



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

LEGISLATIVE PROVISIONS & CITES PROCESS



Constitution

National Legislation

**Provincial
Legislation**

NEMA

**Provincial
Ordinances / Acts**

NEMBA

**TOPS
Regulations**

CITES Regulations

**Norms and
Standards**

LEGISLATIVE PROVISIONS

National Environmental Management: Biodiversity Act, 2004 (NEMBA) (I/III)

- Listing in terms of Section 56 (1)
 - White rhino listed as *Protected*
 - Black rhino listed as *Endangered*
- Threatened or Protected Species Regulations
 - Applicable to both species
 - Procedures relating to permits required to carry out restricted activities (possession, killing, movement, selling, etc)
 - Specific provision relating to possession of horn – Regulation 70: Horns must be permitted, marked (micro-chip), and registered on database



LEGISLATIVE PROVISIONS

National Environmental Management: Biodiversity Act, 2004 (NEMBA) (II/III)

- CITES Regulations – Government Gazette No 33002, Notice R 173 (5 March 2010)
 - Black rhino – Appendix I (CoP approved hunting quota: 5 adult males)
 - White rhino – Appendix II: South Africa and Swaziland’s populations of White rhino for the exclusive purpose of allowing international trade in–
 - live animals to appropriate and acceptable destinations; and
 - hunting trophies.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly (no commercial trade)



LEGISLATIVE PROVISIONS

NEMBA (III/III)

- **Prohibition – Section 57 (2)**

Government Gazette No 31899 Notice No 148 (13 Feb 2009):

National moratorium on the trade of individual rhino horns and any derivatives or products of the horns within South Africa. In place until further notice.

- **Norms and standards for the marking of rhino horns and hunting of white rhino for trophy hunting purposes**

Government Gazette No 32426 Notice No 756 (20 July 2009)

- **Amended: Norms and standards for the marking of rhinoceros and rhinoceros horn, and for the hunting of rhinoceros for trophy hunting purposes**

Government Gazette No 35248 Notice No 304 (10 April 2012)



CITES PROCESS (i/ii)

An amendment of the annotation in accordance with Resolution Conf 9.24 of CITES will be required to allow for commercial trade – in principle approval should be obtained from Cabinet

Resolution Conf 9.24 prescribes the format for proposals to amend the Appendices – Supporting statement must reflect the following information:

- Species characteristics, including distribution, biological characteristics, role of species in ecosystem
- Status and trends
- Threats
- Utilisation and trade (legal, illegal, and impacts)
- Legal instruments
- Species management

CITES PROCESS (ii/ii)

- Consultation with SADC countries and other rhino range States.
- Submit proposal to the CITES Secretariat – Latest date of submission for CITES COP16 is 4 October 2012



ELEPHANT IVORY TRADE EXPERIENCE

If the process is similar to the African elephant down listing and ivory sale proposals, a Panel of Experts (PoE) will be constituted with a ToR that could include the following:

- Evaluate the status and management of the population, including:
 - the viability and sustainability of the population, and potential risks;
 - the affected range State's demonstrated ability to monitor the subject population; and
 - the effectiveness of current anti-poaching measures;



ELEPHANT IVORY TRADE EXPERIENCE

ToR continue...

- Evaluate the affected range States' ability to control trade in specimens, including:
 - whether total levels of off take from both legal and illegal killing are sustainable;
 - whether control of stocks is adequate to prevent the mixing of legal and illegal obtained specimens;
 - whether law enforcement is effective; and
 - whether enforcement and controls are sufficient to ensure that no significant amounts of specimens taken or traded illegally from other countries are traded within or through the territory of the affected range State; and



ELEPHANT IVORY TRADE EXPERIENCE

ToR continue.....

- where appropriate:
 - the controls on trade in the specified importing countries; and
 - the trade in other parts and derivatives and the controls on such trade in the proponent and importing State.
- Based on the report by the PoE, the Conference of Parties will consider the proposal.
- Two-thirds majority must be obtained for a proposal to be approved.



THANK YOU



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