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NSPCA CHALLENGES THE CAPTIVE LION INDUSTRY

A POSITIVE CHANGE FOR ALL WILDLIFE IN SOUTH AFRICA



**National Council
of SPCAs**

FEBRUARY 2021



For over 60 years, the NSPCA has been protecting our country's animals.

We prevent cruelty, promote kindness and alleviate the suffering of animals.

Our objective is to serve and protect ALL animals, to uplift their welfare and to ensure that the protection they have under South African law is upheld and respected.

Our **mission** is to prevent cruelty and promote the welfare of all animals, whilst our **vision** is to end animal cruelty in South Africa and engender compassion for all animals.

“

Looking back over the years to our humble beginnings in 1955, we stand proud in the knowledge that our progress for animals over the years has been phenomenal. We have grown in numbers, advanced the education and training of Inspectors, honed skills, drawn from experience and become specialists in the welfare of all animals. We have entrenched ourselves as the most influential animal welfare organisation in Southern Africa.

”

– MARCELLE MEREDITH

Executive Director

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National Council of SPCAs

Inspectors, Senior Inspectors and Field Officers Pledge

I pledge:-

- 1 To uphold the law and protect ALL animals and treat them with compassion and kindness at all times.**
- 2. To respond swiftly and professionally to assist animals in need – regardless of the time or place.**
- 3. To adhere to the Code of Ethics and all the Rules and Policies as stipulated in the Operations Manual, and uphold the principles of the SPCA movement.**
- 4. To uphold and promote the 5 Freedoms and the kind treatment of animals by humans.**
- 5. To treat both people and animals with respect.**



ACKNOWLEDGEMENTS

The NSPCA wishes to take this opportunity to express our gratitude to all of our supporters. Thank you for choosing the NSPCA through which to show your kindness to animals and for your trust in us. The continued support from the public, various trusts and foundations, sponsors and individual donors continue to assist the NSPCA in our quest to improve the welfare of animals in South Africa.

The NSPCA was fortunate to have a legal team with admirable commitment to our vision and mission. To Advocate Les J. Morison, Dr. Jane E. Marston, Advocate Thai Scott and Advocate Angus McKenzie, thank you for your fundamental role, counsel and leadership that resulted in a precedent judgement that not only paved the way for animal welfare considerations for captive lions, but for all wildlife in South Africa.

We also wish to express our gratitude to every expert witness of which your expertise, knowledge and contributions played a pivotal role - A special thank you to Dr. Paul Funston, Dr. Ross Harvey, Karen Trendler, Dr. Smaragda Louw and Michelle Pickover.

Thank you to Blood Lions, Ban Animal Trading and the EMS Foundation for the extensive information and contributions made towards the litigation process.

A final and warm thank you to the NSPCA task team - Marcelle Meredith, Esté Kotzé, Pricilla Stiglingh, Karen Trendler (former Manager of the NSPCA's Wildlife Trade & Trafficking Unit) and the Wildlife Protection Unit, whom each in their own respective roles, played a significant part in the outcome of the positive litigation measures against the captive lion industry and the lion bone trade.





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ABOUT THE NSPCA

The National Council of Societies for the Prevention of Cruelty to Animals (NSPCA) is the largest animal welfare organisation in Africa, with the objective to serve and protect all animals, to uplift their welfare and to ensure that the protection they have under South African Law is upheld and respected. The NSPCA's mission is to prevent cruelty and promote the welfare of all animals, whilst the NSPCA's vision is to end animal cruelty in South Africa and engender compassion for all animals.

The NSPCA is the only animal welfare organisation to have their own Act of Parliament, namely the Societies for the Prevention of Cruelty to Animals Act No. 169 of 1993 (SPCA Act). The organisation is a statutory body in terms of Section 2 of the SPCA Act with the organisation's main objectives laid out in Section 3¹ which include but are not limited to the following:

- (c) *"To prevent the ill-treatment of animals by promoting their good treatment by man".*
- (e) *"To take cognizance of the application of laws affecting animals and to make representations in connection therewith to the appropriate authority".*
- (f) *"To do all things reasonably necessary for or incidental to the achievement of the objects mentioned" in Section 3.*

The NSPCA acts as the governing body for all local Societies for the Prevention of Cruelty to Animals (SPCA's) and as a statutory body legally mandated with preventing animal cruelty, addressing animal welfare and enforcing the Animals Protection Act No. 71 of 1962 (APA).

The NSPCA comprises of a number of specialised units that operate on a national basis which include the Animal Ethics Unit, Society Liaison Unit, Special Projects Unit, Communications Unit, Farm Animal Protection Unit, Wildlife Protection Unit, Training Unit, Community Outreach, and the Special Investigations Unit. Each respective unit is staffed and managed by experienced inspectors and personnel with expertise and qualifications relevant to each unit's function and focus areas.



RECOGNITION TO THE NSPCA

The critical role that the NSPCA carries out in society was firmly established in the unanimous judgement handed down on the 8th of December 2016 by Judge J. Khampepe in the matter between the NSPCA, the Minister of Justice and Constitutional Development, the National Director of Public Prosecutions and Corruption Watch (Case CCT 1/16) in the Constitutional Court of South Africa². The relief sought by the NSPCA, *i.e.* rendering the organisation unable to privately prosecute causes a limitation to fulfil its statutory mandate. The court granted the affirmation sought by the NSPCA and ruled



that the NSPCA has the statutory power to institute private prosecutions, which power is conferred upon it by section 6(2)(e) of the SPCA Act read with section 8 of the Criminal Procedure Act 51 of 1977.

The judgement recognised that the NSPCA is best placed to conduct private prosecutions, giving effect to preventing and enforcing the offences set out in the current statutory regime for protecting animal welfare and preventing animal cruelty, noting that the NSPCA and SPCA's have over the years become well established and fully recognised as the authoritative voice in the protection against animal cruelty and the most renowned organisation in the field of animal welfare.

Furthermore, Section 24 of the Constitution of the Republic of South Africa No. 108 of 1996 (the Constitution) states that³ - *"Everyone has the right*

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –

- i. prevent pollution and ecological degradation;*
- ii. promote conservation; and*
- iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."*

The aforementioned has relevance to the judgement highlighting that -

"Animal welfare is connected with the constitutional right to have the environment protected through legislative and other means. This integrative approach correctly links the suffering of individual animals to conservation, and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined values".

Firstly, the court provided recognition to the NSPCA stating that its long history of guarding the interest of animals reflects constitutional values and subsequently in the interest of society. Secondly, of great importance is the recognition of the sentience of animals, the intrinsic value of animals as individuals, and the importance of animal welfare within a broader context that interlinks societal values, biodiversity conservation, animal well-being and constitutional rights.



NSPCA'S PAST EFFORTS TO ADDRESS THE CAPTIVE LION INDUSTRY

The issue of canned lion hunting in South Africa was brought to the world's attention after the 1997 award-winning "Cook Report" was broadcasted on a British television programme called "Making a Killing"⁴. It showcased disturbing realities associated with the



industry which involves the hunting of lions raised in captivity and unfairly preventing the target animal from escaping the hunter by eliminating “fair chase”, whereby the hunter is guaranteed a trophy. The animal is placed at a disadvantage by being confined to small enclosure or because it has lost its fear of humans as a result of hand-rearing, whilst some are tranquillized. The programme sparked an outcry and a wide range of animal welfare and animal rights supporters, conservation groups, some hunting associations and members of the public called for urgent action for this practice to be outlawed.

Soon after the expose on canned lion hunting in South Africa, the then Minister of Environmental Affairs (DEA), Dr Pallo Jordan, engaged with environmental officials from all provinces and subsequently recommended a moratorium on the granting of licences for new breeding facilities, however this did not materialize⁵. His successor, Mr Vali Moosa, also stated his opposition to the captive breeding of lions for hunting, but also lacked action. In 2005, the Panel of Experts on Professional and Recreational Hunting was convened by the then Minister of DEA, Mr Marthinus van Schalkwyk. The panel was tasked to look into the canned hunting of large predators among other things and recommended that the hunting of any captive bred animal should be disallowed, of which the Executive Director of the NSPCA, Marcelle Meredith, served as one of the expert panel members. The recommendations of the panel, and the continued and collective pressure from the conservation

community, animal welfare and rightest groups, including the prevalent negative publicly and media coverage associated with captive lion hunting, resulted in the publication of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004): Threatened or Protected Species Regulations, 2007 (TOPS), with the aim to provide certain species, including lions, with national protection⁶ and to rein-in the captive lion industry⁵. The proposed legislation brought on by the DEA instituted a prohibition on the hunting of listed predators, including lions, within 24 months of their release on large areas of land⁴. The then South African Predator Breeders Association (SAPBA) legally challenged the regulations, as the regulations would have rendered hunting of captive-raised lions as economically unviable. On the 29th of November 2010, the Supreme Court of Appeal of South Africa delivered a judgment in favor of SAPBA, stating that the DEA was unreasonable for not including a transitional period to comply with the 24-month period; lacked a rational justification on a factual and scientific basis to indicate that captive-bred lions require a 24 month period to become self-sustainable; and providing no rational basis that captive bred lions could be rehabilitated; including that the lawfulness of the decision taken on DEA’s part was questioned as the court found no legal basis for the regulation of ethical matters in legislation designed to conserve and protect biodiversity⁴. The implication thereof meant that the prohibitions under Regulation 24 of TOPS do not apply to the hunting of captive-bred lions, however the



prohibitions under Regulation 26 still apply, whether it is wild or captive-bred, because Regulation 26 applies to any specimen of a listed threatened or protected species, which includes lions. In essence, the hunting of captive-bred lions remains legal, provided the hunter conforms to the prohibitions under Regulation 26, which include that the lion may not be hunted if it is trapped against a fence or in a small enclosure where the animal does not have a fair chance of evading the hunter, thus allowing the captive lion industry to continue to grow.

Since the time that canned hunting was exposed, the NSPCA has raised opposition to the captive lion industry in its entirety and have attempted through various means to address animal welfare and cruelty associated with the industry, including the fact that it serves no conservation value and the blatant disconnect to the ethical issues embedded in the utilisation of captive lions. A combination of both the preceding and overall opposition to the captive lion industry, including the past attempt by Minister van Schalkwyk to tighten regulations, lead to what was considered back then as a potential crisis if the regulations remained unchallenged by SAPBA, as the positive outcome would have effectively halted the hunting of captive-raised lions, however the well-being, quality of life and the future of thousands of animals in captivity remained a concern and required a solution. It resulted in the formation of the NGO Alliance Grouping led by the NSPCA and included conservationists, animal welfare-, rescue- and rights-

groups, concerned citizens and wildlife rehabilitators including but not limited to the Endangered Wildlife Trust (EWT), Animal Rights Africa, SanWild Wildlife Trust, Animal Anti-Cruelty League (AACL), FOUR PAWS Animal Welfare Foundation - South Africa, LIONSROCK Big Cat Sanctuary, FreeMe Wildlife Rehabilitation Centre, International Fund for Animal Welfare (IFAW), Wilderness Foundation, De Wildt Cheetah and Wildlife Trust, Wildlife and Environment Society of South Africa (WESSA), Karen Trendler (Animal welfare consultant and stakeholder), Sven Kreher (Concerned citizen and stakeholder) and Margi Brocklehurst (Wildlife rehabilitator & concerned citizen). The NGO Alliance compiled and presented a detailed response management and action plan to the DEA in 2009, which included assistance in closing down the captive lion industry and providing full consideration to the fate and well-being of all the lions in captivity.

Furthermore, the lion bone trade industry is not a new concern area for the NSPCA. Whilst the lion bone trade industry has come under the spotlight in recent years, past attempts to address this industry was also brought to the attention of the DEA, of which the NGO Alliance Group appealed to the DEA back then to address this issue through legislative controls to avert a further crisis and possible conservation implications. Unfortunately, SAPBA succeeded in having the TOPS regulations regarding the hunting of captive lions set aside in 2010, and the recommendations afforded from the NGO Alliance Grouping resulted in no action from government. In addition, the lion bone trade was not



publically acknowledge by government. The industry continued to grow and with it the associated welfare and cruelty issues. The trade in lion bone carried on quietly under the radar.



CONTINUED DISSERVICE TO CAPTIVE LIONS

It has been more than two decades since the initial expose of the inhumane nature of canned lion hunting, the very same period for which the DEA has consistently facilitated the growth of the captive lion industry, except for the period between 2007 – 2010, by maintaining legislation which enables the issuing authorities of each respective province to issue permits for lion breeding and hunting⁵. To date, the captive lion industry has been allowed to operate within a framework that can only be described as unlimited, unregulated and uncontrolled, with inadequate regulation. The captive lion industry commenced in the 1990's and by 1999 there were no more than a few hundred captive lions in South Africa⁷, with estimations of around 5 800 captive-bred lions in 2013, almost double the number in 2005⁸. In August 2019, the same year the DEA was renamed to the Department of Environment, Forestry and Fisheries (DEFF), the current Minister, Ms. B.D. Creecy, stated in an official written reply to a parliamentary question, that there are approximately 7979 lions in captivity and there are 366 captive

facilities registered in terms of the TOPS Regulations⁹. Yet, the size of the captive lion industry that resulted from an audit remains highly questioned, as it does not indicated exactly how many facilities exists across the country and the number of large predators being kept. Other estimates are higher, estimating 459 facilities and between 10 000 to 12 000 captive lions.

The rapid expansion of lion breeding, captive hunting and tourism activities, including other spin-off industries remains highly controversial and widely opposed. The commercial nature of the industry is entrenched within a profit-and-production based model that exploits these animals at every stage of their lives. Lions are intensively bred, cubs are removed from the mother and used, purchased or rented for human interaction, once too big they are used in lion walk excursions before being sold for further exhibition and breeding purposes or even for captive lion hunts. Their body parts are sold directly or indirectly into the global lion bone trade to be used in products of no medicinal value. The industry also includes lions used for filming and photographic purposes, including live exports.

A number of other species can also be found at some captive lion facilities for tourism-related, exhibition, breeding and/or trade purposes, including but not limited to brown bears, coatis, mountain lions, bobcats, jaguars, Siberian tigers, Bengal tigers, raccoons, blue-and-scarlet macaws, African Grey parrots, alligators, Iguanas, Bearded dragons, European wild boars, yellow anacondas, green



anacondas, various venomous and non-venomous species of snakes, sugar gliders, marmosets, capuchin monkeys, hamadryas baboons, pygmy hippos, Canadian timber wolves, Arctic fox, fennec fox, chimpanzees, howler monkeys, cotton-top tamarins, Red-handed tamarins, western purple faced langur, squirrel monkeys, chinchilla ring tailed lemurs, caracal, panthers and leopards.

Problem areas with regards to the captive lion industry range from continued animal suffering, cruelty and compromised animal welfare; unresolved mandate conflict between the DEFF and the Department of Agriculture, Land Reform and Rural Development (DALRRD); the unregulated nature of the industry; the misuse of the sustainable use principle to justify the existence of the industry despite warnings against the collective harm it poses to South Africa; to the lack in conservation value; and the abrasive and eroding moral and ethical dilemma associated with the industry where the African lion, a highly charismatic member of the megafauna of Africa, and one of the most loved and iconic animals of the world, including one of the biggest drawcards for travellers to Africa, is reduced to basically an intensively bred farmed animal and caged for human entertainment.

The DEFF is appointed as the custodians and ambassadors of the natural environment and all the species dependant on it for survival, whilst their mandate is to give effect to Section 24 of the Constitution, *i.e.* the right of citizens to an environment that is not harmful to

their health or well-being, and to have the environment protected for the benefit of present and future generations. The DEFF's mission is to provide leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community¹⁰. The DEFF is ultimately responsible for the regulation and management of all biodiversity, heritage and conservation matters in a manner that facilitates sustainable economic growth and development. The mission of the DALRRD is to accelerate land reform, catalyse rural development and improve agricultural production to stimulate economic development and food security. Of the various functions and structures, the DALRRD is responsible to develop norms and standards for animal production and game farming and to ensure effective regulation, monitoring and impact assessment of animal production and game farming systems, among other things¹¹. The mandate conflict is twofold, firstly, the DEFF administers provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and other relevant regulations such as dealing with TOPS species and the DALRRD administers animal health and welfare legislation through the APA (No. 71 of 1962, the Performing Animals Protection Act 24 of 1935 (PAPA Act) as amended and the Animal Matters Amendment Act, 1993 (Act No. 42 of 1993). In essence, DEFF permits the existence of the captive lion industry, arguing that animal welfare is not their mandate and irresponsibly shifts the regulatory role with regards the



welfare of captive lions to DALRRD, whilst both DEFF and DALRRD have not delivered on developing national standards for the captive keeping and breeding of lions as per the implementing parties among others as stated in the Biodiversity Management Plan for the Lion (*Panthera leo*) in South Africa (BMP)¹². The BMP was released in 2015 and provides for clear distinctions between the objectives for wild, managed wild and captive lion populations, with a specific set of actions for each objective for the period from 2015 - 2019. The intended 5-year outcome states that the norms and standards should be developed and implemented and by 2019, all permit holders have to comply with the minimum standards or be closed down permanently. To date this has not materialized.

The Portfolio Committee on Environmental Affairs hosted a historic two-day colloquium in August 2018 entitled - *Captive Lion Breeding for Hunting in South Africa: Harming or Promoting the conservation image of the country, held on 21 and 22 August 2018*. The purpose was to interrogate the captive lion industry and associated practices that has gained the reputation for being the most controversial subject in the conservation industry due to the damage caused to the conservation image of South Africa⁴. The Portfolio Committee recognised the both the DEFF and the DALRRD have dropped the animal welfare ball and as a resolution instructed both governmental departments to present a clear programme of work on how they intend to address animal welfare and health issues that had been raised during

the Colloquium, outlining clear time frames for achieving this. The mandate conflict between the DEFF and the DALRRD has been an ongoing issue for years and as a consequence, consideration for the desperate need for sufficient wild animal welfare continues to fall through the cracks. There is no valid reason for overlapping mandates to dampen efforts to serve in the best interest of animals, as Chapter 3 of the Constitution³ clearly state that all spheres of government must both observe and adhere to the principles and conduct their activities within the parameters of Chapter 3. Under principles of co-operative government and intergovernmental relations it states further that all spheres of government and all organs of state must – “*co-operate with one another in mutual trust and good faith by assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; and co-ordinating their actions and legislation with one another*” among other things.

Another instruction from the Portfolio Committee stated that the DEFF should conduct an audit of all captive breeding facilities in South Africa to verify and ensure that the facilities are compliant in terms of the relevant legislation. In addition, the Portfolio Committee wanted to know why DEFF have allowed for the captive lion industry to grow without proper governance, especially when the number of facilities and captive lion are not fully known¹³. However, reports indicate that the audit resulted in only 227 lion facilities inspected of which 88 facilities were found to be non-compliant



with TOPS regulations, and other provincial regulations that were meant to govern this industry of which the permits were merely renewed, without legal repercussions¹⁴. This is just another pile-on that illustrate that government have allowed the captive lion industry to proliferate without sufficient governance or consequences for violations in terms of relevant legislation.

Fifteen years ago, the DEFF attempted to curb the captive lion industry and have once again been presented with that opportunity. The colloquium resulted in an overwhelming consensus for the need to bring an end to the controversial aspects of the captive lion industry. It was recognised that the industry holds no conservation value; is damaging to South Africa's conservation reputation, its tourism sector and the socio-economic welfare of South Africans; and is considered unethical and holds significant animal welfare concerns. Subsequently the DEFF has been instructed to initiate a policy and legislative review of captive breeding of lions for hunting and lion bone trade with a view to putting an end to this practice. This resolution was adopted by National Assembly. Minister Creecy of the DEFF have subsequently established a high-level panel for the review of existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros. The NSPCA have made submissions to the panel and awaiting the final outcome. As stated in the media, it remains to be seen whether the DEFF and the high-level panel finally accepts the weight of the evidence against

captive lion breeding and make recommendations that will ultimately save both South Africa's conservation reputation and the thousands of captive lions condemned to a life of misery and for the disservice to captive lions to stop¹⁵.



CONSERVATION VALUE

The promulgation of the Game Theft Act No. 105 of 1991 has allowed for the private ownership of wildlife where private properties are adequately fenced. This and the concept of sustainable use as included in the Constitution in 1994 have subsequently awarded wildlife with a financial incentive proven to be a competitive land-use alternative and has led to the establishment of a formal wildlife sector in South Africa¹⁶. Whilst there are credible examples that serve to prove how private ownership has saved species from extinction and that the wildlife sector has largely been compatible with biodiversity conservation, however certain sub-sectors have shown to be risking biodiversity conservation. Even though game numbers have increased in numbers for some species over the last 30 years as a result of wildlife privatization, an increase in numbers alone does not necessarily constitute a significant contribution to biodiversity conservation. It is only when wildlife areas contribute to all the components of biodiversity from genetic to functional diversity that these contribute to the conservation of



biodiversity as a whole¹⁶. Which suggests that evidence of the conservation value is subject to a case-by-case basis or that individual land-use practices within the wildlife sector is subject to certain criteria of what constitutes as credible conservation value. For instance, intensive management and selective breeding of game has been identified as a sub-sector that poses a number of significant risks to biodiversity at landscape, ecosystem and species level, including but not limited to loss of genetic diversity affecting fitness and adaptability; habitat degradation and fragmentation due to impermeable cramped fencing; killing of predators to protect high-value game; domestication of wild species resulting in loss of ability to adapt to wild conditions; disruption of the natural selection process; and resistance built up to stock remedies and veterinary medicines¹⁶.

Regardless of the claims made by industry role-players the captive lion industry in its entirety has no conservation value. This sub-sector also poses significant risks to the biodiversity economy of South Africa, as it undermines South Africa's tourism brand value and tarnishes South Africa's historical conservation reputation¹⁷. The industry attracts both day visitors and high-paying volunteers under false pretexts. Tied in a neatly folded bow, perceptions matter in the tourism game and in a world increasingly characterised by ethically conscious consumption, the continued unethical practices associated with the captive lion industry threatens the tourism sector, a large contributor to South Africa's economy and one of the biggest employers. Due to the negative

externalities associated with the industry, it is estimated that the industry may undermine South Africa's brand attractiveness as a tourism destination by up to R54.51bn over the next decade. Current and future damage caused, may undermine tourism revenue potential significantly, as there are other high-cost destinations that offer more ethical opportunities to observe the big five in the wild, which is one of the most important drawcards to attract tourists to South Africa. The knock-on-effect would include that much needed funds to conserve large wilderness landscapes are negatively affected which in turn would affect the megafauna dependent on these habitats for survival¹⁷.

There are further claims that the industry can be used for reintroducing captive lions into the wild for its role in species restoration and broader conservation outcomes. Published research and conservation experts state that there is absolutely no need to use captive lions for reintroduction purposes, as wild sourced lions in well-planned translocation and introduction programmes to new areas, including the restoration of lion to areas of the species former range has historically been used and proven successful since 1991¹⁸. Translocating wild lions to both establish new populations and supplementing declining populations has become routine. With national and international recognised conservation plans in place, none of them identify the captive keeping and breeding of large carnivores as a means to contribute towards the conservation of wild lion populations. Not only is the relocation of



wild lion the most effective for restocking and repopulating an area, there are sufficient wild lion to support this practice, no need exists for supplementation from captive populations. In addition there are a number of serious concerns regarding the introduction of captive bred lion to wild habitats. Carnivore reintroductions and restocking are expensive, complex and require expertise and a wider range of factors to be taken into account. Relocation of wild lion is the preferred option over the release of captive bred stock as wild animals are less likely reservoirs compared to captive animals which may be exposed to a greater range of exotic pathogens, furthermore the captive lion industry does not contain a formal rigorous disease screening programme¹⁶. Maladaptive behaviour due to impoverished captive environments such as males inexplicably killing females, or high mortality rates in cubs due to failing to thrive are unknown among wild sourced lions for species restoration programmes¹⁸. The use of captive sourced lions holds genetic implications. The lack of responsible breeding, absence of studbooks, no accredited national breeding programme and lion of unknown origin sourced from the captive lion industry excludes them from being a safe and responsible source of animals for restocking areas. The dubious genetic lineage of captive lions as a result of uncontrolled and intensive selective breeding of captive lions, as well as human imprinting and coupled with not growing up in natural social groups renders captive lions at risks for their own welfare and risking their wild counterparts¹⁹. It poses a

direct threat to biodiversity and ecosystem function by risking the survival of wild lion populations as keystone species via genetic pollution and reduced genetic diversity that negatively affects individual fitness; health; survival and future adaptability due to the risks of weakened resilience or reduced adaptive capacity to environmental changes; health hazards; ecosystem transformations; or the effects of climate change. Relatively small receiving lion populations could be more vulnerable compared to larger or genetically more diverse populations. Captive bred carnivores are more dangerous than wild lions, as they lose their fear of humans and associate humans as food providers¹⁹.

The NSPCA is of the view that any current or future attempts to use captive origin lions for reintroduction purposes only portrays the desperation of industry to find any way possible to justify the existence of an industry that is regarded as repulsive both domestically and internationally. In addition, the captive lion industry does not contribute towards addressing the root causes of the real threats faced by the African lion, such as habitat loss; indiscriminate killing; prey base depletion; disease; trophy hunting; and the illegal trade in lion body parts and trade in lion bone exports. This ultimately, does not contribute towards the conservation of the African lion, but to the continued abuse of lions kept in captive lion facilities in South Africa. The NSPCA only supports bona fide conservation measures in the interest of wild lion populations, roaming free in their natural habitat and contributing to biodiversity



conservation and ecosystem function as keystone and flagship species.

Regardless of the fact that certain practices within the captive lion industry remain legal, industry role-players continue to defend their right-to-use under the sustainable use principle, objecting to what they consider are unreasonable controls and limitations on their business. The NSPCA is of the view that the industry itself does not contribute to the sustainable and responsible use of natural resources, nor to biodiversity conservation. The sustainable use principle is moulded and modified within the framework of regulations and legislation to include wildlife conservation alongside provisions that promote commodification²⁰. Subsequently, South Africa has arguably, the largest and most commercialized wildlife industry in the world. Sustainable use in essence refers to the concept that natural resources may be harvested and used as long as the relevant population's maximum sustainable yield is not exceeded, *i.e.* use of animal for commercial purposes is not necessarily problematic, provided that over-exploitation is avoided¹⁷. The NSPCA does not disregard the sustainable utilisation principle, as it remains a constitutional right, provided it is done lawfully, however the NSPCA also agrees that there is also the reality that this principle has become a smokescreen behind which controversial decisions are rationalised, based on a narrow reading of section 24 of the Constitution at the expense of broader biodiversity preservation commitments made in the same section¹⁷. The captive lion industry serves as an example of how

the sustainable use principle is manipulated to justify its existence. Whilst the Constitution provides for the right to use natural resources, such use should be done responsibly and in a way that is ethical and humane, aspects the captive lion industry lacks in addition to its lack in conservation value. An industry that threatens the very bedrock on which South Africa has built its conservation reputation should not be supported.



ANIMAL WELFARE & RELEVANT ISSUES

What is welfare? Welfare very basically refers to the physical, physiological and mental well-being of an animal. Regardless of the relationship humans have with animals whether directly as companion animals or indirectly as a means of a valuable service provided or products derived from animals, humans have a moral and ethical obligation to ensure that all animals receive treatment that is considered both responsible and humane. The World Organisation for Animal Health (OIE) describes animal welfare as follows²¹:

“Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behavior, and if it is not suffering from unpleasant states such as pain, fear and distress. Good animal



welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/ killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry and humane treatment”.

The Five Freedoms was the first widely accepted evidence-based framework to capture the key aspects of animal welfare in one model²². Initially developed in the 1960's by Britain's Farm Animal Welfare Council, the Five Freedoms are internationally recognised and widely accepted as being the absolute basics of animal welfare and apply to the welfare of all animals, not just livestock²³.

The Five Freedoms are as follows:

Freedom from hunger and thirst – by ready access to fresh water and a diet to maintain full health and vigour;

Freedom from discomfort – by providing an appropriate environment including shelter and a comfortable resting area;

Freedom from pain, injury or disease – by prevention, rapid diagnosis and treatment;

Freedom to express normal behaviour – by providing sufficient space, proper facilities and company of the animal's own kind; and

Freedom from fear and distress – by ensuring conditions and treatment which avoid mental suffering.

The Five Freedoms have been exceptionally influential in shaping the development of animal welfare standards. The NSPCA has adopted the Five Freedoms as part of the organisation's policy and has played a crucial role in animal welfare standards and considerations. Whilst the Five Freedoms remains vital, recent years have brought on a growing understanding of animal sentience and science-based understanding of animal welfare. Animal welfare has moved from only simply meeting basic animal needs; and minimizing negative states and distress, to recognising the emotional needs of animals and encouraging positive experiences and mental states²³. With this growing understanding of animal welfare and seeking means to actually assess and measure the severity of compromised animal welfare a new model, the Five Domains model has been introduced. The Five Domains model provides for an effective tool in evaluating and facilitating animal welfare that is focused more on positive states and a more comprehensive, objective, encompassing approach. The Five Domains model recognizes four physical domains namely nutrition, health, behavior and environment, with the fifth domain being the mental state²⁴. Ultimately, the model illustrates how compromises in an animal's nutrition, environment, health and behavior can all impact upon its mental state. Each domain may overlap and have combined effects on the overall welfare status of an individual animal and serve as a framework for the broad assessment of animal welfare²⁵.

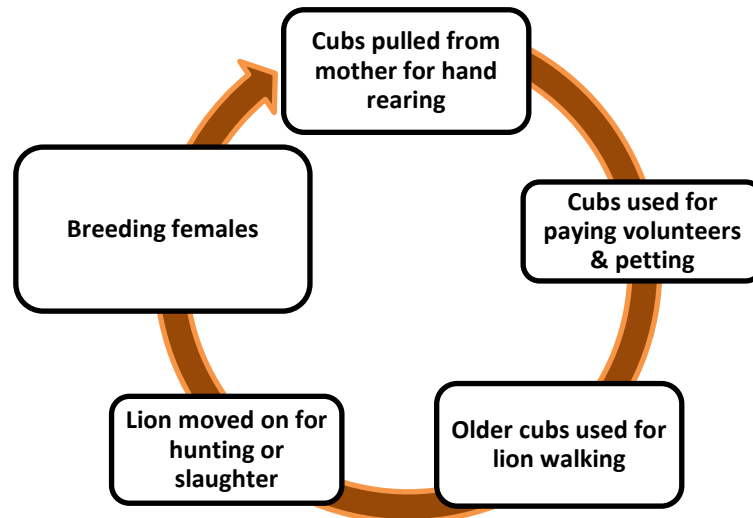


Figure 1: Life cycle of a captive lion.

What are the welfare problems associated with the commercial captive breeding of lion?

Each stage of a lion's captive life cycle has welfare implications combined with the overall challenges of maintaining large carnivores in captivity detailed in next section as outlined in Figure 1.



EARLY REMOVAL OF CUBS & CUB PETTING

A popular practice with cubs born in captivity includes the early removal from the mother when they are about 3 to 10 days old²⁶. This practice caters for the paying volunteer and tourist market, whereby a ready supply of cubs are available for hand-rearing purposes via

paying volunteer programmes and for tourist interaction opportunities. Volunteers and tourists are misinformed and believe they are helping these animals in some way or that these captive animals are designed for release back into the wild.

Volunteers are mostly inexperienced and do not question or have the knowledge or understanding to identify problems or inadequacies in the cub rearing protocols. The novelty value of rearing cubs results in excessive and unnecessary handling. The tourist and volunteers facilities are not designed or managed as proper rehabilitation facilities, hygiene and biosecurity measures remain poor and facilities inadequate for providing for the needs of rapidly growing and developing cubs.

Cubs used for tourism interaction and



photo opportunities adds to the handling and stress load of the animal. Captive facilities do not provide for an avoidance facility for the cubs providing the cub with the opportunity to move away from the interaction, subjecting the cubs to repeated forced interactions with tourists. Handling is not adequately supervised and inexperienced handling by tourists and children can be rough on lion cubs, especially if the frequency and duration of the interactions are excessive.

Cubs are also removed to increase breeding under the guise that the mother has abandoned them or will kill them, ironically and sadly, this is a self-fulfilling prophecy on lion farms. Poor husbandry and management practices, including inadequate facilities and veterinary input all contribute to higher rates of abandonment and killing of cubs by the mother.

Compromised animal welfare, including relevant issues pertaining to cub petting may include but are not limited to the following:

- Wild animals are naturally fearful of humans, therefore, any tactile interactions such as cub petting is regarded as unnatural behaviour²⁷.
- Generally, the cubs have no control or choice to be involved in the interaction activity, often left with no means of escape²⁷.
- Cub petting involves removal of the cub from its mother, which is stressful for both the cub and the mother²⁷. It is not in the best interest of the cub to be removed prematurely or to be handled and touched by humans²⁷.
- Inadequate diets lead to poor nutritional and immune status with possible short-and-long term health issues.
- Cubs need adequate sleep for development, of which constant disturbance and lack of rest impedes healthy development.
- Poor monitoring and response to health and developmental problems holds animal welfare implications.
- Excessive and rough handling range from mild discomfort to pain and injuries. Additionally, handling in cubs with nutritionally induced bone problems is not only painful but may result in bone fractures.
- Poor rearing protocols can result in long term, permanent and even fatal health problems.
- The combination of stress, inadequate nutrition, hygiene, biosecurity and veterinary input results in poor immunity and higher levels of disease.
- There is no conservation or educational value in cub petting²⁷.



WALKING WITH LIONS

When cubs become too old, dangerous and difficult to handle for cub petting purposes, some are moved or sold to facilities that offer 'walking with lion' activities. This basically involves, as the name suggest, tourists walking and interacting with sub-adult lions. The lions are often walked at all hours of the day,



often in the heat and at times when they would be sleeping and resting in natural and free ranging conditions.

Training lions to walk next to humans is regarded as unnatural behavior that serves no conservation or educational value. Sometimes harmful and negative techniques are used in training. In addition, the animal does not have a choice of freedom and it is not an activity that the animal would naturally initiate²⁷.



LION MOVED ON FOR HUNTING & SLAUGHTER FOR BONE & PRODUCT

The use of lions for captive/canned hunting purposes and for the lion bone trade may involve various sources. Some lions are bred directly for captive hunting purposes with minimal human imprinting, known as ranched lion by the South African Predator Association (SAPA) and hunted in larger enclosures¹⁷. Other lions are used for cub petting purposes initially, of which the cubs are exploited either at the breeding facility itself or sold from breeding farms to the petting facilities. Some facilities rent cubs from breeders and return them once they have fulfilled their initial commercial purpose. Once cubs are too old to pet, they are either sold to hunting facilities or become 'walking' lions, before being sold either directly into the bone trade or to the captive/canned hunting industry¹⁷. Due to a decline in the demand for captive/canned hunting in recent years, coupled with continued intensive breeding, many lions are being

slaughtered directly for the lion bone trade.

Canned hunting refers to the shooting of captive bred and/or tame animals in confined areas, which according to Blood Lions covers other definitions such as captive hunting and ranch hunting as well²⁸. The term became popular since the Cook Report broadcast in 1997. Now the term refers to hunting of wild animals in confined areas with little to no chance of escape. Canned hunting is widespread in South Africa and refers not only to the hunting of captive lions, but to all wild animals bred in captivity specifically to be shot²⁸. The TOPS Regulations²⁹ does provide for prohibitions for hunting a listed threatened or protected species with set hunting regulations which makes canned hunting an illegal activity. Depending in which province the hunt takes place, the captive bred lion is released into an area and for a period (that differs from province to province) and the lion is shot as a 're-wilded' lion. This is from a conservation, scientific and wildlife rehabilitation perspective, not re-wilding, but regulations and definitions were introduced to make the hunting of captive bred animals seem less distasteful, however it is still 'put- and take', with serious welfare and ethical implications. The re-wilding phase is not designed to facilitate effective and successful wildlife rehabilitation but merely to fulfill the legal requirements for the hunting of a captive bred lion to avoid the 'canned' label.

The relocation process itself may hold animal welfare implications, which involves crating and transport. Depending



on the provincial requirements, timing and 're-wilding' conditions vary, adding additional and unnecessary stress to the animal, including the physical challenges experienced by the animal as it tries to adapt to a new environment and circumstances. The care and effort put into genuine re-wilding and rehabilitation are absent as the intention is to facilitate a hunt and not long-term survival and proper integration back into a free-ranging situation.

The captive lion cycle is completed with the lion bone trade, where captive lions are killed in captivity in order to export their skeletons to Asia, used to supplement the tiger bone trade, as a substitute in Tiger Bone Wine or made into Tiger Bone Cakes²⁶.

Disingenuously referred to as 'euthanasia' on permits and by industry role-players, the killing of lions for the lion bone trade is not euthanasia by intention or means, as in the true sense of the practice, it involves the killing or slaughter of an animal in order to obtain product derived from the animal. Euthanasia is a humane process intended as a compassionate action, whilst slaughter is killing for commercial purposes and production of a product. Farm animals are not sent to the abattoir to be euthanized, but slaughtered. Using the term euthanasia only provides a false dressing of the inhumane and unethical practices associated with the practice.

Currently, only the Free State Province is issuing permits for 'euthanasia' of lion for bone. Captive lions are transported from

other provinces to the Free State Province to be slaughtered for their bone in what is referred to as lion mass slaughterhouses. Currently, there is no financial incentive for a breeder to maintain captive lions designed for lion bone trade as a primary product to be in a healthy and physically appealing condition, compared to lion designed for captive hunting. In addition, there are no regulations or guidelines for the slaughter of lion for production purposes, which means whilst there are mandatory welfare protocols, such as stunning prior to slaughter applicable to livestock in abattoirs, none exist for lion.

The welfare implications of the practice attracted public attention when Senior Inspector, Reinet Meyer from the Bloemfontein SPCA conducted an inspection on Wag 'n Bietjie Farm, only to find what was described as a low-tech lion slaughterhouse³⁰. As found with all the sub-sectors of the captive lion industry, animal welfare has never been an overriding concern and slaughter of lion for the bone trade is no different. Inspector Meyer found that two adult lions that were transported from Predator's Park near Johannesburg were kept in small transport crates for two days without food or water, awaiting to be slaughtered at the Wag 'n Bietjie farm. During the inspection she also found workers stripping the skin and flesh off fresh carcasses of 26 lions. The same day an additional 28 lions arrived, planned to be slaughtered the next day of which the farmer once again wanted to leave these lions in their transport crates.³⁰ For animals to be transported over long



distances and then held in small crates without food or water for an extended period prior to being killed constitutes as animal cruelty. Bloemfontein SPCA has a cruelty case pending following the cruel and inhumane handling and killing of lion for bone.

Theoretically a veterinarian drugs the lion and it is then shot. Following an outcry about the killing of lion for bone, some vets have been unwilling to be involved. Due to the demand for undamaged skulls on the Asian market, there are reports of lion being shot with soft nose .22 ammunition through the eye or ear to avoid damaging the skull. This may not kill outright and there are deeply concerning reports of lion been processed /'dressed' whilst unconscious but still alive.

With the recent change from bone as a by-product of captive hunting to bone as the primary product, there has been an alarming increase in the welfare problems and even lower standards of husbandry and care. It has also been found that the welfare standards are better at facilities that are open to the public than some of the closed farms breeding for hunting and bone production out of the public eye.



BREEDING FEMALES

The removal of cubs from mothers' forces the females back into oestrus and increased breeding cycles where they can give birth up to 4 times faster than lionesses in the wild²⁶.

The physical demands placed on the

female's body through intensive breeding takes a substantial toll on the animal's health. It also results in each litter becoming progressively weaker as the female's condition deteriorates. The hormonal roller coaster places additional stress on her body and the stress of having cubs repeatedly removed is also a serious welfare concern. Combine this with inadequate nutrition and questionable breeding practices, breeding females are repeatedly exposed to compromised animal welfare.



General welfare challenges and constraints placed on large carnivores in captivity.



QUESTIONABLE BREEDING & GENETIC ISSUES

The poor and often unregulated management of breeding in some facilities; the repeated back breeding; the intensive breeding of females; and allowing genetically compromised animals to breed contributes not only to highly questionable genetics but various welfare and health issues.

Inbreeding, including the intentional and selective breeding of rare genetic traits to



achieve colour morphs and variations such as the white lion has been linked to a number of deleterious effects that can cause significant health problems, compromise welfare and may even be lethal. Animal welfare consequences of this practice include but are not limited to general poor health; decline in overall fitness and fertility; increased susceptibility to disease and infection; shortened lifespan; still birth; congenital defects such as changes in cranial structures and skull development, and cleft palate; mental impairment and high cub mortality³⁹. In addition, an abnormality reported in white lions includes vascular ring anomaly around the trachea and oesophagus. This abnormality leads to the inability to feed and swallow effectively and requires an operation for correction and survival³⁹.

Whilst Section 35 of the TOPS Regulations state that registered facilities are subject to the condition to prevent inbreeding of lions, inbreeding of captive lions remains a well-known factor for the captive lion industry²⁹.



EFFECTS OF A CAPTIVE ENVIRONMENT

Large carnivores in captivity are impacted by a number of factors that result in poor welfare including constraints on natural behaviour, lack of space and stimulation, artificial diets and social challenges.

Captive lions are not regarded as domesticated large carnivores and their

natural wild instincts remain. Being in captivity does not 'domesticate' an animal. Domestication defined scientifically requires selection for specific features and then many hundreds, if not thousands of years of selective breeding. Large carnivores have none of the characteristics that would qualify them as suitable for domestication. The retention of these inherent wild characteristics adds to the challenges and constraints imposed by captivity and confinement.

Research has shown that carnivores that naturally have a wide range in the wild and complex social lives are more vulnerable to welfare problems in captivity³¹. Failing to provide opportunities for or restricting natural behaviour patterns in large carnivores in captivity can lead to, in addition to the frustration and stress, stereotypical behaviours, psychological dysfunction, poor breeding and increased infant mortality rates³². Impairment of certain brain functions brought on by this reduces the animal's ability to adapt to captive conditions. Pacing is one of the most prevalent stereotypical behaviours and is observed in carnivores that naturally range widely in the wild and/or from territorial patrolling behaviour that is restricted or limited due to the constraints brought on from a captive environment³².

The behavioural needs of a carnivore in captivity presents a challenge due to limited space which is further increased in social captive carnivores. Whilst the enclosure design to meet the specific biological and physiological needs of a specie does remain important (note:



captivity can never replace free-roaming environments), consideration of how many animals are kept together, including adequate space for each individual animal is also essential³³. Failure to take into account natural social structures contributes to stress. Maintaining large numbers of male lions together and in overcrowded circumstances increases aggression and fighting. Subservient and bullied animals may suffer stress and injuries, including being denied access to food. All individuals in the group should have access to all food items provided using the correct social groups, number of animals and multiple feeding stations or use of scatter feeding³⁴.

One study found that captive lions would engage more in stereotypical pacing on days not fed, when fed on a 3 day interval. Such pacing, as already mentioned is indicative of compromised welfare. When the feeding regime was altered to a daily feeding routine, it led to an overall reduction in the level of stereotypic pacing, however most of the reduction occurred before feeding, with post-feeding levels of pacing remaining unaffected³⁴. This is indicative that the reduction in pre-feeding pacing can be explained by the animals no longer anticipating being fed, whilst the post-feeding pacing suggest that the food was inadequate in a sensory manner or the food presentation was inadequate. Effective enrichment techniques are required to improve natural feeding methods and sensory input appropriate to the species. Feeding enrichment can reduce occurrence of abnormal behavior.

Other studies have found that the feeding of whole carcasses reduces pacing levels in captive lions³⁵. Carcasses require more manipulation during consumption, allowing for more natural feeding behaviors. Feeding of soft textures diets and food provided in a manner that results in a lack of vigorous tearing and chewing can lead to jaw and muscle weakness, atrophy and dental problems³⁴.

Different carnivore species adapt differently to captivity and whilst lion appear to adapt more readily and breed in comparatively well in captivity, the conditions under which lion are generally maintained in the captive breeding lion industry lend themselves to poor welfare and both physical and psychological problems. A study by Saragusty *et al.* showed that lions in captivity exhibit a high percentage of skull malformations³³. High occurrences of morbidity and mortality has been reported in young captive lions, ranging from infanticide, stillbirth, unknown causes and bone malformations, primarily of the skull, that includes thickening of the tentorium cerebelli and occipital bone, and narrowing of the foramen magnum (FM)³³. These changes apply pressure on the nervous tissue at the caudal fossa, causing severe and potentially fatal neurologic abnormalities. The study included a total of 851 skulls of known captive and wild status, comprising of both tiger and lion skulls, of which the results indicated that the foramen magnum height (FMH) is smaller in the skulls of captive lions compared to the skulls of wild lions. The skulls of captive origin also showed FM



stenosis, indicating that these lions suffered neurological abnormalities. Other significant morphological changes have been recorded in captive lions such as in the maxillary and mandibular regions, increased zygomatic arch breadth, shortening of the skull, reduced cranial volume, a general increase in the overall thickness of the skull and reduced FMH.

These morphological changes are believed to be associated with genetic factors such as inbreeding in captivity, the limitations brought on from a captive environment, such as the inability for captive lions to engage in normal behavior such as hunting, altered muscle use in captivity during feeding, lack of exercise, excessive grooming³³ and dietary deficiencies³⁴ such as a lack in vitamin A. In the wild lions have the option of a whole animal, intact with internal organs, of which the animal can selectively choose what to eat in terms of nutritional content. Captive diets that do not provide the whole carcass and primarily consist of cut pieces of red meat and chicken or processed cat food that are not adequately supplemented causes dietary deficiencies in captive lions. Whole prey diet, which includes the bones, organs, intestines and skin, including supplementary vitamins are required for a balanced diet³⁶. Whilst it is important to note that some captive facilities do provide for whole carcasses for consumption purposes, it is still done incorrectly. The carcass leaches fluids into the ground, forming mass bacteria as a result, subsequently exposing captive lions to the possibility of disease transmission and illness. Feeding carcasses should be placed on a cement base which can then

be cleared thereafter. The vitamins and minerals derived from the gut (intestines) degenerates very fast so in most times, the carcasses is already too old by the time it gets to the lions in order to give the required nutritional benefits.

Metabolic bone disease (MBD) is common in captive lion, especially in hand-reared and younger lions which results from calcium and vitamin D deficient diets³⁶. It also results from feeding a diet with an inappropriate calcium: phosphorus ratio³⁷. MBD may result in pain, lameness, reluctance to move, bowed front legs, inability to stand or walk, long bone fractures, stunted growth, misshapen limbs, loss of bone density, neurological problems such as loss of co-ordination or paralysis from spinal fractures, constipation due to collapsed pelvis, and even death³⁶.

Both Vitamin A deficiency have been identified in hand-raised and captive carnivores. Vitamin A deficiency can cause abnormalities *"in the cranial bones, especially atlanto-occipital malformation with ankylosis, hypertrophic osteopathy in the occipital bone and parietal bone, and osseous tentorium cerebelli, leading to progressive ataxia in young lions"*³⁷.

Vitamin B1 (Thiamine) deficiency in lions have caused anorexia, ataxia in rear limbs, hypermetria in front limbs, generalized progressive weakness and recumbancy³⁷. Rickets and osteomalacia are common with incorrect calcium\phosphorus ratio linked to Vitamin D imbalances³⁸. Copper deficiency can result from feeding too much, or only chicken³⁷. Ataxia and spinal



weakness, with collapsing hind limbs is commonly seen in copper deficient carnivores.

Overfeeding and incorrect diets combined with a lack of exercise contribute to obesity, poor body condition and typical captive lion 'floppy belly'. Obese animals cannot groom themselves leading to matted and dirty fur. Incorrect diet and poor hygiene result in various skin problems including dry, flaky and itchy skin, increased external parasites and common conditions like mange and ringworm.

Captive carnivores are susceptible to various diseases, worsened by poor welfare and hygiene, including inadequate veterinary input. Research indicates that the limitations brought on by a captive environment and general poor welfare should either lead to a fundamental wide scale improvement of housing and husbandry that results in a massive scaling down of the industry itself or the phasing out of large carnivores in captivity completely. A complete phase-out would include accredited scientific research to be carried out to monitor the impacts of the closure of the captive lion industry in a responsible manner that encapsulates all of the risks and mitigation measures. However, this is not the case in South Africa as the numbers of captive lions and other large carnivores have escalated and the lion breeding industry have indicated every intention to expand. Maintaining carnivores in captivity requires careful and specialised management in order to prevent the problems associated with this practice. The current poor and inadequate

standards, welfare problems and cruelty show that the lion breeding industry, government agencies and organisations supporting this industry are either ignorant of the available research or unwilling and thus intentionally negligent in failing to acknowledge and address these challenges to improve the health and well-being of the carnivores in their care.



NEED FOR CONTINGENCY PLANS

One of the numerous challenges that inspectors from both the NSPCA and SPCA come across, in addition to addressing both welfare problems and permit contraventions, is the lack of facilities where confiscated animals can be moved to for temporary custodial care whilst the legal processes run its course. This results in animals being left in sub-standard or illegal situations.

Some sanctuaries have accommodated confiscated animals but is at a cost to the sanctuary and there have been extended legal challenges when confiscating authorities claim back the animals which are then put on tender and sold back into the industry.

An animal that is confiscated as part of a legal process is required to be held in safekeeping pending the outcome of the case when it is either returned to the owner or placed in a sanctuary or suitable facility. In severe cruelty cases, there is the option in terms of the APA and associated



regulations to humanely euthanize an animal that is suffering and thus preventing return to the owner and potential further abuse.

Court cases frequently drag out for extended periods and animals are left in limbo. There is the option to set a financial value on the animals and if the owner wins the case, he gets paid out the negotiated value of the animal. In the interim, the animal has been moved to a permanent placement. Provinces, who claim not to have the resources to pay for the costs of confiscation and care, are loathe to commit financially to the costs of the animal.

There have been concerns about the standards of care at some of the confiscation facilities as well as concerns about the sustainability of sanctuaries.

As a result of the factors mentioned above, animals in sub-standard and/or illegal situations frequently remain with the offending party.

In the event where the NSPCA is pursuing a criminal case, only those animals in the most dire of condition will be removed as there are no facilities available to remove all of the animals to. It is estimated that there is between 10 000 to 12 000 lions in captivity, thus the onus should rest on the issuing authorities that issue the permits to ensure that there are adequate care facilities for confiscations and prosecutions. Relevant issuing authorities should ensure that permit conditions and/or management plans include contingency plans in the event of

insolvency, liquidation, confiscations, prosecutions, death, or any other event that impairs the ability of the owner or the responsible person to care for the animals and to ensure that the animals are not negatively affected by such events, but guarantees their continued care that does not result in compromised animal welfare, especially where a dispute of ownership occurs. Further to this, the state should be providing for a speedy prosecution process when it comes to especially wildlife crimes due to the cost factor in keeping, housing, veterinary care and possible euthanasia.



WELFARE OF OTHER WILD SPECIES FOUND AT CAPTIVE LION FACILITIES

Apart from the numerous animal welfare concerns associated with captive lions, the same concerns are shared for all the other indigenous and exotic species, including farm and other domesticated animals held at captive lion facilities for tourism-related, exhibition, breeding and trade purposes. It is not only captive lions that suffer from harmful commercial exploitative practices, but other wild and domestic species as well. Compromised animal welfare at captive lion facilities is a common occurrence during NSPCA inspections, of which all the other species often share the same reality as the captive lions found on the same property.

The sheer number of exotic species found



at captive lion facilities alone is extensive including but not limited to brown bears, coatis, mountain lions, bobcats, jaguars, Siberian tigers, Bengal tigers, raccoons, blue-and-scarlet macaws, African Grey parrots, alligators, Iguanas, Bearded dragons, European wild boars, yellow anacondas, green anacondas, various venomous and non-venomous species of snakes, sugar gliders, marmosets, capuchin monkeys, hamadryas baboons, pygmy hippos, Canadian timber wolves, Arctic fox, fennec fox, chimpanzees, howler monkeys, cotton-top tamarins, Red-handed tamarins, western purple faced langur, squirrel monkeys, chinchilla and ring tailed lemurs.

In addition, there is an inadequacy in national and provincial legislation to adequately protect both indigenous and exotic wild species in terms of conservation and animal welfare. As stated by the Centre for Environmental Rights *et al.* (2018)⁴⁰, NEMBA is South Africa's national biodiversity statute, whilst TOPS regulations provides protection with regards to restricted activities in relation to only those indigenous wild animals listed in TOPS due to their endangered, threatened or protected status. All the other wild animals not listed in TOPS that are not provided national protection may be protected under provincial legislation due to their perceived biodiversity value or status in the jurisdiction of their province, whilst all other animals that are common, or those not indigenous to South Africa, do not enjoy any special legislative protection unless they are catered for

under provincial legislation for other reasons. All animals, including exotic wild species are afforded some protection in terms of the APA which aims to prevent animal cruelty and the PAPA Act 24 of 1935 as amended where all wild animal interaction and exhibition facilities are subject to PAPA compliance. Nationally prescribed standard permit conditions are needed to include all species, whether indigenous or exotic, as there is no justification for discriminating between species and should incorporate mandatory species-specific welfare provisions, including conservation related matters regardless if the animal is not native to South Africa.



Whilst concern for captive lions do deserve full consideration, such consideration should not dampen efforts, lose focus or forget about the all the other species that face the same realities as captive lions in terms of compromised welfare as a result of the exploitative practices associated with captivity.



LESS THAN THE FIVE FREEDOMS

The necessary protection for captive lions has fallen behind and has not kept up with the explosive growth of the industry with little to no regulation of management, husbandry and welfare. As mentioned before, mandate conflicts between governmental departments has resulted that the consideration for animal welfare has simply fallen through the cracks. The responsibility for the welfare of captive lions has for years been taken on by the NSPCA and local SPCA branches, all whilst unsupported by regulations, guidelines, resources and co-operation, and dependent on the APA and associated legislation to strengthen efforts. Another reality includes the fact that court processes are lengthy and resource demanding, and whilst addressing serious day-to-day welfare and suffering, attempts to address this are challenging, frustrating and falls between the cracks of a legislative system that supports sustainable use but not the welfare of captive animals. The NSPCA recognises that animals are used in the service of humans, and although no opposition to the legitimate and appropriate utilisation of animals in such service exist, such utilisation gives humans neither the right nor the licence to exploit or abuse any animal in the process. Due to the increasing perceived realities pertaining to the captive lion industry, the NSPCA's opposition to the captive lion industry of South Africa stems from the welfare and unethical practices of the industry. Despite the industry's legal holdings, including the NSPCA's regular expressed opposition to

the industry and attempts to address it with government, the NSPCA continues to inspect captive lion facilities around South Africa, bringing the much-needed voice of animal welfare and compassion to the industry. Such inspections involve both proactive and reactive inspections that are carried out by the Wildlife Protection Unit (WPU) of the NSPCA, including local SPCA's in their respected areas in assistance to the NSPCA.

It is important to reiterate that the NSPCA is mandated to act in the interest of all animal species and to take appropriate action to protect them. Inspections at lion holding facilities are based on supporting and educating people dealing with animals, consequently resulting in positive benefits for the animals themselves. The NSPCA will also prosecute based on inspections conducted where prosecution is warranted. An inspection carried out by the NSPCA will either result in prosecution or the education principle is followed that results in the provision of a warning that the person needs to comply with, regardless both methods is based on compliance in terms of the APA. The WPU inspectors would also issue non-compliance notices in situations that are less severe, but can still lead to direct contraventions of the APA, of which recommendations are provided to make the necessary improvements to the living conditions and standards of care.

The findings of both proactive and reactive inspections carried out by the WPU indicate that captive lion facilities are providing less than the basic, minimum welfare requirements of the



Five Freedoms, with overcrowding, abnormal social groupings, failure to provide enrichment and opportunities for natural behavior or stimulation, inadequate shelter, nutrition and veterinary care. This combined with the challenges and constraints placed on large carnivores in captivity and the overall welfare standards in the captive breeding industry is alarming and cause for concern.

It is important to note that not all inspections at facilities that keep captive lions result in contraventions of the APA. However, this is not an indication that these animals are kept in optimal conditions, free from compromised welfare or kept more ethically, thus justifying the practice of keeping lions in captivity for exploitative purposes. There are various interconnecting issues. Firstly, inspections based on the APA cannot always address all of the other animal welfare and conservation related issues found during inspections, hence why the NSPCA attempts to address it with government as the Management Authority as per NEMBA and provincial departments as the issuing authorities in an attempt to raise the various issues found within the industry. Secondly, keeping a captive lion in a prime condition for a captive hunt in what is regarded by some industry role-players as optimal conditions does not make it more ethical or better for the animal from a welfare perspective. As shown by research, captive environments are not suited for lions as indicated by changes in cranial structure and development, including that lions are wide-ranging carnivores. In addition, a wild animal's well-being is

automatically compromised while in a captive state. Wildlife should remain and roam freely in their natural habitat. It is inhumane to force a wild animal to a life in captivity, where their species-specific needs cannot be addressed. Captive situations do not provide for the same physical, social or behavioural surroundings. The proper care of wildlife include but is not limited to extensive research, preparation, investment in building ideal housing, disease prevention, appropriate shelter, good nutrition, enrichment and veterinary treatments. Despite all these provisions, the NSPCA believes that arrangements can never adequately cater for all the needs of wildlife in captivity. The conditions are artificial and do not allow for the animals to behave in a manner that is natural to them. Thirdly, the small percentage of lions that are kept in what is regarded as optimal conditions still forms part of an industry that is now widely recognised as an industry that holds no conservation value; is damaging to South Africa's conservation reputation overall, its tourism sector and the socio-economic welfare of South Africans; and is considered unethical and holds significant animal welfare concerns. Both the unethical and animal welfare realities of the industry has been its own downfall. Instead of admitting and taking responsibility, some industry role-players have turned to blame certain NGO's, animal rights-, animal welfare-, and conservation groups for using the emotions of public to bring shame on the captive lion industry, which only pushes



the industry further into disgrace by these senseless attempts.

The below serves as a summary of the animal welfare issues found at facilities that keep captive lion from inspections as far back as 1999 (Annexure 1-33):

- DIETS: Issues with diets include but are not limited to:

- Malnutrition and inadequate diets.
- Incorrect feeding routines.
- No official species-specific nutritional and dietary plans set up for the animals, with no feeding protocols, including feeding whatever is available ranging from beef, donkeys, chicken, goat and game.
- No alternatives made to feed animals when meat donations are insufficient.
- Lack in provision of supplements.
- Low body condition scores.
- Overweight lions.
- Underweight lions.
- Emaciated lions.
- Improvement required to cub diets such as the use of specialised milk formulas instead of cow's milk.
- Feeding cubs with semi-frozen meat.
- Inadequate and unhygienic food preparation and storage areas.
- Public allowed to feed cubs with no control over the amount of food consumed by each cub.

- WATER: Issues with water provision include but are not limited to:

- Empty water containers.

- Unsecured, tipped over water containers.
- Water provision placed in sun.
- Fresh clean drinking water not provided.
- Water containers dirty, unhygienic and full of algae.

- ENCLOSURE: Issues with enclosures include but are not limited to:

- Inadequate space and small enclosure sizes.
- Animals kept in barren enclosures.
- Animals housed in concrete floored enclosures only.
- Animals not provided with areas of privacy in order for animals to retreat from public viewing.
- Continuous breeding without provision of additional enclosures, whilst keeping animals in smaller temporary enclosures.
- Inadequate number of enclosures to move animals to during enclosure maintenance, resulting in overcrowding and stocking of incorrect social groups. One enclosure housed 29 male lions.
- Lack of shelter and shade to accommodate all of the animals kept in an enclosure that provides sufficient protection against the elements at all times.
- Some shelters are found in a state of disrepair.
- Unhygienic enclosure conditions such as an accumulation of faeces in various stages of degradation as well as old bones, feathers and growth of mould.
- Foul stench from unhygienic



- enclosure conditions, indicating a plethora of unhealthy bacteria due to a lack of adequate cleaning.
- Lack of separate management camps and/or feeding camps. Separate management camps allow for the safe maintenance of enclosures and feeding of lions.
 - Lack of adequate drainage of water in enclosures.
 - Inadequate fencing, overgrown with plants, general lack in maintenance, no overhangs and weak security points to adequately confine captive lions.
 - Lack of electric fencing.
 - Lack of back-up systems for electricity failures or area maintenance.
 - Lack of enclosure maintenance that result in injury; broken enclosure furniture, protruding wires and sharp edges.
 - Lack of removal of litter, rubble and/or other dangerous objects/hazardous material inside enclosures to prevent injury and ingestion of foreign objects.
 - Lack of and insufficient parasite treatment and control resulting in mange, fly bites and tick infestations.
 - Animals confined to unhygienic and parasitic conditions.
 - Lack of public barriers to prevent interaction between the public and captive animals with possible devastating consequences.
 - Solitary confinement of social carnivores.
 - Overcrowding and incorrect social groups placed in enclosure together.
 - Placement of older cubs with younger cubs in confinement resulting in bullying from older cubs.
 - Different species housed together such as puma and leopard.
 - Compromised psychological well-being and stereotypical behaviour.
 - Lack of and inadequate enrichment, including enrichment to promote exercise.
 - Predator vs. predator conflict by placing incompatible species next to each another with no adequate separation or screening material. This problem is further exacerbated by unregulated control and/or permitted by issuing authorities without taking steps or action against facilities. For example, keeping predators next to each other in adjacent camps such as hyena next to lion or lions kept next to cheetah resulting in excessive charging and aggressive behaviour displayed between species.
 - Predators housed next to or in close proximity to prey species. Predator and prey species may not be kept in adjacent enclosures or in close proximity from each other. Adequate separation or screening material is required.
 - Keeping more animals confined together in terms of the allowable

SOCIAL AND BEHAVIOUR: Issues include but are not limited to:



maximum number of wild animal per minimum size enclosure as per the regulations of the relevant issuing authority.

- No proper supervision and control over the handling of cubs by public for cub petting purposes with no proper resting times. Cubs are subject to forced interactions with public even when displaying behaviour to indicate that the cub wants to get away from the activity.
- Mishandling of cubs during feeding by employees.
- Signs of stereotypical behaviour such as pacing.
- Burning of vegetation inside lion enclosures, whilst lions are still confined to the camps.

- VETERINARY TREATMENT AND CARE:
Issues include but are not limited to:

Inspections often include animals found with various physical and other health conditions of which no veterinary treatment and care had been procured for the animal. Depending on the severity and if prosecution is not warranted, a warning is issued with instructions for the animal to be examined by a veterinarian with a proper diagnoses and subsequent treatment for the animal. Some veterinarian reports have also been inadequate in proper diagnosis and treatment, rendering the process ineffective. Occurrences include, but are not limited to the following:

- Underweight lions
- Overweight lions.

- Emaciated lions.
- Lions found in a malnourished state.
- Animals found with low body condition scores.
- Facial scarring.
- Open wounds on various parts of the body.
- Open wounds plagued by flies.
- Open wounds plagued by maggots.
- Fly strike and scarring on ears.
- Cubs infected by ringworm.
- Lack of deworming.
- Lions affected by mange, a skin disease caused by parasitic mites resulting in hair loss and skin lesions.
- Ticks infestations on animals.
- Surgical removal of large swellings on limb joints known as hygromas which are linked to hard surface issues, causing pressure points and subsequent swelling of the joint. Hygromas are also known to be caused by tuberculosis (TB) ⁴¹.
- Cubs found with neurological condition due to inflammation of the brain called meningoencephalitis, resulting in the cubs unable to walk due to incorrect diet and poor welfare.
- Adult and sub-adult lions found with neurological conditions with the inability to walk properly.
- Adult and sub-adult lions found with arching spine.
- Broken canines.
- Excessive superficial type injuries on lions.
- Injuries and severe signs of discomfort.



- Lameness, limping and unusual gait.
- Adult male lion sustained a traumatic tendon rupture due to fighting. The male was kept in an enclosure with six other males and one female.
- Deformation of the spine.
- Deformity known as bowlegs.

Other concerning health related issues include the lack of and inadequate biosecurity measures in place for the prevention of zoonotic diseases. This is especially concerning where there are no disinfectant protocols for animal interaction activities such as cub petting, walking with lions and photographic opportunities.



DIFFICULTIES EXPERIENCED BY THE NSPCA

The following issues contribute towards the difficulty for the NSPCA to carry out its mandate.

- Animal welfare has been ignored for far too long within the management, conservation and protection of South Africa's biodiversity, including the sustainable use of natural resources. The current legal regulation of wild animal welfare in South Africa follows a tradition

where a distinction is made between animal welfare and biodiversity, which is regarded as an outdated tradition reflected in relevant legislation⁴⁰. This needs to change and a desperate turning point is required. The NSPCA has engaged with the DEFF and stated that both national and provincial governmental departments should give effect to the recognised principle that animal welfare forms part of South Africa's policy and legislative framework for the conservation and sustainable use of biodiversity, which extends to all wildlife industries and practices.

- The NSPCA have observed a lack of enforcement of permit keeping standards, which have led directly to contraventions in terms of the APA and the prosecution of the owners of such facilities, yet had the permit keeping conditions been upheld by the authorities, there may not have been cause for prosecution. For example, the NSPCA have come across facilities that keep more animals than what is legally permitted, of which provincial issuing authorities simply issue new permits without any repercussions on the facility, despite the fact that the excess animals being kept, have contributed to the welfare issues found, and in some cases, resulted in charges laid in terms of the APA. Another example includes where the fencing standards are not being adhered to, whilst the relevant issuing authority still issue permits to keep lions in enclosures with sub-standard fencing that are not electrified, yet permits to keep dangerous animals are issued.

-The NSPCA is aware of a minimal number



of provincial entities that do not have enough finances to carry out their duties which in turn affects and impacts on the welfare of the animals. Where some entities are willing to do joint inspections, the NSPCA offers to take their officials with on inspections in our vehicles. However, whilst not all the provincial governmental bodies are in this predicament, it remains concerning in terms of the inspections required at captive wildlife facilities.

- Access to permits when facilities are inspected is denied. The NSPCA cannot verify under what permit conditions the animals may be kept that might hold welfare implications. For example, if an animal is kept illegally, then its fate and what happens to it remains undocumented, making the animal vulnerable to compromised animal welfare; or the number of animals per species kept per specific sized enclosure might result in overcrowding or incorrect social-dynamics with welfare implications; and so forth. Access to permits allows the NSPCA to verify the number of animals legally allowed to be kept at a facility, including all the permit conditions that may impact on the welfare of the animals in question. The NSPCA often find contraventions in terms of both the APA and the keeping conditions referred to in the permits. Access to permits would also allow for the NSPCA to report to the relevant nature conservation department on matters pertaining to their mandate, role and functions. It also allows for a collaborative attempt for both the NSPCA and provincial departments to identify

current issues within policy, regulations, and legislation, including current or outdated management practices that leads to compromised animal welfare. Fostering good working relations, could also contribute towards the NSPCA and government to conduct increased joint prosecutions to curb some of the issues and threats wild animals are currently facing.

- Management practices, legislation, regulations, policy, and standards differ considerably from province to province. The current legislative framework does not support equality for the same species found for example in all provinces, meaning the same species kept and managed in one province differs from the standards in another. For instance, in the Free State Province the minimum fencing standard for captive lions is 10 000m² with a maximum of two lions allowed, with an additional 5000m² for every lion thereafter, whilst in the Western Cape it is 2000m² for a maximum of four lions, with an additional 500m² for every additional lion. For North-West Province the minimum standard enclosure size is 1500m² with no specifications on the number of lions per enclosure. In comparison, one captive lion in the Western Cape is given 500m² of space, whilst a captive Free State lion is given 5000m² of space. The space afforded to the Western Cape lion only represents 10% of the space afforded to the Free State lion. The issue here, apart from the inequality, is that the small area allowed in one province may result in compromised welfare, whilst the larger enclosure allows



for more freedom to the animal and effectively helps reduce overcrowding, bullying and behavioural problems, including other associated animal welfare concerns. In addition, the Western Cape and Mpumalanga Province do not enforce TOPS regulations, due to claims of incapacity, but TOPS is implemented in all other provinces.

- Whilst government allows for a range of the various wildlife industries at national and provincial level, limited to no opportunities, platforms or access points are made available for the NSPCA to address specific animal welfare issues associated with various wildlife industries ranging from intensive breeding; wildlife farming, wildlife ranching; sanctuaries; rehabilitation facilities; zoos; aquariums; wildlife interaction and exhibition facilities; to the keeping and/or breeding of both indigenous and exotic wild animals as pets. The NSPCA wishes to see a shift in bridging this massive gap where animal welfare continues to be ignored. Even the limited provisions made available to the NSPCA to address animal welfare matters is provided through public participation processes, of which the NSPCA has noticed a specific culture on government's part in that submissions made by the NSPCA results in a lack of further transparency and feedback from government if our submission was even considered or if the specific issues or concerns raised results in a feedback session providing full transparency on the objectives on governments' part and justifications to back up the decisions reached based on not only the NSPCA's submission, but all

submissions made by other interested and affected parties and stakeholders. Furthermore, public participation hearings often do not provide sufficient time to obtain clarity or to obtain feedback on questions asked, with the question and answer section cut short.

- The NSPCA is a statutory body legally mandated with preventing animal cruelty, addressing animal welfare and enforcing the APA. There is often a forgetful nature that contraventions of the APA are prosecutable by law and is a criminal offence. In addition, the Constitutional Court of South Africa have recognised the important role the NSPCA plays in our society, stating that due to our long history of guarding the interest of animals, thus reflect constitutional values. With that said, the NSPCA is equally as important as all the other entities serving in the interest of the public, yet, the NSPCA is often treated and labelled unfairly for acting on emotion; addressing issues said not part of our mandate; being questioned on our belief system, which is our Constitutional right; and historically for wild animal welfare to be disregarded by both government and industry. This unprofessional treatment has been evident in the past such as serving on the Wildlife Forum of which the unwelcome tone and dominate nature of being continually questioned as to why the NSPCA needs to serve, dominated every meeting and was regarded as wasted time by the NSPCA, instead of addressing the objectives of the forum. In addition, the NSPCA is not consulted or invited to serve on platforms and panels where matters



pertaining to wild animal welfare needs to be addressed. When we are consulted, it is only to a limited degree. For example, the NSPCA was consulted, among others (SAPA and PAAZA) to provide animal welfare criteria for the captive lion industry and the lion bone trade due to the outcome of our lion bone trade court case, but was excluded from most of an inter-departmental meeting. The NSPCA upheld their role in what was requested but remains excluded to date. Furthermore, it is the NSPCA's understanding that the issue of animal welfare was not addressed in an objective manner due to the substantial imbalance of representatives serving and favouring the pro-use framework of the animals under review via the High-Level Panel, for which the NSPCA attempted to serve on previous requests made, only to be ignored. Finally and upon invitation of serving on the High-Level Panel, the NSPCA felt that our presence and contributions in addressing wild animal welfare issues would be ignored as the historical pattern have so often shown. Collectively, this does not foster good relations. The NSPCA wishes to serve on various forums, panels and platforms in the interest of interconnected matters of wild animal welfare and conservation where professionalism and respect is enforced and the process can be carried out in an objective manner.

The NSPCA has expressed to the DEFF that ultimately, both the DEFF and each respective provincial nature conservation department are regulatory and enforcement bodies like the NSPCA. Even

though the NSPCA is an NGO, our vision should be a shared one with the DEFF and provincial governmental departments. This is the relationship we are striving to improve and to work in a collaborative manner. The DEFF is appointed as the custodians and ambassadors of the environment and South Africa's biodiversity, including to give effect to Section 24 of the Constitution. Whilst the DEFF's mission is to provide leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community, the NSPCA's mission is to prevent cruelty and promote the welfare of all animals. Both entities roles are interconnected on matters animal welfare and conservation. Essentially we not only need to pull in the same direction, but should be pulling together to protect the heritage of South Africa's biodiversity.





PRECEDENT SETTING JUDGEMENT

The captive lion hunting industry in South Africa has received significant global opposition, including various trophy bans. Within the world of wildlife hunting, the United States, Australia, France and the Netherlands have all banned the importation of lion trophies derived from captive hunting⁴. Safari Club International and Dallas Safari Club both rejected the practice. Several affiliated hunting bodies, including the South African Hunters and Game Conservation Association, Operators and Professional Hunting Associations of South Africa, the Namibia Professional Hunting Association, Boone and Crockett Club, and the Nordic Safari Club condemned the captive breeding of lions for hunting. The International Union for Conservation of Nature - IUCN's 2016 World Conservation Congress in Hawaii resulted in the request for the South African government to end the practice of hunting captive-bred lions. The Professional Hunter's Association of South Africa (PHASA) and the National Confederation of Hunters Associations of South Africa (CHASA) lost their membership to the International Council for Game and Wildlife Conservation (CIC) in 2018 due to PHASA's and CHASA's support to captive lion hunting. This resulted in a change from lion bone as a by-product of hunting, to lion bone as the primary product and has become a primary driver of the predator breeding industry²⁶. South Africa's Scientific Authority, the South African National Biodiversity Institute (SANBI), initiated an interdisciplinary research project on the captive lion industry. Surveys were conducted and the results indicated that the impact of the trophy import bans from captive bred lions in South Africa resulted in industry players now resorting to exporting lion bones as a primary product, instead of the historic by-product of the captive lion hunting industry⁴². This means lions are now being bred directly for lion bone export purposes. In essence, whilst one sub-sector of the captive lion industry is showing signs of decreasing in operation, another sub-sector is dominantly growing as a replacement.

During the seventeenth meeting of the Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), held in Johannesburg in 2016, proposals for consideration to uplift the protection of African lions (*Panthera leo*) to Appendix I were rejected, but justified as the species meets the criteria for marked ongoing decline in population size and range. A decision was reached following consideration of various stakeholders, resulting in a set zero quota on the export of bones derived from wild lion specimens and that the DEFF would establish a quota for bones derived from captive breeding facilities in South Africa. Whilst lion bone and skeletons have been exported from South Africa historically in an unlimited manner⁸, the CoP17 CITES decision provided a gateway for further commercialisation of the captive lion industry, all whilst animal welfare considerations remained excluded. In addition, breeding for bone and parts requires a lower quality of animal than for hunting with a further decrease in welfare



standards and an increase in inhumane handling and slaughter in the absence of regulation and guidelines. The NSPCA's decision to legally challenge the captive lion and lion bone trade industry involved a combination of the historical and continued efforts made by the NSPCA to address the various issues and concerns with regards to the captive lions industry, only to be ignored with no solutions, including the various implications and consequences the formalisation of a lion bone export quota following CoP17 of CITES would give effect to from an ethical, conservation and animal welfare perspective.

In 2017, following the announcement of the 800 skeleton quota by the DEFF, the NSPCA initiated litigation measures against the then Minister of the DEFF, interdicting the proposed quota for the export of lion bone from South Africa. SAPA joined the Minister of the DEFF in opposing the NSPCA. With this litigation process still underway and unresolved, *i.e.* whilst the 2017 lion bone export quota was still under judicial review, the then Minister of the DEFF announced the 2018 quota for the export of 1500 skeletons resulting in the NSPCA taking further legal action. Following public outcry this was summarily reduced to 800. A complicated and drawn out legal process followed with attempts at settlement unsuccessful.

On the 6th August 2019, the NSPCA were vindicated when Judge J. Kollapen, Judge of the High Court, Gauteng Division, Pretoria, handed down a precedent setting judgement requiring welfare to be taken into account when making conservation and wildlife use policy decisions and declaring both the 2017 and 2018 lion bone export quotas as unlawful and unconstitutional and that whilst the mandate of the DEFF is not welfare, it cannot ignore and should take consideration for animal welfare in decisions around conservation policy⁴³. Furthermore it found that if South Africa intends to trade in lion bone, Section 24 of the Constitution needs to be a guiding principle.

Whilst the judgement allows for further quotas to be considered, this must be done with due and proper process, public participation, regulation, guidelines and taking welfare into consideration.

Judge Kollapen stated from paragraph 67 that the state is obligated to fulfil the rights contained in Section 24 of the Constitution by managing, conserving and sustaining South Africa's biodiversity and its components and genetic resources as laid out in Section 3 of NEMBA⁴³, *i.e.* *"In fulfilling the rights contained in Section 24 of the Constitution, the state through its organs that implement legislation applicable to biodiversity, must (a) manage, conserve and sustain South Africa's biodiversity and its components and genetic resources; and (b) implement the NEMBA Act to achieve the progressive realisation of those rights."*

The court ruling not only resulted in a positive change for captive lions in South Africa, but for all wildlife in South Africa, including the environment they are dependent on for survival.





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ANNEXURE 1

NO PROVISION OF DRINKING WATER





ANNEXURE 2

UNHYGIENIC WATER CONTAINERS / PROVISION OF DIRTY DRINKING WATER / DRINKING WATER LEFT IN SUN





ANNEXURE 3

UNHYGIENIC WATER CONTAINERS / PROVISION OF DIRTY DRINKING WATER / DRINKING WATER LEFT IN SUN





ANNEXURE 4

UNHYGIENIC WATER CONTAINERS / PROVISION OF DIRTY DRINKING WATER / DRINKING WATER LEFT IN SUN





ANNEXURE 5

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS LEAVING DECOMPOSING CARCASS IN ENCLOSURE





ANNEXURE 6

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 7

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 8

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 9

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 10

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 11

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD / LACK OF REMOVAL OF LITTER





ANNEXURE 12

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 13

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 14

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 15

UNHYGIENIC ENCLOSURE CONDITIONS SUCH AS AN ACCUMULATION OF FAECES IN VARIOUS STAGES OF DEGRADATION AS WELL AS OLD BONES, FEATHERS AND GROWTH OF MOULD.





ANNEXURE 16

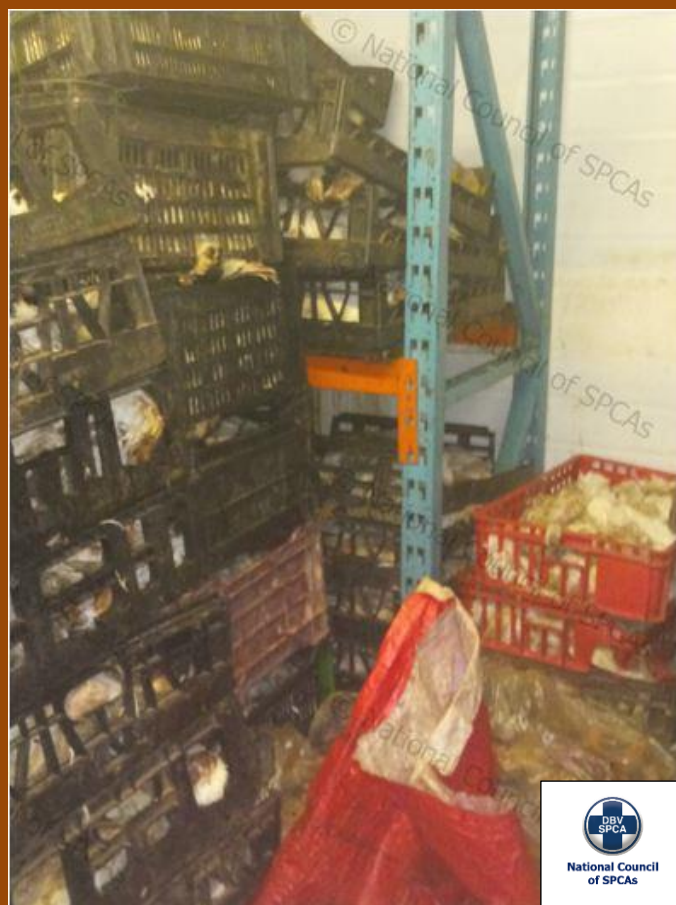
INADEQUATE & UNHYGIENIC FOOD PREPARATION AND STORAGE AREAS





ANNEXURE 17

INADEQUATE & UNHYGIENIC FOOD PREPARATION AND STORAGE AREAS





ANNEXURE 18

UNDERWEIGHT LIONS





ANNEXURE 19

UNDERWEIGHT LIONS





ANNEXURE 20

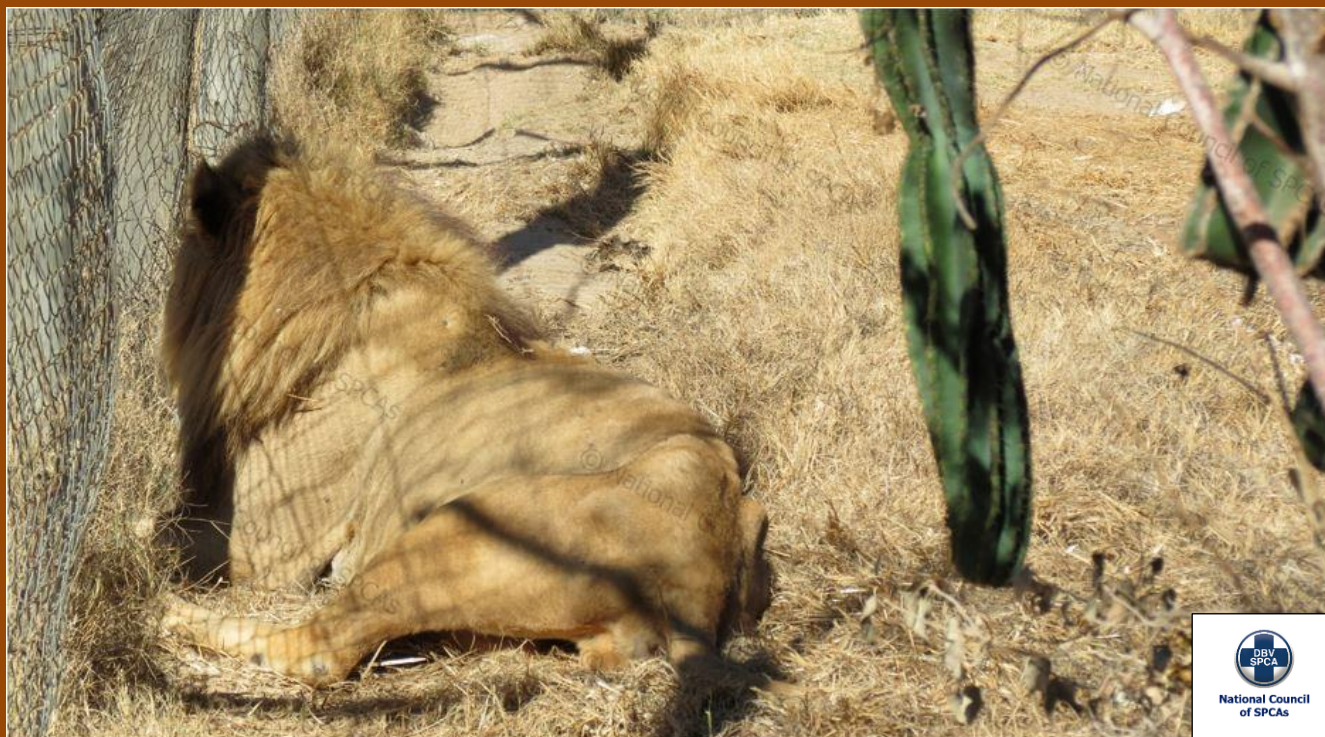
UNDERWEIGHT LIONS





ANNEXURE 21

UNDERWEIGHT LIONS





ANNEXURE 22

OVERWEIGHT LIONS



INADEQUATE SHELTER





ANNEXURE 23

INADEQUATE SHELTER





ANNEXURE 24

INADEQUATE SHELTER





ANNEXURE 25

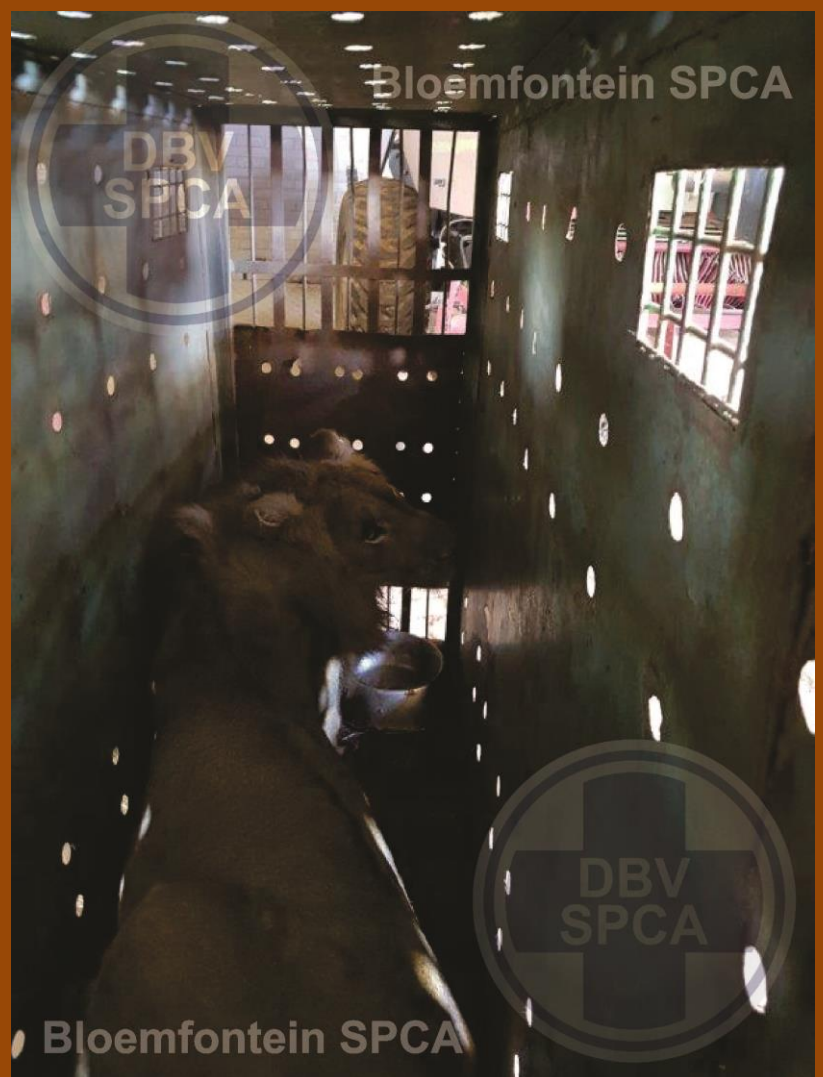
LOW-TECH SLAUGHTERHOUSE FOR LION BONE TRADE – LEFT LION IN TRANSPORT CRATES FOR TWO DAYS PRIOR TO SLAUGHTER





ANNEXURE 26

LOW-TECH SLAUGHTERHOUSE FOR LION BONE TRADE – LEFT LION IN TRANSPORT CRATES FOR TWO DAYS PRIOR TO SLAUGHTER





ANNEXURE 27

BARREN ENCLOSURES





ANNEXURE 28

BARREN ENCLOSURES



PREDATOR VS. PREDATOR CONFLICT – PLACING INCOMPATIBLE SPECIES NEXT TO EACH ANOTHER





ANNEXURE 29

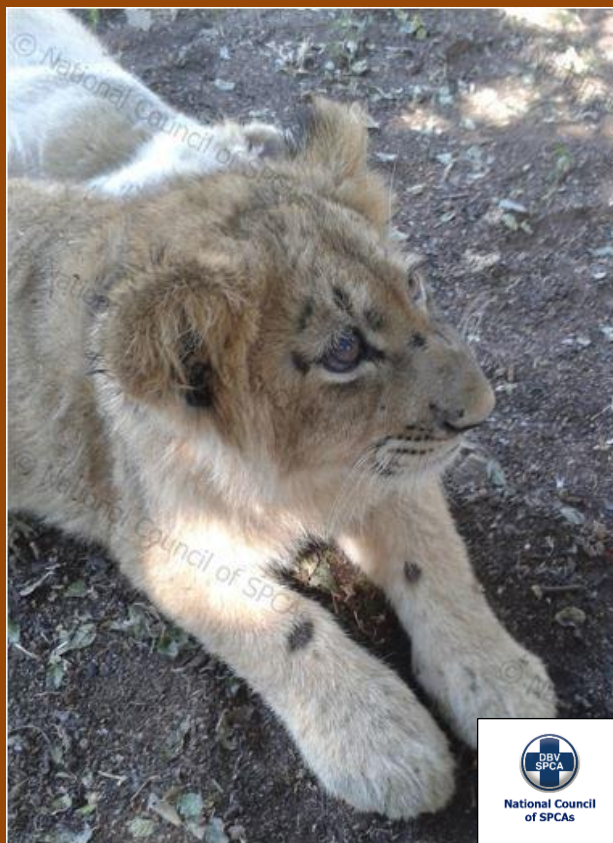
PREDATOR VS. PREDATOR CONFLICT – PLACING INCOMPATIBLE SPECIES NEXT TO EACH ANOTHER





ANNEXURE 30

LACK OF VETERINARY TREATMENT & CARE – RINGWORM (ZOO NOTIC DISEASE)





ANNEXURE 31

LACK OF VETERINARY TREATMENT & CARE – RINGWORM (ZOO NOTIC DISEASE)





ANNEXURE 32

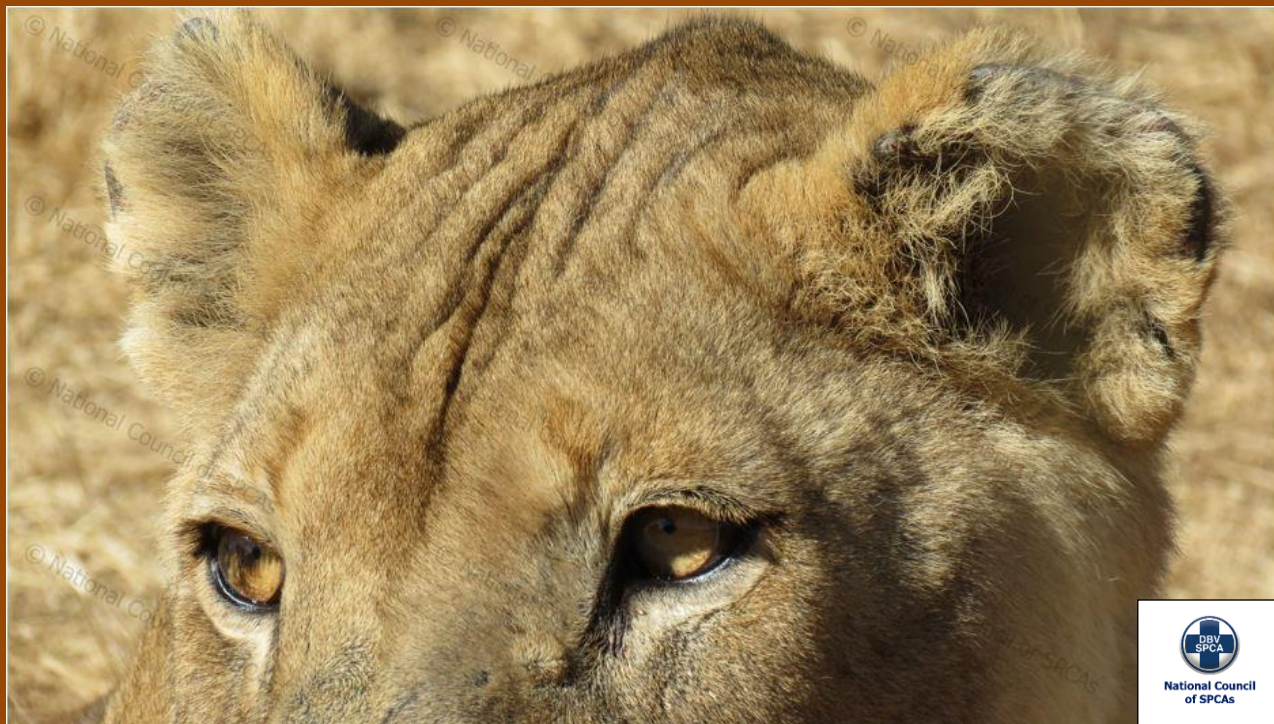
LACK OF VETERINARY TREATMENT & CARE – HYGROMAS





ANNEXURE 33

LACK OF VETERINARY TREATMENT & CARE – FLY STRIKE & EAR SCARRING



LACK OF VETERINARY TREATMENT & CARE – OPEN WOUNDS



HUMANITY'S TRUE MORAL TEST, ITS
FUNDAMENTAL TEST..... CONSISTS OF
ITS ATTITUDE TOWARDS THOSE WHO
ARE AT ITS MERCY: ANIMALS.

-MILAN KUNDERA -



**National Council
of SPCAs**