



## environmental affairs

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REPUBLIC OF SOUTH AFRICA

### TERMS OF REFERENCE

#### APPOINTMENT OF THE HIGH-LEVEL PANEL OF EXPERTS FOR THE REVIEW OF POLICIES, LEGISLATION AND PRACTICES ON MATTERS OF ELEPHANT, LION, LEOPARD AND RHINOCEROS MANAGEMENT, BREEDING, HUNTING, TRADE AND HANDLING.

#### FOCUS AREAS FOR THE PANEL OF EXPERTS

##### PART A: ELEPHANTS

Elephants are iconic species in the South African conservation landscape. They play a significant role in creating and maintaining ecosystems that allow or influence persistence of other species. Elephants are amongst the most magnificent but also problematic members of South Africa's wildlife population. They provide several economic opportunities, such as ecotourism, however, elephants are amongst some of the key species impacted by high levels of poaching and wildlife trafficking.

The panel of experts will assess and provide policy positions on the following:

- **Keeping of elephants in captivity:** genesis of keeping elephants in captivity in South Africa, methods, size of captive facilities, handling of elephants in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures
  - **Hunting of elephants:** should hunting of elephants be permissible and what are the legal requirements and conditions for such
  - **Population management:** population control including culling and contraceptives, intercountry translocations
  - **Trade in elephant ivory:** Ivory export, Trade or no trade, Mechanisms of the trade, Determination of the quota
  - **Ivory stockpiling:** Options for stockpiling or not stockpiling, what are the costs and value for keeping ivory stockpiles to conservation
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- **Management of stockpiles:** How is it standardised, traceability, marking and reporting in elephant ivory
- **Impact and benefits:** How does the variety of management practices like captive keeping, trading in elephant ivory contribute value to conservation in South Africa.
- **Handling and Well-being:** Practices, standards and guidelines for permitting facilities that contribute to conservation objectives

### PART B: RHINOCEROS

In 2014, the Minister of Environmental Affairs, appointed a Strategic Task Team referred to as a Committee of Inquiry (Committee of Inquiry in terms of Treasury Regulations) to assist the Department of Environmental Affairs (DEA) with preparations for CITES CoP 17 on rhino matters considering that both these species are impacted by high levels of poaching and illegal wildlife trafficking. Discussions relating to legal and illegal trade involving specimens of rhinoceros species is ongoing in the context of the Convention of Trade in endangered Species of Fauna and Flora.

Through a process of stakeholder consultation, scenario planning, analysis of case studies and various workstream documents as well as a decision-tree analysis process, the Committee identified five key areas that require interventions. These interventions were needed to address wildlife crime and enhance government's ability to conserve rhino species in their natural habitat, as well as enhancing opportunities to realise benefits associated with conservation. The Committee was strongly of the view that these interventions are essential for an effective response to rhino poaching irrespective of whether (or not) South Africa seeks to trade in rhino horn.

The five key interventions for rhino included:

- **Enforcement:** law enforcement (including anti-trafficking and anti-poaching), significant improvements in intelligence capabilities, understanding of a full value chain approach of illicit networks (led by SAPS), and enhance provincial anti-poaching capacities.
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- **Community Empowerment:** strengthen governance in communities surrounding protected areas with elephants
- **Demand Management:** describe a detailed view on data required to inform policy, and actionable initiatives for more result oriented communication to different stakeholders
- **Management of Rhino populations:** outline processes to develop and share best practices to optimise birth rates
- **Responsive Legislation:** develop an enabling and responsive legislative environment

In the light of the above the Panel of Experts is tasked to evaluate the outcomes of the Committee of Inquiry and make recommendations relating to:

- The status of the implementation of the rhino lab initiatives as per Committee of Inquiry outcomes
  - Review and provide advice on the submission of the Rhino related trade proposals to the next coming CITES COP
  - Review and advise on management of rhino horn stockpiles and related specimens
  - Explore and assess the feasibility of establishing government Central System Database for rhino horn stockpile
  - Advise on the possible conservation, socio- economic and political implications of live exports of rhino to countries outside the range states (political economy)
  - Analysis of the demand management dynamics of consumer countries
  - Develop the Lobby/Advocacy strategy for rhino horn trade in different key areas including, but not limited to:
    - Review the current status quo for the domestic trade in rhino horn and assessment of its relationship with illicit trade in rhino horns
    - Review current legislation and processes on domestic rhino horn and provide recommendations on the domestic rhino horn trade.
    - Identification of new or additional interventions required to create an enabling environment to create an effective rhino horn trade
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The panel of experts will assess and provide policy positions on the following:

- **Keeping of rhinoceros in captivity:** genesis of rhino farming in South Africa, farming and breeding methods, handling of rhino, legal requirements for management of privately owned rhino, tourism, interactions and exploitation of tourists, zoos and related activities, as well as associated compliance and enforcement protocols and measures
- **Hunting of rhino:** should hunting of rhino be permissible and what are legal requirements and conditions for such
- **Population management:** metapopulation management and rhino range states translocations
- **Trade in rhino and rhino horn:** rhino horn export, domestic trade or no trade, mechanisms of the trade, live sales and exports
- **Rhino horn stockpiling:** options for stockpiling or not of rhino horn, costs and value of keeping rhino horn stockpiles to conservation
- **Management of stockpiles:** standardization, traceability, DNA profiling, rhino horn markings and reporting
- **Impact and benefits:** how do the various management practices and trade in rhino horn contribute to conservation in South Africa?
- **Handling and Well-being:** practices, standards and guidelines for permitting facilities that contribute to conservation objectives

### PART C: LEOPARDS

Leopards (*Panthera pardus*) have a long lifespan with low reproductive rates. They are tolerant of a wide range of habitats and climatic conditions, including mountains, bushveld, woodlands, desert and semi-desert and forests. However, like most felids, leopards are relatively poor dispersers and the degree of connectivity between populations, within and outside of South Africa, is unknown. Although more resilient than many other large carnivores, leopards are still sensitive to human disturbance and have been eradicated from at least 37% of their historic African range.

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Approximately 20% (248,770 km<sup>2</sup>) of South Africa comprises suitable leopard habitat, although much of this is highly fragmented due to agricultural development, persecution and human encroachment. Today leopards are found in the remote mountainous regions of the Western Cape, parts of North-West, Limpopo, Mpumalanga, KwaZulu-Natal, the Eastern Cape, and the semi-desert areas of the Northern Cape bordering on Botswana. There is no rigorous estimate for the size of the South African leopard population, nor reliable estimates of leopard population trends at national or provincial scales.

In addition to habitat loss, key documented threats to leopards include: excessive off-takes (legal and illegal) of putative damage-causing-animals (DCAs); poorly managed trophy hunting; the illegal trade in leopard skins for cultural and religious attire; incidental; snaring; and the unethical radio-collaring of leopards for research and tourism. However, the relative severity of these threats and their impact on the national or provincial leopard populations remain unknown. Trophy hunting (practiced to maximize economic returns) and legal DCA control (practiced to minimize economic losses) are formally though often poorly managed, while other forms of harvest are illegal and therefore unregulated.

There are almost no reliable estimates for the extent of illegal off -take of leopards, though data from a few intensive studies in South Africa suggest that levels of illegal off-take exceed levels of legal off-take. Most leopard trophy hunting occurs on private land. Harvest of leopards is not managed consistently throughout the country; some provinces implement effective controls, others do not. Legal off-takes are poorly documented in many provinces. There is an urgent need for a coordinated national strategy which provides standardized guidelines to all provinces for the management of leopards.

The panel of experts will assess and provide policy positions on the following:

- **Hunting of leopards:** rationale and basis for hunting or no hunting, determination of the quotas and associated conditions, hunting standards, methods of hunting
  - **Trade in Leopard skins:** trade or no trade, mechanisms of the trade, determination of quotas
  - **Demand management:** dynamics of domestic and international demand, demand for leopard products (skins, claws, teeth), legislative and legal regime for demand management
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- **Impact and benefits:** how do various management practices and trade in leopard specimens benefit conservation in South Africa?

### PART D: LIONS

South Africa is home to a lion population of just over 10,000 lions, with close to 3000 lions in the wild and approximately 7000 lions in captive bred facilities. The wild lion is stable and growing owing to abundance of prey, disease management and successful conservation strategies. The captive bred lion population has grown significantly over the years due to favourable market conditions for trophy hunting and trade in lion bones. However, captive lion breeding, trophy hunting and trade in lion specimens present some contentions between the lion trade industry and animal welfare or rights groups and have negatively impacted South Africa's tourism industry. These contentions draw attention to the policy and legislative position of the South African Government on lion management. While provincial governments are permit issuing authorities for restricted activities and trade matters pertaining to lions, the National Department of Environmental Affairs is the national CITES focal point whose role is mainly liaison and coordination with CITES authorities of the trading or consumer countries.

The implications of public sentiments on South Africa's handling of the above matters of contention have escalated into an international discourse that necessitates a national dialogue. The department, therefore, seeks to get more insight into the management of lions and trade in lion bone in South Africa.

The panel of experts will assess and provide policy positions on the following:

- **Breeding of lions in captivity:** genesis of captive breeding of lions in South Africa, methods, size of breeding facilities, euthanasia of lions in captivity, handling of lions in breeding facilities, legal requirements, tourism, interactions and exploitation of tourists, petting zoos and related activities, as well as associated compliance and enforcement protocols and measure
  - **Hunting of captive bred lions:** hunting rationale in captive breeding facilities, conditions for hunting of captive bred lions, size of hunting farms, release periods of lions for hunting and legal requirements for hunting captive bred lions
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- **Trade in lion bones and Leopard skins:** lion bone trade or no trade, mechanisms of the trade, determination of the quota
  - **Stockpiling:** options for stockpiling or not stockpiling lion bone, what is the value in keeping lion bone skeletons and related products to conservation?
  - **Management of stockpiles:** standardization, traceability, DNA profiling, lion bone marking and reporting
  - **Impact and benefits:** how do various management practices like captive breeding, trade in lion bones and other specimens contribute to conservation in South Africa?
  - **Handling and Well-being:** practices, standards and guidelines for permitting facilities that contribute to conservation objectives.
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