation of the sector, with real traction in nature-based access and benefit flows to marginalised communities, with growth and transformation of the industry.



THE HLP'S SCOPE OF WORK / TERMS OF REFERENCE (TOR)

SPECIES 1+2 BLACK & WHITE RHINOCEROS

Key Species-related Issues:

5 Key Interventions for Rhino

- Enforcement
- Community Empowerment
- Demand Management
- Management of Rhino Populations
- Responsive Legislation

Evaluate Outcomes of COI (Committee of Inquiry) & make recommendations

Assess and Provide Policy positions and Operational guidelines

- Keeping of Rhinoceros in captivity
- Hunting of Rhino
- Population Management
- Trade in Rhino and Rhino horn
- Management of Stockpiles
- Impact and Benefits
- Handling & Wellbeing

SPECIES 3 ELEPHANTS

Key Species-related Issues:

Assess and Provide Policy positions and Operational guidelines

- Keeping of elephants in captivity
- Hunting of Elephants
- Population Management
- Trade in elephant ivory
- Ivory Stockpiling
- Management of stockpiles
- Impact and benefits
- Handling & Well-being

SPECIES 4 LEOPARDS

Key Species-related Issues:

Assess and Provide Policy positions and Operational guidelines

- Hunting of Leopards
- Trade in Leopard skins
- Demand Management
- Impact and benefits

SPECIES 5 LIONS

Key Species-related Issues:

Assess and Provide Policy positions and Operational guidelines

- Breeding of lions in captivity
- Hunting of captive bred lions
- Trade in lion bones
- Stockpiling
- Management of stockpiles
- Impact and benefits
- Handling and Well-being
- Colloquium outcomes

Review: Existing Policies, Legislation, Practices

MANDATE

Focus Areas: Handling & Management, Breeding, Hunting, Trade



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THE HLP REPORT AND ITS RECOMMENDATIONS

- The HLP reports consist of 18 goals (with 2 areas where consensus could not be reached) and 60 recommendations.
- The two (2) areas on which it was not possible to reach a consensus view, where, namely (a) keeping of rhinos in captivity and (b) captive lion breeding. In respect of these, both the majority and minority views are reflected in the report. Each of the eighteen (18) areas, including for the minority views, the HLP provides a context, goal, recommendations, and initial input on implementation.
- Recommendations of the HLP cover the issues raised in the TORs (elephant, rhino, lion and leopard) as well as a range of contextual issues (biodiversity policy, transformation, legislation, welfare, capacity building and governance).



KEY RECOMMENDATIONS – CONTEXTUAL ISSUES

POLICY & LEGISLATION

Key Recommendations

- National Policy on Biodiversity Conservation & Sustainable Use- initiate a process to develop an overarching national policy on biodiversity (including wildlife)
- Revision of the implementation of biodiversity related legislation
- Enhance cooperative governance, including those in NEMA 24C.(3)(a)
- Review and revise, where applicable, rationalize national and provincial legislation to streamline and simplify processes

TRANSFORMATION OF THE WILDLIFE SECTOR

Key Recommendations

- Develop a focussed Transformation Charter
- Deploy suitably qualified, enabled and resourced Biodiversity Economy Node Champions
- Establish a mechanism/structure for ongoing technical, research and business support to the wildlife sector

WELFARE OF WILDLIFE

Key Recommendations

- Taking a One Welfare approach that emphasizes the link among animal welfare, human well-being, biodiversity & environment.
- Engage DALRRD to clarify overlapping mandates for welfare and well-being
- Consider delegation of powers for welfare inspections to a broader group of suitably qualified people
- Develop minimum norms and standards for welfare

GOVERNANCE

Key Recommendations

- Address inefficiencies in Governance (9+1+1+1 issues)
- Roles and responsibilities of state actors at different levels in the wildlife sector are integrated, rationalized and redefined
- Ensure issues of concurrent competency do not continue to compromise their conservation and sustainable use
- NB: Centralization or decentralization and constitutional allocation of functions



KEY RECOMMENDATIONS - RHINO

RHINO CAPTIVE BREEDING MAJORITY VIEW(64%)

Key Recommendations

- ❑ Develop a process for phasing out TOPS and other legislative registrations of and permits for Captive Breeding Operations
- ❑ Clarify that CITES Captive Breeding Operation registrations will not be officially supported/and or approved until the recommendations of Option 3 of the COI and Rhino Action Plan are fully addressed
- ❑ Clarify to private owners and stakeholders, the required conditions of the COI Option 3 and the Rhino Action Plan
- ❑ National long-term strategy for rhino conservation, social transformation and tackling illegal rhino horn trade, consistent with the Rhino Action Plan,
- ❑ Reversing the trend toward captive rhino populations and intensification of management

RHINO CAPTIVE BREEDING MINORITY VIEW(28%)

Key Recommendations

- ❑ Establish bold policy position that recognises and consolidates the South African rhino conservation model
- ❑ Review and carefully recraft the regulatory “market place” and other rules to maximise the value of rhinos to landholders and South Africa
- ❑ Submit a comprehensive rhino trade proposal to CITES
- ❑ keep policy options open such as the use of legal Captive Based Trade CITES provision, but strives to work with CITES and other partners to develop well-crafted long-term rhino financing and conservation
- ❑ Authorizes compliant Captive Breeding Operations (CBOs)
- ❑ Engage the consumer nations of China, Vietnam, Laos, etc. to establish bilateral trade agreements regarding the rhino horn specimen
- ❑ Implement the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT)

RHINO POACHING AND TRADE

Key Recommendations

- ❑ Develop and implement alternative benefit streams to international rhino horn sale
- ❑ Ensure urgent progress is made in terms of the outstanding conditions of the COI Option 3
- ❑ Facilitate full participation in a 2021 rhino population census & lead a process of engagement, inclusive of private rhino landowners, with rhino range states to develop a consensus on global conservation of rhino
- ❑ Policy position stating that South Africa will not propose or support amendments to the CITES appendices relating to South African rhino specimens
- ❑ Government to engage with private rhino management custodians to identify their key challenges and how solutions to these can be supported

STOCKPILES (Horn & Ivory)

Key Recommendations

- ❑ Initiate a consultation process with South Africa’s SADC partners to determine whether and under what conditions stockpile disposal, and especially destruction of either ivory or rhino horn, is consistent with agreed regional protocols
- ❑ Develop a consistent stockpile management and disposal policy
- ❑ Conduct a full risk, sensitivity and cost-benefit analysis of the potential impact of rhino horn and ivory stockpile destruction on market dynamics and consequent incentives for illegal activity and poaching
- ❑ Consider the option of marketing stockpiles of ivory and horn to international donors and philanthropists for appropriate disposal in South Africa
- ❑ Transparent public process for price-bidding and a fair and equitable, demonstrably conservation-positive distribution of benefits.



KEY RECOMMENDATIONS – CAPTIVE LIONS

CAPTIVE LIONS MAJORITY VIEW(62.5%)

Key Recommendations

- ❑ Develop a process to halt and reverse the domestication of our iconic lions, through captive lion keeping, breeding, and commercial use, putting in place ethical and humane procedures for euthanasia of existing captive lions
- ❑ Policy decisions for an immediate halt to (1) the sale of captive lion derivatives, (2) the hunting of captive bred lions, and (3) tourist interactions with captive lions
- ❑ Engagement with other Departments and the SETAs to identify mechanisms to protect employment of workers on captive lion facilities

CAPTIVE LIONS MINORITY 20.83%

Key Recommendations

- ❑ An immediate ban on the practice of commercial cub-petting
- ❑ An immediate moratorium on captive breeding licences
- ❑ A time bound process to phase out all lion interactions i.e. (walking with lions etc.)
- ❑ Technical investigation into the development of norms and standards associated with potential future hunting of wild managed and ranched lions
- ❑ Develop an exit strategy for legal skeleton trade
- ❑ Acknowledge efforts of industry participants who have taken proactive efforts by granting them favourable treatment

CAPTIVE LIONS MINORITY 2(16.67%)

Establishment of a three-tier system for lion regulation including:

- ❑ Tier 1: **Self-regulation** through empowered and accredited membership organizations for lion breeders with minimum standards and powers to inspect, sanction, and remove members
- ❑ Tier 2: Establish an **Independent Inspectorate** or mechanism to verify or contradict reports.
- ❑ Tier 3: Ultimate responsibility remaining with the Minister to oversee the functions and performance of both membership organizations and the independent inspectorate.



KEY RECOMMENDATIONS – ELEPHANT & LEOPARD

ELEPHANT AND IVORY

Key Recommendations

- Explore and support the implementation of alternative benefit streams to international ivory sale
- Develop policy position stating that South Africa does not envisage submitting a trade proposal to CITES as long as current specified circumstances prevail
- Engage with stakeholders and elephant range states to build consensus
- Initiate a long-term socio-economic cost-benefit and risk analysis of economic implications of different trade and use options
- Develop measures for a systems approach to elephant management as a national meta-population

LEOPARDS

Key Recommendations

- Development of an integrated, shared, strategic approach to leopard management
- Leverage the added-value benefit of hunting leopard
- Incentivise approaches by wildlife custodians who contribute to the conservation of leopards and their habitats
- Implement mechanisms to ensure that traditional leaders and traditional healers can access and derive benefits



KEY RECOMMENDATIONS – GENERIC ON 5 SPECIES

MANAGEMENT OF THE 5 ICONIC SPECIES IN THE WILD

Key Recommendations

- Participatory development of Biodiversity Management Plans and / or Norms and Standards
- Develop effective national-level monitoring and reporting of the management and sustainable use
- Incorporation of humane and responsible management practices
- Taking a systems approach to reduce negative impacts to people and wildlife resulting from human-wildlife conflict
- Incentivising and facilitating adaptive management
- Develop processes and mechanisms for critical monitoring, reporting, and evaluation of data

HUNTING OF THE 5 ICONIC SPECIES

Key Recommendations

- Development and implementation of a national responsible, and sustainable hunting standard that addresses the ecological, economic, and social aspects, inclusive of welfare considerations
- Repositioning of South Africa as a destination of choice for legal, humane, regulated and responsible hunting of the five iconic species.

LIVE EXPORT OF THE 5 ICONIC SPECIES

Key Recommendations

- Initiate processes to engage with other range states of the iconic species to develop collective strategies for their conservation and custodianship
- Investigate and where necessary prevent the export of live specimens of the five iconic species outside of their range states, or into captivity in other countries, thereby protecting their iconic African status, their welfare and our unique economic advantage.

ECONOMIC VALUE CHAINS

Key Recommendations

- Re-contextualising the National Biodiversity Economy Strategy to fully leverage the value of the iconic species
- Develop and implement best practice models and approaches that promote partnerships between wildlife custodians in support of larger wildlife areas
- Reposition state protected areas as core components, in integrated regional conservation and wildlife economy
- Ensuring access and benefit sharing in a fair and equitable manner by local communities
- Increasing the wildness and facilitating the expansion of existing areas



KEY RECOMMENDATIONS – CONTEXTUAL ISSUES

AGRICULTURE AND CONSERVATION INTERFACE

Key Recommendation

- Establish inter-ministerial committee (IMC) on biodiversity conservation and sustainable use to lead cooperative governance
- Initiate a process for testing legislation under the mandate of DALRRD and where applicable other governmental Departments for consistency with s24 of the Constitution

PROTECTED AREAS

Key Recommendations

- Making state protected areas more effective and efficient as drivers for conservation and rural socio-economic development
- Adopt a national strategy for recognising, enhancing, and incentivising, the contribution of private protected areas

INTERNATIONAL STANDING AND REPUTATION

Key Recommendations

- Development of protocols for proactive international engagement
- Identify key interventions that can enhance our international standing and reputation in terms of sustainable use of the five iconic species
- Develop a risk management strategy

CAPACITY BUILDING

- Capacity Building, Education and Empowerment
- Develop sector-wide Human Capital & Environmental Skills Plan
- Training and Mentoring

THRIVING POPULATIONS BIODIVERSITY ECONOMY

Key Recommendations

- Re-contextualising the Biodiversity Economy Strategy to fully leverage the value of the iconic species
- Reposition state protected areas to contribute to conservation and accelerate socio-economic development
- Ensure access and benefit sharing by local communities
- Facilitate the expansion of protected areas



IMPLEMENTATION OF HLP RECOMMENDATIONS

- Engagements with various affected stakeholders were conducted by Minister and the Department
- Implementation plan Framework developed – Time frames and allocation of responsibility indicated in the plan
- Policy Statement developed to provide guidance for the implementation of recommendations

POLICY IMPLICATIONS

- Provides the basis for the review of legislation relating to biodiversity, protected areas, and the development of regulations.
- Provides a framework for Provinces to undertake review and possible amendment of their relevant legislation.
- Provides a basis for the development of applicable norms and standards, to inform evidence-based implementation.
- Provides a basis for the various issuing authorities and management authorities to initiate the revision of their policies and procedures to align with this Policy Position.
- Provides a basis for engagement by the Department, Provinces, Entities, and other Sectors to promote effective inter-governmental co-operative governance.



POLICY PROCESS

- The Draft Policy Position was gazetted for public comment (28 June -28 July 2021).
- Comments received are being consolidated and analysed.
- Approval granted to extend the public comment period for an additional 30 days- based on comments received and to give more time for stakeholders to interrogate the policy position.
- A Socio-Economic Impact Assessment report was drafted according to Department of Planning, Monitoring and Evaluation (DPME) guidelines.
- Intergovernmental Consultation to take place in October 2021.
- The outcomes of this process will guide the way forward.



OTHER POLICY WORK

- The HLP recommendations suggest the development of an **overarching Policy Framework** for Biodiversity Conservation & Sustainable Use.
- **In a parallel Process** to the Draft Policy Position, work on an overarching Policy on Biodiversity Conservation and Sustainable Use initiated.
- The 1997 Draft White Paper on Conservation and Sustainable Use of Biological Resources used as a starting point for updating and revision
- **Intention** is to give effect to the Policy position and other recommendations of the HLP Report.
- Concept note, Internal Consultation and Gap analysis conducted.
- Revised Draft White Paper to be submitted for Intergovernmental Consultation in October 2021.



THANK YOU!

Mr Sydney Nkosi

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Thank You