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The Director-General:
Department of Forestry, Fisheries and the Environment
Attention: Dr. Kiruben Naicker
Private Bag X447
Pretoria
0001
South Africa

26 July 2021

Dear Dr. Kiruben Naicker,

**'Draft Policy Position on the Conservation and Ecologically Sustainable Use of
Elephant, Lion, Leopard and Rhinoceros'**

Please find attached below a submission as requested in Government Notice 566 of 2021 *"Comments invited on the draft policy position on the conservation and ecologically Sustainable Use of elephant, lion, leopard and rhinoceros"* as notified in Government Gazette, Vol. 672, No. 44776, Department of Forestry, Fisheries and the Environment (DFFE), dated 28 June 2021.

Please find International Wildlife Bond's (IWB's) submission here within (submitted by e-mail to knaicker@environment.gov.za).

Yours sincerely,

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**‘Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant,
Lion, Leopard and Rhinoceros’**

Table of Contents

1	Introduction.....	4
2	Captive Lion	8
3	Captive Rhino.....	13
3.1	Rhino Horn Trade.....	14
4	Leopard Conservation and Use	17
5	Elephant	19
5.1	Elephant Trophy Hunting	19
5.2	Elephant Ivory Trade	20
6	Live Trade	22
7	Stockpiles.....	23
7.1	NGOs and Philanthropists Willing to Buy Stockpiled Horn and Ivory	23
8	Wildness.....	26
9	One Welfare	27
9.1	One Welfare and Trophy Hunting	28
10	Reconceptualised Protected Areas	30
11	Transformative African Approach	31
12	Ecologically Sustainable Use – Tourism and Hunting	32
12.1	“Responsible hunting”	32
13	Human-Wildlife Conflict	34
14	Conservation Capacity Policy Interventions	35
14.1	Human Capital Development.....	35
14.2	Research.....	35
15	Strategic Linkages	37
16	Theory of Change, Policy Objectives and Expected Outcomes	38
16.1	Contextualised Sustainable Use of Biological Resources	38



“Embracing Innovation to Conserve the World's Animal Kingdom.”

16.2	Expanded Definition of Sustainable Use of Biological Resources.....	39
17	Implementation	43
18	Governance	43
19	Policy Monitoring, Evaluation and Review.....	43
20	Conclusions	45
21	Bibliography	47



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1 Introduction

Clearly the issues raised within the call for submissions to *“the Advisory Committee (High-Level Panel [(HLP)])”* (Government Gazette, No. 43173, Department: Environmental Affairs (DEA), dated 27 March 2020) has highlighted many negative issues regarding *“existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros.”*

The resulting draft policy position (the *“draft policy”*) on the *“conservation and ecologically Sustainable Use of elephant, lion, leopard and rhinoceros”* (as notified in Government Gazette, Vol. 672, No. 44776, Department of Forestry, Fisheries and the Environment (DFFE), dated 28 June 2021) raises many issues that are not limited to the species covered within this draft policy.

Therefore, the statement in the draft policy (at page 13) that *“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”* is welcomed and requires urgent attention, for reasons pointed out within this submission. For example, the cruel exploitation acknowledged as detrimental to South Africa’s reputation within the draft policy (ref para 5.2.1.1, *“Captive lion”*) is inherent within the captive lion industry but also applies to other big cat species exploited within the very same captive lion industry – namely tigers, leopards, cheetahs etc and commercially motivated cross-breeds (eg. lions and tigers- ‘ligers’). There is the obvious risk that the draft policy’s welcomed acknowledgement that the captive breeding of lions is detrimental and must be phased out. But that stance should also urgently address the need to prevent the same exploiters not turning their focus to further exploit other species and cross-bred species the draft policy does not highlight, thus perpetuating the captive lion industry’s detrimental impact on South Africa’s reputation.

The draft policy states (page 6, policy intervention (4)) to seek to *“re-position South Africa as a destination of choice for legal, humane, regulated and responsible hunting of the 5 iconic species”* – this definition lacks clarity (what is *“responsible hunting?”* – ref 12.1 of this submission) and contradicts any *“One Welfare”* approach to every individual animal’s wellbeing, another stated intervention ambition (draft policy, page 6, policy intervention (3)).

The draft policy’s continued utilisation of elephants and leopards as hunting trophies also lacks any meaningful justification/explanation when the realities of that attrition are taken into focus and weighed against the available science, or lack thereof to support such



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continued attrition in the name of 'sport' and commercial hunting business. For example, the draft policy states that leopards are *"an important component of international hunting packages"* – as if that is a justification for killing leopards that needs no further explanation, when the justification clearly needs to be backed by science that species populations are not detrimentally harmed or put at risk, which is not the case (reference para 4 of this submission, *"Leopard Conservation and Use"*). Or, that elephants can continue to be extracted from the protection of Kruger Park to be trophy hunted, seemingly in contravention of Protected Areas Act, 57 of 2003 (as amended by Act 31 of 2004) (reference para 5.1 of this submission, *"Elephant Trophy Hunting"*) and when continent wide elephant conservation is imperative.

The reliance on a strategy that an ethos of *"responsible hunting"* (whatever that means) will somehow raise South Africa's profile to non-hunting enthusiasts also defies trends:

- 1) Trophy hunting participation is on the decline, despite efforts to encourage younger generations/families to indulge:

"In South Africa the number of foreign hunters dropped from 16,594 in 2008 to 6,539 in 2016, in other words a decrease of 60.5% in 8 years. Since there are 9,000 hunting game farms in South Africa, that total does not even represent one hunter per game farm per year. Some game farms have started to get rid of their game and return to cattle breeding"

"The phenomenon that wildlife conservation cannot be self-financed through a consumptive activity is also confirmed by some of the best specialists in this consumptive wildlife management. Thus, in 2011, Peter Flack, currently one of the leading authors on hunting and a defender of hunting and game farms, published a study entitled, "The South African conservation success story." However, in 2018 he wrote in his blog that after a 50% decrease in the number of foreign hunters in just a few years, many game farmers were killing their wild animals and replacing them with cattle, given the poor economic situation of the game farming sector" – [IUCN 2019 \(Chardonnet\)](#)

- 2) There is increasing public revulsion and rejection of trophy hunting and its claims as morally and ethically acceptable in today's society:

"An opinion poll by Survation conducted in March this year showed that 89 per cent of Conservative supporters want a total ban on all trophies being brought back into Britain. The figure is higher than that for supporters of the Labour Party. The same



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proportion of Conservatives polled by Survation said they believed such a ban should be implemented "as soon as possible" - [Conservative Home](#), Stanley Johnson and Edurado Gonçalves, 1 July 2021

The majority of trophy hunters are not motivated by concerns for animal suffering and/or conservation it would seem, but are motivated by the thrills of killing for killings sake and self-glorification. One only has to [read of the pleasure derived by those that kill animals for fun](#) to see that any claims trophy hunters and their advocates make to try and dominate the moral high-ground ('conservation', 'community benefits' etc.) is a disingenuous façade - the hunter's motivation is the kill/trophy.

Regardless of efforts to clean-up trophy hunting's image with *"responsible hunting"* and *"responsible practices,"* the trophy hunting market is declining and potentially untenable – where any efforts at reform have failed in the past and are likely to fail in the future. Trophy hunting is and will remain for the foreseeable future, incompatible with the majority of the global populations' expectations when considering how wildlife should be treated and protected.

It is welcomed that the draft policy states (para 5.4.3, *"Policy objectives and expected outcomes"*) an intention to *"reverse domestication and intensification of management of rhino"* with a desire to safely reintroduce captive stock into the wild within South Africa and regionally. In the meantime, official support for international rhino trade proposals and live specimen exports is withdrawn. Of course, any re-wilding programme will require mutual consent of private rhino owners and significant funding (from a source as yet unidentified). However, there is a risk in the immediate future, that rhino owners previously intent on the speculative rewards that would be derived from legal international rhino horn trade mechanism may resort to a rapid sale of their stock for hunting trophies, with the obvious risk that these will be contrived hunts merely to obtain rhino horn (ie. pseudo hunting). How will this be guarded against?

On the issue of elephant rhino/ivory and stockpiles, the draft policy also proposes to hold station until conditions are perhaps met and *"In the long-term, global consensus to allow international trade in rhino horn" and/or "ivory"* (ie. draft policy, para 5.4.2, *"Policy objectives and expected outcomes," "Expected Outcome,"* page 36). This message will mean stockpiles continue to be held and potentially expanded (by legal and illicit means) in the speculative hope that international trade in rhino horn and/or ivory might one day be legally sanctioned. History has shown, that [sanctioned sales of ivory](#) (for example) did not benefit conservation, but funds so derived were diverted elsewhere (reference para 5.2 of this submission, *"Elephant Ivory Trade"*).



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In the meantime, the draft policy (para 5.2.2.4, “Stockpiles”) suggests that *“Communities have identified the positive impact of sales of stockpiles, and there is global interest from NGOs’ and philanthropists willing to buy stockpiles horn and ivory in order to then have these destroyed.”* This is explored at para 7.1 of this submission, *“NGOs and philanthropists willing to buy stockpiled horn and ivory,”* with the conclusion that such a market so contrived, could potentially perpetuate the commodification and speculative exploitation of rhino horn and ivory.



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2 Captive Lion

The statement given at para 5.2.1.1, “*Captive lion*” of the draft policy is warmly welcomed – indeed, the existence of the captive lion industry has demeaned South Africa’s reputation for decades and shames humanity. The bottom line is, the captive lion industry should never have been sanctioned and unleashed in the first place by South African authorities if any notion of the precautionary principle had been applied.

The excuse that the current ‘legal’ lion bone trade must be maintained because if it is shut down it could threaten wild lion populations is a potential self-fulfilling prophecy – if a legal trade could result in threats to wild lion populations (due to market stimulation), then a legal lion bone trade should never have been unleashed in the first. Instead, the opposite of the precautionary principle is being promoted in the continued argument for the legal lion bone trade to be perpetuated ([Daily Maverick](#), July 2021), because of the very risks the legal trade itself set in motion (reference [IWB’s HLP Submission](#), para 9.4, “*The ‘Buffer’ Theory*”).

There are a number of potential pitfalls that those that continue to advocate for the captive lion industry and lion bone trade wish to perpetuate which must be guarded against:

- a) The perverse practices inherent within the captive lion industry also apply to other big cat and other species exploited within the very same captive lion industry – namely tigers, leopards, cheetahs etc and commercially motivated cross-breeds (eg. lions and tigers - ‘ligers’). There is the obvious risk that the draft policy’s welcomed acknowledgement that the captive breeding of lions is detrimental must also urgently address the need for the same exploiters to not turn their focus to further exploiting other species and cross-bred species the draft policy does not highlight, thus perpetuating the captive lion industry’s detrimental impact on South Africa’s reputation;
- b) There is the risk that any rebranding of captive bred (lion or otherwise) stock to ‘ranch’ stock will allow the same abuses to continue under a thin veil of disguise, that in reality should not fool anybody;
- c) There is the risk that any notion of “*responsible hunting*” of lions ‘ranch,’ ‘wild-managed’ etc. opens up the risk of “*pseudo-hunting*” to obtain derivative products,



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such a lion bones, skeletons, teeth, claws etc., whereby pseudo-hunting (reference [IWB's HLP Submission](#), para 6.1.1, "Pseudo Hunting") is defined as:

'Pseudo hunting' is used under the guise of trophy hunting to obtain wildlife commodities (such as rhino horn, but extends to ivory from elephants, hippopotamus (ivory) and other species, such as lions for their skeletons to supply the lion bone trade etc.) by deception, by exploiting the leeway given to 'legal' trophy hunting.

"'Pseudo-hunting' is the practice whereby supposed trophy hunters either need to be told how to shoot or leave the actual shooting to an accompanying Professional Hunter or land owner, a practice that is illegal in South Africa" – Endangered Wildlife Trust

It should be borne in mind that anyone can declare themselves a trophy hunter and 'legally' seek to kill a target animal with the intention of obtaining certain body parts for commercial gain (by illegally selling on the commodities obtained once the trophy has been successfully imported in to say Vietnam).

- d) There is the risk that captive bred stock will continue to be slaughtered in defiance of any draft policy interventions that are turned into binding legislation, the captive lion trade will illicitly continue with smuggled lion bones to known Asian markets:

Within the conclusions at paragraph 6.1 of the "[South African Lion Bone Trade – Report for the South African National Biodiversity Institute \(SANBI\)](#)" (November 2017), the authors exposed the lion breeders' true intent and motivations to profit regardless of any legal mechanism for a lion bone trade – the majority of captive lion breeder respondents expressed a willingness to utilise illicit means to profit if a 'legal' mechanism is denied to them:

"The fact that a large proportion of survey respondents have stated that they will seek 'other markets' [if no 'legal' quota is available] for lion bones should be of concern.

This willingness for lion breeders (and rhino horn suppliers) to act illicitly has been recently evidenced ([Cōng An, July 2021](#)) with [a reported](#) "Three tons of lion bones from South Africa and 138kg of rhino horn seized in Vietnam," the illicit shipment being disguised (unsuccessfully) as 'wood.'



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- e) There is the risk that captive lion stock will be exported as live specimens under the pretext of for non-commercial “*scientific research, captive breeding, public exhibition or performances, heritage conservation or other special purposes*” (China’s Wildlife Protection Law loop-hole) and “[appropriate and acceptable destinations](#)” (CITES ‘subjective’ and opaque definition), when in reality such live specimen exports are fraudulently orchestrated to circumvent CITES restrictions with the export to supply commercial zoos, breeding facilities in China and for TM production and/or that supply international vivisection laboratories.

The live exports from South Africa includes chimpanzees, tigers, servals and caracals, giraffes, lions, hippos, rhinos, African wild dogs - and marmosets - “[Breaking Point: Uncovering South Africa’s Shameful Live Wildlife Trade with China](#),” EMS Foundation and Ban Animal Trading report, 18 May 2020.

- f) There is the risk perpetuated by Dickman and ‘t Sas-Rolfes within the [Global Initiative Bulletin, July 2021](#) that the draft policy’s (para 5.4.3, “*Policy objectives and expected outcomes*”) ambition to “*Immediately halt domestication and exploitation of lion, and close captive facilities*” will lead to more wild lions being poached to meet demand. Dickman and ‘t Sas-Rolfes do not believe that South Africa’s lion bone trade has led to the expansion of lion poaching within South Africa and/or surrounding range states, though Dickman (director of the Ruaha Carnivore Project, Tanzania) acknowledges within the [referenced bulletin](#) that although her project has not identified any negative trends within data from Tanzania, “*trends in different lion ranges may be very different.*”

In 2017 (“[South African Lion Bone Trade – Report for the South African National Biodiversity Institute \(SANBI\)](#)”) Williams and ‘t Sas-Rolfes confirmed the there is indeed “*sufficient reason to believe that some consignments had more bones than allowed by the [CITES] permits.*” EMS Foundation & Ban Animal Trading, 2018 (“[The Extinction Business - South Africa's lion bone trade](#)”) findings showed an average weight per exported skeleton of between 11-30 kg, whereas a full lion skeleton weights on average only 9 kg. One consignment of 71 lion skeletons weighted 1,580 kg or an average of 22 kg per skeleton. So, it is acknowledged that the legal trade was smuggling lion bones of unknown origin, potentially poached.



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Dickman and 't Sas-Rolfes' current ([Global Initiative Bulletin, July 2021](#)) opinions are clearly countered by others with direct field experience in differing range states familiar with the nuances of the demand/supply dynamics:

“Rademeyer, CEO of the Zambian non-profit organization Wildlife Crime Prevention, this parallel trade takes place in multiple forms including “lion cake” – a preparation of boiled down and compressed lion bone for medicinal use, which could be more difficult to track than the bones themselves.”

“A key piece of evidence in this debate is a [2019 study of lion killings](#) in Limpopo National Park, Mozambique, which neighbours South Africa's Kruger National Park. The study found that the targeted poaching of lions for body parts accounted for 61% of lion mortalities between 2011 and 2018.

It looked like it was coinciding with South Africa's legal export of body parts, because of its geographic nature and the fact that it was right next door to South Africa,” said Kristoffer Everatt, project manager for the Lion Program at Panthera, the global wild cat conservation organisation, and an author of the study. According to Everatt, perceptions shifted in the Limpopo area around 2013-2014, from lion bones being a comparatively “worthless” commodity, to parts such as bones, teeth and claws suddenly being perceived as high value.

Further analysis by Panthera has compared rates of poaching in Limpopo to the number of lion export permits issued per year in South Africa. “The patterns there were just so similar. I have to believe there's a link,” said Paul Funston, Lion Program Senior Director at Panthera, though acknowledging that it is difficult to prove this link statistically” - [Daily Maverick](#), 11 July 2021

All seem to agree that defining the motivations for any given lion found (and one can only assume many killed lions are never found/reported) in any range state and identified as ‘poached’ is relatively subjective “and therefore measuring whether it [lion poaching] is on the rise – more complicated than people usually imagine” - [Daily Maverick](#), 11 July 2021

- g) There is the risk that CITES decides (by consensus) to withdraw the 2016 “Annual export quotas for trade in bones, bone pieces, bone products, claws, skeletons, skulls and teeth for commercial purposes, derived from captive breeding operations in South Africa” as a result of detrimental impacts ([Everatt et al. 2019](#)) on wild lion populations. Therefore, a pre-emptive commitment to an exit strategy (as given within the draft policy) for the captive lion breeding industry/lion bone trade



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becomes *fait accompli* and any objections to ending legal lion bone trading mechanisms are moot/irrelevant.



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3 Captive Rhino

The statement given with the draft policy (para 5.2.1.2, "*Captive rhino*") that the "*sustained use of intensive management practices compromises this [conservation value and replenishing depleted wild populations], and it is desirable to move them out of deemed captive breeding situations and back into accepted or wild conditions as soon as practically possible*" is welcomed.

How this policy is achieved in practice is obviously key to the draft policy's stated desire to enhance South Africa's image as a desirable wildlife destination. The definition of "*accepted or wild conditions*" (within South Africa and regionally), how rhinoceros currently held in privately owned, synthetic enclosures can be liberated to such habitat/conditions, how such liberated rhinoceros can be maintained in perpetuity (and at whose expense?) will be South Africa's defining legacy with regard to rhinoceros.

Of course, many privately held rhino have been bred in the speculative hope that international trade in rhinoceros' horn, and/or live specimen transfers/sales, trophy/pseudo hunting etc. was an assumed, guaranteed pay-back – which looks an increasingly unlikely outcome in reality with the withdrawal of official support seeking legal international rhino horn trade and live specimen exports (draft policy, para 5.4.3, "*Policy objectives and expected outcomes*," page 35). Therefore, liberating (by mutual consent) rhinoceros previously held as a commodity driven revenue stream will no doubt require negotiations, compensation and long-term funding.

However, time is of the essence because now that the prospect of commercial incentives based upon rhino horn and live specimen sales has been curtailed for the foreseeable future, then some less scrupulous private rhino owners may take it upon themselves to slaughter their rhino stock in some kind of protest – of course, this would not help promote South Africa as a "*responsible practice*" wildlife destination.

Or, there could be a 'fire-sale' trophy hunting (eg. pseudo-hunting to obtain rhino horn) bonanza of captive rhinoceros stock within South Africa (Note: There is 'legal' trophy hunting of white rhinoceros in South Africa, with no publicly given quota set. Black rhinoceros 'legal' trophy hunting is set at 0.5% of South Africa's wild black rhino population when slaughtered as a hunting trophy). Again, a mass culling of captive rhino stock as trophies and/or to obtain



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rhino horn is unlikely to help promote South Africa as a *"responsible practice"* wildlife destination.

3.1 Rhino Horn Trade

The draft policy states (para 5.2.1.2, *"Captive rhino"*) that a *"captive [rhino] horn trade"* prior to certain conditions (reference *"Commission of Inquiry Option 3"*) being met could have negative wild species' conservation results and jeopardise any future *"legal trade in wild rhino horn, including from stockpiles"* – thus perpetuating a speculative hope that once certain conditions prevail, that one day international trade in rhino horn may emerge thanks to gathering *"the long term, global consensus to allow international trade in rhino horn"* (draft policy, para 5.4.3, *"Policy objectives and expected outcomes"* page 36). This is contradictory messaging, which makes a clear one-way path from the current impasse opaque.

There is no evidence that any captive/wild rhino horn supply mechanism can meet demand (the demand is potentially unbounded/unknown – reference *"IWB's HLP Submission,"* para 11.3.3, *"Can Harvested Rhino Horn Meet Demand if Rhino Horn is 'Destigmatised'?"*). Therefore, perpetuating speculative rhino horn trading in any form undermines demand reduction incentives and offers a conflicted policy position – that rhino horn stockpiles (whether private and declared, State or illicit) remain of value in the speculative hope of future trade, therefore perpetuating stockpiles being hoarded, expanded and potentially undeclared (ie. poached source) in anticipation of lucrative international trade in rhino horn at some future date.

The statement (draft policy, para 5.4.3, *"Policy objectives and expected outcomes"* page 36) that *"South Africa will not propose or support amendments to the CITES appendices relating to South African rhino specimens"* is welcomed, which effectively negates the conflicted elements given in the September 2019 [Notice 1105](#) *"to publish non-detriment findings [(NDF)] for Ceratotherium simum simum (white rhinoceros) made by the Scientific Authority"* and the recommendation to explore rhino horn trade *"for primarily non-commercial"* purposes – this was clearly a flawed attempt to circumvent CITES' 1995 ban on international rhino horn trade (reference [IWB's HLP Submission](#), Appendix 3)



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However, there is no recommendation within the draft policy to close off South Africa’s own domestic rhino horn trade, which is known to feed illicit activity (Reference [IWB’s HLP Submission](#), para 11.3.1, “*Domestic Rhino Horn Trade*”).

On 26 November 2015, High Court of South Africa, Gauteng Division, Pretoria ([Case No. 57221/12](#)) ‘approved’ a technical challenge by two rhino farmers (John Hume and Johan Kruger) to sell their stockpiles of ‘harvested’ rhino horn, overturning a 2009 moratorium on such domestic trade set by the Minister of Water and Environmental Affairs.

The 2009 moratorium was overturned in the High Court in 2015 on a “*technicality*” - that rhino breeders had not been consulted prior to the moratorium being enacted, the moratorium had not been well advertised to the public, with the moratorium therefore lacking pre-requisite ‘public consultation.’

Initially, the High Court’s 26 November 2015 ruling was challenged by South Africa’s own DEA, but the DEA (and subsequent department iterations) have since failed to try and curtail the domestic rhino horn trade, or back ‘public consultation’ on the need to re-instate the moratorium on the domestic rhino horn trade:

“After defending the ban [moratorium on domestic trade] through all the legal processes it remains unclear why the DEA did not attempt to re-advertise its intention to ban the domestic trade in rhino horn with required notice period and circulation of information.

Instead, the DEA, under the leadership of Minister Molewa, chose to focus on developing new legislation which included setting out the requirements for the domestic sales of rhino horn. Numerous organizations in South Africa and internationally appealed against this decision.

A Committee of Inquiry was appointed by the DEA and tasked with producing a report on the viability of the domestic rhino horn trade in South Africa. Apparently, the full report was completed in 2016 but only a summary report has ever been made available. We would appreciate access to full report in order for us to understand and evaluate the COI’s findings” – Wildlife Animal Protection Forum South Africa, 2019 - [“Their Future is Dark - The Rhino Horn Trade”](#)



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An April 2020 paper published in the *“European Journal of Law and Economic”* (Collins et al. 2020 -[“On the judicial annulment of the ‘domestic’ trade moratorium in South African rhinoceros horn: a law and economics perspective”](#)) argues that:

- *“.....institutional contradictions have been engendered by the South African High Court ruling in Kruger and another v Minister of Water and Environmental Affairs and others [2015] JOL 34725, whose assumptions are shown to be highly restrictive and seemingly poorly informed about the true nature of demand for rhino horn and the dynamics of poaching;*
- *The shortcoming in the legal decision-making pertains to not taking account of the absence of any evidence for the existence of domestic demand for rhino horns in South Africa;*
- *The key arguments presented herein align with support for the reinstatement of the rhino horn trade moratorium, as well as administrative measures implemented effectively to contain the poaching crisis”*

As previously recommended (reference [IWB’s HLP Submission](#), para 11.3.1, *“Domestic Rhino Horn Trade”*), in order to comply with [CITES Decision 18.116](#) the DFFE should prepare a challenge to the 2015 [judgement](#) and aim to reinstate the moratorium on the domestic rhino horn trade and its illicit activities – taking that position to an overdue public consultation.

With the draft policy’s stated position on not pursuing a legal international rhino horn trade for the foreseeable future, then I would suggest that the abuse of the pre-existing South African domestic rhino horn trade for illicit purposes is only likely to increase (but this should not be misconstrued as giving reason for any legal international trade in rhino horn being pursued).



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4 Leopard Conservation and Use

The draft policy (para 5.2.1.3, *"Leopard conservation and use"*) states that leopards *"are an important component of international hunting packages, making such packages internationally competitive."* In other words, trophy hunters want to shoot leopards dead and therefore, hunting outfitters 'need' to offer leopards as trophies. These are marketing/commercial arguments, with no stated conservation and/or species' benefits either proffered or cited. Which begs the question, from a conservation/ecological standpoint, so what if leopards are self-declared to be *"an important component of international hunting packages"* to satisfy international trophy hunters' desires and hunting operators' commercial gain? If the stated draft policy objective is to enhance South Africa reputation as a responsible hunting destination, where is the evidence/science to support the conservation need to trophy hunt leopards?

Regardless of whether landowners choose to act outside of the law and persecute leopards regardless is a poor reason to 'value' leopards as a hunting trophy and somehow pretend that will provide any positive conservation outcomes. Perpetuating this approach appears weak and unimaginative and does nothing to enhance the likelihood of meaningful, long-term leopard conservation.

As previously stated/identified ([IWB's HLP Submission](#), para 10.2, *"Leopard Trophy Hunting and Leopard Skins"*) there are long-term, negative genetic costs with exploitation-driven changes in targeted leopard populations (poaching, retaliatory conflict killings of 'problem animals' and [poorly regulated trophy hunting](#)) in the behaviour of leopards ([Naude et al. 2020](#)). There is nothing in the draft policy that addresses this in any new, or meaningful way that will change the trajectory of the resulting negative dynamic for the better in the short, medium or long-term.

The draft policy states *"Leopard skins have an important traditional and religious use"* which again, from an ecological/conservation standpoint begs the question so what?

On the issue of leopard skins traditional importance and leopard hunting, I will refer to the answers given to the HLP's supplementary questions ([HLP Questions, 20 October 2020](#)):

Q. *"In the agricultural production areas, specifically for livestock, there are an increase in "prey populations" with the establishment and farming for food production. Example, sheep farming in the eastern and western Cape. With*



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increased prey populations the predator populations also increase. A similar situation occurs in rural areas where communities’ livestock are killed by leopard. Following on this, the Panel has been informed that where farmers do not see a value in leopards, they may just be killed without anyone even knowing. What is your proposal on dealing with the challenge where predators, including leopard kill domestic stock? Taking into consideration that government resources for regulation and the practicalities in the case of leopard are very challenging?”

A. *“Leopards don't distinguish between prey that has been produced by agricultural endeavours and wild prey....the persecution of leopards for being leopards is arbitrary, secretive and illicit. To protect the leopards from such arbitrary slaughter and give the species 'value' in the minds of the farmers, then a government backed compensation scheme for loss of livestock would be a means to appease farmers, provide leopards with theoretically improved chances of survival. The continuation of the farmers' 'shoot, shovel and shut-up' approach to leopards serves only to undermine the species' chances of survival when faced with many threats such as habitat and prey base loss, climate change and hunting attrition.”*

Q. “You state in your submission that- “hunting trophy (including leopard skins) should be discarded/curtailed as likely to be detrimental to the species’ survival in the absence of rigorous population data and/or scientific quota setting”. Where there are robust scientific data indicating that a responsible quota for hunting can be allowed, would you support such hunting if done responsibly?”

A. *“The manufacture of "robust scientific data" is a myth, when leopard population numbers are a complete unknow (and this lack of base data has been clearly admitted by SCI etc. - as referenced in [IWB’s HLP submission, Para. 10.2, Page 169 – 171](#)). Therefore, any notion of a “responsible quota” (which no doubt would lead to illicit trade infiltration) is a delusion so leopards can be killed and skinned remains abhorrent. The notion that such ‘trade’ would give all leopards value and thereby somehow by default end the farmers’ persecution of the species is an unproven theory that has not been borne out by past evidence (the ‘legal’ trophy hunting ‘value’ of leopards/skin trade is not guaranteed to stop leopards being killed in retaliation for livestock predation).”*



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5 Elephant

5.1 Elephant Trophy Hunting

The question of elephant trophy hunting is not specifically addressed within the draft policy. As stated within IWB's submission to the HLP consultation process (para 8.1.1, "[Elephant Trophy Hunting in South Africa](#)"), South Africa has an elephant hunting quota of 150 elephants per annum, with most of the trophy hunting attrition conducted within Associated Private Nature Reserves (APNR) alongside Kruger Park.

So, elephants (national assets) are moved from the protection of Kruger Park to be trophy hunted, apparently to raise much needed funds for 'conservation' and 'local communities.' It should be noted that the Protected Areas Act, 57 of 2003 (as amended by Act 31 of 2004), prohibits certain 'extractive activities' in national parks, including hunting. Therefore, it [has been suggested](#) that the fulfilment of this mandate is being contravened by Kruger Park's custodians, SANParks by allowing animals to be shot in areas which, as tourist operators, some hunters and SANParks themselves advertise, are part of an unfenced natural area which forms the Greater Kruger National Park:

"Animal Rights Africa has attempted to get clarity from SANParks on this issue but has been met with incomplete and inadequate answers and referrals to provincial authorities. If the Government approves of the hunting of animals that cross from Kruger into provincial and private reserves they should proudly say so publicly – in other words Government must tell South Africa and the world that they do not mind if national assets are killed for the enrichment of a few hunting outfitters and entertainment of a handful of rich foreigners" – [Animal Rights Africa, 2010](#)

Therefore, it remains a matter of clear dispute that the movement of elephant from the protection of Kruger Park to be trophy hunted in areas is lawful, and serves any purpose other than to "*fund the leisure lifestyles of a group of mainly white landowners with scant benefit to bordering communities*" - [Pinnock 2020](#)

The draft policy has failed to address this obvious dichotomy, or the continent wide perils the species faces.

The wild African elephant population is perhaps less than 400,000 ([Chase et al. 2016](#)) across the entire continent. This population is insufficient to reproduce and sustain that population



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level ([Chase et al. 2016](#)) whilst subject to the scourge of poaching for ivory (an estimated 30,000 elephants a year are slaughtered ([Chase et al. 2016](#))), human-wildlife conflict and trophy hunting attrition. Therefore, without intervention, the African elephant population is doomed to carry on declining towards extinction in the wild.

5.2 Elephant Ivory Trade

The draft policy states (para 5.2.2.1) that that a legal ivory trade *"could provide substantial income and benefit flows to support conservation and security costs."* There have been sanctioned sales from South African ivory stockpiles during CITES' ban on international ivory trading, as stated previously ([IWB's HLP Submission](#), para 8.3.1, *"Elephant Ivory Demand Management and Regulatory Failure"*). But none of the income derived went into supporting conservation and security costs apparently, so it would seem naïve to assume any such legally sanctioned future income from trade in ivory would go *"to support conservation and security costs"* either.

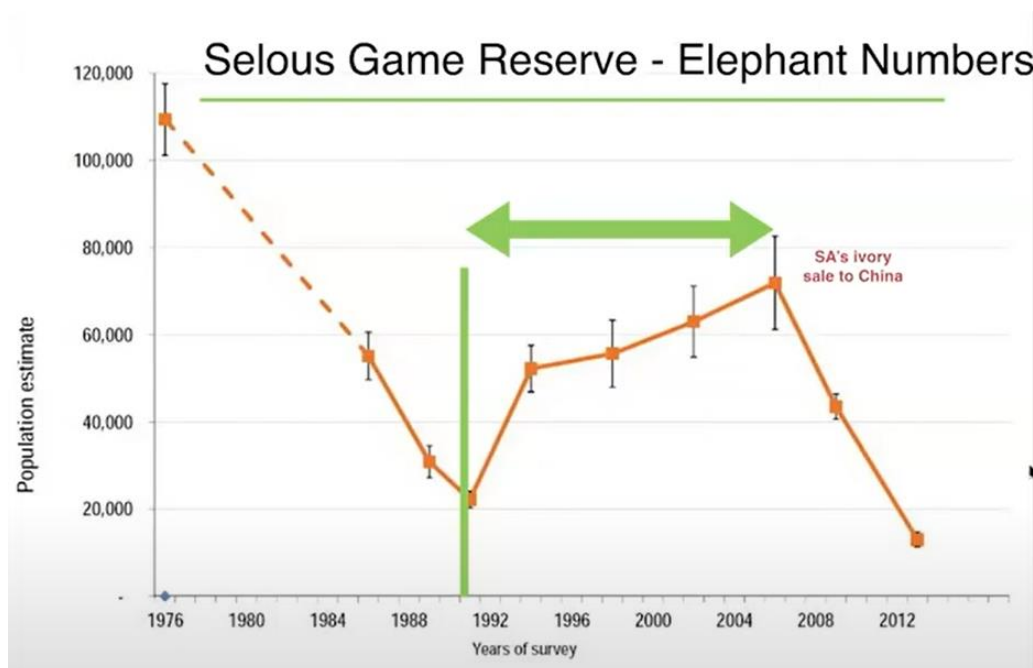


Figure 1 - The elephant population in the Selous Game Reserve grew after the CITES international trade ban on ivory in 1989, but poaching took a heavy toll in direct response to South Africa's ill-advised sanctioned sales of ivory stockpiles in 2008 ([Bell 2020](#))



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To reiterate, in 2008 (to "quell" demand and "reduce prices") CITES once more blessed 'stockpiles' of ivory for export, including South Africa which reportedly sold 47,000kg of ivory, at a value of \$157 a kilogram, to the Chinese and Japanese governments. However, the funds so raised in South Africa were [reportedly misappropriated](#), when CITES only allowed the trade under the condition that the money was guaranteed be ring-fenced and ploughed back into conservation – the conservation benefits derived remain opaque.

The message was clearly given in the lead up to 2008 that the ivory trading game was really back-on - elephant poaching rose (*Figure 1*) in response wiping out some 60,000 elephants in 6 years.

Since 2008, ivory demand and prices paid rose exponentially (the price of ivory rose from USD \$5/kg in 1989 to a wholesale price of USD \$2,100/kg in China by 2014), with poaching stimulated to the point that in 2012, some [600 elephants were illegally massacred in just two to three months in Cameroon's Bouba Ndjida National Park](#).

The recent clampdown on ivory carving factories in China has significantly lowered the price demanded for ivory. The price of raw ivory [dropped](#) between 2014 (\$2,100/kg) and 2017 (to \$700/kg). This decline in raw ivory prices was likely [in response](#) to the Chinese ban, but the pressure applied to the criminal syndicates' margins has not fully crushed on-going poaching of wild elephants to still profit from demand and speculative stockpiling:

"Even with the price coming down, there's still a heck of a lot of poaching going on," Douglas-Hamilton ([Save the Elephants](#)) said. "It's important prices have come down but it hasn't killed the trade, we're not out of the woods yet" - [Story behind China ivory ban](#), The Guardian, 29 August 2017

Therefore, one can only conclude that legal ivory trading (by past experience) does not enhance the species' conservation.



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6 Live Trade

There is the risk that any stock exported as live specimens under the pretext of for non-commercial “*scientific research, captive breeding, public exhibition or performances, heritage conservation or other special purposes*” (China’s Wildlife Protection Law loop-hole) and “*appropriate and acceptable destinations*” (CITES ‘subjective’ and opaque definition), when in reality such live specimen exports are fraudulently orchestrated to circumvent CITES restrictions with the export to supply commercial zoos, breeding facilities in China and for TM production and/or that supply international vivisection laboratories.

The live exports from South Africa includes chimpanzees, tigers, servals and caracals, giraffes, lions, hippos, rhinos, African wild dogs - and marmosets - “*Breaking Point: Uncovering South Africa’s Shameful Live Wildlife Trade with China,*” EMS Foundation and Ban Animal Trading report, 18 May 2020.

Therefore, indeed the “*transfer of wild animals into captivity in other countries has the potential to harm South Africa’s reputation as a wildlife destination*” (draft policy, para 5.2.2.3) – in fact, I would suggest such exports have already detrimentally harmed South Africa’s reputation and is not just a “*potential*” reputational risk.



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7 Stockpiles

There is no simple solution to eliminating stockpiles of ivory, rhino horn (and other such derivative wildlife products) that does not simultaneously perpetuate the value/commodification of such 'products' and thus, perpetuates the greed that drives the hunting and poaching of the source wildlife (where ever it may reside).

Continued stockpiling and its speculative message also undermines any demand reduction initiative – ie. calls for demand reduction are incompatible within any seeking of compensation for stockpile reduction/destruction, demand thrives on the hope of supply/profit and valuing a given commodity.

7.1 NGOs and Philanthropists Willing to Buy Stockpiled Horn and Ivory

The issue of stockpiled (ivory, rhino horn etc.) is fraught with risks and any path out it not straight forward. The draft policy (para 5.2.2.4, "*Stockpiles*") suggests that "*Communities have identified the positive impact of sales of stockpiles, and there is global interest from NGOs' and philanthropists willing to buy stockpiles horn and ivory in order to then have these destroyed.*"

- a) What "*positive impact of sales of stockpiles*" have been identified in terms of species conservation improvements, or are the positive impacts purely based on human financial improvement for those that benefit from sales of such stockpiles?
- b) How will the 'bid to buy' price be set if stockpiles are offered for sale to NGOs and philanthropists and how will such price setting not promote speculative interest from those (State and/or private) seeking to profit from such a market, ie. increased short-term stockpiling by illicit means?
- c) How does this ('bid to buy' from NGOs and philanthropists) approach not perpetuate the monetary (commoditised) 'value' of rhino horn/ivory, with the risk this perpetuates speculative investment in rhino horn/ivory (ie. poaching)? Regardless of NGOs and philanthropists being the buyers, any 'selling' of rhino horn/ivory maintains its perceived commodity value and potentially risks further stockpiling (by illicit



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means) in order to profit from sales to NGOs and philanthropists (regardless of any arbitrary time limits given for a 'one-off' opportunity to dispose of stockpiles and gain financial compensation);

- d) How will those bidding (NGOs and Philanthropists) be vetted to ensure they are not fronting for incumbent demand side suppliers – ie. third party side agreements mean the actual bidder is not the final recipient in reality, the recipient could be a criminal network based in Laos for example?
- e) Will all rhino horn/ivory so purchased be guaranteed to be destroyed within South Africa and if so, how will this be ensured with transparent/public traceability and open scrutiny?
- f) How will the income derived from selling stockpiles to NGOs and Philanthropists be ensured to contribute to meaningful species conservation – ie. will any State and/or Private derived stockpiles sales income be guaranteed to support long-term species' conservation (not token window dressing), or will the income from stockpile sales be [diverted/misappropriated again](#)?
- g) In the past, the South African government and her agencies has promoted the commoditisation of ivory and rhino horn (and the speculative negative consequences that endures), by repeatedly seeking the reinstatement of international rhino horn trading mechanisms at CITES CoPs and seeking sanctioned sales of ivory stockpiles. Why doesn't the South African government seek a level of atonement by setting an example (to SADC countries and the world) and destroy its own State stockpiles? Such destruction without seeking financial compensation does not perpetuate the 'value'/commodification of ivory and rhino horn, but demonstrates that such commodification must be permanently consigned to history – ie. scrapping the stated 'hope' that one day international trade in rhino horn may emerge thanks to gathering *"the long term, global consensus to allow international trade in rhino horn"* or *"the long term, global consensus to allow international trade in ivory"* (draft policy, para 5.4.3, *"Policy objectives and expected outcomes"* page 36). Kenya has clearly shown global leadership by [burning stockpiles of ivory and rhino horn](#) in 2016 – Kenya's president, Uhuru Kenyatta stating at the time:



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“The future of the African elephant and rhino is far from secure so long as demand for their products continues to exist”



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8 Wildness

The identified importance of wildness (*“near natural areas and wilderness”* – draft policy, page 22) and wildness’ intrinsic value are welcomed, with a need to enshrine such vision in an overarching policy for responsible practice in the wildlife sector.

However, seeking to enhance South Africa’s image as an important destination for wildness based upon rebranding South Africa as a *“competitive hunting destination”* (draft policy, para 5.2.3.1, *“Wildness”*) appears to be contradictory. Numerous species are specifically farmed in fenced, synthetic environments (to the detriment of natural ecosystems and natural biodiversity) purely to serve the hunting industry and profiting from the by-products so derived (ie. skins, bones, claws, teeth etc.) – incumbent game farmers and the hunting industry are motivated by optimising profiteering not creating natural, wildness of their own volition.

Therefore, the vision is unlikely to be fulfilled if the game/hunting industry is somehow expected to be the key driver of the vision to embrace the protection of *“near natural areas and wilderness”* when its business model is based to a great extent on game farming ‘product’ within optimised, synthetic environments.

Similar to the phrase *“responsible hunting”* (reference para 12.1 of this submission) as given in the draft policy (page 6, policy intervention (4)), what does *“responsible practice”* mean in the context of seeking to create and protect the stated vision of wildness?



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9 One Welfare

The draft policy states that *"Animal welfare includes 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 [iconic] species under consideration. We have a social and moral responsibility to act humanely and prevent suffering."*

The One Welfare vision is a laudable nirvana in terms of animal welfare and a vast improvement on the abhorrent instances of neglect evidenced with the captive lion breeding industry for example (reference [IWB's HLP Submission](#), para 12.3, *"Animal Welfare – A legal Obligation"*). Many examples of animal neglect have been identified not by government agencies, but by the [NSPCA](#) (National Council - Society for the Prevention of Cruelty to Animals (SPCA)), a non-government organisation supported by charitable donations.

Therefore, to reach the One Welfare vision outlined with the draft policy will need considerable improvement in government agency co-ordination, demarcation of role, supportive legislation not to mention funding and resources – in addition, the NSPCA cannot be expected to help support the One Welfare vision without increased government backing and funding.

However, the One Welfare vision is incompatible with the practice of trophy hunting and sustainable use (even as Sustainable Use is redefined within the draft policy, para 5.4.2.2, *"Expanded definition of Sustainable Use of biological resources"*). The extent to which One Welfare is put aside in order to 'justify' inflicting 'necessary'(sic) suffering on an individual animal in the name of 'sport' and/or 'sustainable utilisation' (Note: para d), *"Sustainable Utilisation"* as now defined refers to *"individual"* animal suffering) being the clear contradiction with the stated aim *"We have a social and moral responsibility to act humanely and prevent suffering"* – both *"humanely"* and *"suffering"* being subjective boundaries clearly crossed when an individual animal is trophy hunted, *"harvested,"* slaughtered, held in captivity for commodification etc.



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9.1 One Welfare and Trophy Hunting

By definition, trophy hunting slaughters an individual animal on the pre-text that the collective result for the targeted species is somehow net positive (a hypothesis which remains extensively unproven in many cases). Therefore, the One Welfare of an individual animal is defied by definition when an animal is targeted as a hunting trophy – killing always inflicts suffering in a variety of forms:

- a) The slain animal's health (regardless of age) is overridden if/when killed for a trophy and/or any conceived notion of sustainable use as a by-product;
- b) The targeted animal's 'humane' treatment when killed for a hunting trophy contradicts any logical definition of 'humane' (One Welfare or otherwise) treatment - I'll refer to the response given to the supplementary questions IWB received from the [HLP, 20 October 2020](#) on the concept of 'humane' treatment:

Q. "What safety measures would you propose to prevent the suffering you note from missed shots in trophy hunting or are you calling for a complete ban?"

A. "Why anyone would want to seek pleasure from trying to kill an animal in the first place is beyond me. So, forgive me, but trying to decide the best 'humane' action to take once such a person has intentionally/unintentionally inflicted suffering on a target animal seems perverse – the best solution is not to risk inflicting animal suffering in the first place.

The target animal's 'suffering' is inherent in some form in trophy hunting as a prerequisite – once the target animal is selected, tracked, dispatched etc., it's just a question of what one considers acceptable suffering in the name of so-called 'sport' isn't it?

"The second issue is the distress and suffering caused to individual animals by hunting. Hunted animals may show measurable indications of stress (Macdonald et al. 2000), starting at first awareness of the natural (Chabot et al. 1996) or human (Jeppesen 1987) predator. At some point during a successful hunt, the hunted animal fails to cope with events, and stress becomes distress" - ([Loveridge et al. 2006](#))



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Plus of course to preserve the look of the target animal as a trophy, then the trophy hunter typically avoids the quick, humane kill shot [reference [IWB's submission, Page 78](#)], avoiding the target animal's head for example.

Hence animal suffering is guaranteed within trophy hunting, so pretending to care about the target animal's suffering and what level is acceptable, could at best be described as disingenuous, but in reality, reflects a lack of empathy in pursuit of the 'trophy' for self-gratification, bordering upon a callous obsession ([Beattie, G., 2020](#))."

- c) Therefore, if the eradication of animal suffering and One Welfare (with a "moral responsibility to act humanely and prevent[s] suffering") is to be seen to apply to all animals as stated as a conservation policy intervention within the draft policy, then the only logical means to attain a reputation for individual animal welfare is to end trophy hunting - it is inherently not 'humane' treatment of an individual animal by any logical, or common definition of 'humane' and/or One Welfare.
- d) An individual animal matters in a moral, ethical and a legal sense. In August 2019, the Pretoria High Court ([Judgement, Case No. 86515/2017, dated 6 August 2019](#)), Judge Kallopen stated "*the rationale for protecting animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals.*"

Therefore, there is clear divergence between the Constitutional Court's ruling that the treatment of individual animals matters in respect to the Constitution (Section 24, "Chapter 2, Bill of Rights, Environment") and the ideological pursuit of 'sustainable utilisation' as exposed within the lion bone trade, rhino horn trade, or indeed trophy hunting. With regard to the latter, the mantra of 'sacrificing one to save the many' conservation claim in the name of 'sport' clearly does not respect "*intrinsic value on animals as individuals.*" Trophy hunting's claimed pursuit of species' conservation regardless of an individual animal's suffering as a trophy is incompatible with "*the rationale for protecting animal welfare*" and "*to placing intrinsic value on animals as individuals.*"



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10 Reconceptualised Protected Areas

The draft policy states that 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.”* The commodification/sustainable utilisation of wildlife stimulates and legitimises demand for animal parts, wildlife products and derivatives, which in-turn drives poaching seeking to profit from that trade. Legal trade does not counter illicit activity, but drives it (reference [IWB's submission](#), para 12.5 *“Does legal trade counter illicit activity?”*).

The argument that the legal trade of captive bred wildlife serves to protect the wild species is not borne out in reality (reference [IWB's submission](#), para 12.6 *“The ‘Buffer’ Theory”*). The evidence suggests that the commercial exploitation of captive wildlife drives the poaching and illicit trade in wild species.

Therefore, if the desire is to reduce poaching incentives so that ‘conservation’ can be demilitarised, then the legal commodification of wildlife (in its many forms) needs to be definitively curtailed, along with demand reduction campaigns and initiatives. Ecologically sustainable, non-consumptive utilisation of wildlife being the nirvana for wild species conservation that does not infringe ethical, moral boundaries or the intrinsic value of animals/wildlife as individuals.



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11 Transformative African Approach

It's a question (subjective) of what one defines as justifiable. Seeking inclusion for more humans to benefit from utilisation of animals/wildlife in terms of equality/transformation does not necessarily mean that animal welfare is a priority. The premise of advocates for sustainable utilisation seems to be that market expansion is unbounded, but the reality is somewhat different (reference [IWB's submission](#), para 3.1, "*Sustainable Utilisation*"). Therefore, inclusion and equality should not be equated with more utilisation and increased potential animal/wildlife exploitation in the name of profiteering.

However, traditional values do have a significant and undervalued role to play – especially where intensive, commercial breeding practices of the 5 iconic species (and many other species) are in conflict with the traditional, spiritual well-being of that species - "*Ubuntu*" is a foundation for African societies based upon a traditional vision of community built around "*compassionate, respectful, interdependent relationships*" between "*the human, natural and spiritual tripartite*" (draft policy, definition page 11). This vision and traditional value system clearly sit in conflict with the commercial, unnatural exploitation of wildlife.



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12 Ecologically Sustainable Use – Tourism and Hunting

The draft policy (para 5.2.4.2) here to *"responsible hunting"* a phrase which lacks any meaningful definition, but rightly points out that *"Trophy hunting is under increasing international scrutiny and all activities related to this must be done using best practice [which lacks definition] and full transparency to prevent irresponsible hunting practices creating reputational damage and international outcry."* I would suggest that it is inevitable that trophy hunting will continue to negatively impact South Africa's reputation, as its proponents seem unable to stop themselves from revelling in their grotesque exploits.

12.1 *"Responsible hunting"*

"Responsible hunting" is a phrase given at various points within the draft policy and is a stated policy intervention (draft policy, page 6, policy intervention (4), and para 5.2.4.2, *"Ecologically sustainable use – tourism and hunting"*) seeking to *"re-position South Africa as a destination of choice for legal, humane, regulated and **responsible hunting** of the 5 iconic species."*

However, the phrase *"responsible hunting"* lacks any definition (legal or otherwise) within the draft policy document that can be regulated/enforced. Therefore, a veneer/rebranding to *"responsible hunting"* is unlikely to transform the sector and rid the trophy hunting industry of bad practices, dubious moral and ethical standards, or its financially based motivations.

What is the proposed definition of *"responsible hunting"* for the 5 iconic species and/or *"responsible hunting"* of any animal/species for that matter? Without further definition, *"responsible"* and/or *"humane"* and/or *"responsible practices"* hunting are clearly subjective phrases and therefore, without any clarity these phrases have no credible means to be consistently assessed and/or regulated.

Without a legally binding definition, then how can South Africa's reputation as a *"destination of choice for legal, humane, regulated and responsible hunting"* ever exist in reality for the *"5 iconic species"* or any such trophy hunted animal?



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Figure 2 - "She captioned the post: 'Ever wondered how big a giraffe's heart is?'" [The Mirror](#), 20 February 2021

For example, [is glorying in the slaughter of a giraffe](#) (Figure 2) bred in a synthetic South African game farm environment, cutting out the slain trophy hunted giraffe's heart after the kill to pose for a picture on social media, likely to enhance South Africa's reputation as a "*destination of choice for legal, humane, regulated and responsible hunting*" or is it likely to be seen by the majority as macabre, gruesome and off-putting?

Without clear definition, I would suggest that continuing to harbour such activities as described in the example above under any "*responsible hunting*" umbrella demonstrates that such actions/hunting is participated in by self-glory seeking humans with questionable moral/ethical standards when viewed by the general public. I would suggest that the latter is unlikely to enhance South Africa's reputation in any favourable direction with regards to general tourism appeal.



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13 Human-Wildlife Conflict

As stated in the draft policy (para 5.2.4.3, "Human-wildlife conflict"), if "*communities seldom benefit from the hunting of such damage-causing animals,*" plus of course, removing a damage causing animal does not prevent, or deter the next damage causing animal coming along without further mitigation, then why is the persecution of animals/wildlife for following their natural instincts perpetuated? Investment in mitigating the risk of human-wildlife conflict in the first place is acknowledged within the draft policy as "*poor*" – rather than compensation for damage causing animals, why not invest in preventing the risk with better fencing and/or adequate resources for wildlife/animals in protected areas so their need to seek water, food/prey and risk trampling/destroying community crops and the taking of livestock is reduced at the root cause?

In addition, 'wildlife conflict' and 'damage causing animal' (DCA) designation is often used as an excuse for hunting/killing animals for other commercially driven purposes:

1. [Everatt et al. \(2019\)](#) concludes that the captive lion industry/lion bone trade is potentially increasing demand for lion body parts and derivatives, with 'conflict killings' of wild lions being used as an excuse to harvest lion body parts to try and profit from the demand/trade.
2. "*Leopards don't distinguish between prey that has been produced by agricultural endeavours and wild prey....the persecution of leopards [under a DCA, or a 'shoot, shovel and shut-up' approach] for being leopards is arbitrary, secretive and illicit*" – para 4., "*Leopard Conservation and Use*"

Therefore, investing in improved infrastructure and resources to maintain wildlife in protected areas, discouraging human encroachment into such habitat, plus appropriate and timely community compensation schemes where human-wildlife conflict incidents do occur to spare wildlife persecution is essential.



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14 Conservation Capacity Policy Interventions

14.1 Human Capital Development

The draft policy (para 5.2.5.1, *"Human Capital Development"*) highlights a disconnect between regulatory capacity vs. policy and inclusive/consistent decision making.

For example, the decision making behind the muddled thinking of one department's *"...proposed update to Schedule 1, as provided for in section 1(2) of the Meat Safety Act, 2000 (Act No 40 of 2000), listing the animals to which the Act applies"* (Gazette no. 43050, Notice 201/2020, dated 28 February 2020) adding sustainable utilisation' of elephant, rhinoceros, hippopotamus, giraffe et al. (some 98 species in total proposed for inclusion) for meat production and trade. This proposal lacked any consideration of the potentially negative impacts on the ecology, animal welfare, conservation of the targeted species etc. (ie. there is no peer-reviewed science to back the extended 'sustainable utilisation' of elephant, rhinoceros, hippopotamus, giraffe et al. – ref [IWB's HLP Submission](#), para 12.2, *"Meat Safety Act"* and [IWB's Meat Safety Act Submission](#)). Such disparate decision making does not enhance South Africa's reputation, not only for not considering *"indigenous knowledge"* but for pursuing policy without exercising any precautionary principle, or seeking of the science pre-decision making. This is not just a question of resources, it's a matter of changing the ethos that has surrounded the focus on commercial commodification of wildlife in South Africa above any/all other considerations.

14.2 Research

The draft policy states (para 5.2.5.2, *"Research"*) the *"Sound evidenced-based information is critically important for informed evidenced based decision-making and policy development in the [wildlife] sector"* – absolutely. Where this evidence base is lacking, then policies and proposals need urgent review and all stakeholder interest sought (not just commercially driven interests), urgently reviewing proposals such as:

1. the *"...proposed update to Schedule 1, as provided for in section 1(2) of the Meat Safety Act, 2000 (Act No 40 of 2000), listing the animals to which the Act applies"* (Gazette no. 43050, Notice 201/2020, dated 28 February 2020);



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2. In 2019, South Africa's game breeding industry obtained (without any public consultation) the [listing](#) of 32 species including white and black rhinoceros, lion, cheetah, giraffe ([IWB 2019](#)) (plus 24 specific indigenous and six non-indigenous game species, amongst others, lechwe and a number of non-indigenous deer species, plus 12 game species which included black wildebeest, blue wildebeest, blue duiker, bontebok, gemsbok, impala, oribi, red hartebeest, roan, sable, springbok and tsessebe), under a regime - namely, the Republic of South Africa's [Animal Improvement Act \(AIA\), 1998](#).

The AIA permits "*animal breeder societies*" (the membership of "*breeder societies*" remains wide open – reference "[Definitions](#)") to manipulate breeding outcomes and hence seek to breed genetically distinct sub-species. This clearly has wild species genetic pollution risks (ref [IWB's HLP Submission](#), para 2.1, "*The Animal Improvement Act (AIA)*").



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15 Strategic Linkages

The definition and clarity given at para 5.3, *"Strategic Linkages"* of the draft policy clearly defines a structure to the Policy Position, Policy Objectives and Outcomes, which recognises the flaws in the current approach – with *"an urgent need to improve governance in terms of both legislation and implementation"* and suggestions within the draft policy of how this might be achieved in the draft policy author's opinion.

However, on a cautionary note, I would suggest that efforts to gain equality and transformation should not be misconstrued as an invitation to replicate and expand bad practices to a wider, commercially motivated sector of the human population – ie. expansion of captive breeding of animals/wildlife that has no independently verified contribution to meaningful conservation.



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16 Theory of Change, Policy Objectives and Expected Outcomes

16.1 Contextualised Sustainable Use of Biological Resources

The draft policy states (at para 5.4.2.1, *“Contextualised Sustainable Use of Biological Resources”*), that the Department has identified challenges in the current process and practices within the Wildlife Sector, including processes and practices:

- 1) *“that are not ecologically sustainable;*
- 2) *that promote short-term economic gain for [a] 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 risk to communities living with dangerous animals; and*
- 6) *many challenges with governance and arrangements.”*

It is agreed that such processes and practices *“threaten South Africa’s reputation as a conservation leader, and undermine competitiveness as a global ecotourism destination.”* Therefore, the recognition that commercial exploitation of animals/wildlife and trophy hunting’s ‘image’ (regardless of any *“responsible hunting”* initiatives) will not positively enhance South Africa’s reputation unless all such process and practices across all targeted species within South Africa is tackled – from the inhumane slaughter of donkeys for their skins to supply the Traditional Chinese Medicine (TCM) (called *“ejiao”* – otherwise known as Colla corii asini or donkey hide glue), to the lion bone trade ([IWB, 2017](#)). None of these derivative products have any proven medical efficacy, hence any part played in their supply/sale is based upon deceit/fraud.

The fact that South Africa has led the commercial expansion of supply (via captive breeding practices) for such products is an indelible stain on South Africa’s reputation, which has led to other countries seeking to follow suit. Therefore, it can be argued that South Africa has an obligation not only to redress its internal processes and practices, but to seek redress across the African continent and beyond by leading the call for a global rethink of wildlife/animal exploitation and ecologically, morally and ethically unsustainable utilisation.



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16.2 Expanded Definition of Sustainable Use of Biological Resources

As stated in [IWB's HLP submission](#) (para 13.5, "*End Self-Created Trade Detrimental to Wildlife*"), it is recommended that an 'integrative' ([Bilchitz 2017](#)) policy is adopted, promoting ecological principles, tangible ecological sustainability, conservation and exemplary animal welfare as a guiding objective with respect for individual animals (where the redefined sustainable utilisation definition is inclusive of 'individual animals' at para d) of the draft policy, para 5.4.2.2) – not an 'aggregative' 'sustainable utilisation' ideology where such criteria have historically been given cursory consideration (if any), in the pursuit of animal exploitation for income:

"The 'aggregative approach' – which has been the dominant policy approach adopted by the legislature and executive – focuses on broad collective environmental goals such as the long-term survival of a species, the health of ecosystems or conserving biodiversity. The 'integrative' approach, on the other hand, – which has recently been referenced with the approval by the Constitutional Court – requires the adoption of an attitude of respect to the individuals that make up a species, an eco-system or the components of biodiversity. The article makes several arguments as to why the integrative approach is preferable and attempts to demonstrate that the aggregative approach is self-defeating in its own terms" - [Bilchitz 2017](#)

Sustainable use has been redefined within the draft policy, para 5.4.2.2, "*Expanded definition of Sustainable Use of biological resources*" as *"sustainable" in relation to the use of biological resources means the responsible use of such resources in a way that:*

- a) *Does not contribute to the long-term decline of the resource in nature².*
- b) *does not lead to the loss of biological diversity of the ecosystem of which it is a component¹.*
- 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 occurs³, and disturbance to the ecosystem and loss of biodiversity and avoided, or minimised and remedied⁴].*



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- 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 justifiable⁶, and considers their welfare and wellbeing⁷, and does not wantonly or unreasonable or negligently causing [cause] 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].*
- f) *Considers the social, economic, and environmental impacts of activities collectively, including disadvantages and benefits, and [The economic and social systems 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 the rights of the previously disadvantaged are protected and enhanced, fore fronting 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].*

¹ Not defined in the draft policy

² As per existing NEMBA

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 the 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 NSPCA 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.



“Embracing Innovation to Conserve the World's Animal Kingdom.”

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 an 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.*

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 person 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 – equality with generations and between generations.”*

In terms of confining any animal for the purposes of sustainable utilisation means that animal is in an unnatural environment (reference [IWB's HLP submission](#), para 12.3.1, “*What is Animal Welfare?*”).

Of course, it is possible in the name of sanctioned trade, for those in favour of such trade to try and rationalise any such captive utilisation/trade practice as “*justifiable,*” “*necessary,*” “*servicing a greater public interest*” etc., but in the end it's the animals so confined/utilised that carry the burden and suffer (and have no understanding of man's justification of such actions).

As stated above at para 9.1, “*One Welfare and Trophy Hunting*” and the sustainable use definition as given above, means individual animals matter. Therefore, trying to justify trophy hunting of an individual animal is incompatible with One Welfare and the definition of sustainable use as given in the draft policy - unless one accepts justifications given in trophy hunting's defence. Many will not accept any justification of trophy hunting on the grounds that killing animals for ‘sport’ is unjustifiable from a moral/ethical perspective.



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Objections to the compatibility of trophy hunting with sustainable use includes the International Union for Conservation of Nature's (IUCN's) membership, the IUCN's ethical/moral leadership and therefore the IUCN's impartiality when [preparing trophy hunting guidance](#). The IUCN's confused stance (reference [IWB's HLP submission](#), para 6.3, "*Ethical/Moral Leadership*"), as an organisation IUCN has not adopted a policy in favour of or against trophy hunting, has been called into question by a 2017 legal conclusion ([only made public in 2019](#)) by the [World Commission on Environmental Law \(WCEL\), Ethics Specialist Group \(ESG\)](#).

The ESG's legal analysis ("[Compatibility of Trophy Hunting as a Form of Sustainable Use with IUCN's Objectives](#)") concluded that:

"Trophy hunting is not consistent with "sustainable use". And even if it were, "sustainable use" is not the sole criterion for the decision on eligibility of organizations seeking IUCN membership. The critical question is whether trophy hunting as it is practiced by individuals and promoted by certain hunting organizations may be consistent with IUCN's general objectives as expressed in Articles 2 and 7. This is clearly not the case. Any other view would threaten IUCN's credibility for providing moral and ethical leadership in conservation policies. It would certainly undermine the many efforts of IUCN members to promote a just and sustainable world."

Therefore, any notion of a ready acceptance of trophy hunting as justifiable and compatible with sustainable use, and/or 'acceptable animal welfare' within a captive environment for sustainable use is a misnomer. Ignoring the incompatibility of trophy hunting with sustainable use and/or One Welfare, or the incompatibility of sustainable use, captive environments and One Welfare continues to risk South Africa's chances of ever being seen as "*a leader in conservation,*" or promoting "*Africa's coherence and unity in relation to these [five iconic] species,*" or indeed any species so utilised.

Any notion of 'well-being' of 'biological resources' enshrined within the [NEMLAB](#) is unachievable in many captive environments, because the environment in which they are held is by definition unnatural, stressful (the more controlled the captive environment is, the more the physiology of the captive animal stresses ([Broom et al. 1993](#))) and non-conducive to any given animal's 'health'/'well-being' beyond basically being kept alive long enough to fulfil the 'sustainable utilisation' purpose to which it is ultimately fated, whether that is harvesting parts that does not mean the animals is killed outright, or where the animal is killed for a trophy and then butchered for parts.



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17 Implementation

The draft policy's stated priority to develop and release policy positions for public consultation is welcomed. It is hoped that the overdue public consultation on South Africa's domestic rhino horn trade (reference para 3.1 of this submission, "*Rhino Horn Trade*") will soon be forthcoming. It is agreed that "*clarity*" and transparency are needed on such key biodiversity issues, where supporting policies, legislation, communications, interventions and collaborations are vital.

18 Governance

As the draft policy states, there is a need to clearly align the South African Republic's Constitution's (Section 24) spirit with process and practices that in reality comply with "*Chapter 2, Bill of Rights, Environment.*" This section refers to ensuring everyone's right "*to an environment that is not harmful to their health or wellbeing;*" "*to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that*" amongst other criteria "*promote conservation,*" whilst ensuring "*secure ecologically sustainable development and use of natural resources...*"

Somewhere, the spirit of the Constitution has been hijacked and subverted for commercial "*use of natural resources*" regardless of "*ecologically sustainable development*" and any notion that such use will "*promote conservation*" and "*have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that*"

19 Policy Monitoring, Evaluation and Review

The draft policy review period seems to give speculative 'hope' that elephant rhino/ivory and stockpiles will be held for at least 10 years whilst conditions are perhaps met and "*In the long-term, global consensus to allow international trade in rhino horn*" and/or "*ivory.*" As stated (para 7.1, g) of this submission), "*NGOs and Philanthropists Willing to Buy Stockpiled Horn and*



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Ivory“) perpetuates the commodification of such wildlife derivative products, unless decisive action is taken destroy without financial gain and compensation such stockpiles forthwith.



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20 Conclusions

The draft policy is an overdue pathway to hopefully a better way, that sets an enduring and irreversible track to the fair, ethical and moral treatment of South Africa's wildlife/animals and particularly enhance the conservation of lion and rhino species in the wild by halting their commercially driven domestication/exploitation. This is long overdue and a welcomed recognition of the abhorrent practices and commercially driven, speculative ideology that has been harboured within South Africa, despite any industry claims to the contrary.

However, many species suffer from exploitation within South Africa, so the scope of the draft policy needs to be quickly expanded to envelop all such persecuted species. The draft policy statement (at page 13) that *"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"* is therefore welcomed and requires urgent attention.

The draft policy (para 5.2.2.4, *"Stockpiles"*) suggests that *"Communities have identified the positive impact of sales of stockpiles, and there is global interest from NGOs' and philanthropists willing to buy stockpiles horn and ivory in order to then have these destroyed."* However, the conclusion is drawn (para 7.1 of this submission, *"NGOs and philanthropists willing to buy stockpiled horn and ivory"*) that such a market so contrived, could potentially perpetuate the commodification and speculative exploitation of rhino horn and ivory.

Perhaps the only real solution to demonstrate that it is accepted that rhino horn and ivory do not have any future benefits for species' conservation is to destroy stockpiles without anyone having the expectation of financial compensation/reward.

Trophy hunting has lacked adherence even to its own past codes and guidance - for example the killing of [Skye](#), a 'protected' (sic) lion 2018 (reference [IWB's HLP submission](#), para 6.1.7 – *"Cover-ups and Denial"*) demonstrates the hunting industry's lack of transparency and any demonstrable conservation focus. Furthermore, trophy hunting is incompatible with 'One Welfare' (para 9, *"One Welfare"*) and 'Sustainable Utilisation' as defined (para 16.2, *"Expanded Definition of Sustainable Use of Biological Resources"*) - an individual animal matters and has a legally enshrined intrinsic value. Therefore, trophy hunting's claimed pursuit of species' conservation regardless of an individual animal's suffering as a trophy is incompatible with *"the rationale for protecting animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals"* - Judge Kallopen, Pretoria High Court, [Judgement, Case No. 86515/2017, dated 6 August 2019](#)



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The continued promotion of leopard trophy hunting (para 4 of this submission, *“Leopard Conservation and Use”*) because leopards *“are an important component of international hunting packages, making such packages internationally competitive”* is not a conservation driven statement - these are marketing/commercial arguments, with no stated conservation and/or species’ benefits either proffered or cited in the draft policy.

Elephant trophy hunting is not explicitly covered in the draft policy, so its continuation is seemingly given tacit support. Elephant trophy hunting attrition is incompatible with the species’ continent-wide predicament (para 5.1 of this submission, *“Elephant Trophy hunting”*). In addition, as national assets, the extraction of elephants for hunting trophies from Kruger National Park does not appear to align with the Protected Areas Act, 57 of 2003 (as amended by Act 31 of 2004), whereby the Act prohibits certain ‘extractive activities’ in national parks, including hunting.

In conclusion, the draft policy’s stated hope that South Africa’s conservation reputation can be restored upon implementation of the draft policy’s proposals, promoting *“best practice”* and *“responsible hunting”* is not shared (reference para 12.1, *“Responsible Hunting”*).



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"Embracing Innovation to Conserve the World's Animal Kingdom."

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