



**EMS  
FOUNDATION**  
compassion • synergy • social justice

**US Fish and Wildlife Service  
Electronically: FWS-HQ-IA-2021-0008**

**02 May 2021**

**Re: USFWS Federal Register notice**

**EMS FOUNDATION (SOUTH AFRICA) INFORMATION AND RECOMMENDATIONS ON ANIMAL SPECIES FOR WHICH THE UNITED STATES SHOULD CONSIDER SUBMITTING PROPOSALS TO AMEND APPENDICES I AND II OF CITES AT COP19; AND INFORMATION AND RECOMMENDATIONS ON RESOLUTIONS, DECISIONS, AND AGENDA ITEMS THAT THE UNITED STATES MIGHT CONSIDER SUBMITTING FOR DISCUSSION AT COP19.**

**Table of Contents**

Introduction ..... 1

A Transformative Approach to Wildlife Protection and Welfare ..... 1

A Social Compact with the Environment and Wildlife..... 2

Wildlife Trade and Zoonotic Diseases ..... 4

Wildlife Conservation and Public Sentiment..... 6

Earth Jurisprudence and Rights of Nature..... 7

Systemic Problems with the CITES Wildlife Trade System ..... 8

Wildlife Trade Bans..... 11

Trophy Hunting – Generally..... 13

Community Benefits from Trophy Hunting in South Africa..... 18

Trophy Hunting in the area adjoining the Kruger National Park ..... 24

Elephants in Captivity ..... 25

South Africa and the Elephant Ivory Trade ..... 28

South Africa and the Rhino Horn Trade ..... 30

South Africa’s Big Cat Bone Trade ..... 34

Asian Tigers are in Captivity in South Africa..... 35

South Africa’s Legal Live Wildlife Trade with China ..... 35

South Africa’s International Reptile Trade ..... 37



## Introduction

The EMS Foundation (South Africa) was established in November 2014. As our Foundation was established for public benefit purposes, we are a Not-for-Profit Organisation (NPO) (registration number: 168-304NPO) and Public Benefit Organisation (PBO) with section 18(a) status. (PBO Reference Number: 9300 53286). Our key purpose is to alleviate and end suffering, raise public awareness and lobby and empower, provide dignity and promote the rights and interests of vulnerable groups, particularly children, the elderly and wild animals. We are a South African based social justice NGO with the purpose of achieving lasting solutions, alleviating and ending suffering, raising public awareness and providing dignity through supporting and sustaining humane solutions, interventions and research for the protection of children, the Aged and wildlife.

The current global legal trade in wild animals is unsustainable. This trade is fueling the illegal trade. The loopholes in the legal trade system are exploited by the illegal trade and CITES, with the limited ability to monitor and huge enforcement and compliance problems has proven to be toothless.

The EMS Foundation has exposed deficiencies in the legal wildlife trade and has published the same in a number of reports after completing exhaustive research. The South African and the US governments are allegedly conducting investigations as a result of these reports.

The WHO, OIE and UNEP have made an unprecedented call to governments and national authorities asking them *“to suspend the trade in live caught wild animals of mammalian species for food or breeding purposes and to close sections of food markets selling live caught wild animals of mammalian species as an emergency measure”*. The WHO/OIE/UNEP document, which focuses on the risks of disease emergence in the also markets where live animals are sold for food, also refers to other uses of wildlife and highlights how the utilization of wild animals requires *“an approach that is characterized by conservation of biodiversity, animal welfare and national and international regulations regarding threatened and endangered species”*.

Covid-19 has cost the world economy 11.7 Trillion Dollars in 2020<sup>1</sup> while the World Economic Forum has stated that fighting Covid-19 might cost five hundred times as much as pandemic prevention measures<sup>2</sup>. At the onset of the global pandemic, given the scientific evidence and concern that the wildlife trade and wildlife breeding pose the risk of spreading significantly dangerous zoonotic diseases, the EMS Foundation sent letters to the South African Minister of the Environment, Forestry and Fisheries and the Minister of Health and Welfare highlighting their growing concern with regard to the captive big cat breeding industry and the risks associated with the proposed wildlife breeding industry in the agricultural sector.

The WHO/OIE/UNEP guidance document particularly calls on national governments to minimise human health risks by paying attention to and promoting higher animal welfare standards. Welfare is something virtually ignored by CITES. In light of the emergency measures proposed by the WHO-OIE-UNEP the short-term solution would be to urge CITES parties to:

1. Place an immediate moratorium on the issuing of new permits for the export of live wild life.
2. Place a moratorium on the issuing of new permits for the breeding, keeping and trading in wild animals and parts for trade and consumption.

## A Transformative Approach to Wildlife Protection and Welfare

1. A change in the approach towards animals is needed by the CITES Parties, particularly in relation to the ‘intrinsic value of animals as individuals’ as well as the importance of adopting an ‘integrative approach’ to understanding the relationship between conservation and animal welfare.
2. This submission focuses on elaborating upon what is required by this integrative approach and contrasting it with an alternative aggregative approach which represents CITES current understanding of how it approaches its tasks in relation to animals. The aggregative approach essentially focuses simply on broad, collective environmental goals, such as the long-term survival of a species or protection of biodiversity. These goals are also usually understood from a perspective of how humans can benefit economically from achieving them. In doing so, the aggregative approach regards individual animals in

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<sup>1</sup> [Global cost of coronavirus: \\$11.7 trillion- Business News \(businesstoday.in\)](https://www.businessinsider.com/global-cost-of-coronavirus-2021-4) – 14 April 2021

<sup>2</sup> [How much will the COVID-19 pandemic cost the world? | World Economic Forum \(weforum.org\)](https://www.weforum.org/agenda/2020/04/how-much-will-the-covid-19-pandemic-cost-the-world/)

- a purely instrumental way – they are merely means for species survival which is a means for self-interested profit maximisation. Animals should not be depleted entirely in the short-term as this will prevent the use of them in the longer-term.
3. This approach is deeply flawed because it instrumentalises animals, fails to recognise their intrinsic value as individuals and the approach itself is self-defeating. Although it purports to aim to achieve long-term sustainability, it promotes attitudes of pure self-interest in relation to wild animals. Given problems of trafficking, illegal activities and a lack of enforcement capacity, the approach lays the groundwork for the destruction of species, as has been evidenced by the rhino poaching crisis. It also harms humans by failing to recognise the interconnection between ill-treatment of animals and harms to humans. It also fails to account for the relationship between individuals and the collective.
  4. To address these shortcomings, it is necessary to adopt the 'integrative approach'. Foundational to the integrative approach is the notion that an attitude of respect must be adopted towards individual animals that make up a species and the components of biodiversity. The integrative approach, as its name suggests, focuses also on the relationships between individual animals and the environment more generally, including their connection to human beings. The goal is not simply to exploit nature for our economic benefit – it is to live within relationships of respect with other humans, animals and the environment. The integrative approach is deeply consonant with the ethic of 'ubuntu' that is a central feature of African philosophical systems and the development in South Africa of a post-colonial approach towards animals.
  5. The integrative approach recognises the intrinsic value of animals. Through requiring respectful treatment of animals and recognising the interrelationship between animals and humans, it also advances the well-being of humans. Through not instrumentalising animals, it avoids the problems of encouraging free-riding and short-term approaches to wildlife. It also will inevitably improve the realisation of collective goals such as long-term species survival, given its encouragement of respect to individuals.
  6. There is a growing body of research and resources that incorporate the values of dignity, equality and freedom, and the achievement thereof, together with an ethos of respect for nonhuman animals. We note that recent research shows, for instance, the highly racialised and discriminatory practices in the hunting industry<sup>3</sup> as well as the exploitation of poor black workers who often have to deal with wild animals with very little safety and minimal pay.<sup>4</sup> Currently, around the world, millions of people are calling for an end to racial injustice, inequity and oppression. The current aggregative approach has really been a continuation of the colonial attitude to the environment as well as, in South Africa, the ethos inculcated by the apartheid government. It is clear that there is an interlinkage between the oppression of nonhuman animals and human animals and this is a subject which is increasingly being developed,<sup>5</sup> and has come to the fore during the COVID-19 pandemic.<sup>6</sup> The answer is not to widen the oppression of non-human animals but to end it and change the relationship between humans and non-humans.
  7. All around the world, countries are starting to change their approach towards animals, as well as the environment more generally. This has been recognised through developing jurisprudence, court decisions, policy and legislative considerations.

## A Social Compact with the Environment and Wildlife

1. Humanity is at risk of overstepping earth's planetary boundaries. Part of the reason is that we have collectively failed to value the ecological systems (and the individuals that comprise them) on which our

<sup>3</sup> Nomalanga Mkhize 'Game farm conversions and the land question: Unpacking present contradictions and historical continuities in farm dwellers' tenure insecurity in Cradock' (2014) 32 *Journal of Contemporary African Society* 207-219; Femke Brandt and Marja Spierenburg 'Game fences in the Karoo: Reconfiguring spatial and social relations' (2014) *Journal of Contemporary African Society* 1-18.

<sup>4</sup> Femke Brandt 'Trophy hunting in South Africa: Risky business for whom' *Daily Maverick* (17 Nov 2015) available at [http://www.dailymaverick.co.za/opinionista/2015-11-17-trophy-hunting-in-south-africa-risky-business-for-whom/?utm\\_source=Daily+Maverick+Mailer#.VqCRDLZ97IV](http://www.dailymaverick.co.za/opinionista/2015-11-17-trophy-hunting-in-south-africa-risky-business-for-whom/?utm_source=Daily+Maverick+Mailer#.VqCRDLZ97IV).

<sup>5</sup> See for example, WILSON, A. P. (2020). (NON) HUMAN(IMAL) RIGHTS: DISMANTLING THE SEPARATENESS IN LAW AND POLICY. *Society Register*, 3(3), 39-65. <https://doi.org/10.14746/sr.2019.3.3.03>

<sup>6</sup> See for example: Saskia Stucki, Tom Sparks, The Elephant in the (Court)Room: Interdependence of Human and Animal Rights in the Anthropocene, Blog of the European Journal of International Law <https://www.ejiltalk.org/the-elephant-in-the-courtroom-interdependence-of-human-and-animal-rights-in-the-anthropocene/>

survival ultimately depends. Instead of conserving that which has been entrusted to us, we have over-exploited terrestrial and marine ecosystems. The upshot is that we have created impending climate tipping points, the probability of which is ‘too risky to bet against’. The stability and resilience of our planet is in peril. These ‘big picture’ issues need to include a review of CITES positions related to the wildlife trade and wildlife in general.

2. Currently the mantra of ‘sustainable use’ is repeated constantly and goes unquestioned in the context of sustainable development, which includes the international trade in endangered species. The question as to whether the ‘use’ is actually sustainable under real world conditions is never asked. This needs to change and it needs to change urgently, given the extraordinary threats to biodiversity.
3. On the ground, governments ‘sustainable use’ policies are translating into a war against wildlife. We urgently need new, ethics-based approaches to wildlife conservation.
4. The way conservation is practised in South Africa has become part of the problem. The trade, sale and hunting of South Africa’s wild animals is driven by commodification, commercialisation and profit rather than by robust science, ethics or compassion. The threats wild animals are facing are powerfully linked to South Africa’s current uncompassionate conservation policies of overt consumptive use and inadequate policing and enforcement measures.
5. Wild animals, which suffered under colonialism and apartheid, now continue to be victims under “sustainable use” policies.
6. Wildlife management is currently based on reductionist models inherited from the extractive colonial and apartheid eras that essentially viewed the natural environment as a type of farm where public power was used to promote and protect the interests of a small part of the population.
7. Exploitative and cruel practices such as captive lion breeding for human interaction, canned hunting and the lion bone trade have been rationalised under the banner of ‘sustainable use’.
8. The promotion of international trade in wildlife (other than for in situ conservation purposes) is inconsistent with the role of states as custodians of the environment and of biological diversity.
9. ‘Sustainable use’—and an approach to it that incentivises the objectification of the natural order and the living beings that are integral to it, which in turn leads to their commodification. In South Africa this has led to a range of highly problematic policy positions from defending the captive lion breeding industry to promoting a global return to trade in products such as rhino horn and ivory.<sup>7</sup>
10. A lack of clarity as to what this concept of ‘sustainable use’ actually means, and how it should be uniformly understood and operationalised is a divisive fault line and ultimately destructive for collective efforts to protect wildlife. It also speaks to the broader notion of how we view and respond to our living planet. It is our view that, given the increasingly evident effect of humanity’s environmentally destructive systems of production and consumption, a highly precautionary stance should inform the interpretation of ‘sustainable use’ (Leach et al., 2013; Wiersema, 2015).
11. Unless wild animals are respected individually and unless it is understood that each individual plays a critical role in their own societies and in the functioning of the species and the landscape, then starting from the species level will result in conservation collapse.<sup>8</sup> Animals are not species; they are individuals which together constitute a species.
12. A useful point of departure is also to locate environmental policies within an overarching framework of ‘Doughnut Economics’, in which we reach a ‘safe and just’ space characterised by justice and ecological sustainability instead of endless resource extraction.<sup>9</sup> A new economic model has to place far higher and more realistic value on irreplaceable biodiversity. Not everything has a dollar value, but if one has to be attributed, it needs to be informed by the true opportunity costs of *foregoing* that biodiversity. Moreover, our accounting systems cannot continue to allow polluting and environmentally destructive producers to offload negative externalities (the divergence between private returns and social or environmental costs) onto those who can least afford to bear them – the poor.<sup>10</sup>

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<sup>7</sup> As an additional, albeit similarly relevant example of this in an environmental context - coal mining and coal-fired power continue to be pursued despite the evidently abhorrent socio-ecological results. See for example, Alan Lockwood, *The Silent Epidemic: Coal and the Hidden Threat to Health* (Cambridge, MA: MIT Press, 2012).

<sup>8</sup> Bilchitz, “Exploring the Relationship between the Environmental Right in the South African Constitution and Protection for the Interests of Animals.”

<sup>9</sup> Kate Raworth, *Doughnut Economics: Seven Ways to Think like a 21st Century Economist* (Random House, 2017).

<sup>10</sup> Daron Acemoglu and Matthew O Jackson, “Social Norms and the Enforcement of Laws,” *Journal of the European Economic Association* 15, no. 2 (2017): 245–95, <https://doi.org/10.1093/jeea/jvw006>.

13. If we are to halt the sixth mass extinction, we require at least half of the world's land to be conserved under protected areas.<sup>11</sup> Ecological recovery is remarkable if natural systems are protected from extraction. The biggest threats to most wildlife species at present are habitat destruction and fragmentation. Local communities need to be incentivised through carbon credit schemes that pay community members directly to conserve and restore ecosystems and the biodiversity that they contain. The larger the contiguous area conserved, the greater the ecological benefit. In other words, ecological functionality tends to improve exponentially with contiguous scale expansion. Elephants, for instance, if given enough space, can reach threshold densities from which they then disperse. This produces patch heterogeneity – uneven impacts across a landscape – and regenerative vegetation growth in a dynamic system. Carbon efficacy is vastly improved in a dynamic system versus one that is managed to maintain a static aesthetic state. CITES Parties need to move away from seeing conservation as a matter of farming the wild, and – rather – truly wilding the farm.<sup>12</sup>
14. Moreover, if we valued carbon sinks properly, and the ecological functionality required to optimise them, then the incentives would be loaded in favour of abandoning the current, fragmented and short-term model in favour of the long-term model that creates value through connecting landscapes through creating corridors.

## Wildlife Trade and Zoonotic Diseases

1. Zoonoses are diseases transmissible between animals (domestic and wildlife) and humans. Around 75% of [emerging infectious diseases](#) are [zoonotic](#) (Taylor et al., 2001; Woolhouse and Gowtage-Sequeria, 2005). In aggregate, zoonoses have high impacts on human health, livelihoods, animals and ecosystems.<sup>13</sup>
2. The current global health crisis makes it clear that we are all inter-connected and that zoonotic spillovers are a result of human actions towards non-human animals and the way we interact with them. The exploitation of wildlife by humans through hunting, trade, habitat degradation and close contact between the two, increases the risk of virus spillover.<sup>14</sup>
3. Trade is a key reason for human contact with wildlife<sup>15</sup>. When the trade is legal, it is regulated domestically and internationally by institutions whose mandate **does not** include protecting public health. Furthermore, the so-called legal trade is *de facto* purely regulated and intrinsically linked to the illegal trade, as highlighted by two reports, [“The Extinction Business”](#)<sup>16</sup> in 2018 and [“Breaking Point” in 2020](#)<sup>17</sup>.
4. According to infectious disease experts, the emerging of infectious zoonotic disease outbreaks have increased dramatically in the last 30 years and the most likely causes are anthropogenic commercialisation drivers such as: Increased number of farmed animals – including wild animals; increased hunting, increased trade in and transport of wild and domestic animals and *increased* agricultural activities and expansion of agricultural land<sup>18</sup> with consequent degradation of eco-systems.
5. Reducing the risk of zoonotic spillover events from wild animals to people requires maintaining wild animals in secure and intact wild habitats and minimizing wild animal-human interaction, including by severely limiting the use and trade of wild animals, particularly for sale as luxury meats in large urban wildlife markets. We define wild animals as non-domesticated species captured from the wild or bred in captivity; a particular focus is required for mammals and birds as these have been the sources of past

<sup>11</sup> Zara Jean Bending, “Improving Conservation Outcomes: Understanding Scientific, Historical and Cultural Dimensions of the Illicit Trade in Rhinoceros Horn,” *Environment and History* 24 (2018): 149–86, <https://doi.org/10.3197/096734018X15137949591891>; Jonathan Baillie and Ya Ping Zhang, “Space for Nature,” *Science* 361, no. 6407 (2018): 1051, <https://doi.org/10.1126/science.aau1397>.

<sup>12</sup> Jane Carruthers, “Wilding the Farm or Farming the Wild? The Evolution of Scientific Game Ranching in South Africa from the 1960s to the Present,” *Transactions of the Royal Society of South Africa* 63, no. 2 (2008): 160–81, <https://doi.org/10.1080/00359190809519220>.

<sup>13</sup> Grace, D., Infectious Diseases in Agriculture, in [Encyclopedia of Food Security and Sustainability, Volume 3](#), 2019, Pages 439-447, 2019, <https://doi.org/10.1016/B978-0-08-100596-5.21570-9>

<sup>14</sup> <https://royalsocietypublishing.org/doi/10.1098/rspb.2019.2736>

<sup>15</sup> Steve Broad, CEO Traffic, DEFF Webinar Covid19 and Wildlife Trade, 4<sup>th</sup> June 2020.

<sup>16</sup> <http://emsfoundation.org.za/wp-content/uploads/THE-EXTINCTION-BUSINESS-South-Africas-lion-bone-trade.pdf>

<sup>17</sup> [https://emsfoundation.org.za/wp-content/uploads/BreakingPoint\\_FINAL\\_15052020\\_web.pdf](https://emsfoundation.org.za/wp-content/uploads/BreakingPoint_FINAL_15052020_web.pdf)

<sup>18</sup> Professor Thijs Kuiken, Comparative Pathology at the Department of Viroscience of the Erasmus University Medical Centre in Rotterdam, The Netherlands and Di Marco et al. Moreno Di Marco et. al., Sustainable development must account for pandemic risk, *PNAS* February 25, 2020, 117 (8) 3888-3892; <https://doi.org/10.1073/pnas.200165511>

zoonotic outbreaks. We define the wild animal trade as the legal and illegal commerce of such live wild animals, as well as of their parts and derivatives. We are not advocating for restrictions on the movement of animals for non-commercial trade (e.g., conservation, sanctuaries).

6. It is internationally recognised that all species react to unsuitable conditions and when stressed and immune-compromised they become a vehicle for pathogens and the ideal environment for the emergence and spread of infectious diseases which can then be transmitted to humans. Good welfare conditions are not possible for commercially-farmed wild animals. Poor welfare among groups of animals increases the risk of disease, and therefore zoonosis.
  - a. More worryingly, animal farming is a system which allows the same or better production at lower costs, therefore welfare and wildlife farming are contradictory concepts. In terms of welfare, the more controlled the environment is, the more the physiology of the animal stresses.<sup>19</sup> We will never be able to predict how the transmission will cross a species. So, whenever we try to farm domestic or wild animals for economic benefits, we expose humanity to pathogens that are and can be extremely dangerous for humans.<sup>20</sup>
  - b. Wildlife farms can also contribute to the spread of infections and diseases to domestic farmed animals, to humans and to other wildlife. This is a threat to conservation and to traditional cattle farming and consequently also to those communities relying on a few animals for food. Farmed wildlife have shown to be carrying ticks, a carrier of the *Borrelia* bacteria; a number of skin diseases are caused by farmed animals, both domestic and wild. Of additional concern is Tuberculosis, which affects a large number of humans and nonhumans and it is currently making victims in South Africa and in countries where we export wildlife to. TB, for example, is the first cause of human death in China.
  - c. In the case of the big cat breeding industry, the slaughter of animals and export of bones involves serious food health and safety violations. Individual lion ‘slaughterhouses’ are operating outside of South African law and are not compliant with food safety law and/or occupational health legislation especially given that many lions might be affected by bovine Tuberculosis.
  - d. Veterinarians who have assisted this industry in the slaughtering of captive predators need to be investigated for contravening veterinary codes of conduct which regulate the discipline in terms of protecting the health, avoiding the suffering of the animals and in terms of acting in the interest of people of South Africa and their health and welfare. In a sense, this makes them complicit in this abhorrent practice and trade. Since many big cats are bred purely for their bones, they can be neglected, starved, inbred and left to barely survive with their deformities, often in conditions where they develop diseases and infections. South Africa has not acted sufficiently to the welfare violations pervasive throughout the industry.
  - e. Global and national action to curb the wildlife trade is one of the most effective strategies to prevent future pandemics, and is necessary to reduce animal suffering and protect biodiversity.<sup>21</sup>
  - f. Protecting wildlife, biodiversity and animal welfare needs to be part of a global and national pandemic prevention strategy. We recommend that the USFWS takes the following actions:
    - i. Support an immediate and permanent closure of wild animal markets.
    - ii. Commit to end the international trade in wild animals and wild animal products that could contribute to the spread of zoonotic disease and ask global institutions and bodies and their national parties to put in place mechanisms to develop, facilitate, and implement this ban.
    - iii. Curb the import and domestic trade in wild animals and wild animal products that could contribute to the spread of zoonotic diseases.
    - iv. Remove all wild animals from ‘livestock’ classifications.

<sup>19</sup> European Parliament's Committee on Petitions commissioned study on Animal Welfare in the European Union, 2017, [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU\(2017\)583114](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2017)583114)

<sup>20</sup> Professor Lu Jia Hai, Epidemiology, University of Guangzhou, Webinar; Zoonotic Risks in Wildlife Farming, 28 April 2020

<sup>21</sup> Wishart, David. Commentary: Four states to help avoid the next pandemic. Folio. May 28 2020 [www.folio.ca/commentary--four-strategies-to-help-avoid-the-next-pandemic/](http://www.folio.ca/commentary--four-strategies-to-help-avoid-the-next-pandemic/); Kolby, Jonathan. To prevent the next pandemic, it's the legal wildlife trade we should worry about. National Geographic. May 7 2020. <https://www.nationalgeographic.com/animals/2020/05/to-prevent-next-pandemic-focus-on-legal-wildlife-trade/>

## Wildlife Conservation and Public Sentiment

1. International surveys clearly indicate how citizens around the world are increasingly concerned about animal treatment, welfare and management within and outside the European Union (“EU”).<sup>22</sup>
2. Scientific evidence and data collected during investigations, surveys, polls, as well as public consultations, are crucial when legislation and policies are formulated. At the same time, progressive policies in certain countries, will have a positive influence on the progress and growth of others and their code of practices.
3. US polls, EU surveys and public consultations from many other countries—which form the base of the tourists who come to South Africa—support an increase in the protection of biodiversity and Africa’s so-called “iconic” species. They also support the implementation of bans, including trophy hunting, ivory, rhino horn, big cat breeding and the wildlife trade.
4. These positions partially reflected at the Convention on the International Trade in Endangered Species (CITES Convention of the Parties CoP 18), where countries around the world were represented and voted.
5. The results of a US poll on policies in Botswana showed that 75% of respondents think it is important to protect elephants from trophy hunting. An overwhelming 78% percent of respondents did not support culling practices. Furthermore, 73% percent of respondents believed that trophy hunting badly impacts on the reputation of countries considered leaders in wildlife conservation<sup>23</sup>.
6. Among the most controversial practices, the following are perceived by a large portion of the public as abhorrent: elephant culling; elephant capture; turning iconic animals into food; trophy hunting of vulnerable and iconic species; captive rhino breeding; rhino dehorning; management practices which include trapping and killing; the issue of so-called “problem animals” captive breeding of big-cats for bones; trading baby animals as pets, to zoos and circuses.
7. Social media is a powerful tool that can galvanize public support for conservation action. In a letter published in *Science* researchers used an example of animal abuse in the context of the illegal wildlife trade to highlight the power of social media in bringing public attention to conservation issues.
8. Raising awareness of endangered species as well as the promotion of wildlife conservation is spread across the world via [social media platforms](#).
9. Social media in all its various formats has done wonders to connect people around the world and expand dialogue on just about any topic you can think of including conservation and wildlife issues.
10. The emerging [social media platforms](#) are a promising means of strengthening public awareness. Quantitative methods have been used to analyse the spread effects of social media news. Concise but lively news is powerful for improving public environmental education. Traditional publishers have the power to influence public response in social media. Multifaceted public perception should be guided for reducing misunderstanding.
11. Many young people stare at screens instead of being out in the wild but others use technology to form a global community of conservationists. The [rise of social media](#) has allowed a new generation to connect with those who share their interests. Young people who are interested in conservation and nature are connecting on social media platforms. Groups such as A Focus on Nature in the United Kingdom connect, support and inspire young people who are interests in nature.
12. Social Media has further highlighted these negative reactions. Studies assessing online public sentiment in relation to iconic species and biodiversity loss have been undertaken. One study focused on social media data and other online data sourced from conservation science, using

<sup>22</sup> European Parliament’s Committee on Petitions commissioned study on Animal Welfare in the European Union, 2017, [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU\(2017\)583114](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2017)583114)

<sup>23</sup><https://www.hsi.org/news-media/u-s-poll-shows-strong-support-for-protecting-elephants-and-keeping-trophy-hunting-ban-in-botswana/>

natural language processing methods. The study concluded that the public is strongly concerned about worrying trends relative to wildlife, the environment and the current biodiversity loss. The study highlighted how this, in turn, can be used by decision makers to develop adequate conservation actions that can help reverse the biodiversity crisis.<sup>24</sup>

13. Social Media has also been the platform for public outrage in relation to the killing of specific animals, with the support of celebrities and Ministers.<sup>25</sup>
14. In recent years, following the expose of wildlife issues, zoos had to temporarily close, business had to be suspended and people have been fired.<sup>26</sup>
15. Internationally there is an increasing number of people who are actively challenging the killing of endangered wildlife for pleasure and profit. They are educated, progressive and they travel. Many among them are conservationists, scientists and journalists.<sup>27</sup>
16. South Africa's captive lion industry alone has, between mid-2016 and June 2019, had over four million signatures, only via English language petitions, a number that should certainly highlight the proportion of the concerns from the general public towards this topic.

## Earth Jurisprudence and Rights of Nature

1. Earth is a complex, self-regulating system comprising myriads of relationships which sustain all forms of life. It is now scientifically indisputable that wildlife (including the species that the Panel is called upon to advise on) are sentient beings with their own agency, relationships and emotions and that they play vital roles in the ecosystems within which they evolved. Treating wildlife as property and granting the humans or juristic person who own them the right to exploit them as commodities has been directly compared to slavery. Human slaves were once legally defined as property and consequently could not hold rights. As with slavery, such laws legitimise and facilitate the treatment of wildlife in ways that are deeply exploitative, cruel and ecologically unsustainable.
2. It is apparent that CITES regards wild animals as property or commodities and does not recognise the reality that they are not objects but beings with the inherent right to exist and to play their part within the ecosystems within which they evolved.
3. It is clear that the global legal, administrative, and economic measures taken to date protect wildlife are inadequate and must be strengthened. The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever and there has been a catastrophic decline in the wildlife populations as well as an acceleration in the loss of biological diversity. As Sir Robert Watson, the chairperson of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) notes “we are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.”
4. Many CITES Parties have sought to intensify the commodification, commercial exploitation, hunting and trade in wildlife and their body parts largely justified on the basis of so-called “sustainable use” (i.e. consumptive uses that can be maintained indefinitely). However, in our view this policy is at odds with Parties national mandates to promote conservation, prevent ecological degradation and be entrusted with biological diversity. There could hardly be a more important role given the catastrophic decline of ecosystem functioning and loss of biodiversity globally which must be reversed in order to maintain human wellbeing and rights, prevent pandemics, maintain food security and mitigate climate change. Yet the critical role of maintaining and enhancing the ecological systems that sustain life has been made subservient to short-term exploitation of the environment in a manner that undermines long-term sustainability.
5. This utilisation approach is anachronistic and diametrically opposed to the international trend towards different philosophies of law such as an eco-centric one (e.g. Earth Jurisprudence) that seek to regulate human beings in accordance with the understanding that we are all members of a

<sup>24</sup> Christoph Fink -Anna Hausmann - Enrico Di Minin, Online sentiment towards iconic species, Jan 2020

<https://www.sciencedirect.com/science/article/pii/S0006320719305099>

<sup>25</sup><https://www.thelondoneconomic.com/news/environment/celebrities-and-ministers-rally-against-trophy-hunting-in-call-for-imports-ban/22/01/>

<sup>26</sup><https://blog.humanesociety.org/2020/01/norwegian-company-fires-executive-amidst-rising-public-sentiment-against-trophy-hunting.html>

<sup>27</sup> <https://conservationaction.co.za/recent-news/opposition-to-trophy-hunting-is-a-major-social-movement-for-good/>

community of life from which we derive our wellbeing. Consequently, maintaining the health and integrity of the ecological communities that sustain life (including the whole “Earth Community”) must take precedence over the short-term commercial interest of a minority of the individuals of one species.

## Systemic Problems with the CITES Wildlife Trade System

1. Since 2016 the EMS Foundation and BAT began to focus on:
  - Understanding the mechanisms of the legal trade in endangered species and how the flaws in the outdated CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) legal trade monitoring and regulation system enable illegal trade;
  - Addressing supply-side drivers, supply-side economics and the validity (or not) of the ‘sustainable use’ model;
  - Understanding the current problems of the CITES system in South Africa and more generally.
2. Over and above the empirical evidence to support a Moratorium on South Africa’s international wildlife trade presented in the EMS Foundation and Ban Animal Trading Extinction Business reports: [South Africa’s Lion Bone Trade and Breaking Point](#), which provided detailed information about the types of transgressions there is also an urgent need to address the CITES trade system more broadly as it is not fit for purpose.
3. The Convention on International Trade in Endangered Species (“CITES”) establishes minimum conditions that must be complied with under international law but are insufficient to ensure an adequate level of protection for endangered species. The South African State’s constitutional duty to take reasonable legislative and other measures to prevent ecological degradation and promote conservation, should, in our view, entail that the State must meet a higher standard than required by CITES.
4. The South African department of Environment has been made aware that the existing regulatory system is facilitating trade in contravention of CITES, and of the potential dangers which this trade poses. A failure to impose a moratorium on wildlife trade until the regulatory deficiencies have been rectified amounts to condoning illegal trade.
5. CITES is the United Nations Convention that is supposed to regulate the international trade in endangered flora and fauna. It was drafted in 1973 and came into force in 1975. Today CITES has 183 signatories who are Parties to the convention. CITES lists ~1,000 species on Appendix I (no commercial trade allowed) and over 34,000 species on Appendix II (trade restrictions are applied). CITES uses a ‘direct’ listing model, meaning the default position is unrestricted trade. Because of the global decline in wildlife populations this means the number of listed species is rising constantly, making enforcement ever more difficult and costly for national governments. CITES listings depend heavily on the availability of reliable trade and shipment data, but its data collection system is completely out of date.
6. Since 1975, the CITES trade system has been left to expand and to grow unrestrained, to the point where there are too many species and individuals in the trade, not enough control and too few resources. So, it is not only the use of wildlife that has a high risk of being unsustainable in countries where there is ‘weak wildlife trade regulations’, it is also the global trade regulator itself that is extremely weak and failing.
7. Instead of protecting the natural world using the precautionary principle, the reality is that CITES is a trade convention and since the 1970s the trade approach has taken precedent. It is therefore incumbent upon governments, agencies and organisations supporting and driving the wildlife trade to demonstrate that the system administering and monitoring this trade is fit for purpose for the species it is there to protect.
8. Given the people and businesses that want to maintain a trade in wildlife consistently use the statement that they ‘comply’ with all the CITES trade permit rules, it is imperative to take into account the ability of this system to comprehensively monitor trade and the movement of these animal body parts etc. There is a growing body of irrefutable evidence that the CITES trade permit system is not fit for purpose and, in many instances, held in contempt by representatives of agencies who use it.
9. For the CITES (or any) system to be relevant in preventing illegal trade, the legal trade monitoring system needs to be completely transparent and provide the ability to track individual items from origin to destination, without any loopholes, gaps or opportunities to launder illegal items into the legal market. Such systems readily exist; for example, spare parts in the aviation industry are tracked with this level of diligence. And when it comes to the CITES regulation system, we are not talking about grains of rice or

- tyres—we are talking about sentient beings caught in the trade.
10. CITES has a trade and permit system that is completely useless in reconciling even the most basic import and export data. Items are not identifiable, not tracked and even quantities recorded are completely ambiguous (such as ‘10 units’ of ivory, which is less than meaningless). Many countries do not require import permits, making reconciliation and auditing impossible. Permits are mostly paper based and generally not reconciled with customs documents such as lading bills or air way bills.
  11. When asking representatives of some of the most well-known global conservation organisations why they have enabled this sorry situation to persist, sadly too many responses took the form “We know the system isn’t great, but it is all we have”. Whilst this pattern of response may be attributed to mediocrity, more worryingly was that, when pushed, some admitted that they don’t say anything that would upset the CITES secretariat or the parties as they “don’t want to be uninvited” to the working group meetings in Geneva or uninvited to the Conference of Parties, robbing them of the status of ‘having a seat at the table’. To clarify, only signatories (governments) have an automatic invitation to CITES meetings and working groups; the conservation NGOs are invited by the ‘grace and favour’ of the formal stakeholders.
  12. The volume of research, undertaken over many decades, including the EMS/BAT Extinction Business Series, has repeatedly shown deep flaws in the CITES trade and monitoring system. This coupled with the fact that species threatened by the trade can wait as long as 19 years for so-called ‘protection’ thus [putting them at risk of extinction](#). *CITES is a toothless regulator*.
  13. The CITES trade database provides deeply flawed data. *A quick scan of the records demonstrates that vast and consistent data discrepancies are clear in many cases, and that the true volume of many traded endangered species is simply unknown. This is alarming, considering the reason that all of these species are included in CITES is because they are vulnerable to over-exploitation, and extinction.* There is often a substantial mismatch in species and volumes between export records and import records, indicating that neither dataset is complete nor reliable. How is trade supposed to be reconciled and monitored with such flawed data? Any permit system that is this useless is counterproductive and frankly dangerous—it creates the illusion of traceability and control. There is also no way to systematically verify if animals caught up in the trade have been taken from the wild or are captive-bred.
  14. A UCT paper published in 2015<sup>28</sup>, which analysed the trade data for Appendix I and II species exported out of 50 African countries (and 198 importing countries) between 2003 and 2012, outlined the prevalence of documentation discrepancies in CITES trade data. The data represented 2 750 species and 90,205 CITES trade database records. The findings were that:
    - Only 7.3% were free from discrepancies
    - Trade monitoring was getting progressively worse in 2012 than it had been in 2003.
  15. Of extreme concern is that even after 44 years of operation the CITES system cannot provide global trade analytics for a massive legal trade in endangered species and as a result has no evidence that the sustainable-use model is working<sup>6</sup>. The reasons for this include, but are not limited to:
    - Other than for a handful of the 183 signatory parties, the CITES trade permit system is still a 1970s standalone paper-based system that cannot be integrated with customs and, as a result, permit verification and shipment validation is impossible and legal trade data collected is effectively useless.
    - Trade data are submitted to the CITES trade database only once a year. If trade data is submitted at all (many signature countries don’t lodge information), it is often lodged 1-3 years late.
    - The CITES regulator is impoverished, with core funding being US\$4.7 million annually (to monitor and manage a global legal trade valued at 100s of billions annually).
    - No legal trade trends, patterns or analytics are ever presented at the CoP meetings.
    - Other than token CITES permit contributions, industries, companies and traders that profit from the legal trade make no financial contribution to the CITES regulator to help manage and monitor the trade to prevent laundering of illegal products into the legal marketplace.
    - Currently, supply-chains are opaque and insufficient resources are being invested in verification of the supply chain. As such the profits made from the trade in endangered species are tainted profits.
  16. Given that the CITES regulator is effectively impoverished, the lack of a modern, electronic permit system that integrates with customs and provides transparent monitoring from source to destination enables a massive illegal trade in endangered species:

<sup>28</sup> [http://www.pcu.uct.ac.za/sites/default/files/image\\_tool/images/192/Russo.%202015.pdf](http://www.pcu.uct.ac.za/sites/default/files/image_tool/images/192/Russo.%202015.pdf)

- The illegal trade was valued by the World Customs Organisation<sup>8</sup> to be between US\$91- 258 billion annually. This means that the illegal trade is estimated to be worth up to 80% of the value of the legal trade.
  - Furthermore, the report<sup>9</sup> states this illegal trade is growing at 2-3 times the pace of the global economy.
17. The loss of control of managing the legal trade in endangered species due to the flawed CITES direct-listing model (which makes unrestricted trade the default) and as a result the loss of control of the escalating illegal trade was predicted in 1981 at CITES CoP3 when a submission to consider a reverse-listing model was proposed. The predictions made in the 1981 submission have all come to fruition. The illegal trade cannot be tackled until the loopholes in the legal trade in endangered species are closed. Governments are focussing solely on the illegal trade and do not address the flawed legal trade model, and as a result any real chances of successfully tackling the extinction crisis associated with trade are being undermined.
  18. There is no desire by the States Parties to reflect on the effectiveness of the Convention. Of concern is that in its 44 years of operation at the time of the 18th meeting of the Conference of the Parties, only one attempt was made to do a systematic review of the effectiveness of the Convention, namely in 1994, or 19 years after the Convention entered into force.<sup>29</sup>
  19. In addition, nearly 36,000 species are currently listed for trade restrictions in CITES, making enforcement impossible. It is therefore necessary to change the CITES Articles to switch to a reverse listing approach. A reverse listing approach would mean the default position is that a species cannot be traded and those who wish to trade would bear the burden of proof that the trade is ecologically and biologically sustainable.
  20. It is abundantly clear that there are severe systemic issues in the global CITES permit and trade monitoring system. Whilst these issues have been known for decades, they have not been resolved. This despite the fact that the legal trade in wild animals is enormous and that most of the countries in the world have signed on to the treaty.
  21. CITES establishes minimum conditions that must be complied with under international law but are insufficient to ensure an adequate level of protection for endangered species. The South African State's constitutional duty to take reasonable legislative and other measures to prevent ecological degradation and promote conservation should mean, in our view, that the State must meet a higher standard than required by CITES. CITES is the lowest common denominator—as South Africa our legislation needs to ensure a progressive, transparent, suitable and trustworthy regulatory framework and one also based on protection and ethics as outlined in the 'integrative approach' discussed in section 1 of this submission.
  22. Given that the trade in flora and fauna was confirmed as the second biggest threat to species survival in the May 2019 [IPBES Report](#) which states that up to 1 million species are potentially facing extinction, and given the overwhelming evidence that this trade system is not fit for purpose, it would be irresponsible to allow the wildlife trade from South Africa to continue. Therefore, a **moratorium on all new trade, must immediately be put in place until the system is decisively fixed.**
  23. The main legal instrument for implementing CITES in South Africa are the CITES Regulations<sup>30</sup> which are applied in conjunction with the Threatened or Protected Species Regulations, 2007<sup>31</sup> ("TOPS Regulations"). Both sets of regulations are made under the National Environmental: Biodiversity Act ("NEM:BA"). The CITES Regulations and the TOPS Regulations should be revised to give effect to the recommendations in this memorandum. A detailed analysis of these Regulations and how they should be amended is beyond the scope of this memorandum. However, by way of example, these regulations should be amended to provide that:
    - permits may only be issued to parties that meet specified "fit and proper person" criteria in order to facilitate the exclusion of undesirable individuals and organizations; and
    - applicants for permits may be required to provide financial security for the repatriation of animals that are exported on the basis of false information or to unsuitable destinations.
  24. As a CITES States Party, there is an opportunity for the USA to take the lead on addressing policy, regulatory and legislative gaps and address the fatally flawed CITES system by prioritising, adopting, implementing and supporting ethical values and practices, including:

<sup>29</sup> <https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-011.pdf>

<sup>30</sup> GNR 173 of 5 March 2010.

<sup>31</sup> GNR.152 of 23 February 2007.

- A consistent, globally Integrated, tamper-proof, traceable, transparent, interoperable and real-time data capturing and electronic permit system<sup>32</sup>—Via Cost Recovery.
  - A Reverse Listing approach to ensure enforcement.<sup>33</sup>
  - A transparent and consultative review of the provisions of the treaty.
  - Industry/traders (exporters and importers) contributing to the costs through levies.
  - Transparency, accountability and access to information is key and will also enable civil society to concentrate its limited resources on the analysis of information and engagement with institutions rather than on court battles to obtain the underlying information.
  - Holistic and transparent oversight and traceability throughout the entire life cycle and supply chain, from origin to final destination.
  - A review and interrogation of the over-generalised ‘sustainable use’ model.
  - Independent vetting, verification and auditing to investigate transactions and discrepancies.
  - Retrospective digitisation of all permits and public access to these.
  - Accountability and consequences for transgressions for ‘authorities’, traders, agents and breeders.
  - A National Strategy for illegal wildlife trade and laundering which also includes tackling legal trade loopholes.
  - Trained independent investigators and analysts.
  - Establishment of an anti-corruption multi-stakeholder forum within the sector.
  - Establishment of a stakeholder forum with animal protection organisations.
  - Ensuring that parliamentary instructions re captive lion industry are complied with.
  - Genuine and effective animal welfare and protection policies, measures and legislation developed and implemented in conjunction with legitimate animal protection organisations.
25. Parallel to the above, it is also our recommendation that the USA should take the lead to advocate for a comprehensive Global Agreement to tackle the dangerous, inhumane and indiscriminate trade in wild animals. A number of global precedents already exist that can be drawn on, including for example, the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*. Considered impossible only a decade before it entered into force in 1999, this Convention recognised the need for a more humanitarian, preventive and precautionary approach. It consequently marginalised Protocol II<sup>34</sup> of the 1983 *Convention on Certain Conventional Weapons* (CCW) which was problematic because, similar to CITES, it only imposed some restrictions without effectively dealing with the issue. To date, over 80% of the world's countries are States Parties with 164 States having formally agreed to be bound by the total ban.<sup>35</sup> The ban on anti-personnel landmines creates a model and a strategy that could be used to establish a new legally binding international agreement for universal adherence to, and implementation of, a comprehensive and complete ban on the wildlife trade. Such an agreement would replace CITES and have as its fundamental guiding principle that the trade in wild animals is inappropriate, counter-productive, unethical and fundamentally unsustainable.

## Wildlife Trade Bans

1. Wildlife trade is an industry where a few wealthy people have convinced many governments that the world cannot function without it. Those making a rigorous case against the wildlife trade are deliberately side-

<sup>32</sup> For example, see: <https://ecites.asycuda.org/>

<sup>33</sup> Reverse Listing refers to a model under which the default position for any species is ‘no commercial trade’ (also called white-listing or positive listing), any proposal for commercial trade requires approval for a listing on the Appendices. The burden and cost of proof that trade will not negatively impact the wild cohort or the ecosystem it lives in is done upfront by those who benefit from trade – not governments and NGOs as is currently the case. This explicit need to prove ecological sustainability must be done before any approval for trade – listing approval process could be based on Addis Ababa Principles on Sustainable Use, whilst also incorporating demand-side considerations, effects on the illegal trade, effects on enforcement and other criteria already used within CITES. Reverse/ listing is commonly used when the Precautionary Principle forms the basis of the regulatory framework. Examples include medicines and medical implants; the pharmaceutical industry pays the costs up front to demonstrate these medicines and implants are safe to humans.

<sup>34</sup> Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II).

<sup>35</sup> <http://www.icbl.org/en-gb/the-treaty/treaty-status.aspx>

- lined and often labelled as uneducated and simply ignorant of the industry's nuances. Proponents of wildlife trade claim bans are ineffective at protecting wildlife and are detrimental to rural communities' food security and livelihoods.
2. Essentially, their stance is that wanting to protect wildlife through trade bans harms both wildlife and people. At least, that is, if you believe the myths perpetuated by wealthy industry leaders aiming to protect their profits. All too often propaganda from wildlife trade advocates states wildlife trade bans simply do not work. They argue that conservation severely lacks funding and resources around the globe, and it is, therefore, unrealistic to assume bans can be properly enforced. Unenforced bans will only lead to more illegal and unsustainable trade.
  3. To the uninitiated, this may seem like a valid argument against bans. However, in reality, bans are much better suited to protecting wildlife than regulated trade specifically because of the lack of resources available for conservation. Enforcing trade regulations requires vastly more resources, knowledge, and expertise than enforcing trade bans.
  4. Recent history also shows how effective bans can be in protecting vulnerable species. Hunting, fishing, and trade decimated many of North America's wildlife species throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries. Human pressure nearly eliminated humpback whales from coastal waters and gray wolves from mountains and plains. Luckily, the United States passed its most important piece of conservation legislation in 1973, the Endangered Species Act (ESA). The ESA prevents the "taking" of any federally protected species and restricts the destruction of crucial habitat. Taking in this context means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Put simply, the ESA is legislation banning wildlife trade of certain species in the United States. But the ESA is so much more than a piece of legislation to species like humpback whales and gray wolves, it is their saving grace.
  5. The success of elephant ivory and rhino horn bans demonstrates the United States is not an outlier. The 1989 CITES ban on international ivory trade was followed by a boom in elephant populations in many African countries. Even countries where elephant populations continued to decline showed a slower rate of decline.
  6. Rhino breeders think criminalizing the international rhino horn trade threatens wild rhino populations, but that opinion is not backed by science. Population studies show black rhino numbers reversed a downward trend and started growing shortly after China banned rhino horn trade in 1993. Who would have thought such blunt instruments could work wonders for the world's biodiversity?
  7. It is easy to point to examples of wildlife trade bans positively impacting conservation but there is still the myth that bans adversely impact food security for the world's impoverished communities. However, the unfortunate reality is there is no longer a sustainable level of wildlife consumption that meets human needs. Economic assessments detail what has long been known but consistently pushed aside, there is a stark imbalance between what nature can supply and what humans demand. Even studies often cited to support continuing wildlife trade for food security do nothing more than prove wildlife consumption is unsustainable.
  8. This is where nuance comes into the wildlife trade argument. If wildlife trade and subsequent consumption is continually promoted as a food security benefit, there will be no wildlife left to support our own species. As the number of humans grows and the number of wildlife declines, communities that rely on wildlife consumption will become increasingly food insecure.
  9. Allowing wildlife trade to continue is simply kicking the can down the road and will only make the future worse for impoverished people. Wildlife trade bans force the world to have the uncomfortable discussions about lack of infinite growth on a finite planet.
  10. Even so, the food security argument is often just a façade for increasing the profits of wealthy industry leaders. For instance, South African officials stated they are extending their West Coast rock lobster fishing season because the COVID-19 pandemic is putting an economic strain on fishers in an industry that sends 90% of their catch to China. Research shows African countries' increasing exportation of fish stock to China is adding to food security concerns and poor communities are likely to be hit the hardest as prices increase on the continent.
  11. It is interesting wildlife trade proponents think bans will destroy livelihoods of the world's impoverished, yet there are concrete examples of legal trade depleting resources and increasing food costs for poor communities. It seems what wildlife trade proponents really mean is bans will negatively impact the

livelihoods of a few wealthy industry leaders. But the idea of protecting wealthy industry leaders in the hopes of benefiting the rural poor is akin to trickle-down economics. It simply does not work.

12. Those wishing to ban wildlife trade are not ignorant or unrealistic. Rather, wildlife trade opponents are pragmatic and opting for the best solution on a finite planet. Bans require less funding and resources than regulations and have a history of successfully protecting biodiversity. On the other hand, legal wildlife trade is currently contributing to food scarcity and further impoverishing communities. Bans can help reverse that trend.

## Trophy Hunting – Generally

1. Trophy hunting is the killing of wild animals for recreation with the purpose of collecting trophies such as horns, antlers, skulls, skins, tusks or teeth for display.<sup>36</sup>
2. The word trophy means a memorial of victory in war, spoils taken from the enemy as a token of victory and power. Trophy hunting, like colonialism, is about power and has its roots in imperial practices of control and annexation. This is the locale of the pro-gun hunting lobby.
3. The gratuitous killing of wild animals for pleasure and profit under the guise of conservation is highly contested and refutable.
4. According to a critic of trophy hunting, the World Wide Fund for Nature's Saliem Fakir, "the continued promotion of hunting is being justified by rather erroneous cost-benefit analysis". He said industry stalwarts had skilfully manipulated political language to paint a righteous face on the industry.
5. Trophy hunting of elephants and apex predators should be completely abandoned for ecological and judicial reasons.<sup>37</sup>
6. The long-term damage caused by trophy hunting activities outweighs any possible perceived short-term gain. The negative evolutionary effects of trophy hunting on wild populations deplete populations and threaten the tourism industry. It is also incompatible with South Africa's attempts to position itself internationally as a destination for ecotourism.
7. Apart from the ethical and compassionate issues, hunting is a "consumptive use" practice that has significant environmental impacts and interferes with many ecosystem processes. It influences genetic diversity and composition of species, population size, density, distribution, structure, dynamics, behaviour and the condition of habitats. It also exerts negative impacts on other animal species, plants and ecosystems. Genetic studies of wild populations in which trophy hunting takes place have shown that body weight and horn size have declined significantly.
8. Trophy hunting disturbs the sex or age structure disrupting the mating system, the fertility and survival of certain sectors of the population and the offspring sex ratio. The removal of even a few targeted individuals could have dire consequences.
9. A recent study (2016) found that a reduction in hunting quotas over the study period resulted in a 62% increase in the total population and a 200% increase in adult male density in the study area. It also found that trophy hunting on the park boundary lowered survival rates.<sup>38</sup>
10. Trophy hunting is not pro-poor, nor is it pro-wildlife and does not develop sustainable local economies. Non-consumptive, ethical wildlife ecotourism, on the other hand, is a sustainable strategy which protects wildlife and meets human needs.
11. The idea of killing to conserve has, however, been repeatedly exposed as fallacious at best and neo-colonially destructive at worst.<sup>39</sup>Painting South Africa's private ownership model as a conservation

<sup>36</sup> A Sheikh Pervaze and Bermejo F Lucas, "International Trophy Hunting," *Congressional Research Service* (Congressional Research Service, 2019), <https://crsreports.congress.gov>.

<sup>37</sup> Katarzyna Nowak et al., "Trophy Hunting: Bans Create Opening for Change," *Science* 6464 (2019): 434–35, <https://doi.org/10.1126/science.aaz4023>; Chelsea Batavia et al., "The Elephant (Head) in the Room: A Critical Look at Trophy Hunting," *Conservation Letters* 12, no. 1 (2019), <https://doi.org/10.1111/conl.12565>; Chelsea Batavia et al., "Trophy Hunting: Values Inform Policy," ed. Jennifer Sills, *Science* 366, no. 6464 (October 25, 2019): 433.1–433, <https://doi.org/10.1126/science.aaz4023>.

<sup>38</sup> A.J.Loveridge, M.Valeix, G.Chapron, Z.Davidson, G.Mtare, D.W.Macdonald, Conservation of large predator populations: Demographic and spatial responses of African lions to the intensity of trophy hunting, *Biological Conservation*, [Volume 204](#), [Part B](#), December 2016, Pages 247-254

<sup>39</sup> Muchazondida Mkono, "The Trophy Hunting Controversy," in *Positive Tourism in Africa*, ed. Muchazondida Mkono, 1st ed. (New York: Routledge, 2019), 211–29, <https://doi.org/10.4324/9780429428685-18>; Mucha Mkono, "Neo-Colonialism and Greed: Africans' Views on Trophy Hunting in Social Media," *Journal of Sustainable Tourism* 27, no. 5 (2019): 689–704,

success story ignores the very serious problems associated with private ranching,<sup>40</sup> such as habitat fragmentation, the persecution of apex predators and the extreme tail risks associated with selective and intensive breeding.<sup>41</sup> Beyond this, questions must be raised about the quality of work for labourers on wildlife ranches and whether the conversion of farm land to ranch land has simply served to perpetuate inequality of land ownership and an exclusionary economy.<sup>42</sup>

12. The claim typically advanced against bans is that they can produce unintended negative consequences for biodiversity conservation.<sup>43</sup> Trophy hunting proponents are of the view that revenues generated by the practice support conservation and rural livelihoods in ways that are currently irreplaceable at the appropriate scale.<sup>44</sup> Those opposed to the practice tend to do so on ethical and conservation grounds. For instance, it is morally reprehensible to kill a wild animal for fun, especially those that are long-lived, intelligent and self-aware (like elephants).<sup>45</sup> Appropriate moral repugnance cannot be reconciled with the assertion that science supports the practice.<sup>46</sup> This is especially the case given the extensive evidence of poor governance in jurisdictions that allow and support trophy hunting.<sup>47</sup> Moreover, alternative conservation activities exist that eschew a colonial practice of extraction in favour of more ecologically sustainable and dignifying activities.<sup>48</sup> These can potentially be scaled but not without global policy support. Efforts by Safari Club International (SCI) to defend the right to hunt arguably impair such support and unduly skew weakly governed African countries' policy positions.<sup>49</sup>
13. Trophy hunting extraction in sub-Saharan Africa is unsustainable. In the context of the sixth extinction, policies that support the extraction of wildlife as a means of 'conservation' must be exposed for the contradictions that they are. Most importantly, jobs (rural livelihoods) purportedly supported by hunting could be more than compensated for by non-consumptive ecotourism, a fundamentally more ecologically sustainable practice that provides more jobs with higher quality and greater security. While it remains true that some areas currently allocated to trophy hunting may not be conducive to photographic tourism, this does not constitute an argument in favour of hunting. Rather, it constitutes a call for the rapid implementation of alternatives, including conservation subsidisation from international governments to ensure that entire ecosystems remain intact and functional. It is also critical to note that some areas

<https://doi.org/10.1080/09669582.2019.1604719>; Bertrand Chardonnet, "Africa Is Changing: Should Its Protected Areas Evolve? Reconfiguring the Protected Areas in Africa," *IUCN*, 2019, <https://portals.iucn.org/protected-areas>.

<sup>40</sup> Carruthers, "Wilding the Farm or Farming the Wild? The Evolution of Scientific Game Ranching in South Africa from the 1960s to the Present"; Jenny A Cousins, Jon P Sadler, and James Evans, "The Challenge of Regulating Private Wildlife Ranches for Conservation in South Africa," *Ecology and Society* 15, no. 2 (2010): 2–22, <https://www.ecologyandsociety.org/vol15/iss2/art28/main.html>; Ross T. Pitman et al., "The Conservation Costs of Game Ranching," *Conservation Letters* 10, no. 4 (2017): 402–12, <https://doi.org/10.1111/conl.12276>.

<sup>41</sup> Isa Rita M Russo et al., "Intentional Genetic Manipulation as a Conservation Threat," *Conservation Genetics Resources* 11, no. 2 (2019): 237–47, <https://doi.org/10.1007/s12686-018-0983-6>; Jeanetta Selier et al., "An Assessment of the Potential Risks of the Practice of Intensive and Selective Breeding of Game To Biodiversity and the Biodiversity Economy in South Africa," 2018.

<sup>42</sup> Femke Brandt, "Power Battles on South African Trophy-Hunting Farms: Farm Workers, Resistance and Mobility in the Karoo," *Journal of Contemporary African Studies* 34, no. 1 (2016): 165–81, <https://doi.org/10.1080/02589001.2016.1200244>.

<sup>43</sup> Michael 't Sas-Rolfes, "African Wildlife Conservation and the Evolution of Hunting Institutions," *Environmental Research Letters* 12 (2017): 1–9, <https://doi.org/10.1088/1748-9326/aa854b>.

<sup>44</sup> Amy Dickman et al., "Trophy Hunting Bans Imperil Biodiversity," *Science* 365, no. 6456 (2019): 874–874, <https://doi.org/10.1126/science.aaz0735>; Enrico Di Minin, Nigel Leader-Williams, and Corey J.A. Bradshaw, "Trophy Hunting Does and Will Support Biodiversity: A Reply to Ripple et al.," *Trends in Ecology and Evolution* 31, no. 7 (2016): 496–98, <https://doi.org/10.1016/j.tree.2016.03.010>.

<sup>45</sup> G. A. Bradshaw and Allan N. Schore, "How Elephants Are Opening Doors: Developmental Neuroethology, Attachment and Social Context," *Ethology* 113, no. 5 (2007): 426–36, <https://doi.org/10.1111/j.1439-0310.2007.01333.x>.

<sup>46</sup> Chelsea Batavia et al., "The Elephant (Head) in the Room: A Critical Look at Trophy Hunting," *Conservation Letters* 12, no. 1 (2019), <https://doi.org/10.1111/conl.12565>; Muchazondida Mkono, "The Trophy Hunting Controversy," in *Positive Tourism in Africa*, ed. Muchazondida Mkono, 1st ed. (New York: Routledge, 2019), 211–29, <https://doi.org/10.4324/9780429428685-18>.

<sup>47</sup> Nigel Leader-Williams, Rolf D Baldus, and RJ Smith, "The Influence of Corruption on the Conduct of Recreational Hunting," in *Recreational Hunting, Conservation and Rural Livelihoods: Science and Practice*, ed. Barney Dickson, Jon Hutton, and B Adams (Blackwell Publishing, 2009), [http://www.wildlife-baldus.com/download/influence\\_of\\_corruption\\_on\\_hunting.pdf](http://www.wildlife-baldus.com/download/influence_of_corruption_on_hunting.pdf); Fred Nelson, Peter Lindsey, and Guy Balme, "Trophy Hunting and Lion Conservation: A Question of Governance?," *ORYX* 47, no. 4 (2013): 501–9, <https://doi.org/10.1017/S003060531200035X>.

<sup>48</sup> Katarzyna Nowak et al., "Trophy Hunting: Bans Create Opening for Change," *Science* 6464 (2019): 434–35, <https://doi.org/10.1126/science.aaz4023>.

<sup>49</sup> EMS Foundation, "The long tentacles of Safari Club International undermine conservation efforts in Africa," <https://emsfoundation.org.za/the-long-tentacles-of-safari-club-international-sci-undermining-conservation-efforts-in-africa/>, accessed 7 January 2020.

- previously considered ‘marginal’ and unamenable to photographic tourism have been remarkably successful with the latter.<sup>50</sup>
14. Seven African countries feature in the top 10 exporters of CITES-listed trophy items between 2008 and 2017. A total of 37,933 elephants were killed by trophy hunters in that decade, along with 14,008 lions and 8,307 leopards. The average elephant trophy fee in 2019 for an African elephant was \$45,013, while a male African lion sold for an average of \$33,747.
  15. Excessive recreational hunting during the colonial era rendered a number of species on the verge of extinction across the continent.<sup>51</sup> A public relations campaign, mostly conducted by SCI, has attempted to rebrand trophy hunting as a conservation tool. This view is hard to reconcile with the fact that over 100,000 African elephants were illegally killed between 2011 and 2013, mostly for their ivory.<sup>52</sup> A large portion of these elephants were slaughtered in the Selous ecosystem in Tanzania, the majority of which was allocated to hunting. Due to habitat fragmentation, destruction and prey base depletion, African lions are also dwindling in number –an estimated 20,000 remain in the wild. Poaching for body parts is emerging as a new threat.<sup>53</sup>
  16. There is simply not enough empirical data to show that South Africa’s wild lion population is not under threat. Large predators are in decline globally, with growing concern over the impacts of human activity on conservation status and range of many populations. The global lion population has declined by 43% in just 21 years (three generations), with high threat levels across the species’ broad geographic range. There are only 2,376 lions in South African national parks (this includes the private reserves). Instead of making arguments to kill them we should be insisting that our government does everything in its power to protect them. Habitat loss and hunting (which includes poaching) are the greatest threats to wildlife populations. Lions are under increasing threat from poaching – and South Africa’s support for the lion bone trade is impacting negatively on wild populations, here and elsewhere in Africa.
  17. Trophy hunting, like poaching, artificially selects the biggest and strongest animals (largest tusks and thickest manes), weakening populations’ genetic health and variation.<sup>54</sup> Therefore, while revenue may be forthcoming in the short term from such extraction, the longer-term effects are that population growth dynamics are negatively affected. Moreover, some elephants are now being born without tusks, a destructive genetic adaptation. Elephants, too, are increasingly reproductively successful with age, with older bulls suppressing musth onset in younger bulls and preventing delinquent behaviour associated with early musth onset.<sup>55</sup> When trophy hunters eliminate these older bulls, they destroy elephant family integrity (through trauma and removal of the discipline and knowledge transfer functions executed by patriarchs) and force matriarchs to mate with younger bulls they would otherwise not have selected, thereby skewing reproduction patterns.<sup>56</sup> The idea that trophy hunters only eliminate ‘surplus’ animals is patently untrue. Repeatedly in southern Africa, the biggest and strongest male lions (in their reproductive

<sup>50</sup> See <https://www.andbeyond.com/places-to-stay/africa/botswana/makgadikgadi-pans/jacks-camp/>, accessed 7 January 2020.

<sup>51</sup> PA Lindsey, PA Roulet, and SS Romaniach, “Economic and Conservation Significance of the Trophy Hunting Industry in Sub-Saharan Africa,” *Biological Conservation* 134, no. 4 (2007): 455–69, <https://doi.org/10.1016/j.biocon.2006.09.005>.

<sup>52</sup> G. Wittemyer et al., “Illegal Killing for Ivory Drives Global Decline in African Elephants,” *Proceedings of the National Academy of Sciences* 111, no. 36 (2014): 13117–21, <https://doi.org/10.1073/pnas.1403984111>.

<sup>53</sup> K. T. Everatt, R. Kokes, and C. Lopez Pereira, “Evidence of a Further Emerging Threat to Lion Conservation; Targeted Poaching for Body Parts,” *Biodiversity and Conservation* 28, no. 14 (2019): 4099–4114, <https://doi.org/10.1007/s10531-019-01866-w>.

<sup>54</sup> Patrick I. Chiyo, Vincent Obanda, and David K. Korir, “Illegal Tusk Harvest and the Decline of Tusk Size in the African Elephant,” *Ecology and Evolution* 5, no. 22 (2015): 5216–29, <https://doi.org/10.1002/ece3.1769>; Tim Coulson et al., “Predicting the Evolutionary Consequences of Trophy Hunting on a Quantitative Trait,” *Journal of Wildlife Management* 82, no. 1 (2018): 46–56, <https://doi.org/10.1002/jwmg.21261>.

<sup>55</sup> Lucy A. Taylor et al., “Movement Reveals Reproductive Tactics in Male Elephants,” *Journal of Animal Ecology*, no. September 2018 (2019): 1–11, <https://doi.org/10.1111/1365-2656.13035>; R. Slotow and G. Van Dyk, “Role of Delinquent Young ‘Orphan’ Male Elephants in High Mortality of White Rhinoceros in Pilanesberg National Park, South Africa,” *Koedoe* 44, no. 1 (2001): 85–94, <https://doi.org/10.4102/koedoe.v44i1.188>.

<sup>56</sup> H B Rasmussen et al., “Age- and Tactic-Related Paternity Success in Male African Elephants,” *Behavioral Ecology* 19, no. 1 (2008): 9–15, <https://doi.org/10.1093/beheco/arm093>; G. A. Bradshaw et al., “Elephant Breakdown,” *Nature* 433, no. 7028 (2005): 807–807, <https://doi.org/10.1038/433807a>.

- prime) are shot.<sup>57</sup> Younger lions entering the pride often execute infanticide on their predecessor's cubs, thus reducing numbers and further weakening the gene pool.<sup>58</sup>
18. Clearly, the incentives that drive trophy hunting (selecting the strongest) are fundamentally at odds with the conservation imperative (preserving the strongest). Beyond the negative ecological effects, the practice remains rooted in colonial modes of extraction.<sup>59</sup> In exchange for repatriating an African trophy, wealthy (mostly white western males) hunters pay large sums of cash to wealthy tour operators. In the process, especially in open ecological system, hunters are extracting the very same creatures that photographic tourists are paying to see. In the long run, sustainable photographic tourism, a major employer in otherwise slow-growing and non-labour-absorptive economies (most of sub-Saharan Africa), will be undermined by the continuation of trophy hunting.
  19. Lindsey and others show that a minimum of 1,394,000km<sup>2</sup> is set aside for hunting in sub-Saharan Africa, exceeding the land encompassed by national parks. They note, nonetheless, that there are a number of problems associated with the industry that limit its conservation benefits.<sup>60</sup> These are almost entirely governance related. Setting appropriate scientific quotas – and enforcing them – invariably does not happen in sub-Saharan African countries. Almost every academic paper that supports trophy hunting as a potential conservation tool provides the caveat that it can only work if it is well governed.<sup>61</sup> The caveat is hardly ever fulfilled, which suggests that the fundamental nature of this extractive industry is incongruent with good conservation governance.
  20. Economically, the problem with simply demonstrating that trophy hunting provides large revenues, many jobs, and protects land that might otherwise be converted to a worse ecological use (such as crop production or livestock grazing) is that it fails to convey the hidden costs (ecological, social and economic) of trophy hunting.
  21. Lindsey and others, in 2007, estimated that trophy hunting supported 16,000 jobs in sub-Saharan Africa.<sup>62</sup> A study by van der Merwe and others in 2014 attributed 31,436 jobs in South Africa to hunting through the multiplier effect – other industry jobs that are sustained through hunting such as agriculture, manufacturing and so forth.<sup>63</sup> They claim that these jobs would not otherwise exist. A 2018 study estimated that trophy hunters contribute \$341 million per year to the South African economy and support more than 17,000 employment opportunities.<sup>64</sup> The authors also reference a study by Safari Club International (SCI) from 2015 that estimates that 53,400 jobs are supported through trophy hunting in southern Africa (across eight countries, with South Africa boasting 12,742).
  22. A 2009 IUCN report concurs with an estimated total of 15,000 hunting jobs across the eight biggest hunting jurisdictions in Africa, but concluded that 'the hunting sector uses up a lot of space without generating corresponding socio-economic benefits.'<sup>65</sup> A 2019 paper by Chardonnet – also published by the IUCN – notes that Tanzania's vast hunting landscapes (100,000km<sup>2</sup>) only account for 4,300 jobs – 'the vast surface areas of hunting reserves do not have a significant socio-economic impact.'<sup>66</sup>
  23. The problem with simplistic analyses supporting hunting is that they ignore the ecological costs of wildlife ranching and fail to recognise that trophy hunting and non-consumptive ecotourism are increasingly mutually exclusive. They also tend to ignore the poor quality of jobs on hunting establishments and how this perpetuates a colonial and apartheid-era power dynamic.

<sup>57</sup> Mucha Mkono, "Neo-Colonialism and Greed: Africans' Views on Trophy Hunting in Social Media," *Journal of Sustainable Tourism* 27, no. 5 (2019): 689–704, <https://doi.org/10.1080/09669582.2019.1604719>.

<sup>58</sup> T M Caro et al., "Animal Breeding Systems and Big Game Hunting: Models and Application," *Biological Conservation* 142, no. 4 (2009): 909–29, <https://doi.org/10.1016/j.biocon.2008.12.018>.

<sup>59</sup> Batavia et al., "The Elephant (Head) in the Room: A Critical Look at Trophy Hunting"; Mkono, "Neo-Colonialism and Greed: Africans' Views on Trophy Hunting in Social Media."

<sup>60</sup> P. A. Lindsey, P. A. Roulet, and S. S. Romañach, "Economic and Conservation Significance of the Trophy Hunting Industry in Sub-Saharan Africa," *Biological Conservation*, 2007, <https://doi.org/10.1016/j.biocon.2006.09.005>.

<sup>61</sup> See, for instance: Nelson, Lindsey, and Balme, "Trophy Hunting and Lion Conservation: A Question of Governance?"

<sup>62</sup> Lindsey, Roulet, and Romañach, "Economic and Conservation Significance of the Trophy Hunting Industry in Sub-Saharan Africa," 2007, 459.

<sup>63</sup> Petrus van der Merwe, Melville Saayman, and Riaan Rossouw, "The Economic Impact of Hunting: A Regional Approach," *South African Journal of Economic and Management Sciences* 17, no. 4 (2014): 379–95, <https://doi.org/10.4102/sajems.v17i4.439>.

<sup>64</sup> Melville Saayman, Petrus van der Merwe, and Andrea Saayman, "The Economic Impact of Trophy Hunting in the South African Wildlife Industry," *Global Ecology and Conservation* 16 (2018), <https://doi.org/10.1016/j.gecco.2018.e00510>.

<sup>65</sup> IUCN report, <https://portals.iucn.org/library/efiles/documents/2009-074-En.pdf>, accessed 9 January 2020.

<sup>66</sup> Bertrand Chardonnet, "Africa Is Changing: Should Its Protected Areas Evolve? Reconfiguring the Protected Areas in Africa," *IUCN*, 2019, <https://portals.iucn.org>.

24. One of the ironies associated with the increase in private ‘game’ ranching in South Africa is that ‘game’ rancher tolerance towards free-ranging wildlife has significantly decreased – there is a conflict of interest between wealth and wildlife conservation, and game ranching comes at a significant cost to conservation.<sup>67</sup> For instance, the ‘propensity to erect predator-proof fencing in response to conflict raises further concerns, as it can fragment habitat and significantly alter interactions between species, leading to detrimental impacts on ecosystem functions.’<sup>68</sup> The majority of trophy hunting in South Africa takes place on private ranches. One estimate suggests that there are in the region of 9,000 of these ranches, covering an area of some 21 million hectares.<sup>69</sup> Fragmented private pockets of wildlife ranches do not contribute to intact ecological functionality. For defenders of the status quo, increased wildlife numbers are cited as a conservation success story. But numbers mean relatively little if what they represent is ultimately harming ecological sustainability instead of promoting it.
25. Regarding employment, trophy hunting fails to provide high quality jobs and perpetuates negative historical socio-economic relationships that sub-Saharan African countries are trying to shed. Job security, for instance, has evidentially diminished in South Africa’s evolution of conversion from other forms of agriculture to wildlife ranching. ‘Trophy-hunting farms can be seen as non-state spaces where farmers re-assert their authority and sovereignty over land and natural resources. State making through enclosure and settlement is a violent process, and privatisation of wildlife intensifies this violence as it concentrates power in the hands of land and wildlife owners’<sup>70</sup>, the very opposite of the transformation agenda articulated when South Africa entered democracy in 1994. Further wealth concentration in the hands of the already privileged entrenches inequality and simultaneously contributes to local communities’ negative attitude towards wildlife, as it can symbolise oppression associated with white privilege.
26. A classic example of entrenched white privilege is the Associated Private Nature Reserves (APNR) in South Africa, bordering the world-renowned Kruger National Park (KNP). The six private reserves each comprise a number of different private owners and farms. By 1996, these reserves had almost no elephants left as they had been hunted to near extinction. The fences were dropped in 1993 – before the end of apartheid – on the premise of creating ‘ecological unity’ between the APNR and the KNP itself. Commercial hunting, in the 1996 agreement, was not mentioned at all. Animals under public custodianship (KNP) now move freely between the APNR and the KNP. Far from creating ecological unity, however, they are treated as *res nullius* (nobody’s property) in the APNR and are hunted. South African National Parks (SANParks) has never addressed this problem.<sup>71</sup> In 2019, the APNR approved the commercial trophy hunting of 47 elephant bulls. These animals are part of the country’s national heritage but are permitted to be shot by foreign trophy hunters for the benefit of a small number of wealthy white landowners. Tellingly, governance breaches in the APNR abound. How much money actually accrues to local communities remains unknown due to a lack of transparency in the industry.
27. Let us now grant, for the sake of the argument, that trophy hunting in South Africa supports 17,000 employment opportunities. Across 21 million hectares of private ranching land, that amounts to a labour absorption figure of 0.00080952 per hectare. To the contrary, non-consumptive ecotourism generates superior revenue to other land use activities such as hunting and game sales.<sup>72</sup>
28. According to a 2019 study, 90,000 jobs are estimated to be currently attributable to non-consumptive use of biodiversity in South Africa.<sup>73</sup> If the 21 million hectares currently allocated towards consumptive trophy hunting were re-allocated towards non-consumptive tourism, the labour absorption rate would presumably

<sup>67</sup> Ross T. Pitman et al., “The Conservation Costs of Game Ranching,” *Conservation Letters* 10, no. 4 (2017): 402–12, <https://doi.org/10.1111/conl.12276>.

<sup>68</sup> *Ibid.*, 409.

<sup>69</sup> Saayman, van der Merwe, and Saayman, “The Economic Impact of Trophy Hunting in the South African Wildlife Industry.”

<sup>70</sup> Femke Brandt, “Power Battles on South African Trophy-Hunting Farms: Farm Workers, Resistance and Mobility in the Karoo,” *Journal of Contemporary African Studies* 34, no. 1 (2016): 178–79, <https://doi.org/10.1080/02589001.2016.1200244>.

<sup>71</sup> Michele Pickover and Michael Cadman, “Hunting in South Africa: A Bloody Mess,” *Africa* (Johannesburg, 2010).

<sup>72</sup> WA Taylor, PA Lindsay, and HT Davies-Mostert, “An Assessment of the Economic, Social and Conservation Value of the Wildlife Ranching Industry and Its Potential to Support the Green Economy in South Africa,” *Research and Policy Development to Advance a Green Economy in South Africa* (Johannesburg, 2016), [http://www.the-eis.com/data/literature/Taylor et al 2016 An assessment of the economic social and conservation value of the wildlife ranching industry and its potential to support the green e.pdf](http://www.the-eis.com/data/literature/Taylor%20et%20al%202016%20An%20assessment%20of%20the%20economic%20social%20and%20conservation%20value%20of%20the%20wildlife%20ranching%20industry%20and%20its%20potential%20to%20support%20the%20green%20e.pdf).

<sup>73</sup> Driver A, Mukhadi F and E Botts, ‘An Initial Assessment of Biodiversity-Related Employment in South Africa’, [http://www.dpru.uct.ac.za/sites/default/files/image\\_tool/images/36/Publications/Working\\_Papers/DPRU%20WP201902.pdf](http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Publications/Working_Papers/DPRU%20WP201902.pdf), accessed 7 January 2020.

improve to 0.00428571 (more than five times the hunting provision and support 90,000 jobs instead of only 17,000). Applying the same calculation to Tanzania, 42,857 jobs could be created through converting hunting landscapes to ecotourism. Ecotourism has the additional benefit of 'equitable wealth distribution, community upliftment and sustainable land use and biodiversity conservation.'<sup>74</sup>

29. A further and final consideration is that the long-term economic potential of photographic tourism depends on ecological sustainability and intact landscapes, therefore providing an inherent conservation incentive that is largely absent from the trophy hunting model. A trophy male lion might fetch \$33,000 but its lifetime value to photographic tourism may be as high as \$2 million.<sup>75</sup> Moreover, trophy hunting and photographic tourism are increasingly mutually exclusive. Photographers have, on occasion, witnessed wild animals being shot by trophy hunters.<sup>76</sup> Even the knowledge that hunting occurs in the same vicinity is sufficient to deter many tourists with non-consumptive preferences from visiting countries that practice trophy hunting.<sup>77</sup>
30. Trophy hunting is a morally repugnant activity that cannot be reconciled with science. Contrary to the view that banning trophy hunting imports would have negative socio-ecological consequences, it seems clear that such a ban will open an overdue conversation on the importance of implementing and scaling up alternative activities. The data is also unequivocal that hunting supports relatively few jobs per hectare when compared with non-consumptive ecotourism. The labour absorption figure for the latter is likely five times larger than that of trophy hunting. For South Africa alone, this means that land currently allocated to hunting could provide 90,000 jobs instead of only 17,000 (excluding multiplier effects). Moreover, the quality of hunting jobs is highly questionable, and the evidence suggests that South Africa's conversion of agricultural land to game ranching has worsened job security and deepened inequalities. This is the very opposite of community empowerment, which non-consumptive tourism is better able to accomplish.

## Community Benefits from Trophy Hunting in South Africa

1. It is generally accepted that the greatest threat to wildlife and nature conservation is the ever-increasing footprint of the human population that is set to double by 2050. This has led to habitat loss, degradation, and fragmentation, as well as so-called "human-wildlife conflict". Trophy hunting acts as an added threat to wildlife already under intense pressure from people.
2. Weak governance, corruption, lack of transparency, lack of a critical mass of scientific data, illegal activities, greed, current government policies, and poor monitoring and enforcement are some of the concerns around trophy hunting in Africa that hamper ethical conservation and prevent communities from receiving ethical and sustainable benefits, and these require urgent action and reform.
3. In the APNR, current and historical mismanagement, breaches of the Greater Kruger Hunting Protocols, and sometimes even negligence during trophy hunts, reflect not only badly on the hunting fraternity, but also on the photographic safari or eco-tourism sector in the Greater Kruger National Park and South Africa as a whole. Examples include:
  - a. Early 2005, an elephant hunted in the Klaserie was shot 21 times before it succumbed.
  - b. In June 2005, an American hunter wounded an elephant in Balule, but only killed it 24 hours later.
  - c. In March 2006, a lion, one of a well-known pair known as the "Sohebele brothers" was shot and wounded in the Umbabat, but the hunter was unable to kill the animal, as its brother refused to leave the scene. The hunter later repeatedly drove a tractor at the lions in an attempt to separate them but failed. The lion was killed by rangers only the following morning.
  - d. Later that month, a large, one-tusked male elephant was shot and wounded by a Spanish hunter in the Umbabat, believed to have fled into the KNP and was not found since.
  - e. March 2013, an elephant was shot in the very close proximity to Ingwelala's eastern boundary. The wounded animal ran directly south towards Motswari Lodge and was followed by the hunting

<sup>74</sup> Taylor, Lindsay, and Davies-Mostert, "An Assessment of the Economic, Social and Conservation Value of the Wildlife Ranching Industry and Its Potential to Support the Green Economy in South Africa," 47.

<sup>75</sup> See <https://africageographic.com/blog/dereck-joubert-responds-to-a-hunter-on-the-economics-of-hunting/>, accessed 7 January 2020.

<sup>76</sup> See [https://www.eturbonews.com/239650/young-balule-elephant-shot-13-times-before-horrified-visitors/?utm\\_source=dlyr.it&utm\\_medium=gplus](https://www.eturbonews.com/239650/young-balule-elephant-shot-13-times-before-horrified-visitors/?utm_source=dlyr.it&utm_medium=gplus), accessed 7 January 2020.

<sup>77</sup> Michele Pickover and Michael Cadman, "Hunting in South Africa: A Bloody Mes.," 2010.

party, who continued to fire 20+ shots before it was finally killed in the close proximity to the lodge with many guests. Motswari Lodge was never informed that this hunt was to take place and was caught completely off guard. The effect on their guests and staff was devastating.

- f. In June 2018, an incident of non-compliance in the hunt of the male lion in Umbabat, a pride male of approximately 6 years old. It's a contravention of the hunting protocol, which stipulates that pride males under the age of 8 years cannot be taken.
- g. In August 2018, a scheduled elephant hunt conducted in Balule led to the illegal killing of a collared male elephant. Mpumalanga Tourism and Parks Authority (MTPA) laid criminal charges and the warden was subsequently convicted.
- h. In December 2018, a young elephant was shot multiple times in Balule in front of photographic safari tourists staying at a neighbouring property.

These incidents reflect a long history of non-compliance with the Greater Kruger Hunting Protocol.

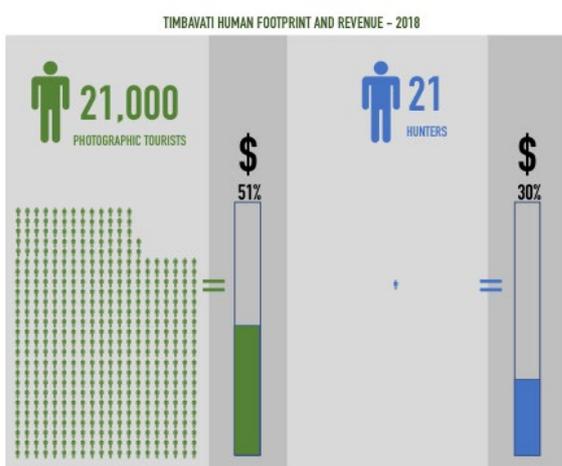
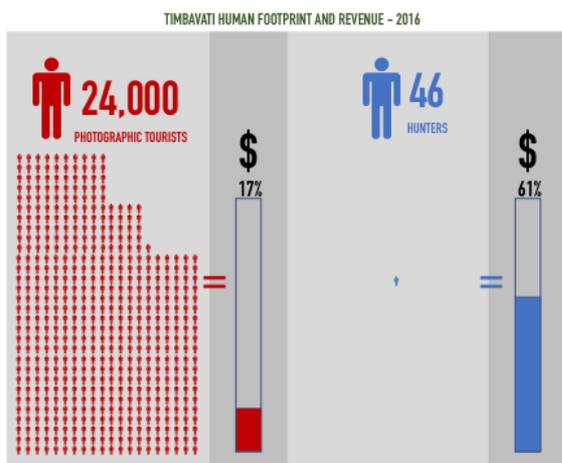
- 4. The proposition that trophy hunting is imperative to the future of conservation and to generate local community benefits has generally been developed and accepted without compelling empirical support. A lack of reliable information on its economic significance is also apparent within South Africa's trophy hunting industry.
- 5. The total number of foreign hunters South Africa receives annually is about 9,000 (2015 - DEA), killing around 54,000 animals per year and providing 5,000-6,000 jobs.
- 6. As is evident from the figures in this table, there is no consensus on the gross annual revenue from trophy hunting in South Africa and estimates range from US\$ 100 million in 2005, to US\$68 million in 2012, and US\$120 million in 2015.
- 7. We also need to question the accuracy of some of the data obtained using wide ranging methodologies. Often the only data from grey literature is available or provided by trophy hunting associations, who have a vested interest in the industry and therefore the potential for bias is huge.

| Gross annual revenue     | Number of jobs supported | Source   |
|--------------------------|--------------------------|--|
| US\$ 68 million in 2012  |                          | Di Minin, et al., 2016   |
| US\$ 100 million in 2005 | 5,000-6,000              | Lindsey, et al., 2006  |
| US\$ 120 million in 2015 |                          | DEA, 2018 *  |
| US\$ 130 million in 2015 | 12,000                   | PHASA, 2017  |
| US\$ 206 million in 2014 | 12,742 (FT & PT)         | Southwick Associates, 2015<br>On behalf of Safari Club International |

\* source unvalidated but quoted by DEA in Portfolio Committee colloquium on captive lion breeding.

- 8. The significance of the economic benefits associated with trophy hunting however needs to be compared to the benefits of the whole tourism spending and other economic aspects of South Africa as a country.
- 9. In 2017, the total contribution (direct and indirect) of the tourism sector in South Africa was US\$31 billion or 8.9% of South Africa's GDP, according to the World Travel & Tourism Council.
- 10. The tourism sector directly supports 726,500 jobs and this number is expected to increase to 980,000 by 2028. The total contribution of the sector to employment, including jobs indirectly supported by the tourism industry, was 1.5 million jobs in 2017 or 9.5% of total employment. This means nearly 1 in every 10 working people in South Africa is dependent on tourism for their livelihood.
- 11. Various people have calculated the trophy hunting income as a percentage of this tourism revenue for South Africa, which is about 1.3%. So, economically speaking trophy hunting can be considered as a marginal activity, but one that requires a lot of protected space.
- 12. With about 8,000-9,000 arrivals per year, South Africa has one of the highest numbers of foreign trophy hunters in Sub-Saharan Africa, but in contrast receives 10.4 million foreign tourists per year (2017). This means that for every trophy hunter, South Africa receives 1,200-1,300 ordinary tourists.
- 13. By 2028, international tourist arrivals in South Africa are forecast to increase to 14.6 million (World Travel & Tourism Council, 2018). The annual growth in tourist numbers over one year is about six times larger than the total annual economic value of all trophy hunting tourists in South Africa (Murray, 2017).
- 14. At present, trophy hunting takes place in some sections of the APNR, namely, the Timbavati, Klaserie, Umbabat and Balule. They justify trophy hunting as a means of generating revenue for the reserve's operating budget, which includes security and anti-poaching, however this affects all reserves in and around Kruger. The APNRs that allow trophy hunting have three funding streams, photographic safari tourists, hunters and landowner levies.

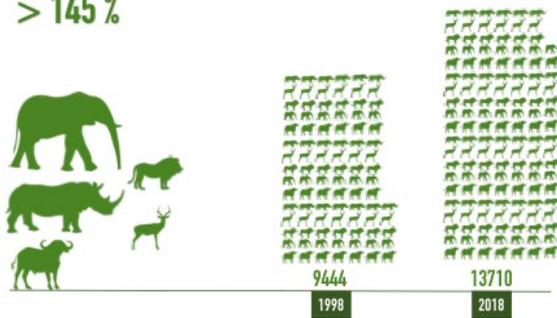
15. In 2016, the Timbavati generated 61% of its revenue for the reserve’s upkeep from trophy hunting, claiming that 46 trophy hunters yielded more revenue per capita than the 24,000 photographic tourists.



16. However, in the face of reducing trophy hunter numbers, they make up for revenue shortfall by increasing the visitor’s conservation and landowner levies – they obviously found strength in numbers to readdress the imbalance and at the same time making an extremely good case against trophy hunting.
17. In 2018, the photographic safari tourists outnumbered their hunters by 1,000:1. Hence, by changing their conservation levy model from a “per stay” to a “per day” model and by increasing the fee from R160 to R328 per person, the Timbavati now creates more than half of their operating budget from eco-tourism, whilst its environmental footprint remained more or less the same.
18. They will further increase the conservation fee to R368 per person per day this year, boosting their eco-tourism income further. This conservation fee is now also more in line with that for KNP, which is ZAR372 per person per day.
19. This clearly demonstrates that trophy hunting is not absolutely essential for the upkeep of the reserves.
20. The Timbavati further justifies their consumptive wildlife use by the substantially growing wildlife numbers on their reserve since 1998, which they establish by annual aerial census. Their infographics show a more than 145% growth in overall animal population and 240% growth in elephant population.
21. Although the wildlife numbers may well have grown over this 20-year period, this two-point approach is however fundamentally flawed. Wildlife numbers fluctuate as a result of environmental changes and hence we need to look at population size as a trend over a period of time.

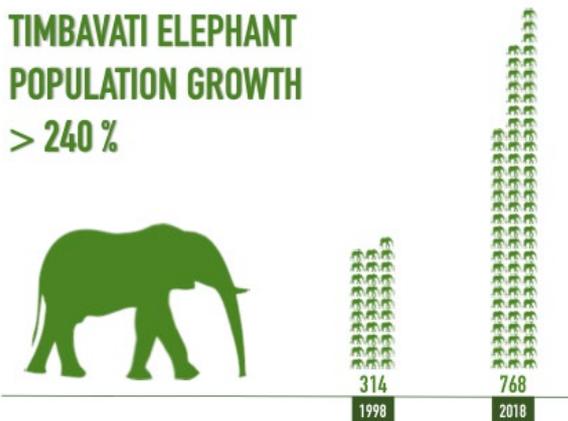
### TIMBAVATI TOTAL ANIMAL POPULATION GROWTH

> 145 %



### TIMBAVATI ELEPHANT POPULATION GROWTH

> 240 %



22. In this case, if we look at the precipitation in the Kruger in the decade preceding 1998, there were four drought years, three with pronounced below-average rainfall (1991, 1992 and 1998), which could have had major implications for wildlife numbers.
23. It is also important to note that in 1997 KNP started closing down artificial waterpoints principally to naturally control elephant numbers without resorting to culling, with over half of its water holes now closed down. Elephants will naturally move into areas where water is more freely available, such as the Timbavati, where almost all lodges have artificial waterpoints.
24. Furthermore, it is around the same time when the fences between Kruger NP and most of the private nature reserves came down.

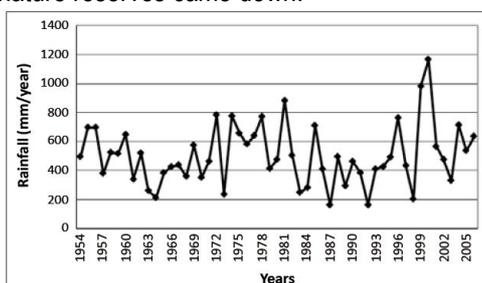


FIGURE 1: Mean annual rainfall in the Kruger National Park (1954–2006).

(Source: Seydack et al., 2012)

25. It is unclear as to why have they cherry picked 1998, as a starting point against which to measure changes in wildlife populations. This baseline was obviously significantly impacted by the severe droughts in the Kruger with 1998 an exceptional El Niño year, impacted by the closure of water holes and the dropping of the fences, and therefore shows a misleading wildlife population growth trend as represented in these infographics

26. It is widely accepted that the creation of incentives for local communities to engage in wildlife conservation, the sharing of conservation benefits, and establishment of mitigation measures, is essential to reduce poaching, human-wildlife conflict, agricultural encroachment on wildlife habitat, and to ensure the sustainable and ethical management of any wildlife area.
27. One of the objectives stated in the Greater Kruger Hunting Protocol for trophy hunting is “to support social investment initiatives within communities as per reserve specific programmes” (October 2018). It continues that “hunting within the GKNP reserves are guided through the following principles...., including the commitment to local community involvement and empowerment, contributing a percentage of proceeds to identified community development programmes”.
28. With a lack of transparency of financial and employment figures from trophy hunting in the APNR, we can only guesstimate the true revenue from hunting. There is a general decline in the number of trophy hunters in South Africa, partly due to issues such as bad press from canned lion hunting, airlines banning trophies, Safari Club International putting a stop to canned hunting, and a general global decline in the number of trophy hunters.
29. The Timbavati states that they received 46 hunters in 2016 dropping to 21 in 2018. However, they still have one of the highest numbers of trophy hunters compared to the other APNRs, and anticipate the number for 2019 at 29 hunters.
30. However, if all four APNRs receive on average 20 hunters per year, this would equate to 80 hunters in 2018. Using the income stats from DEA presented earlier, trophy hunting in the APNRs would therefore generate less than 1% of the total hunting gross revenue received annually in South Africa, i.e. about US\$1.2 million annually for all APNRs combined. Even if we use the Professional Hunter’s Association South Africa (PHASA) rather generous average spending per trophy hunter in South Africa of US\$20,000, the total maximum income would still not be more than US\$1.6 million.
31. How much of this money does actually trickle down to community level and where is the evidence? Who are these Kruger local communities? How many people live in these communities?
32. From the report *Ending Wildlife Trafficking* by Hübschle and Shearing (2018), the local Kruger community is estimated at a population of around 2.3 million people. However, we need to be cognisant when referring to local communities, as these constitute by no means a homogeneous group of people.
33. It is generally accepted that rural communities living in or near wildlife areas rarely benefit adequately from trophy hunting activities (e.g. Lindsey, 2008). Again, little empirical data is available for South Africa to quantify these community benefits.
34. The trophy hunting APNRs claim that some of their revenue is invested in community outreach programmes, as prescribed by the Hunting Protocol, but there is no transparency in terms of how much money eventually reaches down to community level.
35. No doubt some money is invested in socio-economic projects, supported by the APNR as a whole, including the photographic safari lodges. A SANParks report on the economic impact of the Greater Kruger Protect Area Network states that limited quantitative data from two private reserves indicate a direct financial investment of ZAR 2.1 million in 2016, but this is consumptive and non-consumptive combined. Some of these projects include the Timbavati Environmental School, Balule Black Mambas and Bush Babies, and the Klaserie Eco-Children programmes.
36. In addition, to financial and in-kind contributions from the ANPRs to these community development projects, donations are also made by tourists and philanthropists.
37. SANParks report (2016) goes as far as to say that “social investment does not appear to be a legitimate component of reserve operations and aspect of reserve strategy/management plan”.
38. The Timbavati states e.g. on their website that for 2019 the revenue earned from hunting two bull buffalos will be donated to the local neighbouring communities, but they don’t specify how much the contribution is. Is it the total spending per hunter or just the permit fee? The other three ANPRs don’t publicly allude to any kind of monetary contribution to community projects.
39. Segage (2015) concludes that “the Timbavati Nature Reserve is yet to contribute towards local economic development, because its practice is devoid of community development principles”.
40. A study by Spencer & Goodwin (2007) into the impacts of private sector and parastatal enterprises in and around Kruger National Park demonstrates that isolated efforts from individual tourism companies have little tangible impact on the majority of people living in these highly populated rural communities. However, the impacts can be substantial for the few people who directly benefit from these projects.

41. We know from letters sent by SANParks in February 2018 to the APNRs in response to their requested “off-takes” (letters obtained through the PAIA process), that SANParks commented on various non-compliance issues relating to the Greater Kruger Hunting Protocol for all four APNRs.
42. SANParks specifically asked for further information from Balule and Umbabat on the following governance issues relating to local communities: “Report on how revenue generated through off-takes was spent. KNP cannot comment on the revenue report received, since it is not clear from the report how the various [APNR] sub-regions, or the [APNR] as an entity, regulate and monitor income generated as result of the animal off-takes. It is also not clear towards which conservation, management and socio-economic activities the revenue generated is being directed.”
43. However, LEDET and MTPA are ultimately responsible for verification of these issues and thus enforcement of legal agreements, like the Hunting Protocol is absolutely vital. The debacle among others with Skye shows that this is not being done.
44. Realistically, a marginal industry like trophy hunting can never make a meaningful contribution to a 2.3 million large local population, which continues to grow.
45. The private reserves bordering the Kruger also offer photographic safari opportunities to tourists in many upmarket lodges. The Timbavati for example received 21,000 photographic tourists against 21 trophy hunters.
46. The eco-tourism sector in the Greater Kruger is a growing industry.
47. The Association of British Travel Agents (ABTA) annual travel trends now talks about sustainability and responsible tourism going mainstream in the international holiday market, including more focus on environmental governance, welfare of animals and social enterprise projects. All boxes ticked by the photographic safari industry.
48. There are many examples of great socio-economic community initiatives within the Great Kruger, for example:
  - SANParks charging a 1% community levy on top of the cost of accommodation and activities to uplift communities in and around the Greater Kruger.
  - The newly established Tourism Conservation Fund is set up to address the non-inclusion of South Africa’s rural neighbouring communities into the tourism and wildlife economies at scale with voluntary contributions from the tourism industry.
  - The Singita Community Culinary School that offers commis chef training for graduates from the local community.

These kinds of initiatives make a huge difference in some people’s lives. However, realistically for tourism to make a significant contribution to a local community of 2.3 million people is by job creation, which is a more meaningful way of uplifting communities.

49. Unemployment in the local municipalities neighbouring the ANPRs and in particular youth employment is high, some figures indicate unemployment up to 50-65% (SANParks, 2016). According to the report, the five APNRs collectively employ 983 people on a permanent basis, of which the vast majority are local, plus 98 outsourced employees (primarily for security).
50. A SANParks report (2016) states that consumptive tourism operations have relatively minimal employment needs.
51. IUCN/PACO research shows that photographic safaris or eco-tourism creates 39 times more jobs than the trophy hunting for the equivalent surface area (2009). It would therefore make sense to increase the eco-tourism footprint within the APNR to uplift local people through employment and skills development.
52. Economist Dr Ross Harvey (2018) looked at the potential damage to Brand SA as a result of the captive predator breeding industry. He concluded that *the opportunity costs and negative externalities associated with the predator breeding industry may, along with other threats facing wild lion survival, undermine South Africa’s brand attractiveness as a tourism destination*. The losses would be significant, especially as much of this tourism revenue currently aids conservation objectives in large wilderness areas, such as the Kruger National Park and the KZN reserves.
53. The negative publicity around trophy hunting in general and the on-going irregularities in the APNR, like the recent Skye lion hunt in Umbabat and the Balule elephant hunt, can cause serious reputational damage in exactly the same way as the captive predator breeding industry. It can bring the profitable and successful photographic safari tourism sector in the APNRs and Kruger itself in disrepute.

54. These are only two of the recent examples that got into the public domain. The lack of transparency and openness by the trophy hunting industry generally means that many more transgressions and illegal activities may be taking place, but these are kept out of the public space.
55. The reputational damage that trophy hunting does to the income of the upmarket photographic safari lodges and local communities is the main reason why the Sabi Sand chose to ban trophy hunting on their reserve. They now raise all their income from the gate fees, bed nights and levies.
56. Furthermore, in the ANPR, where consumptive and non-consumptive wildlife use is combined, hunting may indirectly generate negative net conservation outcomes, by reducing wildlife populations, removing individual animals most highly prized by photo tourists, and/or driving wildlife to flee or hide from humans.
57. The economic value of iconic species for the photographic safari industry should not be underestimated.
58. Dereck Joubert worked out the value of a lion as a trophy and compared that to the lifetime value for photographic safaris (US\$ 15,000 and US\$ 2 million respectively, excluding the cascading economic effects), meaning a lion alive is worth 130x more than a dead one.
59. The Sheldrick Wildlife Trust did a similar exercise valuing an elephant poached for its ivory and its tourism value (US\$21,000 raw value and US\$1.6 million respectively), meaning an elephant alive is worth 75x more than its tusks.
60. As Balule warden Craig Spencer said to the Mail & Guardian in 2016: “It’s not a great policy to burn your furniture to heat your house”.
61. Why would we risk our well-established, successful, growing and highly valuable eco-tourism sector on the western boundary of Kruger for trophy hunting, which is worth a fraction of the overall tourism sector?
62. Rejecting trophy hunting as a conservation and community development tool is often seen as an impossibility, but it’s not, quite to the contrary, it can actually open up much-needed space for innovation and creativity.
63. In addition, trophy hunting is believed to have little scope for sustained future growth, so even a small effect of trophy hunting deterring growth in other tourism sectors may overwhelm its own economic benefits (Murray, 2017), especially considering its poor track record in terms of governance.

### Trophy Hunting in the area adjoining the Kruger National Park

1. The Internet is littered with boasts of mainly white men from Europe and the USA who seem to get a perverse thrill from killing “Kruger animals”, from what they often offensively refer to as the “Dark Continent”, and as symbols of domination and prowess, distastefully decorating their walls with what remains of their lifeless bodies.
2. Why is SANParks allowing largely rich people in areas adjacent to national parks like Kruger (such as the Association of Private Nature Reserves – APNR – on the western boundary of the Kruger) to pay for their levies and the privilege of owning property next to Kruger, through the trophy hunting of, what clearly includes, Kruger animals?
3. Trophy hunting is not conservation, it is not an ecological act and killing for fun is not a human right. Trophy hunting has no place in the modern world, and will never be morally defensible. It is a cruel, abusive, exploitative and learned activity, where the animal hunted is an involuntary conscript and the animal’s subjective experience is ignored. Trophy hunting is nothing more than a deliberate, violent form of so-called “recreation” that turns complex and sentient beings into mere commodities.
4. We must stop thinking of wild animals as “resources” and “game,” and see them as sentient beings that deserve our wonder and respect. As for hunters, it’s long past check-out time. Wild animals in and from protected areas in South Africa are not simply government property or a “natural resource” to do with as bureaucrats please. They are sentient creatures deserving of care and respect. That wild animals have intrinsic value is already recognised in a number of national wildlife policy documents and international conservation agreements.
5. This poses a direct threat to ecotourism and community livelihoods. Hunters shoot an animal once, but tourists with cameras can harmlessly shoot it a thousand times. Instead of promoting hunting as a preferred activity, SANParks should rather be empowering communities through non-consumptive, non-violent tourism.
6. Wildlife in protected areas should be held in trusteeship on behalf of the people of South Africa and private individuals should not be able to hunt such wildlife for profit in adjacent private or communal land.

7. Although the Protected Areas Act prohibits hunting in the Kruger National Park, wild animals from the KNP are being trophy hunted. SANParks took the decision to remove the fences with the APNR in 1996. The 1996 agreement was concluded before the current suite of national environmental management legislation was enacted and even before the commencement of the Constitution. It is now disregarding its mandate and responsibility to protect them by allowing hunting to take place in the private areas adjacent to it.
8. Wild animals – including, lions, leopards, rhinos and elephants—that move across imaginary human boundaries are being killed for profit and pleasure by a few people benefiting from an agreement which allowed the fences to be taken down.
9. The main tenet of the agreement was to “create ecological unity”. Surely this means it must be managed according to national park principles and not for trophy hunting purposes. Those who wanted to support trophy hunting should not have been allowed to be party to the agreement. But there was no public participation around the agreement’s formulation. Any agreement between the private reserves and Kruger that allows animals on the “wrong side” of the invisible fence to be trophy hunted, should be deemed illegal, as due process was not followed when this agreement was drawn up.
10. It simply cannot be proved that trophy killings in the Associated Private Nature Reserves are of animals that are the property of the reserves. They are a national heritage and the owners of those properties should not have the right to decide on the future of this heritage.
11. The National Environmental Management: Protected Areas Act, 2003 sets out the purpose of a national park which includes protecting the area “if the area is of national or international biodiversity importance or is or contains a viable, representative sample of South Africa’s natural systems, scenic areas or cultural heritage sites; or protecting “the ecological integrity of one or more ecosystems in the area”. A national park’s purpose may also include preventing exploitation inconsistent with the protection of ecological integrity of the area.
12. The practice of allowing private hunters to kill animals that may or may not have originated in a national park is inconsistent with the purpose of protecting an area that is of national biodiversity importance, perhaps the most important national park in South Africa.
13. A long history of trophy hunting irregularities and non-compliance exists in the APNR.
14. If hunting is to be allowed at all, which we do not support, it must at least be done in a fully transparent manner where all stakeholders are allowed input into the granting of trophy hunting and other killing or removal requests and permits and to monitor compliance with the relevant legislation.

## Elephants in Captivity

1. On 6 September 2019, an [international Indaba and Panel Discussion](#) with national and international elephant behavioural specialists was convened in South Africa, to discuss the issue of elephants in captivity and to develop a framework as well as policy guidelines for dealing with elephants in captivity.
2. The Indaba was the first consultative gathering of elephant specialists and elephant interest groups in Africa specifically dealing with elephants in captivity, the role Africa has in sending elephants into captivity and what we need to do to get them out of the metaphorical room.
3. The overwhelming message was that elephants belong in the wild and must be returned to the wild in all cases where this is a legitimate possibility. Given what we know about who elephants are and the conditions under which they thrive, there is no reason to keep them in captivity.
4. The Indaba and Panel discussion brought together a number of key international and local elephant experts, specifically on elephants who find themselves in captivity or who are captured for captivity. These experts were from diverse disciplines, including natural scientists, ethologists, ecologists, lawyers, researchers, NGOs and practitioners and comprising a body of expertise from scientific, conservation, legal, welfare, protection, rights, social justice, economic and advocacy communities. It brought together a total of some 120 participants including elephant specialists from South Africa, Kenya, Zimbabwe, the USA, Britain and Europe; animal protection organisations, practitioners, management consultants, researchers, students, lawyers, representatives of the captive elephant industry and members of the public.
5. The aim of the Indaba was to:
  - a. Lend urgency to the issue of elephants in captivity.

- b. Reflect and take cognizance of the shift in public sentiment about elephants in captivity.
  - c. Highlight *Who* elephants are.
  - d. Place the plight of captive elephants, including the methods of ‘training’ into the public consciousness.
  - e. Share the findings of an updated review/audit of captive elephant facilities in South Africa.
  - f. Discuss the need to rehabilitate and re-wild and the framework and protocol developed in South Africa for this.
  - g. Probe the capture and sale of young elephants from Zimbabwe and Namibia to zoos and circuses in China, Pakistan, the USA and others.
  - h. Investigate the policy and legislative contexts, including the interpretation of the concept of ‘sustainable use’.
  - i. Interrogate the convergence of issues coalescing around Africa, elephants in captivity, legislation, CITES regulations and resolutions, including the question of ‘appropriate destinations’, and loopholes within CITES in relation to the international trade in elephants into captivity.<sup>78</sup>
  - j. Examine potential legal interventions in relation to captive elephants.
6. Topics presented were discussed and debated under the following themes:
- a. *Who* elephants are and why they are not suited to live in a captive environment.
  - b. New scientific paradigms, epigenetics and neuroscience which dictate the transformation of conservation into self-determination and compel the reframing of how elephants are approached including within the social justice movement.
  - c. Ecosystems need elephants and elephants need ecosystems: keeping elephants in the wild, not captivity.
  - d. Stress experienced by elephants in captivity, including in reserves and where elephants have been rehabilitated and re-integrated.
  - e. The value of elephants: Rands and sense.
  - f. The value of elephants for society and conservation strategies that reconcile conservation and human wellbeing goals.
  - g. Latest data on elephants in zoos worldwide.
  - h. Policy contexts including trade, ‘sustainable use’ and the CITES ‘acceptable destinations’ issue.
  - i. An analysis of legal interventions in relation to captive elephants.
  - j. The policy framework of sustainable use in relation to animal welfare and elephants and legal challenges to it.
  - k. Challenges and opportunities for animal welfare in Zimbabwe's legal and policy frameworks with regard to the capture and sale of Zimbabwe's young elephants.
  - l. Zimbabwe's live elephant captures for export to Dubai, Pakistan and China.
  - m. Animal welfare considerations that decision makers need to bear in mind in relation to keeping elephants in captivity.

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<sup>78</sup> On 27 August 2019, the 18th Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) voted - by 87 to 29 (with 25 abstentions) - to impose a ‘near-total ban’ on sending African elephants captured from the wild to zoos and other captive facilities elsewhere in the world. The original proposal aimed to limit trade in live wild African elephants to their natural habitats, essentially to end the practice of capturing elephants from the wild. The European Union planned to vote against the proposal but was eventually convinced otherwise. It did, however, amend the text of the original proposal to state that elephants could not be extracted from their “natural and historical range in Africa, except in exceptional circumstances.” Elephants already in captivity outside of Africa may also still be transferred to other destinations, despite the evident trauma imposed on the elephants. The loophole would nonetheless require that the transfer of the elephants provides conservation benefit to the species. The International Union for the Conservation of Nature (IUCN) African Elephant Specialist Group is of the view that placing wild elephants in captivity can demonstrate no conservation benefit because of the poor life expectancy and breeding success of captive African elephants. They will be the ultimate arbiters of the decision, along with the CITES Animals Committee. This resolution now applies to all Appendix II elephants, trade in which was already governed by a lengthy annotation. Countries such as Eswatini, whose elephant population is at risk of extinction, and is therefore classified under Appendix I, is not covered by the new resolution. It could therefore still make the case, technically, to exports its live elephants to zoos (as it has recently done). While it is clearly progressive that elephants can no longer be separated from their families and exported to captive facilities, Appendix II elephants now, in some important ways, are offered greater protections from trade than their Appendix I counterparts. This points to the persistent split-listing problem, especially given that 76% of Africa's elephant populations are shared across borders.

- n. Current status of captive elephants and the captive elephant industry in South Africa.
  - o. Reintegration and rewilding of elephants from captivity
  - p. The way forward.
7. Indaba Summary Conclusions and Recommendations
- a. Elephants are a keystone species and are an essential component of ecosystems. If one takes the keystone out of an arch it collapses. They are ecological engineers upon which many other species depend. Without elephants, the integrity of a dynamic ecosystem disintegrates. Elephants engineer proper functionality in the wild. Elephants also help to mitigate climate change, so the protection of their wild spaces is ever more urgent.
  - b. Elephants are sentient beings who live socially complex lives through relationships which radiate out from a mother-offspring bond through families, clans, and sub populations. Independent males form long-term friendships. 'Elephants communicate through more than 300 gestures, complex speech and glandular secretions. They contemplate, negotiate, collaborate, plan and are aware of death. They care about their lives.
  - c. Elephants are big eaters and need an eclectic diet. In nature they roam across long distances and different habitats and spend almost three-quarters of their lives acquiring necessary and different nutrients. The physical activity and mental stimulation involved in the search for food items across large landscapes constitutes the very core of an elephant's interest and survival.
  - d. Elephants share with humans the same brain, same consciousness and the same vulnerability to trauma. They can experience psychological and social breakdown. Trauma spreads from parent to child, neighbour to neighbour. Symptoms include depression, fear, panic, flashbacks, nightmares, aggression, infanticide and violence against others and self. Trauma also profoundly undermines their immune system and physiological functions.
  - e. Human activity, from fencing, noise, to capture, confinement and cruel training is having an increasingly negative effect on the welfare of elephants.
  - f. In confinement, captive elephants lack the very foundation of elephant life.
  - g. Holding elephants in captivity causes them enormous stress and constitutes cruelty.
  - h. The capture of baby and young elephants causes post-traumatic stress (PTSD) that can last decades.
  - i. Capturing wild elephants and removing them from their families is totally unacceptable.
  - j. Elephants suffer when confined.
  - k. In captivity elephants are less aware, move slowly and droop. Those who have worked with elephants have noted depression and sadness.
  - l. There is an epidemic of PTSD among elephants in captivity.
  - m. Confinement even in the best facilities constitutes cruelty.
  - n. Captivity is simply unsuitable for elephants.
  - o. There are currently 1 770 elephants worldwide in captive facilities, of which 84% are in zoos. Most of these are in the United States, followed by China, Germany and Japan. Just under 100 facilities hold a single elephant.
  - p. There is no conservation-education value to the use of elephants in zoos.
  - q. The law has a duty to protect elephants in zoos and in captivity because there are serious welfare concerns.
  - r. The way 'sustainable use' of wildlife is used in the SADC region is to focus on the species as a whole and allow for the sacrifice of many individuals. This allows individuals to be objectified and exploited rather than respected and well stewarded.
  - s. Conservation decisions cannot be divorced from welfare considerations.
  - t. An integrative approach needs to be employed in policies and legislation to properly interpret ecological sustainability and the use of natural 'resources.' This kind of approach will integrate respect for individuals and the whole species thereby advancing their conservation.
  - u. Respect for elephants will ensure their long-term survival.
  - v. Policies and legislation must be developed that are good for both humans and elephants.
  - w. There are already several projects in Africa that are rehabilitating and reintegrating elephants, including captive elephants, back into the wild. Effective and verified protocols

- and procedures have been developed. These programmes need to be urgently supported and expanded.
- x. Keeping elephants in captivity and reducing them to mere objects is eroding our own humanity.
8. At the close of the Indaba, each delegate was asked to write down the one closing thought or policy recommendation given the science that had been presented. The overwhelming consensus from panellists and delegates was that:
    - a. There is a critical mass of indisputable scientific data and research on *who* elephants are.
    - b. Since humans now know so much about them it can no longer be acceptable to allow elephants to be kept in captivity.
    - c. No new elephants should be placed in captivity.
    - d. Elephants currently in captivity should be reintegrated into the wild wherever possible or, if not, be placed in as free and natural environment as possible.

## South Africa and the Elephant Ivory Trade

1. The illegal killing of African Elephants for [commercial trade in ivory](#) remains the greatest threat to the survival of the species.
2. [The African Elephant Coalition](#) is made up of thirty-two African countries. They are all outspoken in their unwavering support of protecting one of Africa’s greatest wildlife assets. This coalition has gained worldwide recognition and the support of many countries who previously supported the ivory trade.
3. Unfortunately there is a well-documented, marked increase of [Elephant poaching in South Africa](#). In 2012 two Elephants were killed for their ivory in South Africa’s flagship Kruger National Park. In 2015 twenty-four Elephants were killed for their ivory. In 2016 forty-six Elephants were killed for their ivory. In 2017 sixty-seven Elephants were killed for their ivory. [In 2018 seventy-one Elephants were killed](#) for their ivory, and according to Minister Creecy the Minister for the Environment, Forestry and Fisheries, thirty-one Elephants were killed in the Kruger National Park in 2019. These figures demonstrate the intentional targeting by organised criminal syndicates of Elephants in eastern South Africa, specifically in the region bordering Mozambique.
4. [The Elephant Trade Information System](#) (ETIS) was established to monitor the illegal trade in ivory in collaboration with the CITES Secretariat. The seventh ETIS report was prepared for CoP18 which was held in Geneva in August 2019. The Secretariat concurred with the results of the analysis contained within the report.
5. Of concern is that South Africa has been listed as a Category C Country. South Africa is a region that exhibits particular characteristics which merit careful tracking going forward. Considerable quantities of ivory have entered the international trade emanating from South Africa, these include one [large-scale shipment of 2478 kg to Vietnam in 2017](#). According to the report, of real concern is that quantities of ivory are entering the country from neighbouring countries for export from South Africa. This report highlights the fact that South Africa is possibly being targeted because authorities are not able to control the illegal flow of wildlife parts from its air transport hub.
6. Despite the report from ETIS and the updated assessment by the CITES programme called [Monitoring of Illegal Killing of Elephants \(MIKE\)](#) on the 10<sup>th</sup> May 2019 which confirmed the fact that poaching continues to threaten the long-term survival of the African Elephant, a handful of Southern African countries [continue to support the ivory trade](#).
7. In 2019 [The EMS Foundation](#) submitted a request under the Promotional of Access to Information Act (PAIA) no.2 of 2000. In response the Department of Environment, Forestry and Fisheries revealed that the national stockpile held by governments was an amount of seventy-seven tonnes. The definition and description of this ivory was questioned by the EMS Foundation—nearly 77 tonnes. There is also justified [concern](#) for the security of the stockpile, as there have been reported raids on stockpiles of ivory and rhino horn, the majority of this ivory is held by [South Africa National Parks](#).
8. At CITES CoP18 held in Geneva in August 2019, [South Africa, Botswana, Namibia and Zimbabwe](#) proposed that they be allowed to lift restrictions on Appendix II listings to allow trade of registered government-owned stockpiles of so called “clean ivory”.

9. This controversial proposal was made despite the spike in Elephant poaching in Southern Africa most especially in Botswana and despite the fact that it has been proved that the [one-off sales of ivory took place in 1997 and 2008](#) resulted in increased poaching. The amended proposal was overwhelmingly defeated with only 23 countries in support. South Africa's name was subsequently mentioned in the media confirming their [official reservations](#) to this specific decision made in Geneva.
10. [CITES ended the international trade in ivory in 1989](#). Many countries continued to allow the domestic trade in ivory. Attempts to pass off illegally imported ivory, derived from poached Elephants as having been obtained in a legal way domestically have prevailed. Consequently, the poaching of Elephants has never ceased.
11. Wildlife conservationists and wildlife activists have continued to lobby governments against their policies in the domestic trade in ivory and as a result of this on the 6<sup>th</sup> July 2016 a near total ban on the commercial trade in African Elephant ivory went into effect in the [United States of America](#).
12. On the 31<sup>st</sup> December 2017 [China banned the Elephant ivory trade](#).
13. [Hong Kong](#), a major market for Elephant ivory, will end sales of ivory by the end of 2021. In addition to shutting down the ivory market their plan also includes harsher penalties for smugglers.
14. [Singapore will ban the domestic ivory trade](#) from September 2021, the ban will mean that the sale of Elephant ivory and ivory products, and public displays of Elephant ivory and ivory products will be prohibited.
15. The United Kingdom was the largest exporter of legal ivory, exporting more than 370% more ivory than the next higher exporter. Legal ivory means carved or worked ivory. The seizures of illegal ivory products by the UK Border Force illustrated that while a legal market existed an illegal market was disguised. In 2018 the [United Kingdom](#) instituted the world's [toughest ban](#) on ivory which eliminated all sales of ivory. It has been proved that it is near impossible to discriminate between old and new ivory. If a sophisticated first world country has admitted to the fact that they are unable to regulate the legal trade in ivory, we have to question how Minister Creecy proposes to successfully regulate such a trade in South Africa.
16. The bold actions by so many countries show a firm commitment to ending the scourge of Elephant poaching and the tragic impact it is having on wild Elephant populations.
17. [Japan](#) has subsequently become the world's largest domestic ivory market remaining today. According to the Environmental Investigation Agency (EIA) who has analysed the official import statistics and has calculated that Japan has imported tusks from 328 000 Elephants since 1950 mainly to produce ivory hanko. Online Japanese ivory retailers including Rakuten, Mercari, Yahoo!, AEON and Ito-Yokado have banned Elephant ivory sales. The African Elephant Coalition and thirty-seven US Congressmen have sent [Japanese politicians](#) requesting the ban on their domestic ivory sales.
18. The European commission is considering further restrictions on the ivory trade across the EU, based in part on the UK's Ivory Act.
19. [Australia](#) announced in Geneva at CoP18 that it would soon ban the domestic trade in Elephant ivory. New Zealand is presently in a consultative process with regard to reviewing their domestic ban on the ivory trade.
20. Ivory stockpiles have been publicly destroyed in Kenya, Gabon, Zambia, China, Ethiopia, Chad, Sri Lanka, the United States of America and the Philippines.
21. The policies adopted by the South African [Department of Environment, Forestry and Fisheries](#) are strongly in favour of sustainable utilisation despite the global outcry against the ivory trade.
22. There are many alternatives to the trade in Elephant ivory that would be financially beneficial South Africa. These alternatives to trade in ivory would have long term positive results for the country's citizens and would protect their natural heritage at the same time.
23. South Africa's [unemployment rate is set to hit 50%](#) urgent attention must be focused on job creation, tourism offers many job creation opportunities.
24. South Africa's policy with regard to the unregulated legal domestic trade in ivory, rhino horn, and lion bone trade is hopelessly out of step with the rest of the world.
25. South Africa's trade policy, is detrimental to the survival of these species in the wild. This trade of endangered wildlife species parts is dangerous for these species, for human beings and for the environment. Many wildlife rangers are killed every year trying to protect these species. Encouraging trade fuels crime and corruption, this trade finances criminal organisations.
26. There are global calls to tackle the illegal and legal wildlife trade in the wake of the coronavirus pandemic. Bold steps are being taken by countries such as [China](#) who have removed the pangolin scales from their

list of traditional medicine. There are absolute proven links between the wildlife trade and the disease. South Africa should concentrate on creating long-term economic prospects for the unemployed instead of trying to sell a product that no one in the world seems to want anymore.

## South Africa and the Rhino Horn Trade

1. The history surrounding the demand for African Rhino horn is complex. During the European colonial era trophy hunting was largely responsible for the decimation of the Rhino populations, for decades thereafter the uncontrollable illegal Rhino horn trade between Africa and Vietnam and China is to blame.
2. Traditionally, once removed the horn was polished and carved to make ornaments, or the horn was ground down into a fine powder and used in traditional Asian medicine, but increasingly Rhino horn is now being used as a status symbol to display success and wealth.
3. [Recent studies](#) published in May 2019 by Professor Vu Hoai Nam Dang and Professor Martin Reinhardt Nielsen have from the University of Copenhagen have further determined that the discerning consumers prefer Rhino horn that is derived from wild Rhino not farmed rhino. Furthermore, Douglas Cookes and James Blignaut point out that ‘game’ farms may ‘harvest’ horn every 1.5 years, whereas for poachers it is optimal to kill a Rhino and ‘harvest’ its horn, even at very low rotation intervals: “This suggests that, even if a Rhino poacher encounters a dehorned Rhino, it is still [optimal to kill](#) the rhino and take what is left of the stump. This casts further doubt on the effectiveness of a legalized trade”.
4. Seventy-percent of the world’s remaining Rhino population live in Southern Africa. We are therefore the key roleplayer in determining the future of the species. The enormous responsibility to conserve this species rests firmly with us. During the five-year period 2012-2017 51% of the white Rhinos population have been obliterated from the [Kruger National Park](#) and a further 26% from other state-owned parks.
5. Despite this alarming decline of Rhino numbers and instead of using this unique opportunity to harness exacting tourism and job creation, South Africa has chosen to trade in Rhino horn which benefits only a few millionaire private owners such as professional breeders Derek Lewitton and [John Hume](#).
6. Information about the state-owned stockpile of Rhino horn is unfortunately not freely available. South Africa has undergone a period of systemic political corruption commonly referred to as [state capture](#) rumours abound about the possible pilfering of the state owned Rhino stockpile, urgent transparency in this regard is imperative. South African needs to identify, mark, register secure stockpiles and declare the results.
7. We are not confident that those in favour of legalizing the domestic or international trade in Rhino horn trade prior to 2017 have adequately considered and or resolved the complex issues at hand. We do not support the South African Rhino horn trade nor do we support the proposals to legalise the international trade in Rhino horn.
8. The international legal trade in Rhino horn is regulated by the [Convention on](#) International Trade of Endangered Species (CITES). The international trade of Rhino horn has been banned since 1977. Individual countries are able to determine their own laws about the domestic trade of Rhino horn. At the CITES Conference of the Parties (CoP) held in 2016, Swaziland tabled a last minute proposal to unban the international trade in Rhino horn. This proposal was overwhelmingly [rejected](#) 100-26 with 17 abstentions.
9. In 2009 a ban of the domestic trade in Rhino horn South Africa was introduced because of the poaching crisis. This ban was opposed by some private rhino owners including John Hume and Johan Kruger. Hume and Kruger successfully ligated against the ban. The High Court ruling stated that the incorrect due process was followed during the public consultation process by the Department of Environmental Affairs before imposing the ban. The decision taken against the DEA was upheld by the Constitutional Court. After defending the ban through all the legal processes it remains unclear why the DEA did not attempt to re-advertise its intention to ban the domestic trade in Rhino horn with required notice period and circulation of information.
10. Instead, the DEA, under the leadership of Minister Molewa, chose to focus on developing new legislation which included setting out the requirements for the domestic sales of Rhino horn. Numerous organizations in South Africa and internationally appealed against this decision.
11. A Committee of Inquiry was appointed by the DEA and tasked with producing a report on the viability of the domestic Rhino horn trade in South Africa. Apparently the full report was completed in 2016 but only

a summary report has ever been made available. We would appreciate access to full report in order for us to understand and evaluate the COI's findings.

*“The primary recommendation from the Committee was that the government should do everything possible to create an environment conducive for rhino conservation in South Africa, to effectively address rhino poaching and the illegal trade in rhino horn, and to reach a point where any potential trade in rhino horn would contribute to conservation outcomes”.*

12. It is a well-documented fact that the illegal killing of Rhino and the illegal trade in Rhino horn continues unabated across Africa and Asia. The rate of killing in parts of Africa has continued to increase dramatically over the past decade and this has threatened the continued survival of the Rhino species and negatively impacted the ecosystems in which they live. The [rhino poaching figures](#) presented by South Africa do not, we believe, necessarily only represent a decline in poaching but rather highlight the fact that there are less rhino to poach.
13. The scale of the Rhino poaching crisis poses a threat to the national security of our country and to the other range states. Rhino poaching fuels conflict and unrest, it destroys livelihoods, it promotes corruption and negatively impacts wildlife-based economies and all conservation efforts.
14. Of the fifty-seven proposals to amend on the lists of species, two related to the white Rhino were once again on the agenda at [CoP18](#) which was held in Geneva, in Switzerland in August 2019. Parties attending CoP18 addressed the contentious issue of the Rhino horn trade with proposals to further restrict commercial trade, and counter-proposals intending to remove trade restrictions. Parties attending CoP18 were asked to consider a proposal on the establishment of a database for the storage and management of illegal trade data collected through CITES annual illegal trade reports.
15. Eswatini, formally known as Swaziland, tabled a proposal to remove the existing annotation on the Appendix II listing of its white Rhino population which would allow international trade in Rhinos and their products including horn. Namibia tabled a proposal to allow for a live animal trade in white rhino and for trophy hunting, in other words they proposed to change the status of their white Rhino population from Appendix I to Appendix II.
16. The [proposal](#) by Eswatini to reopen legal international trade in white Rhino horn was overwhelmingly rejected at the 18<sup>th</sup> Conference of the Parties in Geneva on the August 25<sup>th</sup> 2019. Governments at CITES recognised that it was not the time to contemplate the reversal of the strict prohibitions on the international trade in Rhino horn. Doing so would undermine years of hard work in Asia to reduce the demand for Rhino horn products.
17. Despite the overwhelming support for protecting Rhino by not allowing trade, South Africa has continued to promote the domestic trade in Rhino horn. We believe, this trade is contributing to the poaching of rhinos in South Africa and in neighbouring African countries such as [Botswana](#) where Rhino poaching has increased. The legal domestic trade has undermined enforcement efforts and it has provided potential routes through which illegally obtained Rhino horn might be laundered.
18. The domestic trade in Rhino horn weakens the international trade ban under CITES. Over the past two years frequent [shipments](#) of farmed Rhino horn from South Africa have been intercepted at international border and recently there have been large scale illegal shipments of farmed Rhino horn intercepted within South Africa.
19. The poaching of Rhinos and the illegal trade of Rhino horn is an organized transnational crime, it is organized by criminal syndicates that profit from the sale of Rhino horn and horn products to satisfy consumer demand principally in Asia.
20. We are in agreement with a number of parties to CITES in their request to destroy government stockpiles of Rhino horn. Public stockpile destruction events have taken place in China, Czech Republic, India, Kenya, Mozambique, Nepal, Taiwan, United Arab Emirates, USA and Vietnam. We request that South Africa does the same.
21. Farming rhinos to supply rhino horns to the market is not conservation and does not constitute an ecological sustainable use of natural resources as required by section 24.
22. The international trade in rhino horn is unlawful and is the reason why rhinos are being poached and are at risk of extinction.
23. The domestic trade in rhino horn will ultimately result in increased international trade which will be detrimental to rhino conservation.
24. We are concerned that the regulations undermine the CITES international trade prohibitions which protect rhino populations globally. A legal domestic trade in rhino horn provides an avenue for laundering illegal

- rhino horn, thereby increasing the burden of law enforcement authorities responsible for combatting rhino horn trafficking.
25. Further, the regulations also seriously undermine campaigns to reduce demand for rhino horn and instead legitimize its consumption as a commodity.
  26. South Africa has a huge poaching problem. Legalising trade and export is likely to collapse international attempts to protect rhinos. The decline and possible extinction in the wild of rhinos may now be in the interest of rhino breeders, who will then control the world market.
  27. There is a demonstrable link between the sale of farmed wildlife and poaching. Lifting the trade ban would serve to stimulate almost limitless Asian markets through the sale of limited goods which would not take long to bleed into illegal procurement through poaching.
  28. The Regulations are contrary to South Africa's international obligations. For example, the State Parties to CITES have identified international trade in rhino horn as being detrimental to the conservation status/survival of rhinos. The Regulations will legalise a (limited) trade in rhino horn which the parties to CITES are seeking to prevent. Furthermore, as a contracting party to the Convention on Biological Diversity, South Africa is required, as far as possible and as appropriate, to adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity (article 10). Farming rhinos for their horns and trading in horns have an adverse impact on the conservation status of rhinos and hence on biological diversity.
  29. In order to ensure the long-term protection of wild rhinos it will be necessary to reduce the demand for rhino horn and so the price of rhino horn in order to eliminate or substantially reduce the incentive to poach. This has been recognized by the parties to CITES, the CITES Secretariat and INTERPOL. Furthermore, it effectively opens international and commercial trade and will open the door to widespread laundering of rhino horns.
  30. The illegal trade in rhino horn in China and Vietnam is well-documented. Indeed, at the request of the CITES Parties, major consumer countries like Vietnam have been making progress in lowering the demand for rhino horn in their countries including by raising awareness of their citizens, and strengthening their country's law enforcement and legislation; thus this move by our country will send the wrong message to the international community in general, and to the government and people of these consumer countries in particular. Efforts to protect rhinos from poachers and reduce demand for rhino horn in consumer countries such as China and Vietnam are beginning to show good signs of progress. South Africa's regulations undermine these efforts. South Africa needs to work side by side with these countries to reduce the demand for rhino horn, not to undermine their efforts by encouraging consumption of rhino horn.
  31. Allowing any domestic trade in rhino horn or the export of rhino horn for whatever purpose will stimulate demand for rhino horn, make enforcement much more difficult and consequently have an adverse impact on rhino populations because poachers will continue to have access to lucrative markets. Consequently, it is unreasonable and contrary to the State's role as trustee of biological diversity to pass legislation that legalizes such trade.
  32. Legalising trade in rhino horn is extremely risky, is not based on sound science or sound economics, and is contrary to the recommendations made by the advisory group appointed by the Minister to advise her on this issue. It is also contrary to the principle in section 2(4)(a)(vii) of NEMA which states that sustainable development requires the consideration of all relevant factors including: "that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions;"
  33. Confining rhinos in small areas to farm them for their horn removes their ecological relationships and prevents them from playing their specific roles and functions within ecosystems. This means that commercial rhino farming in confined spaces (as opposed to game farms) results in a degradation of the ecosystems from which the rhinos have been removed which will have a negative impact on biological diversity and ecosystem functioning (i.e. disrupt the ecological integrity of the ecosystem in which rhinos occur) and cause significant environmental degradation. This means that farming rhinos for their horns is not ecologically sustainable.
  34. If there is any legal rhino horn in circulation, enforcement (both in South Africa and internationally) becomes much more difficult. Passing these Regulations will undermine the efforts of other countries to combat illegal trade in rhino horn and the illegal activities that it funds, and harm South Africa's relationships with the international community which is against rhino horn trade. At a time when the future

- survival of rhinos is at stake it is irrational to undermine and weaken national and international law enforcement initiatives to prevent illegal trade in rhino horn.
35. South Africa is unable to ensure that the horns will not enter the illegal international markets.
  36. South Africa's ability to regulate domestic trade in rhino horn is in doubt. The recent series of prosecutions involving the spurious use of hunting permits to facilitate smuggling of rhino horns out of South Africa by foreign nationals demonstrate that unscrupulous people are ready and willing to take advantage of any new options for removing horn from the country, are ingenious at coming up with ways to do so, and in many cases are connected with well-funded foreign syndicates able to deal with corrupt officials in end-market countries. It is almost certain that such people will try to take advantage of the export mechanisms in the regulations, and highly likely that they will succeed in doing so despite any mechanisms the regulations may contain.
  37. South Africa does not have the enforcement capacity to ensure that illegally obtained rhino horn will not be exported as legally obtained rhino horn (e.g. using forged documents). The South African government does not have the ability to police the legal and illegal trade simultaneously. Re-opening of a domestic trade in rhino horn would make it even harder for already overstretched law enforcement agents to tackle trafficking of rhino horn. How will an already stretched and under-funded regulatory and policing force cope with monitoring internal trade?
  38. Indications from research on other high-value wild animal body parts has shown that legalising trade has not stopped the illegal trade which is also associated with organized crime including drugs, weapons and human trafficking.
  39. Furthermore, we question who is going to benefit from a South African domestic trading system in rhino horn, since South Africans are generally not interested in owning rhino horn. We fear that this domestic trading might help facilitate the smuggling and illegal export of rhino horn to consumers, specifically, in Asia.
  40. While global cooperation is essential and law enforcement across implicated borders is crucial to control poaching, South Africa remains the main source country for illegally traded horns, often illegally exported to consumer markets via Mozambique. South Africa, Mozambique, Vietnam, China, Zimbabwe and recently also Namibia, are identified as countries of huge concern for rhino horn poaching and their significant illegal market.
  41. The report [Breaking Point](#), published by Ban Animal Trading South Africa and the EMS Foundation was the result of an intensive four year investigation carried out in South African and China. The report questions the ability of the Department of Environment, Forestry and Fisheries to regulate the legal trade in live wild animals. The report highlights serious irregularities with regard to the control of CITES permitting system.
  42. The report has convincingly established that the legal trade in live wild animals is facilitating and providing cover for the illegal trade. The report also concluded that South African environmental agencies are under-resourced and not able to ensure compliance with relevant regulations. Of concern, the report indicated that the legal wildlife trade between South Africa and China was closely associated with International Organised Crime Syndicates. Based upon the exacting details of this report, we do not believe that South Africa would be able to adequately regulate a legal trade in Rhino horn. We therefore echo the call for a moratorium on all export of live wildlife and wildlife parts from South Africa until a thorough investigation has been carried out.
  43. Images of South African Rhino huddled in indoor zoos in China is extremely disheartening. We fail to understand how South African authorities and CITES representatives can allow Rhino to be removed from their natural country of origin and forced to exist in the confines of a zoo arguments in favour of conservation and protection of species fall very short in reality.
  44. In a matter of weeks in 2019 [large quantities](#) of [rhino horn](#) were seized from individuals and warehouses in South Africa. The size of seizures indicates that the horn was from stockpiles. In some instances the source has been proved to be from the Rhino breeder John Hume. This illegal activity is concerning in a country where the Rhino in rhino horn is legal and further underscores our concerns that South African is not capable of regulating a legal trade.

## South Africa's Big Cat Bone Trade

South Africa has actively supported and extended the international trade in big cat bones for more than a decade despite local and international outrage and condemnation from conservation and protection organizations, lion scientists, and experts.

In 2017, the South African Minister of the Environmental Affairs, the late Edna Molewa, in the face of vociferous opposition against the trade in big cat bones, set the annual export quota at 800 lion skeletons.

In 2018, without any stakeholder participation, Minister Molewa, took the decision to double the quota.

The EMS Foundation and Ban Animal Trading concluded a report based upon research carried out over eighteen months on South Africa's international trade in lion bones.

The report addresses the significant loopholes in the existing legal trade multilateral agreements. Drawing upon hundreds of CITES export permits, issued by South Africa's conservation agencies.

The report examines and investigates substantial problems in the CITES permitting, enforcement and oversight system.

It demonstrates the failings of South Africa's national policies and procedures all of which translate into a convergence of the legal and illegal trade in wild animals.

Systematic weakness in the international wild animals' trade permitting regimen, particularly in South Africa and Asia not only add to wild animal trafficking but also undermine any efforts to address the illegal trade.

It is clear that transnational wild animal trafficking networks and crimes perpetrated against wild animals cannot be disrupted without examining the legal and regulated trade, and the supply and demand thereof.

The critical mechanism to disrupt transnational organized wildlife crime is to critique and amend the legal trade.

Our research provided the following insight:

1. There are substantial loopholes in the CITES permitting system
2. Compliance with regard to the CITES treaty is insufficient and is a threat to wild animals and biodiversity. Wild animals traded internationally need further protection.
3. There is a lack of verification in the CITES process.
4. There are major oversight problems in South Africa.
5. The legal trade in lion bones is fueling the illegal trade.
6. International laundering opportunities are provided.
7. There is routine leakage of imported lion products into the illegal international trade.

We recommended that:

1. A zero-export quota for lion and other big cat body parts for commercial purposes
2. A forensic investigation into the financial affairs of all big cat breeders
3. Restrict the number of breeders of big cats
4. Review and improvement of animal protection and welfare legislation
5. Dismantle the captive big cat breeding industry
6. Undertake intelligence led enforcement operations in cooperation with China, Laos, Thailand, and Vietnam to dismantle the criminal networks involved with the transnational lion and tiger trade
7. Ensure transparency and assist monitoring by placing copies of CITES permits in the public domain and NGO's monitoring the wild animal trade have access to permit applications so that they can object if and when appropriate and where there is non-compliance

8. Address any CITES legal oversights and amend the relevant gaps in regulation by strengthening national legislation and the enforcement thereof.

The South African Government Response to the Extinction Business Report:

The South African government, the Portfolio Committee on Environmental Affairs conducted a highly successful two-day colloquium on Captive Breeding of Lions for Hunting and for the Lion Bone Trade on the 21<sup>st</sup> and 22<sup>nd</sup> August 2018.

There was an overwhelming consensus from the local and the international stakeholders participating in the colloquium that South Africa must bring to an end to this controversial practice that is threatening to harm the proud conservation of South Africa and Brand South Africa.

See: The Extinction Business: South Africa's lion bone trade

<https://emsfoundation.org.za/wp-content/uploads/THE-EXTINCTION-BUSINESS-South-Africas-lion-bone-trade.pdf>

See: Parliament welcomes colloquium report on captive lion breeding for hunting and lion bone trade

<https://www.gov.za/speeches/environmental-affairs-committee-welcomes-adoption-report-colloquium-captive-lion-breeding>

## Asian Tigers are in Captivity in South Africa

Tigers are included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which assembles 183 Parties, including South Africa.

Since 2016 the EMS Foundation has asked South Africa's department of Forestry, Fisheries and Environment denies having any information with regard to the number of tigers in captivity in South Africa.

In 2016 CITES forewarned the Parties that the Secretariat was going to conduct a review of the number of facilities keeping Asian big cats in captivity in the territories of Parties and the number of Asian big cats kept in these facilities.

On the 16<sup>th</sup> of February 2018 the EMS Foundation became aware of communications from the CITES Secretariat with regard to confirmation of information with regard to tigers in captivity.

The EMS Foundation wrote to CITES on the 22<sup>nd</sup> April 2021 with the details of the number of tigers in captivity in South Africa.

For the full letter see:

<https://emsfoundation.org.za/earth-day-2021-how-many-asian-tigers-are-in-captivity-in-south-africa/>

## South Africa's Legal Live Wildlife Trade with China

In May 2020 the EMS Foundation and Ban Animal Trading published a report based upon research which concluded that South Africa is the largest exporter of live wild animals to Asia.

The report revealed the violations overlooked by local authorities and that the CITES wildlife trade monitoring system contains extensive loopholes, gaps and opportunities to launder illegal items into the legal market.

This report indicates that between 2015 and 2019 thirty-two wild species were exported from South Africa to China. The report lists fifteen exporters and forty-one importers, there are questionable permit violations in many of the transactions.

Of particular concern were the export of chimps and tigers which are listed in terms of CITES as not indigenous to South Africa; listed species such as cheetahs, rhinos, lions, caracal, monkeys, giraffes as well as non-listed wild-dogs, hyenas and meerkats.

Our research provided the following insight:

1. The report illustrated that the international wildlife trade is poorly enforced. Oversight by CITES is almost non-existent. Wild animals are being subjected to cruel and degrading conditions when captured, bred, transported, displayed in Chinese theme parks or used in scientific experiments. The report dispels the commonly held belief and one conveniently relied upon by the pro-wildlife trade advocates, including CITES, that only the illegal wildlife trade is problematic.
2. The idea of “well-regulated” markets is a myth, a smokescreen behind which deeply embedded interests exploit wild animals for purely commercial gain.
3. The CITES permitting system is riddled with loopholes and fatally flawed, unworkable and acts as a cover for illegal activities.
4. The CITES permitting system only imposes some restrictions.
5. The legal wildlife trade is not protecting wild animals but hastening their demise and causing enormous suffering.
6. CITES is no longer fit for purpose and should be replaced.
7. The international wildlife trade and the captive breeding and farming of wild animals has nothing to do with conservation and everything to do with commercialisation, commodification and profit.
8. The international wildlife trade and the captive breeding and farming of wild animals for trade is dangerous because it is increasing opportunities for zoonotic spill over.
9. The global pandemic COVID-19 has provided humanity with a window of opportunity to do things differently and this must include the way we interact with other species.
10. CITES must be replaced with a completely different international preventative and precautionary legally binding agreement that establishes universal adherence to, and implementation of, a comprehensive and complete ban on the wildlife trade. This must be done as a matter of extreme urgency to tackle the dangerous, inhumane and indiscriminate trade in wild animals.
11. Such an agreement would replace CITES and have as its fundamental guiding principle that the trade in wild animals is inappropriate, counter-productive, unethical and fundamentally unsustainable.

The Breaking Point Report clearly shows that South Africa’s legal wildlife trade with China is riddled with irregularities and gaping loopholes.

The permitting system is the backbone of CITES, the report highlights the following serious problems:

1. Illegal shipments masquerading as legal exports of wildlife species classified as threatened by extinction (Appendix I) and endangered (Appendix II) by CITES.
2. Brokering and wholesale companies and zoos implicated in the trafficking of wild-caught CITES Appendix I-listed species.
3. Export permits frequently list fake or untraceable destinations.
4. Enforcement negligence.
5. Absent verification measures.
6. Lack of transparency and access to permits.
7. The origin of any given animal is almost impossible and once animals leave South Africa and it is similarly impossible to identify where they end up.
8. Most export permits are in breach of CITES regulations. CITES import permits are often not signed or dated.
9. The source of so-called captive-bred animals is not checked or properly verified.
10. DNA tests are rarely done.

For the full report see:

<https://emsfoundation.org.za/the-breaking-point-uncovering-south-africas-shameful-live-wildlife-trade-with-china/>

## South Africa's International Reptile Trade

The EMS Foundation and Ban Animal Trading published this report on the 10<sup>th</sup> of August 2020. The investigative report concluded that the international trade of reptiles, amphibians and arachnids is mostly unregulated.

Data related to these species is unreliable and insufficient because most countries do not keep records unless the species is listed on the CITES Appendices.

The data on listed reptile species is incomplete, species such as snakes, lizards, turtles, tortoises, alligators and crocodiles are in terms of public perception and often because of negative stereotyping, considered less desirable creatures and are afforded less attention.

Our research determined amongst other:

South African authorities issued the following export permits (both national and CITES) from 2013 to 2020:

1. 2179 indigenous tortoises – most of which were exported as part of the pet trade
2. 12 Nile crocodiles – the majority were imported by zoos
3. 262 indigenous snakes – most of which were exported into the pet trade
4. 21 indigenous Armadillo girdled lizards
5. 96 indigenous rock monitors
6. 1456 indigenous amphibians

While international trade is, in theory, governed by CITES regulations, this governance needs to be implemented, complemented, and bolstered by national law.

In South Africa the National Biodiversity Act was enacted in 2004 to regulate CITES listed species. Under this act the Threatened and Protected Species regulations govern any activities that could impact the survival of listed species.

Any pursuit involving these species such as capture, breeding or trading in wild specimens should only be permitted after the South African Scientific Authority has issued a non-detrimental finding as per CITES treaty.

For many of the species discussed in the report, such as tortoises, the necessary NDF is non-existent.

According to the findings, when wild tortoises are confiscated by the South African authorities or surrender by a member of the public to the Johannesburg zoo or the National Zoological Gardens in Pretoria, they are reclassified as captive-bred regardless of origin.

Furthermore, the research determined that instead of being rehabilitated and released back into the wild, these reptiles are sold to wildlife traders and exported with minimal restrictions due to their captive-bred status.

The report concludes that “reptiles do not fit into our view of the world and inhabitants and because they instill a primordial fear in most humans, are not afforded the same protection as other animals”.

The majority of South Africa's snakes that are exported are wild-sourced and, along with most indigenous lizards, are not CITES listed meaning they can be moved out of the country without having to declare the source as either wild or captive-bred.

CITES was set up to ensure that the wildlife trade is sustainable, but it focuses on the most valuable species, traded in large volumes, and largely ignores lesser-known species. CITES only covers 9% of reptile species while 36% are currently traded. This means that 75% of the reptile trade is not covered by any international trade regulation.

For the full report see: <https://emsfoundation.org.za/plundered-south-africas-coldblooded-international-reptile-trade/>