



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 457 {NW1449E}

INTERNAL QUESTION PAPER NO. 10 of 2019

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

Question 1

In view of the fact that no permit would be granted to a captive predator breeding facility unless it could demonstrate positive conservation value (details furnished), on what grounds has her department re-issued permits for facilities that it found to be operating without permits;

Question 2

What are the full relevant details of how positive conservation value is ascertained and determined?

Question 3

With reference to the Non-Detrimental Finding of 2018 (details furnished), (a) why do the provincial authorities still issue licences for such facilities to continue operating and (b) what are the full relevant details in this regard?

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

(1) The Threatened or Protected Species (TOPS) Regulations, which have been promulgated in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and commenced on 01 June 2007, compel the registration of captive breeding facilities involving listed TOPS. Listed species include predators, among others lion, leopard, cheetah, brown hyena, spotted hyena and African wild dog. Permits for the carrying out of restricted activities (such as keeping, breeding, selling, conveying, exporting from the Republic, etc.) by registered captive breeding facilities are issued in terms NEMBA.

The existing TOPS Regulations (2007) do not prohibit the breeding of the above-mentioned predator species in captivity. The only requirement in respect of the issuance of a registration certificate for any captive breeding facility, is that the certificate must be issued subject to a condition that the person to whom the registration certificate is granted to, must:

- (a) prevent hybridisation and or inbreeding;
- (b) keep a studbook, where appropriate; and
- (c) provide information relating to paragraphs (a) and (b) to the issuing authority within three months after the end of each calendar year.

Substantial amendments, including amendments relating to captive breeding facilities, have been proposed to the TOPS Regulations. These proposed amendments have not yet been promulgated, but are in the final stages of approval, as the draft amended regulations have already been tabled with the National Council of Provinces for approval.

The new/ amended TOPS Regulations will still contain the compulsory requirement relating to the registration of captive breeding facilities, as well as the compulsory requirement relating to the prevention of inbreeding and the keeping of studbooks by registered captive breeding facilities. However, the new/ amended TOPS Regulations will further require that:

- (a) an issuing authority must refuse to issue a permit for the breeding in captivity of specimens of listed large predators (lion, leopard, cheetah, brown hyena, spotted hyena and African wild dog), black rhinoceros or white rhinoceros, unless the applicant can demonstrate how the breeding in captivity of such specimens will contribute to the conservation of the particular species; and
- (b) the issuing authority must issue a permit subject to a condition that no specimens of critically endangered species or listed large predators originating from wild populations, may be introduced into captive breeding facilities, except for conservation purposes

(2) The draft amended TOPS Regulations do not prescribe the nature of the contribution to the conservation of the species involved, as each individual applicant would have to motivate the conservation contribution to which the particular application relates, and each application together with its motivation would have to be considered and decided upon, on a case-by-case basis. This approach provides flexibility in decision-making by the relevant issuing authority and would prevent a situation where a permit would have to be refused if an appropriate contribution has not been provided for in the regulations.


(3) (a) Non-Detriment Findings (NDFs) are made by the Scientific Authority, which has been established in terms of section 60 of NEMBA by the Minister responsible for environmental management, and of which the members are appointed by the Minister in accordance with the TOPS Regulations. The purpose of a NDF is for the Scientific Authority to confirm whether or not an action would have a detrimental impact on the survival of a species in the wild.

Issuing authorities continue to issue permits for the breeding of lion in captivity, for the following reasons:

- (i) The current TOPS Regulations do not provide any circumstances in which the breeding of listed predator species must be prohibited;
- (ii) The NDF that was published in the *Gazette* on 23 January 2018 for commencement, and which relates to lion in particular, does not indicate that the breeding of lion in captivity is detrimental to the survival of lion in the wild in the current circumstances; and
- (iii) In the current circumstances, the refusal of permits for the breeding of listed predator species does not meet the requirement of Section 57(2) of NEMBA, which provides that the Minister may prohibit the carrying out of a restricted activity which is of a nature that may negatively impact on the survival of a listed TOPS.

(b) Due to the fact that Members of the Executive Council responsible for the conservation of biodiversity in the respective provinces are the issuing authorities in terms of section 87A of NEMBA for permits, as well as for the registration of breeding facilities in terms of the TOPS Regulations, the provincial conservation authorities are the holders of the full details of predator captive breeding facilities. In the absence of a national electronic permitting system, the Department of Environment, Forestry and Fisheries does not have the full details of these facilities.

Regards


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MS B D CREECY, MP

MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES

DATE: 3/9/2019