



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 3353 {NW4474E}

INTERNAL QUESTION PAPER NO. 36 of 2023

DATE OF PUBLICATION: 20 October 2023

Ms H S Winkler (DA) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) With reference to the findings by the EMS Foundations that 10 lions were exported from South Africa to Laos under highly questionable circumstances and that these lions are destined to be bred and/or utilised for the production of lion bone and other derivatives, and noting that the issuing of CITES permits is a national competency which has been delegated to the provinces, how did she ensure that the relevant province fulfill the requirement to consider the well-being of the lions as required by the National Environmental Management: Biodiversity Act, Act No 10 of 2004 (NEMBA) as amended;
- (2) will she commission an investigation and/or consider a legal challenge to the decision of the relevant province to grant the CITES export permits for the lions on the basis that the lions' well-being appears not to have been considered;
- (3) whether considering the conditions under which these lions may be kept in Laos she intends introducing appropriate regulations to prohibit exports of a similar nature taking place in the future as required by the specified Act?

3353. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- 1) Section 87A (2) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) states that the Member of Executive Council (MEC), responsible for the conservation of biodiversity in the relevant province, is the issuing authority responsible for deciding an application for any permit not listed in subsection (1)(b).


In line with section 87A of NEMBA, Regulation 3(1) of the CITES Regulations of 2010, promulgated under section 97(1)(b)(iv) of NEMBA, states that the Minister responsible for environmental affairs is the National Management Authority for CITES related activities. Regulation 3(3) of the said Regulations provides that the Minister responsible for environmental affairs is the authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A(1)(b) of NEMBA.

Regulation 3(4) provides that the MEC of the provincial department responsible for nature conservation in a province is the Provincial Management Authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A (2) of NEMBA. The lion (*Panthera leo*) is listed in Appendix II of CITES.

In this case, the relevant MEC is the authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III. Furthermore, it is important to note that the legislative mandate to regulate the well-being of wild animals, which has been included in NEMBA as an amendment through the National Environmental Management Laws Amendment Act, 2022 (Act No. 107 of 2022) (NEMLAA), only came into force on 30 June 2023. This means that this legislative provision was not in effect when the permits were issued.

The Honourable Member is requested to direct any further enquiries in this regard to the relevant provincial department and MEC.

- 2) No. In terms of NEMBA, the MEC was within their legal right to issue the permit.
- 3) Currently, the Minister has not yet considered the introduction of any prohibition regulation related to the export of live lions outside of South Africa.

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MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT
DATE: 26/07/2023