



forestry, fisheries & the environment

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

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NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 3992 {NW4962E}

INTERNAL QUESTION PAPER NO. 42 of 2022

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N Singh (IFP) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) With regard to the demand for tigers that appears to be driving predominantly illegal trade in other big cat species parts, and there are ongoing concerns related to the captive breeding of legal trade of live specimens, what (a) has she found to be the extent and the impacts of the demand for tigers on both the illegal trade of South African big cats and the increased demand for captive breeding of live specimens and (b) is being done to mitigate the impact of the illegal trade on South Africa's big cats;
- (2) whether, in view of the fact that the majority of the trade appears to be illegal under national legislation, highlighting the urgent need to bridge gaps in laws and/or enforcement, her department intends to develop legislation that protects South Africa's big cats; if not, why not; if so, what are the relevant details?

3992. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- (1) (a) In terms of the Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora's Illegal Trade reports from 2016 to 2021, the Department of Forestry, Fisheries and the Environment (DFFE) has not reported major seizures in South Africa, or even a significant number of seizures or cases involving big cat parts/derivatives in the

past five years. While there have been a few cases over the years, it is not possible to conclude, based on the information available, that the demand for tigers has led to large-scale illegal trade of South African big cat specimens, or to an increase in demand for the captive breeding of South Africa's big cats for trade in live specimens. None of the provincial conservation authorities have reported an increase in the demand for trade in captive-bred big cats in South Africa.

- (b) Trade in South Africa's big cat species (i.e., lion, leopard and cheetah) is regulated by the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM:BA) and its associated Threatened or Protected Species (TOPS) Regulations and the CITES Regulations. Any reports of trade in big cat specimens in contravention of this legislation are criminally investigated and perpetrators charged accordingly. Environmental Management Inspectors from the DFFE, provincial conservation authorities and South African National Parks, as well as the South African Police Service, are committed to enforcing South Africa's environmental legislation, with law enforcement operations targeting the illegal wildlife trade being held at different stages throughout the year. Inspections were carried out in the Free State earlier this year to ensure compliance with legal requirements.
- (2) The DFFE does not agree that the majority of the trade appears to be illegal under national legislation. NEM:BA makes provision for the regulation of restricted activities involving any specimen of a listed threatened or protected species, and further makes provision for the regulation of the import, export or re-export of specimens of species included in the appendices of CITES. The registration of captive breeding facilities involving listed TOPS with the relevant issuing authority is compulsory in accordance with the TOPS Regulations, whereas the CITES Regulations require that all persons wishing to trade internationally in specimens of any species listed in Appendix I of CITES must be registered with the Management Authority. Lion, leopard and cheetah are currently listed as vulnerable species in terms of NEM:BA. In addition, leopard and cheetah are both included in Appendix I of CITES, whereas lion is included in Appendix II of CITES. National legislation is, therefore, adequate for the protection of South Africa's big cat species.

The High-Level Panel that was appointed in 2019 to review policies, legislation and practices relating to the management, breeding, hunting, trade and handling of elephant, rhinoceros, lion

and leopard made various recommendations that would require regulatory provisions, albeit not focused on the protection of lion and leopard *per se*. The DFFE intends to give effect to these recommendations in a phased approach, in particular the incorporation of well-being into the ethos and regulation of wildlife management in South Africa.



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MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 11-11-2022

BACKGROUND NOTE

In section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM:BA) “restricted activity” is defined as involving a listed TOPS as follows:

- (i) *hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;*
- (ii) *gathering, collecting or plucking any specimen of a listed threatened or protected species;*
- (iii) *picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;*
- (iv) *importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;*
- (iv) *exporting from the Republic, including re-exporting from the Republic, any specimen of a listed threatened or protected species;*
- (v) *having in possession or exercising physical control over any specimen of a listed threatened or protected species;*
- (vi) *growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;*
- (vii) *conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;*
- (ix) *selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or*
- (x) *any other prescribed activity which involves a specimen of a listed threatened or protected species;*

In section 56 of NEM:BA, the Minister is empowered to publish a list of threatened or protected species by notice in the *Government Gazette*. Lion, leopard and cheetah are currently listed as vulnerable species. In addition, leopard and cheetah are both included in Appendix I of CITES, whereas lion is included in Appendix II of CITES.

In section 57(1) of NEM:BA, it is stated that a person may not carry out a restricted activity involving a specimen of a listed TOPS without a permit. Section 57(1A) of NEM:BA requires that a person may not import, export, re-export or introduce from the sea a specimen of a species listed in terms of CITES.

Section 57(4) empowers the Minister to exempt a person or category of persons from the restrictions imposed by sections 57(1) and 57(1A). Currently, no exemptions have been implemented in terms of section 57(4).

The registration of captive breeding facilities involving listed TOPS with the relevant issuing authority is compulsory in accordance with Regulation 27 of the TOPS Regulations. Regulation 11(1) of the CITES Regulations requires that all persons wishing to internationally trade in specimens of any species listed in Appendix I of CITES (thereby applicable to leopard and cheetah, as well as tiger) must be registered with the Management Authority. Regulation 11(3) of the CITES Regulations requires that all persons registered with the Management Authority for the captive breeding of animals must keep records of their parental stock and of captive-bred offspring for future trading purposes, and must also keep records of any transactions for a period of five years.

The High-Level Panel (HLP) made the following recommendations that would require the development/amendment of legislative requirements:

- Developing minimum Norms and Standards for welfare within all aspects of the sector relating to the five iconic species;
- Incorporating humane and responsible management practices, including for animal welfare and well-being, into the ethos and regulation of wildlife management in South Africa;
- Developing and implementing a national responsible and sustainable hunting standard for the five iconic species, which addresses the ecological, economic and social aspects, inclusive of welfare considerations;
- Where necessary, preventing the export of live specimens of the five iconic species outside their range states, or into captivity in other countries, thereby protecting their iconic African status, their welfare and our unique economic advantage;
- Identifying key interventions that can enhance our international standing and reputation in terms of the sustainable use of the five iconic species, such as Norms and Standards for specific activities such as hunting and photo tourism;
- Participatory development of Norms and Standards for the management of lion, rhino and leopard, as well as reviewing existing Norms and Standards to address challenges and improve impact;

- Developing proactive Norms and Standards for damage-causing animals, which include national consistency in compensation for damage caused by damage-causing animals, and which empower and capacitate people living with wildlife;
- Establishing a process for phasing out TOPS and other legislative registrations of and permits for rhino captive breeding operations (CBOs), with solutions that allow for optimal conservation outcomes for captive and semi-intensive populations, as well as the long-term sustainability of rhinoceros;
- The Minister establishing a process to halt and reverse the domestication of lions, through captive lion keeping, breeding, and commercial use, determining ethical and humane procedures for the euthanasia of existing captive lions; and
- The Minister identifying policy decisions for an immediate halt to (1) the sale of captive lion derivatives, including the appropriate disposal of existing lion bone stockpiles and lion bone from euthanised lions; (2) the hunting of captive bred lions; and (3) tourist interactions with captive lions, including so-called 'volun-tourism', cub petting, etc.

With regard to the recommendation of the HLP to phase out rhinoceros CBOs, and considering the current security challenges that rhinoceros face in extensive wildlife systems, a position has been adopted not to phase out rhinoceros CBOs while these challenges persist.

With regard to the recommendation of the HLP to phase out lion captive breeding operations and associated activities, the DFFE is in the process of appointing a Ministerial Task Team to identify and recommend voluntary exit options and pathways from the captive lion industry.

If a decision is taken to phase out commercial tiger breeding facilities, the outcome of the Ministerial Task Team process could inform such a decision as this captive breeding industry would involve the same considerations.

With the above deliberations, regarding the captive big cat trade demand and as the provincial conservations have reported that there is no increase in trade in big cats, it is worth taking note that the Eastern Cape and Gauteng have observed an increase in trade in small cat species, but that there is no evidence to link or correlate trade in small cats with the tiger breeding industry in South Africa at this stage.