SUBMISSION TO
THE DRAFT POLICY POSITION
ON THE SUSTAINABLE USE OF
ELEPHANT, LION, LEOPARD AND RHINOCEROS
20 November 2023

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INTRODUCTION

The Wildlife Animal Protection Forum South Africa (WAPFSA) is a collective of diverse South African-based organisations that share certain values, knowledge and objectives, which together comprise a body of expertise from scientific, conservation, welfare, rights, social and climate justice, indigenous knowledge, public advocacy sectors and the law.

WAPFSA members, both individually and as a coalition previously participated in numerous processes which led to the Draft Policy Position on the Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. These include the following:

- The Parliamentary Portfolio Committee on Environmental Affairs two-day colloquium on captive lion breeding 2018.
- The High-Level Panel (HLP) to review policies, legislation and practices related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros (also called five species), with both written and oral submissions between 2020 and 2021, from WAPFSA as a collective and from individual members, all contributing to the HLP Report
- Policy Position on Sustainable Use of the Five Species (2021)
- Proposed hunting/export quota for Elephant, Black Rhino and Leopard hunting Trophies for the 2021 calendar year
- The EMS Foundation and the Wild Law Institute, both members of WAPFSA, submitted comments to the White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity in September and then in November 2022
- WAPFSA participated in the Ministerial Leopard Consultative Forum and its series of meetings from 2021 to 2022.

WAPFSA fully endorses the submission of comments on the Draft Policy Position on the Sustainable Use of Elephant, Lion, Leopard and Rhinoceros from the following organisations:

a. EMS Foundation and Wild Law Institute
b. Indigenous Knowledge System for Heritage Animals Council (IKSHA)


WAPFSA members note that the Draft Policy Position fails to address the issues related to the “use” of elephants held in captivity in South Africa. For this subject, WAPFSA fully endorses the:

GENERAL COMMENTS

WAPFSA members support many elements contained in this Draft Policy Position, which are also in line with the White paper, these include:

1. “Thriving People and Nature”, which reconnects with Ubuntu, the Indigenous Knowledge and the principles of Harmonious Coexistence and is consistent with the United Nations Environment Program’s Living in Harmony with Nature by 2050;
2. “South Africa’s priority is to secure the survival of species in the wild”;  
3. “Focus primarily on correcting unsustainable practices”;  
4. “The environment is protected” as a priority;  
5. “Duty of care” at the biodiversity, species and individual level  
6. The well-being of wildlife is recognised, including the “well-being of individual animals”  
7. “End the Captive keeping of Lion for commercial purposes” and  
8. “Potentially apply this to other species”;
9. “Phasing out the domestication and intensification of management of Rhinoceros”.

The undersigning WAPFSA members are, however, deeply concerned about the emphasis given to the set of human interactions that produce, trade, hunt and consume wildlife euphemistically known as the wildlife economy.

The White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity (2022) although presenting the wildlife economy as an opportunity for growth, also indicates that the consumptive practices associated with it can have negative impacts if conducted too intensively, or inappropriately.

The HLP Report identified as key issues that:

“More data is required to deal with wildlife sector, with a specific focus on determining the number of jobs created through activities such as hunting, existing game farms, size of area of land protected by communities or game ranching sector. There are currently no monitoring systems in place nor mandated bodies with resources to monitor economic growth, impacts, trends, and opportunities”.

The HLP Report identified the following consensus “working vision”:

Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.

WAPFSA, therefore, finds it contradictory that the Draft Policy Position pronounces key objectives to phase out the breeding and farming of Lion and Rhino but at the same time proposes the
expansion of other wildlife industries which promote the commodification and monetization of South African wildlife.

**WAPFSA MEMBERS IDENTIFY THE FOLLOWING RISK FACTORS CONNECTED TO THE MENTIONED WILDLIFE RANCHING**

Cabinet has recently approved the Revised Meat Strategy South Africa. The expansion of this industry involves the increase of several risks:

a. **Conflict:** It is assumed that wildlife ranching is negatively affected by predation. It is a challenge to determine losses in the wildlife industry mainly because of differences in management practices between domesticated livestock and wild animals. The presence of predators on wildlife ranches can lead to conflicts with livestock owners, as these animals may prey on domestic animals. This can result in retaliatory killings or demands for the removal of predators. The land where “high value” game is ranched looks like a natural area; this makes it a lethal trap for predators who make the mistake of moving across it.

b. **Raise in bushmeat illegal trade:** as a report indicated, illegal hunting and the bushmeat trade are a serious threat to the conservation of wildlife in rural Savanna Africa.

c. **Capture and Trade:** In some cases, large predators on wildlife ranches may be captured and traded for profit, which can have negative conservation implications and potentially lead to poaching and laundering. WAPFSA has been informed that leopards are also captured to be relocated and they might be opportunistically moved to hunting reserves where they can legally be shot. Sport or trophy hunting is an inherently risky strategy for controlling
predators as carnivore populations are difficult to monitor and some species show a propensity for infanticide that is exacerbated by removing males. For example, research confirmed that infanticide cases for leopards were among the highest recorded for mammalian carnivores.

d. Fragmentation: Rapid global changes, such as extinction of species and climate change, put a premium on evidence-based, environmental policies, and interventions, including predator control efforts. The lack of solid scientific evidence precludes strong inferences about the responses of predators, people, and prey to various types of predator control. Fencing, particularly in the ranching of wildlife that is aimed at increasing the commercial exploitation of wildlife for commercial meat production and other purposes, can lead to habitat fragmentation and isolation of wild populations, making it more challenging for these animals to maintain genetic diversity and adapt to changing environments.

e. Disease Transmission: When wildlife species are kept in close proximity to other cattle species and sometimes domestic animals, there is a risk of disease transmission, which can be detrimental to wildlife. Multi-host situations are of concern for wildlife management and conservation, as diseases can affect the productivity and density of wildlife populations. Concerns about the spreading of diseases crossing from wildlife to domestic cattle or vice versa and/or to humans are a relevant concern.

f. Invasive Species: The core threat to biodiversity on the planet, and therefore a threat to human welfare, is the combination of human population growth and resource exploitation. The human population requires resources to survive and grow, and those resources are being removed unsustainable from the environment. The three greatest proximate threats to biodiversity are habitat loss, overharvesting and the introduction of exotic species. The introduction of non-native species for hunting or aesthetic purposes on wildlife ranches can lead to invasive species that disrupt native ecosystems. These invasives can negatively impact biodiversity and contribute to habitat degradation.

g. Infrastructure Development: Some wildlife ranches may require infrastructure like lodges, roads, and fences, which can contribute to habitat disruption and alteration.

Nature is the primary stakeholder to secure the future of present and future generations. Our future depends on restoring a balanced relationship with Nature. We need to re-establish a harmonious coexistence with our environment with respect to the web of life.

SPECIFIC COMMENTS ON SECTIONS
The Policy hasn’t dealt with the lack of cooperative governance, especially within the 9 + 1 + 1 method of regulations; there are challenges relating to the structuring and implementation of the permit system; inconsistencies between the national and provincial legislation among provinces and in implementation; and several opportunities to strengthen national legislation as it relates to elephant and handling of elephant.

**SECTION 6.1: CAPTIVE LIONS**

**OBJECTIVE 1: To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intensive rearing of lions in controlled environments and end the commercial exploitation of captive and captive bred lions.**

We welcome the Minister’s publication of the Draft Notice Prohibiting Certain Activities Involving African Lion, currently open for comments.

In the aforementioned Draft, it is proposed the prohibition of any introduction of live specimens of African lion; this therefore covers the prohibition of breeding and introducing new cubs. The prohibition to breed ALL big cats in South Africa is urgently required as currently the total number of animals is unknown and there is a lack of effective monitoring and regulation at captive breeding facilities to monitor births, deaths and the disposal of carcasses. This means that captive breeding facilities can act as a conduit for illegal and illicit trade. Similarly, prohibitions should be urgently promulgated to end the handling of, petting of and interactions with lions by humans for commercial purposes. Trade in live lions and their derivates, as well as hunting of lions, should also be prohibited.

**SENTIENCE**

The Draft Notice of Prohibition mentions that lions are “sentient and social animals, and as such, more consideration needs to be given to promoting their well-being”.

Members of WAPFSA stress that this should for no reason been removed in the finalised version of the document.

In 2012, a prominent international group of cognitive neuroscientists, neuropharmacologists, neurophysiologists, neuroanatomists and computational neuroscientists gathered at the University of Cambridge to reassess the neurobiological substrates of conscious experience and related behaviours in human and non-human animals and signed a declaration which stated that animals (not just vertebrates) have conscious awareness. Supporting the idea that animals are not sentient is indeed at odds with both theoretical and empirical research.
WAPFSA has referenced in detail scientific evidence on fish sentience and cognition, in its submission to the Draft Shark Biodiversity Management Plan 2023.

Non-human animals, particularly elephants, birds, primates, land and marine mammals, and various predators, not only have subjective experiences, including emotions, feelings, and the ability to perceive and respond to their surroundings but also display more complex cognitive abilities and social behaviour and problem-solving skills.

In addition, non-human animals should be treated considering their abilities to feel, rather than purely their intelligence. Neurobiological studies have proved, through the comparative approach with non-human animals, that we share with even the more evolutionarily distant species more than we think. Non-human animals have the ability to feel pain, pleasure, and emotions. Observations of non-human animal behaviour, both in the wild and in controlled settings, have revealed a wide range of complex behaviours related to survival, social interactions, and emotional responses.

The understanding of all non-human animal cognition and sentience has important implications for animal welfare and well-being. The notion of sentience appears in South African legislation and is mentioned in the National Norms and Standards for the management of elephants in South Africa 2008.

WAPFSA members are of the strong opinion that sentience should be referenced in this Policy Position and all the policies in relation to wildlife, underscoring the current efforts to implement principles of animal well-being as stated in NEM:BA.

“COMMERCIAL CAPTIVATION OF LION”

We appreciate that this draft policy document makes strong statements against the commercial captivation of wildlife.

WAPFSA notes the mention of the risks of the captive lion industry turning its focus to other species as a consequence of this proposed prohibition. We strongly recommend that further measures be taken to protect all the other big cat and TOPS species including both indigenous and exotic predators currently commercialised in South Africa. Tigers escaping from farms and private homes and then being euthanised, made international headlines also in 2023.

WAPFSA MEMBERS REMAIN CONCERNED ABOUT THE EXISTING STOCKPILES OF LION BONES
The stockpiling of lion bones undermines efforts to combat the illegal wildlife trade. Illegally acquired lion bones can be laundered through the legal system, therefore stockpiling is an unsustainable and detrimental use of so-called natural resources. When stockpiled wildlife body parts enter the market, this can lead to legal and illegal trade, locally and internationally, via organized crime and smuggling networks. This makes it difficult to enforce bans.

WAPFSA does not support the trade in lion bones which involves serious human and non-human animal welfare and health issues including the risk of spreading zoonotic diseases that can affect both humans and other animals. According to a [2023 investigative report](#), big cats are still slaughtered under unclear conditions and their bones are stockpiled in lion farms across South Africa.

WAPFSA members strongly support the abolishment of all stockpiles and the continued ban on any trade in lion bone.

**SECTION 6.2: RHINOCEROS**

**OBJECTIVE 2: To phase out the domestication and intensification of the management of rhino**

As in the case of Section 6.1, Objective 1, WAPFSA members support this proposal.

**SECTION 6.3: LEOPARD HUNTING AND “DAMAGE CAUSING ANIMAL”**

**POLICY OBJECTIVE 3: To enhance the conservation and sustainable use of leopard**

WAPFSA continues to object to the terminology: *the sustainable use of leopard*, particularly in the context of conflict, in other words, the trophy hunting of leopard, a practice which is *encouraged and promoted* in this Draft Policy Position.

This policy objective sets out to ensure that local communities and affected stakeholders are empowered and capacitated to respond to human-wildlife conflict and it refers to “Damage Causing Animal”.

Members of WAPFSA insist that the expression *Damage Causing Animal* for predators or other animals feeding and therefore entering in conflict with human interests is non-specific, unscientific and ultimately ecologically unsustainable. This is particularly concerning in the case of leopards since they are already highly persecuted.
This unacceptable definition as it stands effectively makes all wildlife damage-causing animals per se. In the case of the leopard, it creates the avenue for its persecution on the whim of any applicant to conduct restricted activities.

It is imperative that individual animals or groups of individual animals entering in conflict with human activities are accurately and objectively identified, according to a pre-established method, if causing repeated, verifiable excessive damage to a property, despite pre-established precautions and reasonable preventative measures to mitigate such conflict being taken.

The occasional loss of a single farmed animal with maybe attributed economic value should not warrant the killing of any wild predator and for sure of an entire wild species. Under no circumstances should a leopard suspected to be the cause of property damage, be hunted for any profiteering venture (private or community-owned) or be “sold” to a hunting client. Being leopards labelled as a high hunting value species there is a high motivation and risk that animals can purposefully be identified as damage-causing animals and selectively persecuted. This could take place before any efforts made by the landowner to mitigate or reduce damage caused by the implicated damage-causing animal. Instead, in any mitigation of human-wildlife conflict, lethal solutions towards animals should always be considered as an absolute last resort.

Irrespective of who is going to profit and benefit from the killing of leopards, if rich private land owners of communities, research has demonstrated that the removal of males can lead to the extinction of the species. In particular, the study refers to selective harvest focused on sexual signal traits as a potential cause of extinction under directional environmental changes, such as, for example, climate change.

Peer-reviewed research explored the long-term genetic costs of these exploitation-driven changes in the behaviour of leopards and found overwhelming evidence that exploitation is disrupting the dispersal behaviour of leopards, ultimately leading to inbreeding. Reduced genetic diversity exposes populations to the challenges of future disturbances, including disease outbreaks, habitat loss and climate change.

There is scientific evidence that leopard sport hunting and predator control increase infanticide.

The Draft Policy Position refers to the biodiversity economy strategy and hunting benefits [...] and net benefit flows to people in and beyond the protected and conservation areas.

A recent survey to both foreigners and South African stakeholders, showed a strong opposition to vulnerable species being trophy hunted in South Africa and revealed a desire to protect the nation’s iconic wildlife through a so-called ‘lion protection fee’, in other words, tourists would be prepared to pay a trophy hunting ban tax.
Another published survey conducted by Ipsos for the Humane Society International indicated that the opposition to trophy hunting in South Africa increased from 64% in 2020 to 68% in 2022. The survey reported only on local data sourced from a diverse South African demographic across all provinces. The key findings from the IPSOS survey include:

- 68% of South Africans fully oppose or oppose to some extent the practice of trophy hunting—an increase from 56% in a similar 2018 survey.
- 65% of South Africans fully oppose or oppose to some extent the practice of canned lion hunting—an increase from 60% in a similar 2018 survey.
- 64% of South Africans disagree with the trophy hunting of elephants, rhinos, and leopards.
- 63% of South Africans disagree with the trophy hunting of lions.
- 66% of South Africans disagree with the trophy hunting of hippos.
- 60% of South Africans disagree with the trophy hunting of giraffes.
- Regarding the 2022 hunting and export quotas announced by the Department of Forestry, Fisheries and the Environment (DFFE) in February 2022, 63% oppose the quota for 150 elephants, 62% oppose the quota for 10 black rhinos, and 61% oppose the quota for 10 leopards.

The key findings of the research revealed:

- 84.2% of those surveyed said paying an inbound tourist ‘lion protection fee’ was a ‘good’ or ‘great’ idea. The highest support was among overseas (UK, European countries, and USA) respondents (92.3%) and those from Mozambique (88.9%)
- Daily fees could be set at around $3 USD for southern African tourists and $ 7 USD for overseas tourists without deterring a significant proportion from travelling
- Alternatively, payments could be made in the form of one-off departure taxes of $6 to all foreign visitors leaving by land or sea and $33 to air passengers
- Both fee scenarios would generate funds at least equalling but potentially exceeding, those currently generated by trophy hunting of all species ($176.1 million US per annum) in South Africa.

The United Nations Committee on the Rights of the Child recently addressed children’s rights to freedom from all forms of violence (art. 19, sections 35 and 36) in particular environmental violence, climate structural violence and psychological violence from exposure to domestic violence or violence inflicted on animals:

35. Environmental degradation, including the climate crisis, is a form of structural violence against children and can cause a social collapse in communities and families. Poverty, economic and social inequalities, food insecurity and forced displacement aggravate the risk that children will experience violence, abuse and exploitation. For example, poorer households are less resilient to environment-related shocks, including those caused or exacerbated by climate change, such as rising sea levels, floods, cyclones, air pollution, extreme weather events, desertification, deforestation, droughts, fires, storms and biodiversity loss. The financial hardships, food and clean water shortages and fragile child protection systems brought about by such shocks undermine families’ daily routines, place an extra burden on children and increase their vulnerability to gender-based violence, child marriage, female genital mutilation, child labour, abduction, trafficking,
displacement, sexual violence and exploitation and recruitment into criminal, armed and/or violent extremist groups. Children must be protected from all forms of physical and psychological violence and exposure to violence, such as domestic violence or violence inflicted on animals.

36. [...] States should adopt cross-sectoral measures to address the drivers of violence against children linked to environmental degradation.

The Commission deliberated on how throughout time, mankind has created divisions, divisions of colour, nationality, religion and species. Such divisions have caused conflict and untold suffering.

Every nation under the binding UN convention, signed by almost every country in the world, is now under a strict and binding obligation to address and prevent any tradition or practice which involves violence against an animal which could be seen by a child. No child can be taken trophy hunting. Authorities must stop killing homeless animals. Children cannot attend animal sacrifice festivals; no child can participate in or spectate bullfighting. *What a child cannot see, cannot learn and cannot do.*

Laws must be created to protect children from violence against animals.

The well-advertised activities of trophy hunters show that children are often exposed to trophy hunting at an early age with the suggestion that this activity teaches them valuable outdoor skills, such as navigation, survival, and a knowledge of the wilderness. Encouraging children to trophy hunt in their formative years desensitizes them to the killing of animals for sport and increases the likelihood of them becoming adult trophy hunters.

There are alternative ways for children to connect with nature and wildlife without participating in blood activities which involve violence and the killing of indigenous wildlife. Activities like camping, hiking, birdwatching, and environmental education can also foster an appreciation for the natural world.

Decerning international tourists are increasingly concerned and confused about the fact that trophy hunting takes place in the greater Kruger National Park.

There has been much negative publicity about animals suffering during trophy hunting excursions.
WAPFSA has previously enquired but was never provided with the hard data and relevant information with regard to verifiable qualifications and the amount of experience required to acquire a permit to shoot and kill an elephant, lion, leopard, or rhino so that the animal does not endure any unnecessary pain and suffering.

In early September 2023, a bull elephant was shot and wounded multiple times by a trophy hunter in the Maseke area of the Balule Nature Reserve, APNR. The injured elephant attempted to get away. A helicopter was dispatched to search for the elephant and push him back where he could be shot more and finally killed. The hunt was confirmed as “legal” since no Greater Limpopo Transfrontier Conservation Area Reserve Protocol violations were committed.

Many international visitors to South Africa, and the Kruger National Park, are incredulous and appalled that the hunting of protected wildlife possibly from the Kruger is permissible since the fences separating all the Associated Private Nature Reserves and the Kruger National Park were dropped to reduce fragmentation, facilitate migration and access to resources.

WAPFSA has previously highlighted the history of mismanagement, breaches of the Greater Kruger Hunting Protocols, and sometimes even negligence during trophy hunts in the APNR.

Interestingly, after the latest unfortunate hunting incident, the General Manager of Balule stated:

“Hunting is never an exact science and no matter how many targets a client shoots at before the hunt, there is never any guarantee that he will make the perfect shot when faced with the real thing. The nature of a hunt is unpredictable and this is not a reflection on the capabilities of the Maseke Reserve Representative.”

Well-being

The entirely new section 9A in NEM:BA empowers the DFFE Minister to prohibit certain activities “that may negatively impact on the well-being of an animal [...]” and create new offences “relating to non-compliance with s9A”; S101, then, refers to accountability of “person who contravenes or fails to comply [...]” The amendment to section 2 makes it necessary for well-being to be specifically considered, including for all decisions that constitute “management, conservation and sustainable use” of animals.

S9A is widely drafted and applies to any activity where there is reasonable evidence of a potential negative impact on well-being, “that may have a negative impact” which means that the Minister is not required to provide absolute proof of a negative impact before making a prohibition.
Implementing the well-being of wild animals in further policy and legislation

Wild animals are sentient, self-determined and purposeful beings who should endure the least amount of interference by humans as possible.

This of course requires a balance between human and non-human animal interests but in the case of use, means, one will have to try every means possible to avoid interference, disturbance, suffering, confinement, direct interaction, distress and/or clearly, the killing of any animals.

In this view, there are essential steps to be taken:

1. Ban the more exploitative practices, currently active in South Africa and involving the 5 species, like circuses and zoos
2. Ban elephant back or interaction safari
3. Lethal solution only implemented as a very last resort.
4. No culling
5. No trophy hunting
6. Photographic and non-invasive tourism and heritage tourism are promoted as alternatives to benefit economically disadvantaged communities
7. Creation of accredited sanctuaries which are appropriate for all the needs
8. Provide true education for children and adults about seeing these non-human beings in the wild.

Rehabilitation Facilities and Sanctuaries

In terms of both land use and implementation of wildlife well-being, WAPFSA has historically requested the fundamental correct and official definition of the terms: sanctuary and rehabilitation facilities. To avoid continuous confusion these definitions should be urgently debated and included in policy. Furthermore, such facilities should be licenced through an accreditation system.

WAPFSA members support the definitions of –

1. rehabilitation facility and
2. sanctuary

as provided by the Pro Elephant Network’s team of elephant specialists on the occasion of their submission to the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros, in July 2021.
WAPFSA members support, with some additions (in red) the DFFE definition of “rehabilitation facility” as proposed in the Draft TOPS Regulations currently open for public comments:

“Rehabilitation facility” - means a facility equipped for the temporary keeping of a live –
- Sick, injured or captive specimen suitable for release, for the purpose of providing treatment of and care to such specimen, with the overall intent to rehabilitate and release such specimens, but excludes a veterinarian practice or a veterinary academic hospital, or
- Young orphan specimen for rearing purposes, with the overall intent to rehabilitate and release such specimens, but excludes a veterinarian’s practice or a veterinary academic hospital.

In terms of sanctuaries, WAPFSA members are cognisant of the proliferation of exploitative facilities in South Africa, which mislead unaware tourists by calling themselves sanctuary, orphanage or rescue centre and then offering commercial and poor-welfare-related activities instead. WAPFSA cannot support the generic definition of Sanctuary as proposed in the Draft TOPS Regulations unless some elements are included (see below in red):

“Sanctuary” - an accredited, non-commercial facility that -
- provides permanent care to a specimen of a listed threatened or protected species, that would be unable to sustain itself if released in an environment other than a control environment, irrespective of the reason for such inability;
- provides a safe environment where an animal can express his or her natural physical, social and cognitive behaviour to the maximum extent possible while benefiting from the best possible care.
- Prevents and excludes breeding, trading, public performances and public tactile activities (walking, riding, touching, feeding).

Define “Animal held captive”
Wild animals, rather than captive, are “held captive”

The Draft only deals with the captivity of lions and rhinos and fails to go into detail on the issue of elephants held captive and the use of elephants for entertainment. One main issue that needs to be addressed in our current legislative and policy framework is the term “captivity” itself. This applies to all the species in the Draft and not just elephants. What does it mean to be “in captivity”?

Section 3 states that the policy should be understood in terms of the definitions contained within the White Paper [...] and relevant legislation; however, there are no definitions in the White Paper. NEM:BA has several definitions, but “captive” or “in captivity” or “held captive” are not included.
According to the National Norms and Standards for the Management of Elephants in South Africa (N&S), a “captive elephant is not a wild elephant” and a “wild elephant” includes elephants in “an extensive wildlife system”. To understand what an extensive wildlife system is, refer to the definition in the Threatened and Endangered Species (TOPS) Regulations, but TOPS is currently under revision and public consultation.

**Controlled environment and extensive wildlife system.**

Members of WAPFSA suggest that a ‘controlled environment’ means an enclosure designed to hold specimens of a listed threatened or protected species in a way that:

a. prevents them from escaping;

b. facilitates intensive human intervention or manipulation in the form of the provision of:
   
   i. food or water;
   
   ii. artificial housing; or
   
   iii. health care; and

   iv. may facilitate the intensive breeding or propagation of a listed threatened or protected species,

   but excludes fenced land on which self-sustaining wildlife populations of that species are managed in an extensive wildlife system.

An “extensive wildlife system’ means a system that is large enough, and suitable for the management of self-sustaining wildlife populations in a natural environment which requires minimal human intervention in the form of:

a) the provision of water;

b) the supplementation of food, except in times of drought;

c) the control of parasites; or

d) the provision of health care.

e) ‘kept in captivity’ or ‘captive kept’ or “held captive” in relation to a specimen of a listed threatened or protected species, means that the species is kept in a controlled environment for a purpose other than:

   i. transfer or transport;
ii. quarantine; or

iii. veterinary treatment.

Captivity
The Free State Nature Conservation Ordinance defines “captivity”, in relation to any animal, as “the confinement of such animal to such an extent that it cannot maintain its natural way of living”.

The Western Cape Nature Conservation Ordinance defines “captivity” as “captivity” in relation to any wild animal as “the keeping within an enclosure by means of any fence, wall or obstruction of any kind whatsoever in such a way that such wild animal is unable to maintain itself by natural means”.

In terms of section 35, any owner of land on which any species of protected wild animal is found may in the prescribed manner and form and relation to any such species, apply to the Board for a certificate of adequate enclosure as contemplated by subsection (4) in respect of the whole or any portion of such land.

Subsection (4) provides that if the Board, having regard to the size of the land in respect of which application has been made under subsection (1), the number of the species of protected wild animal to which such application relates which is normally found on such land and such other circumstances as it may consider relevant, is of opinion that the animals in question are in effect being kept in captivity, it shall refuse the application or grant the application subject to certain conditions. Section 10 refers to minimum cage sizes:
10. Captivity of Wild Animals

For the purposes of this policy, the following table lists minimum cage sizes applicable to the captivity of the wild animals listed below in terms of a management plan as contemplated in Annexure 3.

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Cage Size</th>
<th>Maximum number or wild animals per minimum size cage</th>
<th>Minimum additional space for every wild animal in excess of the maximum number of wild animals per minimum size cage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Volume</td>
<td></td>
</tr>
<tr>
<td>(a) Cats</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Lions (and similar)</td>
<td>2000m²</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>ii. Leopards (and similar)</td>
<td>5000m²</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>iii. Crocodiles (and similar)</td>
<td>8000m²</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>iv. Caimans</td>
<td>6000m³</td>
<td>560m³</td>
<td>2</td>
</tr>
<tr>
<td>(b) Ungulates (excluding hippopotamus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. up to and including 50 kg</td>
<td>1000m²</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>ii. 50 to 100kg</td>
<td>5000m²</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>iii. over 100 kg</td>
<td>1ha</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>(c) Hippopotamus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>150000m² including a pool with a surface area of 200m² and a minimum water depth of 1.5m</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>(d) African rhinoceros</td>
<td>6ha</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>(e) Other Pachyderm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Rhinoceros</td>
<td>400m²</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>ii. Spotted hyena</td>
<td>800m²</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>iii. African wild dog (and similar)</td>
<td>800m²</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>iv. Black-backed jackal (and similar)</td>
<td>400m²</td>
<td>960m³</td>
<td>2</td>
</tr>
<tr>
<td>v. Smaller predators</td>
<td>400m²</td>
<td>-</td>
<td>2</td>
</tr>
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</table>

In relation to any non-domestic animals, the KwaZulu-Natal Nature Conservation Ordinance defines “keep in captivity” as “to have [elsewhere than in a zoo, any game, wild mammal or exotic mammal as a pet or under private restriction] the same in possession or custody, to exercise complete control over it, or in any way whatsoever and by whatever means to restrict its movement or flight.”

However, the Conditions for Keeping Wild Animals in Captivity, KwaZulu-Natal, South Africa1 ("The Procedures") contains tables in which different area sizes are prescribed per species. Area sizes are dramatically different to other provinces as is evident in the table below from the KZN Procedures and the one above from the Western Cape:

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1 Registration, Permits and Licenses for Keeping Wild Animals in Captivity and for the Exhibition, Breeding or Relocation, or Trade, Sale or Exchange (Alienation) of Such Animals, 2013.
Captivity can also be defined as:

Condition in which one or more animals are kept in a human-made enclosure that is of insufficient size for the management of self-sustaining populations of the species, and designed to hold the animal/s in a manner that prevents them from escaping and facilitates intensive human intervention or manipulation in the provision of food and/or water, artificial housing and/or healthcare.

Therefore, to “keep in captivity” or “captive animal” in KZN has much stricter controls with animals on large tracts of land deemed to be “captive” according to the Procedures. For example, a cheetah on less than 5000 ha of land in KZN is deemed to be a captive cheetah; an elephant on less than 2000 ha is also deemed to be “captive”.

One of the key challenges relates to a lack of coordination and harmonization of legislation and policy resulting from shared competencies as prescribed in schedules 4 and 5 of the Constitution. Issues proposed by the sub-committee for further consideration by the HLP include the development of environmental implementation plans and environmental management plans to coordinate and harmonize the environmental policies, plans, programmes and decisions of the various national departments that exercise functions that may affect the environment or are entrusted with powers and duties aimed at the achievement, promotion, and protection of a sustainable environment, and of provincial and local spheres of government, in order to:

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2 Page 112 of the Report.
minimise the duplication of procedures and functions; and
promote consistency in the exercise of functions that may affect the environment.³

Key findings of this study were also included:⁴

i. The plethora of nature conservation legislations relevant to each of the nine provinces and the age of these legislations.

ii. Major inconsistencies in the various regulatory provisions.

iii. Notable evidence of inconsistencies in regulating the game industry and lack of congruence in law reform among provincial conservation authorities.

**Leopard Skin**

The Draft Position Paper recognises that while leopard skin has been historically used in religious and traditional contexts, the illegal trade of leopard skins for this purpose is a threat to the species.

On this specific topic, members of WAPFSA are in full support of the Indigenous Knowledge System for Heritage Animals Council (IKSHA)’s submission to the Ministerial Leopard Consultative Forum in 2022, Annexure I.

Indigenous Knowledge Systems arise out of a deep understanding of ecological principles, Nature’s Law and ecological sustainability that ensure the continuation of healthy systems.

Inherent in all human rights is the fundamental obligation to ensure the rights of non-human beings. This is well represented in Indigenous Knowledge Systems, where non-human beings are understood and revered as ancestral family members. Therefore, it is essential that our indigenous communities are protected and integrated into today’s conservation policies, methodologies, and practices - and the wrongs of the past are not perpetuated by parties with vested interests.

This Draft Policy Position requires awareness of, open dialogues and meaningful consultations with those indigenous communities living in harmony with Nature and deeply caring for the web of life.

WAPFSA lists among its members indigenous representatives, leaders and healers from the Western Cape and Limpopo. We report oral evidence from these groups:

³ Sections 11 and s12 of NEMA provide a mechanism through which to address the lack of cooperative governance.
⁴ Page 125 of the Report.
In the past, the attire dressing was animal skin and this was before the introduction of cloth materials.

In indigenous African cultures, the use of leopard skin or other animal parts in traditional attire and ceremonies may be subject to specific cultural and ethical guidelines. These guidelines often emphasize the importance of using animal parts that have been obtained through natural means, such as from animals that have died naturally instead of the skins obtained from hunting for such purpose.

For traditional leadership garments, there was only one skin used. The Elders, together with the Makhadzi do ceremonial prayers for Ancestors to bless that skin. From there only one skin is used. That skin is today a garment that is used when they install the leader on the throne. There is no new Chief who will kill animals to obtain the skin. That is why there should be no killing of leopards for skin uses since only one skin per royal family will be passed from generation to generation as one sacred skin.

The hunting of animals for the purpose of trading will increase the commercialisation of skins and other body parts. This use is not in line with the indigenous culture or tradition. Killing animals for their skins or other body parts can be seen as a violation of the natural balance and a threat to the survival of the species. Using materials from animals that have died naturally is considered more sustainable and in harmony with the traditional values of many indigenous cultures.

In line with the HLP recommendations and the White Paper, Ubuntu and the indigenous knowledge systems should be integrated into policy and legislation in South Africa. Indigenous wisdom, in contrast with Western extractive and consumptive approaches, “serves the earth recognising the dignity, freedom, mutuality, continuance and flourishing of planetary life and health of which humankind is an integral part”. This definition is taken from the Worldwide Indigenous Peoples Governance Charter (WIPGC).

It’s important to note that the specific beliefs and practices related to the use of animal parts can vary widely among different indigenous groups and communities. However, the conservation status of leopard populations and other wildlife can play a significant role in influencing these practices, as leopard populations are endangered.

In the Venda culture, for instance, a leopard skin from a leopard who has died naturally holds significant cultural and spiritual importance and is a symbol of leadership and authority. Leopard skins are passed on from one generation to another and are commonly used in various rituals and ceremonies, including initiation rites, weddings, and other important life events. The skins are believed to bring protection and blessings from the sacred animals and the ancestors to those who wear them during these occasions. Leopard skins are indeed seen as a means of connecting with ancestors and the spiritual realm. They are used by traditional healers and diviners during rituals and consultations to establish communication with ancestral spirits.

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5 Makhadzi is the oldest aunt on the paternal side. Makhadzi is usually entrusted with making heavy decisions in a family.
6 Oral evidence provided by Mphatheleni Makaulele
In recent years, there has been growing awareness of the conservation concerns associated with the use of leopard skins. Various indigenous groups have been encouraged to and have opted for alternative materials or synthetic fabrics that resemble leopard skin to reduce the demand for actual leopard skin and to protect the diminishing leopard population. Cultural practices can evolve and there may be variations in how leopard skins are used within different communities.

There is a risk of commercialising and vilifying the sacred use of leopard skin.

WAPFSA members have been reliably informed that representatives from the wildlife industry and the Government have been consulting and meeting with individual traditional representatives to promote the so-called green economy by monetising sacred animals' body parts. This is a continuation of colonial practices that are purely commodifying vulnerable people and attempting to erase their heritage for personal gain.

Cultural tourism experiences should be promoted especially in some parts of South Africa, where there is a strong indigenous cultural presence. Tourists could be offered the opportunity to engage in local cultural experiences that involve, for instance, learning about the leopard's role in local traditions. This could include visiting cultural villages, attending storytelling sessions, and participating in guided tours that provide insights into indigenous customs related to leopards, maintaining respect and sensitivity.
Conservation authorities and local communities need to work together to establish a common and sustainable position. By combining these efforts with effective and non-consumptive conservation measures, South Africa can work towards ensuring the long-term survival of leopard populations while fostering a culture of respect and stewardship for these magnificent animals.

WAPFSA members agree that there should be no trophy hunting of leopards, not even for their skins. Instead, a permitting or licensing system should be introduced for the skins in circulation for skin naturally sourced (legal collection after natural death) for the traditional and religious sectors and the use of fake leopard skins should be promoted further.

**Section 6.4: International Trade in the Five Species**

**Objective 4:** To promote live export of the five species to range States or any other appropriate and acceptable destination with suitable habitats on the African continent for reintegration into the wild.

WAPFSA members are of the view that international trade in the five species is to be prevented, see reasons in our comments to Objective 5.

In terms of the definition of “appropriate and acceptable destinations, with suitable habitats on the African continent for reintegration into the wild”, WAPFSA members assume it originates from CITES, Resolution Conf. 11.20:

> Where the term ‘appropriate and acceptable destinations’ appears in an annotation to the listing of Loxodonta africana in Appendix II of the Convention concerning the trade in live elephants taken from the wild, this term shall be defined to mean in situ conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa, except in exceptional circumstances where, in consultation with the Animals Committee, through its Chair with the support of the Secretariat, and in consultation with the IUCN elephant specialist group, it is considered that a transfer to ex-situ locations will provide demonstrable in-situ conservation benefits for African elephants, or in the case of temporary transfers in emergency situations.

While this is an improvement on previous iterations, it still creates loopholes, and as it stands only applies to elephants.

Of concern is that:

a. CITES does not monitor conditions nor enforce regulations once the animals are at destination. Some countries may not effectively enforce CITES regulations, therefore, even if a destination is technically ‘acceptable’ according to CITES guidelines, lax enforcement can undermine conservation efforts.
b. Reports have highlighted how corruption can undermine the CITES processes and regulations leading to the exploitation of loopholes in CITES regulations, this can make it challenging to determine whether a destination is genuinely acceptable. Furthermore, the lack of transparency in the assessment and approval process for acceptable destinations can be a concern.

c. Animals transferred to acceptable destinations are more susceptible to getting infected with local diseases, parasites etc., as in the case of cheetahs sent to India, with risks highlighted by studies since 2005, and with CITES not being able to adapt and address new emerging challenges such as for example, zoonotic diseases, and adjust its definition of acceptable destinations accordingly. Non-binding decisions by CITES are de facto inadequate to address the scale of risks presented by wildlife relocations, and the current response leaves us unnecessarily exposed to future zoonotic diseases.

Members of WAPFSA argue that rather than referring to ‘appropriate and acceptable destinations’ which inevitably brings in the CITES definition, the Department (DFFE) should propose that live trade in the species should be limited to ‘in situ conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa, as part of a legitimate and internationally recognised conservation reintroduction programme, or in the case of temporary transfers in emergency situations.’

We believe the criteria for designating a destination as ‘acceptable’ should be more carefully defined and subject to public scrutiny.

**Section 6.5: International Trade in Rhino Horn**

**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 favourable.

The Committee of Inquiry identified possible options to address the demand reduction versus trade, and set limitations to strict conditions which need to become favourable, before considering trade, in particular:

1. Security and law enforcement
2. Community Empowerment
3. Biological Management
4. Legislation and effective implementation
5. Demand management/ reduction
WAPFSA takes note that the Committee of Inquiry (CoI) agreed that there is a need to significantly enhance the country’s law enforcement capacity to counter transnational organised crime (including wildlife trafficking), irrespective of whether trade will be legalised or not.

**According to the CoI, the minimum requirement** in terms of law enforcement would include functional municipalities and authorities around key protected areas; effective two-way channels of engagement to operate between communities and protected area management structures; increased access to education and capacity-building opportunities in these communities and opportunities to enter into protected area management; opportunities for alternative economic development in parallel with capacity building in financial management and business development skills; sound financial management policies and practices are established within communities and municipalities to enable equitable fund distribution methods; effective governance structures are developed within communities so they are empowered to hold structures accountable and prevent corruption and elite capture of benefits; communities must have ownership of conservation initiatives with decision-making powers and authority to equitably access benefits as part of sustainable livelihood initiatives.

South Africa has an enormous responsibility to protect the world’s last remaining rhino. The majority of South African state-owned rhinos live in the Kruger National Park and Hluhluwe Imfolozi National Park, which means that is where the majority of the world’s rhinos live. Every effort should be made to protect these last remaining populations of rhinos, innovative methods which would create jobs should be a top priority of the government.

Private rhino owners should be encouraged by means of significant tax breaks to continue to protect their rhinos. While it remains a necessity in some areas to dehorn rhinos in order to save their lives these horns should be immediately destroyed. By maintaining stockpiles South Africa is encouraging the illegal trade in rhino horn. The International Union for the Conservation of Nature (IUCN) reported in 2022 that South Africa accounted for 90% of all reported cases of rhino horn intercepted around the world in the illegal trade and CITES members have voted repeatedly against the trade in rhino horn.

**Dehorning**

The removal of a rhino horn is an unnatural, invasive, and complicated process which involves a lot of human intervention. A recent study suggested that dehorning can negatively impact black rhino social behaviours. Dehorning is a process which is incompatible with the notion of individual animal well-being. However, we agree, that in a few, particular areas of South Africa dehorning might be the absolute last resort to save the lives of rhino.
Rhino dehorning or “harvesting” via the use of a chainsaw, involves the immobilization of a rhino by a veterinarian. The drug used is extremely dangerous to both humans and animals. This procedure is not comfortable for the rhino. The team members have to make sure that the cut is not too close to the germinal layer which would prove fatal for the rhino.

The immobilization of a rhino poses unnecessary risks to the rhino. Many rhinos have been poached for the stump as this is still considered to be valuable to the poacher. Therefore, dehorning a rhino is not considered a fail-safe method of protection from poaching. There have been no scientific studies conducted on the long-term effects on the rhino of repeated immobilizations.

**Stockpiles**

WAPFSA members suggest that the questions related to State-owned rhino stockpiles are urgently addressed. South Africans are owed full transparency. It is our combined fear that these stockpiles have not been secure when other South African State-owned entities suffered great losses due to internal corruption. President Cyril Ramaphosa said that South Africa’s State-owned enterprises have been mostly associated in the public eye with state capture, financial mismanagement and inefficiency.

The Wildlife Justice Commission published it as a form of transnational organised crime, linked to the smuggling of Methamphetamine, also called Crystal Meth or Tik and with human trafficking networks that are opportunistically engaging in wildlife crime, fraud, corruption, and money laundering.

With rhino horn being moved around South Africa and the constant seizures of rhino horn abroad we must face the reality that a legal domestic trade in rhino horn cannot or is not being monitored satisfactorily and we have no control over how much rhino horn has left South Africa.

The (CoI) was 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”.

The report highlighted that the proposed solutions to these issues are the most contentious ones in the rhino conservation context and are also the areas where the evidence base is weak and there is considerable uncertainty regarding the likely success of any of the proposed solutions.

In the matter between SUSTAINING THE WILD COAST NPC and Others Vs MINISTER OF MINERAL RESOURCES AND ENERGY and Others CASE NO: 3491/2021, the interpretation of the Precautionary Principle is clearly explained:
[Section 109]
[...] the duty imposed on environmental authorities was examined. The court emphasised that the approach adopted in our environmental legislation is one of risk-aversion and caution, which entails ‘taking into account the limitation on present knowledge about the consequences of an environmental decision.’ It was further held that the precautionary principle is applicable ‘where, due to unavailable scientific knowledge, there is uncertainty as to the future impact of the proposed development.’

[Section 110]
The onus rests on the party refuting the applicability of the precautionary principle to establish that the principle is of no application (Ref: Space Securitisation (Pty) Ltd v Trans Caledon Tunnel Authority and Others [2012] 4 All SA 624 (GSJ))

Section 6.6: International Trade in Elephant ivory

Objective 6: Consider the international commercial elephant ivory trade only when conditions become favourable.

Between 2020 and 2023, nearly four hundred elephants have mysteriously dropped dead in Zimbabwe and Botswana and only recently result tests have been published linking the sudden illness of the first six who died in Zimbabwe to an obscure bacteria combined with extreme heat. Scientists fear more elephants – and other species – could suffer the same fate, particularly amid climate change scenarios. Can conditions truly become favourable, amid climate shocks and the unpredictable environmental multicrises (water availability and quality, fires and floods, health and food crisis among others) triggered by human activities?
“Consider the international commercial elephant ivory trade only when conditions become favourable”.

We remain deeply concerned about any proposal to reopen the ivory trade, in any circumstances in the future, since such trade has historically contributed to fuel wildlife organized crime, poaching and corruption. It took decades of intergovernmental efforts widespread education campaigns and a total ban to finally reduce the demand for ivory products, especially in consumer countries. A post-ban survey conducted by Traffic in 2018, indicated that the ivory ban had a significant impact on the buyers’ purchase of ivory. Despite these efforts, the illegal ivory trade continued to be a threat to the African elephant. Consistent and continued vigilance and cooperation at the international level are essential to keep reducing the demand and commercialization of ivory.

In addition, no matter what the environmental conditions might be in the future, from an animal well-being point of view, the commercialization of ivory via both the legal and illegal hunting of elephants, is morally indefensible.

Elephants are highly social animals\(^7\) with complex family structures\(^8\). The loss of family members due to hunting disrupts these social bonds and can lead to emotional suffering for the surviving elephants, particularly the young ones who may not have the guidance of their elders. When adult elephants are killed by poachers, their young calves are often left orphaned and vulnerable. These calves face a high risk of suffering and death without the care and protection of their mothers.

Given the nature of elephants, their sentience, and, in many cases, the cruelty and prolonged suffering that the extremely inhumane removal of ivory implies, the reopening of the ivory trade in the future is not to be considered in the future because of the impacts on elephants’ well-being.

**Stockpiles**

As in the case of other wildlife body parts trade and stockpiling, WAPFSA does not support the ivory trade and the stockpiling of ivory. CITES has imposed bans on the international ivory trade to protect elephants. The stockpiling of ivory runs counter to these agreements and jeopardizes global conservation efforts.

Given the nature of elephants, their sentience, and, in many cases, the cruelty and prolonged suffering that the extremely inhumane removal of ivory implies, the reopening of the ivory trade in the future is not to be considered in the future because of the impacts on elephants’ well-being.

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RECOMMENDATIONS

1. WAPFSA members support many elements contained in this Draft Policy Position, including the position against lion captivation, the inclusion of sentience and the prohibition of certain activities but remain deeply concerned about the emphasis given to the wildlife economy, including the trade, hunt and consumption of wildlife and the expansion of wildlife ranching and other wildlife industries which promote the commodification and monetization of South African biodiversity.

2. We stress the need for a just transition and re-establishment of harmonious coexistence with Nature and the protection of the web of life.

3. WAPFSA members remain concerned about the trade in live species and the stockpiling of body parts including lion bones, rhino horn and ivory.

4. WAPFSA continues to object to the sustainable use of leopards, particularly in the context of conflict, in other words, the trophy hunting of leopards, a practice which is encouraged and promoted in this Draft Policy Position. Members of WAPFSA insist that the expression Damage Causing Animal for predators or other animals feeding and therefore entering in conflict with human interests is non-specific, unscientific and ultimately ecologically unsustainable. This is particularly concerning in the case of leopards since they are already highly persecuted.

5. WAPFSA members stress that laws and policies must be created to protect children from violence against animals.

6. For policies to be consistent with the new section 9A in NEM:BA which refers to the well-being of wild animals, there are essential steps to be taken:
   a. Ban the more exploitative practices, currently active in South Africa and involving the 5 species, like circuses and zoos
   b. Ban elephant back or interaction safari
   c. Lethal solution only implemented as a very last resort.
   d. No culling
   e. No trophy hunting
   f. Photographic and non-invasive tourism and heritage tourism promoted as alternatives to benefit economically disadvantaged communities
   g. Creation of accredited and strictly regulated sanctuaries
   h. Provide true education for children and adults about seeing these non-human beings in the wild.

7. WAPFSA recommends the inclusion of Ubuntu and the indigenous knowledge systems and wisdom, which, in contrast with Western extractive and consumptive approaches, serves...
the earth by recognising the dignity, freedom, mutuality, continuance and flourishing of the web of life.

8. WAPFSA members are united and agree that there should be no trophy hunting of leopards, not even for their skins. Instead, a permitting or licensing system should be introduced for the skins in circulation for skin naturally sourced (legal collection after natural death) for the traditional and religious sectors and the use of fake leopard skins should be promoted further.

9. WAPFSA members are of the view that international trade in the five species is to be prevented.

10. In terms of the definition of “appropriate and acceptable destinations, with suitable habitats on the African continent for reintegration into the wild”, members of WAPFSA argue that rather than referring to ‘appropriate and acceptable destinations’ which inevitably brings in the CITES definition, the Department (DFFE) should propose that live trade in the species should be limited to ‘in situ conservation programmes or secure areas in the wild, within the species’ natural and historical range in Africa, as part of a legitimate and internationally recognised conservation reintroduction programme, or in the case of temporary transfers in emergencies.’

11. The dehorning of rhinos is a last resort and invasive practice which can negatively impact particularly black rhino social behaviours.

12. The Precautionary Principle should be included in all conservation policies.

13. Despite these efforts, the illegal ivory trade continues to be a threat to the African elephant. Consistent and continued vigilance and cooperation at the international level are essential to keep reducing the demand and commercialization of ivory.

WAPFSA MEMBERS ALSO SUBMIT THAT IS ESSENTIAL:

14. To define “captivity” and “animal held captive”.

15. To explain how the inconsistencies in the definition of terms such as “captivity” will be remedied. This will also have to be addressed through the problems arising as a result of the 9 + 1 + 1 governance as the inconsistencies arise mainly in the manner in which the different provinces develop policies and guidelines.

16. To suggest a plan to remedy the non-uniform regulatory provisions of the respective provincial conservation acts, ordinances, and policies as the lack of uniform implementation and enforcement is causing great difficulty in the conservation and management of all species.

17. To initiate a time-bound process to phase out all elephant interactions and elephants in captivity with elephants only to be kept in captivity for the purpose of rehabilitation and/or sanctuary or temporarily pending their release into the wild.

18. To reword the statement that “an exit process” must be “developed and implemented in respect of the disposal of lions in existing captivity” (our emphasis) as it is inappropriate and surely not what was intended.
The undersigned members of WAPFSA thank the Minister and the Department for the opportunity to comment.

Kind regards,

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Founder Wynter Worsthorne
Director Smaragda Louw
Chairperson Toni Brockhoven
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<td>Co-Founders</td>
<td>Renee Bish and Peter Oxford</td>
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<td>Centre for Animal Rehabilitation and Education</td>
<td>Director</td>
<td>Stephen Munro</td>
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<td>Community Led Animal Welfare</td>
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</tr>
<tr>
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<td>Co-Founder and Board Chair</td>
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<tr>
<td>Dzomo La Mupo</td>
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<td>Director</td>
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<td>Jabu Myeni</td>
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<td>CEO Founder</td>
<td>Linda Tucker</td>
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<td>Green Group Simonstown</td>
<td>Founder</td>
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<tr>
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<td>Director</td>
<td>Les Mitchell</td>
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<td>Liezl Smith</td>
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<td>Co-Founder</td>
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<td>Ocean Not Oil</td>
<td>Founder</td>
<td>Janet Solomon</td>
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<td>Rhinos in Africa</td>
<td>Founder</td>
<td>Megan Carr</td>
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<td>Southern African Faith Communities’ Env. Institute</td>
<td>Executive Director</td>
<td>Francesca De Gasparis</td>
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<td>South Peninsula Khoi Council</td>
<td>Senior Chief</td>
<td>Stephen Fritz</td>
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<td>Southern African Fight for Rhinos</td>
<td>Director</td>
<td>Lex Abnett</td>
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