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

27th July 2021

RE: Public consultation on the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros.

Dear Dr. Kiruben Naicker,

FOUR PAWS in South Africa gratefully appreciates the opportunity to provide our comments in response to this public consultation in relation to the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros[1] and we are highly encouraged by many of the decisions proposed by the Department of Forestry, Fisheries & the Environment (DFFE).

We are confident that if the recommendations set out in this letter are implemented, the decisions will truly benefit South Africa's indigenous species, big cat populations across the globe, support enforcement efforts in tackling illegal trade and further establish South Africa as a global leader in conservation.

We are part of the international animal welfare organisation, FOUR PAWS, working to protect animals under direct human influence. Our expertise lies in the rescue and management of big cats in captivity. We operate sanctuaries across the globe and in South Africa that care for big cats, as well as other animals. In addition, our trade unit works on international wildlife trade topics in multiple countries, alongside relevant authorities to research, investigate and prevent illegal trade. Therefore, these are the issues we focus on within our recommendations set out below.

[1] Government Gazette Vol.672 No.44776 http://www.gpwonline.co.za/Gazettes/Gazettes/44776_28-6_ForFisheriesEnvironment.pdf.

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Our recommendations have been divided into those pertaining to:

1. Potential loopholes to the closure of the South African captive lion breeding industry:
    a. Other big cat species
    b. Ranched lions
    c. Disposal of specimens and stockpiling
    d. Misuse of CITES Trade Purpose Codes
2. The intent to position South Africa as a primary hunting destination.
3. The role of sanctuaries as an important model solution and integral to protecting animal welfare.
4. Key implementation recommendations.

Kindly confirm receipt of this Submission and address further correspondence to the email addresses: Fiona.miles@four-paws.org and Sarah.locke@four-paws.org.

1. Loopholes to the closure of the South African captive lion breeding industry

a. Other big cat species

The decision to end the breeding and keeping of captive lions (*Panthera leo)* in South Africa for commercial purposes, is a hugely impactful step in the protection and conservation of the species, both in South Africa and across the African continent. However, there is a pressing need to include all five big cat species from the Panthera genus[2] within this protective legislation. This is necessary to ensure that South Africa does not contribute to the demise of other big cat species, by facilitating a commercial trade that perpetuates illegal trade and further stimulates a demand for big cat parts.

The commercial trade in big cats and their parts is now a global conservation and welfare issue and is interconnected among species. The links between South African captive lions and Asian markets selling tiger products has been widely documented, most notably in the TRAFFIC report *Bones of Contention*[3]. Since 2015 when this report was published, South Africa has exponentially increased the number of tigers on breeding farms and subsequently its role in the commercial trade in tigers and tiger parts. South African breeders have acknowledged that breeding and trading in live tigers is legal and comes with little regulation and is therefore, a legitimate business to enter without consequences to African species or global conservation efforts. The potential for lion breeders to switch their focus to breeding and

[2] https://www.nature.com/articles/s41598-021-92781-0
[3] https://www.traffic.org/publications/reports/bones-of-contention-south-african-trade-in-african-lion-bones-and-other-body-parts/

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trading in tigers after a ban on lion farming is enacted poses a threat to wild tigers. This will increase market demand for all big cat parts and will have a detrimental effect on African lions as increased demand often correlates with increased poaching. This was well documented in 2019, when a lion bone quota directly correlated to an increase in the poaching of wild lions in South Africa and neighbouring countries[4].

The increasing market for tiger (*Panthera tigris)* and lion (*P. leo*) parts in Asia has led to other big cat species from the Panthera genus being targeted as the price of tiger products has increased, due to dwindling tiger numbers and stricter legislation around their products. Bones and other products are not easily distinguishable between big cat species once the skin is removed, and therefore bones of all big cats have the potential to be used in traditional medicines. The poaching of jaguars (*Panthera onca*) from the wild to be used in Traditional Chinese Medicine has been widely documented in the media[5] and is seen as a substantial threat to the species. This underpins the fact that all big cats are threatened because of a demand for their parts. Policy and conservation efforts cannot discount the fact that the demand is not for all big cats and the demand is met by the supply of all big cats from both the wild and from captive sources. To reduce the demand and safeguard all big cat species, it is imperative that policy acknowledges the joint threat to all big cats due to significant demand for parts and that this demand is reduced through policy, that ensures commercial breeding and trade in all big cat species is banned to ensure the survival of each. Failure to include all big cat species in the impending legislation will damage the initial intent of the policy, which is to protect wild lions. Therefore, it is imperative for this policy and legislation to include all big cat species to ensure South Africa's lions are protected and to position South Africa as a global leader in wildlife conservation.

Furthermore, the Convention of International Trade in Endangered Species (CITES) Decision 16.49 states that Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives[6]. In 2015, there were estimated to be around 280 tigers in captivity in South Africa[7]. Today NGOs believe this number to have grown to 1,500 animals kept in the same conditions and for the same purposes that South Africa will ban for lions[8]. Although the term *intensive breeding* is not defined by the CITES Secretariat, there can be little doubt that facilities in South Africa that breed and house 40 or more tigers for commercial purposes fall under the category of intensive breeding operations and within the remit of CITES Decision 14.69.

We urge the Department to take immediate action to prevent the breeding of captive tigers for commercial purposes as it contravenes CITES and contributes to the trade and demand in global big cat parts. All big cat species should be

[4] https://link.springer.com/article/10.1007/s10531-019-01866-w
[5] https://www.nationalgeographic.com/animals/article/wildlife-watch-news-jaguar-poaching-trafficking-suriname
[6] https://cites.org/eng/taxonomy/term/42069
[7] https://www.traffic.org/publications/reports/bones-of-contention-south-african-trade-in-african-lion-bones-and-other-body-parts/
[8] https://bloodlions.org/predator-breeding-keeping-industry-south-africa/

included within the legislation, including leopards (*Panthera pardus)*, jaguar (*P. onca)*, as well as the non-pantherine cheetah (*Acinonyx jubatus)* and cougar (*Puma concolor)*. It is important that hybrids (cross breeds of animals where one parent species is a big cat) are included within the legislation and the immediate breeding moratorium as they are not currently protected and vulnerable to exploitation.

b. Ranched lions and others

It is important to note that the term 'ranched lions' as defined by the South African Predator Association[9] is a lion that is 'bred for consumptive sustainable utilisation purposes.' FOUR PAWS sees this controlled commercial breeding to also fall into the scope of the Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. Therefore, it should be banned along with the captive breeding and canned hunting practices for the same rationale and justification in terms of cruelty, having no conservation value, perpetuating an illegal trade, and damaging the reputation of South Africa and its role in wildlife conservation.

c. Disposal of specimens and stockpiling

FOUR PAWS urges the South African government to implement measures that prevent the stockpiling of bones, parts and derivatives from lion or any other big cat species. Without such measures there is a legitimate risk of bones from euthanised lions or lions killed before a ban comes into place entering an illicit trade in big cat parts. Furthermore, it is imperative that any stockpiling of bones is made illegal as current big cat owners may attempt to kill their animals to stockpile parts for the relaxing of policy in the future. This would significantly disrupt conservation and enforcement efforts in the future as any seized bones or parts would be impossible to trace. A recent seizure of an illegal shipment of three tonnes of lion bones (along with rhino horn) in a container from South Africa to Vietnam, reflects the concern that some owners have already begun to kill their animals to make a profit while they can[10]. Numerous previous consignments have been reported from South Africa to East Asian countries and we urge the Government increase its surveillance at exit ports[11].

d. Misuse of CITES trade purpose codes

[9] https://www.sapredators.co.za/p40/sapa/sapa-norms-and-standards-for-hunting-managed-ranch-lions.html
[10] https://www.dailymaverick.co.za/article/2021-07-19-unwanted-lions-vietnam-sting-operation-suggests-slaughter-of-farmed-lions-in-south-africa-is-under-way/
[11] https://www.wildlifealliance.org/major-shipment-of-suspected-lion-bones-opened/

Any increase in CITES permit applications for trade in big cats should be questioned especially with importing countries that experience illegal trade in big cats or countries where demand for big cat parts is prevalent. The risk of South African breeders offering their animals for international commercial trade is greater than ever and if allowed, may have detrimental conservation and enforcement consequences in importing countries.

2. **Intent to position South Africa as a primary hunting destination**

We are encouraged to see the Government's recognition of the social and moral responsibility to act humanely and prevent suffering, and ensure quality of life towards wildlife within the policy paper. However, while many of the decisions indicate a step forward for conservation and animal welfare, we are concerned by the resolution to position South Africa as a primary hunting destination. Trophy hunting is well understood to be a colonial relic and a practice that benefits only a small number of individuals. Moreover, in recent years, the persistence of the industry is becoming more and more widely condemned, as is exemplified highlighted by the unprecedented backlash from a number of high-profile cases (such as the trophy hunting of Cecil the lion[12]) and huge controversy on social media when hunters share images of their 'prizes'[13]. Not only is there a global movement away from the acceptance of trophy hunting, according to Humane Society International (Africa) an independent survey conducted in South Africa in 2021 reveals that two out of three South Africans oppose trophy hunting [14].

Trophy hunting in South Africa offers little conservation benefit and contributes to global wildlife population decline[15]. With leopard numbers decreasing in South Africa, we are highly concerned with the Government's plan to increase hunting concessions. This will be hugely harmful to their wild populations. The concern is reflected in the future of lions, as we assume that the promotion of South Africa as a primary hunting destination, will mean that in the future, lion hunting concessions will too, increase. Considering this, we urge the South African Government not to permit the export of any big cat parts or derivatives from neither wild nor captive sources, including for the purpose of 'Hunting Trophies'.

We are encouraged by the Government's decision to prevent the live *export ex situ* of the five iconic species and we would urge that the import *ex situ* of the five iconic species is prevented also. In addition, the live import and export *ex situ* of all other indigenous and exotic wildlife species should be prohibited, except in the case of a rescue from exploitative conditions of animals to True Sanctuaries, to reduce South Africa's influence in the exploitation of wild animals and promote the country as a leader in wildlife conservation.

3. **The role of sanctuaries as an important model solution and integral to protecting animal welfare**

[12] https://www.bbc.co.uk/news/world-africa-33674087
[13] https://www.iol.co.za/travel/africa/disgust-as-trophy-hunter-boasts-of-killing-rare-large-tusked-elephant-in-zimbabwe-23723083
[14] https://www.hsi.org/wp-content/uploads/2021/06/Trophy-hunting-numbers-eu-report.pdf
[15] https://www.hsi.org/wp-content/uploads/2021/06/Trophy-hunting-numbers-eu-report.pdf

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We applaud the confirmation by the Government that rewilding of captive lions is not feasible and that captive breeding is not necessary for conservation purposes. Therefore, it is important the Department explores a range of sustainable alternatives in addressing the future of the approximate 12,000 captive lions when finalising the policy and implementing a ban on lion farming. Sustainable alternatives should prioritise the welfare of the animals and ensure that there is not a mass killing, as the existing business model for lion breeders no longer applies. This will cause further, significant damage to Brand South Africa. In the eventuality, that current big cat owners and breeders no longer wish to have their animals, priority should be given to rehome animals in 'True Sanctuaries'. These are truly non-exploitative facilities that do not offer interactions, hunt, trade, loan or breed the animals. They should be for the purpose of allowing the animals to live out their lives in species appropriate conditions and for education specifically regarding the plight of these animals for the purposes of raising awareness and significantly changing human behaviour towards animals. To the best of our knowledge, there are only five such sanctuaries in South Africa,[16] which demonstrates the need for more sanctuaries to be encouraged through government initiatives and by encouraging existing big cat owners to change their business model and facility to that of a sanctuary. In addition, a more robust definition of 'sanctuary' will help to differentiate between commercial and non-commercial captive facilities. We appreciate the recognition by Government that there are no norms & standards for captive populations to implement welfare regulations and we are encouraged to see the intent to develop these. Progress has been made by Tourism Associations in South Africa and globally, such as the South African Tourism Services Association Captive Wildlife Tool[17] and the Association of British Travel Agents Global Welfare Guidance for Animals in Tourism[18] and we would urge the Government to use these, amongst others, including documented and scientific best practise by organisations such as FOUR PAWS, as guidance.

It is inevitable given the number of big cats in captivity in South Africa, that there will be a significant number of animals that cannot be rehomed as their current state of health will mean greater suffering to keep them alive. Under these specific circumstances, euthanasia should be used but only administered by veterinarians and with procedures in place for the disposal of the carcasses that does not allow for any stockpiling of bones and parts.

4. Key implementation recommendations

Firstly, a comprehensive audit should be undertaken to register all captive facilities keeping big cats (including but not limited to, commercial facilities, zoos, sanctuaries, tourism facilities and hunting facilities). Veterinarians and other

[16] https://www.four-paws.org.za/campaigns-topics/campaigns/livekind/true-sanctuaries
[17] https://www.satsa.com/wp-content/uploads/SATSA_HumanAnimalInteractions_Final5_Interactive.pdf
[18] https://www.abta.com/sites/default/files/media/document/uploads/Global%20Welfare%20Guidance%20for%20Animals%20in%20Tourism%202019%20version.pdf

experts should assess the quantities, age, sex of all wild cats held in captivity and their welfare status, as well as bone and product stockpiles.

Such an audit and assessments could result in informing and reshaping the permitting process in South Africa and could include important mechanisms such as microchipping to identify individuals and DNA analysis to track individuals and prevent unlawful movement of animals. Translocations of big cats across South African provincial borders must only be carried out, when necessary, as determined by a veterinarian. The results of the audit and assessments would guide sustainable and implementable alternatives to mass euthanasia of the captive lion population in SA.

Secondly, an immediate moratorium on breeding on all big cat species should be put into place to prevent further reproduction of captive animals.

In addition, we have collated several key implementation recommendations that we urge the Government to adopt where rehoming of animals and euthanasia, due to an animal's good health (as decided by a veterinarian) is not recommended, these include:

- Healthy animals are sterilised and not used for breeding.
- Provision of species-appropriate care in terms of enclosure size, dietary needs, veterinary care, behavioural needs and keeping the animals free from suffering.
- Transformation of captive breeding facilities to True Sanctuaries that offer the animals lifelong care. Should the Government deem it necessary, FOUR PAWS can offer support by inviting lion owners to LIONSROCK Big Cat Sanctuary where we can showcase what this entails.
- Individual animals that have medical conditions that cause them to suffer and cannot be treated and animals for which no quality of life can be guaranteed, are eligible for humane euthanasia by a qualified veterinarian.
- Measures are put in place to ensure the responsible disposal of big cat carcasses following euthanasia. This includes that qualified veterinarians responsible for euthanasia of animals, work with relevant local authorities to implement and record appropriate carcass disposal, to ensure body parts and derivates are not traded

Expansion of sanctuaries that are truly non-exploitative, will require investment to achieve new, sustainable business models. These 'True Sanctuaries' will rescue animals in need, raise public awareness to the exploitation of wildlife for commercial purposes and provide an education that promotes ethical wildlife management, which will be critical to the future protection of not only South Africa's species.

5. **Observations and concerns surrounding definitions within policy position**

- "Ending the *handling* of captive lions" is quoted as one of the prohibition(s) to be promulgated, but no specific reference is made to the handling of captive lions in tourism related interactions. This should include all tactile interactions such as cub petting and "walking with lions" situations and voluntourism opportunities, as was specifically recommended in the HLP report. This should be updated accordingly and should be amended to include interactions with all big cat species.

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- We appreciate the Government's recognition there is a general lack of consideration towards aspects of welfare in the wildlife sector and we believe that provision of two definitions of 'wellbeing' and 'welfare,' will cause confusion and allow for misinterpretation of subsequent laws (purposeful or otherwise). Welfare is generally based upon scientific evidence and wellbeing, focuses on the holistic environment and conditions that contribute to an animal's ability to cope in an environment (according to the National Environmental Management Laws Act Bill B14-2017). There is an argument therefore, to include the two definitions, as this would ensure that both are covered and would prevent the interchangeable use of either, which would be detrimental to captive animals and would allow for exploitation.
- The very referencing of the definition of 'wellbeing' from the NEMLA Bill is concerning as the last public text of the NEMLA Bill, contained a different definition of wellbeing to the definition in the Draft Policy Position.
- We look forward to receiving the Implementation Framework, as discussed within the policy position, as this is essential to deliver actions from the document. We would urge that details of the implementation plan, (e.g. timelines for its release and implementation) are made public. Clarification on the timeframes is of the utmost importance to ensure the welfare of all lions and other big cats currently in captivity, during this period of uncertainty.

Within the policy paper, there are a number of phrases that require re-defining and we would encourage input from the Animal Welfare Forum that was discussed in the Welfare and Advocacy stakeholders meeting (among other stakeholders), to do so.

Definitions that should be included in the policy position list and require modification:

- *Sanctuary;* this must refer only to a registered facility and one that:
  a) provides a permanent captive home in a controlled environment for specimens that would be unable to sustain itself if released in an environment other than a controlled environment, whether as a result of injury or on account of human imprinting;
  b) bases all their practices on animal welfare and wellbeing;
  c) must take appropriate measures to prevent natural reproduction;
  d) may not perform artificial insemination, or allow the procedure to be performed;
  e) solely accepts rescued animals and does not buy, sell, loan, exchange animals in their care;
  f) only allows human interaction for veterinary care.
- *Rehabilitation centre*; should be adapted from the TOPS regulations considering the internationally recognised definitions of "rehabilitation facility." This would refer to registered facilities equipped for the temporary care of indigenous animal species under the supervision of a wildlife veterinarian for:
  a) treatment and recovery purposes, in the case of sick or injured specimens;
  b) rearing purposes, in the case of young orphaned specimens;
  c) quarantine purposes; or
  d) relocation,

  with the overall intent to release healthy viable animals back into appropriate environments.

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- *Put and take anima*l; definition adapted from NEMBA and TOPS regulations, should refer to a live animal bred (intensive or extensive or captive) in one area and then released on a property irrespective of its size for the sole purpose of hunting that animal within a period of 24 months.
- *Canned hunting;* should be included in the list of definitions, as it currently on features as a footnote, as a general term used to describe the shooting of an animal that is a put and take animal, hunting of an animal in a controlled environment, hunting of an animal that is under the influence of any tranquillising, narcotic, immobilising or similar agent, or hunting of a captive-bred animal.
- *Intensive* and *selective breeding* require separate definitions. *Intensive breeding* is a type of breeding in a controlled environment that aims to maximise production, while minimising costs.
- *Selective breeding;* the deliberate selection of and breeding for selected animal traits, usually in a controlled environment.
- *Domestication;* the process whereby captive animals are changed at the genetic level, through generations of selective breeding, to accentuate traits that ultimately benefit the interests of humans, and thus creating a dependency on humans for survival.
- *Sentience* and *humane*; we would encourage the inclusion of definitions pertaining to each of these issues.
- *Damage causing animals;* needs further consulting on as this is highly species-dependent and subjective.

In order to deliver the *vision* of "secured, restored, and rewilded natural landscapes with thriving populations of elephant, lion, rhino and leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector" as set out in the policy position, we would urge for the reclassification of the 33 wild species, including lion, giraffe, cheetahs and rhino, that were reclassified in 2019 from wild animals to farm animals under the Animal Improvement Act and the Meat Safety Act. The current COVID-19 pandemic has never made this change to legislation so important, and we would ask the DFFE, alongside the Department of Agriculture, to remove those wild species (that are not usually domesticated), from the list of farmed species.

Lastly, FOUR PAWS would like to stress the need for civil society to be represented and to play a role in the finalising of this policy and to be included throughout the implementation process. The establishment of the Animal Welfare Forum will be a critical resource for the Government during this time and we look forward to offering assistance where possible. We express our gratitude to the South African government and Department of Environment in ensuring that all stakeholders have had a voice in the high-level panel and look forward to this continuing.

Yours Sincerely

Fiona Miles

Director

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