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Correction Notice, this Gazette is replacing Gazette No. 49319 that was Published on the 19th of September 2023 with Government Notice 3887

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Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3889

19 September 2023

COMMENTS INVITED ON THE DRAFT 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 draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros (draft Policy Position), for public comment, as set out in the Schedule hereto.

The draft Policy Position is informed by the White Paper on Conservation and Sustainable Use of South Africa's Biodiversity which was published for implementation on 14 June 2023, under Government Notice No. 3537, *Government Gazette*, No. 48785; the High Level Panel (HLP) report, the recommendations of the Committee of Inquiry (Col) that was appointed to advise on the possibility of proposing legal interventions on 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), and the Colloquium report on captive lion breeding for hunting.

Members of the public are invited to submit, within thirty (30) days from the date of publication of this Notice in the *Government Gazette* or in the newspaper, whichever date is the last date, written comments to this Notice, to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Dr Tsepang Makholela
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083

By e-mail: policyposition@dff.gov.za

Any inquiries in connection with this Notice or in connection with obtaining a copy of the Socio Economic Impact Assessment Study (SEIAS) on the draft Policy Position, can be directed to Dr Tsepang Makholela at +27 71 608 4556. A copy of the draft Policy Position can be accessed at:

https://www.dff.gov.za/legislation/gazetted_notices

Comments received after the closing date may not be considered.


BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE



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

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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 2 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 and sustainable use of the five species, and providing policy direction for international commercial trade in the five species.

The Policy Position, therefore, proposes 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 the domestication and intensification of management of rhinoceros; and
- (3) To enhance the conservation and sustainable use of leopard.

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

- (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 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 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

CBD: Convention on Biological Diversity

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

DFFE: Department of Forestry, Fisheries and the Environment

HLP: High-Level Panel

KNP: Kruger National Park

MEA: Multilateral Environmental Agreements

NGOs: Non-Governmental Organisations

PDIs: Previously disadvantaged individuals

SADC: Southern African Development Community

SANPARKS: South African National Parks

SMME: Small, Medium and Micro Enterprise

TOPS Regulations: Threatened or Protected Species Regulations (2007)

3 DEFINITIONS

Use of terms in this policy should be understood in terms of the definitions contained within the White Paper, relevant legislation, or the general understanding of such terms. Definitions are not repeated here for sake of brevity.

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" 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 Draft 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 report¹.

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 re-consider 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

¹ Committee of Inquiry (Col) 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.

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 2 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) *Process 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) *Prohibition(s) promulgated 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.*

In implementing the identified actions, this 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-registered and semi-intensive white rhinoceros populations constitute a significant portion of rhinoceros on private land, have high conservation value, and can replenishing depleted wild populations. The sustained use of intensive management practices compromises this, and it is desirable to move them out of captive breeding situations and back into accepted wild managed or wild conditions as soon as practically possible.

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 domestication and intensification of management of rhinoceros.

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.*

In implementing the identified actions, this 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 enhance the conservation and sustainable use of leopard.

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 is 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 implemented, with mechanisms to mitigate the illegal harvesting of leopard;*
- 3. Norms and Standards, and process for revised quota allocations, to enhance, broaden, and transform the hunting industry implemented;*
- 4. Interventions for mitigating the creation of damage causing leopards, and for transitioning from Damage Causing Animal destruction to evidence-based sustainable harvesting of leopard where appropriate; and*
- 5. 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.*

In implementing the identified actions, this will ensure that leopards are protected, conserved, and sustainably used; human-wildlife conflict reduced; and contribution of leopard for biodiversity and to cultural traditions and spirituality 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 thereof. 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 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) Legislation promulgated 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;

In implementing the identified actions, this will promote 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. Rhinoceros populations remain severely threatened by poaching, and costly protection is a major 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 to support a proposal for international commercial trade in rhinoceros horn from protected wild rhinoceros, for conservation purposes, when conditions become favourable².

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, as long as

² 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.

there is insufficient progress on the implementation of key requirements (in terms of: security (law enforcement); community empowerment; biological management; responsive legislative provisions and effective implementation, and demand management / reduction), of the COI Option 3, 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;

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 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.

In implementing the identified actions, this 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 proposal. In the context for the elephant ivory recommendations, the HLP report highlighted the current specified/prevaling circumstances that may be restricting trade³.

³ 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.

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.*

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

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. This will provide for sufficient time for the policy objectives to have the intended effect on the strategic outcomes.

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