

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

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By Barry York

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Submitted to: policyposition@dffe.gov.za

1 INTRODUCTION

I am the Vice President of the Professional Hunters Association of South Africa (PHASA), I serve on the transformation committee of Wildlife Ranching South Africa (WRSA) and am a founding member of the Sustainable Use Coalition of Southern Africa (SUCO). PHASA is the largest association of professional hunters in the world that is dedicated to optimizing the benefits of responsible conservation and the ecologically sustainable use of all wildlife for the benefit of our people.

PHASA, WRSA and our partners in the Sustainable Use Coalition of Southern Africa (SUCO) have made a most significant contribution to the South African conservation success story, where over the last 20 years approximately three times more area of agricultural land than our formal protected areas, is now used for Game Ranching where the positive management, production, and optimal utilization of wildlife for the socio-economic and environmental benefit of our people.

Game Ranching does NOT take place on land dedicated for so called conservation purposes as in our State Protected Areas or Private Nature Reserves but on agricultural land that primarily falls under The Conservation of Agricultural Resources Act, 1983 (Act No 43 of 1983) and the Preservation and the Development of Agricultural Land Bill (BB-2021, 2021-04-22) where the production and positive management of the agro sustainable biodiversity wildlife economy takes place.

It is of grave concern to professional wildlife managers, that this draft policy document will have serious negative impacts on our freedom of trade, occupation, and profession. Whilst understanding that the practice of trade, occupation or profession may be regulated by law, we request that our right to just administrative action as stated under section 33 of the South African constitution be respected.

According to Section 24 of our Constitution environmental legislation and policy must be reasonable in its development and application.

PHASA remains committed to cooperating with all Government agencies and other responsible stakeholders in growing our transformed wildlife economy. PHASA has made numerous written submissions to the Department of Forestry, Fisheries and Environment (DFFE) but remain unclear as to whether our comments and inputs have been understood, taken seriously, or are simply part of a tick box exercise in the public participation process. To date we have never had the courtesy of a written reply to any one of our many written submissions.

We believe that our constitutional rights along with the rights of our black shareholders in our wildlife economy, have been adversely affected by this Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros.

As per section 33(2) of the South African Constitution that deals with just administrative action, PHASA once again formally requests an official written reply to our comments and questions from DFFE with 30 days of receipt of this submission.

2 ACRONYMS

Requires no further comment.

3 DEFINITIONS

It is NOT acceptable that definitions have not been included in this Draft Policy. It is stated that the use of terms in this policy should be understood in terms of the definitions contained within the White Paper, relevant legislation, or the general understanding of such terms.

Regarding definitions, the White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity (White Paper) as published in Government Gazette, No. 48785, for implementation on 14 June 2023 states:

“For the purposes of this White Paper, definitions have been compiled using sources such as existing legislation, language commonly used within the sector, and Multilateral Environmental Agreements ratified by South Africa.

Definitions of concepts defined in this White Paper may be amended in legislation in the future, depending on the specific meaning within the specific legislative context.”

Understanding that Environmental Rights as described under Section 24 of South Africa's Constitution, requires that these human Environmental Rights should be protected or enhanced, through reasonable legislative and other measures, it is

- NOT Reasonable for the authors of the 2023 White Paper to believe that it is their right to change well established and acceptable definitions as and when it suits their agenda?
- NOT Reasonable that, “Definitions of concepts defined in this White Paper may be amended in legislation in future, depending on the specific meaning within the specific legislative context?”

The following definitions contained in the 2023 White Paper require clarity and/or rectification.

Animal Well-being:

The 2023 WP defines animal well-being as the holistic circumstances and conditions of an animal or population of animals which are conducive to its physical, physiological, and mental health and quality of life, including its ability to cope with its environment.

High standards of animal well-being or welfare is supported as animal well-being is a prerequisite to the positive management and productivity of all animals including wildlife for the benefit of our people.

Whilst unnecessary suffering and animal cruelty is to be always avoided, the definition of animal well-being can NOT be interpreted so as to prohibit the wise or sustainable lethal use of animals for the socio-economic benefit of our people.

The notion that animals have the same rights as humans, is rejected and animal welfare should never be confused with the animal rights doctrine, where the responsible use of animals by man is denied.

There is no such thing as diverse species of wildlife living in harmony with each other or with humans. All wild animals of different species are generally classified as being either prey or predator species and many wild animals have a negative impact on our human constitutional right to an environment that is not harmful to our health, well-being and/or food security.

The inherent animal instinct to survive, dominates animal behaviour and animal well-being is not a factor in natural process, where animals of the same or different species, attack, fight and kill each other on a regular basis for food, territory or for the opportunity to mate.

Overpopulations of robust resilient species of animals such as elephants, also have a negative impact on the well-being of numerous other animals, through the destruction of the habitats or ecosystems required for the well-being of the more sensitive, less resilient animal species.

Urban communities have destroyed and eliminated almost all wildlife that may pose any threat to human health or well-being from their human environment.

Best Practicable Environmental Option: Not included in the 2023 WP.

The best practicable environmental option is the option that provides the most benefit or causes the least damage to the environment. at cost acceptable to society in the long term as well as in the short term; (NEMA).

It is of concern that this definition was NOT included in the 2023 White Paper.

Biological Diversity or Biodiversity:

The variability among living organisms (domestic and wild) from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, this includes diversity at genetic, species and ecosystem levels.

It is most alarming to note, that the detailed definition of Biodiversity, including its main components, comprising Genetic Diversity, Species Diversity, and Ecosystem Diversity that includes Landscape Diversity, (Page 9 of the 1997 WP), have been excluded from the 2023 WP.

Conservation:

The 2023 WP defines conservation as the protection, custodianship, care maintenance, rehabilitation, restoration and recovery of biological diversity and its components and their intrinsic value, to improve the well-being of people and nature.

Conservation as defined in the 2023 White Paper misrepresents Section 24 of the Constitution as it confuses Conservation (wise sustainable use) with Protection (preservation or no use). It is simply not possible to protect or preserve an environment from being used by its inhabitants or to keep it, or to preserve it, in its present state.

South African Constitution: Section 24.

(Deals with the Human Environmental Right of our People).

Everyone has the right ⇢

- a. to an environment that is not harmful to their health or well-being; and
- b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that ↯
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Under Section 24 of the Constitution, Protection of the Environment does NOT mean to protect it from being used wisely by its human inhabitants.

Protecting the environment means to prevent pollution and ecological degradation whilst promoting conservation and securing ecological sustainable development and use of natural resources while prompting justifiable economic and social development.

It is the constitutional right of our people to positively manage, and sustainability utilize natural resources (including wildlife) for our socio-economic benefit. This constitutional human right should be used to promote sustainable economic and social development.

It is absolutely imperative that any confusion and lack of clarity between the meaning of the terms conservation and protection of the environment be rectified as they form the foundation of the White Paper concerning South Africa's Policy on Conservation and Sustainable Use of Biodiversity 2022.

The 1997 White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity defines Conservation as - "The management or human use of the biosphere to yield the greatest benefit to present generations while maintaining the potential to meet the needs and aspirations of future generations. Conservation thus includes sustainable use, protection (against abuse) maintenance, rehabilitation, restoration, and enhancement of the natural environment."

This 1997 White Paper definition of conservation is supported as conservation of biodiversity is not about striking a balance between the well-being of people and the well-being of wild animals. Conservation is about putting people first and managing all renewable natural or biological resources, including all wildlife species, positively and responsibly, for the benefit of humanity.

It is of concern that enhancement of the environment for the benefit of our citizens through improved food production or shelter against the elements or improved animal well-being has been excluded in the 2023 WP definition of conservation.

The “People First” approach to responsible conservation management of biodiversity, that includes both economic and ecological sustainability, as required by the South African Constitution is fully supported.

The creation of wealth for the benefit of our people from responsible or sustainable wildlife management, enhanced production and legal trade in wildlife and valuable wildlife products is promoted and facilitated through responsible conservation area management.

The conservation management of wildlife should not be confused with protected area or preservation management of wildlife as they have very different meanings and management objectives.

Conservation management is the imperative of positive management, production and sustainable or optimal use of all natural resources, does not prevent the wise use of wildlife by man but protects all natural resources (including wildlife) against their wasteful destruction.

The wasteful destruction of biological resources such as the burning of ivory, or the unnecessary killing of healthy lions forms NO part of responsible or reasonable conservation management.

To frustrate, hinder or deny the constitutional right of our people to positively manage, produce and benefit from the sustainable utilization of wildlife, through unreasonable, unmanageable

legislation and/or poor ineffective and inefficient government administration forms NO part of responsible conservation management

Conservation areas

Areas that are managed for conservation outcomes and which are not protected areas.

The above definition may be miss interpreted to imply that the management objectives of conservation areas are the same as protected areas and/or that the conservation of wildlife (that supports sustainable use) has the same meaning as prohibited use as in State Protected Areas (SPA)

Understanding the Differences between (A) Wildlife-Game Ranch Management (WGRM) vs (B) Wildlife- Protected Area Management (WPAM).

(A) Wildlife-Game Ranch Management (WGRM) or Agro Sustainable Wildlife/Biodiversity Economy (ASWBE) is where:

- o Wildlife and other biological resources are positively managed, produced, conserved, and sustainably or optimally utilized for the socio-economic benefits of individual or community landholders.
- o The prime management objective of Wildlife-Game Ranch Management is to achieve economic and social sustainability.
- o The enhancement of conservation and vital ecological services is a most important outcome of successful wildlife-game ranch management.
- o Citizens are not removed or alienated from their land and livelihoods are not lost for the benefit of wildlife and where necessary, wildlife is reintroduced to the land to benefit people.
- o The responsible wise and sustainable use of all renewable natural resources is promoted and the creation of wealth from the legal trade in wildlife and wildlife products, along the entire wildlife economy value chain, is facilitated and promoted.
- o The wasteful use or destruction of any renewable natural resources, such as the burning of ivory and rhino horn, is actively condemned, has the opposite meaning of

sustainable use or conservation, and can form no part of responsible conservation management.

o Rural landholders are empowered to have meaningful ownership of wildlife, take full responsibility for, and derive social and economic benefit from, the conservation or wise, positive management and use of the biological resources that are owned by the respective landholders.

o Wildlife populations are positively managed and produced to be in harmony with their environment and the enhancement of environmental integrity is an important management objective.

(B) Wildlife Protected Area Management (WPAM) refers to areas where

- Wildlife is negatively protected, usually at the expense of our rural people.
- People are often alienated or removed from their land and livelihoods are lost, for the benefit of wildlife protection in so called protected areas.
- The sustainable use of wild animals and other renewable natural resources is normally prohibited and the creation of wealth from the legal trade in wildlife and wildlife products is not facilitated and usually denied.
- The wasteful destruction of valuable natural resources such as ivory and rhino horn is carried out under the pretext of protecting wildlife and causing them to be valueless under the pretext of protecting these animals from human use.
- Our rural citizens are not empowered to take responsibility for biodiversity conservation and are denied our constitutional rights to earn a livelihood from the sustainable use of renewable natural resources. Any utilization of renewable natural resources in protected areas is often prohibited and criminalized.
- Minimal or no positive wildlife management takes place as so called, nature is allowed to take its course, resulting in the overpopulation of robust species at the expense of more sensitive species and the destruction of environmental integrity.
- The creation of wealth from wildlife other than spectator tourism is denied. so most protected areas are NOT economically sustainable.
- No enhancement of vital ecological services is permitted under protected area management

Domestication (2023 WP)

A process whereby wild plants and animals are subject to human controlled directional selection over time to alter reproductive, physical, or behavioural characteristics for human use, potentially leading to maladaptation to natural environments and dependency on humans for survival.

Note:

This 2023 WP definition of Domestication purposefully portrays domestication in the most negative context possible yet:

- Fails to recognize that most humans are dependent on domesticated plants and animals for food security and survival.
- Fails to acknowledge that the domestication of wild animals and plants for human use, lies at the heart of human civilization, and modern mankind is almost totally dependent on this evolutionary process.
- Fails to recognize that the responsible, positive, and intensive management or selection of animals that are adapted to their particular environment is vital for their well-being and survival.
- Fails to acknowledge that there are NO natural environments, that exist without the hand of man, in South Africa at this present time.
- Fails to recognize that many adapted domestic animals have the ability to go feral and return to their wild state where they are NOT dependent on humans for survival.
- Fails to provide the scientific evidence that quantifies the perceived problem where captive bred wildlife always leads to domestication, the inability to return to their wild state and always remain dependent on humans for survival.

Ecological integrity (Not defined in the 2023 WP)

The ability of an ecological system to support and maintain a community of organisms that has species composition, diversity, and functional organization comparable to those of natural habitats within a region.

Note:

The assumption that unmanaged natural areas always have the greatest ecological integrity is NOT true as overpopulations of robust animals such as elephant most certainly destroy the ecological integrity of these habitats. Most agricultural practices, that are vital for ensuring food security and all urban developments have disrupted the original ecological integrity of the land on which these human activities have taken place.

Ecological infrastructure (2023 WP)

Includes natural or semi-natural ecosystems that generate or deliver valuable services and benefits to people and the economy.

Ecological sustainability (Not defined in the 2023 WP)

The wise and sustainable use of ecological infrastructure for the benefit of present and future generations.

Economic Sustainability (Not defined in the 2023 WP)

The economic sustainability of a wildlife enterprise means that this business entity is economically self-sustainable, covers its own development and management costs and can survive, prosper or grow on its own ability to generate wealth.

Note:

External funding is not required to maintain a wildlife management or conservation area that is economically sustainable.

Environment (Not defined in the 2023 WP-Ecology is the study of the environment).

Environment as defined by NEMA - means the surroundings within which humans exist and that are made up of

(i) the land, water and atmosphere of the earth:

(ii) micro-organisms, plant, and animal life:

(iii) any part or combination of (i) and (ii) and the interrelationships among and between them:
and

(iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being:(NEMA)

Environmental management (Not defined in 2023 WP)

Environmental management must place people and their needs at the forefront of its concern and serve their physical, psychological, developmental, cultural, and social interests equitably (NEMA)

Best practicable environmental option'. (Not defined in 2023 WP)

Is the option that provides the most benefit or causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term (NEMA)

Note;

The environment cannot be preserved or protected from being used by people living with in that environment but should be protected against wasteful destruction as in Section 24 of the Constitution

Exploitation (Not defined in 2023 WP)

The action of making use of and benefiting from resources.

Exploitation of people involves being forced, manipulated, or coerced into doing something that they don't want, for someone else's gain.

Commercial exploitation of natural resources may be interpreted to mean the unsustainable use or wasteful destruction of natural resources for commercial benefit

Ex-situ practice (Not defined in 2023 WP).

The intensification of management, production or wise and sustainable use or conservation of biological resources outside of their natural habitats or under controlled or captive conditions.

Game Ranching - Wildlife-Game Ranch Management (Not defined in 2023 WP)

The creation of wealth from wildlife through the positive management, production and optimal utilization of wildlife and wildlife products for the sustainable socio-economic and environment benefit of people.

Genetic Diversity (Not defined in 2023 WP)

Genetic diversity refers to the variation of genes within species, making it possible to develop new breeds of crop plants and domestic animals, and allowing species in the wild to adapt to changing conditions.

Genetic integrity (Not defined in the 2023 WP) -

Organisms of the same species have a shared genetic profile. Individual organisms of the same species in which their shared genetic profile has not been interfered with are said to have genetic integrity.

Note:

Genetic integrity has been interpreted by certain conservation authorities to mean genetic purity or the opposite of genetic diversity.

Humane (2023 WP). Any activities, methods or actions involving wild animals that avoid or minimize pain, stress, suffering, or distress, and consider their well-being.

Iconic Species (Not defined in 2023 WP)

Iconic animals have religious importance and are claimed by certain sectors as being worthy of veneration or worship.

Iconic Status (Not defined in 2023 WP)

The iconic status of an animal is determined by emotional sentiment or religious ideology, with no relevance to its conservation status.

Natural Areas or Natural Habitats (Not defined in 2023 WP)

Natural Areas or Natural Habitats-areas or habitats that exclude humans, are undisturbed by man, or exist without the hand of man.

Preservation or Protection (Not defined in 2023 WP)

Defined in the 1997 White Paper as "Keeping something in its present state"

The preservation or protection of wildlife that denies any wise use of this renewable natural resource by man is unconstitutional according to South African law.

Protected Area Management (Not defined in 2023 WP)

Protected Area or "Preservation" Management is where wildlife is negatively protected at the expense of people, the sustainable use of many renewable natural resources is prohibited and the creation of wealth from the legal trade in wildlife and wildlife products is not facilitated and often denied.

Responsible Tourism (Not defined in 2023 WP)

Responsible Tourism requires that visiting guests or tourists, traveling for leisure purposes must have (1) a positive social impact, (2) a positive economic impact and (3) a positive environmental impact on their hosts their host communities and/or host countries.

(1) A positive social impact requires that visitors traveling for leisure purposes, must have respect for, and adhere to local traditions or cultures during their tourism experience. Responsible tourists do not disrupt local activities and must never try to impose their own selective morality, or foreign ideologies on their hosts, the host communities or host countries.

(2) A positive economic impact means that tourists have a positive impact on the economy of their host or host community/country.

(3) A positive ecological or impact requires that the tourism activity is at least ecologically sustainable where the ecological benefits of the tourism activity should outweigh the ecological costs of this activity.

Socially sustainable - (Not defined in the 2023 WP)

The principles of social sustainability include, social equity and justice, diversity and inclusion, democratic participation and empowerment, livelihood security, social well-being, and quality of life.

Sustainable Development (Not defined in 2023 WP)

The integration of social, economic, and environmental factors into planning, implementation and decision-making to ensure that development serves present and future generations (NEMA)

Sustainable Use

The acceptable definition of the Sustainable Use of Biological Resources was simply defined in the 1997 White Paper as;

“The use of components of biological diversity in a way that does not lead to its long-term decline, thereby maintaining its potential to meet the needs and aspirations of present and future generations.”

The 2023 WP definition of Sustainable Use has been unilaterally changed to;

“The use of any component of biodiversity, means in a manner that:

- (a) is ecologically, economically, and socially sustainable
- (b) does not contribute to its long-term decline in the wild, or disrupt the genetic integrity of the population
- (c) does not disrupt the ecological integrity of the ecosystem in which it occurs
- (d) ensures continued benefits to people that are fair, equitable and meet the needs and aspirations of present and future generations; and
- (e) in the case of animals, is humane and does not compromise their well-being.”

To achieve some understanding of this 2023 WP definition of sustainable utilization it is necessary to try to unpack the meaning of the most important terms used in the structure of this definition and includes the following:

- Components of biodiversity - includes the air, water, soils, micro-organisms, all plant, and animal life both domestic and wild.
- Ecological sustainability - (Not defined in the 2023 WP) - the wise and sustainable use of ecological infrastructure for the benefit of present and future generations.
- Ecological infrastructure - natural or semi-natural ecosystems that generate or deliver valuable services and benefits to people and the economy. (2023 WP).
- Economic sustainability - (Not defined in the 2023 WP)- practices that support long-term economic growth - can prosper or grow on its own ability to generate wealth in a sustainable manner - external donor funding is not required to maintain a wildlife management or conservation area that is economically sustainable.
- Socially sustainable - (Not defined in the 2023 WP)- The 5 principles of social sustainability are (1) Social equity and justice, (2) Diversity and inclusion, (3) Democratic participation and empowerment, (4) Livelihood security, and (5) Social well-being and quality of life.
- Genetic integrity (Not defined in the 2023 WP) - organisms of the same species have a shared genetic profile. Individual organisms in which this profile that have not been interfered with are said to have genetic integrity. Genetic integrity has been interpreted by certain conservation authorities to mean genetic purity or the opposite of genetic diversity.
- Genetic diversity (Not defined in the 2023 WP) - the total number of genetic characteristics in the genetic makeup of a species. It ranges widely from the number of species to differences within species and can be attributed to the span of survival for a species. Genetic diversity is the key to evolution and serves as a way for populations to adapt to changing environments.
- Ecological integrity (Not defined in the 2023 WP) - The ability of an ecological system to support and maintain a community of organisms that has species composition, diversity, and functional organization comparable to those of natural habitats within a region. - The assumption that unmanaged natural areas always have the greatest ecological integrity is NOT true as overpopulations of robust animals such as elephant most certainly destroy the ecological integrity of these habitats. - Most agricultural practices, that are vital for ensuring food security and all urban developments have disrupted the original ecological integrity of the land on which these human activities have taken place.
- Humane animal treatment, and well-being have been defined in the 2023 WP but has different interpretations ranging from - the banning of hunting or any form of animal use or

trade for the benefit of mankind - to minimizing animal stress through the provision of suitable living conditions and - minimizing stress pain or suffering during the slaughter or harvesting process.

This complicated 2023 WP definition of Sustainable Use is rejected as it

- fails to endorse the “People First” approach to conservation Management
- is ambiguous, confusing, misleading and can result in numerous different interpretations, making legal compliance extremely difficult if not impossible.
- fails to enhance our citizens constitutional right to positively manage and utilize renewable natural resources in a sustainable manner, for their social, economic, or environmental benefit.

Wildlife-Game Ranch Management. (WGRM Not defined in 2023 WP)

Wildlife-Game Ranch Management (WGRM) or Agro Sustainable Wildlife/Biodiversity Economy (ASWBE) is where wildlife and other biological resources are positively managed, produced, conserved, and optimally utilized in order to achieve economic, social, and environmental sustainability in rural areas.

Conclusion

Well established and acceptable, important definitions that have been used and understood by the wildlife sector for many years and included in Notice 1095 of 1997- White Paper on the Conservation and Sustainable Use of South Africa’s Biological Diversity, have been unilaterally changed in the 2023 White Paper with NO reasonable explanation.

The exclusion of definitions from this Draft Policy is NOT acceptable because well-articulated and clear definitions as to the exact meaning of the language and terms used in this policy document, is a prerequisite for the clear understanding, reasonableness, and effective implementation thereof.

This policy document that fails to clearly define its content, can be interpreted in many ways, is not reasonable and is therefore rejected as unconstitutional according to Section 24 of our Constitution.

4 BACKGROUND

The recognition in this Draft Policy that of South Africa is a world leader in the conservation of wildlife, because of our diversity in wildlife-based land uses, ranging from state and private protected areas, private conservation areas, extensive wildlife ranches, semi-intensive game ranches, intensive wildlife breeding facilities and rehabilitation centres, is acknowledged and supported.

The greatest strength in the South African conservation of wildlife model lies in the diversity of management and land use models employed in the country. The importance of this diversity and its positive contribution to the conservation of wildlife is clearly articulated in the second paragraph of page 7 of this Draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros of September 2023, that reads as follows:

“South Africa has a diversity of wildlife-based land-uses, ranging from protected areas, extensive wildlife systems, semi-intensive management, intensive wildlife breeding facilities, sanctuaries, and rehabilitation facilities. The South African Wildlife Model has led to a range of conservation success, including the increase in in wild populations and range expansion of wild lion, elephant, and black and white rhinoceros. The wildlife economy makes a substantial contribution to the South African economy. Wildlife ranching is an important land use for both socio-economic development and biodiversity conservation and can play an enhanced role in transformation. This can be done through removing the barriers of entry into the wildlife economy for emerging black entrepreneurs and expanding shared benefits with previously disadvantaged individuals and rural communities.”

The South African Wildlife Conservation model that includes facilitating the private ownership of wildlife, that is controlled and positively managed and produced on game ranches and intensive wildlife breeding facilities, has indeed led to the economic growth in the Wildlife Ranching and Hunting sectors resulting in a range of conservation successes.

The need to embrace and grow the great advantage of having this incredible diversity of various sustainable business enterprises, that make a combined positive contribution to the wildlife economy and the sustainable conservation of wildlife in South Africa as identified during the Wildlife Economy Lab of 2016 and Operation Phakisa of 2018 cannot be overemphasized.

PHASA, WRSA and SUCO fully understand the importance of responsible international spectator or photographic tourism to our country's GDP and may have a positive economic impact on the popular tourism destinations such as Cape Town and Kruger National Park but has little or no benefit for the poorest of our remote rural areas where they do not visit.

Spectacular tourism is a valuable single link in the wildlife value chain for selected destinations but can NOT be pandered to at the expense of many of the other important activities or industries that make a positive contribution to the sustainable wildlife economy value chain in our remote rural areas.

This Draft Policy Document fails to recognize that not a single one of our State Protected Areas (SPA's) that have Elephant, Lion, Leopard, and Rhinoceros and who pander to spectator tourism as their most important activity are economically self-sustainable and are a drain to the South African economy. Not only are SPA's NOT economically sustainable, many of them fail to be ecologically sustainable and are also NOT socially sustainable.

A fully developed and diverse wildlife economy that encourages both international and local spectator and hunting tourism, but also promotes the legal trade in high value wildlife and wildlife products such as rhino horn and elephant ivory, game meat sales as well as the curio, leather and taxidermy industries, will make a far greater contribution our country's GDP, and

build the biodiversity economy in an inclusive manner, as emphasized in the 2023 White Paper, than spectator or photo-tourism on its own.

A vibrant and diverse wildlife sector, that focuses on the development and optimization of its entire value chain and diversity of management options, will allow our wildlife economy to be far more resilient to the negative impacts of current and future international disasters such the COVID 19 pandemic, that caused the recent collapse of tourism world-wide.

Wildlife Ranching involving the positive management, optimal production, and trade in wildlife and wildlife products involving the entire value chain, strives to yield the greatest sustainable benefit from wildlife on AGRICULTURAL LAND, is indeed an important land use, for both socio-economic development and biodiversity conservation

Wildlife Ranching can most certainly play an enhanced role in transformation. It is agreed that the first step to meaningful transformation is through removing barriers of entry into the wildlife economy. Transformation requires a change in government policy from the negative protection of wildlife at the expense of rural people to the positive production and management of wildlife for the benefit of our people who are not only stakeholders but shareholders in our diverse wildlife economy.

This Draft Policy clearly states that our diverse wildlife land-uses that includes intensive wildlife breeding facilities has a:

- Positive conservation and environmental outcome
- Positive socio-economic outcome and can make a
- Positive contribution to meaningful transformation through
- Removing the barriers of entry into the wildlife economy

South Africa's unique successful wildlife model is unfortunately being undermined by the relentless and exaggerated negative propaganda campaigns, involving many unproven accusations perpetuated by unethical, self-serving animal rightists or big international non-government organizations (BINGOS). These BINGOS who wish to stop all responsible and

sustainable use, or conservation, of animals for the socio-economic benefit of our people and destroy the wildlife economy, are cleverly hiding their true agenda under the guise of animal welfare or wildlife well-being.

It is most alarming that the great diversity of the South African wildlife-based land uses, that has been clearly identified as the most important key to the successful conservation of these species and has positive outcomes for sustainable socio-economic and environmental rural development, and meaningful transformation is not facilitated and developed, but undermined, harmed and to be destroyed by this draft policy document.

This Draft Policy document furthermore recognizes that one of the greatest problems facing meaningful transformation (Goal 4 of White Paper) within this sustainable rural development model are the barriers of entry into the wildlife economy.

It is most unfortunate that this policy document fails to recognize and facilitate the urgent need for a transformed legal and regulatory involvement to transform and grow the wildlife economy, as identified through the Wildlife Economy Lab process of 2016 and Operation Phakisa of 2018.

This policy document fails to acknowledge that one of the greatest barriers of entry that undermines and erodes the sustainable wildlife economy, and hinders meaningful transformation is the inconsistent, overburdening, unmanageable, and unconstitutional wildlife regulations and policies that have been imposed on this sector by the DFFE for many years.

5 OVERVIEW OF THE POLICY DEVELOPMENT PROCESS.

PHASA and our associates who now are members of the Sustainable Utilization Coalition of Southern Africa (SUCO) have actively participated in the promotion of the constitutional, social, economic, and environmental rights of our members and rural people in all the stages outlined in this so-called policy development process for over 25 years.

The development process of the First White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity was started in April 1995 in response to South Africa's signing of the United Nations Convention on Biological Diversity, and specifically to provide for non-governmental representation from industry role players in the development process.

A Reference Group comprising representatives of National and Provincial Government Departments, Statutory Boards and non-government organizations was established to guide the Steering Committee in the management and implementation of the policy process, to accept responsibility for the consultation process and to ensure that the content of the policy adequately reflected the various concerns and interests of different constituencies.

Broad stakeholder participation was facilitated in the development of the First White Paper. A national consultative conference was held in Pretoria in May 1996 where the inputs from a variety of individuals, and organizations comprised the basis of the Green Paper that was released for public comment by the Environmental Minister on 28 October 1996.

A draft White Paper was developed and ratified by the Reference Group and submitted to the Steering Committee and Editorial Committee who were mandated to see the policy process through to the adoption of the White Paper by Parliament.

For unknown reasons the 1997 White Paper on the Conservation and Sustainable Use of South Africa's Biological Diversity (Notice 1095 of 1997) was never adopted.

The first High Level Panel of experts that was tasked to close the Lion industry in South Africa was appointed under Minister Van Schalkwyk in 2005. This process didn't end well for the Department of Environmental Affairs. The recommendations of the first HLP were never implemented as they were thrown out by the Appeal Court in 2009.

PHASA participated in the Colloquium of August 2018. Unfortunately, our submissions based on scientific fact and sound socio-economic principles were overridden by emotional

propaganda and unsubstantiated accusations perpetuated by Big International Non-Government Organizations BINGO's

The Minister of DFFE appointed the Second High-level Panel (2nd HLP) in 2019 of so called 'experts' for the review of policies, legislation, and practices on matters of elephant, lion, leopard and rhinoceros management, breeding, hunting, trade, and handling.

The PHASA, WRSA and SUCO submissions and professional advice to the 2nd HLP was ignored, overridden, and disregarded as part of the "minority opinion".

The 2nd HLP submitted its report, for which there was NO consensus between the panel members, to the Minister in December 2020. After Cabinet approval, the Minister released the report to the public in May 2021.

There was NO consensus within the 2nd HLP members about its recommendation to immediately halt and close captive lion facilities as well as the closure of intestine rhinoceros management facilities.

The Minister accepted the majority vote of the panel members, who were NOT experts in the management, breeding, hunting, trade and handling of these species, whose decisions were NOT evidence based and were most importantly NOT constitutional.

The opinion of those HLP members who upheld the scientific, evidence based, and constitutional human rights of our people was rejected as a minority opinion of no consequence.

As a direct consequence of the 2nd HLP report the 1st draft policy position on the conservation and ecologically sustainable use of Elephant, Lion, Leopard, and Rhinoceros was published for public comment in Government Notice No 566 of Government Gazette No 44776 of 28 June 2021.

Over 7000 written submissions in opposition to the June 2021 Policy Position from South African shareholders of the wildlife economy were submitted and received by the DFFE within

the 30-day period. The public comment period was extended for an additional thirty days under Government Notice No. 45160 published on 14 September 2021 to allow time for the BINGO's to counter the unprecedented opposition to this policy. Despite being informed that petitions are NOT acceptable in these public participation processes we are now told that two online petitions with 75 857 signatures were received. We have not been informed as to the origin of these signatures if they are South African citizens or not?

Despite the claim by DFFE that all comments were considered, to date PHASA has NOT received a written response from DFFE as formally requested in our written submission of July 2021 as per section 33(2) of the South African Constitution that deals with just administrative action.

The 1st Draft Policy Position of June 2021. on the conservation and sustainable use of these 5 species based on the 2nd HLP report was withdrawn by DFFE as there was no current White Paper that must inform such Policy Positions.

We are now required by the Minister of DFFE to comment on a new 2nd Policy Position based on the 2nd White Paper despite little or no change to the 1st Policy Position that was based on the 2nd HLP report and was overwhelmingly rejected and withdrawn.

It is of concern that PHASA's written submission of 11 November 2022 on the Revised Draft White Paper on Conservation and Sustainable Use of South Africa's Biodiversity as per Government Gazette Vol.688 of 28 October 2022 No. 47378 by the DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT in Government Notice No. 2689 of 28 October 2022 has also been ignored as we have not received any written reply as requested.

Acknowledging that consultative engagements did take place on the adoption of the 2nd White Paper, there was absolutely NO involvement of shareholders in the Wildlife Economy or the Wildlife Forum in the development of this 2023 White Paper.

The 2nd White Paper was approved by Cabinet on 29 March 2023, and published under Government Notice No. 3537 in the Government Gazette No. 48785, for implementation on 14 June 2023.

Chapter 3 GUIDING PRINCIPLES of the 2023 White Paper states:

“These principles, in addition to the principles included in Section 2 of NEMA, are applicable in the context of the conservation and sustainable use of South Africa’s Biodiversity and should be considered in applicable activities and practices, and in the development of all legislation and policy. The additional principles underpinning the White Paper are the following:

a). Transformation: Safeguarding, protecting, and promoting the rights, ownership, and responsibilities of all role players in the biodiversity sector to ensure respect for dignity, inclusive participation, and fair and equitable sharing of benefits and growth, particularly for those that were previously disadvantaged. Important considerations should include aspects such as equality and freedom, inclusive economy, indigenous and traditional knowledge and practices, and rights of local and indigenous communities.

b). Sustainable development: The integration of social, economic, and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations (NEMA).

c). Good governance. A government that is accessible, responsive, supportive, and accountable through effective and efficient intergovernmental co-ordination, harmonized legislation, and inclusive and participatory engagement of stakeholders in the decision-making in the conservation and sustainable use of biodiversity.

d). Evidence-based decision making: Decision making that takes into account context and complexities and integrates science, indigenous and local knowledge systems and practices, with ongoing monitoring and evaluation, learning and adaptive management.

e) Duty of care: Reasonable measures to be taken to prevent harm from occurring to biodiversity within the environment and ecosystems that they are part of, allowing consideration and various options when harms that cannot reasonably be avoided or stopped, be minimized and rectified.”

It is claimed that the 4 goals of White Paper provides the direction for this policy position (2023). The 4 goals of 2nd White Paper are:

1. Enhanced Biodiversity Conservation - to improve the conservation of South Africa's unique, rich biodiversity, to grow and drive the biodiversity economy as the key mechanism for a step change in rural socio-economic development.
2. Sustainable Use - to enhance livelihoods and human well-being whilst avoiding or minimizing and reminding adverse impacts on biodiversity.
3. Equitable Access and Benefit Sharing - benefits derived from the sustainable use of biodiversity are shared equitably and serve national interests by positively addressing the problems of inequality, poverty, and unemployment.
4. Transformed Biodiversity Conservation and Sustainable Use - to give effect to the environmental human right of Section 24 of the Constitution, and other human rights, facilitate redress and promote transformation by capitalizing on South Africa's rich biodiversity to drive inclusive rural socio-economic development.

This draft policy position merely plays lip service to the White Paper as the guiding principles and goals of the White Paper that should be considered in the development of all legislation and policy have been ignored.

It is unfortunately our belief that political and emotional opinions or animal rights BINGO objectives, have now overridden our constitutional rights, scientific fact, sustainable conservation or ecological management practices and the sound socio-economic principles that are required for a transformed and viable wildlife economy and have taken this policy development process in the opposite and wrong direction.

6 PROBLEM STATEMENT AND CORRESPONDING POLICY RESPONSE

For this Draft Policy to make a positive and sustainable contribution to the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros the following logical process needs to be followed.

- (1). The first step must be to identify the most important problems, challenges or threats facing the conservation and sustainable use of these species in South Africa.
- (2). Secondly the cause of these problems need to be clearly understood and rectified
- (3). Thirdly responsible and effective policy should be introduced in order to address the underlying cause of the problems facing the conservation and sustainable use of Elephant, Lion, Leopard, and Rhinoceros in South Africa.

According to the White Paper the five most important problems facing the Conservation and Sustainable Use of South Africa's Biodiversity are:

- 1). Fragmented conservation responsibilities, duplication and overlap in legislation, underfunded and ineffective integration across spheres of government result in barriers and inefficiencies.
- 2). Lack of transformation in the sector, where a majority of the population are disadvantaged and disenfranchised from contributing to conservation and sustainable use - (through overregulation and poor administration as identified above).
- 3). Global biodiversity loss. Inadequate efforts in addressing the global challenges of biodiversity loss, land degradation and climate change in the context of sustainable development.
- 4). Proliferation of biodiversity and conservation legislation, uneven governance, limited capacity, and declining allocation of resources in the management of biodiversity and inadequate revenue generation efforts.
- 5). Inappropriate and illegal practices within the sector that have brought the country into disrepute.

Despite the claim that the White Paper is to inform and be the foundation for this Draft Policy document, it is clear that this is NOT the case, as the most important problems facing the conservation and sustainable use of elephant, lion, leopard and rhinoceros have NOT been identified or adequately addressed in this policy document

Only the least important problem being the so called inappropriate and illegal practices has been included in this Policy Document. The four most important challenges facing the

conservation and sustainable use of South Africa's biodiversity as identified in the White Paper that are fragmented, ineffective, and inefficient government, lack of transformation, biodiversity loss, over regulation and inadequate revenue generation, have been ignored in this Draft Policy Document.

This policy document states that the 2nd High Level Panel (2nd HLP) report of 2020 identified the seven major challenges and threats to the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros to be:

- (1) Captive keeping and breeding of lion and rhinoceros
- (2) Hunting of captive lions
- (3) Trade in lion parts and derivatives
- (4) Intensive management of rhinoceros
- (5) Rhinoceros populations are becoming increasingly threatened with extinction due to the poaching crisis
- (6) Unsustainable use of wild leopard, and
- (7) Feasibility of legal international trade in rhinoceros horn and elephant ivory for commercial purposes.

This Draft Policy Document fails to mention that other than point (5) Rhinoceros poaching concerns, there was NO consensus within the 2nd HLP on the above so-called challenges to the conservation of these species.

The vast majority of the actual shareholders in the wildlife economy agree with the Minority opinion of the 2nd HLP, that other than point (5) concerning Rhinoceros poaching, there is little or NO scientific facts and proven evidence to justify the other six unsubstantiated and perceived challenges listed by the misinformed and/or unqualified members who were the appointed majority of the 2nd HLP.

It is clear that this Draft Policy Document has to a large extent NOT been informed by the White Paper or by proven scientific evidence and sound conservation and socio-economic principals.

The emotional propaganda, perceptions and unsubstantiated accusations perpetuated by the majority of the unqualified members who have no practical experience in the positive management of elephant lion, leopard and rhinoceros and were appointed to serve on the 2nd HLP has been replicated in this draft policy.

6.1 CAPTIVE LIONS

Captive lions refers to the ex-situ, intensive management of lions in controlled environments.

This 2nd Draft Policy document makes numerous negative statements, concerning the captive lion industry, without providing the evidence or scientific fact to qualify or quantify these accusations.

6.1.1. This document claims that the ex-situ management of lions in a controlled environment threatens South Africa's reputation as a leader in the conservation of wildlife? The same draft policy document contradicts itself by recognizing South Africa as a world leader in wildlife conservation because, "South Africa has a diversity of wildlife-based land uses, ranging from state and private protected areas, extensive wildlife rangelands, intensive wildlife breeding facilities, (including lions) sanctuaries and rehabilitation canters". (page 7 of 2nd Draft Policy)

6.1.2. It is claimed that captive lions harm South Africa's reputation as a country and tourism destination with iconic wild lions?

- This statement is not consistent with that made by the Director of Brand South Africa at the parliamentary colloquium of August 2018, where he stated - "It is highly unlikely that the existence of lions in controlled environments has had any detrimental effect on South Africa's reputation abroad and that such an idea was simplistic."

- The perceived risks of captive lions to spectator tourism are negligible in relation to the real risks and threats to the South African tourism industry, associated with the current unprecedented levels of crime such as murder, rape, corruption, looting, theft, and hijacking that currently plagues South Africa?
- This statement fails to recognize that spectator tourism has little or NO economic value for our poor inaccessible rural areas, where the majority of lions are managed, and fails to recognize that spectator tourism has NO positive conservation or ecological benefits but only negatively impacts the environment.
- The wasteful destruction of the lions currently managed in remote rural areas will NOT lead to an increase in spectator tourism in South Africa and will result in economic hardship with increased levels of unemployment, poverty and inequality as acknowledged by Minister Creecy in parliament (24 January 2023).

6.1.3. The concern that the captive breeding of lions negatively affects their iconic or film star status, and spiritual or religious value to certain communities is noted. Lions and many other different animals do not however have the same spiritual, religious, or iconic value to all our South African people.

It is not acceptable that DFFE intends to override the constitutional human rights of rural people by attempting to impose the spiritual and religious values of certain individuals over others.

The DFFE has not only failed to promote a spirit of tolerance between different cultures or religious groupings in South Africa but now wish to impose increased levels of inequality, unemployment, and poverty on certain rural communities in order to appease the religious ideology or selective morality of others.

6.1.4. This draft Policy Position acknowledges that acceptable standards of welfare are practiced within the captive lion industry. The draft policy makes the claim that there are major welfare contraventions in the industry in general but fails to provide the supporting evidence to justify this statement.

6.1.5. This draft Policy Position fails to consider the findings of the Scientific Authority in their 2018 lion assessment (NDF) was that there are currently no major threats caused by legal local and international trade on the wild lion populations in South Africa. It is believed that lions from controlled environments are potentially serving as a significant buffer to threats facing the wild population by being the primary source of trophy hunting and derived parts.

POLICY OBJECTIVE 1: To end the captive keeping of lions for commercial purposes and close captive lion facilities, put a halt to the intense breeding of lion in controlled environments, and end the commercial exploitation of captive and captive-bred lions.

This policy objective is NOT in line with the White Paper as it refers to only 1 of the 5 Guiding Principles of the White Paper that should be considered in the development of all legislation and policy that include:

a) Transformation: This policy makes a mockery of transformation as it fails to safeguard, protect, and promote the rights, ownership, and responsibilities of all role players in the biodiversity sector, especially lion breeders, and fails to ensure respect for dignity, inclusive participation, and fair and equitable sharing of benefits and growth, particularly for those that were previously disadvantaged within this sector.

This document fails to consider aspects such as equality and freedom, inclusive economy, indigenous and traditional knowledge and practices, and rights of local shareholders in the wildlife economy.

b) Sustainable development: The integration of social, economic, and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations (NEMA)

This document fails to consider the negative impacts it will have on the sustainable development of our remote rural areas.

c). Good governance. A government that is accessible, responsive, supportive, and accountable through effective and efficient intergovernmental co-ordination, harmonized

legislation, and inclusive and participatory engagement of stakeholders in the decision-making in the conservation and sustainable use of biodiversity.

This policy makes a mockery of good governance as there was no consensus from the actual shareholders in the lion economy, whose livelihoods will be destroyed and who's well-being will be negatively impacted, in the development and implementation of this policy.

d). Evidence-based decision making: Decision making that takes into account context and complexities and integrates science, indigenous and local knowledge systems and practices, with ongoing monitoring and evaluation, learning and adaptive management.

Professional advice, factual scientific evidence and sound socio-economic principles have been rejected as a minority opinion of no consequence in the development of this policy, that once again makes a mockery of the principle of evidence-based decision making.

e) Duty of care: "Reasonable measures to be taken to prevent harm from occurring to biodiversity within the environment and ecosystems that they are part of, allowing consideration and various options when harms that cannot reasonably be avoided or stopped, be minimized and rectified."

This policy fails to recognize that the duty of care responsibility requires financial resources.

In parliament on 24 January 2023 the Minister of DFFE acknowledged that economic or financial hardship exists in the lion industry, and that this hardship is not in the best interests of the industry, of the animals or of the workers. The Minister fails to acknowledge or take responsibility for the cause of this hardship, being the violation, undermining or erosion of the constitutional rights of the shareholders of the lion economy.

6.1.5. Violation of Constitutional Human Rights.

(A) Section 22. Bill of Rights - Freedom of trade, occupation, and profession.

Every citizen has the right to choose their trade, occupation, or profession freely.

Understanding that practice of trade, occupation or profession may be regulated by law, Section 24 of the Constitution, clearly states that environmental legislation must be reasonable.

The captive breeding of lions in South Africa is a regulated legal and economic activity.

The removal of this human right to freedom of trade, occupation, and profession, through the introduction of inappropriate policy, over regulation, poor administration and blatant disregard for legal processes is unconstitutional.

The legal export quota for lion derivatives from captive bred lion populations has been established by DFFE through due processes of the Convention on International Trade of Endangered Species (CITES).

It is the function of the Minister to administer this legal quota process, effectively and efficiently yet the Minister has refused to allocate the legal export quota for privately owned and legally produced lion derivatives since 2019.

It is considered unconstitutional for the Minister to deny the right of our citizens to obtain economic benefit from the regulated legal sale of goods that they own and have legally and honestly produced through their own investments, and hard work within the wildlife economy.

It is a concern that the 2nd White Paper of 2023 has been introduced in order to give credibility to the majority opinion of the HLP. The refusal to allocate the legal export quota for lion derivatives has been implemented by the Minister since 2019 and predates the HLP report of 2021. This further questions the credibility of the HLP and White Paper process.

The Minister understands that the implementation of the HLP recommendations has caused hardship in the lion industry and acknowledged that this hardship is not in the best interests of the industry, of the animals or of the workers (Parliament 24 January 2023).

The Minister is concerned that the plea for certain operatives to hand their lions to the NSPCA will cause financial problems for the NSPCA (Parliament 24 January 2023) but makes no mention as to how the financial hardships, caused by the maladministration of DFFE to the people involved in this industry will be addressed.

(B) Section 24. Bill of Rights-Environment Human Right

The enhancement and sustainable use of renewable natural biological resources (including lions) for the socio-economic benefit of our people is our constitutional right as South Africans as dealt with under UNDERSTANDING SECTION 24 of OUR CONSTITUTION in this report.

The forced closure of captive lions in South Africa will result in the wasteful destruction or the unnecessary killing of an estimated 8000 captive bred lions. This is in direct violation of Section 24 of our Constitution and is directly antagonistic to the meaning of conservation and the protection of the components of biodiversity from unnecessary harm as well as being in violation of the duty of care principles.

(C) Section 25. Bill of Rights-Property

25 (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

The reply by the Minister of DFFE of 20 September 2022, to the question in the National Assembly, concerning property rights, through provisions of the 2022 Draft White Paper (DWP) on the Conservation and Sustainable use of South Africa's Biodiversity has reference.

The statement to the National Assembly on 20 September 2022 by the Minister of the DFFE, that government has no intention to expropriate properties belonging to private game farmers or conservancies, so as to achieve the conservation and sustainable use of biodiversity is acknowledged, as expropriation of such property would currently require payment of compensation, according to Section 25 of the Constitution.

The Minister has unfortunately failed to deal with the section of the Draft White Paper (DWP) that allows for regulation that may cause the deprivation of community or privately owned property, or the erosion of private property rights, without the payment of any compensation.

Section 11.3.2.4 of the DWP deals with property rights and states:

- “The State has had authority to regulate and control the manner in which any property, including biological resources, is governed, and used.
- Section 25(1) of the Constitution provides that no one may be deprived of property unless this is in terms of general application and is not arbitrary.
- The section further stipulates that compensation is only payable if there is expropriation and does not refer to the situation where there is only deprivation.
- The State through legislation is, therefore empowered to introduce regulations on property to achieve the conservation and sustainable use of biodiversity.”

The Property Rights clause in the DWP is interpreted to mean that through legislation, the DFFE is empowered to introduce regulations on any property, (including land and biological assets such as livestock or lions, that may be owned by our citizens), that deprives the human right to own manage and benefit from such property, without any payment of compensation, under the guise of achieving the conservation and wise or sustainable use of biodiversity in South Africa.

The Ministers reply states:

“While the clause emphasizes Section 25(1) of the Constitution, which the DFFE stands by, the clause provides the basis whereby the Constitution and common law provide authority for the government to make regulations on property to achieve the conservation and sustainable use biodiversity as required by Section 24(b) of the constitution.”

This statement is NOT correct as Section 24(b) of the Constitution deals with facilitating the environmental rights of people as enshrined in our Bill of Rights, through the introduction of reasonable legislative and other measures in order to:

- I. prevent pollution and ecological degradation;
- ii. promote conservation; and
- iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

It is not the intent or of Section 24(b) of the Constitution, to introduce unreasonable regulations that deprive the right of our people to own, manage or benefit from property, including

components of biodiversity such as lions, with in our respective environments, in order to achieve the environmental objectives of our constitution.

Conclusion

This policy document

- Fails to identify or recognize the most important problems or challenges facing the conservation and sustainable use of lions in South Africa.
- Fails to identify the most important cause of these challenges.
- Fails to implement reasonable policy that would effectively address the most important issues concerning the conservation and sustainable use of lions in South Africa.

The use of the words - “end the commercial exploitation of captive and captive-bred lions, “in this policy document, portrays the Lion Ranching industry in a negative context. In natural resource management, the words commercial exploitation, is often interpreted to mean the unsustainable, wasteful destruction of renewable natural resources for short term commercial gain.

This policy objective that calls for the wasteful destruction or of over 8000 healthy lions that are valuable components or assets of the private biodiversity economy, is nothing more than the forced destruction and commercial exploitation of our lion farmers with the stated intent of benefiting the wildlife spectator tourism industry.

Whilst spectator tourists may have a positive economic impact on select popular tourism hot spots, it makes NO positive contribution to ecological sustainability and has no benefits for the economic sustainability of our remote rural areas.

The exploitation of people involves being forced, manipulated, or coerced into doing something that they don't want, for someone else's gain.

This forced destruction of the lion ranching sector of the wildlife economy by the adoption of this policy for the commercial gain of wildlife spectator tourism, is a classic example of unconstitutional commercial exploitation of one group of people in order to benefit someone else.

The strategic objective of this Draft Policy is clearly NOT to make a positive and sustainable contribution to the conservation and wise use of Lion in South Africa for the socio-economic and environmental benefit of our rural people, but to destroy the positive contribution of ex-situ lions to the sustainable wildlife economy.

The implementation of this daft policy will result in the wasteful destruction of over 8000 lions that are, privately owned valuable biological resources, and will cause increased levels of inequality, poverty, and unemployment in our remote rural areas, is NOT in the NATIONAL INTEREST and is therefore UNEQUIVOCALLY REJECTED

6.2 CAPTIVE RHINOCEROS

The recognition by this draft policy position of the most important contribution made by privately held captive bred and semi-intensive positive management of rhinoceros, to the present and future conservation of rhinoceros in South Africa is acknowledged and supported.

It is most unfortunate that the authors of this policy document contradict themselves by making the unqualified and unquantified statement that captive bred and the semi-intensive positive management of rhinoceros, leads to domestication and therefore threatens the conservation of these animals.

This policy document fails to provide the scientific evidence that qualifies and quantifies this perceived problem and fails to prove where captive bred rhinoceros has led to domestication, the inability to return to their wild state. Rhinoceros will remain dependent on humans for survival and protection in the foreseeable future.

The draft policy fails to identify the unprecedented high levels of illegal poaching and illegal trade in rhinoceros horn as the greatest threat to the conservation and sustainable use of rhinoceros in South Africa. This policy position fails to acknowledge that large extensive areas are the most vulnerable to poaching and the most difficult and costly to protect.

The statement made in this policy document that international trade in rhinoceros horn from CBO's could trigger further poaching pressure and increased risk to wild populations is totally unfounded as the prohibition of legal trade has been identified as the main cause of the unprecedented high levels of poaching.

This Draft Policy fails to recognize that trade bans in all products from cigarettes to alcohol, ivory and rhino horn never put a stop to trade but fuel the fires of corruption, criminal activity, illegal trafficking, and black-market trade.

Inflated black market prices of banned products such as rhino horn are caused by the limited supply of legally available horn, resulting in increased levels of poaching, encourages corruption, and thus paves the road to the extinction of these magnificent animals.

The rhinoceros conservation successes of the private sector has taken place at entirely their own enormous cost and great personal risk. This policy fails to acknowledge that without international legal trade in rhinoceros horn, rhinoceros are worth more dead than alive and the continued conservation of these animals in both the private sector and SPA's is currently NOT economically or socially sustainable.

This policy fails to recognize that international legal trade in rhinoceros horn from CBO's in South Africa is permissible under CITES provided it is supported by the relevant CITES management authority, being DFFE.

This policy fails to recognize that the most important reasons for our people to become poachers are the high levels of inequality, poverty, and unemployment currently existing in our rural areas and around protected areas.

The rhino war will NOT be won with guns and soldiers but by creating the enabling environment that allows poachers to become protectors of the rhino that they own and may legally benefit, from the fruits of their labour. For this to happen, DFFE needs to undergo a change in policy from the negative protection of rhinoceros at the expense of our people to the positive management, production and optimal sustainable utilization of rhinoceros and rhinoceros products for the benefit of our people.

POLICY OBJECTIVE 2; To phase out the domestication and intensification of management of rhinoceros.

This is clearly the most confused and conflicted objective that I have ever encountered:

Ex-situ practice (Not defined in 2023 WP).

The intensification of management, production, wise and sustainable use, or conservation of biological resources outside of their natural habitats, under controlled or captive conditions.

It is clear that the ex-situ conservation of rhinoceros involves the intensification of their management under controlled or captive conditions.

The policy objective of this document is to phase out the practice of ex-situ management as it claims that it leads to domestication, yet under Actions for Implementation the same document contradicts itself by recommending the ex-situ breeding of rhinoceros in controlled environments as an important part of the species recovery plan. This confused and conflicted policy position is clearly NOT acceptable.

International legal trade in rhinoceros horn from CBO's in South Africa is permissible under CITES provided it is supported by the relevant CITES management authority, being DFFE.

The Commission of Inquiry (COI) Option 3 recommendations and the Rhino Action Plan of 2015, prior to CITES COP 17 has been an absolute failure as in the last decade our SPA's have lost over 75% of their rhinoceros to poaching and mismanagement.

This policy document fails to mention that prior to CITES COP 18 and after due public participation processes were followed, a positive rhino horn trade recommendation was made by our Scientific Authority. We are informed that Government refused to take this recommendation forward for unknown political reasons?

Government is doing little or nothing to change this unsatisfactory state of affairs and to use the outdated and failed COI as an excuse not to support the responsible legal and permissible trade of privately owned rhinoceros horn from CBOs under current CITES regulations is totally unacceptable.

Community empowerment is possibly the most important recommendations of the 2015 COI and Rhino Action Plan where Communities are:

- Empowered or purchase and own Rhino at their direct cost.
- Empowered to provide land habitat, food, and water for the Rhino that they own and at their cost.
- Empowered to provide security and protection and risk their lives for the Rhino that they own, at huge social and financial cost.
- Empowered to provide for veterinarian services and the well-being of the Rhino that they own at their direct cost.
- Empowered to pay for the huge cost of dehorning, permit applications and storage of the rhino horn that they have honestly and legally produced and own at their direct cost.

BUT

- Our people are criminalized and are assumed guilty of trafficking in endangered species unless they can prove their innocence if found in possession of a rhino horn that they have legally and honestly produced and are empowered to have ownership of?
- Our people are empowered to carry all the enormous social and financial costs of producing the rhino horn that they legally own, but our Government denies our people the right

to get just reward for the fruits of their labour and legally sell the rhino horn that they own, to best advantage.

Conclusion

This policy document

- Fails to identify or recognize rhino poaching and illegal trade in rhino horn as the most important problems or challenges facing the conservation and sustainable use of Rhinoceros in South Africa.
- Fails to identify that the cause of the poaching crisis and illegal horn trade are the unjust, unmanageable, and outdated wildlife laws that are imposed on our people by our Government.
- Fails to implement reasonable policy that would effectively address these most important issues concerning the conservation and sustainable use of Rhinoceros in South Africa.

The strategic objective of this Draft Policy is clearly NOT to make a positive and sustainable contribution to the conservation and wise use of Rhinoceros for the benefit of South African people but to close down and destroy the rhino economy, perpetuate poaching and corruption and to keep our people poor. 'This policy position is **UNEQUIVOCALLY REJECTED**'.

6.3 Leopard hunting and damaging causing leopards.

The problems relating to leopard conservation are noted.

POLICY OBJECTIVE 3: To enhance the conservation and sustainable use of leopard.

The above policy objective-to enhance the conservation and sustainable use of leopard is supported.

This policy document unfortunately fails to identify the total inability of DFFE to understand or administer their own overburdening, unmanageable norms and standards, TOPS and CITES regulations concerning leopards.

Since 2016 the DFFE have failed to allocate the CITES leopard quotas, in an acceptable or appropriate manner. DFFE have effectively closed down international leopard hunting and sustainable leopard management in South Africa for the past 8 years due to the current unmanageable and unreasonable legal and regulatory environment concerning responsible leopard hunting and leopard management in our country.

PHASA has estimated that this collapse in DFFE's ability to understand and manage their own legal and regulatory environment concerning leopards, has cost the wildlife economy over one billion Rand over the 8-year period, and led to the wasteful destruction of many hundreds of leopards as there is now little or no incentive for landowners to conserve these animals.

Conclusion

The removal of the current unmanageable leopard norms and standards, and a complete revision of the current leopard TOPS and CITES regulations, is the most important prerequisite, in order to enhance the conservation and sustainable use of leopard in South Africa.

6.4. International trade in live specimens of the five species

Government has been responsible for the export of many white rhino's and other animals to zoos or captivity in many non-range states. This Draft Paper identifies that ex-situ management of wildlife can have positive conservation benefits.

POLICY OBJECTIVE 4: To promote live export of the five species to range states or any other appropriate and acceptable destinations with suitable habitats on the African continent

The positive policy objective to promote export of live species to destinations with suitable habitats is to be implemented through the introduction of legislation to prevent the introduction of wild specimens of the five species into captivity and to prevent the export of specimens of these species, except for reintroduction into suitable wild habitat in Africa.

This Daft Policy fails to recognize that human population growth, is causing the conversion, of wildlife conservation areas into livestock grazing and crop production areas at an ever-increasing rate. This Daft Policy fails to understand that the lack of suitable habitat is the greatest threat to the conservation of these species in Africa. Despite the fact that this Daft Paper identifies that ex-situ management of these wildlife species can have positive conservation benefits the DFFE wish to introduce legislation that condemns this activity.

What is the true reason for Minister Creecy and the DFFE to now introduce unreasonable policy and legislation, that prevents the private sector from exporting animals that are privately owned, managed, and produced at entirely their own cost, for best advantage? Is it to transform and grow the inclusive wildlife economy to inhibit or destroy the wildlife economy, facilitate poaching or corruption, and keep our people poor?

This policy objective and its implementation plan is **UNEQUIVOCALLY REJECTED**

6.5 International commercial trade in rhinoceros horn

This Draft Policy paper recognizes:

- South Africa as the undisputed leader in rhinoceros conservation.
- Rhinoceros populations remain severely threatened by poaching and costly protection is a major risk to sustaining many populations
- That the private sector that includes ex-situ rhinoceros management, plays a substantial and growing role in conserving South Africa's rhino population and has been outperforming the state in terms of anti-poaching success that is carried out without any assistance from Government.
- The current cost of rhinoceros protection is not socially or economically sustainable.

This Draft Policy claims to be in line with international agreements such as CITES, yet deliberately undermines this agreement by refusing to support, approve or facilitate international trade in rhino horn from captive populations that is legally permissible under CITES. This trade is vital for providing the finances required to keep rhinoceros protection operations going as well as to fund economically sustainable transformation initiatives?

POLICY OBJECTIVE 5; South Africa will work with range states to support a proposal for international commercial trade in rhinoceros horn from protected wild rhinoceros, for conservation purposes, when conditions become favourable.

Draft Policy fails to recognize that in order for conditions to become favourable the DFFE needs to undergo the transformation process- needs to transform its legal and regulatory environment from the negative protection of wildlife at the expense of people, that creates increased levels inequality, poverty and unemployment, to the positive management of wildlife for the socio-economic and environmental benefit of our people, and positively reduce levels of inequality, poverty and unemployment among our people.

Minister Creecy and the DFFE need to clearly understand that they must accept full responsibility for the current unfavourable conditions for the sustainable conservation of our rhinoceros in South Africa. They are directly accountable for the cause of the increased levels of poaching, corruption and black-market trade in rhinoceros horn created by an unjust and

unreasonable legal and regulatory environment that prohibits legal international trade in rhinoceros horn.

This Draft Policy and the identified actions will NOT enhance the conservation and sustainable use of protected wild rhinoceros under private, community and state ownership but will widen the paved road to their accelerated extinction.

This policy objective and its implementation plan is **UNEQUIVOCALLY REJECTED**

6.6 International commercial trade in elephant ivory.

The ongoing ivory trade debate has been very divisive between those African countries, who have imposed the unsustainable anti-trade, animal rightist, wildlife ideologies, resulting in the burning and wasteful destruction of valuable ivory stockpiles and a collapse of their elephant populations and the SADC pro-trade countries who now conserve the major populations of elephant in the world.

The Draft Policy is in opposition the pro-ivory trade policy of our SADC neighbours, who believe that ivory produced through responsible elephant management practices, should be legally traded in order to fund wildlife management and conservation areas.

Policy Objective 6: Consider International commercial elephant ivory trade only when conditions became favourable.

It has become abundantly clear that the South African Government has no intention to facilitate the so-called favourable conditions for international ivory trade. It would appear that the State Capture of 1996, where the South African National Parks were paid \$ 5 000 000.00 by BINGO's on condition that our government would not support international ivory trade still persists.

How is it possible for the EHLP/DFFE to build consensus for conservation and the sustainable use approach to African elephant with our neighbouring SADC countries when the sustainable use of elephant ivory is prohibited through the adoption of this policy position?

This Draft Policy perpetuates the State Capture of SPA's dating back to 1996, facilitating corruption, with increased levels of inequality, poverty, and unemployment not only to the detriment of our people but also to the detriment of responsible elephant conservation and sustainable use.

This policy objective and its implementation plan is **UNEQUIVOCALLY REJECTED**

7 POLICY CONTEXT AND ENVIRONMENT, AND STRATEGIC LINKAGES.

I once again acknowledge the following recognition of the role of the private sector in the Draft Proposal; "The ongoing and future role and contribution of the private sector to biodiversity conservation and sustainable use is recognized, acknowledged, and identified for meaningful and inclusive partnerships relevant to a particular species context.

This draft policy position fails to recognize and facilitate the most important, strategic differences between the public and private wildlife sectors that lie in their different management objectives and the private ownership of the wildlife managed on agricultural land.

The strength in the diversity of our wildlife industry where the private and public sectors have cooperated in the past with a strong symbolic relationship has resulted in South Africa's Conservation Success Story yet is to be eroded and undermined by this policy.

It is an unfortunate fact that the rural people, who contribute the greatest to the sustainable ecological conservation of our wildlife, for the direct benefit of our wildlife heritage and our country, are in the minority, thus have little political say in the development of wildlife management policy, as they are usually outvoted by the uninformed urban majority.

It is more unfortunate that those representing the private sector, who conserve the greatest number of our lion, leopard, and rhino in South Africa, at entirely their own cost and risk, without any government assistance, were considered the “minority view” in the HLP and were outvoted by the miss-informed majority.

It is not possible for the private hunting and game ranching sectors to participate as meaningful partners in a policy where their views or professional recommendations were regarded as a “minority” view, specifically excluded, and rejected, in the development of the most important aspect of this policy?

This Draft Policy fails to address the most important cause of the poaching crisis, will result in the accelerated extinction of wildlife, and will fail to grow the wildlife economy, will fail to reduce poverty, fails to promote equity, and fails to enhance dignity and respect of rural people?

It is claimed that the 4 goals of 2023 White Paper provides the direction for this draft policy position The 4 goals of 2nd White Paper are:

1. Enhanced Biodiversity Conservation - to improve the conservation of South Africa’s unique, rich biodiversity, to grow and drive the biodiversity economy as the key mechanism for a step change in rural socio-economic development.

Comment.

The draft policy position acknowledges that the great strength in the South African conservation of wildlife model lies in the diversity of management and land use models employed in the country, YET this policy position wishes to destroy this diversity in management activities, that will accelerate the road to extinction of our rhinoceros and cause the wasteful destruction now valueless leopards of over 8000 captive lions.

1. Sustainable Use - the wise use of renewable natural resources, to enhance livelihoods and human well-being, whilst positively enhancing or improving biodiversity conservation or at least avoiding or minimizing and reducing adverse impacts on biodiversity.

Comment.

This draft policy fails to put the needs of our rural people first and the current unmanageable and overbearing, hunting norms and standards actually prohibit or hinder the effective, sustainable use of elephant, lion, leopard, and rhinoceros for the socio-economic and

environmental benefit of our people. Rural livelihoods and human well-being are undermined by this draft policy

1. Equitable Access and Benefit Sharing - benefits derived from the sustainable use of biodiversity are shared equitably and serve national interests by positively addressing the problems of inequality, poverty, and unemployment.

Comment.

There can be no equitable access and benefit sharing other than those that may be associated with spectator tourism as the optimal use and trade in the other aspects of the big 5 value chain is denied by this policy and has increased the problems of inequality, poverty, and unemployment in our remote rural areas.

1. Transformed Biodiversity Conservation and Sustainable Use - to give effect to the environmental human right of Section 24 of the Constitution, and other human rights, facilitate redress and promote transformation by capitalizing on South Africa's rich biodiversity to drive inclusive rural socio-economic development.

Comment.

This draft policy undermines the environmental human right of Section 24 of the Constitution and other human rights, fails to facilitate redress and fails to promote meaningful transformation as it actively denies or prevents the optimal capitalization of our rich biodiversity that includes elephant lion, leopard, and rhinoceros,

for the benefit of our people.

The creation of wealth, from the positive management and optimal use of Elephant, Lion, Leopard and Rhinoceros is inhibited as without legal trade in the high value derivatives of these species, inclusive rural socio-economic development, for those people who carry the socio-economic cost of conserving these animals is impeded.

This draft policy position merely plays lip service to the White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity as the guiding principles and goals of the White

Paper that should be considered in the development of all legislation and policy have been ignored.

This Draft Policy Position acknowledges that it:

- Fails to promote the conservation of these species as Biodiversity Management Plans will be required for each;
- Fails to promote sustainable use as hunting norms and standards may need to be generated;
- Fails to prevent or mitigate Human-wildlife Conflict, as a separate Policy Position, or National Strategy may be required: and
- Fails to promote transformation of the sector, as big-5 based value chains that benefit local communities and PDI's may need to be developed as a Framework on Transformation and of the National Biodiversity Economy Strategy.

The draft policy position states:

“There will, therefore, be processes other than this Policy Position that will address those additional components.”

What then is the purpose or strategic objective of this Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros when it is acknowledged that it has NOT promoted the conservation and sustainable use of these big -5 species, and has failed to address issues concerning Human-wildlife conflict, has failed to promote transformation, and is not aligned with the National Biodiversity Economy Strategy?

It is unfortunately our belief that political and emotional opinions or animal rights BINGO objectives, and political agendas have now overridden the constitutional rights of our people, scientific fact, sustainable conservation or ecological management practices and the sound socio-economic principles that are required for a transformed and sustainable wildlife economy.

8 POLICY MONITORING, EVALUATION AND REVIEW

What are the intended strategic outcomes of this Policy Position as it is NOT aligned with the Wildlife Economy Lab process of 2016 or the National Biodiversity Economy Strategy, ignores the recommendations of Operation PAKISA of 2018 and NOT in the National Interest.

It is recommended that the review this Policy Position takes place without delay as the policy objectives have little to do with the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros but everything to do with the destruction of South Africa's successful conservation model resulting in the accelerated extinction of our most valuable animals along with increased levels of inequality, poverty and unemployment in our remote rural areas.

9 SUMMARY

This Draft Policy Position is fraudulent as its objective is clearly NOT to promote the conservation and sustainable use of Elephant, Lion, leopard, or Rhinoceros for the benefit of our people as required under Section 24 of the Constitution.

The objective of this policy document is to undermine South Africa's successful wildlife conservation model. This is to be achieved by destroying the great diversity in wildlife management options that are currently utilized in our country, through prohibiting and criminalizing the positive management, production, and optimal use of privately owned wildlife on agricultural land.

This Policy Position is not aligned with the Wildlife Economy Lab process of 2016 or the National Biodiversity Economy Strategy, ignores the recommendations of Operation PAKISA of 2018 and most importantly is not in the National Interest.

Should this policy be implemented, it will fail to create a new deal for people to benefit from the sustainable use of the big five species and will not facilitate transformation of the wildlife sector.

Legal trade in high value lion and leopard derivatives as well as elephant ivory and rhino horn is denied in this policy thus causing the conservation of the big five to be economically unsustainable. There is little or no incentive for any land holders to tolerate damage causing or valueless big five animals on their land, so they will be eliminated and replaced with other land use options.

Previously disadvantaged people are not empowered to own rhino or lion and to tolerate elephant and leopard on their land as they are impoverished through this policy that will cause increased levels of inequality, poverty, and unemployment in our remote rural areas. This is not in the National Interest.

The policy has failed to identify the cause of, or to rectify the poaching pandemic and mismanagement that has led to the loss of over 75% of the rhino in Kruger National Park and other SPA's over the last decade. The introduction of this policy will widen the paved highway for the accelerated extinction of our rhinoceros and lead to the wasteful destruction of our elephant, lion, and leopard.

Protected area expansion at the expense of rural people is nothing more than a pipe dream as no state protected area with the big five that are managed exclusively for spectator tourism, are economically sustainable and are a burden to our economy.

The Madikwe Game Reserve experience has proved that the promise of greatly enhancing the socio-economic benefits to resource poor rural people and boost the economic contribution to the national fiscus and GDP through protected area expansion and spectator tourism is false and a blatant misrepresentation of the true facts.

This policy is doomed to fail as it has been designed to try and promote or benefit the failing protected area system, where the sustainable use of Elephant, Lion, Leopard, and Rhinoceros is prohibited, through the planned destruction of the successful private wildlife sector in South Africa.

It is totally unacceptable that DFFE wishes to impose this draft policy on the people of South Africa with no Costed Implementation Plan with responsible implementers and quality assured SEIAS reports.

I question the administrative actions associated with creation of this Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros as not being lawful, are not reasonable and were not procedurally fair, as required by our constitution, under the just administrative action -section 33.

I look forward to your detailed reply to my questions along with the Costed Implementation Plan report.

Kind regards

Barry York

10 October 2023