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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5555

15 November 2024

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)CONSULTATION ON THE DRAFT NOTICE PROHIBITING CERTAIN ACTIVITIES INVOLVING
AFRICAN LION (*Panthera leo*)

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby consult on my intention to prohibit certain activities involving African lion (*Panthera leo*), in terms of section 9A, read with sections 99 and 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), as set out in the Schedule hereto.

Members of the public are invited to submit, within 30 days from the date of publication of this notice in the *Government Gazette* or in the newspaper, whichever date is the later date of publication, written comments to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Ms Magdel Boshoff
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083

By e-mail: revisedlionprohibition@dfpe.gov.za

Any inquiries in connection this Notice can be directed to Ms Magdel Boshoff on +27 83 952 2334 or revisedlionprohibition@dfpe.gov.za.

Comments received after the closing date may be disregarded.



DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. DEFINITIONS

In this notice a word or expression, or any derivative or other grammatical form of that word or expression, to which a meaning has been assigned in the Biodiversity Act, has the corresponding meaning, and—

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), including any amendment thereof;

“**captive breeding operation**” and “**captive breeding facility**” has the same meaning as having been defined in the TOPS Regulations;

“**commercial exhibition facility**” has the same meaning as having been defined in the TOPS Regulations;

“**controlled environment**” has the same meaning as having been defined in the TOPS Regulations;

“**new**” means from the date of commencement of this Notice;

“**register**” means register in terms of the TOPS Regulations;

“**rehabilitation facility**” has the same meaning as having been defined in the TOPS Regulations;

“**sanctuary**” has the same meaning as having been defined in the TOPS Regulations; and

“**TOPS Regulations**” means the regulations pertaining to listed threatened or protected species, made in terms of section 97 of the Biodiversity Act, as amended or replaced from time to time.

2. PROHIBITIONS

A person may not, in respect of a live specimen of African lion (*Panthera leo*), establish and register a new captive breeding facility, a new commercial exhibition facility or a new rehabilitation facility, or establish any other new controlled environment.

3. EXCLUSION

Notwithstanding the prohibition contained in paragraph 2, a person may, in respect of a live specimen of African lion (*Panthera leo*), establish and register a new sanctuary if the Minister has determined that the establishment of a new sanctuary is necessary for the accommodation of live sterilised excess captive lions that may arise as a result of the voluntary exit of facilities, or any other controlled environments referred to in paragraph 2, from the captive lion industry.

4. TRANSITIONAL ARRANGEMENTS

An application to establish and register a new facility, or to establish any other new controlled environment, that is prohibited in paragraph 2, and that was submitted to the issuing authority and is pending when this notice takes effect, must be processed and finalised in terms of the legislation that applied at the time when the application was submitted.

5. COMMENCEMENT OF THE PROHIBITIONS

This notice, which is called the Notice Prohibiting Certain Activities Involving African Lion (*Panthera leo*), takes effect on the date of publication thereof in the *Government Gazette* for implementation.

6. BACKGROUND INFORMATION

In 2018 the Parliamentary Portfolio Committee for Environmental Affairs convened a Colloquium on Captive Lion Breeding for Hunting in South Africa: Harming or Promoting the Conservation Image of the Country. One of the recommendations of the Portfolio Committee was that a policy and legislative review of captive breeding of lions for hunting and lion bone trade should be initiated as a matter of urgency, with a view to putting an end to this practice.

The White Paper on Conservation and Sustainable Use of South Africa's Biodiversity was approved by Cabinet on 29 March 2023 and was published in the *Government Gazette* on 14 June 2023 for implementation. The White Paper sets the broad overarching policy from which the species-specific legislation, policies and strategies are developed.

On 24 April 2024 the Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros was published in the *Government Gazette* for implementation. The Policy Objective with regards to captive lions is: "*To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intensive breeding of lion in controlled environments, and end the commercial exploitation of captive and captive-bred lions.*"

Lions have a highly developed social organization. Lions are gregarious and territorial, comprise a matriarchal society, with male coalitions, and exhibit communal care. Their complex social structure is manifested in their innate behavioural ecology. Providing opportunity for complex social interactions, such as the ability to interact naturally with other lions, for example, as groups of males, with groups of females or with their offspring, is critical. This requires sufficient space for groups of lions to choose to be together in a group, or to move separately at sufficient distance to provide for a refuge from the group. Artificial behavioural enhancement may not be sufficient to substitute for these highly evolved needs.

Lion is a highly territorial and competitive species, especially in respect of competition for access to mates and promoting the production and survival of their own progeny. The ability to escape when dominated as a result of intra-specific competition is a critical consideration.

As apex predators, hunting and killing, as well as the diverse diet associated with a generalist apex predator and access to prey, are central to the physiology and behaviour of lions.

It has become critical to implement appropriate measures to prevent the establishment of new captive facilities and other controlled environments for lion whilst a process to facilitate the voluntary exit of captive lion facilities is currently underway, and in anticipation of a broader legislative process to be initiated in due course to phase out the captive lion industry.

A draft Notice Prohibiting Certain Activities Involving African Lion (*Panthera leo*) was published in the *Government Gazette* on 29 September 2023 for public comment. Due to substantial amendments to the afore-mentioned draft notice subsequent to the public consultation process, an amended draft prohibition notice is published in terms of section 9A of NEM: BA for public comment.

The proposed prohibition relates only to the establishment and registration of new captive breeding facilities, commercial exhibition facilities or rehabilitation facilities, or any other new controlled environments in respect of live specimens of African lion (*Panthera leo*). The establishment and registration of new sanctuaries are excluded from the proposed prohibition in the circumstance specified in paragraph 3. Persons who operate under existing permits are not affected by the proposed prohibition.

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