



**MINISTER  
ENVIRONMENT, FORESTRY AND FISHERIES  
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS MCE186706

Ms Megan Carr  
Global March for Elephants and Rhinos Organisation

Email: [gmfersocialmedia@gmail.com](mailto:gmfersocialmedia@gmail.com)

Dear Ms Carr

**“THEIR FUTURE IS DARK”: THE RHINO HORN TRADE 2019**

I refer to your electronic communication of 15 August 2019.

As you have pointed out, international trade in rhino horn for commercial purposes is prohibited in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), whereas domestic trade is currently permissible in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), as well as in terms of provincial conservation legislation.

The prohibition to trade in rhino horn was enacted on 13 February 2009 in terms of section 57(2) of NEMBA; this section enables the Minister to prohibit any activity involving a listed threatened or protected species (TOPS), but then only if such activity may negatively impact in the survival of the particular TOPS involved. Although the prohibition was to remain in place until further notice, it was never intended to be an indefinite prohibition. During the period that the prohibition was in place, the Department of Environmental Affairs implemented a range of interventions to enable it to exercise stricter control over rhino horn, including, but not limited to, the following:

- development and implementation of a national database for rhino horn stock piles, both under private ownership and in government possession;
- implementation of a system for the genetic profiling of live rhinos and rhino horn;
- implementation of a national process to audit rhino horn stockpiles;
- implementation of a marking system for every detached rhino horn;
- strengthening of legislative provisions;
- capacity building at ports of entry and exit; and
- biological interventions for the protection of rhino populations.



## **“THEIR FUTURE IS DARK”: THE RHINO HORN TRADE 2019**

When the decision of the High Court of South Africa, Gauteng Division, Pretoria, to set the prohibition aside, was upheld by the Constitutional Court in 2017, a decision to implement a new prohibition had to meet the requirement of section 57(2) under the circumstances prevailing in 2017. From a legislative perspective, a new prohibition would not have been justifiable, as there was no scientific evidence available indicating that the selling of rhino horn would negatively affect the survival of rhino, especially when rhino poaching reached critical levels during the period that the prohibition was in place. Although the causal relationship between the prohibition and the escalating rhino poaching remain speculative at best, it was clear that the prohibition did not reduce or stop rhino poaching.

From a scientific perspective, it is agreeable that demand reduction is a critical intervention for addressing illegal wildlife trade. Unfortunately, although this kind of intervention is increasing, information on the effective impact thereof remains very limited. Furthermore, scientists disagree on whether illegal wildlife trade could be better addressed by the implementation of trade bans or by regulated trade.

Whether to allow or prohibit trade in rhino horn is a particularly complex matter and is not a decision to be taken lightly. It is for this reason that I have decided to appoint an Advisory Committee that will act as a High-Level Panel (the Panel). The Panel will review the existing policies, legislation and practices relating to the management, breeding, keeping, hunting of, and trade in, rhino, elephant, lion and leopard. In addition, the Panel will also review the implementation of the recommendations of the Committee of Inquiry, which was established by the former Minister of Environmental Affairs relating to the feasibility, or not, of trade in rhino horn and any future decisions affecting trade-related proposals to CITES.

The details of consultations by the High-Level Panel will be communicated to you in due course. I trust that you will actively and constructively participate in this process.

Yours sincerely



**MS B D CREECY, MP**  
**MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES**

DATE: 20/10/2019.