

QUESTIONS AND ANSWERS

1: What assurance can you give the South African public that canned lion hunting is not taking place?

In general, the term “canned lion hunting” refers to the hunting of lion in artificial circumstances, including the hunting of lion that is under the influence of a tranquilliser, by trapping it against a fence to hamper its escape, by luring it through the use of bait, hunting it in a controlled environment, and hunting it from a motorised vehicle.

In terms of the Threatened or Protected Species (TOPS) Regulations, 2007, which have been promulgated in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), the hunting of lion in the following circumstances is prohibited, which means that a permit may not be issued:

- by means of poison, traps, snares, flood- or spot lights or darting;
- with an automatic weapon, a weapon discharging a rimfiring cartridge of .22 of an inch or smaller, a shotgun or an air gun;
- by luring it by means of bait, smell, sound or any other luring method;
- if the lion is under the influence of a tranquillizing, narcotic, immobilizing or similar agent;
- if the lion is trapped against a fence or in a small enclosure where the lion does not have a fair chance to evade the hunter
- from a motorised vehicle, except for the tracking of the lion if the hunt takes place over long ranges, for allowing a physically disabled person to hunt;
- from an aircraft, except for the tracking of the lion if the hunt takes place over long ranges; or
- by means of dogs, except if the dogs are used to track a wounded lion, or for the purpose of pointing, flushing and retrieving a lion.

Any person who hunts a lion in any of the above prohibited manners would be guilty of an offence. There is an obligation on every permit holder to comply with the conditions to which the permit has been issued. Provincial conservation officials have the mandate to do inspections to ascertain that permit holders comply with their permits and permit conditions. Further, the Department of Environmental Affairs (DEA) has a hot line number (080 020 5005), for members of the public to report incidences of non-compliance.

2: What is being done to ensure lion are properly managed in South Africa?

Various legislative provisions have been developed and implemented to protect lion and to regulate activities involving lion:

NEMBA:

Lion is currently listed as vulnerable in terms of Section 56(1) of NEMBA; meaning that lion is facing an extremely high risk of extinction in the wild in the medium-term future.

A permit is required in terms of section 57(1) of NEMBA if a person intends to carry out any restricted activity involving lion; whether live or dead; whether dead specimens involve the whole animal or any part thereof; and whether dead specimens are fresh, preserved or processed. These restricted activities include keeping, hunting, catching, breeding, selling, conveying or exporting from the country.

The issuing authority may request the applicant of a permit to furnish it with any additional information before considering the application;

Before issuing a permit, the issuing authority may request the applicant to furnish it with such independent risk assessment as deemed necessary by the issuing authority;

A permit may be refused, cancelled or suspended if the restricted activity is likely to have a negative impact on the survival of a listed species;

A person, organisation or organ of state may develop a Biodiversity Management Plan (BMP), to be approved by the Minister, which is aimed at ensuring the long-term survival of a species in nature.

CITES Regulations:

International trade in lion specimens is further regulated through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations, 2010, which have also been promulgated in terms of NEMBA. Lion is included in Appendix II of CITES, and the importation of lion into the Republic, or the exportation or re-exportation thereof from the Republic, requires a CITES permit, whether the specimen is alive or dead, in terms of section 57(1A) of NEMBA.

TOPS Regulations:

Factors that must be considered by the issuing authority when considering a permit application, include the following:

- whether the restricted activity to which the application applies, involves the taking of the lion specimen from a wild population;
- the provisions of a BMP for the species involved (if applicable);
- whether the manner in which a restricted activity to be carried out, e.g. hunting, is prohibited;
- any recommendations made by the Scientific Authority of South Africa; and
- whether any off-take limit has been introduced.

If the issuing authority requests an independent risk assessment from the applicant, the risk assessment report must include, among others, information relating to:

- the role of lion in its ecosystem (whether lion is a keystone or indicator species);
- the potential risks associated with the restricted activity to lion and lion populations:
 - over-exploitation of the species;
 - creating a significant change in an ecosystem by removing lion from that ecosystem;
 - management of the potential risks, and options to minimise the risks; and
- the reason for the restricted activity.

Facilities such as captive breeding facilities, commercial exhibition facilities (e.g. zoos) and rehabilitation facilities, and persons capturing and translocating, or trading with, lion, have to be registered in terms of the TOPS Regulations, in which case proof of legal acquisition of the specimens is a prerequisite for registration;

As mentioned in Paragraph 1 above, it is prohibited to hunt lion:

- in a controlled environment (the minimum size of the hunting camp is not prescribed in the TOPS Regulations, as it will differ from area to area. However, the minimum size is prescribed in many of the provincial acts/ ordinances);
- while it is under the influence of a tranquiliser (the minimum time frame before a lion may be hunted after it has been darted, is not prescribed in the TOPS Regulations but is regulated in terms of some of the provincial acts/ ordinances);
- with certain methods, such as poison, snares, air guns, shot guns, or by luring it with scent or smell.

The DEA is currently in the process of:

- Finalising a BMP for African lion, of which a draft was published in the *Gazette* on 17 April 2015 for public participation; and
- Substantially amending the TOPS Regulations, which involves the possible inclusion of provisions relating to:
 - The refusal of a permit if the restricted activity to which the application relates, is in conflict with a Non-Detrimental Finding (NDF) made by the Scientific Authority in terms of Section 61(1)(d) of NEMBA; and
 - No lion or leopard originating from wild populations may be introduced in captive breeding systems.

Compliance monitoring is undertaken by the relevant provincial Environmental Management Inspectors (EMIs), both in terms of national and provincial biodiversity legislation, at regular intervals in relation to the permits issued. Complaints against and information received in relation to lion-related issues are prioritised for investigation.

The National Compliance and Enforcement Forum, an inter-governmental committee, is currently undertaking a national project focusing on predators, and lions in particular, to assess the effectiveness of compliance and enforcement activities.

Lion is further protected in terms of provincial ordinances / acts, and provincial conservation authorities often require ecological management plans when lion is introduced to a property.

3: Does the hunting and breeding of lions contribute to sustainable development in South Africa?

- Lion is the highest income generator in terms of trophy hunting by foreign hunters.

The following was the total income generated by species fees through trophy hunting of lion:

2011: R76 623 438

2012: R126 388 845

2013: R122 348 083

In terms of breeding facilities, the benefits to communities are mainly in the form of employment. According to a study commissioned by the Department in 2008 at a time when an estimated 3 596 lions were kept in 174 breeding facilities in South Africa; the estimated number of full-time job opportunities amounted to 225. As 225 full-time job opportunities are estimated to be created in the captive industry, a further 49 jobs are likely to be created in backward-related industries (i.e. industries supplying production inputs such as fencing materials, namely wires, poles, gates and the electrification equipment to the captive lion breeding industry). In addition, induced effects refer to those effects that result from salaries and wages paid to employees in both the particular or direct activity and the input-supplying sectors. This for example includes the job opportunities created in nearby towns or villages due to the buying power resulting from the direct and indirect employees who can be in the form of cafe's, grocery stores or clothing stores. The induced effects amount to another 105 jobs, aggregating to a total (direct, indirect and induced) of 379 full-time job opportunities.

4. How important is trophy hunting to conservation?

Although hunting in South Africa does not directly contribute to conservation projects, trophy hunting, as does local hunting, is very important for conservation. Hunting contributes a considerable amount to the economy of South Africa. E.g. in the 2013 hunting season trophy hunting generated a direct revenue of R1.072 billion, meaning that this amount relates to daily rates and species fees only (it does not account for indirect income generated as a result of accompanying non-hunters, trophy processing and export fees, or tourism activities during the hunting safari).

Hunting is an element of sustainable utilization to which South Africa subscribes, being a member Party to both the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Hunting creates an economic value for wildlife species, and as a result an incentive to invest in the species. Therefore, investment in wildlife by private owners assists in the conservation of species, as game owners will protect their investments.

5. How is this industry regulated?

The trophy hunting industry is currently regulated through provincial conservation legislation.

If a foreign hunter intends to hunt a wild animal or exotic (non-indigenous) animal in South Africa, it is compulsory for such hunter to have the hunt organized by a hunting outfitter, and to be accompanied during the hunt by a professional hunter.

For a person to operate as a professional hunter or hunting outfitter in South Africa, such a person must first attend and pass a training course, where after he or she must obtain a permit in terms of the relevant provincial act/ ordinance. The hunting outfitter has a legal obligation to obtain all the necessary permits and documents to ensure that the hunt is lawful, whereas the professional hunter has a legal obligation to ensure that his/ her hunting client does not hunt in contravention with any applicable legal requirement.

6. Is the current legislation sufficient to reign in errant operators?

Although the detail of provisions contained in provincial legislation relating to the trophy hunting industry may differ slightly from province to province, these provisions are generally sufficient to address illegal operators. However, it is possible for a person to contravene the legislation in one province, and to continue to operate as a professional hunter or hunting outfitter in another province.

Hence, the Department of Environmental Affairs is in the process of finalising, for implementation, national Regulations for the registration of professional hunters, hunting outfitters and trainers. This registration will put in place a national authorization, which will be required in addition to the provincial permits. If such an authorization is cancelled or suspended, the holder of the authorization will not be able to continue his operation anywhere in the country.

7. What is being done to ensure that a lion bred in captivity is not hunted in a small enclosure?

Compliance monitoring by provincial conservation authorities takes place to ensure compliance with legal provisions. The hunting industry are familiar with legislation governing the hunting of lion, including prohibitions, and especially professional hunters are responsible to ensure that their clients hunt in compliance with any applicable legislation. If a professional hunter allows a hunt to take place in non-compliance with national legislation, he / she is also guilty of an offence in terms of NEMBA.

In some provinces lion hunts are attended and supervised to monitor compliance.

Most lion bred in captivity in the Free State are sold off to be hunted. There are presently only three farms which are approved for hunting. The Free State has its own norms and standards concerning the hunting of lion,, in terms of which the Free State allows 10 lion to be released in a minimum of 1000ha, lion are microchipped by an EMI before release and all hunts are attended by an EMI; the chip is checked after the hunt and signed off in a register. All actions regarding lion – release, hunt & transport of carcass are permitted.

8: Is hunting of lion monitored?

There is no compulsory requirement in NEMBA or the TOPS Regulations that lion hunts must be supervised. However, in some provinces, such as the Northern Cape and Free State, all lion hunts are

monitored. Capacity problems, for example in North West where there are too many lion hunts taking place, result in not all lion hunts being supervised.

9: Is the DEA responsible for the welfare of lion in captivity?

The DEA is liaising with Department of Agriculture, Forestry and Fisheries (DAFF) regarding the development of standards for the captive keeping of lions in terms of the Animals Protection Act, 1962 (Act No. 71 of 1962). The DAFF is responsible for the administration and implementation of the Animals Protection Act.

Section 10(1) of the Animals Protection Act provides that the Minister of Justice may make regulations relating to, among others, the following matters:

- (a) the method and form of confinement and accommodation of any animal or class, species or variety of animals, whether travelling or stationary;
- (b) any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal; and
- (c) the seizure, impounding, custody or confining of any animal due to any condition of such animal, the disposal or destruction of such animal and the recovery of any expenses incurred in connection therewith from the owner of such animal.

Provincial conservation authorities are mandated in terms of their provincial legislation to regulate the manner in which lions are kept.

10. How severe are the consequences for unscrupulous operators?

In terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA):

- a) If a hunting outfitter or professional hunter allows his/ her hunting client to hunt a specimen of a listed threatened or protected species in an unlawful manner, the hunting outfitter or professional hunter, if found guilty, could be liable to:
 - (i) A fine not exceeding R10 million or a fine equal to three times the commercial value of the species involved, whichever fine is greater; or
 - (ii) Imprisonment not exceeding 10 years; or
 - (iii) Both such fine or such imprisonment

- b) Upon implementation of the national regulations referred to above, if a person operates as a hunting outfitter or professional hunter without being registered in terms of the national regulations, the hunting outfitter or professional hunter, if found guilty, could be liable to:
 - (iv) A fine not exceeding R5 million; or
 - (v) Imprisonment not exceeding 5 years; or

- (vi) Both such fine or such imprisonment

11. Do the breeders contribute to the wild population of lions?

Lion breeders currently do not contribute directly to the conservation of lion in South Africa, as the local wild population is stable.

However, this does not mean that there are no future opportunities for lion breeders to contribute to lion conservation. Lion populations in other African countries are under threat of extinction, and opportunities for research have been discussed with the South African Predators Association, e.g. genetic integrity of lions in captive facilities and feasibility to augment wild populations from captive facilities; or the release period for successful rehabilitation of captive-bred lion into the wild.

12. How are the wild populations managed?

Various legislative provisions have been developed and implemented to protect lion and to regulate activities involving lion.

Lion is currently listed as vulnerable in terms of Section 56(1) of NEMBA; meaning that lion is facing an extremely high risk of extinction in the wild in the medium-term future.

A permit is required in terms of section 57(1) of NEMBA if a person intends to carry out any restricted activity involving lion; whether live or dead; whether dead specimens involve the whole animal or any part thereof; and whether dead specimens are fresh, preserved or processed. These restricted activities include keeping, hunting, catching, breeding, selling, conveying or exporting from the country.

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Before issuing a permit, the issuing authority may request the applicant to furnish it with such independent risk assessment as deemed necessary by the issuing authority.

A permit may be refused, cancelled or suspended if the restricted activity is likely to have a negative impact on the survival of a listed species.

The permit system is regulated in terms of the Threatened or Protected Species (TOPS) Regulations, 2007, which have been promulgated in terms of NEMBA.

The DEA is currently in the process of:

- Finalising a Biodiversity Management Plan (BMP) for African lion, of which the purpose is aimed at ensuring the long-term survival of the species in nature. A draft of the BMP was published in the *Gazette* on 17 April 2015 for public participation.; and

- Substantially amending the TOPS Regulations, which involves the possible inclusion of provisions relating to:
 - The refusal of a permit if the restricted activity to which the application relates, is in conflict with a Non-Detrimental Finding (NDF) made by the Scientific Authority in terms of Section 61(1)(d) of NEMBA; and
 - No lion or leopard originating from wild populations may be introduced in captive breeding systems.

13. Are there sufficient systems in my place to prevent and more monitor the trade of endangered species.

International trade in lion specimens is further regulated through the CITES Regulations, 2010, which have also been promulgated in terms of NEMBA. Lion are included in Appendix II of CITES, and the import of lion into the Republic, or the export or re-export thereof from the Republic, requires a CITES permit, whether the specimen is alive or dead, in terms of section 57(1A) of NEMBA.

14: Why has the Department of Environmental Affairs given recognition to the captive breeding of lions in the draft BMP for the African Lion?

The purpose of making reference to the captive breeding of lions is not to manage these facilities through the BMP, but to explore whether these facilities could contribute to the conservation of the species (although the South African wild population is stable, populations in other African countries are under threat of extinction), and to identify and manage possible risks relating to the release of captive bred lions into the wild. Exploring the risks and opportunities also lead to research opportunities (e.g. genetic integrity of lions in captive facilities; or the release period for successful rehabilitation of captive-bred lion).

15: What are the implications of the possible IUCN down listing of Lions from Vulnerable to Near Threatened?

The preliminary finding of the Red List mammal assessment that is currently underway indicates that lion can be regarded as Least Concern, based on the following:

1. Population estimates (in larger protected areas) and observed data (in smaller reserves) post 2000;
2. The population in Kruger National Park has remained stable, and the populations in private and provincial protected areas have increased
3. There are currently no major threats that would cause a decline in the wild population (including managed populations).

There would be no major implications as a result of the down-listing, as it would not lead to a higher level of use of wild lions. Further, the same legislative provisions that would apply if lion is listed as Vulnerable, would also apply if lion is listed as Least Concern.

16: Will the lion bone trade impact on the lion population?

No, captive bred lions in South Africa are largely used for hunting purposes and thus reduce the demand for wild lions for hunting. Lion bones are a legal by-product of trophy hunting, and may be traded internationally for commercial purposes. According to the preliminary Non-detriment Finding, done by the Scientific Authority of South Africa, no evidence currently exists to indicate that the lion bone trade has a negative impact on the survival of the species. However, this trade needs to be closely monitored to prevent a situation where the bone trade becomes detrimental for the survival of the species.

17: Why does the draft BMP for African Lion not address the welfare of lions, particularly because it addresses captive lions?

The BMP is developed in terms of the National Environmental Management: Biodiversity Act, 2004, which does not provide a mandate to regulate welfare matters. Welfare is regulated in terms of the Animals Protection Act, 1962, which is administered by DAFF.

18. Will lion farming in the near future fall under DAFF?

No decision has been taken that lion farming will fall under DAFF. However, the two departments are currently collaborating to agree on areas of cooperation based on their respective mandates.

19. Why, when South Africa only has around 3 000 wild lions, is the country allowed to trade in lion derivatives, but cannot trade in rhino horn?

South Africa's population of white rhino is listed as Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), but for the exclusive purpose of exporting live specimens to appropriate and acceptable destinations and hunting trophies. All other specimens, including rhino horns, are deemed to be included in Annexure I, for which no commercial international trade is allowed. Black rhino is listed in Appendix I, with no commercial trade in any specimen. South Africa has a quota for the hunting of 5 black rhinos, which was approved by the CITES Conference of Parties.

African lion is listed in Appendix II of CITES, and commercial international trade in lion specimens, including lion bone, is permitted but regulated through a permit system.

Therefore, CITES prohibits commercial international trade in rhino horn but not lion bones.

20. A documentary that was released recently, accuses the government of turning a blind eye to Canned Lion hunting, is this true?

No, the government does not condone canned hunting.

In general, the term "canned lion hunting" refers to the hunting of lion in artificial circumstances, including the hunting of lion that is under the influence of a tranquiliser, by trapping it against a fence to hamper its escape, by luring it through the use of bait, hunting it in a controlled environment, and hunting it from a motorised vehicle.

In terms of the Threatened or Protected Species (TOPS) Regulations, 2007, which have been promulgated in terms of NEMBA, the hunting of lion in the following circumstances is prohibited, which means that a permit may not be issued:

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- by luring it by means of bait, smell, sound or any other luring method;
- if the lion is under the influence of a tranquilizing, narcotic, immobilizing or similar agent;
- if the lion is trapped against a fence or in a small enclosure where the lion does not have a fair chance to evade the hunter
- from a motorised vehicle, except for the tracking of the lion if the hunt takes place over long ranges, for allowing a physically disabled person to hunt;
- from an aircraft, except for the tracking of the lion if the hunt takes place over long ranges; or
- by means of dogs, except if the dogs are used to track a wounded lion, or for the purpose of pointing, flushing and retrieving a lion.

The Department is currently collaborating with the Department of Agriculture, Forestry and Fisheries to develop measures in terms of the Animals Protection Act, 1962 (Act No. 71 of 1962) for the manner in which lion are kept in captive facilities, in order to address concerns relating to the welfare of lions in these facilities.