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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. 566****28 June 2021****COMMENTS INVITED ON THE DRAFT POLICY POSITION ON THE CONSERVATION AND ECOLOGICALLY SUSTAINABLE USE OF ELEPHANT, LION, LEOPARD AND RHINOCEROS**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby invite comment on the draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. A copy of the socio-economic impact assessment report is available at www.environment.gov.za/gazette_notices.

Members of the public are invited to submit written submissions on the draft policy position within 30 days of publication of this notice in the *Gazette*, to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
 Attention: Dr Kiruben Naicker
 Private Bag X447
 PRETORIA
 0001

By hand at: Environment House, 473 Steve Biko Street, Arcadia, Pretoria, 0001

By e-mail to: knaicker@environment.gov.za

Any enquiries in connection with the proposed draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros can be directed to Dr Kiruben Naicker at +27 716785455.

Comments or inputs received after the closing date may be disregarded.


BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE



MINISTRY OF FORESTRY, FISHERIES AND THE ENVIRONMENT

PRIVATE BAG X447, PRETORIA, 0001

ENVIRONMENT HOUSE, 473 STEVE BIKO STREET, ARCADIA, PRETORIA, 0083

TEL: 012 399 8748, FAX: 021 465 3362

**DRAFT POLICY POSITION ON THE CONSERVATION AND ECOLOGICALLY SUSTAINABLE USE
OF ELEPHANT, LION, LEOPARD AND RHINOCEROS**

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1 EXECUTIVE SUMMARY

Despite South Africa's reputation as a global leader in conservation, there are still reported incidents and perceptions of irresponsible, unethical and unsustainable conservation practices in the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros, especially in terms of animal welfare and well-being, that negatively affect the country's conservation reputation and do not bode well for the country's international standing and development objectives.

The issues identified include: (1) Captive holding and breeding of lion and rhino; (2) Hunting of captive-bred lions (3) Trade in captive lion parts and derivatives; (4) Unsustainable practices on hunting of wild leopard; (5) Feasibility of legal international trade in rhino horn and elephant ivory for commercial purposes; (6) Ineffective and inefficient legislation and implementation resulting from duplicated and conflicting legal requirements; (7) Ineffective and inefficient management of State Protected Areas; (8) Non optimisation of the full potential of a vibrant Biodiversity Economy; (9) Inadequate access and benefit sharing to communities; and (10) Untransformed Wildlife Sector.

The Minister of Forestry, Fisheries and the Environment, Ms Barbara Creecy, MP, established an Advisory Committee (hereinafter referred to as the 'High Level Panel' (HLP)) in October 2019, to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. The HLP submitted its report to the Minister in December 2020, and after consideration and adoption by the Minister and Cabinet, it has been released to the public. This Policy Position sets out policy objectives and outcomes towards achieving secured, restored, and rewilded natural landscapes with thriving populations of elephant, lion, rhino, and leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector. Importantly, this Policy Position provides a mechanism to enact policy related to the recommendations of the HLP through legislative amendments and other means. Administrative recommendations will be dealt with through other specific and related processes.

In the absence of an appropriate and comprehensive approach to ecologically sustainable use of the five species, the policy position provides an appropriate context for ecologically sustainable use, and a definition. This definition emphasises the need to secure ecological sustainability through ensuring ecological resilience, to consider economic, social and environmental factors collectively, and the welfare and wellbeing of animals, and that use is in the public interest, and is fair and equitable.

The Policy Position proposes three species management policy interventions: (1) To put an immediate halt to the domestication of lion and the commercial exploitation of captive lions, and establish a process to close captive lion facilities. (2) To reverse the domestication and intensification of management of rhino. (3) To enhance the conservation and sustainable use of leopard.

The Policy Position proposes four trade related policy interventions: (1) To adopt a position that South Africa will not submit an ivory trade proposal to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as long as current specified circumstances prevail. (2) To adopt a position that South Africa will not propose or support amendments to the CITES appendices relating to South African rhino specimens. (3) To prevent the export of live specimens of the five iconic species outside of their range states, or into captivity in other countries. (4) To explore potential benefit of disposal of elephant ivory and rhino horn stockpiles and to implement and put in place the Commission of Inquiry recommendations on rhino horn trade.

The Policy Position proposes the following five priority conservation policy interventions: (1) The development of an overarching national policy on Biodiversity and sustainable use. (2) To enhance the conservation of iconic species, through increased wildness, naturalness, and wellbeing of fauna. (3) To adopt a One Welfare approach to wildlife wellbeing. (4) To re-position South Africa as a destination of choice for legal, humane, regulated and responsible hunting of the 5 iconic species. (5) To reconceptualise the role of state and other protected areas for conservation scaling and as a socio-economic catalyst.

The Policy Position proposes three Conservation Transformation interventions: (1) To restore a transformative African approach to conservation and sustainable use, consistent with Ubuntu. (2) To enhance sustainable use of iconic species, especially leveraging responsible ecotourism and its benefit flows. (3) To promote and enhance human-wildlife co-existence, while empowering and capacitating people living with or near wildlife.

The Policy Position proposes two conservation capacity policy interventions: (1) Targeted capacity development for key components of the wildlife sector. (2) To improve the evidence-base for best practice within the wildlife sector.

Each objective has associated outputs linked to major outcomes. Implementation of this Policy Position will greatly transform the practices within the wildlife industry, enhance conservation of our environment

and these species, invigorate the rural economies where the species occur or can be introduced, and empower traditional practices, leadership, and healers. The role and contribution of the private sector to conservation and sustainable use of biodiversity are recognised and acknowledged, and the potential enhancement of these contributions identified. Importantly, communities living with wildlife are placed at the centre of the thinking, with a focus on enhancing human-wildlife co-existence, and mechanisms for leveraging their economic, social, and cultural benefits through transformative approaches to access and benefit sharing. Finally, the outcomes will result in both protection and enhancement of South Africa's international reputation, repositioning the country as an even more competitive destination of choice for ecotourism and responsible hunting.

The Policy Position will:

- Provide policy certainty and a stable base for conservation, growth and development;
- End irresponsible, unethical and unsustainable practices that greatly harm the reputation of South Africa;
- Reposition SA as a leader in conservation, and also promote Africa's coherence and unity in relation to these species;
- Better balance our economic, social, cultural and natural heritage needs;
- Re-imagine the role of protected areas, both state and other, in contributing to ecologically sustainable rural development in a manner never before conceived;
- Initiate transformation of the sector, with real traction in nature-based access and benefit flows to marginalised communities, with growth and transformation of the industry.

2. ACRONYMS

CBD: Convention on Biological Diversity
CBO: Captive-breeding Operation
COI: Commission of Inquiry
CPA: Community Property Association
COVID 19: Coronavirus disease 2019
CITES: The Convention on International Trade in Endangered Species of Wild Fauna and Flora
DALRRD: Department of Agriculture, Land Reform and Rural Development
DFFE: Department of Forestry, Fisheries and the Environment
GDP: Gross Domestic Product
Hawks: Directorate for Priority Crime Investigation
HLP: High Level Panel
IPBES: Intergovernmental Platform on Biodiversity & Ecosystem Services
ILCs: Indigenous and Local Communities
IUCN: International Union for Conservation of Nature
KZN: KwaZulu-Natal Province
MTSF: Medium Term Strategic Framework
NDP: National Development Plan
NEMA: National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEM:BA: National Environmental Biodiversity Act, 2004 (Act No. 10 of 2004)
NEMLA: National Environmental Management Laws Amendment Bill [B14B-2017]
NPA: National Prosecuting Authority
NSPCA: National Council of Societies for the Prevention of Cruelty to Animals
NFSD: National Framework for Sustainable Development
NGOs: Non-Governmental Organisations
PDIs: Previously disadvantaged individuals
SADC: Southern African Development Community
SANBI: South African National Biodiversity Institute
SanPARKS: South African National Parks
SARS: South African Revenue Services
SMME: Small, Medium and Micro Enterprise
TOPS: Threatened or Protected Species Regulations
TK: Traditional Knowledge

2 DEFINITIONS

Definitions have been compiled using published sources and where available linked to national law and international policy.

"Biological diversity" or "biodiversity" means the variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems (NEMBA, 2004; Convention on Biological Diversity (CBD)).

"Captive bred" means an animal that was bred and born in a controlled environment (derived from Tops Regulations);

"Captive" means an animal that is kept in a controlled environment, but excludes an animal that is kept temporarily in a controlled environment for a purposes of transfer or transport; quarantine; or for veterinary treatment (as it relates to a facility or operations) (NEMBA and TOPS Regulations).

"Captive-breeding Operation (CBO)" means A facility where animals are bred in a controlled environment for:

- (a) Conservation purposes; or
- (b) Commercial purposes (derived from the TOPS Regulations).

"controlled environment" means an enclosure:

- (a) that is of insufficient size for an animal or group of animals to be self-sustainable;
- (b) that is designed to hold such animals in a manner that:
 - (i) prevents it from escaping; and
 - (ii) requires intensive human intervention or manipulation in the form of the provision of:
 - (aa) food or water, or both;
 - (bb) artificial housing;
 - (cc) health care;
 - (dd) predator or parasite control; or
 - (ee) any combination of the above interventions; and
- (c) where natural selection does not play a role; and may facilitate the intensive breeding or propagation of animals (derived from the TOPS Regulations);

"community" means a group of historically disadvantaged persons with interest or rights pertaining to biodiversity conservation and sustainable use, and/or a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law, and includes any group of persons whose rights in land are derived from shared rules determining access to land held in common by such group, and includes part of any such group; *it should be noted that this is intended as a preliminary framing of the definition of community in the context of Biodiversity Conservation and Sustainable Use for the purposes of clarity in reading this document.*

"Damage-causing animal" means an animal or animals that, when in conflict with human activities, there is proof that it:

- (a) causes substantial loss to livestock or to wild animals;
- (b) causes substantial damage to cultivated trees, crops or other property; or
- (c) presents an imminent threat to human life (derived from the TOPS Regulations);

“Extensive wildlife system” means a natural environment:

- (a) that is of sufficient size for the management of free-roaming populations of animal species, irrespective of whether it is fenced or not;
- (b) that meets all or most of the ecological requirements of the populations of animal species occurring on such land;
- (c) where the process of natural selection plays a major role; and
- (d) where no or minimal human intervention is required, except if necessary in times of drought, in the form of:
 - (i) the provision of water;
 - (ii) the supplementation of food;
 - (iii) the control of parasites or predation; or
 - (iv) the provision of health care;

but excludes an enclosure that is a controlled environment within such extensive wildlife system (derived from the TOPS Regulations);

“Green Paper” refers to a discussion document or a concept note in relation to a policy.

“Human-wildlife conflict” means any human and wildlife interaction which results in negative effects on human social, economic, or cultural life, on wildlife conservation on the environment (Food and Agriculture Organisation).

“Intensive and selective breeding” means the deliberate selection of and breeding for selected animal traits, usually in controlled conditions.

“Intensively managed rhinos” means Rhinos kept in a small area, in or out of the historic range of the taxon, where deliberate husbandry, food supplementation and intensive management are routinely undertaken.

“Policy Position” refers to structuring a problem facing decision-maker or decision-makers. It should present the basic, relevant information known about the problem, and should conclude with a recommendation.

“Public Consultation” is the process of taking formal informational documents to other relevant departments, organisations and members of the public for inputs and comments, and other discussions.

“Semi-intensively managed rhinos” means rhinos kept in small (<10km²) areas living at compressed density and spacing, with routine partial food supplementation, with a high management intensity, but with a natural breeding system, i.e. where who mates with whom is not controlled (Leader-Williams *et al.*, 1997; Scientific Authority).

“Sustainable use” in relation to the use of a biological resource means the responsible use of such resources in a way, and at a rate that:

- (a) does not contribute to the long-term decline of the resource in nature;
- (b) does not lead to the loss of biological diversity of the ecosystem of which it is a component;

- (c) does not compromise ecological integrity or ecological resilience of the ecosystem of which it is a part or in which it is used, in the long-term;
- (d) is humane and does not compromise the wellbeing of any animal of a species of wild animal;
- (e) serves in, or is not detrimental to, the public interest;
- (f) considers the social, economic, and environmental impacts of activities collectively, including disadvantages and benefits; and
- (g) ensures continued and future benefits that are fair, equitable and meet the needs and aspirations of present and future generations of people.

“Traditional knowledge (TK)” means the kind of knowledge, innovations and practices which are helpful to conservation and sustainable use of biodiversity. TK links with Indigenous and Local Communities (ILCs) embodying traditional lifestyles, i.e. these TK were created and preserved by ILCs and they are accumulated, developed and inherited generation by generation (CBD; IPBES, 2018a).

“Ubuntu” cannot be easily defined but refers to a unifying vision of community built upon compassionate, respectful, interdependent relationships and that it serves as “a rule of conduct, a social ethic, which underpins the moral and spiritual foundation for African societies.” Ubuntu is not specifically mentioned in the Constitution, but it does recognise Customary Law. (Constitution; NEMBA; TOPS) The very essence of Ubuntu hinges on consolidating the human, natural and spiritual tripartite (Museka *et al.*, 2012).

“Welfare” means 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 behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress.

“Wellbeing” means the holistic circumstances and conditions of an animal are conducive to its physical, physiological and mental health and quality of life, and its ability to cope with its environment (NEMLA Bill).

“White Paper” is an informational document outlining the provisions and measures to be taken in addressing problems.

“Wild population/species” means any non-domestic animals and plants which occur in the wild or a specimen that is living and growing in natural conditions with or without human intervention (IPBES and TOPS Regulations).

3 INTRODUCTION AND BACKGROUND

3.1 Policy issue identification

Despite South Africa’s reputation as a global leader in conservation, there are still reported incidents and perceptions of irresponsible, unethical and unsustainable conservation practices in the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros, especially in terms of animal welfare and well-being, that negatively affects the country’s conservation reputation and does not bode well for the country’s international standing and development objectives.

The issues identified include: (1) Captive holding and breeding of lion and rhino; (2) Hunting of captive lions; (3) Trade in captive lion parts and derivatives; (4) unsustainable practices on hunting of wild leopard; (5) Feasibility of legal international trade in rhino horn and elephant ivory for commercial purposes; (6) Ineffective and inefficient legislation and implementation resulting from duplicated and conflicting legal requirements; (7) Ineffective and inefficient management of State Protected Areas; (8) Non optimisation of the full potential of a vibrant Biodiversity Economy; (9) Inadequate access and benefit sharing to communities; and (10) Untransformed Wildlife Sector.

This policy position therefore addresses the issues identified above on the basis of the report and recommendations of the HLP appointed to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros.

3.2 Background

Given that South Africa is a developing country with immense socio-economic challenges, there is a need to understand the role and contribution of the wildlife sector, as epitomised by these five species, to the national Gross Domestic Product (GDP), social and economic development, conservation, and to the protection and well-being of the environment and society in general. South Africa's biodiversity, and the presence of iconic African wildlife, gives it a geographic advantage in attracting international tourists, and wildlife based tourism forms a critical component of the country's GDP, balancing foreign exchange, generating taxes, and underpinning rural socio-economic development. Foreign tourism is very much sentiment, perception, and reputation driven, and factors that negatively affect these may have profound consequences for the country. Furthermore, South Africa has the potential to grow the international wildlife tourism market substantially, especially as the world emerges from the COVID19 pandemic and South Africa seeks to rebuild its economy in an inclusive manner.

South Africa has a diversity of wildlife-based land uses, ranging from state and private protected areas, extensive wildlife rangelands, intensive wildlife breeding facilities, sanctuaries, and rehabilitation centres. There is currently no national policy framing the conservation and ecologically sustainable use of biodiversity in South Africa, resulting in fragmented and individualistic approaches to the use of South Africa's iconic species. There are gaps in regulations governing actions, the legislation is fragmented and contradictory, and there are challenges in the implementation of concurrent competencies. This has led to unsustainable and unacceptable practices that compromise the survival of these species in the wild,

and place at risk the broader tourism-based economy. Furthermore, the wildlife economy is largely untransformed, with major barriers to access and benefit sharing of rural communities, including for traditional, cultural and spiritual needs.

The Minister of Forestry, Fisheries and the Environment, Ms Barbara Creecy, MP, established an Advisory Committee (the 'HLP') in October 2019, in terms of section 3A of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). The mandate of the HLP was to review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. The HLP comprised twenty-five expert members from academia, wildlife industry, traditional leaders and NGOs.

Following an intensive public consultation process the HLP submitted its report to the Minister in December 2020, which included 18 goals, with 60 associated recommendations, that the Panel believed were necessary to achieve its vision of *"Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector"*. The report also included a situation analysis, and provided a context for each of the goals and recommendations, as well as guidance for their implementation.

The Minister presented the report to Cabinet in April 2021, and Cabinet endorsed the report, after which the Minister released the report to the public. The HLP report forms the basis for this Policy Position, with the majority views being considered for implementation. It should be noted that the HLP focused on the five iconic species, and not on wildlife and biodiversity more broadly. However, the Department has since recognised the need for a National Policy on Conservation and Sustainable use of Biological Resources, which will be comprehensive across all species. In the absence of such an overarching policy, this Policy Position provides a phased approach towards the development of an overarching policy in the form of a possible White Paper on Conservation and Sustainable Use of Biological Resources.

3.3 Policy context and environment, links to other policies

Environmental management in South Africa is guided by the White Paper on Environmental Management Policy for South Africa, 1998, which is given effect at national level through NEMA. Although overarching policy guidance for biodiversity conservation is provided by numerous multilateral environmental agreements to which South Africa is a signatory Party to, both at a global and regional level, biodiversity

legislation has evolved in the absence of a national biodiversity policy. This situation is legally permissible but not ideal.

Schedule 4 of the Constitution of the Republic of South Africa lists nature conservation as a functional area of concurrent national and provincial legislative competence. Nature conservation policies and legislation are thus developed and implemented at both national and provincial legislation. As a result, biodiversity conservation and sustainable use policies exist in the respective provinces, but are mostly outdated. Integrated implementation of government strategy on the ground falls to municipalities, as encapsulated within Municipal plans such as Integrated Development Plans and Schemes, and facilitated by the Department of Co-operative Governance and Traditional Affairs (COGTA). Community land is administered by Traditional Authorities under the House of Traditional Leaders, and facilitated by COGTA.

3.4 Brief overview of the policy process followed

An extensive public sector engagement process took place, with DFFE, Department of Agriculture, Land Reform and Rural Development (DALRRD), Tourism, Directorate for Priority Crime Investigation (Hawks), National Prosecuting Authority (NPA), State Attorney Services, South African Revenue Services (SARS), Provincial Environment Departments and Conservation authorities, South African National Parks (SanPARKS), South African National Biodiversity Institute (SANBI), and Scientific Authority of South Africa. Consideration was also given to previous expert reports.

In addition, an extensive public participation process also took place. Notification for public participation was advertised on the 27 March 2020, for 60 days and 70 written submissions from a range of local and global stakeholders were received. All stakeholders who had made submissions were invited to attend virtual meetings from 29 Sep – 29 Oct 2020. A particular focus of the consultation was to gain an understanding of the concerns, views, opinions, aspirations, and opportunities available to members of communities living with the iconic species. The House of Traditional Leaders, the Congress of Traditional Leaders of South Africa, Traditional Healers associations, and People and Parks Forum, as well as six in-person meetings with communities living adjacent to reserves with the five species, in Northwest, Limpopo, Mpumalanga, Kwazulu-Natal, and the Eastern Cape Provinces, were consulted.

The Department evaluated the goals and recommendations that emerged from this consultation process and the deliberations of the HLP, and identified that a number of these relate to administrative processes,

which will be implemented separately by the Department. In addition, there are many specific recommendations, and guidance on implementation, within the report that will be taken up under existing instruments. In developing this Policy Position the Department synthesised the policy related matters into Policy Objectives, identified appropriate interventions to achieve these, and posed Policy Outcomes from these which will have meaningful impact, and positively reposition the sector for greater contribution to human wellbeing, and protection and conservation of South Africa's environment.

This Policy Position aims to provide clarity of direction, signalling a clear policy intent to all stakeholders. This Policy Position will provide the basis for review of legislation relating to biodiversity and protected areas, and the regulations promulgated thereto, as well as providing a framework for Provinces to undertake review and possible amendment of their relevant legislation. The Policy Position will *inter alia* provide a basis for the development of applicable Norms and Standards, to inform evidence-based implementation. In addition, this Policy Position will require the various issuing authorities and management authorities to revise their policies and procedures to align with this Policy Position. Finally, the Policy Position will provide a basis for engagement by the Department across affected sectors, to promote effective inter-governmental co-operative governance.

The Policy Position is intended to provide a basis for meaningful consultation with stakeholders, including various government departments and entities, traditional leaders, affected rural communities, industry stakeholders, NGOs, civil society, international partners, and other interested and affected parties. This engagement will provide for meaningful participation and influence from these stakeholders, in creating a stable policy environment. The Department, thereby, intends to in collaboration with the industry and communities, lead a sector transformation process for the equitable benefit of all South Africans, and ensuring strong and meaningful conservation of these iconic species as part of a thriving and protected wildlife environment, for current and future generations.

4 PROBLEM STATEMENT

A situational analysis was conducted, which included reviewing the historical context of the issues posed, researching and describing the scope of the problem, based on available evidence. Government stakeholders, representatives of previous panels and a range of stakeholders through a public participation process were consulted. This is all detailed in the HLP report, which should be consulted as a detailed description of the nature, history, and scope of the problem.

Issues with Legislation and Mandates included: (1) Definitions and understanding of sustainability and sustainable use within legislation require revision; (2) Lack of cooperative governance, especially within the 9+1+1 (Provinces, DFFE and entities, DALRRD) method of regulation; (3) Challenges relating to the structuring, and implementation of the permit system; (4) Weaknesses, gaps, and challenges in the implementation of legislation around captive breeding; (5) Inconsistencies between national and provincial legislation, among provinces, and in implementation; and (6) Several opportunities to strengthen national legislation as it relates to elephant and leopard, and handling of elephant and leopard.

Challenges and risks with Land-use and the South African Wildlife Model: (1) Conservation, management, and sustainable use of the species, and their habitat; (2) Land use rights and arrangements, ownership of wildlife and land; (3) 'Wildness'; and (4) Benefit flows. Concerns include: (1) Inequities in access to natural resources; (2) Perceptions of over-regulation and over-management; (3) Welfare and well-being; (4) Irresponsible and unsustainable hunting practices, unethical tourism practices and reputational damage to sector and South Africa; (5) Poor understanding of hidden environmental costs, and comprehensive socio-economic contributions and benefit sharing; (6) State protected areas' mediocre performance; (7) Intensive and selective breeding for commercial purposes, including trade in animal parts (horn or lion bones). Specific issues included: the branding/reputation of the wildlife economy; constraints to growth; fencing; poor data; poor government capacity to formulate and implement coherent regulatory frameworks; and the outdated approach to managing human-wildlife conflict. Additional issues included: inability to assess the contribution to conservation and bioeconomy targets; hunting quotas; permits, compliance, and enforcement issues; reputational risks (including welfare, domestication of wild animals, compromised wildness); poor contribution of captive industry to conservation. When assessing different land-uses: the largest opportunity was identified from building a wildlife economy in communal lands; the strongest need was for state protected areas to contribute more strongly to socio-economic development; and the greatest risk was from captive and intensive breeding to reputational risks and habitat degradation. There are massive untapped sustainable socio-economic opportunities from growing an integrated, transformed wildlife economy.

Lack of transformation within the sector is a critical weakness, where the forceful removal of people from their land led to the current South African 'Wildlife Model', where the largest percentage of wildlife land is owned by the white minority and by the state, with few wildlife resources on community lands. Although the democratic government has intervened with a number of policies, the transformation of this wildlife model has been very slow. Challenges in respect of ownership of, and access to, land and resources include: Community Property Association (CPA) failures and governance challenges; lack of finance,

knowledge, skills, access to markets and marketing; exploitation of communities; challenges of benefit sharing; and unrealistic expectations. Importantly, besides specific disadvantages and exclusion of rural communities from the wildlife sector, lack of involvement by previously disadvantaged individuals (PDIs), in general, is a major concern, as well as the empowerment of individuals as owners.

There are gaps and the lack of articulation in legislation and policy for supporting education, skills development, and capacity building within the sector, especially in terms of redress, equity, and empowerment of PDIs. There are a lack of Human Capital and Environmental Skills Plans to empower provinces and state owned entities to develop capacity through training, mentoring, and upskilling of staff and workers in the sector. There are huge demands for accredited skills training, upskilling, mentorship, and high level skills across the sector work-force and emerging ranchers. There is a lack of Human Capital Instruments such as Bursaries, Scholarships, Post-Doctoral Fellowships, Research Chairs and Centres of Excellence for the wildlife component of the Environmental Sector. Capacity to harness the technological advances such as DNA technology and database, biobank, camera traps, metal detectors, and bio-telemetry remains inadequate. Specific groupings needing a focus for capacity development include new entrants to the industry, emerging ranchers, and local communities, including traditional leadership. Training in animal welfare in general is required, alongside training in business skills relating to the wildlife economy.

South Africa faces four core challenges with respect to its international position: (1) Globally, there are many different and sometimes competing value-based views and ideologies with respect to these species, with interest groups, governments and blocks adopting often conflicting positions; (2) Partly influenced by interest groups, national governments have their own varying and often competing geopolitical interests, which will influence their attitude toward conservation matters; (3) Countries regulate their interactions by way of international treaties, conventions, and protocols. South Africa is party to many such agreements, which collectively frame and constrain its policies; (4) Illegal actors, including international organised crime syndicates present a significant challenge to enforcement efforts, which often must be co-ordinated across jurisdictions to stand a chance of succeeding. Thus, in deciding upon controversial wildlife policy issues that concern competing interests between humans with differing values, humans and animals, and between individual animals and the environment, South Africa must take into account the nature and extent to which these competing interests are represented and defined by international interest groups and other national governments, in relation to the country's own national provisions and positions and obligations in terms of ratified international agreements. From an 'international perspective', there are major issues in terms of management, trade and handling of

elephant; breeding, hunting, trade, and handling of lion; and trade of black and white rhino. These include concerns relating to: the management of the numbers and distribution of elephant populations; commercial captive breeding and hunting of captive lions; animal welfare concerns relating to lion and elephant handling, and captive lion and elephant interactions; and strong opposition and debates relating to ivory trade, trade in live elephants, and trade in lion bones, rhino horn, and elephant ivory.

There are issues around organisational challenges for animal welfare, including: flaws in the NSPCA model requiring dependence on donor funding and general under-resourcing of capacity to address wildlife welfare; lack of clarity of institutional arrangements and fragmentation; lack of representation of DFFE in welfare structures; and the lack of permitting for traditional harvesting of wildlife resources leading to poaching and inhumane killing. In terms of the animal welfare approach: there is no overarching wildlife welfare policy; the definition of well-being as proposed in the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), as part of the National Environmental Management Laws Amendment Bill, 2017, is narrow; the legal framework is dated; there is poor understanding of welfare legislation and application; there are poor welfare standards; there is poor cooperation between stakeholders; there is poor framing, development and buy-in to the approach to welfare; there is a lack of an integrated approach such as the 'one-welfare' approach; and, in general, there is lack of understanding of good and bad practice. More specifically: management interventions of wild populations, including adaptive management, and tourism practices and interventions for tourism products are not subject to ethics controls; there is potential conflict of interest for vets within the industry, and a lack of ethical controls on vet interventions; not all research goes through ethics committees; there are no norms and standards for captive populations to provide for welfare controls/regulation; there are no standards, guidelines or regulations for effective rehabilitation of animals. There is a general lack of broad regulations pertinent to welfare for all wildlife and activities related to them.

Consultations with organs of state, and the public consultation process confirmed the veracity of these issues, as well as providing more clarity, understanding, and detail of specific elements of concern.

5 POLICY VISION AND OBJECTIVES

5.1 Vision

Secured, restored, and rewilded natural landscapes with thriving populations of elephant, lion, rhino, and leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector

This Policy Position adopts this vision, which is aligned with the Strategic Plan 2024 of the Department, and the Impact Statement within that Strategy: “A prosperous and equitable society living in harmony with our natural resources”.

5.2 The Rationale for a policy intervention and why policy options

A situation analysis was conducted and together with the inputs from the consultation process were developed into goals and recommendations. Eighteen different goals were developed, and each goal has recommendations and additional guidance for implementation. For each goal, within the respective context, key points were identified which formulated the goal and recommendations. The situation analysis and context for the goals provide a detailed rationale for the policy interventions, and a basis for the selected policy option.

The following section provides the key context points, which are arranged as relevant to each of the Policy Position Objectives contained in Section 5.4.3. It should be noted that a more comprehensive rationale can be found in the detailed HLP report.

5.2.1 *Species management policy interventions:*

5.2.1.1 Captive lion

The captive lion industry threatens South Africa’s reputation as a leader in the conservation of wildlife, and as a country and destination with iconic wild lions, as the housing of wild or captive-bred lions is perceived as the domestication of this iconic species. The commercial lion business involving intensive and selective breeding, handling, canned hunting¹ and bone and other derivative trade presents a threat to South Africa’s reputation with associated political and economic risks including negative impacts on the broader photo-tourism market and hunting industry, and tourism to South Africa in general. Many cultures in South Africa identify and are spiritually aligned with lions and the captive breeding of lions is culturally dispossessing of this value to communities. The captive lion industry does not represent ecologically sustainable use, providing very little economic activity or jobs, while benefiting a few relative to the other components of the sector. There are major concerns over work conditions and safety of workers and tourists, and zoonotic risks including from COVID 19. The captive lion industry does not contribute meaningfully to transformation, or to the conservation of wild lions, and trade in lion derivatives

¹ **Canned hunting:** A general term used to describe the shooting of an animal that is a put and take animal, hunting of an animal in a controlled environment, hunting of an animal that is under the influence of any tranquillising, narcotic, immobilising or similar agent, or hunting of a captive-bred animal; all of these elements are recommended by the HLP to be prohibited.

poses major risks to wild lion populations, and to stimulating illegal trade. Rewilding of captive lions is not feasible from conservation principles and captive breeding is currently not necessary for conservation purposes.

It should be noted that the Parliamentary Portfolio Committee for Environment held a Colloquium on captive lion breeding for hunting in 2018, which resolved (reports No 167—2018) that “The Department of Environmental Affairs should as a matter of urgency 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”.

5.2.1.2 Captive Rhino

Rhino populations remain severely threatened by poaching, and intensive management practices and dehorning can mitigate risks and reduce costs. Captive registered and semi-intensive populations constitute a significant portion of rhino on private land and the trend is growing. The African Rhino Specialist Group currently recognizes all existing privately held CBOs registered in terms of the TOPS Regulations, as having conservation value and as suitable potential sources for replenishing depleted wild populations. The sustained use of intensive management practices compromises this, and it is desirable to move them out of deemed captive breeding situations and back into accepted wild managed or wild conditions as soon as practically possible. Captive horn trade prior to achieving the Commission of Inquiry Option 3 recommendations could trigger further poaching pressure and increase risk to populations, and trade in captive rhino horn would further alienate range states and stakeholders that are currently opposed to such trade, and undermine future legal trade in wild rhino horn, including from stockpiles.

5.2.1.3 Leopard conservation and use

Leopard are free-roaming outside of protected areas, and are a critical ecological component of ecosystems, especially when lions do not occur and they are the apex predator, and an important component of international hunting packages, making such packages internationally competitive. Leopard skins have an important traditional and religious use. The concept of Leopard Management Zones, stretching over several properties, assists in developing shared custodianship for leopards and benefits amongst role players. This approach is, however, not applied in all provinces with resulting frustrations from some stakeholders. There is widespread illegal killing of leopard by landowners on the premise that they are, or will become, damage-causing animals, and there is no incentive for landowners to protect the species. Mechanisms and practices to mitigate livestock predation from leopard are available, but often not trusted, sometimes contentious, or with short-term costs.

5.2.2 *Trade related policy interventions:*

5.2.2.1 Elephant ivory trade

While international trade in legal rhino horn and elephant ivory could provide substantial income and benefit flows to support conservation and security costs, it is not feasible for the near future because of constraints on trade by CITES, who are unlikely to pass a trade proposal. There are also legitimate concerns around laundering illegally obtained ivory and increased involvement of organised criminal syndicates. Future elephant management may entail significant financial and socioeconomic cost implications, with potential funding sources for likely necessary interventions unclear. Illegal activities, such as poaching and illegal trade pose a major risk to conservation and the wildlife sector, and protection and enforcement comes at a high cost to the sector, both state and private. The ongoing ivory trade debate has been seen as very divisive within Africa.

5.2.2.2 Rhino horn trade

South Africa is the world's most important and potentially influential rhino range state. The private sector plays a substantial and growing role in conserving South Africa's rhino population and has been outperforming the state in terms of anti-poaching success, although the current status of live populations, in both private and state protected areas (especially Kruger National Park) is unclear. The costs of anti-poaching interventions in reserves are very high, and, as an anti-poaching strategy, many rhinos are being subjected to more intensive management, including routine dehorning, attracting to safer areas through supplemental feeding, and, in some cases, confinement. Despite the complexities of the issues involved, there is consensus that South Africa is currently not in a strong position to submit a proposal to amend the current CITES Appendix II listing annotation for the southern white rhino, and it is unlikely that the Parties at CITES would approve a rhino horn trade proposal. South Africa would like to implement and put in place the 2015 Commission of Inquiry recommendations on rhino horn trade.

5.2.2.3 Live trade

There is potential for translocations to promote South Africa's relationships and standing with other African countries in the collective conservation of the five iconic species. The transfer of wild animals into captivity in other countries has the potential to harm South Africa's reputation as a wildlife destination, in terms of the acceptability and appropriateness of the destinations, concerns over welfare and well-being at the destination, and the erosion of wildness through moving animals into captivity. The export of live rhinos and lion from South Africa to destinations known to consume horn and bones raises concerns regarding the extent to which these exports would be deemed to be humane and responsible.

5.2.2.4 Stockpiles

South Africa has substantial stockpiles of rhino horn and ivory which have been obtained through rhino dehorning for protection, natural mortality, and collection from the field or confiscation from poachers. The costs of maintaining these stockpiles are substantial, with ongoing risks of horns and ivory ending up in the illegal trade. Communities have identified the positive impact of sale of stockpiles, and there is global interest from NGOs and philanthropists willing to buy stockpiled horn and ivory in order to then have these destroyed; however, such an approach, which has been repeatedly rejected by other SADC countries, is highly controversial and raises significant concerns.

5.2.3 *Conservation policy interventions*

5.2.3.1 Wildness

There is no overarching national policy on biodiversity, nor one specifically on wildlife conservation and sustainable use that guides a coherent and integrated approach by the different provinces and conservation agencies, especially in the light that conservation is a concurrent competence between provinces and national government. Wildness, near natural areas and wilderness are the foundation of ecosystem goods and services that sustain human health, fuel the economy, prevent environmental degradation, and promote conservation of South Africa's wildlife heritage. Wildness is an important component of African wildlife landscapes and an important part of the branding of a globally competitive hunting and photo-tourism destination. Poor management practice has a negative impact on the wildlife sector and the country as a whole, with reputational damage affecting both hunting and photo-tourism. Thus, there is a need for responsible practice in the wildlife sector.

There are management challenges associated with the five iconic species, either through unnecessary extensive management interventions or the lack of sound interventions, with associated animal welfare concerns, and reduction in real or perceived wildness and sense of place. In many areas there are populations of the iconic species adjacent to each other, separated by fences, which offer the potential for fence-dropping to create larger areas that improve conservation and economic viability and reduce environmental vulnerability, management inputs and costs. Associated management practices for populations and wildness are important aspects of the branding of a competitive hunting destination. South Africa will therefore re-position itself as a destination of choice for legal, humane, regulated and responsible hunting of the 5 iconic species.

5.2.3.2 One welfare

Animal welfare includes all aspects of housing, health management, breeding, husbandry, treatment, health care, handling, transport, and includes humane handling, management for companionship, entertainment, tourism, research and human-wildlife conflict, and killing of animals for production and hunting, noting that not all of these elements apply to the five species under consideration. We have a social and moral responsibility to act humanely and prevents suffering, and ensure quality of life. However, there are concerns about the overall lack of consideration of welfare aspects in the wildlife sector, including by government, in hunting, photo-tourism, and captive and selective breeding. Court judgements have linked animal welfare to the Environmental Right within the Constitution (s24), including the recognition that animals are sentient beings. The National Environmental Management: Biodiversity Act (NEMBA) draft Bill now includes a definition for animal 'well-being' which will apply to the management and use of the five species. The 'One Welfare' approach, which highlights the interconnections between animal welfare, human well-being and the environment, is a growing global model that is gaining ground in non-western-centric approaches to animal welfare. Where there are good welfare practices, ecological, social, and economic outcomes from sustainable use of the five species are enhanced, but poor welfare standards and cruelty cases tarnish the reputations of all involved and the country as a whole.

5.2.3.3 Reconceptualised protected areas

The 9+1+1 system, as well as the governance burden resulting from a lack of rationalisation of state protected areas, results in challenges to effectively manage these areas, including lack of sufficient resources, especially in provincial state protected areas. State protected areas in general, are underperforming in terms of their potential to stimulate local and regional socio-economic development, especially if compared to private protected areas. State conservation agencies compete unfairly with the private sector in so far as economic activities in state protected areas are concerned, preventing benefit flows both directly and indirectly to affected communities and private land owners. The requirement of large areas for self-sustaining populations, together with high costs of acquisition, conservation, management and security of the five iconic species, serve as major economic barriers to entry in establishing destinations for wildlife-based tourism. The ongoing militarisation of conservation in the form of anti-poaching units is alienating communities adjacent to parks and driving perceptions that animal lives are more valuable than human lives. Communities adjacent to state protected areas expressed concern that there are not sufficient resources for proper management, including maintenance of fences, which results in human-wildlife conflict and tension between protected areas and rural and agricultural communities. Land ownership and access to land is a barrier to entry by previously disadvantaged

individuals into Big Five based wildlife economy activities. The benefits to restituted communities, and other communities living adjacent to such areas, are not flowing in a fair and equitable manner. Access to such areas for spiritual, traditional, cultural, and economic value is largely restricted. Communities identified opportunities to develop and own wildlife-based enterprises such as tourism lodges, financial benefits, jobs and entrepreneurial opportunities, access for cultural practice, meat from hunting/culling, and a few animals when needed for cultural events.

5.2.4 Conservation Transformation policy interventions:

5.2.4.1 Transformative African approach

The wildlife sector has moved little from 1994, and the rights of access and traditional appreciation and use of wildlife have not been restituted to communities that live with or near wildlife; this manifests most strongly in the high levels of rhino poaching emanating from poor communities. Conservation performance and the wildlife economy must improve in support of human well-being and socio-economic development, environmental justice with restitution, transformation and full participation of communities and previously disadvantaged groups, including access and benefit flow. Traditional knowledge, approaches and methods to wildlife management are not well understood by the sector, undervalued and not considered in mainstream biodiversity conservation. The erosion of indigenous peoples' connection with-, and access to-, wildlife, including the five iconic species, undermines traditional value systems and traditional practices and uses of wildlife. Traditional use of products from the iconic species, whether for customary use or in traditional healing, is de-legitimised through current legislation and practice, impacting negatively on cultural values and traditional rights. Traditional healers indicated that their value systems are not considered in decisions on use of wildlife such as intensive breeding of the five iconic species that reduces spiritual value. Opportunities for traditional healers to gain legal access to derivatives for traditional uses from legally hunted species are not exploited. Significant tracts of land under the custodianship of communities, land reform beneficiaries and new entrants to the sector will increasingly make a further substantial contribution as part of a successful transformation strategy. Traditional leaders are not sufficiently empowered to govern in terms of biodiversity resources in traditional authority areas. Co-management structures and support mechanisms for community owned wildlife areas, including protected areas, does not sufficiently empower communities to meaningfully participate in the management and benefit sharing of biodiversity resources on these areas.

5.2.4.2 Ecologically sustainable use – tourism and hunting.

The exceptional biodiversity of South Africa, including the five iconic species, provides a wide range of benefits to the country's economy, society and human well-being. Sustained benefit flows are however dependent on functioning ecosystems and healthy species populations with high genetic diversity. Wildlands, wildlife and the five iconic species in particular have been identified as providing a unique selling point for wildlife-based tourism and in developing Brand South Africa. Wildlife-based tourism has driven a major expansion of land into which the iconic species have been reintroduced in South Africa, including onto state, private and community owned areas. These have been major catalysts for the regional economy where this has occurred, such as the rebranding of the "Elephant Coast" in KwaZulu-Natal (KZN). The five iconic species are critical to international photo-tourism that contributes significantly to the GDP, and foreign income, not only for activities associated with wildlife, but for other activities that international visitors pursue while in South Africa. In scenic and more pristine areas, photo-tourism is the most effective mechanism to create broad employment from the iconic species. International wildlife-based tourists are discerning, and there is competition among destinations, with increasing importance to demonstrate that experiences are authentic, responsible and sustainable to maintain competitiveness. Domestication of wildlife poses a direct risk to the conservation of wildlife and its above-mentioned value propositions.

There is a meaningful opportunity for the sector to yield inclusive rural economic growth and the creation of new biodiversity-related jobs and enterprises and there is a National Biodiversity Economy Strategy in place. Opportunities for direct involvement in conservation and the wildlife economy in rural areas are not sufficiently harnessed through the development and enhancement of the full value chain of wildlife-based activities that create economies of scale in support of accelerated rural economic development and associated employment and poverty reduction opportunities. The five iconic species are central to a vibrant international hunting industry, and hunting is a part of the South African heritage and culture, and generates economic benefits as part of the South African rural economy. Trophy hunting is under increasing international scrutiny and all activities related to this must be done using best practice and full transparency to prevent irresponsible hunting practices creating reputational damage and international outcry. The number of wild lion and elephant hunted in South Africa is very low when considering the potential growth in populations. This growth can further improve with range expansion through establishment of more large wildlife areas.

5.2.4.3 Human-wildlife conflict

Damage-causing animals are an important concern for elephant, lion, and leopard, and current approaches dealing with this are inconsistent and unsatisfactory, and do not adequately compensate resource-poor community members. The amount of compensation paid to communities is below market value, is less than that paid to white farmers, is not paid timeously, and there are inconsistencies in compensation between government agencies. Communities raised concerns over poor management of fences resulting in animals escaping from protected areas and government authorities then responding poorly on damage-causing animal issues, and communities seldom benefit from the hunting of such damage-causing animals.

5.2.5 *Conservation capacity policy interventions:*

5.2.5.1 Human Capital Development

The lack of sector-specific skills in governance, policy, the effects of policy on incentives and land use choices, and the feedback loops between policy, economics, and environment, negatively affect decision-making and effectiveness. There is a general need for further training and capacitation of government employees at various levels, as the complexities of regulation, compliance, enforcement, and the daily management challenges within the wildlife sector require specific skills, competencies, capacity, and experience unique to the sector. The specific activities associated with the various wildlife industry value chains, such as for hunting, photo-tourism, or meat production, require specialised skills, capacity, training, and experience at all skill levels. There is a deep pool of indigenous knowledge and practices in living with wildlife which has not been drawn upon as a context for capacity development. It is imperative to empower and capacitate representatives on co-management structures for community owned wildlife areas in order to ensure equitable, meaningful, and influential participation, and the empowerment of community interests in decision-making.

5.2.5.2 Research

Sound evidence-based information is critically important for informed evidence based decision-making and policy development in the sector, but all sources of evidence should be considered, including indigenous knowledge and practice, experience on the ground, and aspirations and insights from different stakeholder groups. There is a relatively low level of focused research support for activities within the wildlife sector.

5.3 Strategic linkages

The Policy Position is aligned with Chapter 5 of the National Development Plan 2030 (Ensuring environmental sustainability and an equitable transition to a low-carbon economy) and responds to all of the Medium Term Strategic Framework (MTSF) Priorities 2019 – 2024.

The Constitution was a deliberate starting point, ensuring that all components of section 24 of the Constitution of the Republic of South Africa guided this process, but also considering other rights such as Dignity, Equality, Culture, Property, and the principle of redress. The recommendations on which the Policy Position are based take cognisance of other legislation across sectors, and at National and Provincial level, with consideration of the role of municipalities, as well as international commitments and obligations.

The Policy Objectives and Outcomes are supportive of the sustainable use of biodiversity (despite recognising weaknesses of current approaches to achieve sustainability) and, at the same time, the recommendations aim to ensure the conservation and protection of species and ecosystems. Clarity and guidance for implementation of ecologically sustainable use is provided through a definition and rationale contained within the Policy Position. Consideration was given to the importance of the wildlife estate as a key driver of rural socio-economic development, and the major role of ecotourism, especially from international visitors, in the economy and development of South Africa. The ongoing and future role and contribution of the private sector to biodiversity conservation and sustainable use is explicitly recognised, acknowledged, and identified for meaningful and inclusive partnerships. The Department has recognised the need for transformation of the sector, as well as the urgent need to improve governance in terms of both legislation and implementation, and this Policy Position provides strategic direction on these areas.

The strategic impact of the Policy Position is linked to the strategic impact statement from DFFE 2024 Strategic Plan: “A prosperous and equitable society living in harmony with our natural resources”, and how the report recommendations are linked to strategic human outcomes as contained within the NDP and MTSF are illustrated in the diagram below (Figure 1).

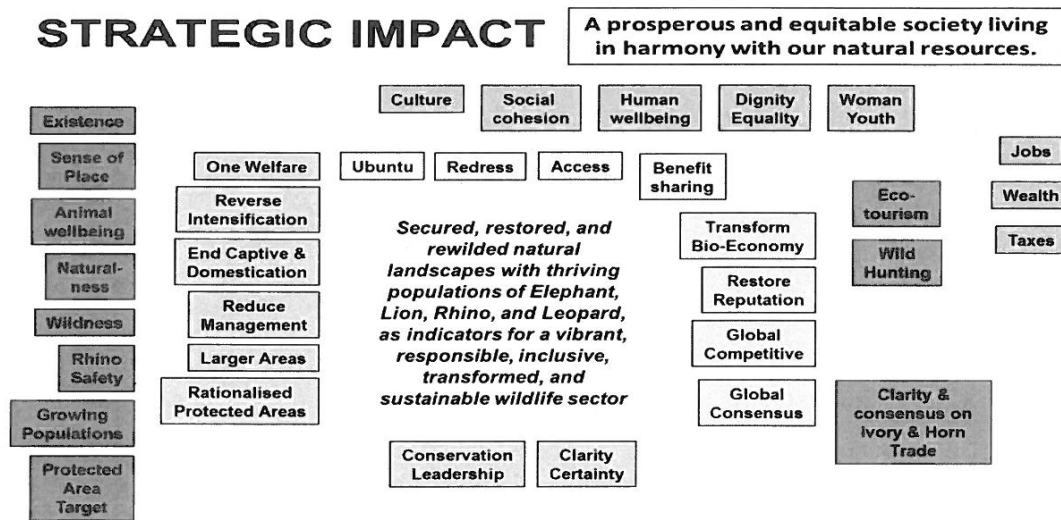


Figure 1: Strategic impact of the Policy Position.

The vision adopted for the Policy Position, is at the centre of the diagram. Around that are the key interventions, as captured in this policy, shaded light gold for transformation, light green for conservation and management, light blue for sustainable use/economic, and light brown for governance. On the left are the outputs for biodiversity in dark green. On the right are the goals for economic benefit in blue. Finally, in gold around the top and right are the improved human wellbeing and livelihood outcomes anticipated with implementation of the Policy Position, in line with the NDP and MTSF.

5.4 Theory of Change, Policy Objectives and expected outcomes

5.4.1 Theory of Change (Figure 2)

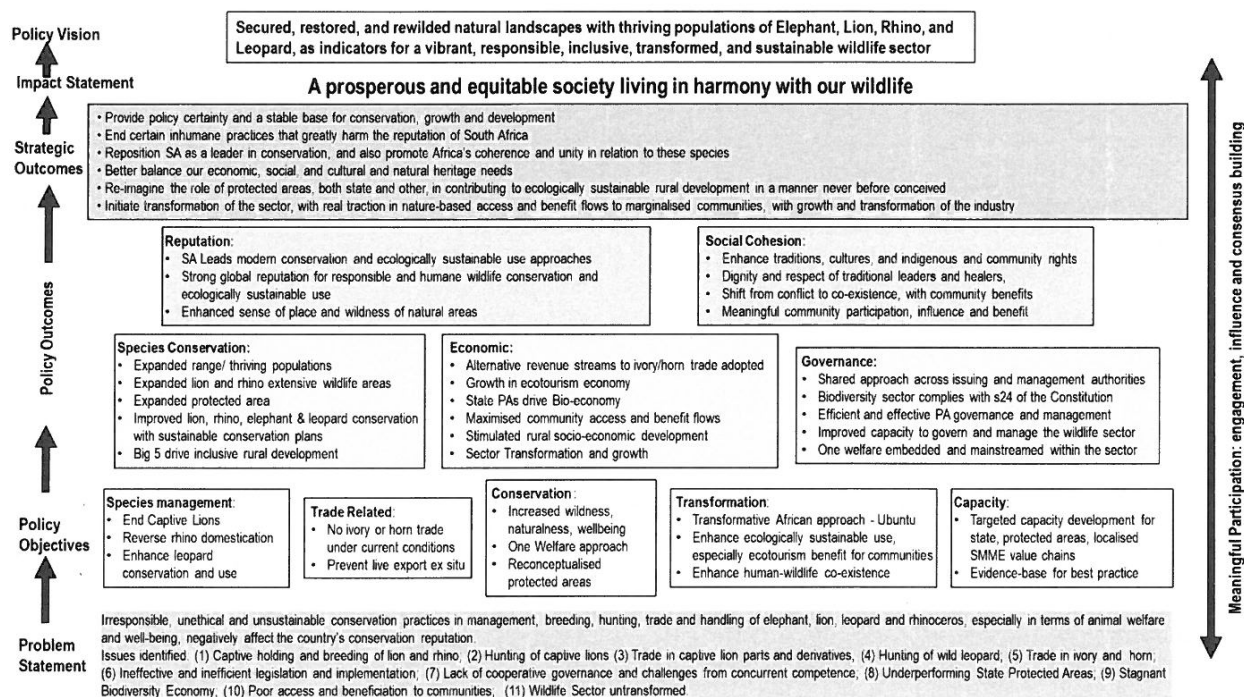


Figure 2: The Theory of Change, Policy Objectives and expected outcomes

5.4.2 Definition of Sustainable Use and its interpretation in developing the Policy Objectives:

5.4.2.1 Contextualising sustainable use of biological resources

The Department has experienced and identified challenges in current process and practice within the Wildlife sector. These include identification of process and practices (1) that are not ecologically sustainable, (2) that promote short-term economic gain for select few to the degradation of the environment, (3) that exacerbate poverty and inequality and undermine human dignity, (4) that are often not socially or culturally sensitive given the significance of these species in the wild, (5) that do not take into account the costs and risks to communities living with dangerous animals, and (6) many challenges with governance and arrangements. These threaten South Africa's reputation as a conservation leader, and undermine competitiveness as a global ecotourism destination. Importantly, they highlight the undermining of ecological sustainability and ignoring social imperatives associated with transformation of the sector.

Considering sustainability more broadly and sustainable development, the identified problems are inconsistent with the definition of sustainable development in the National Environmental Management Act (NEMA), (Act No. 107 of 1998), which reads: "Sustainable development means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations". The problems are also inconsistent with the vision and principles contained within the National Framework for Sustainable Development (People - Planet – Prosperity) (2008).

The National Framework for Sustainable Development highlights that sustainable development is based on two major premises – equity within generations and between generations, and maintaining the integrity of natural, financial and human capital, to ensure that economic and social development is reconciled with environmental protection. The 2008 framework highlights the need to adopt a systems approach to frame the three elements of social, economic and environmental factors, emphasising the integration across these, as well as the importance of the governance system that holds other systems together (as per the Figure 3 below from the National Framework for Sustainable Development (2008)).

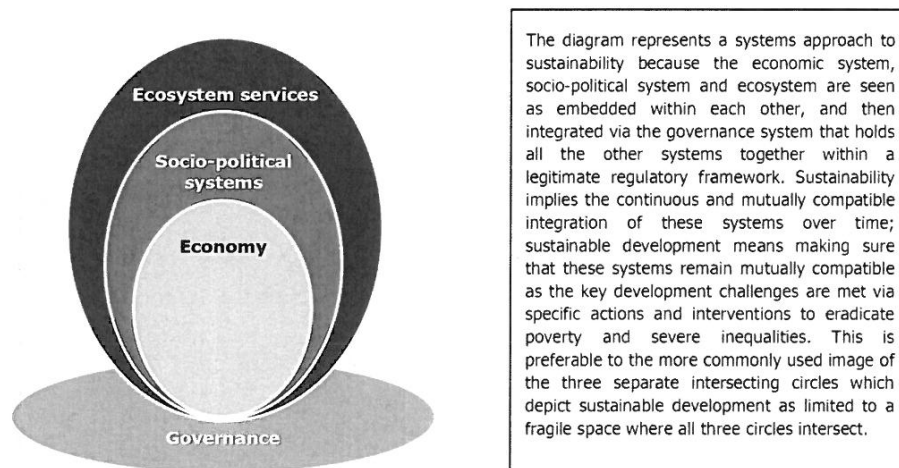


Figure 3: Governance system as found in the NFSD

There is a definition of sustainable use in NEMBA, that, in relation to the use of a biological resource, sustainable means the use of such resource in a way and at a rate that (a) would not lead to its long-term decline; (b) would not disrupt the ecological integrity of the ecosystem in which it occurs; and (c) would ensure its continued use to meet the needs and aspirations of present and future generations of people. However, in considering the problems posed and potential solutions, this definition was found to be inappropriate in the current context of South Africa, being too narrow, dated, and that it is not aligned with a systems approach to sustainability as envisaged within the National Framework for Sustainable Development.

An important third dimension of consideration, in addition to sustainable development and sustainable use, is ecological sustainability, as required by the constitution. This is similarly not well defined, and there is not a common understanding of ecological sustainability (although the systems approach to sustainability appears to be more reflective of ecological sustainability). Section 24 of the Constitution of the Republic of South Africa, 1996 can be used as the environmental leg in achieving Sustainable Development, and through ecological resilience, provides an objective means to assess the sustainability of any proposed activity (Muir, 2014). This holds equally true for sustainable use. Ecological Resilience represents the ability of a complex system to continue to provide a full range of ecosystem services in the face of disturbance, perturbation or change (Holling, 1973). Ecological degradation of ecological resilience, arising from improper practices, emerged as an important element for further consideration. In other words, to not fall into a trap of sustainable development through sustainable use, that does not consider the primacy of ecological sustainability.

It is clear that South Africa needs a Policy on Biodiversity Conservation and Sustainable Use, where such thinking needs to be completely developed and policy framed more appropriately, which will be developed separately from this Policy Position.

In adopting the Policy Objectives contained within this Policy Position, recognition is given to the emphasis that a move to a systems approach to sustainability be adopted. Firstly, a much stronger recognition of the primacy of ecological sustainability in line with the constitution, including the suggestion of Muir (2014) that this presents a fundamental rather than progressive Constitutional right. Secondly, the critical need to forefront the social dimension in terms of the massive potential of the environment, and, in this context, big five wildlife, to eradicate poverty, promote equity, and enhance dignity and respect of rural people. Thirdly, the Policy Objectives seek to reduce economic exploitation of wildlife resources for the benefit of a few at the expense of ecological sustainability or equitable social development.

In posing these Policy Objectives, Sustainable Use in South Africa has been reconceptualised to change to a more systems approach to the economic, social, and environmental factors for sustainable development, as envisaged in NEMA, giving the necessary primacy to ecological sustainability as envisaged within the Constitution, and fore fronting dignity, equality, and redress as imperatives that need to drive transformation of the sector.

The definition is derived from the Constitution, NEMA principles, and relevant Acts and judgements, and a longer definition is provided here to assist with interpretation and implementation of the definition, and this policy position.

5.4.2.2 Expanded definition of Sustainable Use of biological resources:

This Policy Position adopts the definition of sustainable use as contained within the Definitions. The intention of this expanded definition, indicating sources for various clauses, is to provide additional clarity for interpretation and implementation of the short definition.

“sustainable” in relation to the use of a biological resource means the responsible use of such resources in a way, and at a rate, that:

- a) *does not contribute to the long-term decline of the resource in nature* ²
- b) *does not lead to the loss of biological diversity of the ecosystem of which it is a component* ¹
- c) *does not compromise ecological integrity or ecological resilience of the ecosystem of which it is a part or in which it is used, in the long-term* [The use secures ecological sustainability through ensuring ecological resilience and maintaining the integrity of natural capital, in that the use would not jeopardise the ecological integrity of the ecosystem in which it occurs ³, and disturbance to the ecosystem and loss of biodiversity are avoided, or minimised and remedied ⁴].
- d) *is humane, and does not compromise the wellbeing of any animal of a species of wild animal* [The use of animals shows respect and concern for individual animals ⁵, is humane, responsible, and justifiable ⁶, and considers their welfare and wellbeing⁷, and does not wantonly or unreasonably or negligently causing any unnecessary suffering to any animal⁸.]
- e) *serves in, or, is not detrimental to the public interest* [In that the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest⁹]

² As per existing NEMBA, and can be carried across for continuity: can be revised in the white paper if necessary.

³ NEMA: 2(4) (a) (vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised; and National Framework for Sustainable Development (People - Planet – Prosperity) (2008): maintaining the integrity of natural, financial and human capital, to ensure that economic and social development is reconciled with environmental protection.

⁴ NEMA: 2(4) (a) (i) that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;

⁵ National Society for the Prevention of Cruelty to Animals V Minister of Justice and Constitutional Development and another ZACC 46, note 58.

⁶ As per S24 (b) (iii).

⁷ As per Animals Protection Act, and NEMBA revisions.

⁸ Animals Protection 2(1)(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal.

⁹ NEMA: 2(4)(o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.

f) *considers the social, economic, and environmental impacts of activities collectively, including disadvantages and benefits, and* [The economic and social systems are embedded within the relevant ecological system¹⁰, and the economic, social, and environmental impacts of activities, including disadvantages and benefits, are collectively considered, assessed and evaluated, to ensure that economic and social development is reconciled with environmental protection¹¹.]

g) *ensures continued and future benefits that are fair, equitable and meet the needs and aspirations of present and future generations of people.* [Takes place within an integrated governance system and legitimate regulatory framework¹² that promotes the participation of all interested and affected parties¹³. Negative impacts on people's environmental rights be anticipated and prevented, or minimised and remedied¹⁴, and that the rights of the previously disadvantaged are protected and enhanced, foregrounding dignity, equality and redress, as imperatives that need to drive transformation of the sector¹⁵.such that the environment is protected for the benefit of present and future generations¹⁶]

¹⁰ NEMA: 2(4) (a) (ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied.

¹¹ National Framework for Sustainable Development (People - Planet – Prosperity) (2008).

¹² National Framework for Sustainable Development (People - Planet – Prosperity) (2008).

¹³ NEMA: 2(4) (f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.

¹⁴ NEMA: 2(4) (a) (viii) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

¹⁵ NEMA: 2(4) (d) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination.

¹⁶ Constitution of South Africa: S24 (b); and National Framework for Sustainable Development (People - Planet – Prosperity) (2008): sustainable development is based on two major premises – equity within generations and between generations.

5.4.3 Policy objectives and expected outcomes: (Table 1)

Table 1: Summary of Policy Objectives and expected outcomes

Policy Objective	Expected Output	Expected Outcome
Species management policy interventions:		
Immediately halt domestication and exploitation of lion, and close captive lion facilities.	Process for engagement of all stakeholders in the captive lion industry to mitigate impacts of closing down of the industry, with consideration given to the future employment of workers within the industry, and the expansion of the number and distribution of extensive wildlife systems containing free-roaming lions. Prohibition(s) promulgated ending the keeping, breeding, handling, and trade in captive lions and their parts and derivatives, and hunting of captive and captive bred lions. Process developed and implemented for an immediate end to breeding of captive lions, through a sterilisation process. Process developed and implemented for euthanasia of the captive lion population, including consideration of other exit strategy options.	Captive lion industry closed. Increase and expansion of extensive wildlife systems with free-roaming lions. Enhanced survival and conservation of wild lions Enhanced global reputation and stimulated ecotourism industry.
Reverse domestication and intensification of management of rhino.	Process for engagement and consultation with all stakeholders on the strategy for conservation of rhino, and phasing out of intensive management practices which compromise the conservation of rhino, with sensible solutions for implementation, including planning for safe reintroduction to the wild in South Africa and regionally.	Optimal conservation outcomes for captive and semi-intensive populations. Clarity and consensus on international trade in ivory and horn

	Provide clarity to the industry that CITES Captive Breeding Operation registrations, other forms of production, registrations for international trade under the CITES Regulations, CITES certification as captive specimens, and trade in horn from captive rhino, will not be officially supported/and or approved until the recommendations of Option 3 of the COI and Rhino Action Plan are fully addressed. Collectively crafted and implemented transition plan to continue strong protection of privately owned rhino with incentivisation support for owners, and mechanisms to develop and expand privately owned and partnership extensive wildlife areas for rhino conservation and sustainable use.	Expanded number, and area, of privately owned/partnership extensive wildlife areas with rhino. Prevent extinction of white rhino in the wild
To enhance the conservation and ecologically sustainable use of leopard.	Develop and implement an integrated, shared and strategic approach to leopard conservation and management. Develop and implement incentives for leopard conservation through <i>inter alia</i> leopard management zones on private and communal landscapes. Develop and implement Norms and Standards, and revised quota allocations, to enhance, broaden, and transform the hunting industry. Mainstream interventions for mitigating the creation of damage causing leopards, based on case study experience on the ground, to transition from DCA destruction to evidence based sustainable harvesting of leopard where appropriate. Implement mechanisms to work with traditional leaders and traditional healers to ensure access and promote benefits from leopard parts and derivatives e.g. skins, for traditional, cultural, and spiritual	Leopard population growth and range expansion Leopard conservation stimulates rural economy outside protected areas Leopard value-add sustainable harvesting replaces Damage Causing Animals Enhanced realisation of the contribution of leopard to cultural traditions and spirituality.

	needs, in a sustainable manner that enhances the dignity and freedoms required for such traditional practices.	
Trade related policy interventions:		
No ivory trade under current conditions	To adopt a position that South Africa will not submit an ivory trade proposal to CITES as long as current specified circumstances prevail. Develop and implement alternative benefit streams to international elephant ivory trade. Engage with stakeholders and elephant range states to build consensus for a global conservation and sustainable use approach to African elephant.	Clarity for planning around ivory stockpiles In long-term, global consensus to allow international trade in ivory.
No rhino horn trade under current conditions.	To adopt a position that South Africa will not propose or support amendments to the CITES appendices relating to South African rhino specimens. Develop and implement alternative benefit streams to international rhino horn trade, including engaging with private rhino owners to identify their key challenges, and how solutions to these can be supported. Urgently finalise the implementation of the Committee on Inquiry into Rhino's recommendation Option 3 in terms of trade in rhino horn. Facilitate full participation in a 2021 rhino population census. Ensure that horn stockpiles are adequately accounted for and secured.	Clarity for planning around rhino horn stockpiles In long-term, global consensus to allow international trade in rhino horn. Sustainable conservation plans for rhino under private and community, as well as state, ownership.

	Implement a process of engagement, inclusive of private rhino landowners, with rhino range states to develop a consensus on global conservation of rhino, and a range state consensus on whether and under what conditions international commercial trade in rhino horn would be acceptable, bearing in mind the Committee of Inquiry option 3 conditions for trade.	
Prevent live export ex situ of the iconic species.	Prohibitions promulgated for preventing the taking wild specimens into captivity for the five species, and preventing the export of specimens of the five species other than to range states for reintroduction into the wild.	Leadership for conserving the five species across their range.
Coherent ivory and horn stockpile management and disposal.	Initiate a consultation process with South Africa's SADC partners to determine whether and under what conditions stockpile disposal, and especially destruction of either ivory or rhino horn, is consistent with agreed regional protocols. Develop a consistent stockpile management and disposal policy after consultation with all interested and affected parties. Establish an expert task team to conduct a full risk, sensitivity and cost-benefit analysis of the potential impact of rhino horn and ivory stockpile destruction. Based on this study, if disposal is the adopted course, consider the option of marketing stockpiles of ivory and horn to international donors and philanthropists for appropriate disposal in South Africa.	Prevention of illegal trade in ivory and horn. Increased funds for conservation of elephant and rhino.
Conservation policy interventions:		

Increased wildness, naturalness, and wellbeing of fauna.	Protected area expansion through creating larger contiguous areas by dropping fences and creating corridors and thereby creating larger areas reducing the need for management interventions. Norms and Standards developed or revised for all five species, which include reducing the need for management of iconic species. Develop measures for a systems approach to elephant management as a national meta-population, giving specific attention to issues of concern within specific reserves, including approaches addressing increasing densities in small fenced reserves. The white paper on Conservation and Sustainable Use of Biological Resources will encapsulate this approach within future policy.	Enhanced sense of place and wildness of natural areas Expanded range and thriving populations of the five species
Adopt One Welfare approach	Include a One Welfare approach within the Biodiversity policy for the sector Incorporate humane and responsible standards and practices, including for animal welfare and wellbeing, into the ethos and regulation of wildlife management in South Africa. Test all legislation and practices for alignment with a One Welfare approach, and revised legislation and practice accordingly. Develop and implement minimum norms and standards for welfare and wellbeing of wildlife, defining terms such as "humane", and "responsible practices and procedures".	Biodiversity sector complies with s24 of the Constitution Strong global reputation for responsible and humane conservation and ecologically sustainable use of biodiversity

Reconceptualised protected areas	Develop and implement a Strategy and Action Plan for state and other protected areas to promote conservation scaling and enhance socio-economic outcomes. National Protected Area Expansion Strategy reviewed to enhance rationalisation and linkages. Review of existing institutional arrangements for state protected areas with a view to consolidating governance and operational costs. Revised approach by state agencies to partner with privately owned areas in a way that is more equal, balanced and promotes holistic outcomes. Revised approach to co-management arrangements with communities and arrangements for incorporation of community owned land. Develop and implement key mechanisms within the Bio-economy strategy to promote access and unlock benefit streams from Big 5 and other protected areas to adjacent communities, prioritising and broadening ecotourism access over current state monopoly within protected areas, with localised community-based wildlife economic value chains.	Expanded area under protection Improved governance and management of protected areas Step-change in bio-economy driven by state protected areas Meaningful community participation, influence and benefit
Conservation Transformation policy interventions:		
Transformative African approach to conservation and ecologically	Develop and implement an inclusive and meaningful sector participation framework for communities from designated groups and representative structures.	South Africa a world leader in modern conservation and sustainable use approaches

sustainable use, consistent with Ubuntu.	Through a consultative process, develop and implement guidelines for a modern, African approach to conservation of the iconic species, incorporating principles of Ubuntu and convivial conservation. Identify and implement mechanisms to ensure that traditional leaders, traditional healers, indigenous peoples, and local communities can access and derive benefits from iconic species, for traditional, cultural, and spiritual needs in a sustainable manner that enhance the dignity and freedoms required for such traditional practices.	A prosperous and equitable society living in harmony with our natural resources Traditions and cultures of South Africans are promoted and enhanced Dignity and respect of South Africa's traditional leaders, healers, and the rights of indigenous peoples and local communities in general are promoted
Enhance ecologically sustainable use, especially ecotourism and its benefit flows.	Enhance and update the approach to sustainable use, in line with the conceptualisation within this Policy Position. Thereafter, revise legislation, policy and practice to be consistent with the new definition and approach to sustainable use. Revise the National Bio-economy Strategy to emphasise the ecotourism component as most important, and more explicitly embed within Municipal IDPs and implementation plans. Identify key interventions that can enhance South Africa's international standing and reputation in terms of sustainable use of the five iconic species, such as certification systems, sector codes of conduct, norms and standards and guidelines for specific activities such as hunting and ecotourism.	Global leader in modern conservation and ecologically sustainable use approaches Growth in the ecotourism and responsible wild hunting economy

	Develop and implement Norms and Standards for responsible ecotourism in wildlife areas, including for mitigating the effects of ecotourism infrastructure and human behaviour on wellbeing of animals. Develop and implement a national responsible and sustainable hunting standard for the five iconic species, that addresses the ecological, economic and social aspects, inclusive of welfare considerations, emphasising the authentic wildness experience and that is humane, grounded in universally-shared ethical principles that promote conservation and rural livelihoods. Establish a mechanism/structure for ongoing technical, research, and business support to the wildlife sector, in particular to communities, SMMEs, and entrepreneurs to facilitate the growth of the wildlife economy and transformation.	
To promote and enhance human-wildlife co-existence, while empowering and capacitating people living with or near wildlife	Develop and implement a National Human-wildlife Coexistence Strategy. Develop and implement a systems approach to human-wildlife conflict, including innovative non-lethal measures that reduce risk and prevent damage, and that puts in place mechanisms to enhance benefit flows from dangerous species. Develop proactive Norms and Standards for damage-causing animals, which include national consistency in compensation for damage caused by damage-causing animals, and which empower and capacitate people living with wildlife, and that establish mechanisms for communities to directly benefit from the management of damage-causing animals, such as through localised SMMEs.	Wildlife shifts from conflict to co-existence, with community benefits.

	Revise Norms and Standards and Protected Area and Biodiversity Management Plans, and other legislation (e.g. NEMBA, TOPS Regulations, and provincial ordinances) to include outcomes for the strategy and systems approach.	
Conservation capacity policy interventions:		
Targeted capacity development	Develop and implement a Sector wide Human Capital and Environmental Skills Strategy to fill identified gaps, with consideration as to how the Biodiversity Human Capital Development Strategy (BHCDs) could support the wildlife sector as a component of the biodiversity sector. Prioritise and implement capacity development interventions that empower traditional communities within the wildlife sector. Prioritise and implement capacity development interventions through training, mentoring, upskilling of staff and workers in the sector. Capacitate Environmental Monitoring Inspectors for ensuring compliance with animal wellbeing. Capacitate SANBI to provide extension services, in partnership with Provinces, to the wildlife industry.	Improved capacity to govern and manage the wildlife sector Maximise benefit flows and socio-economic development of rural areas of South Africa Targeted capacity development for state, protected areas, and localised SMME value chains
Improve the evidence-base for best practice	Develop and implement a National Research Strategy, founded on the issues identified for the five species, but that takes an integrated approach, including integrating existing research strategies. Develop processes and mechanisms for critical monitoring, reporting and evaluation of wildlife data, including collection and integration of socio-economic data for the wildlife industry and related value-chains.	Unlock future potential and ecological sustainability

	Prioritise research to better understand socio-economic aspects and how to achieve a prosperous and equitable society living in harmony with our natural resources. Conduct adequate analysis of the dynamic social and economic aspects of ivory and rhino horn stockpile management and trade, including options to overcome existing conflicting perceptions of underlying facts relating to the situation. Initiate a long-term socio-economic cost-benefit and risk analysis of economic implications of different ivory trade and use options, including those that might involve ivory stockpiles. Due consideration to be given to perceptions and expectations of elephant custodians and local communities and equitable sharing of benefits and costs. Enhance extension capacity to translate learning into practical management implementation.	
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6 IMPLEMENTATION

An Implementation Framework is being developed in order to ensure that this policy position is translated into action. This includes incorporating key elements of implementation within the DFFE's Strategic Plan and Annual Performance Plans. Key elements prioritised include:

Develop and releasing this policy position for public consultation and implementation which will provide Sector clarity on policy positions for key biodiversity issues.

Revising and updating the draft White Paper on Conservation and Sustainable Use of Biological Resources which, will be subjected to consultation including Parliamentary process, to provide a clear vision and policy direction.

Reviewing of legislation to ensure resolution of key contentious issues in the Sector.

Developing, approving, and implementing a Communication and Stakeholder Engagement Plan to ensure effective buy-in and participation, and support from stakeholders including other government departments.

Implementing prioritised interventions, planned over the next three financial years to ensure that the spirit and intent of the goals and recommendations are maintained

It is noted that the development and implementation of the recommendations will require enhanced collaboration with other government departments and non-state actors.

7 GOVERNANCE

This policy position is aligned to section 24 which provides that everyone has the right to an environment that is not detrimental to his or her health or well-being, and to have the environment protected for the benefit of present and future generations.

The policy position takes cognisance of other legislation across sectors, at National and Provincial level, as well as international commitments and obligations.

The Department of Forestry, Fisheries and the Environment is mandated to propose policy on the environment. In terms of concurrent function, inter-governmental consultation is required for all policies and strategies.

8 POLICY MONITORING, EVALUATION AND REVIEW

The Policy Position will be reviewed within ten years after publication. This will provide for sufficient time for the policy objectives to have the intended effect on the outcomes.

9 CONCLUSION

This Policy Position provides a mechanism to create a new deal for our people based on the vision adopted and if successfully implemented, will greatly transform the wildlife sector, based on Big Five conservation and sustainable use. The three species management objectives will greatly improve their conservation and ecologically sustainable use. Importantly, those objectives reversing the domestication of lion and rhino will enhance their survival in the wild. The four trade objectives will provide clarity to all stakeholders in terms of their conservation and economic planning, in that trade in ivory and horn does not offer medium-term solutions. Importantly, the option of stockpile disposal may offer short-term benefits. The three conservation objectives will change the way we go about conserving and using our iconic species, leading to expansion of the protected area in South Africa and the range and populations of the iconic species. The three conservation transformation objectives will change the way we think about conservation, empower communities and establish meaningful access and benefit sharing for them, as well as providing solutions and options for human-wildlife co-existence. The changed approach will also completely reconfigure the land under conservation, greatly enhancing the socio-economic benefits to resource poor rural people, and boost the economic contribution to the national fiscus and GDP. Overall, these interventions will substantially contribute to South Africa's achievement of the NDP and the SDG goals, targets and other multilateral environmental commitments.

10 REFERENCES

ANNEXURE: Costed Implementation Plan with responsible implementers and quality assured SEIAS reports.

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