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Dept. of Forestry, Fisheries and Environment
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Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros

Dear Dr Naicker,

Thank you for the opportunity to provide comments on the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros, published on 28 June 2021 as Government Notice No. 566. Our detailed comments are contained in the Annex appended to this letter.

Born Free is a UK-based international wildlife protection charity. We promote compassionate conservation to enhance the survival of threatened species in the wild and protect natural habitats, while respecting the needs and safeguarding the welfare of individual animals. As a leading wildlife charity, we oppose the exploitation of wild animals in captivity and campaign to keep them where they belong – in the wild.

We were pleased to have been invited to provide evidence to the High-Level Panel as part of the stakeholder consultation processes which took place during 2020.

Since our inception we have sought to highlight the devastating consequences of the international trade in wild animals, and parts and products derived from them, on the welfare of individual animals and the conservation and protection of wildlife populations. The Covid-19 pandemic has also served to highlight the associated risks from wildlife trade to the health of both animals and people.

We have also advocated for many years for an end to the commercial predator breeding industry in South Africa, which currently exploits thousands of lions and other captive-bred predators across more than 300 facilities in the country for the purpose of generating profits through tourism activities such as cub petting and walking with lions, canned hunting, and the sale of bones and other products into international markets.

The High-Level Panel's report provides specific direction on the need for the Department of Forestry, Fisheries and Environment, working with the Department of Agriculture, Land Reform and Rural Development, to secure the welfare and wellbeing of wildlife, which will enhance South Africa's reputation and stimulate tourism. We agree wholeheartedly with this intention, and are



pleased to see this reflected in the draft policy, in particular through the focus on incorporating One Welfare principles into government policy.

We are also encouraged to see efforts to redefine the concept of 'sustainable use', which will be critical in determining and achieving the anticipated policy outcomes.

Taking these draft policy proposals forward will require the engagement, commitment and participation of all those who genuinely care about these issues and the long-term success of South Africa's evolving wildlife management practices.

We stand ready to work with the South African authorities and other stakeholders to ensure that the proposed reforms can be successfully implemented and the objectives achieved, with full regard for animal welfare, and for the benefit of wildlife and wider biodiversity, as well as for the people of South Africa. Such reforms will indeed serve to enhance South Africa's international reputation, as well as having the potential to place South Africa at the forefront of regional and international efforts to transform our relationship with nature and wildlife for the good of all.

Sincerely,



Will Travers OBE
Co-Founder and Executive President
Born Free Foundation

Annex: Comments on specific policy objectives.

General comments

In order to achieve meaningful and independent oversight of the implementation of the proposed policies, the Minister should consider establishing an independent Wild Animal Welfare Committee or similar, with a mandate to work across Government departments in order to assist in short- and long-term policy development and implementation, and to hold Ministers and other decision-makers to account for legislative provisions and policy mechanisms relating to the conservation and ecologically sustainable use of elephant, lion, leopard and rhinoceros.

Equitable access to wildlife-related resources is key if communities are to recognise the benefits of protecting wildlife, and therefore to successful wildlife conservation. South Africa's wildlife economy has previously focussed on private ownership, extractive uses, and intensification, which has resulted in the generation of large numbers of certain species in highly managed conditions, precluding them from contributing to conservation objectives and healthy, balanced ecosystems. This needs to change.

Born Free therefore applauds the efforts to redefine the concept of 'sustainable use'. We urge the Minister to ensure the definition relates to ecological sustainability that will allow species, and the ecosystems of which they are a part, to thrive. This will necessitate careful consideration of the implications of 'use' for individual animal, population and wider ecological well-being and stability, and for account to be taken of all the possible impacts of extraction of individual animals on group and population social stability, predator-prey relationships, and human-animal conflict. Uses should not be evaluated in isolation; a use can only be considered sustainable when it is considered alongside all other impacts on a group or population. We advocate a focus on non-lethal uses of wildlife, and a recognition that wildlife that is part of healthy and functional ecosystems already 'pays its way' through the critical ecosystem services that it provides.

The vision encapsulated in the policy draft is a good start. We strongly recommend a clear focus on the intrinsic and ecosystem service value of wildlife and biodiversity, with all the benefits this brings for human health and well-being, and to the wider economy, as opposed to the existing focus on the commercial value of wild animals through extractive use.

As part of the proposed reforms, wild species (ie those not normally domesticated in South Africa) should be removed from the Animal Improvement Act and the Meat Safety Act; the continued listing of wild species under these Acts risks undermining the proposed policy objectives.

Species Management Policy Interventions

Closure of captive lion facilities

Born Free gave evidence to the Parliamentary Colloquium on captive lion breeding for hunting in South Africa in August 2018, which led to a Parliamentary Resolution calling for the phasing-out of the industry later that year. In October 2020, we handed a petition to the South African authorities containing close to a quarter of a million signatures calling for the industry to be closed down. We are therefore pleased to see the commitment in the draft policy to implement the High-Level Panel's recommendation that South Africa should not captive-breed lions, keep lions in captivity, or use captive lions or their derivatives commercially, and we urge that the industry be phased-out with all due consideration for the welfare of affected animals. Born Free fully supports the need to immediately halt the domestication and exploitation of lions, and close captive lion facilities.

Implementation of this proposal should include:

- An immediate and permanent end to captive lion hunting and the export of lion bones;
- The immediate cessation of issuing of permits for new captive lion breeding facilities;
- An immediate prohibition on further breeding and acquisition by existing facilities, which should be followed by measures to ensure the permanent prevention of breeding;
- A focus on ensuring that facility owners are prevented from illegally disposing of their animals or products derived from them in an attempt to offset anticipated losses; and
- A thorough, transparent, independent census of existing facilities, in order to ascertain precisely how many animals of what species are present at which facilities and the condition of such animals; to implement immediate veterinary interventions to alleviate suffering (including humane euthanasia where appropriate); and to identify those animals and/or facilities for which exit strategies other than euthanasia might be feasible.

Consideration of alternative exit strategies other than mass euthanasia is really important, particularly in light of the new policy focus on animal welfare and Ubuntu, which encompasses the concepts of humaneness and kindness. While euthanasia may be a necessary tool in the case of animals that will otherwise experience ongoing suffering, the short-term, indiscriminate mass extermination of lions will inevitably draw considerable criticism. Consideration of whether suitable alternative arrangements might be possible for at least some of the lions currently on captive breeding farms, in collaboration with established rescue centres, should be prioritised. A more robust definition for “sanctuary”, such as that provided by the Global Federation of Animal Sanctuaries (<https://www.sanctuaryfederation.org/about-gfas/what-is-a-sanctuary/>), could help to differentiate between commercial and non-commercial captive facilities and at the same time align with the work tourism associations have carried out globally and in South Africa (e.g. the SATSA Captive Wildlife Tool, the ABTA Global Welfare Guidance for Animals in Tourism and the ANVR addendum). This could also help to identify those facilities that might genuinely be in a position to transform their existing business models.

The policy must also include action to ensure other predator species (both indigenous and exotic) held on breeding farms are taken into consideration. In this regard we note that South Africa is one of the seven countries subject to a mission by the CITES Secretariat, on the basis of facilities of concern with regard to legal and illegal trade in Asian big cats (<https://cites.org/sites/default/files/eng/com/sc/70/E-SC70-51.pdf>). We urge that the same policy considerations be applied to predator species other than lions that are bred for commercial purposes, in order to prevent commercial captive breeding facilities switching their operations to include the lethal exploitation of other indigenous or non-indigenous species.

These processes will inevitably require significant expertise and resources. Wide consultation with national and international experts from the wildlife veterinary, law enforcement and wildlife rescue sectors should be conducted.

Reverse the domestication and intensification of management of rhino

Born Free welcomes this intention, given the questionable conservation value of the keeping and breeding of rhino in semi-intensive conditions by private rhino owners. South Africa has been the focus for the recovery of southern white rhinoceros, however an increasing proportion of the country’s white and black rhino are privately owned and held in semi-intensive conditions. Considerable resources have been deployed to protect these privately owned rhinos, while South Africa’s wild rhinos continue to suffer unsustainable levels of poaching.

Every effort should be made to reverse this trend, and ensure policies and resources are directed primarily to protecting and growing South Africa's wild rhino population.

Enhancing the conservation and ecologically sustainable use of leopard

Born Free welcomes the recognition of the need to develop an integrated, shared and strategic approach to leopard conservation and management.

While accurate population estimates are difficult given the cryptic nature of leopards, the IUCN Red List assessment acknowledges that African subpopulations are likely to have declined considerably over the past three generations, with prey declines identified as an important causal factor. Leopards require large contiguous habitats with low human impacts in order to thrive.

While the leopard retains a wide distribution across Africa, there are large expanses where the species is absent or unconfirmed, and only about 17% of the leopard's global distribution range is currently protected. This means that the species is highly dependent on non-protected areas for its survival and distribution, and for connectivity between populations, which has resulted in significant and widespread human-leopard conflict. A clear focus on the development and implementation of incentives for leopard conservation through leopard management zones on private and community land is therefore critical.

Recent studies have examined the effects of anthropogenic-derived mortality of leopards, which includes trophy hunting, and highlighted disruption to subadult male leopard dispersal with potential consequences for the future viability of populations (see for example <https://onlinelibrary.wiley.com/doi/full/10.1002/ece3.6089>). Given the uncertainty around populations and their connectivity, we urge the South African authorities to introduce an immediate suspension of leopard offtake, and to give careful consideration to the management of human-leopard conflict and the protection of leopards outside of protected areas. These measures will be key to the successful management of this keystone but highly vulnerable species.

Trade-related policy interventions

No ivory trade under current conditions

We welcome the Minister's recognition of the need for South Africa to desist from submitting ivory trade proposals to CITES. The international trade in ivory has been a major factor in the decline in elephant populations by more than 90% over the past century. The ban on international ivory trade, introduced in 1989, initially resulted in a significant decline in poaching, but sanctioned one-off sales and the continued existence of legal domestic markets have stimulated demand and incentivised further poaching.

Many critical market countries for ivory have now followed advice from CITES to close their domestic markets, or are in the process of doing so, in order to support the international trade ban.

We urge the Minister to adopt the proposed position as a permanent measure, to desist from pursuing further international support for any resumption of international trade in ivory, and to do everything possible to promote these policies to other countries in the region.

As regards building consensus around a long-term view, we highlight the African Elephant Action Plan, which was approved by all range States, including South Africa, in 2010, serving as the

blueprint for elephant protection and generating benefits to people living alongside the species. We urge South Africa to focus on the objectives identified therein, rather than squandering resources on attempting to kickstart an outdated and out of favour concept such as international ivory trade.

No rhino horn trade under current conditions

We applaud the Minister for recognising the need to desist from supporting any resumption of international trade in rhino horn. We strongly believe efforts to overturn the international ban at successive CITES meetings, which are firmly opposed by Asian and East African rhino range States, as well as the wider global community, have eroded international relations over recent years and contributed to continued consumer demand which, in turn, has played into the hands of wildlife poachers and traffickers.

We urge the Minister to adopt a permanent position of opposing any relaxation of the international rhino horn trade ban, to consider reinstating the moratorium on domestic trade in rhino horn within South Africa at the earliest opportunity, and to do all she can to promote these policies to other countries in the region.

We strongly recommend that South Africa makes every effort to identify, consolidate and secure rhino horn stockpiles currently in public and private hands.

Prevent live export *ex situ* of the iconic species

Born Free warmly welcomes the proposals to prevent live exports of animals of the five species to captive facilities, and to limit any such exports to range States for reintroduction purposes. This policy aligns with One Welfare principles, and current international provisions under CITES in relation to elephants. Live exports to commercial captive facilities serve no clear conservation purpose, result in significant animal suffering, and always prove to be extremely controversial, as has been demonstrated by the international reaction to elephant exports from Zimbabwe, Namibia and some other countries in recent years.

A clear policy from South Africa on this issue will set a strong example to the region and the international community. We encourage the Minister to extend the policy to all live animals of wild origin.

Coherent ivory and horn stockpile management and disposal

Ivory and rhino horn stockpiles are expensive to maintain, can be subject to theft and corruption, and risk promoting the sense that these products might have some future commercial value. We strongly recommend that South Africa considers the merits of ivory and rhino horn stockpile destruction or the placing of such stocks permanently beyond any commercial use.

Any measures to seek alternate methods of 'disposal' through marketing of stockpiles to international donors or philanthropists needs to be carefully considered to ensure there can be no potential loopholes that could allow leakage of products into illegal trade.

For any ivory stockpile management and inventory needs, Born Free recommends the tried and tested gold standard protocols accessible via the Elephant Protection Initiative (<https://www.elephantprotectioninitiative.org/ivory-management>). These are also adaptable to items from other species such as rhino.

Conservation policy interventions

Increased wildness, naturalness and wellbeing of fauna

Protected area expansion, through the creation of larger contiguous areas by dropping fences and creating corridors, is an essential and internationally recognised goal of the Convention on Biological Diversity and the Convention for the Conservation of Migratory Species of Wild Animals, to which South Africa is a signatory, in order to expand wildlife habitats and improve connectivity between them to avoid population fragmentation. We also consider it appropriate to focus on keystone megafauna, including (but not limited to) the five iconic species, since by providing adequate and suitable habitat for them to thrive, many thousands of other species will also benefit.

Consideration should also be given to those populations that straddle international borders, and the need for South Africa to work with neighbouring countries to ensure efforts to improve protected habitat access and connectivity across international borders are complementary.

We encourage South Africa to implement these proposed measures, and to promote their adoption and implementation globally through international forums.

Adopt One Welfare approach

The Covid-19 pandemic has highlighted the risks to human health and well-being from our current dysfunctional and exploitative relationship with wildlife. Born Free is strongly supportive of the One Welfare approach to wildlife protection and management, which promotes the recognition that animal welfare, environmental health and human well-being are intimately interconnected. Any approach to animal management (including wildlife management) needs to incorporate measures aimed at improving animal welfare and reducing animal harms.

We therefore applaud the Minister for this recognition and encourage the application of One Welfare principles across the wildlife management sector in South Africa, and other areas of human-animal interaction. We note there are currently no norms and standards providing welfare protections for wild animals in South Africa.

We also encourage South Africa to promote the adoption and incorporation of One Welfare principles into international biodiversity policy, including the UN Sustainable Development agenda and the Convention on Biological Diversity's Post-2020 Global Biodiversity Framework.

In terms of how a One Welfare approach can be implemented at a practical level, we encourage the Minister to consider existing and emerging arrangements in other countries. For example, New Zealand has established a National Animal Welfare Advisory Committee, which reports to Ministers, consisting of independent experts from a range of relevant disciplines, empowered under the New Zealand Animal Welfare Act to consider all areas of human-animal interaction (except use of animals in research and testing, for which a separate committee exists), take views from stakeholders on processes that need to be followed when balancing the needs of humans against the welfare needs of animals, and review proposed legislation, guidelines and codes. The UK is considering similar arrangements under its proposed Animal Welfare (Sentience) Bill currently working its way through Parliament.

Reconceptualised protected areas

Born Free supports the proposals relating to protected areas and enhancing links with privately owned areas and community owned land.

With reference to unlocking benefit streams for communities that live alongside wildlife, while responsible and sustainable ecotourism can be very effective in some areas, we encourage South Africa to consider wider opportunities. Recent work undertaken under the auspices of the International Monetary Fund has provided clear evidence of the value of large-bodied mammals, such as great whales and forest elephants, in terms of the carbon sequestration benefits that result from their activities over their lifetimes. This work is ongoing through an initiative called Rebalance Earth (<https://www.rebalance.earth/>), with the goal of financially realising that lifetime value through international carbon markets, and transferring the proceeds in significant measure to local communities, thereby incentivising them to protect the animals on whose activities the value is based. Such mechanisms can potentially provide significant resources for local communities and wildlife protection.

Other resourcing mechanisms for wildlife protection are being considered and promoted under the UNDP's Biodiversity Finance Initiative (<https://www.biofin.org/>).

Last year, Born Free published its Global Nature Recovery Investment Initiative (<https://www.bornfree.org.uk/news/investment-initiative-launch>) which advocates for the adoption of large-scale international and national commitments to protect biodiversity.

Alongside 19 partner organisations, Born Free also published a comprehensive Declaration on prioritising nature, health and people in an effective and equitable COVID-19 recovery and response agenda, which was provided to G20 leaders at their summit in November 2020 (<https://www.bornfree.org.uk/storage/media/content/files/WC20%20Declaration.pdf>).

We encourage the Minister to consider these and other innovative ways of resourcing biodiversity and wildlife protection, while also benefitting local communities.

Conservation transformation policy interventions

Transformative African approach to conservation and ecologically sustainable use, consistent with Ubuntu

We applaud the recognition of the critical need to fully account for indigenous community voices, as well as wider public opinion across South Africa, in formulating policy. South Africa also has a clear opportunity to secure international recognition and support for progressive and inclusive wildlife protection policies which recognise the need for tolerance and coexistence.

The principles of Ubuntu encompass the concepts of humanity and kindness, which are key to successful human-wildlife coexistence.

Enhance ecologically sustainable use, especially ecotourism and its benefit flows

As noted above, responsible ecotourism can generate resources and incentivise wildlife protection. It is essential to develop standards and guidelines to ensure associated infrastructure and activities

do not threaten its success, and there are a number of international guidelines that have already been developed, including within the South African tourism industry, which the South African authorities should consider.

In terms of responsible and sustainable hunting standards, we are concerned that a focus on further developing this industry runs counter to the One Welfare and Ubuntu frameworks in which the Minister proposes to ground the policy proposals. The Minister should also take account of recent public opinion surveys within South Africa, which demonstrate that a sizeable majority of the public is opposed to trophy hunting, as well as growing international concerns about the ethical and moral acceptability of killing animals for pleasure.

Incorporating animal welfare priorities into trophy hunting practices is challenging. Trophy hunters who pay money in order to kill wild animals are not necessarily expert shots, and several prominent international trophy hunting organisations promote methods of killing, such as the use of bows and arrows, crossbows, muzzle loaders, or handguns, which are clearly not designed to minimise animal suffering, and even give awards to those who practice them.

The Minister should also give every consideration to the damaging impacts of trophy hunting on wild animal population stability through the removal of key individuals, and the negative consequences that can result both in terms of wildlife conservation and human-wildlife conflict.

Promote and enhance human-wildlife coexistence, while empowering and capacitating people living with or near wildlife.

Born Free welcomes the proposals aimed at moving from conflict to coexistence. We are not only experienced in the policy arena, but also operate a number of projects across Africa that are specifically aimed at mitigating human-wildlife conflict, and stand ready to share our experiences in order to assist in the identification of appropriate mechanisms by which this policy objective might be achieved.

Conservation capacity policy interventions

Increasing capacity and resources for wildlife management will be critical to achieving the policy objectives set out in earlier sections of the policy draft.

Born Free encourages the Minister to consider recent reviews and initiatives relating to the resourcing of biodiversity protection, including the Dasgupta Review of the Economics of Biodiversity commissioned by the UK Government (<https://www.gov.uk/government/collections/the-economics-of-biodiversity-the-dasgupta-review>), the UNDP Biodiversity Finance Initiative (<https://www.biofin.org/>), and Born Free's own Global Nature Recovery Investment Initiative (<https://www.bornfree.org.uk/news/investment-initiative-launch>), all of which provide innovative mechanisms for financing biodiversity protection, and realising its true value. With a new, progressive policy framework under which to manage and develop the wildlife sector, South Africa will be in a unique position to take advantage of these and other international resourcing opportunities.

Wild animals have massive intrinsic, aesthetic and cultural value. They also have huge economic value, not through the price a hunter might pay to kill an individual wild animal or the value of a body part in international wildlife markets, but because of the ecosystem services provided by functional biodiverse systems of which they are a key part, and the potential returns from responsible ecotourism and associated activities. Incorporation of these true values into national

budgets and financial considerations is critical to the successful implementation of policies aimed at protecting wildlife and restoring nature.