

SA Jagters- en Wildbewaringsvereniging
SA Hunters and Game Conservation Association

Bewaring deur volhoubare benutting / Conservation through sustainable utilisation

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Attention: Dr Kiruben Naicker

Dear Dr Naicker,

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

Please find included the high-level comments of SA Hunters and Game Conservation Association on the proposed policy.

Issue	Key issues, concerns and comments	Recommendations and proposals
GENERAL		
Public consultation	The consultation process undertaken by the High-Level Panel (HLP) was aimed at formulating the development of a report for the minister and should not erode the public consultation process for the development of this policy.	The legal framework is very clear on how public consultation should be done. For this reason, it is expected that there should be a well-documented and transparent public consultation process , with a register that indicates how specific concerns were addressed.
Consideration of broader impacts	This draft policy aims to change the direction of conservation within South Africa. Have sufficient consideration been given to the social and economic impacts some of the recommendations included in this draft policy will have on individuals, communities and conservation, especially in light of the current financial state within the country, the general high unemployment rate as well as the fragile state of the wildlife economy at the moment due to COVID 19?	Rigorous engagement on the proposed policy direction is required with due consideration of intended and unintended social, economic and conservation implication. This would require a serious of in-depth consultative sessions with relevant stakeholders.



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Lack of acknowledgement of successes and building on those	The draft policy does not acknowledge and build on successes.	Acknowledge the conservation successes achieved as a collective to date, including stable to increasing populations of elephant and lion, bringing both the white and black rhino back from the brink of extinction and providing source populations. Ownership by private sector, early progressive policies including making game available to private sector, promoting wildlife conservancies and government led wildlife extension services enabled these successes.
Tone of the document	<p>Instead of being inspirational and creating an enabling framework that would move the sector as a whole into positive action to achieve the “new deal” for people and nature, the draft policy is written in a very negative manner, repeating negative aspects. It reads as a regulatory intervention to deal with a lot of negative aspects.</p> <p>Example: The Theory of Change diagram in the draft policy indicate the policy objectives for Species Management and Trade, related to rhino, as follows” Reverse rhino domestication” and “No horn trade”. In fact, almost all policy objectives are negative statements. In table 5.4.3 dealing with “Summary of Policy Objectives and Expected Outcomes”, the policy objective is stated as “Reverse domestication and intensification of rhino”.</p>	<p>Change the approach and tone, focussing on strategic policy interventions and the use of inspirational text that will mobilise support towards a better future for people and wildlife.</p> <p>If private sector has the majority of rhino and they are more successful than government in protecting them, there should at least be a policy objective that is positive and inspiring, one that perhaps state “Create an enabling framework for private sector and communities to further improve their rhino conservation successes”. Providing incentives to move from captive to semi-extensive and extensive areas could be specific interventions under this policy objective to improve the conservation successes. This would set a different tone for the draft policy and would generate much more buy-in and collaboration.</p>
Moving away from HLP recommendations and intent	<p>Upfront, the draft policy states that it is derived from the HLP report. However, there are several instances where the emphasis of the draft policy, differs significantly from the intent and recommendations of the HLP report. Should this be interpreted as a deliberate change in intent by DFFE to change the focus of the recommendations? If not, the changed emphasis is not only misleading but may bring the work of the HLP into disrepute.</p> <p>Example: there is a definite shift in policy direction from promotion of a suite of responsible and sustainable wildlife-base uses, inclusive of <u>wildlife-based tourism</u>, in</p>	Promoting a diversified portfolio of different income streams (all responsible and sustainable) that can adapt to different environmental and economic circumstances, are the most robust and sustainable policy direction. The importance hereof is emphasized by the covid pandemic and lock-down restrictions that impacted severely on many ecotourism destinations that were solely focussed on international photo-tourism. Many rural and community areas are also not best suited for ecotourism, as they may not be very pristine, often a requirement for photo-tourism and hunting tourism may be a more viable option.

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	<p>the HLP report, to emphasis on <u>ecotourism</u> (mainly photo-tourism) in the draft policy. The policy objective on sustainable use of wildlife resources p40, states “Enhance ecologically sustainable use, especially ecotourism and its benefit flows”, while the expected outcome is stated as ”Revise the National Bio-economy Strategy to emphasizes the ecotourism component as most important”. Similar emphasis is placed on ecotourism in various other places in the draft policy. This could be interpreted as a deliberate move away from the HLP findings that did not promote any one landuse option above another, but rather recommended that whatever the use, it should be socially, economically and environmentally responsible and sustainable, with full-cost accounting of all impacts.</p>	<p>The HLP further recommended that we have to move towards full cost accounting for wildlife-based business models to ensure that we are truly sustainable in utilising wildlife, irrespective of the preferred wildlife use options taken by any one enterprise. This would strategically move the wildlife industry towards greater responsibility, will provide clear guidance to government as to where incentives should be targeted, can assist with addressing reputational risks and deciding best practise options.</p>
<p>Misrepresentation of facts</p>	<p>The draft policy refers to “unsustainable practices on hunting wild leopard”. Legal regulated hunting of leopard has not been identified in any report as having detrimental impacts on leopard, including in the HLP report. Leopard hunting is extremely well regulated and sustainable in SA. South Africa received accolades from parties at CITES CoP in 2019, for the national monitoring framework implemented and the way trophy hunting quotas are managed. Illegal killing of leopard for cultural regalia and the illegal killing of perceived damage-causing animals, have however been identified as problematic, for various reasons. Specific recommendations were made by the HLP, but the draft policy is not clear and a negative picture is painted of legal regulated hunting of leopard.</p> <p>A second aspect where the policy relies on questionable assertions of fact, is the assumed causal link between past legal sales of lion derivatives and threats to wild lions. There is good evidence of long-standing cultural demand for felid body parts within African traditional communities and in</p>	<p>Ensure statements in the draft policy are factually correct and remove statements that are not, such as referring to unsustainable practices on hunting of wild leopard. The draft policy document should be assessed for accuracy of fact and evidence-based.</p> <p>There must be careful use of wording on contentious issues that may convey incorrect information, and where necessary the statements be supported with peer reviewed evidence.</p> <p>Ensure that the proposed policy is actually drafted in a way that it will have the best chance of achieving the expected outcomes, in this case, use of leopards for traditional purposes and management of damage causing animals. It is proposed that an incentive-based approach be followed, where people that contribute to the conservation of a species, be given the opportunity to generate benefits from the species in a responsible and sustainable manner.</p> <p>It is proposed that general reference to threatened or protected animal species when</p>

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	<p>East Asia. The fact that this demand is being met from both legal and illegal sources, does not necessarily mean that the legal trade is causing illegal trade.</p> <p>“Captive-bred” lions are shot by some, not “captive” lions. Terms should be used correctly otherwise it sends the wrong message.</p> <p>On p19 of the draft policy, a statement is made that “there are major concerns about zoonotic risks, including covid 19.” Including statements like that, while it was deliberately decided by the HLP not to deal and assess this as part of its deliberations is irresponsible.</p> <p>Another example on p23 include that there is a court judgement that give recognition that “animals are sentient beings”. This is a mis presentation of the specific court judgement. Sentience may be used for some of the higher order animals like elephant, but no evidence exist that animals in general are “sentient”.</p> <p>Using “threatened and protected” in general in the document when referring to the 5 species, is creating a wrong impression of the conservation status of the species. Not all the species listed are threatened on the IUCN Regional Red list. White rhinoceros is near threatened, black rhinoceros is endangered, leopard is vulnerable and both lion and elephant are listed as least concerned.</p>	<p>referring to these species in the document, be deleted.</p>
Lack of guiding principles	<p>The Draft Policy has no guiding principles. Although the NEMA principles must provide guidance, these may not be explicit enough to deal with specific policy approaches and decisions related to wildlife management.</p>	<p>The HLP report provided principles to guide decision-making and these can form the bases for a consultative process to agree on what the specific guiding principles should be that inform conservation and responsible use of the five species.</p>
Specific key recommendations left out	<p>The HLP report has eighteen different goals with key recommendations, many of these have been omitted in the Draft</p>	<p>Provide context as to why some recommendations have been brought forward and others not and include the</p>

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	<p>Policy or have been written in a way that it loses key aspects. It would be very informative to understand why some key recommendations were brought forward to the Draft Policy and others not and whether or not this should be interpreted as a shift in policy direction. One specific aspect, is the recommendation on promotion of authentic and responsible hunting.</p>	<p>recommendation on promotion of legal and responsible hunting.</p>
<p>Approach to growth not strategic</p>	<p>Transformation is critical for successful and sustainable growth of the wildlife economy. This should however not happen to the detriment of the existing responsible role players in the wildlife sector. There are very little if any positive interventions proposed in the Draft Policy that reads explicitly supportive to the existing responsible wildlife role players. The State does not have the capacity to, on its own, grow and transform the wildlife economy. The Draft Policy as it reads now, will however alienate existing role players in the way it is framed and articulated.</p>	<p>Private sector and NGO's are crucial for growth and transformation of the sector. However, if they are struggling to survive, partly due to a policy framework that is not enabling, they would not be in a position to help deliver on these strategic targets. The land managed outside of protected areas, that contributes significantly to achievement of conservation targets, are more than twice the size of protected areas and a strategic approach would be to improve performance on these areas, whilst also bringing in new areas and role players. If the experienced role players struggle to survive, how would the new entrants make it? The data shows that these areas are already more successful in dealing with threats such as rhino poaching. Without success in these areas, SA's performance reports to international conventions and in terms of the country's conservation targets, would be alarmingly poor as performance on protected areas are not that good. Ways to achieve this is rationalized policy, business and technical support to all role players. In addition to positive policy interventions, specific interventions could include i) a chamber of business providing statistics, data and best practise models for improved business sustainability; ii) ecological extension services to all (this played a crucial role in growing the sector but government has seized providing this service while the expertise is still available and iii) ensuring SANBI provides greater support to the sector.</p> <p>The policy document needs amendment and further clarifications and specific policy</p>

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		interventions be considered clearly in terms of potential intended and unintended outcomes.
DEFINITIONS		
Community	Definition for communities in this policy is not aligned to the definition in NEMA , where a community is defined as any group of persons or a part of such a group who share common interests and who regard themselves as a community.	Where there are definitions already captured in NEMA and NEMBA , these should be used to limit any confusion. The definition of "indigenous community" as defined in the Intellectual Property Law Amendment Act and in the National Biodiversity Economy Strategy can be considered.
Self-sustaining; Captive and Wild Populations	There may be potential overlap in the definitions and similar definitions are already capture in NEMA and TOPS.	Where there are definitions already captured in NEMA and NEMBA, these should be used to limit any confusion and these definitions should be further scrutinised to ensure there is no confusion.
Conservation	The definition for "conservation" is a list of several definitions from different sources.	A single, clear definitions is required.
Welfare, humane and well-being	There are no clear distinguishing definitions for these three terms and they are used interchangeably in the draft policy. The current use of these terms in the policy will cause ambiguity instead of providing clarity in the policy and may cause significant challenges in implementation of the policy.	Welfare and well-being should be clearly defined in the context of wildlife management and a distinction should be made between captive and wild animals as the latter are impacted by environmental conditions and social behaviour that may impact their well-being, although natural.
Sustainable use	The current definition for "sustainable use" is too complex and unclear . Sustainable use has been defined in several international agreements. In addition, using the term "humane" in the definition of sustainable use, will be problematic in relation to hunting, as it states that sustainable use also means that "it does not wantonly... cause suffering to an animal". There may be some that argue that any form of wildlife management, including culling or hunting, may cause suffering as the animal dies in the end. using words like "humane" and its description	The definition for "sustainable use" should be drawn from several international agreements and legislation, and where necessary, consolidate this into one simple, clear definition. The King Reports deals specific with sustainability in a business context and it may be useful to translate that into a guiding document in support of the definition that can guide wildlife enterprises in support of the wildlife economy.
Substantial proof and excessive damage	The definition of the term damage-causing animals refers to "substantial proof" and "excessive damage". Clarity is required on what is meant by these qualifying terms.	The terms "substantial proof" and "excessive damage" be clearly defined to ensure consistent applications.
Convivial conservation	The document refers to the term "Convivial conservation" without properly defining the term.	Although there is a scientific definition of this term (Büscher and Fletcher, 2019), more eloquent ways exist to explain the vision, using common understandable language.

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POLICY OBJECTIVES		
<p>To reverse the domestication and intensification of management of rhino.</p>	<p>It is unclear how the policy interventions for rhino will prevent the extinction of white rhino in the wild.</p> <p>It should be made clear that the drive towards intensification of rhino was predominantly a result of a conservation threat, poaching, that is still existing. The captive breeding of lions is a very different scenario as the wild and managed-wild lion population in SA is stable and healthy.</p> <p>As there is no proof of current domestication of rhino through intensification, it is suggested that the term be dropped from the policy objective. The Scientific Authority report on the intensive and selective breeding of game, however highlights the risks associated with intensive and selective breeding and emphasize the importance of nature, extent and scale of the practice.</p> <p>Specific incentives to support custodians of wild rhino populations are not receiving sufficient attention in the draft policy as the main thrust should be towards optimising conservation success for wild rhino populations.</p>	<p>The policy objective for all the species should focus on creating an enabling framework for government, private sector and communities to improve successes in the conservation of wild rhino populations.</p> <p>Opportunities and risks should be identified, as was done with the Rhino Lab and specific policy interventions identified to improve opportunities and reduce risks.</p> <p>Specific incentives should be developed to support custodians of wild rhino populations that contribute to our wildlife heritage.</p> <p>Threats to species survival and interventions to mitigate these, should be considered different from intensive and selective breeding for pure commercial purposes where the latter may have substantive conservation, social and economic risks (Scientific Authority Report).</p> <p>Although the ultimate goal should be to have stable or growing wild rhino populations, private sector and communities should be supported in mitigating national and international threats that are not of their own making. As long as the poaching pressure on rhinos remains, rhinos are safer from poaching under these conditions as anti-poaching measures are less expensive and more effective. If semi-intensive systems are a necessity to mitigate against the poaching threat, management guidelines that can ensure maintenance of evolutionary processes and improved potential for re-introduction into the wild when the risks situation changes, is a step in the right direction. (The Scientific Authority has recommended guidelines for mitigating the risk of keeping and breeding rhinos in semi-intensive facilities.) This allows for improved mitigation of risks, whilst also managing for long-term evolutionary adaptability and survival.</p>

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<p>No trade proposals submitted for rhino horn under current conditions.</p>	<p>The draft policy does not provide policy clarity regarding rhino horn trade. The wording on pages 8 (item 2) and 47 potentially undermines the clarity provided by the Committee of Inquiry and Rhino Lab which laid out a relatively clear path towards achieving the circumstances under which trade could become a realistic proposition.</p> <p>The statement on p20 “Captive horn trade prior to achieving the Commission of Inquiry Option 3 recommendations could trigger further poaching pressure and increase risk to populations,” is speculation and evidence from trade specialists indicate the opposite.</p> <p>In addition, most of the SADC countries seem to lean towards trade. Our legislation is of the best in the world and at a species level, we far exceed the requirements of CITES for international trade in either an App I or II species. The NDF for white rhino concluded that in the absence of trade in rhino horn, poaching will continue and the species will continue to be at a high risk of extinction. Without trade, the funds needed to conserve rhino and curb poaching cannot be generated.</p> <p>Lastly, illegal trade in rhino horn leads to animals dying, with additional losses in revenue that could have supported conservation of the species. Legal trade in rhino horn can however generate revenue without an animal being killed, supporting conservation efforts.</p>	<p>South Africa is the country with the most white rhino's in the world. We should be leading the conversation on rhino horn trade.</p> <p>We should build on the work of the Committee of Inquiry and Rhino Lab which laid out a relatively clear path towards achieving the circumstances under which trade could become a realistic proposition.</p> <p>Where progress on this path is hampered, specific measures should be put in place to fast-track delivery with clear deadlines and accountability.</p> <p>Should the option to trade in rhino horn not be available very soon, the private sector will further disinvest in the species, at a huge conservation loss to the country. Expecting the private sector to participate in a 2021 rhino population census whilst already feeling disillusioned and unsupported is not realistic.</p>
<p>Management of elephant</p>	<p>A lack of attention has been given to the challenges the country, protected areas and private landowners face with increasing elephant numbers in fenced areas. It is not sure how the policy objective of “increased wildness, naturalness, and wellbeing” will achieve the stated outputs, that mentions addressing increasing densities in small fenced reserves”. Urgent interventions are needed. According to the</p>	<p>Incentivising and facilitating adaptive management of elephant in a responsible manner, including evaluating the elephant Norms and Standard and legislation to reduce over-regulation and improve adaptive management.</p>

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	<p>HLP report, “elephant numbers in South Africa increased by approximately 26.8% between 2002 (14,071 elephants) and 2006 (17,847 elephants). Since 2006 there has been an approximate increase of 41%”.</p> <p>In addition, successful introduction of elephants to smaller fenced areas resulted in approximately 80 properties with elephant, many of which have either exceeded their initial preferred stocking densities or will soon do so. Management options for these areas are limited as the Elephant Norms and Standards, dictate that wildlife custodians must demonstrate that the full hierarchy of management options, including contraception, range expansion and translocation, are exhausted before consideration of culling as a management option may be considered. Hunting is also seen as problematic. About 26 properties in South Africa are already implementing contraception, which is just reducing the population growth rate, but does not prevent issues with over population in fenced areas. growth in the short-term. Finding new destinations for translocation of elephants to reduce population size is a challenge with large numbers of elephants being available for translocation, but with no takers. Increased elephant numbers in fenced areas have impacts on other vulnerable species.</p>	
<p>Reconceptualizing the role of protected areas as a socio-economic catalyst</p>	<p>Although the draft policy refers to reconceptualizing the role of protected areas as a socio-economic catalyst, no indication is provided of how this will be achieved, and no emphasis is placed in improving the conservation performance of protected areas. Considering the existing legal framework and the states mandate to ensure conservation of our wildlife heritage, one would assume that the first priority should be improving conservation performance. It is however well-known that conservation funds are dwindling and several of the state</p>	<p>Protected areas can play a huge role in drivers of the rural economy, but only when they are managed optimally to achieve its primary conservation mandate. Delivering on socio-economic agendas should not be to the detriment of conservation. SA Hunters made specific recommendations in this regard and have established programs in support of this policy initiative, but lack of demonstrated commitment from government has hampered progress. It is important that the cost of implementation of policy objectives be considered.</p>

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	conservation agencies are extremely constraint in so far as resources are concerned.	