



URGENT

**The Minister for Environment, Forestry
and Fisheries**

Date: 15 April 2020

The Honourable Ms Barbara Creecy

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Dear Minister

CAPTIVE LION AND OTHER BIG CAT BREEDING INDUSTRY AND CORONAVIRUS

Introduction

As you know, we act for the EMS Foundation.

We refer to previous correspondence with ourselves and our client regarding the captive lion and other big cat breeding (CLB) industry in South Africa and the High Level Panel (HLP) appointed to investigate it, as well as changes in agricultural legislation aimed at facilitating the wildlife trade. A copy of our client's latest two letters to you are attached for ease of reference.

This letter deals with our client's specific concerns in the face of coronavirus and the fact that there are still no indications that your department has acknowledged the danger that the wildlife trade poses to humans and to the survival of wild species, despite recent tragic events.

High Level Panel

We note that you have by notice in the *Gazette* (GN 22 in GG 43173 no. of 27 March 2020) asked for submissions from stakeholders to the HLP ("the Request for Submissions"). Our client objects to the notice and the HLP process on the following basis:

1. The notice was not sent to any of the stakeholders, including our client, who engage regularly with the Department on these very issues. Our client discovered it by chance.
2. No official, detailed terms of reference have been published for the HLP despite numerous requests by our client. The HLP has also still not indicated, as required by Parliamentary Resolution that it is constituted to review the legal and policy framework for captive breeding of lions and other big cats and specifically to consider whether it should be closed down.
3. The call for submissions is so broad and vague as to give stakeholders very little idea of the kind of information the HLP will regard as relevant, or the format in which this information should be submitted.
4. The time frame of 60 days is not reasonable, given the above and the fact that the notice was published on the first day of the national COVID-19 lockdown. The country will be in a lockdown for 35 out of 60 of those days. While we appreciate that the Department may not have known that the lockdown would commence the previous evening, it would be unreasonable not to extend the comment period given that many offices are closed and movement is restricted. At the same time, new evidence is emerging at a rapid rate about the origins of COVID-19 and the potential of humans to infect wild animals in turn.

Accordingly we request again that you:



1. publish detailed terms of reference for the HLP which reflect Parliament's resolutions on this subject, to allow stakeholders to focus their submissions; and
2. extend the comment period for a further 60 days after the current lockdown period ends to allow stakeholders affected by the lockdown a reasonable opportunity to participate meaningfully.

Captive lion and big cat industry

As per our client's attached letters, it is deeply concerned about the effect of the pandemic on the welfare of lions and other big cats currently in captive breeding facilities. Since the businesses and individuals which operate these facilities rely heavily on tourism for income and there is no tourism now, nor will there be international tourism in the foreseeable future, the ability or willingness of these businesses to safeguard the welfare of these lions and other big cats is in serious doubt. As you have acknowledged, welfare is a factor the department is by law obliged to consider in making its decisions.

In addition, there are human health concerns for workers in lion slaughterhouses. In the light of reports that tigers in the United States have tested positive for COVID-19, the health and welfare of lions and other big cats in captive breeding facilities must be further considered in terms of the risk of them being infected by humans.

As you know, in applying the National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA) and its regulations, you must be guided by the national environmental management principles set out in section 2 of the National Environmental Management Act, 107 of 1998 (NEMA)(See section 7 of NEM:BA).

The principles include that sustainable development requires 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..."(section 2(4)(a)(vii) of NEMA).

The principles also require that social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment (section 2(4)(i)) and that the right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected (section 2(4)(j)).

In terms of NEMBA itself you are required to monitor compliance with section 57(1) of NEMBA insofar as trade in specimens of listed threatened or protected species is concerned; and compliance with CITES (section 59(1) of NEMBA).



In the light of these legal requirements, our client submits that given the circumstances we currently find ourselves in, and the Department's duty to take a precautionary approach, the Department must:

1. immediately begin planning for potential collapse of the big cat breeding industry so as to safe-guard the welfare of the animals concerned;
2. cancel or amend any permits (standing permits or other permits) that allow the killing of lions and other big cats for any purpose other than euthanasia where absolutely necessary on welfare grounds;
3. impose a moratorium for at least two years on the issue of new permits allowing the killing of lions and other big cats and the registration of new captive breeding facilities;
4. impose a moratorium on the issue of permits for the export of lion bones for at least two years or undertake to set a zero quota for exports for the next two years;
5. impose an immediate moratorium on the breeding of big cats in captivity; and
6. take all necessary measures to ensure that human-to-big cat infection is avoided

until reasonable scientific consensus has been reached about:

1. the danger to workers from handling lion and other big cat carcasses;
2. the danger to humans globally and locally of consuming big cat body parts, in whatever form, whether from a new zoonotic disease or otherwise; and
3. the threat to captive bred big cats of COVID-19 infections.

We submit that planning for the collapse and/or closure of the lion and other big cat breeding industry should commence urgently with a request by the Department for all current permit holders to submit information on at least:

1. the extent to which permit holders are currently or in the foreseeable future able to comply with permit conditions that safeguard the welfare of captive big cats;
2. the extent to which permit holders anticipate that they will experience difficulty in funding food, veterinary care, staff costs, security and any other matters critical to the health and welfare of captive big cats in the foreseeable future; and
3. whether any big cats in their facilities may be infected with COVID-19.

Cooperative governance

We understand that the Department has met or is planning to meet DALRRD regarding recent amendments to the Animal Improvement Act and proposed amendments to the Meat Safety Act aimed at facilitating the farming of and trade in wild animals. We attach hereto letters to the DALRRD and to the Department of Health setting out actions which our clients believe they should be taking urgently to safeguard human health.



Conclusion

Epidemiologists have long considered a pandemic like COVID-19 to be an inevitability and there is consensus that without massive changes to public health regulation a pandemic of zoonotic origin will happen again. A great deal is however unknown and it is important that government as a whole proceed in a coordinated and precautionary manner.

Until there is more information available about the risks of the captive breeding of lions and other big cats and lion bone trade, both in terms of human health and to the survival of lions, a risk-averse and cautious approach requires that a moratorium is placed on the industry as outlined above.

At the same time, the welfare risk to lions in captive breeding facilities due to the collapse of tourism must be evaluated and planned for and measures put in place to safeguard these animals.

Please acknowledge receipt of this letter.

We look forward to hearing from you as soon as possible.

Yours faithfully

A handwritten signature in black ink, appearing to read "Sarah Kvalsvig".

CULLINAN & ASSOCIATES INC

per: Sarah Kvalsvig