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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS</b>			
<b>Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van</b>			
4750	National Environmental Management: Biodiversity Act (10/2004): Policy position on the Conservation and Substainable Use of Elephant, Lion, Leopard and Rhinoceros .....	50541	3

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

NO. 4750

24 April 2024

**POLICY POSITION ON THE CONSERVATION AND SUSTAINABLE USE OF ELEPHANT, LION,  
LEOPARD AND RHINOCEROS**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish the Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros, as set out in the Schedule hereto, for implementation.



**BARBARA DALLAS CREECY  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

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**POLICY POSITION ON THE CONSERVATION AND SUSTAINABLE USE OF ELEPHANT, LION,  
LEOPARD AND RHINOCEROS**

**Contents**

<b>1</b>	<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>2</b>	<b>ACRONYMS</b>	<b>5</b>
<b>3</b>	<b>DEFINITIONS</b>	<b>5</b>
<b>4</b>	<b>BACKGROUND</b>	<b>5</b>
<b>5</b>	<b>OVERVIEW OF THE POLICY DEVELOPMENT PROCESS</b>	<b>6</b>
<b>6</b>	<b>PROBLEM STATEMENT AND CORRESPONDING POLICY RESPONSE</b>	<b>7</b>
6.1	Captive lions	8
6.2	Captive rhinoceros	9
6.3	Leopard hunting and damage-causing leopards	11
6.4	International Trade in live specimens of the five species	12
6.5	International commercial trade in rhinoceros horn	12
6.6	International commercial trade in elephant ivory	13
<b>7</b>	<b>POLICY CONTEXT AND ENVIRONMENT, AND STRATEGIC LINKAGES</b>	<b>15</b>
<b>8</b>	<b>POLICY MONITORING, EVALUATION AND REVIEW</b>	<b>155</b>

## 1 EXECUTIVE SUMMARY

South Africa is a country, with diverse cultures, remarkable geological wealth, and exceptional biodiversity, much of which is unique, and with high levels of endemism. With this rich endowment comes the responsibility and challenge of ensuring our species and ecosystems are conserved and used sustainably for the benefit of all South Africans and future generations. South Africa's priority is to secure the survival of species in the wild. This Policy Position has been developed to clarify policy intent in respect of conservation and sustainable use of white and black rhinoceroses, lions, elephants and leopards.

In addition to the guidance of section 24 of the Constitution of the Republic of South Africa, 1996 (the Constitution), this Policy Position draws on a number of processes that have identified particular challenges associated with the conservation and sustainable use, and international commercial trade in these five species. These include the Rhino Committee of Inquiry (the 'COI'), the Parliamentary Portfolio Committee Lion Colloquium (the 'Colloquium'), the High-Level Panel Report ('HLP'), and the White Paper on Conservation and Sustainable use of South Africa's Biodiversity (the 'White Paper'). These are dealt with in turn, below, where specific elements in this regard are highlighted. Other elements of conservation and sustainable use of these species are dealt with through other mechanisms and tools.

Section 24 of the Constitution requires reasonable legislative and other measures be put in place to ensure that the environment is protected for the benefit of present and future generations, including through promoting conservation and securing ecologically sustainable development and use of natural resources. This Policy Position is one such measure, to ensure effective conservation and sustainable use of these five species.

The Committee of Inquiry (COI) established by the Minister of Environmental Affairs ahead of CITES COP 17, to advise on the possibility of proposing legal international trade in rhino horn, or not, concluded that South Africa should do everything possible to address the five key areas of security (law enforcement), community empowerment, biological management, responsive legislative provisions and effective implementation, and demand management / reduction in order:

- to create an environment conducive for rhinoceros conservation in South Africa;
- to effectively address rhinoceros poaching and the illegal trade in rhinoceros horn; and
- to reach a point where any potential international commercial trade in rhinoceros horn would contribute to conservation outcomes.

On 21 and 22 August 2018, the Parliamentary Portfolio Committee for Environmental Affairs (Portfolio Committee) convened a Colloquium "on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country". The recommendations of the Colloquium were adopted by the national assembly on 6 December 2018. One of the recommendations was that "The Department of Environmental Affairs should as a matter of urgency initiate a policy and legislative review of captive breeding of lions for hunting and lion bone trade with a view to putting an end to this practice".

Given that the issues raised in the COI and the Colloquium were also potentially applicable to other species, the Minister of Forestry, Fisheries and the Environment, in response, established an Advisory Committee (the 'High-Level Panel' (HLP) in October 2019, with an extended mandate to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros.

The HLP raised concerns around use of captive bred lions and rhinoceros, hunting/damage causing leopards, and the need for clarity in international commercial trade in the five species and their parts and derivatives. This was consistent with the Rhino COI, which identified the risk that there is no clear

message regarding the final position on trade, creating some uncertainty in the market and possibly resulting in confusing messaging for demand reduction initiatives. The HLP recommended the development of policy position in respect of these species and, further, recommended that an overarching national policy on conservation and sustainable use be developed. The HLP report was adopted by Cabinet, and released on 1 May 2021.

The Paper on the Conservation and Sustainable Use of South Africa's Biodiversity (the White Paper) was published in the *Government Gazette*, No. 48785, for implementation on 14 June 2023. The White Paper provides a broad policy context with four goals, namely Enhanced Biodiversity Conservation, Sustainable Use, Equitable Access and Benefit Sharing, and Transformed Biodiversity Conservation and Sustainable Use. As with the Colloquium and HLP report, the White Paper identified, among the challenges, "Practices within the sector that have brought the country into disrepute." This Policy Position, is also guided by the White Paper.

Consistent with the policy context of the White Paper, this Policy Position focuses primarily on correcting unsustainable practices, promoting conservation, sustainable use, and the well-being of the five species, and providing policy direction for international commercial trade in the five species.

The Policy Position, therefore, provides three conservation and sustainable use policy objectives to enhance species management:

- (1) To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intensive breeding of lion in controlled environments, and end the commercial exploitation of captive and captive-bred lions;
- (2) To phase out intensive management and captive breeding of rhinoceros for commercial purposes, and enhance wild populations; and
- (3) To ensure that the use of leopard is sustainable and incentivises and enhances their conservation in the wild.

The Policy Position also provides three international commercial trade-related policy objectives:

- (4) To promote live export of the five species only to range states or any other appropriate and acceptable destinations with suitable habitats on the African continent;
- (5) South Africa will work with range states and potential destination countries to support a proposal for international commercial trade in rhinoceros horn from protected wild rhinoceros, for conservation purposes, when conditions become favourable; and
- (6) Consider international commercial elephant ivory trade only when conditions become favourable.

Each objective in this Policy Position has associated activities for implementation. By adopting practices that are responsible, legal, sustainable, and promote animal well-being, the implementation of the six Policy Objectives will transform practices within the wildlife industry that are not conducive to animal well-being, and promote conservation and sustainable use of biodiversity in general, and these species in particular. This will enhance South Africa's position as a megadiverse country and leader in the conservation and sustainable use of these iconic species

This Policy Position provides policy certainty and strategic impact through:

- (1) Closure of the captive lion industry, enhanced global reputation, and a stimulated biodiversity-based tourism industry;
- (2) Enhanced conservation outcomes for captive and intensively managed white rhinoceros, with associated sustainable use benefit flows;

- (3) That leopards are protected, conserved, and sustainably used; human-leopard conflict reduced; and the contribution of leopard for biodiversity, and to cultural traditions and spirituality enhanced;
- (4) Promotion of in-situ conservation and sustainable use of the five species across Africa;
- (5) Enhanced conservation and sustainable use of protected wild rhinoceros under private, community, and state ownership; and
- (6) Enhanced conservation and sustainable use of elephants, and biodiversity more broadly.

The strategic impact of this policy position is that it provides policy certainty for specific elements of the conservation and sustainable use of these five species, and, furthermore, provide a basis to review legislation where applicable and appropriate. The White Paper provides broad direction in terms of all four of its goals, and that there will be elements of each where policy direction, legislation, or other mechanisms and tools would be required to fully give effect to those in terms of the five species.

## 2 ACRONYMS

CBO: Captive breeding Operation

COI: Committee of Inquiry appointed by the Minister of Environmental Affairs to advise on the possibility of proposing legal international trade in rhino horn to the 17TH Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or not

CITES: The Convention on International Trade in Endangered Species of Wild Fauna and Flora

HLP: High-Level Panel

MEA: Multilateral Environmental Agreements

NGOs: Non-Governmental Organisations

SADC: Southern African Development Community

## 3 DEFINITIONS

Use of terminology in this policy should be understood in terms of the definitions contained within the White Paper, legislative, regulatory, and management instruments, or the general understanding of such terminology. Definitions are not repeated here.

## 4 BACKGROUND

South Africa's biodiversity provides a wide array of benefits to the economy, society, and human well-being, which are dependent on intact ecosystems, healthy species populations, and genetic diversity.

The White Paper emphasises that South Africa supports and promotes both consumptive and non-consumptive sustainable use, with important economic activities and employment opportunities in the ecotourism, hunting, fishing, harvesting, bioprospecting, customary use, and recreation industries. Furthermore, South Africa intends to strengthen this sustainable use approach while addressing challenges that confront the sector. There are diverse successful approaches and enterprises associated with the biodiversity economy, many of which leverage value from otherwise marginal production land- and seascapes, and this diversity enhances resilience and offers further potential for growth.

Biodiversity forms part of South Africa's national identity, heritage, and indigenous knowledge. Natural ecosystems, plants and animals have also influenced cultural and spiritual development, and are woven into languages, place names, religion, culture, and folklore. Biodiversity is also an important national asset and plays a significant contribution to inclusive growth and job creation.

South Africa's biodiversity, also contributes to tourism and the presence of iconic African wildlife, gives it an advantage in attracting international tourists. Wildlife-based tourism, including for the five species, international and regional tourism is very much sentiment, perception, and reputation driven, and factors that negatively affect these may have profound consequences for the country. More income from such tourism, based on the attraction of these iconic species, could help transform and build the biodiversity sector, and the South African economy more generally, in an inclusive manner; the need for which is emphasised in the White Paper.

South Africa has a diversity of wildlife-based land-uses, ranging from protected areas, extensive wildlife systems, semi-intensive management, intensive wildlife breeding facilities, sanctuaries, and rehabilitation facilities. The South African Wildlife Model has led to a range of conservation success, including the increase in wild populations and range expansion of wild lion, elephant, and black and white rhinoceros. The wildlife economy makes a substantial contribution to the South African economy. Wildlife ranching is an important land use for both socio-economic development and biodiversity conservation and can play an enhanced role in transformation. This can be done through removing barriers of entry into the wildlife economy for emerging black entrepreneurs and expanded sharing of benefits with previously disadvantaged individuals and rural communities.

## 5 OVERVIEW OF THE POLICY DEVELOPMENT PROCESS

Notwithstanding existing legislation and other mechanisms and tools, there are regulatory gaps identified for which policy clarity is required. These are addressed in this Policy Position.

This Policy Position was initially published for public comments on 28 June 2021, under Government Notice No. 566 of Government Gazette No. 44776, with the public comment period extended for an additional thirty days (30) under Government Notice No. 870 of Government Gazette No. 45160 published on 14 September 2021. Eight thousand three hundred comments and two online petitions with 75,857 signatures were received during this period. All of the comments were considered in revising the draft Policy Position, including taking into account comments that there was not a broader policy context as a foundation for conservation and sustainable use, or transformation of the sector.

Given that there was a parallel process to develop a White Paper, which would provide a broad policy context for this Policy Position, a decision was taken to suspend the finalisation of this Policy Position until the White Paper was in place, such that the White Paper could inform this Policy Position.

The White Paper was approved by Cabinet on 29 March 2023, and published under Government Notice No. 3537 in the Government Gazette, No. 48785, for implementation on 14 June 2023. The White Paper provides a foundation for conservation and sustainable use in terms of its four goals, namely:

- 1) Enhanced Biodiversity Conservation (All biological diversity and its components conserved);
- 2) Sustainable Use (The sustainable use of biodiversity enhances thriving living land- and seascapes and ecosystems, livelihoods, and human well-being, while a duty of care avoids, minimises, or remedies adverse impacts on biodiversity);
- 3) Equitable Access and Benefit Sharing (Benefits are derived and shared from the use and development of South Africa's genetic and biological resources, without compromising the national interests); and
- 4) Transformed Biodiversity Conservation and Sustainable Use (Effect is given to the environmental right as contained in section 24 of the Constitution which facilitates redress, and promotes transformation).

Amongst others, the White Paper identified a challenge in Practices within the sector that have brought the country into disrepute<sup>9</sup> in terms of inappropriate and illegal practices, activities, or actions that

compromise animal well-being and ecosystem and genetic integrity, have negatively affected South Africa's reputation as a world leader in biodiversity conservation. Furthermore, the White Paper emphasises the environmental duty of care principle towards all components of biodiversity for thriving people and nature.

This Policy Position, is informed by, amongst others, the Constitution, the COI, the Colloquium, the HLP Report, and the White Paper.

## 6 PROBLEM STATEMENT AND CORRESPONDING POLICY RESPONSE

As identified above, until the White Paper was published, there was a policy vacuum to decision-making for the conservation and sustainable use of these species, and three key processes, amongst others, identified challenges associated with their conservation and sustainable use:

- 1) The Committee of Inquiry (COI) established by the Minister ahead of CITES COP 17, to advise on the possibility of proposing legal international trade in rhino horn, or not, identified the requirements that need to be met for conservation, protection, and future rhino horn trade. These requirements were in respect of: Security (law enforcement); community empowerment; biological management; responsive legislative provisions and effective implementation, and demand management / reduction. These recommendations are detailed in the COI summary report<sup>1</sup>.

The COI provided four alternative options relating to international commercial trade versus alternative solutions, and Cabinet endorsed Option 3, namely: Application of current policy (limited international trade in hunting trophies and live rhino to appropriate and acceptable destinations), with no immediate intention to trade in rhino horn, but maintaining the option to reconsider regulated legal international trade in rhino horn when requirements are met.

- 2) The Portfolio Committee hosted a two-day Colloquium on captive lion breeding under the title "Captive Lion Breeding for Hunting in South Africa: Harming or Promoting the Conservation Image of the Country" on 21 and 22 August 2018 (the 'Colloquium'). The Portfolio Committee released its report on this Colloquium on 8 November 2018, which identified nine broad issues of concern about the captive lion industry, and five additional observations that viewed the industry as having broadly negative consequences. The Portfolio Committee made five resolutions, including that the hunting of captive lions and the lion bone trade should be ended. Parliament adopted the report on 6 December 2018.
- 3) Following the Colloquium, the Minister of Forestry, Fisheries and the Environment established an Advisory Committee as a High-Level Panel (the 'HLP') in October 2019 to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. The HLP comprised twenty-five members from academia, wildlife industry, traditional communities and NGOs. Following an intensive stakeholder engagement process, the HLP submitted its report, with 18 goals and 60 associated recommendations, to the Minister in December 2020. The report also included a situation

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<sup>1</sup> Committee of Inquiry (COI) appointed by the Minister of Environmental Affairs to advise on the possibility of proposing legal international trade in rhino horn to the 17TH Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or not  
[https://www.environment.gov.za/sites/default/files/reports/summaryreport\\_committeeofinquiry.pdf](https://www.environment.gov.za/sites/default/files/reports/summaryreport_committeeofinquiry.pdf).

analysis, and provided a context for each of the goals and recommendations, as well as guidance for their implementation.

The HLP report identified major challenges with (1) Captive keeping and breeding of lion and rhinoceros; (2) Hunting of captive lions; (3) Trade in captive lion parts and derivatives; (4) Intensive management of rhinoceros; (5) Rhinoceros populations are becoming increasingly threatened with extinction due to the poaching crisis; (6) Unsustainable use of wild leopard; and (7) Feasibility of legal international commercial trade in rhinoceros horn and elephant ivory for commercial purposes.

The HLP identified critical goals to be achieved, including "South Africa does not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially"; "The current trend of increasing intensive management and registration of rhino captive breeding operations is reversed within a period that allows for a sustainable conservation outcome"; "The conservation and ecologically sustainable use of leopard is enhanced"; "Through custodianship and translocation between range states only, conservation status of our five iconic species is enhanced and maintained for present and future generations"; "South Africa will prioritise the implementation and completion of the COI Recommendations and the associated Rhino Action Plan, and assume a global leadership position in conserving rhino through the development of a consensus position on key rhino issues with stakeholders and range states"; and "South Africa will focus on addressing elephant population management priorities and related financing needs, and adopt a position that engages stakeholders and range states to work towards building a global consensus for elephant conservation and sustainable use"; Each of these HLP goals identified current challenges, and made specific recommendations. Cabinet endorsed the report, after which the Minister released the report to the public on 01 May 2021.

Therefore, regarding the five species:

- 1) There are practices within the sector that have brought the country into disrepute, and negatively affected South Africa's reputation as a world leader in biodiversity conservation and sustainable use.
- 2) There is no clear message regarding the final position on international commercial trade, creating some uncertainty in the market, and possibly resulting in confusing messaging for demand management/reduction initiatives.

Both the disrepute and uncertainty in the market compromise conservation, sustainable use, and the potential for effective transformation of the sector.

The HLP report identified species-specific challenges associated with six different areas for attention, which are each dealt with in turn. For each area, a context narrative is based on the HLP report, and the Policy Objective to be achieved is then stated. Each policy objective is contextualised in terms of the White Paper as to what each Policy Objective sets out to do, followed by Actions for Implementation, and the anticipated impact if successful.

## 6.1 Captive lions

The captive lion industry involves intensive and selective breeding, handling, hunting of captive or captive-bred lions, and lion bone and other derivative trade, which threatens South Africa's reputation as a leader in the conservation of wildlife, and as a country and destination with iconic wild lions. The intensive breeding of lion in controlled environments, and the commercial exploitation of captive or

captive-bred lions negatively affects their iconic status. Although some operators may implement acceptable standards of welfare, there are major animal welfare contraventions in the industry in general.

**POLICY OBJECTIVE 1: To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intensive breeding of lion in controlled environments, and end the commercial exploitation of captive and captive-bred lions.**

In line with the White Paper, this Policy Objective sets out to prohibit activities that do not promote well-being and humane practices, actions, and activities towards lions, and seeks to mitigate risks from the domestication of lions. In addition, this policy objective seeks to ensure duty of care towards lions.

This Policy objective has the following Actions for Implementation:

- 1) *Process for engagement of all stakeholders in the captive lion industry and lion conservation;*
- 2) *Strategy developed and implemented to:*
  - *halt domestication of lions in controlled environments;*
  - *end exploitation of captive and captive-bred lion;*
  - *end the captive breeding of lion, including through a sterilisation process;*
  - *close captive lion facilities;*
  - *monitor the impacts of the above on breeding of other cat species, and ensure that poor lion practices are not transferred to other species;*
  - *improve security for wild lions, to prevent a shift to illegal killing to source derivatives from wild lion populations; and*
  - *expand the number and distribution of extensive wildlife systems containing free-roaming lions;*

*with consideration given to the future employment of workers within the industry, and taking into account the conservation and socio-economic impact of this strategy.*

- 3) *An exit process developed and implemented in respect of the disposal of lions in existing captive facilities, which considers all possible options.*
- 4) *Develop enabling regulatory tools for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of captive and captive-bred lions, and establishment of new captive lion facilities.*

Implementing the identified actions will result in closure of the captive lion industry, enhanced global reputation, and a stimulated biodiversity-based tourism industry.

## 6.2 Captive rhinoceros

The private sector plays a substantial and growing role in conserving South Africa's rhinoceros population with increasing anti-poaching success, including through more intensive management interventions. Captive breeding operation and semi-intensive white rhinoceros populations constitute a significant portion of rhinoceros on private land, have high conservation value, and can contribute to replenishing declining wild populations. It is therefore desirable to move rhinoceros out of captive breeding situations and semi-intensive operations back into accepted wild managed or wild conditions in a phased manner to allow recovery of populations.

International commercial trade in horn from rhinoceros in CBOs prior to achieving the Rhino COI Option 3 recommendations could trigger further poaching pressure and increase risk to populations.

**POLICY OBJECTIVE 2: To phase out the intensive management and captive breeding operations of rhinoceros for commercial purposes, and enhance wild populations.**

In line with the White Paper, this Policy Objective sets out: to ensure viable populations of rhinoceros are effectively managed, and protected, including within protected and conservation areas; that rhinoceros populations are conserved and restored; to prevent loss in natural genetic variation of rhinoceros; for rhinoceros conservation plans to adopt measures of ex-situ conservation for the recovery of threatened species, and for their re-introduction into natural habitats; and, to mitigate any risk of domestication of rhinoceros.

Furthermore, this Policy Objective seeks to ensure that regulated ex-situ propagation and breeding of rhinoceros for commercial purposes should also have a demonstrable conservation benefit, or must at the least, advance sustainable use. This Policy Objective will promote the duty of care towards rhinoceros.

This Policy objective has the following Actions for Implementation:

- 1) *Species recovery plan that considers the poaching crisis, and the potential need for breeding of rhinoceros in controlled environments for conservation purposes, developed and implemented;*
- 2) *Process for engagement and consultation with all stakeholders on the strategy for conservation of rhinoceros;*
- 3) *Intensive management practices that compromise the conservation of rhinoceros reversed, with sensible solutions, considering the poaching risks, for safe reintroduction to the wild in South Africa and regionally;*
- 4) *Clarification to the industry that any registrations of CITES CBOs, any other forms of production, or any certification as captive specimens, in terms of the CITES Regulations for international trade, as well as commercial international trade in horn from rhinoceros CBOs, will not be officially supported/and or approved until the recommendations of Option 3 of the COI and the Rhino Action Plan relating to security (law enforcement), community empowerment, biological management, responsive legislative provisions and effective implementation, and demand management / reduction, are fully addressed;*
- 5) *Collectively crafted and implemented transition plan to continue strong protection of rhinoceros, with incentives for rhinoceros owners to introduce and reintroduce white rhinoceros to extensive wildlife systems; and*
- 6) *Mechanisms to enhance partnerships for expanding state, privately-owned and community extensive wildlife areas, for rhinoceros conservation and sustainable use.*

Implementing the identified actions will result in enhanced conservation outcomes for captive and intensively managed white rhinoceros, with associated sustainable use benefit flows.

### 6.3 Leopard hunting and damage-causing leopards

Leopard are free-roaming both within and outside of protected areas, and are a critical ecological component of ecosystems, especially where lions do not occur and leopards are the apex predator. Leopard are also an important component of international hunting packages, making such packages internationally competitive. Leopard skins have an important traditional and religious use, but the illegal trade in leopard skins for cultural and religious attire poses a key threat.

There is little incentive for landowners to protect leopards. Mechanisms and practices to mitigate livestock predation from leopard are available, but often not implemented.

**POLICY OBJECTIVE 3: To ensure that the use of leopard is sustainable and incentivises and enhances their conservation in the wild.**

In line with the White Paper, this Policy Objective sets out to ensure that: local communities and affected stakeholders are empowered and capacitated to respond to human-wildlife conflict from leopard through an integrated, systems approach; interventions and practices that support conservation and sustainable use of leopard are encouraged and promoted; Biodiversity Economy Strategy promotes access to, and unlocks leopard ecotourism and hunting benefit streams, with increased net benefit flows to people in and beyond protected and conservation areas; an understanding of sustainable use that protects leopards and sustains livelihoods and clarifies the responsibilities incumbent on use; and legislation, mechanisms and tools enable transformative and inclusive use of leopards along the whole value chain.

Importantly, this Policy Objective will also ensure: mechanisms and tools for traditional leaders of rural communities to lead their communities in accessing leopards, and facilitate sustainable traditional practices; culture, local knowledge and traditional practices associated with leopard use enhance the spiritual and sacred contribution of leopards to people; the close connection of African people with leopards and of living in harmony with nature is promoted through cultural, traditional and spiritual practices; and appropriate measures and tools developed and implemented to prevent, avoid, mitigate and/or manage human-wildlife conflict from leopards.

This Policy objective has the following Actions for Implementation:

- 1) *An integrated, shared and strategic approach to leopard conservation and management implemented;*
- 2) *Incentives for leopard conservation through, inter alia creating zones for the management of leopard on private and communal land, with mechanisms to mitigate the illegal harvesting of leopard, implemented;*
- 3) *Norms and Standards for hunting leopard implemented;*
- 4) *Revised leopard hunting off-take allocations to enhance, broaden, and transform benefits from leopard hunting implemented;*
- 5) *Interventions for mitigating the creation of damage causing leopards, and, through mitigation, transitioning from Damage Causing Animal destruction to evidence-based sustainable harvesting of leopard through hunting, where appropriate; and.*
- 6) *Mechanisms to collaborate with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and*

*derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for such traditional and spiritual practices.*

Implementing the identified actions will ensure that leopards are protected, conserved, and sustainably used; human-wildlife conflict is reduced; and the contribution of leopard for biodiversity and to cultural traditions and spirituality is enhanced.

#### **6.4 International trade in live specimens of the five species**

There is potential for live translocation of the five iconic species to promote South Africa's relationships and standing with other African countries in the collective conservation of the five species. However, the transfer of wild animals into captivity in other countries has the potential to harm South Africa's reputation as a wildlife destination, in terms of the acceptability and appropriateness of the destinations, concerns over welfare and well-being at the destination, and the erosion of wildness through moving wild / free ranging animals into captivity.

**POLICY OBJECTIVE 4: To promote live export of the five species only to range states or any other appropriate and acceptable destinations with suitable habitats on the African continent.**

In line with the White Paper, this Policy Objective sets out to ensure: well-being of individual animals and populations of the five species integrated into biodiversity policy, legislation, tools, and practice; the environmental duty of care for practices, actions and activities affecting the five species integrated into legislation and other measures; and strategic positioning and engagement in domestic and international trade promotes and enhances cohesive trans-Africa approach to international trade in the five species.

This Policy objective has the following Actions for Implementation:

- 1) *Develop enabling regulatory tools to prevent the introduction of wild specimens of the five species into captivity, to prevent the export of specimens of the five species, except to range states or any other appropriate and acceptable destinations with suitable habitat on the African continent, for reintroduction into the wild;*
- 2) *At the time of export, ensure commitment from the Management Authority of the importing country to prevent both (i) export to third countries other than appropriate and acceptable destinations with suitable habitats on the African continent; and (ii) international commercial trade of parts and derivatives.*

Implementing the identified actions will promote in-situ conservation and sustainable use of the five species across Africa.

#### **6.5 International commercial trade in rhinoceros horn**

South Africa is the world's most important and potentially influential rhinoceros range state. Poaching severely threatens rhinoceros populations and costs of protection is a significant risk to sustaining many populations.

Although progress on implementing the Rhino COI's recommendations has been reported in most areas, some critical milestones appear to remain outstanding, most notably in regard to community engagement, and demand management. Under current conditions, South Africa is likely not in a strong position to submit a proposal to amend the current CITES Appendix II listing annotation for the southern white

rhinoceros to allow for international commercial trade in rhinoceros horn, and it is unlikely that the Parties at CITES would approve such a proposal.

**POLICY OBJECTIVE 5: South Africa will work with range states and potential destination countries to support a proposal for international commercial trade in rhinoceros horn from protected wild rhinoceros, for conservation purposes, when conditions become favourable<sup>2</sup>.**

In line with the White Paper, this Policy Objective sets out to promote: South Africa's participation in bilateral and Multilateral Environmental Agreements (MEA); effective participation, enactment, and implementation of international biodiversity instruments and their obligations; South Africa's participation in appropriate southern African and African biodiversity fora strengthened for a synergistic approach for African empowerment and leadership.

This Policy objective has the following Actions for Implementation:

- 1) *A formalised position that South Africa will not submit a proposal to CITES for an amendment to the appendices to enable commercial international trade in South African rhinoceros specimens, until there is sufficient progress on the implementation of key requirements of the COI Option 3 (in terms of: security (law enforcement); community empowerment; biological management; responsive legislative provisions and effective implementation, and demand management / reduction) to justify such a proposal;*
- 2) *Benefit streams alternative to international rhinoceros horn trade, including a strategy that identifies private rhinoceros owners' key challenges and how solutions to these can be supported, developed;*
- 3) *Key requirements of the COI Option 3 in terms of international commercial trade in rhinoceros horn urgently implemented;*
- 4) *Comprehensive updated rhinoceros population report based on updated censuses;*
- 5) *Ensure that horn stockpiles are always adequately accounted for and secured; and*
- 6) *Consensus with private rhinoceros owners and rhinoceros range states on global conservation of rhinoceros, and consensus with rhinoceros range states and potential destination countries on whether and under what conditions international commercial trade in rhinoceros horn from protect wild rhinoceros for conservation purposes would be acceptable, bearing in mind the COI option 3 conditions for trade.*

Implementing the identified actions will enhance conservation and sustainable use of protected wild rhinoceros under private, community, and state ownership.

## 6.6 International commercial trade in elephant ivory

While international commercial trade in elephant ivory of legal origin could provide substantial income and benefit flows to support conservation and security costs, it is not feasible for the near future due to international trade restrictions applicable to Parties to CITES, who are unlikely to support a trade

<sup>2</sup> These Rhino COI requirements that need to be met were in respect of: Security (law enforcement); community empowerment; biological management; responsive legislative provisions and effective implementation, and demand management / reduction.

proposal. In the context of the elephant ivory recommendations, the HLP report highlighted the current specified/prevaling circumstances that may be restricting trade<sup>3</sup>.

**Policy Objective 6: Consider international commercial elephant ivory trade only when conditions become favourable.**

In line with the White Paper, this Policy Objective sets out to ensure: South Africa's participation in bilateral and MEAs; enactment, and implementation of international biodiversity instruments and their obligations; South Africa's participation in appropriate southern African and African biodiversity fora strengthened for a synergistic approach for African empowerment and leadership; National strategy for international trade in elephant ivory promotes biodiversity conservation, sustainable use and equitable socio-economic transformation; and strategic positioning and engagement in domestic and international trade promotes and enhances cohesive trans-Africa approach to international trade in elephant ivory.

This Policy objective has the following Actions for Implementation:

- 1) *A formalised position that South Africa will not submit an elephant ivory trade proposal to CITES as long as current specified circumstances (see motivation section) prevail;*
- 2) *Risk plan to mitigate factors precluding international commercial trade in ivory, developed and implemented;*
- 3) *Benefit streams alternative to international elephant ivory trade implemented; and*
- 4) *Stakeholders and elephant range states consulted to promote a global conservation and sustainable use approach to African elephant, including working towards future international commercial trade in ivory.*

Implementing the identified actions will enhance conservation and sustainable use of elephants, and biodiversity more broadly.

<sup>3</sup> Prevailing circumstances preventing ivory trade from the HLP Report:

- International commercial trade in ivory, parts and derivatives must be approved by the parties to CITES.
- South Africa is one of 37 African elephant range states (38 if South Sudan is included) and accounts for between 4.5 and 6.5% of the continental African elephant population.
- South Africa participated in a CITES approved once-off ivory sale in 2008, which was not appropriately set up to achieve either market-related prices or a meaningful long-term elephant conservation benefit.
- It was not demonstrated that the funds derived from the once-off ivory sale were clearly used for conservation purposes or had an impact on improving the conservation status of elephants.
- The sale was conditional on an agreed subsequent 9-year moratorium on future trade, which created confusion in the market. Elephant poaching surged following the sale, but the reasons for the surge are contested.
- Due to the poaching surge, China, the world's largest ivory consumer, agreed to close its legal domestic elephant ivory market and SADC countries have been unable to convince CITES Parties that further legal sales should be permitted.
- There is current substantial international resistance at CITES to approve international trade, and it appears unlikely that a proposal for trade will receive the 66% majority vote required to pass such a proposal for the foreseeable future.
- The ongoing trade debate has been seen as very divisive within Africa. In the past, South Africa has typically aligned itself with other southern African (SADC) countries, which account for the majority of Africa's large elephant populations, against Kenya and various other countries on the continent, many of which have much smaller and more seriously threatened elephant populations and are not in favour of consumptive sustainable use and trade.
- Many countries that do not favour trade have destroyed their ivory stockpiles, including a particularly large burn in Kenya in 2016; this has had an indeterminate effect on poaching, which has continued at the continental level.
- Unresolved arguments for and against ivory trade may prevent CITES approval for international commercial trade in ivory.
- There are various ongoing attempts to build a consensus on future sustainable elephant management approaches, including coherent policies on trade, sustainable use and stockpile management.

## **7 POLICY CONTEXT AND ENVIRONMENT, AND STRATEGIC LINKAGES**

Schedule 4 of the Constitution lists "nature conservation" as a functional area of concurrent national and provincial legislative competence. Nature conservation policies and legislation are, thus, developed and implemented at both national and provincial level.

This Policy Position is supportive of the sustainable use of biodiversity (despite recognising weaknesses of current approaches to achieve sustainability) and, at the same time, aims to ensure the conservation and protection of species and ecosystems.

Consideration was given to the importance of the wildlife estate as a key driver of rural socio-economic development, and the major role of wildlife tourism, especially from international visitors, in the economy and development of South Africa. The ongoing and future role and contribution of the private sector to biodiversity conservation and sustainable use is recognised, acknowledged, and identified for meaningful and inclusive partnerships relevant to a particular species' context. The White Paper has recognised the need for transformation of the sector, and this Policy Position provides strategic direction for some species-specific elements in this regard.

It should be noted that the White Paper provides direction in terms of all four of its goals, and that there will be elements of each where policy direction, legislation, or other mechanisms and tools would be required to fully give effect to those in terms of the five species. For example:

- (1) To promote conservation of these species, Biodiversity Management Plans will be required for each;
- (2) To promote sustainable use, norms and standards may need to be generated for hunting of these species;
- (3) To prevent or mitigate Human-Wildlife Conflict, a separate Policy Position, or National Strategy may be required; and
- (4) To promote transformation of the sector, big-5 based value chains that benefit local communities and previously disadvantaged individuals may need to be developed as part of a Framework on Transformation and of the National Biodiversity Economy Strategy.

There will, therefore, be processes other than this Policy Position that will address those additional components.

## **8 POLICY MONITORING, EVALUATION AND REVIEW**

The Policy Position will be reviewed as and when the need arises.

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REPUBLIC OF SOUTH AFRICA

**SOCIO-ECONOMIC IMPACT ASSESSMENT SYSTEM (SEIAS)**

**REVISED (2020): FINAL IMPACT ASSESSMENT TEMPLATE –PHASE 2**

**NAME OF THE PROPOSAL: POLICY POSITION ON THE CONSERVATION AND SUSTAINABLE USE OF ELEPHANT, LION, LEOPARD AND RHINOCEROS**

1. Please DO NOT ALTER the template and questionnaire
2. Date must be clearly indicated
3. Draft SEIAS report should have a watermark word DRAFT indicating the version and should be accompanied by the supporting documents (draft proposal, M&E plan and pieces of research work)
4. FINAL report will be in PDF format and will be inclusive of the sign-off
5. FINAL report will have the approval stamp of the Presidency on the front cover and will include the sign-off
6. Sign off forms are only valid for a period of six months.
7. Bills and Regulations that introduce permitting, licensing and registration system must be accompanied by a streamlined process map and indicate the proposed turnaround time for processing of such.

*Please keep your answers as short as possible. Do not copy directly from any other document.*

## **1. Conceptual Framework, Problem Statement, Aims and Theory of Change**

### **1.1. What socio-economic problem does the proposal aim to resolve?**

The high level final comprehensive SEIA was undertaken for the overarching White Paper on Conservation and Sustainable Use of South Africa's Biodiversity (White Paper). This SEIA specifically targets species-specific concerns and their nuanced resolutions, which could not be adequately addressed within the confines of the White Paper.

- 1) South Africa's reputational damage as a world leader in biodiversity conservation and sustainable use due to practices within the sector that has brought the country into disrepute.
- 2) South Africa's position on international commercial trade in live specimens of the five iconic species, and international commercial trade in rhino horn and elephant ivory, creating some uncertainty on trade related matters.

The intensive breeding of lion in controlled environments, and the commercial exploitation of captive or captive-bred lions negatively affects their iconic status. Although some operators may implement acceptable standards of welfare, there are major animal welfare contraventions in the industry in general. Both international (e.g. IUCN World Congress resolution 2016-Res-013) and local (e.g. Parliamentary Colloquium on captive lion breeding for hunting and the Report of the High-Level Panel for review of policies, legislation and practices on matters of Elephant, Lion, Leopard and Rhinoceros management, breeding, hunting, trade and handling) emphasise the need for such practices to be halted. The estimated potential net present value of the reputation damage on South Africa's critical tourism sector through the industry is \$2.79 billion.

Despite the high reputation of South Africa as a global leader in conservation, especially of the iconic elephant, lion, leopard and rhinoceros, there is, however, public concern regarding policies, legislation and practices on matters associated with the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros, especially in terms of animal welfare and well-being.

The Committee of Inquiry (COI) to advise on the possibility of proposing legal international trade in rhino horn, or not, identified the requirements that need to be met for conservation, protection, and future rhino horn trade. These included Security (law enforcement); community empowerment; biological management; responsive legislative provisions and

effective implementation, and demand management / reduction. The report of the High-Level Panel illustrated that there is unsatisfactory progress in the implementation of the above requirements.

Of concern, is also the persistent challenge of human-wildlife conflict that affects safety and livelihoods of livestock farmers as they suffer loss of livestock to leopard depredation, and currently, there is no generic and effective mechanism to aid livestock farmers to recover loss of livestock.

The escalating investment in rhino protection is not sustainable and the costs of sustaining a high protection level for rhino, variously estimated at between R700 million and R2 billion per annum, will impact on other conservation actions. However, trade in rhino horn is not feasible under the current conditions, and so does not offer a solution to these costs. If the required measures are put in place to prevent illegal trade, the potential benefits from legal trade are huge, under some scenarios potentially generating about \$150m per year profit that can be invested into conservation and community development.

1.2. What are the main root causes of the problem identified above?

<b>What socio-economic problem does the proposal aim to resolve</b>	<b>What are the main roots or causes of the problem</b>
<p>South Africa’s reputational damage as a world leader in biodiversity conservation and sustainable use due to practices within the sector that has brought the country into disrepute.</p>	<p><b>On lion related matters:</b></p> <p>The intensive and selective breeding, handling, hunting of captive or captive-bred lions, and lion bone and other derivatives trade. The intensive breeding of lion in controlled environments, and the commercial exploitation of captive or captive-bred lions. Although some operators may implement acceptable standards of well-being, there are major animal well-being contraventions in the industry in general (hereinafter referred to as captive lion facilities and related activities):</p> <ul style="list-style-type: none"> <li>• Some of these activities are lawful and regulated through a permit system, under the National Environmental Management:</li> </ul>

	<p>Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA).</p> <ul style="list-style-type: none"> <li>• Weaknesses, gaps, and challenges in the implementation of existing conservation legislation around captive lion facilities and related activities.</li> <li>• Absence of well-being regulations/standards for the method and form of confinement of wild animals in captive facilities.</li> <li>• Enforcement monitoring and/or policing of animal well-being.</li> </ul>
	<p><b>On rhino related matters:</b></p> <p>The sustained use of intensive management and captive breeding of rhinoceros for commercial purposes. It is therefore desirable to move rhinos out of captive breeding situations and back into accepted wild managed or wild conditions as soon as practically possible:</p> <ul style="list-style-type: none"> <li>• Some of these activities are lawful and regulated through a permit system, under the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA).</li> <li>• Lack of National Strategy for Rhino Conservation that integrates semi-intensive, intensive and Captive Breeding Operations into a national approach for conservation of the species in the wild.</li> </ul>
	<p><b>On leopard related matters:</b></p> <ul style="list-style-type: none"> <li>• Unregulated sourcing of leopard skins. There is little incentive for landowners to protect leopards. Mechanisms and practices to mitigate</li> </ul>

	<p>livestock predation from leopard are available, but often not implemented.</p> <ul style="list-style-type: none"> <li>• Lack of National Strategy for Leopard Conservation that incorporates planning around free-roaming leopard outside of protected areas.</li> <li>• There is uncertainty in the private sector around hunting quota setting and allocation.</li> <li>• There is human-wildlife conflict that affects safety and livelihoods. Livestock farmers suffer loss of livestock to leopard depredation, and there is no effective mechanism for them to recover these losses.</li> <li>• There is little incentive to Livestock Farmers to implement new approaches to mitigate leopard depredation of livestock.</li> </ul>
<p>South Africa's position on international commercial trade in live specimens of the five iconic species, and international commercial trade in rhino horn and elephant ivory, creating some uncertainty on trade related matters.</p>	<p><b>On rhino horn trade for commercial purposes:</b></p> <ul style="list-style-type: none"> <li>• Legal international commercial trade in rhino horn is currently not permitted by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</li> <li>• There is illegal trade in rhino horn throughout its range.</li> <li>• Lack of legal trade mechanism for trade in rhino horn.</li> <li>• Inadequate measures to explore alternative benefit streams.</li> <li>• No formalised national strategic position by South Africa around international commercial trade in rhino horn, that takes into account</li> </ul>

	<p>what international trade is permitted (trophies, personal use, live specimens), what is not permitted (horn), or that domestic trade is permitted.</p> <ul style="list-style-type: none"> <li>• The recommendations of the COI has not been fully implemented.</li> </ul>
	<p><b>On elephant ivory trade for commercial purposes:</b></p> <ul style="list-style-type: none"> <li>• Legal international commercial trade in elephant ivory is not currently permitted by CITES.</li> <li>• Lack of support from broader CITES parties for commercial trade in ivory.</li> <li>• No risk plan developed to mitigate factors precluding international commercial trade in ivory.</li> <li>• CITES is unlikely to approve international trade until concerns are resolved.</li> <li>• Inadequate measures to explore alternative benefit streams.</li> </ul>
	<p><b>On international commercial trade in live specimens of the five iconic species:</b></p> <ul style="list-style-type: none"> <li>• Inadequate National approach to international live exports of these species.</li> <li>• Inadequate checks and balances to ensure the well-being of the five species at destination facilities.</li> </ul>

1.3. Summarise the **aims** of the proposal and **how** it will address the problem in no more than five sentences.

The Policy Position is aimed at addressing policy gaps and challenges pertaining to the conservation and sustainable use, and international commercial trade of the white and black rhinoceroses, lions, elephants and leopards. The strategic impact of this Policy Position is that it will provide policy certainty for specific elements of the conservation and sustainable use of these five species, and, furthermore, provide a basis to review legislation where applicable and appropriate.

This Policy Position will provide policy certainty and strategic impact through:

- Closure of the captive lion industry, enhanced global reputation, and a stimulated biodiversity-based tourism industry;
- Enhanced conservation outcomes for captive and intensively managed white rhinoceros, with associated sustainable use benefit flows;
- That leopards are protected, conserved, and sustainably used; human-leopard conflict reduced; and the contribution of leopard for biodiversity, and to cultural traditions and spirituality enhanced;
- Promotion of in-situ conservation and sustainable use of the five species across Africa;
- Enhanced conservation and sustainable use of protected wild rhinoceros under private, community, and state ownership; and
- Enhanced conservation and sustainable use of elephants, and biodiversity more broadly.

1.4. How is this proposal contributing to the following national priorities?

National Priority	Impact
Economic transformation and job creation	<ul style="list-style-type: none"> <li>• The proposed policy aims, among other goals, to prioritize the objectives outlined in the White Paper, which emphasises the need to transform the Biodiversity and Conservation sector and subsequently boost job creation prospects for everyone.</li> <li>• Placing focus on addressing the current circumstances that require us to restrict international trade in rhino horn and elephant ivory may provide, in the medium term, an avenue to unlock economic potential while also serving as a motivating force for increased</li> </ul>

National Priority	Impact
	<p>commitment to conserve these five iconic species.</p> <ul style="list-style-type: none"> <li>• Closing down of captive lion and rhino facilities may lead to jobs losses for those working in those facilities.</li> </ul>
Education, skills and health	<ul style="list-style-type: none"> <li>• The Policy Position provides policy certainty for specific elements of the conservation and sustainable use of the five iconic species. This provides an opportunity for academia to commission studies on the impact of each objective or activity outlined in the policy position, and application thereof.</li> <li>• The issues of human-wildlife conflict could be minimised, thereby reducing human health risks.</li> <li>• People employed in elements of the captive lion industry may need to be reskilled for alternative employment within the wildlife or other sectors, which may, in the longer term, result in the expansion of skills of affected workers.</li> </ul>
Consolidating the social wage through reliable and quality basic services	<ul style="list-style-type: none"> <li>• The phasing out or closing of captive lion and rhino facilities should result in the repurposing of those facilities as enterprises shift focus and repurpose workers. The employees can be re-skilled to avoid dependence on social welfare programmes. Nonetheless, in the long run, a substantial boost in employment opportunities may ensue, driven by the favourable effects on ecotourism, hunting, resource harvesting, bioprospecting, customary practices, and recreational sectors.</li> </ul>
Spatial integration, human settlements and local government	<p>The significant geographical advantage presented by the five iconic wildlife, particularly in the realms of ecotourism and sustainable hunting, remains largely absent from municipal and provincial development plans as a pivotal catalyst for economic and social progress.</p>

National Priority	Impact
Social cohesion and safe communities	<ul style="list-style-type: none"> <li>• The Policy Position will promote mechanisms to collaborate with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from leopard parts and derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for such traditional and spiritual practices.</li> <li>• Absence of a national integrated systems approach to human-wildlife conflict results in losses of human lives and livestock.</li> <li>• Addressing intensification of rhino and lion management will be regarded as a positive step from a moral, ethical and humane perspective for many South Africans and will render support to the South African government in its conservation efforts.</li> </ul>
Building a capable, ethical and developmental state	<ul style="list-style-type: none"> <li>• Issues of duty of care and animal well-being are not being effectively regulated or enforced. NEMLAA has incorporated animal well-being into NEMBA, giving the Minister the mandate to regulate this, and the Policy Position will address these issues in the captive lion industry through the actions under Objective 1.</li> </ul>
A better Africa and world.	<ul style="list-style-type: none"> <li>• Healthy and thriving population of the five iconic species would improve South Africa's conservation practices.</li> <li>• Enhanced South Africa's reputation as a world leader in biodiversity conservation and sustainable through improvement of the duty of care towards the iconic five species.</li> <li>• The Policy Position will contribute to a better Africa as it advocates for the live export of the five species only to range states or any other appropriate and acceptable destinations with suitable habitats on the African continent.</li> </ul>

1.5. Please describe how the problem identified could be addressed if this proposal is not adopted. At least one of the options should involve no legal or policy changes, but rather rely on changes in existing programmes or resource allocation.

<b>Option 1.</b>	Maintain the status-quo of allowing captive breeding and keeping of iconic species, but under stricter permit conditions and by implementing and enforcing proper animal well-being standards, as well as continuing to attempt to trade in rhino horn and elephant ivory.
<b>Option 2.</b>	Maintain the status-quo of allowing captive breeding and keeping of iconic species under the current legislative regime, as well as continuing to attempt to trade in rhino horn and elephant ivory despite the prevailing circumstances.

**PART TWO: IMPACT ASSESSMENT**

**2. Policy/Legislative alignment with other departments, behaviours, consultations with stakeholders, social/economic groups affected, assessment of costs and benefits and monitoring and evaluation.**

2.1. Are other government laws or regulations linked to this proposal? If so, who are the custodian departments? Add more rows if required.

<b>Government legislative prescripts</b>	<b>Custodian Department</b>	<b>Areas of Linkages</b>	<b>Areas of contradiction and how will the contradictions be resolved</b>
White paper on the Conservation and Sustainable Use of South Africa's Biodiversity	<ul style="list-style-type: none"> <li>Department of Forestry, Fisheries and the Environment</li> </ul>	The Policy Position draws directly from the goals, enablers, and principles of the White Paper, which are explicitly referenced, under	The White Paper provides an overarching framework for issues relating conservation and sustainable use of biodiversity amongst others. It is by intention broad, and does not address species specific

		each of the six Policy Objectives.	issues. It does not provide the specific guidance needed with regard to the five species. No conflict between the White Paper and the Policy Position is anticipated.
<p>Provincial Acts/ Ordinances regulating biodiversity matters:</p> <ul style="list-style-type: none"> <li>• Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003)</li> <li>• Transvaal Nature Conservation Ordinance, 1983 as amended by Gauteng General Laws Amendment Act, 2004 (Ordinance No. 12 of 2004)</li> <li>• Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998); and</li> <li>• Mpumalanga Nature Conservation Regulations, 1998</li> <li>• Transvaal Nature Conservation Ordinance, 1983</li> <li>• North West Hunting</li> </ul>	<ul style="list-style-type: none"> <li>• Limpopo Economic Development, Environment and Tourism (LEDET)</li> <li>• Gauteng Department of Agriculture and Rural Development (GDARD)</li> <li>• Department of Economic Development, Environment Affair and Rural Development (DEDEARD) and its agency</li> <li>• Department of Economic Development, Environment, Conservation and Tourism (DEDECT) and its agency</li> <li>• Department of Economic Development, Tourism and Environmental Affairs (DEDTEA)</li> </ul>	<p>Most of the activities intended to be addressed by the policy position are already regulated in terms of provincial Acts/ Ordinances</p>	<p>Activities proposed to be halted in in the policy position may be permitted in terms of the provincial Acts/Ordinances. The policy position will be consulted with the provincial conservation authorities, and the legislative tools intended to advance the policy objectives of the policy position will be subjected to the National Council of provinces (NCOP) in terms of section 146 of the Constitution that deals with legislative conflict between national and provincial legislation.</p>

<p>Regulations, 2017; and</p> <ul style="list-style-type: none"> <li>• Boputhatswana Nature Conservation Act, 1973 (Act No. 3 of 1973).</li> <li>• Free State Nature Conservation Ordinance No. 8 of 1969; and</li> <li>• Nature Conservation Regulations, 1983.</li> <li>• Northern Cape Nature Conservation Act, 2009, Act No. 9 of 2009;</li> <li>• Northern Cape Nature Conservation Regulations, 2012</li> <li>• KwaZulu-Natal Nature Conservation Management Act, 1997 (Act No. 9 of 1997); and</li> <li>• Nature Conservation Ordinance 15 of 1974.</li> <li>• Nature Conservation Act, 1987;</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Environmental Affairs and Nature Conservation (DEANC)</li> <li>• Department of Agriculture, Environmental Affairs and Rural Development (DAEARD), and its agency.</li> <li>• Department of Economic Development and Environmental Affairs, and its agency</li> </ul>		
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<ul style="list-style-type: none"> <li>• Nature and Environmental Conservation Ordinance No. 19 of 1974; and</li> <li>• Decree No. 9 (Environmental Conservation) of 1992.</li> <li>• Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No3 of 2000);</li> <li>• Nature and Environmental Conservation Ordinance No. 5 of 2009; and</li> <li>• Nature Conservation Ordinance No. 19 of 1974.</li> </ul>			
NEMBA	<ul style="list-style-type: none"> <li>• Department of Forestry, Fisheries and the Environment</li> </ul>	Restricted activities intended to be addressed by the policy position are already regulated in terms of NEMBA	The NEMBA will be reviewed once the policy position is finalised to align with the policy objectives, to address any aspects that require review and/or revision of regulations.

<p>National Environmental Management Laws Amendment Act, 2022 (NEMLAA)</p>	<ul style="list-style-type: none"> <li>Department of Forestry, Fisheries and the Environment</li> </ul>	<p>NEMLAA adds to the objectives of the NEMBA, namely the objective of providing for “<i>the consideration of the well-being of animals in the management, conservation and sustainable use thereof</i>”, it does not amend section 92A of the NEMBA.</p> <p><b>9A.</b> The Minister may, by notice in the <i>Gazette</i> and subject to such conditions as the Minister may specify in the notice, prohibit any activity that may negatively impact on the well-being of an animal.”.</p>	<p>While NEMLAA has included the need to address animal well-being aspects, regulations specific to this have not been developed in NEMBA or its subsidiary regulations. It is not anticipated that the amendment to NEMBA through NEMLA will result in conflicts with the Policy Position</p>
<p>Animals Protection Act, 1962 (Act No. 71 of 1962) (APA)</p>	<ul style="list-style-type: none"> <li>Department of Agriculture, Rural Development and Land Reform (DALRRD)</li> </ul>	<p>Most of the activities intended to be addressed by the policy position are already regulated in terms APA</p>	<p>Activities proposed to be halted in in the policy position may be permitted in terms of APA. The DFFE and DALRRD have entered into an MOU to discuss, amongst others, activities provided for in the policy position. The DALRRD will also be consulted in the development of any legislative tools intended to advance the policy</p>

			objectives of the policy position
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2.2. Proposals inevitably seek to change behaviour in order to achieve a desired outcome. Describe (a) the behaviour that must be changed, and (b) the main mechanisms to bring about those changes. These mechanisms may include modifications in decision-making systems; changes in procedures; educational work; sanctions; and/or incentives.

a) What and whose behaviour does the proposal seek to change? How does the behaviour contribute to the socio-economic problem addressed?

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
<p>South Africa's reputational damage as a world leader in biodiversity conservation and sustainable use due to practices within the sector that has brought the country into disrepute.</p>	<ul style="list-style-type: none"> <li>• Captive holding and breeding of lion and rhino</li> <li>• Intensification of management of rhino</li> <li>• Hunting of captive-bred lions</li> <li>• Trade in captive lion derivatives</li> <li>• Illegal hunting and killing of wild leopard</li> <li>• Human-wildlife conflict</li> <li>• Maintenance of poor well-being standards in many captive facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Owners of captive breeding and keeping facilities</li> <li>• Rhino semi-intensive, intensive, and captive breeding operation owners.</li> <li>• Hunting outfitters marketing the hunting of captive-bred lion</li> <li>• Foreign and local hunters who hunt captive-bred lion</li> <li>• Persons affected with human-wildlife conflict</li> <li>• Professional hunters who accompany hunting clients on these hunts</li> </ul>	<ul style="list-style-type: none"> <li>• Although some operators may implement acceptable well-being practises, the intensive breeding of lion in controlled environments, and the commercial exploitation of captive or captive-bred lions affect their well-being.,</li> <li>• International commercial trade in horn from rhinoceros in Captive Breeding Operations (CBOs) prior to achieving the Rhino COI Option 3 recommendations could trigger further poaching pressure</li> </ul>

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
			<p>and increase risk to populations.</p> <ul style="list-style-type: none"> <li>• Revenues generated from Captive Lion Breeding industry, while highly lucrative for the owners, constitutes only a tiny proportion of South African’s tourist revenue that the CLB Industry threatens to undermine, as the conscious conservation-minded high-end tourists may be discouraged from visiting South Africa</li> <li>• Inadequate measures and tools to prevent, avoid, mitigate and/or manage human wildlife conflict</li> <li>• Limited incentives for landowners to protect leopards.</li> </ul>
<p>South Africa’s position on international commercial trade in live specimens of the five iconic species, and international commercial trade in rhino horn and</p>	<ul style="list-style-type: none"> <li>• CITES prohibition on international commercial trade in rhino horn</li> <li>• CITES prohibition on international commercial trade in elephant ivory</li> </ul>	<ul style="list-style-type: none"> <li>• DFFE</li> <li>• Conservation agencies</li> <li>• Private owners of rhino</li> <li>• Anti-trade NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• CITES Prohibition on international commercial trade in rhino horn and elephant ivory influences the country’s intention on around the possibility</li> </ul>

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
<p>elephant ivory, creating some uncertainty on trade related matters.</p>	<ul style="list-style-type: none"> <li>• Lack of national strategy or approach to international live export of these species, so decisions are made on an ad hoc basis, driven mainly by financial aspects</li> <li>• Poor progress on key conservation priorities for rhino.</li> <li>• Lack of engagement with alternative financing approaches.</li> <li>• No formalised national strategic position by South Africa around international commercial trade in rhino horn and elephant ivory</li> <li>• Anti-trade agendas are exploiting the polarised views on horn and ivory trade</li> </ul>		<p>of international commercial trade in rhino horn and elephant ivory. Hence, it is critical for South Africa to have a formalised position on these trade related matters to form basis for negotiations at CITES meetings.</p> <ul style="list-style-type: none"> <li>• The absence of a policy position on trade-related matters creates a space for divergent perspectives among stakeholders</li> <li>• Slow progress in addressing the Rhino COI recommendations, and, thereby, potentially enabling trade, creates uncertainty, as conservation agencies and private sector includes potential income from trade in their thinking, including messaging to communities that they should benefit from such trade.</li> </ul>

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
			<ul style="list-style-type: none"> <li>The absence of a cohesive national strategy or approach towards the international commercial trade in live specimens of the five iconic species results in the relocation of these species to environments that may not align with their conservation imperatives or may not be appropriate and acceptable destinations.</li> </ul>

b) How does the proposal aim to bring about the desired behavioural change?

The policy position is species specific that focuses primarily on correcting unsustainable practices, promoting conservation and sustainable use of the five species, and providing policy direction for international commercial trade in the five species. This will be achieved through implementation of the six policy objectives:

- 1) To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intensive breeding of lion in controlled environments, and end the commercial exploitation of captive and captive-bred lions;
- 2) To phase out intensive management and captive breeding of rhinoceros for commercial purposes, and enhance wild populations;
- 3) To ensure that the use of leopard is sustainable and incentivises and enhances their conservation in the wild;
- 4) To promote live export of the five species only to range states or any other appropriate and acceptable destinations with suitable habitats on the African continent;

- 5) South Africa will work with range states and potential destination countries to support a proposal for international commercial trade in rhinoceros horn from protected wild rhinoceros, for conservation purposes, when conditions become favourable; and
- 6) Consider international commercial elephant ivory trade only when conditions become favourable.

### 2.3. Consultations

- a) Who has been consulted inside of government and outside of it? Please identify major functional groups (e.g. business; labour; specific government departments or provinces; etc.); you can provide a list of individual entities and individuals as an annexure if you want.

#### Consulted Government Departments, Agencies and Other Organs of State

Department's name	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal? If yes, under which section?
Provincial Conservation Authorities and Conservation Agencies	The Policy is supported by all Provincial Conservation Authorities and Conservation Agencies for implementation.	Support	Removal of the word "domestication" under Policy Objective 2.  South Africa will work with range states <u>and</u> <u>potential destination countries</u> to support a proposal for international commercial trade in rhinoceros horn	Yes, the amendment has be incorporated by revising Policy Objective 2.  Yes. Under Policy Objective 5.

Department's name	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal? If yes, under which section?
			from protected wild rhinoceros, for conservation purposes, when conditions become favourable;	

#### Consulted stakeholders outside government

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
Wildlife Industry	The Wildlife Industry argues that the policy fails to facilitate redress and to promote meaningful transformation as it actively denies or prevents the optimal capitalization of the country's rich biodiversity that includes elephant lion, leopard and rhinoceros, for the benefit of the people.	Oppose	The Policy should enable legal trade in high value lion and leopard derivatives as well as elephant ivory and rhino horn to ensure that the conservation of the big five species is economically sustainable.  The definitions in the Policy are not aligned with the currently	No. The recommendations of the COI have not been fully met. Legal trade in high value lion and leopard derivatives as well as elephant ivory and rhino horn will only be considered when conditions become favourable.

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<p>The Wildlife Industry further argues that the policy fails to put the needs of the rural people first and that the current unmanageable and overbearing, hunting norms and standards actually prohibit or hinder the effective, sustainable use of elephant, lion, leopard and rhinoceros for the socio-economic and environmental benefit of the people.</p> <p>The policy fails in any way to distinguish and accommodate the continued operation of ethical and legally compliant private commercially driven zoological facilities.</p>		<p>applicable 2007 TOPS Regulations and the definitions in the Draft TOPS Regulations may be revised in the final published form.</p> <p>It is not possible to foresee and comment on the implications of the draft Policy or the Draft Lion Prohibition Notice until it is clear which definitions will apply to the key defined terms.</p>	
Conservation Organisations	Supports the move towards extensive wildlife systems,	Support	Development of a more structured	Not applicable.

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<p>the conservation of larger areas, and wild or wild-managed populations where possible, which aligns with the White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity and global approaches such as the Global Biodiversity Framework.</p> <p>Supports the assessment that South Africa is not in a strong position to amend the current CITES Appendices for trade of rhino horn and elephant ivory, but the required conditions for trade should be stated explicitly in a revised policy position once defined.</p>		<p>review schedule to ensure progress is communicated to relevant stakeholders once an implementation plan has been developed.</p>	
Non-profit organisations	Supports and welcomes the closure of an	Support	The policy falls short of adequately addressing the	The policy focuses primarily on correcting

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	industry that has been associated with cruelty, poor welfare standards and inhumane practices.		need for welfare and well-being to be fully considered in all of these activities (hunting, trade, export, tourism, horn harvesting, ivory export, wildlife ranching, and damage-causing animal control).	unsustainable practices, promoting conservation, sustainable use, and the well-being of the five species.
Well-being and animal rights groups	The policy lays the foundation for enhanced protection of South Africa's remarkable biodiversity heritage and its global reputation as a leader in conservation.	Support	The policy must provide further detail to policy objective 3 stating the intent to create a transparent, time-bound roadmap to enable delivery of the commitment to close the captive lion breeding industry.	Closure of the captive lion industry is a phased process which has been initiated through the development of the notice prohibiting certain activities involving African lion.
Traditional Leaders and Traditional	The policy will enable collaboration with traditional and	Support	The policy should enable Traditional Health	Under Policy Objective 3, mechanisms will be developed to collaborate with

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
Health Practitioners	spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives.		Practitioners to have access to animal derivatives for treatment and medicinal purposes.	traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for such traditional and spiritual practices.

b) Summarise and evaluate the main disagreements about the proposal arising out of discussions with stakeholders and experts inside and outside of government. Do not give details on each input, but rather group them into key points, indicating the main areas of contestation and the strength of support or opposition for each position.

- The policy objective to end the keeping of lions for commercial purposes and close captive lion facilities is supported since the unacceptable practices such as canned-lion hunting are negatively impacting on the well-being of the species and the conservation reputation of South Africa.
- Actions that compromise animal well-being and ecosystem and genetic integrity, have negatively affected South Africa's reputation as a world leader in biodiversity conservation.
- The main people in these discussions are people who decide on emotions and not on practical facts. They have not done any research and have not spent one cent of their money on the protection and well-being of any of the animals.

- The brutal exploitation of lions in some captive breeding facilities, activated a wide array of emotionally driven reaction from animal lovers and activists.
- Conserve our animals and stop all inhumane practices.
- By focusing only on unacceptable practices, the big picture is totally distorted and the over-legislation aimed at stopping these operators has a detrimental effect on the law abiding majority, but does little to rout out the problem.
- South Africa is allowing NGO's and the personal opinion/s of politicians to dictate legislation regarding wildlife.
- The draft Policy Position is ambiguous, confusing, misleading and can result in numerous different interpretations, making legal compliance extremely difficult if not impossible.

2.4. Describe the groups that will benefit from the proposal, and the groups that will face a cost. These groups could be described by their role in the economy or in society. Note: NO law or regulation will benefit everyone equally so do not claim that it will. Rather indicate which groups will be expected to bear some cost as well as which will benefit. Please be as precise as possible in identifying who will win and who will lose from your proposal. Think of the vulnerable groups (disabled, youth women, SMME), but not limited to other groups.

<b>List of beneficiaries (groups that will benefit)</b>	<b>How will they benefit?</b>
<ul style="list-style-type: none"> <li>• South Africans in general</li> </ul>	<ul style="list-style-type: none"> <li>• Improved management of the five iconic species, thereby improving South Africa's reputation as a world leader in biodiversity conservation and sustainable use.</li> <li>• Clear national strategic position on international commercial trade-related matters involving the five iconic species, thereby creating certainty for the country.</li> <li>• Both of these will be enabling for the achievement of the White Paper objectives under Conservation, Sustainable Use, and Transformation.</li> </ul>
<ul style="list-style-type: none"> <li>• DFFE</li> </ul>	<ul style="list-style-type: none"> <li>• Improved management of the five iconic species, thereby DFFE meeting its</li> </ul>

	<p>obligations as mandated in terms of the objective of NEMBA, as well as what is required to meet the White Paper objectives on conservation and sustainable use.</p> <ul style="list-style-type: none"> <li>• By providing policy direction for international commercial trade in the five species, and their derivatives, which will strengthen the ability of the DFFE to give effect to the multilateral strategies encompassed in Enabler 2 of the White Paper.</li> </ul>
<ul style="list-style-type: none"> <li>• Provincial conservation authorities</li> </ul>	<ul style="list-style-type: none"> <li>• Improved management of the five iconic species, which will promote Conservation and Sustainable use more generally.</li> <li>• By providing policy direction for international commercial trade in the five species, and their derivatives, which will enable more effective and strategic planning for conservation and sustainable use.</li> </ul>
<ul style="list-style-type: none"> <li>• NSPCA</li> </ul>	<p>The policy position focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote animal well-being of the five iconic species. This is in-line with the mandate of NSPCA. This will also improve ability to give effect the White Paper objectives on animal well-being and duty of care.</p>
<ul style="list-style-type: none"> <li>• Well-being and animal rights groups who regard the keeping of lion in a captive environment as cruel</li> </ul>	<p>The policy position focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote animal well-being of the five iconic species. The Policy Position will provide a mechanism for engagement with these stakeholders through the Wildlife Well-being Forum.</p>

<ul style="list-style-type: none"> <li>• Private sector participants in the biodiversity economy that are aligned with the new policy.</li> </ul>	<p>Increased opportunities; improved reputation will stimulate growth and mitigate risks, thereby enhancing the private sector contribution to conservation and sustainable use.</p>
<ul style="list-style-type: none"> <li>• Broader tourism and hunting industries</li> </ul>	<p>Enhanced conservation and sustainable use of leopard, thereby creating an enabling environment for sustainable hunting and ecotourism opportunities.</p>
<ul style="list-style-type: none"> <li>• Traditional users</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced conservation and sustainable use of leopard, thereby improving population numbers to sustain the demand for leopard derivatives</li> <li>• Mechanisms to collaborate with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for such traditional and spiritual practices</li> <li>• Enhanced opportunities for conservation and sustainable use more generally will facilitate the achievement of the Transformation Objectives within the White Paper.</li> </ul>
<ul style="list-style-type: none"> <li>• Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Interventions for mitigating the risks of leopards becoming damage causing animals, and for transitioning from Damage Causing Animal destruction to evidence-based sustainable harvesting of leopard where appropriate.</li> <li>• Enhanced opportunities for conservation and sustainable use more generally will facilitate the achievement of the Transformation Objectives within the White Paper.</li> </ul>

<ul style="list-style-type: none"> <li>• Rhino owners</li> </ul>	<ul style="list-style-type: none"> <li>• Improved reputational issues in relation to the management of rhino, thereby attracting more investment from national and international community.</li> <li>• Clarity that, in the medium term, international trade in rhino horn will not provide income streams, leading to development and adoption of alternative, sustainable funding options.</li> <li>• Improved conservation outcomes for rhino will contribute to achieving the conservation objectives in the White Paper.</li> </ul>
<ul style="list-style-type: none"> <li>• Elephant owners</li> </ul>	<ul style="list-style-type: none"> <li>• Clarity that, in the medium term, international trade in elephant ivory will not provide income streams, leading to development and adoption of alternative, sustainable funding options.</li> </ul>
<ul style="list-style-type: none"> <li>• Parties to Multilateral Environmental Agreements to which South Africa is also a party.</li> </ul>	<p>Confidence in South Africa's ability to conserve and utilise biodiversity sustainably. This will increase support for conservation and sustainable use of biodiversity in South Africa in general,</p>

<b>List of cost bearers (groups that will bear the cost)</b>	<b>How will they incur / bear the cost</b>
Captive lion and rhino owners	The policy position calls for a closure of captive lion facilities and phase out the domestication and intensification of management of rhinoceros. This may lead to loss of income, which may potentially lead to loss of livelihood.
Employees working with captive lion and rhino	The closure of captive lion and rhino facilities may lead to loss of job opportunities until such time when alternatives become available. However, in the longer term many more jobs may be created resulting from a positive impact on the ecotourism, hunting, harvesting, bioprospecting, customary use, and recreation industries.

Stakeholders who have stockpiles of rhino horn and elephant ivory, or own live rhino or elephant	No short to medium term option for commercial international trade in rhino horn or elephant ivory until the conditions become favourable.
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2.5. Describe the costs and benefits of implementing the proposal to each of the groups identified above, using the following chart. Please do not leave out any of the groups mentioned, but you may add more groups if desirable. Quantify the costs and benefits as far as possible and appropriate. Add more lines to the chart if required.

The development of this Policy Position responds to the four goals and policy objectives of the White Paper, and is part of the implementation plan for the White Paper. The costs are included as part of that process.

*Note: "Implementation costs" refer to the burden of setting up new systems or other actions to comply with new legal requirements, for instance new registration or reporting requirements or by initiating changed behaviour. "Compliance costs" refers to on-going costs that may arise thereafter, for instance providing annual reports or other administrative actions. The costs and benefits from achieving the desired outcomes relate to whether the particular group is expected to gain or lose from the solution of the problem.*

*For instance, when the UIF was extended to domestic workers:*

- The implementation costs were that employers and the UIF had to set up new systems to register domestic workers.*
- The compliance costs were that employers had to pay regularly through the defined systems, and the UIF had to register the payments.*
- To understand the inherent costs requires understanding the problem being resolved. In the case of UIF for domestic workers, the main problem is that retrenchment by employers imposes costs on domestic workers and their families and on the state. The costs and benefits from the desired outcome are therefore: (a) domestic workers benefit from payments if they are retrenched, but pay part of the cost through levies; (b) employers pay for levies but benefit from greater social cohesion and reduced resistance to retrenchment since workers have a cushion; and (c) the state benefits because it does not have to pay itself for a safety net for retrenched workers and their families.*

Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
DFFE and provinces/	<ul style="list-style-type: none"> <li>• Cost for overall implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for overall</li> </ul>	<ul style="list-style-type: none"> <li>• Improved management</li> </ul>	

<p>management authorities</p>	<p>of the provisions of the policy position</p>	<p>compliance with the provisions of the policy position</p>	<p>of the five iconic species, thereby improving South Africa's reputation as a world leader in biodiversity conservation and sustainable use</p> <ul style="list-style-type: none"> <li>• Clear national strategic position on international commercial trade-related matters involving the five iconic species, thereby creating certainty for the country.</li> </ul>	
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<p>DFFE</p>	<ul style="list-style-type: none"> <li>• Cost for setting up a task team to conduct a survey to determine the scope of lion breeding and keeping facilities</li> <li>• Potential cost for setting up a task team to conduct a survey to determine the scope of domestication and intensification of rhinoceros</li> <li>• Cost for developing the exit process for captive lion facilities and related activities.</li> <li>• Cost for developing enabling regulatory framework for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of captive-bred lions, and establishment of new captive Cost for developing Species recovery plan that considers the poaching crisis, and the potential need for breeding of rhinoceros in controlled</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for the actual conducting of survey to determine the scope of lion breeding and keeping facilities</li> <li>• Potential cost for the actual conduct of a survey to determine the scope of domestication and intensification of rhinoceros</li> <li>• Cost for implementing the exit process for captive lion facilities and related activities.</li> <li>• Cost for enforcing the prescripts of the enabling regulatory framework for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of</li> </ul>	<ul style="list-style-type: none"> <li>• Scope of lion breeding facilities determined</li> <li>• Scope of domestication and intensification of rhinoceros determined</li> <li>• Exist process developed and implemented.</li> <li>• Enabling regulatory framework for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of captive- bred lions, and establishment of new captive lion facilities developed and implemented</li> <li>• Recovery plan developed and implemented</li> </ul>	<p>The objectives of the policy position will be carried through via other tools, i.e. legislation, strategies, etc.</p>
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	<p>environments for conservation purposes</p> <ul style="list-style-type: none"> <li>• Cost for developing legislation to prevent the introduction of wild specimens of the five species into captivity, to prevent the export of specimens of the five species, except to range states or any other appropriate and acceptable destinations with suitable habitat on the African continent, for reintroduction into the wild</li> <li>• Cost for implementation of COI recommendations</li> <li>• Cost for developing well-being standards</li> </ul>	<p>captive-bred lions, and establishment of new captive</p> <ul style="list-style-type: none"> <li>• Cost for enforcing the recovery plan</li> <li>• Cost for enforcing legislation to prevent introduction of wild specimen of five iconic species into captivity and related activities</li> <li>• Costs associated with implementation of potential alternative exit strategies</li> <li>• Costs of continued efforts to submit proposals for trade in rhino horn and elephant ivory to CITES</li> <li>• Cost for training officials on well-being issues and related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation to prevent introduction of wild specimen of five iconic species into captivity and related activities developed and implemented</li> </ul>	
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<p>Provincial conservation authorities</p>	<ul style="list-style-type: none"> <li>• Cost for aligning provincial conservation legislation with the provisions of the policy position to the extent of its applicability</li> <li>• Cost to monitor compliance with existing permit conditions of captive facilities</li> <li>• Cost for assisting in the development of tools recommended to be developed as per the objectives of the policy position</li> <li>• Cost for participating in the development of the recovery plan</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for forming part of the task team for conducting of survey to determine the scope of lion breeding and keeping facilities</li> <li>• Potential cost for forming part of the task team for the actual conduct of a survey to determine the scope of domestication and intensification of rhinoceros</li> <li>• Cost for participating in the actual closure of the captive lion facilities in line with the exit process.</li> <li>• Cost for enforcing legislation recommended to be developed and implemented as per the objectives of the policy position</li> </ul>	<ul style="list-style-type: none"> <li>• Improved management of the five iconic species</li> <li>• By providing policy direction for international commercial trade in the five species, and their derivatives</li> </ul>	
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		<ul style="list-style-type: none"><li>• Cost for compliance with the recovery plan</li><li>• Cost for training officials on well-being issues and related matters</li></ul>		
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Rhino owners	<ul style="list-style-type: none"> <li>• Cost for participating on the processes for the development of the strategy for conservation of rhinoceros and the species recovery plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for phasing out domestication and intensification of rhinoceros</li> <li>• Cost for participating in the negotiations at CITES for international commercial trade in rhino horn, when conditions become favourable</li> <li>• Cost for compliance with tools recommended to be developed and implemented as per the objectives of the policy position</li> <li>• Costs of securing rhino horn stockpiles</li> </ul>	<ul style="list-style-type: none"> <li>• Improved reputational issues in relation to the management of rhino, thereby attracting more investment from national and international community.</li> <li>• Clarity that, in the medium term, international trade in rhino horn will not provide income streams, leading to development and adoption of alternative, sustainable funding options and investments in the preservation of rhino species</li> </ul>	
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Elephant owners	<ul style="list-style-type: none"> <li>• None anticipated.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for participating in the negotiations at CITES for international commercial trade in elephant, when conditions become favourable</li> <li>• Cost for compliance with tools recommended to be developed and implemented as per the objectives of the policy position</li> <li>• Costs of securing elephant ivory stockpiles</li> </ul>	<ul style="list-style-type: none"> <li>• Clarity that, in the medium term, international trade in elephant ivory will not provide income streams, leading to development and adoption of alternative, sustainable funding options and investments in the preservation of elephants.</li> </ul>	
Communities	Cost of engagement with processes to mitigate human-wildlife conflict	<ul style="list-style-type: none"> <li>• None anticipated</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce human-wildlife conflict from leopards.</li> </ul>	
Parties to Multilateral Environmental Agreements to which South Africa is also a party.	Costs of engagement around the policies on international trade that the policy position puts forward.	<ul style="list-style-type: none"> <li>• None anticipated</li> </ul>	<ul style="list-style-type: none"> <li>• Confidence in South Africa's ability to conserve and utilise biodiversity sustainably.</li> </ul>	

<p>Captive lion and rhino owners</p>	<ul style="list-style-type: none"> <li>• Cost for participating in the engagement and development of a process for closure of lion breeding and keeping facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost for closing down captive lion facilities and related activities</li> <li>• Cost for participating in the implementation of the exit process for captive lion facilities and related matters.</li> <li>• Cost for compliance with tools recommended to be developed and implemented as per the objectives of the policy position</li> </ul>	<ul style="list-style-type: none"> <li>• The policy position calls for a closure of captive lion facilities and phase out the domestication and intensification of management of rhinoceros. This may lead to loss of income, which may potentially lead to loss of livelihood.</li> </ul>	
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NSPCA	Cost for participating in the shaping of parameters that will define the well-being standards	<ul style="list-style-type: none"> <li>• Cost for forming part of the task team for conducting of survey to determine the scope of lion breeding and keeping facilities</li> <li>• Cost for identifying well-being issues in captive lion facilities</li> <li>• Cost for identifying activities that conforms to the well-being mandate</li> <li>• Cost for identifying well-being issues in suitable habitats where the five iconic species may be introduced</li> </ul>	The policy position focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote animal well-being of the five iconic species. This is in-line with the mandate of NSPCA.	The well-being mandate is still fairly new to the DFFE, so NSPCA would play a critical role in identifying some of the well-being parameters that may need to be considered.
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<p>Well-being and animal rights groups who regard the keeping of lion in a captive environment as cruel</p>	<p>Cost for participating in the shaping of parameters that will define the well-being standards</p>	<p>Cost for participating in the development of tools recommended to be developed as per the objectives of the policy position</p>	<p>The policy position focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote animal well-being of the five iconic species.</p>	<p>The DFFE has established a Wildlife Well-being Forum to serve as consultative Forum for issues relating to well-being. The Forum will play a critical role in assisting government to shape parameters that defined well-being issues</p>
<p>Private sector participants in the biodiversity economy that are aligned with the new policy.</p>	<p>None Anticipated</p>	<p>The clarity provided should reduce compliance uncertainties.</p>	<ul style="list-style-type: none"> <li>• Increased opportunities; improved reputation will stimulate growth and mitigate risks.</li> </ul>	<p>The DFFE has established a Wildlife Forum to serve as consultative Forum for issues relating to the wildlife industry. The Forum will play a critical role in assisting government to reshape the wildlife industry to benefit from the implementation of the Policy Position.</p>

<p>Broader tourism and hunting industries</p>	<p>None anticipated</p>	<p>Cost for compliance with the tools to be developed as per the objectives of the policy position</p>	<ul style="list-style-type: none"> <li>• Enhanced conservation and sustainable use of leopard, thereby creating an enabling environment for sustainable hunting and ecotourism opportunities.</li> <li>• Norms and Standards, and process for revised quota allocations, to enhance, broaden, and transform the hunting industry implemented</li> </ul>	
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<p>Traditional users</p>	<p>Costs of engagement with processes to facilitate legal access to leopard skins and other derivatives.</p>	<p>Cost for compliance with the tools to be developed as per the objectives of the policy position</p>	<ul style="list-style-type: none"> <li>• Enhanced conservation and sustainable use of leopard, thereby improving population numbers to sustain the demand for leopard derivatives</li> <li>• Mechanisms to collaborate with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for</li> </ul>	
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			such traditional and spiritual practices	
Employees working with captive lion and rhino owners	None anticipated.	Cost for job losses due to closure of captive lion and rhino facilities, until such time that alternatives become available	The closure of captive lion and rhino facilities may lead to loss of job opportunities until such time when alternatives become available. However, in the longer term many more jobs may be created resulting from a positive impact on the ecotourism, hunting, harvesting, bioprospecting, customary use, and recreation industries.	
Stakeholders who have stockpiles of rhino horn and elephant ivory, or own live rhino or elephant	None anticipated	Costs of securing stockpiles of rhino horn and elephant ivory	Increased risks associated with holding assets that have a high illegal value. Exploration of alternatives to international trade may open up short-term options to benefit.	

2.6 Cost to government: Describe changes that the proposal will require and identify where the affected agencies will need additional resources

- a) Budgets, has it been included in the relevant Medium Term Expenditure Framework (MTEF) and
- b) Staffing and organisation in the government agencies that have to implement it (including the courts and police, where relevant). Has it been included in the relevant Human Resource Plan (HRP)

**a. Budget available for:**

- Appointment of task teams engage with stakeholders to develop strategies for closure of lion industry and phase out intensification of rhino, as well as to develop rhino recovery plan;
- Development of exit process on captive lion and related activities
- Development of enabling regulatory framework for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of captive- bred lions, and establishment of new captive facilities;
- Development of recovery plan and transition plan for captive rhino and related activities;
- Development of legislation to prevent the introduction of wild specimens of the five species into captivity and related activities; and
- Implementation of the COI Recommendations.
- Cost for training officials, especially Environmental Management Inspectors, on the identification of well-being issues

**b. Human capacity:**

- The necessary capacity to implement the proposed amendments, and to monitor compliance and ensure enforcement of the proposed amendments, is already in place.

*Note: You MUST provide some estimate of the immediate fiscal and personnel implications of the proposal, although you can note where it might be offset by reduced costs in other areas or absorbed by existing budgets. It is assumed that existing staff are fully employed and cannot simply absorb extra work without relinquishing other tasks.*

2.7 Describe how the proposal minimises implementation and compliance costs for the affected groups both inside and outside of government.

**For government agencies and institutions:**

Group		Nature of cost (from question 2.6)	What has been done to minimise the cost?
DFFE		Development and enforcement of the tools provided for in the objectives of the policy position	The policy position has been developed in line with the White Paper, which has been widely consulted. Therefore, it would be easier for DFFE to develop and enforce such tools.
Provincial conservation authorities		Alignment of provincial conservation legislation with the provisions of the policy position and enforcing of the tools to be developed as per the objectives of the policy position	The policy position has been consulted with provincial conservation authorities, and supported to be published for public participation process.

**For groups outside of government (add more lines if required)**

Agency/institution	Nature of cost (from question 2.6)	What has been done to minimise the cost?
Captive lion facilities	Cost for closure of captive lion facilities and related activities	A Ministerial Task Team has been appointed to look at identifying and recommending <b>voluntary</b> exit options and pathways for the captive <b>lion</b> industry. Elements of their work will inform the development of an exit process from the captive lion industry as envisaged by the Policy Position.

Rhino owners	Cost for phasing out captive rhino facilities and related activities	A process of engagement is prioritised and is ongoing. A collective process is envisaged within the policy position, that will result in win-win outcomes, and the participation of rhino owners in the species recovery plan.
Elephant owners	Cost for compliance with the tools envisaged to be put in place as per the objectives of the policy position	A national Elephant Heritage Strategy is being developed by the DFFE which will incorporate the elements of the policy position. This is being consulted with elephant owners and other stakeholders through its formulation and development.
NSPCA	Cost for assisting with identifying parameters that define well-being standards	The Minister recently established a Wildlife Well-being Forum to serve as a consultative Forum on issues relating to well-being. This forum will assist in shaping parameters that constitute well-being issues. NSPCA is also a Member of the Forum
Well-being organisations	Cost for assisting with identifying parameters that define well-being standards	The Minister recently established a Wildlife Well-being Forum to serve as a consultative Forum on issues relating to well-being. This forum will assist in shaping parameters that constitute well-being issues. Most of these organisations are also Members of this Forum
Broader tourism and hunting industry	Cost for compliance with the tools envisaged to be put in place as per the objectives of the policy position	The policy position will be consulted with tourism and hunting industry before implementation.
Traditional users	Cost for compliance with the tools envisaged to be put in place as per the objectives of the policy position	The policy position has been developed in line with the White Paper which was widely consulted throughout the country, rendering it more comprehensible and implementable by traditional users
Communities	Cost for compliance with the tools envisaged to be put in	The policy position has been developed in line with the White Paper which was widely consulted

	place as per the objectives of the policy position	throughout the country, rendering it more comprehensible and implementable by communities
Employees from captive lion and rhino facilities	Cost for job losses	In the longer term many more jobs may be created resulting from a positive impact on the ecotourism, hunting, harvesting, bioprospecting, customary use, and recreation industries.  The exit process/options would also assist in identifying possible options that may be explored to secure employment for these employees.

## 2.8 Managing Risk and Potential Dispute

- a) Describe the main risks to the achievement of the desired outcomes of the proposal and/or to national aims that could arise from implementation of the proposal. Add more lines if required.

*Note: It is inevitable that change will always come with risks. Risks may arise from (a) unanticipated costs; (b) opposition from stakeholders; and/or (c) ineffective implementation co-ordination between state agencies. Please consider each area of risk to identify potential challenges.*

- b) Describe measures taken to manage the identified risks. Add more rows if necessary.

*Mitigation measures means interventions designed to reduce the likelihood that the risk actually takes place.*

Identified risk	Mitigation measures
Risk of litigation by owners of captive lion facilities and rhino owners	<ul style="list-style-type: none"> <li>Ensure that the process of developing the policy position and the associated tools, as outlined by the policy objectives, is legally sound, rational, reasonable and procedurally fair. This will be augmented fully consultative processes for the development of the subsequent legislation. This legislation will be subjected to intergovernmental consultation, prior to public participation, revision, submission to Cabinet Processes</li> </ul>

	<p>(including consultation with the chief state law advisor), prior to being submitted to both houses of parliament for processing.</p> <ul style="list-style-type: none"> <li>• Comprehensive consultation with the owners to ensure that there are no conflicting views regarding the policy position.</li> </ul>
Risk of claims by owners of captive lion facilities for compensation for loss of assets	<ul style="list-style-type: none"> <li>• Ministerial task team established to develop a voluntary exit option that will, amongst others, identify the lawful exit pathways.</li> <li>• It may be possible to develop incentives to owners to facilitate exit from the industry.</li> </ul>
Ineffective implementation of, or non-compliance with, the proposed measures (by implementing agencies or the regulated community)	<ul style="list-style-type: none"> <li>• The policy position has been developed in line with the White Paper which was widely consulted throughout the country.</li> <li>• Conduct workshops, training and awareness-raising to capacitate government officials and members of the public on the implementation of the policy position and associated tools, to: <ul style="list-style-type: none"> <li>○ promote the benefits of the proposal</li> <li>○ clarify the intended meaning of the proposed provisions (to ensure uniform interpretation)</li> </ul> </li> </ul>

c) What kinds of dispute might arise in the course of implementing the proposal, whether (a) between government departments and government agencies/parastatals, (b) between government agencies/parastatals and non-state actors, or (c) between non-state actors? Please provide as complete a list as possible. What dispute-resolution mechanisms are expected to resolve the disputes? Please include all of the possible areas of dispute identified above. Add more lines if required.

*Note: Disputes arising from regulations and legislation represent a risk to both government and non-state actors in terms of delays, capacity requirements and expenses. It is therefore important to anticipate the nature of disputes and, where possible, identify fast and low-cost mechanisms to address them.*

Nature of possible dispute (from sub-section above)	Stakeholders involved	Proposed Dispute-resolution mechanism
Disagreement on the interpretation of the provisions of the proposed amendments	Between implementing agencies (DEFF and provinces)	<ul style="list-style-type: none"> <li>• Potential resolution through formal legal opinions</li> <li>• Development of interpretation guidelines</li> <li>• Resolution through formal inter-governmental structures (Working Groups, MINTECH and MINMEC)</li> <li>• The nature of this risk should not require resolution through the Intergovernmental Relations Framework Act</li> </ul>
	Between DFFE and the regulated community	<ul style="list-style-type: none"> <li>• Potential resolution through formal legal opinions</li> <li>• Development of interpretation guidelines</li> <li>• Resolution through formal and informal platforms such as the Wildlife Forum, Wildlife Well-being Forum, consultation workshops, etc.</li> <li>• Process for formal appeal of decisions</li> </ul>

## 2.9 Monitoring and Evaluation

*Note: Sound implementation of policy and legislation is due to seamless monitoring and evaluation integration during the policy development phase. Policies and legislation that are proficiently written yet unable to report on implementation outcomes are often a result of the absence of an M&E framework at the policy and legislative planning phase. It is therefore imperative to state what guides your policy or legislation implementation monitoring.*

- 2.9.1 Develop a detailed Monitoring and Evaluation Plan, in collaboration with your departmental M&E unit which should include among others the following:
- 2.9.1.1 Provide clear and measurable policy or legislative objectives
- 2.9.1.2 Provide a Theory of Change clearly describing the following components:
- Impact: the organisational, community, social and systemic changes that result from the policy or legislation;
  - Outcomes: the specific changes in participants (i.e. beneficiaries) behaviour, knowledge, skills, status and capacity;
  - Outputs: the amount, type of degree of service(s) the policy or legislation provides to its beneficiaries;
  - Activities: the identified actions to be implemented
  - Input: departmental resources used in order to achieve policy or legislative goals i.e. personnel, time, funds, etc.
  - External conditions: the current environment in which there's an aspiration to achieve impact. This includes the factors beyond control of the policy or legislation (economic, political, social, cultural, etc.) that will influence results and outcomes.
  - Assumptions: the facts, state of affairs and situations that are assumed and will be necessary considerations in achieving success
- 2.9.1.3 Provide a comprehensive Logical Framework (LogFrame) aligned to the policy or legislative objectives and the Theory of Change. The LogFrame should contain the following components:
- Results (Impact, Outcomes and Output)
  - Activities and Input
  - Indicators (A measure designed to assess the performance of an intervention. It is a quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect the changes connected to an intervention, or to help assess the performance of a development actor)
  - Baseline (the situation before the policy or legislation is implemented)
  - Targets (a specified objective that indicates the number, timing and location of that which is to be realised)
- 2.9.1.4 Provide an overview of the planned Evaluation, briefly describing the following:
- Timeframe: when it the evaluation be conducted
  - Type: What type of evaluation is planned (formative, implementation or summative) – the selection of evaluation type is informed by the policy owners objective (what it is you want to know about your policy or legislation).
- 2.9.1.5 Provide a straightforward Communication Plan (Note: a common assumption is that the target group will be aware of, and understand how

to comply with a policy or legislation come implementation. However, increases in the complexity and volume of new or amendment policy or legislation render this assumption false. Hence, the need for a communication plan to guide information and awareness campaigns to ensure that all stakeholders (including beneficiaries) are informed.

The Policy Position will be reviewed as and when the need arises. This will provide for sufficient time for the policy objectives to have the intended effect on the strategic outcomes. As the Policy Position is a mechanism to give effect to objectives in the White Paper, the development and implementation of the Policy Position is part of the implementation plan for the White Paper. As such, implementation of this Policy Position will be monitored and evaluated through the monitoring and evaluation processes incorporated into the implementation plan of the White Paper, in which there is a specific item on the development and implementation of the Policy Position.

2.10 Please identify areas where additional research would improve understanding of then costs, benefit and/or of the legislation.

- None other than those areas already provided for in terms of the objectives of the policy position.

### **PART THREE: SUMMARY AND CONCLUSIONS**

1. Briefly summarise the proposal in terms of (a) the problem being addressed and its main causes and (b) the measures proposed to resolve the problem.

The policy position was developed to address the following problems which were identified by:

- a. The COI, which identified the requirements that need to be met for conservation, protection, and future rhinoceros horn trade. These requirements were in respect of security (law enforcement); community empowerment; biological management; responsive legislative provisions and effective implementation, and demand management / reduction. Further to it Cabinet endorsed Option 3, namely: Application of current policy (limited international trade in hunting trophies and live rhino to appropriate and acceptable destinations), with no immediate intention to trade in rhino horn, but maintaining the option to re-consider regulated legal international trade in rhino horn when requirements are met.

- b. The Portfolio Committee’s Colloquium, which identified nine broad issues of concern about the captive lion industry, including that the hunting of captive-bred lions and the lion bone trade should be ended. Parliament adopted the report on 6 December 2018. The Portfolio Committee required a policy and legislative review to close captive lion breeding for hunting and lion bone trade.
- c. The White Paper, which highlighted the challenge of practices within the sector that have brought the country into disrepute - Inappropriate and illegal practices, activities, or actions that compromise animal well-being and ecosystem and genetic integrity, have negatively affected South Africa’s reputation as a world leader in biodiversity conservation.

Policy gaps and challenges on conservation and sustainable use, and international commercial trade of the white and black rhinoceroses, lions, elephants and leopards. The strategic impact of this policy position is that it will provide policy certainty for specific elements of the conservation and sustainable use of these five species, and, furthermore, provide a basis to review legislation where applicable and appropriate.

The Policy Position will provide policy certainty and strategic impact by ensuring:

- Closure of the captive lion industry, enhanced global reputation, and a stimulated biodiversity-based tourism industry;
- Enhanced conservation outcomes for captive and intensively managed white rhinoceros, with associated sustainable use benefit flows;
- That leopards are protected, conserved, and sustainably used; human-leopard conflict reduced; and the contribution of leopard for biodiversity, and to cultural traditions and spirituality enhanced;
- Promotion of in situ conservation and sustainable use of the five species across Africa;
- Enhanced conservation and sustainable use of protected wild rhinoceros under private, community, and state ownership; and
- Enhanced conservation and sustainable use of elephants, and biodiversity more broadly.

2. Identify the social groups that would benefit and those that would bear a cost, and describe how they would be affected. Add rows if required.

Groups	How they would be affected
<i>Beneficiaries</i>	

1. South African in general	Enhanced conservation and sustainable use of the five iconic species Improved management of the five iconic species Improved reputational risks Improved duty of care towards the iconic five species Well-being practices improved
2. DFFE and Provincial conservation authorities	Enhanced conservation and sustainable use of the five iconic species Improved management of the five iconic species Improved reputational risks Improved duty of care towards the iconic five species Well-being practices improved
3. NSPCA	Improved duty of care towards the iconic five species Well-being practices improved
4. Well-being and animal rights groups who regard the keeping of lion in a captive environment as cruel	Improved duty of care towards the iconic five species Well-being practices improved
5. Traditional users	Collaboration with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives.
6. Employees working in captive lion and rhino owners	More jobs may be created resulting from a positive impact on the ecotourism, hunting, harvesting, bioprospecting, customary use, and recreation industries.
<b>Cost bearers</b>	
1. DFFE and Conservation Authorities	Resources associated with implementation, compliance, enforcement and monitoring of the policy objectives of the policy position
2. Broader industries	Resources associated with implementation and compliance with the policy objectives of the policy position

3. What are the main risks from the proposal in terms of (a) undesired costs, (b) opposition by specified social groups, and (b) inadequate coordination between state agencies?
- Risk of litigation by owners of captive lion facilities and rhino owners
  - Risk of claims by owners of captive lion facilities for compensation for loss of assets

- Ineffective implementation of, or non-compliance with, the proposed measures (by implementing agencies or the regulated community)

4. Summarise the cost to government in terms of (a) budgetary outlays and (b) institutional capacity.

**Budget available for:**

- Engagement with stakeholders to develop strategies for closure of lion industry and phase out intensification of rhino, as well as to develop rhino recovery plan;
- Development of exit process on captive lion and related activities
- Development of enabling regulatory framework for ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, hunting of captive- bred lions, and establishment of new captive;
- Development of recovery plan and transition plan for captive rhino and related activities;
- Development of legislation to prevent the introduction of wild specimens of the five species into captivity and related activities; and
- Implementation of the COI Recommendations.
- Cost for training officials, especially Environmental Management Inspectors, on the identification of well-being issues

**Human capacity:**

- The necessary capacity to implement the proposed amendments, and to monitor compliance and ensure enforcement of the proposed amendments, is already in place.

5. Given the assessment of the costs, benefits and risks in the proposal, why should it be adopted?

- To enhance conservation and sustainable use of the five iconic species
- To improve management of the five iconic species, reputational risks and duty of care towards the five iconic species and wellbeing practises

6. Please provide two other options for resolving the problems identified if this proposal were not adopted.

<b>Option 1.</b>	Maintain the status quo of allowing captive breeding and keeping of iconic species, but under stricter permit conditions and by
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	implementing and enforcing proper well-being standards, as well as continuing to attempt to trade in rhino horn and elephant ivory
<b>Option 2.</b>	Maintain the status quo of allowing captive breeding and keeping of iconic species under the current legislative regime, as well as continuing to attempt to trade in rhino horn and elephant ivory.

7. What measures are proposed to reduce the costs, maximise the benefits, and mitigate the risks associated with the legislation?

- Develop and implement the exit process that have been consulted with key impacted stakeholders.

8. Is the proposal (mark one; answer all questions)

	Yes	No
a. Constitutional?	Yes	
b. Necessary to achieve the priorities of the state?	Yes	
c. As cost-effective as possible?	Yes	
d. Agreed and supported by the affected departments?	Yes	

9. What is the impact of the Proposal to the following National Priorities?

National Priority	Impact
Economic transformation and job creation	<ul style="list-style-type: none"> <li>• The proposed policy aims, among other goals, to prioritize the objectives outlined in the White Paper, which emphasizes the need to transform the sector and subsequently boost job creation prospects for everyone.</li> <li>• Placing focus on addressing the current circumstances that require us to restrict international trade in rhino horn and elephant ivory may provide, in the medium term, an avenue to unlock economic potential while also serving as a motivating force for increased commitment to conserve these five iconic species.</li> <li>• Closing down of captive lion and rhino facilities may lead to jobs losses for those working in those facilities.</li> </ul>

National Priority	Impact
Education, skills and health	<ul style="list-style-type: none"> <li>• The Policy Position provide policy certainty for specific elements of the conservation and sustainable use of the five iconic species. This provides an opportunity for academia to commission studies on the impact of each objective or activity outlined in the policy position, and application thereof.</li> <li>• The issues of human-wildlife conflict could be minimised, thereby reducing human health risks.</li> <li>• People employed in elements of the captive lion industry may need to be reskilled for alternative employment within the wildlife or other sectors, which may, in the longer term, result in the expansion of skills of affected workers.</li> </ul>
Consolidating the social wage through reliable and quality basic services	<ul style="list-style-type: none"> <li>• The phasing out or closing of captive lion and rhino facilities could initially result in localised job loses, pending the emergence of viable alternatives as enterprises shift focus and repurpose workers. Nonetheless, in the long run, a substantial boost in employment opportunities may ensue, driven by the favourable effects on ecotourism, hunting, resource harvesting, bioprospecting, customary practices, and recreational sectors.</li> </ul>
Spatial integration, human settlements and local government	<p>The significant geographical advantage presented by the five iconic wildlife, particularly in the realms of ecotourism and sustainable hunting, remains largely absent from municipal and provincial development plans as a pivotal catalyst for economic and social progress.</p>
Social cohesion and safe communities	<ul style="list-style-type: none"> <li>• The policy position will promote mechanisms to collaborate with traditional and spiritual leaders and traditional healers, and to ensure legal, equitable, and sustainable access to, and benefits derived from, leopard parts and derivatives, e.g. skins for traditional, cultural, and spiritual needs, that enhances the dignity and freedoms required for such traditional and spiritual practices.</li> </ul>

National Priority	Impact
	<ul style="list-style-type: none"> <li>• Absence of a national integrated systems approach to human-wildlife conflict results in losses of human lives and livestock.</li> <li>• Addressing intensification of rhino and lion management will be regarded as a positive step from a moral, ethical and humane perspective for many South Africans and will render support to the South African government in its conservation efforts</li> </ul>
Building a capable, ethical and developmental state	<ul style="list-style-type: none"> <li>• Issues of duty of care and animal well-being are not being effectively regulated or enforced.</li> <li>• NEMLAA has incorporated animal well-being into NEMBA, giving the Minister the mandate to regulate this, and the Policy Position proposed to address these issues in the captive lion industry through the proposed actions under Objective 1.</li> </ul>
A better Africa and world.	<ul style="list-style-type: none"> <li>• Healthy and thriving population of the five iconic species would improve South Africa's conservation practices.</li> <li>• Enhanced South Africa's reputation as a world leader in biodiversity conservation and sustainable through improvement of the duty of care towards the iconic five species.</li> </ul>

***For the purpose of building a SEIAS body of knowledge please complete the following:***

<b><i>Name of Official/s</i></b>	<b><i>Mr Kgotso Thoka and Mr Khorommbi Matibe</i></b>
<b><i>Designation</i></b>	<b><i>Department of Forestry, Fisheries and the Environment</i></b>
<b><i>Unit</i></b>	<b><i>Biodiversity and Conservation</i></b>
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THE PRESIDENCY  
REPUBLIC OF SOUTH AFRICA

## **SOCIO-ECONOMIC IMPACT ASSESSMENT AND QUALITY ASSURANCE SIGN- OFF FORM**

This is to confirm that:

1. The Presidency has assessed the Socio-Economic Impact Assessment (SEIAS) Report as per the following:

- \* Initiating Department : Forestry , Fisheries and the Environment
- \* Name : Policy Position on the Conservation and Sustainable use of Elephant, Lion, Leopard And Rhinoceros
- \* Type of Assessment : Final Impact Assessment

2. Permission is granted to the Department of Forestry , Fisheries and the Environment to proceed with the Policy Position on the Conservation and Sustainable use of Elephant, Lion, Leopard And Rhinoceros for approval in Cabinet on condition that ;

- a) A Monitoring and Evaluation Plan be developed within 3 months post approval.

3. Verified and signed off by The Policy and Research Services branch:

### **Official Stamp and Date**

 THE PRESIDENCY REPUBLIC OF SOUTH AFRICA POLICY AND RESEARCH SERVICES	
<b>SEIAS</b>	
Socio-Economic Impact Assessment System	
<b>No:</b>	<b>47/23-24</b>
AUTHENTIC AND OFFICIAL STAMP OF APPROVAL	
	<b>FINAL</b>
<b>Date:</b>	<b>2024/02/22</b>