



# environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Ref:02/1/5/2

## NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 2343 {NW2588E}

INTERNAL QUESTION PAPER NO.26 of 2017

DATE OF PUBLICATION: 14 August 2017

### Ms J Edwards (DA) to ask the Minister of Environmental Affairs:

- (1) (a) How many permits have been signed off for local rhino horn trading and (b) to whom have they been awarded;
- (2) is there a quota for the number of permits to be issued; if not, why not; if so, what are the relevant details;
- (3) do the permit holders have a limitation on how many tonnes of horn they can trade in a year; if not, why not; if so, what is the total amount? NW2588E

### 2343. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:

(1) (a) and (b)

The Department has issued a permit for the selling of rhino horn, ordinary permit number: O28640 was issued for 264 horns. Seven (7) permits were issued authorising the buying of rhino horn (Ordinary permit numbers: O29851; O29852; O29854; O29855; O29856; O29859; O29860).

(2) No. This is due to the nature of any domestic trade where no limits have been placed. It should be remembered that rhino horn trade is governed by CITES which is only about international trade and not domestic.

Furthermore Section 57(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)(NEMBA) provide that a person may not carry out a restricted activity involving a specimen of a listed threatened or protected species without a permit issued in terms of Chapter 7 of NEMBA. The NEMBA and the Threatened or Protected Species Regulations, 2007 does not provide a quota for the number of permit that could be issued. However, in terms of 92A (1)(b) of NEMBA an issuing authority may refuse a permit if the applicant has been convicted of an offence in terms of NEMBA. Furthermore, Section 88(2)(e) of NEMBA provide that the issuing authority may defer a decision to issue a permit if the applicant is under investigation for the contravention or failure to comply with any provision of NEMBA.

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(3) No

Section 57(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)(NEMBA) provide that a person may not carry out a restricted activity involving a specimen of a listed threatened or protected species without a permit issued in terms of Chapter 7 of NEMBA. NEMBA and the Threatened or Protected Species Regulations, 2007 does not provide a limitation on the number of horns to be traded with however, in terms of 92A (1)(b) of NEMBA an issuing authority may refuse a permit if the applicant has been convicted of an offence in terms of NEMBA. Section 88(2)(e) of NEMBA provides that the issuing authority may defer a decision to issue a permit if the applicant is under investigation for the contravention or failure to comply with any provision of NEMBA. In terms of Section 88(2)(b) of NEMBA, the Issuing Authority may require the applicant to comply with conditions as it may impose.

The permit authorising the sale of rhino horn was issued with conditions, including the following:

- The permit holder can only sell rhino horn to a person who has a permit issued in terms of NEMBA authorising such buying;
- The international trade remains banned;
- The permit holder must provide the Department of Environmental Affairs with a register of bidders prior to the auction;
- The permit holder (seller or buyer of possession) must inform the registered bidders that they must apply for a permit to buy in terms of NEMBA;
- If it is an ordinary auction and if it is online, DEA must have access to the process.
- After the auction, the permit holder must provide a list of successful bidders to the Department of Environmental Affairs;
- The permit holder, the permit seller and the possession holder must grant an official of the Department of Environmental Affairs access to the website for an online auction.

The permit authorising the domestic sale of rhino horn was issued with conditions, including the following:

- The buyer's permit authorises the person to buy only the rhino horn authorised to be sold through ordinary permit number: O28640 through the auction taking place from 23 – 25 August 2017;
- The permit does not authorise the possession or transport of rhinoceros horn;
- The permit does not authorise the export or re-export of rhino horn;
- Until the actual transfer has happened legally after the sale, the seller will require another permit.

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