

SUBMISSION

*PROPOSALS FOR CONSIDERATION DURING
THE 20TH MEETING OF THE CONFERENCE
OF THE PARTIES TO THE CONVENTION ON
INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA
(CITES)*



7 MARCH 2025



TO: The Department of Forestry, Fisheries, and the Environment (“**DFFE**” or the “**Department**”)

ATT: Ms Olga Khumalo

Per e-mail: cites@dffe.gov.za and okumalo@dffe.gov.za

7 March 2025

Dear Honourable Representatives,

RE: INVITATION TO SUBMIT PROPOSALS FOR CONSIDERATION DURING THE 20TH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

Please find herewith the initial and non-exhaustive Submission by Animal Law Reform South Africa (“**ALRSA**”)¹ in respect of the Department’s call for public engagement on proposals for amendments to Appendix I or II or any relevant information for consideration in preparation for the 20th meeting of the Conference of Parties (“**CoP**”) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“**CITES**”), which will be held in Uzbekistan, from 24 November to 05 December 2025 (“**CoP 20**”).²

ORGANISATIONAL BACKGROUND AND DECLARATION OF INTEREST

This Submission is made by ALRSA, a registered non-profit company and NPO (Number 238-234 NPO) acting in the public interest. ALRSA operates through three key Pillars, namely: Animal Flourishing; Social Justice; and the Law.

ALRSA undertakes its work through three main mechanisms, namely: Education & Research; Legislative & Policy Reform and Litigation & Legal Services. Through these mechanisms, ALRSA aims to contribute to the development of a robust animal law ecosystem in South Africa which recognises the intrinsic value of animals as sentient beings. Our work is grounded in our understanding that it is critical for a context-sensitive approach to be taken to the furtherance of animal protection in South Africa, and that the impact of our work is enhanced through an interconnected approach to animal flourishing, social justice, and environmental protection.

We have a substantial interest in the issues to be considered by the Department, including proposals for amendments to Appendix I or II or any relevant information for consideration at CoP 20. We have, for years, consistently expressed interest in issues involving animals, humans and the environment to the DFFE, other government departments, NGOs, the South African public, and

¹ ALRSA Website: <https://www.animallawreform.org/>.

² Department of Forestry, Fisheries, and the Environment: https://www.dffe.gov.za/sites/default/files/legislations/publicnotices/03jan2025_cop_cites_faunaandflora.pdf.



other stakeholders – both privately and within the public domain. We have provided various formal submissions, sent letters, emails, and other correspondence, attended presentations and meetings, and otherwise engaged on these matters (where such engagement has been possible). Among other associations, ALRSA is a member of the Wildlife Well-Being Forum initiated by the Department, and is part of all eight of the established task teams. Additionally, I, the Acting Executive Director for ALRSA, have been appointed Chair of the Aquaculture, Fisheries and Aquatic Wildlife task team for the forum. We are interested stakeholders and representatives of vulnerable populations within South Africa, including human as well as non-human animals.

PREVIOUS AND RECENT SUBMISSIONS MADE BY ALRSA

ALRSA has previously provided detailed commentary and raised concerns on related documentation put forward by or relevant to the Department including submissions on the:

1. Draft National Elephant Heritage Strategy (March 2025);
2. Consultation on the Intention to Set and Allocate Annual Export Quotas for Elephant, Black Rhinoceros and Leopard Hunting Trophies for the 2024 and 2025 Calendar Years (February 2025);
3. Draft Notice Prohibiting Certain Activities Involving African Lion (*Panthera leo*) (December 2024);³
4. Non-Detriment Findings for Certain Species Listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (December 2024);⁴
5. Draft National Biodiversity Economy Strategy (April 2024);⁵
6. Draft Aquaculture Development Bill (January 2024);⁶
7. Draft Notice Prohibiting Certain activities involving Lion (November 2023);⁷
8. Revised Draft White Paper (November 2022);⁸

³ ALRSA <http://www.animallawreform.org/wp-content/uploads/2025/02/ALRSA-Submission-to-the-Department-of-Forestry-Fisheries-and-Environment-Regarding-the-Draft-Notice-Prohibiting-Certain-Activities-Involving-African-Lion-Panthera-leo.pdf>

⁴ ALRSA <http://www.animallawreform.org/wp-content/uploads/2025/02/ALRSA-Submission-Written-Scientific-Information-on-Non-Detriment-Findings-for-Certain-Species-Listed-in-Terms-of-CITES.pdf>

⁵ ALRSA <http://www.animallawreform.org/wp-content/uploads/2024/07/ALRSA->

⁶ ALRSA <https://www.animallawreform.org/wp-content/uploads/2024/03/ALRSA-Submission-Aquaculture-Development-Bill.pdf>

⁷ ALRSA <https://www.animallawreform.org/wp-content/uploads/2023/11/ALRSA-Submission-Draft-Notice-Prohibiting-Certain-activities-involving-Lion.pdf>

⁸ ALRSA <https://www.animallawreform.org/wp-content/uploads/2023/01/ALRSA-Submission-on-Revised-Draft-White-Paper.pdf>

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9. Draft Exemption from the Meat Safety Act (November 2022);⁹
10. Draft Game Meat Strategy (September 2022);¹⁰
11. Draft White Paper (September 2022);¹¹
12. Draft National Biodiversity Offset Guideline (May 2022);¹²
13. Objection to the Proposed Hunting/Export Quota for Elephant, Rhinoceros and Leopard Hunting Trophies for the 2021 Calendar Year (November 2022);¹³
14. Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros submission (July 2021);¹⁴
15. Draft National Biodiversity Framework (May 2021);¹⁵
16. Submission to the High-Level Panel Report (June 2020);¹⁶

among others, (collectively, “**ALRSA Submissions**”).

We are of the view that in many instances our previous submissions have not been given due and adequate consideration, as evidenced by the final drafts of many of the aforementioned documents and failure by the Department to provide detailed documents responding to our comments and submissions. This is a concern not only from our organisation but from other animal protection organisations acting in the public interest, particularly in light of constitutional and legislative requirements pertaining to participation and engagement with all relevant parties.

The public participation process should not be seen to be a box-ticking exercise, but rather a critical engagement with the detailed issues and comments raised by organisations in the process. This is particularly important also in the context of the global trade of wild fauna and flora.

⁹ ALRSA <https://www.animallawreform.org/wp-content/uploads/2023/01/ALRSA-Meat-Safety-Act-Submission.pdf>.

¹⁰ ALRSA <https://www.animallawreform.org/wp-content/uploads/2022/10/ALRSA-Game-Meat-Strategy-Submission-Updated.pdf>.

¹¹ ALRSA <https://www.animallawreform.org/wp-content/uploads/2022/10/ALRSA-White-Paper-Submission-Updated.pdf>.

¹² ALRSA <https://www.animallawreform.org/wp-content/uploads/2022/05/ALRSA-Biodiversity-Offsets-Submission.pdf%22>.

¹³ ALRSA <https://www.animallawreform.org/wp-content/uploads/2022/05/ALRSA-Objection-to-Export-Hunting-Quotas-for-the-2021-Calendar-Year.pdf>.

¹⁴ ALRSA <https://www.animallawreform.org/wp-content/uploads/2021/07/Submission-on-the-DFFE-Draft-Policy-Position.pdf>

¹⁵ ALRSA <https://www.animallawreform.org/wp-content/uploads/2021/05/EMS-ALRSA-Biodiversity-Framework-Submission-Final.pdf>.

¹⁶ ALRSA <https://www.animallawreform.org/wp-content/uploads/2020/07/HLP-Submission-ALRSA-EMS-Foundation-June2020.pdf>.



We urge the Department to pay the utmost regard to the proposals received for consideration by the Department ahead of CoP 20, particularly due to the importance of this document in relation to guaranteed constitutional rights, including the right to environment as well as the protection of species included therein.

We look forward to receiving a response to our Submission and the proposals contained herein and are available to engage on any queries, comments, concerns which you may have in respect of this document.

Kindly confirm receipt of this Submission and address further correspondence to the email address: amywilson@animallawreform.org and contact@animallawreform.org

Yours sincerely,

A handwritten signature in black ink, appearing to read "APW".

Amy P. Wilson

(BCom; LLB; LLM; LLD Candidate)

Acting Executive Director, Co-Founder

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**Note that any specific recommendations and proposals contained herein relating to CITES are proposed within the context of the relevant mandates, powers and/or authorities that South Africa has, as a sovereign nation, and should be assumed to reference the specific bodies that have the relevant mandates, powers and/or authorities, including but not limited to, where appropriate, the Department of Environment Forestry and Fisheries, the Minister, the relevant provincial government department/s, the Scientific Authority, South African National Biodiversity Institute, local government department/s and/or otherwise.*

I. ***NEW* SOUTH AFRICAN SPECIFIC LAW AND POLICY CONSIDERATIONS AHEAD OF AND DURING COP20**

As South Africa prepares for its participation in COP20, it is important to consider and recognise recent developments in South African governance relating to animals in the context of the environmental right. This is particularly critical given that since COP19 in November 2022, there have been significant developments in legislation and policy that reframe and give additional context to the environmental right, specifically as it pertains to our relationship with our fellow animals, and also as it relates to their use, treatment, management, and otherwise.

This is the first COP where, for example, the well-being provisions in NEMBA (in terms of the National Environmental Management Laws Amendment Act 2 of 2022¹⁷ (“**NEMLAA**”)) have been in force (since June 2023), and it is expected that these, and especially the new legislative mandates including to consider animal well-being will play a substantial role in the Department’s approach to this international treaty (as it pertains to South Africa). Furthermore, it is the first COP since the Department’s White Paper on the Conservation and Sustainable Use of South Africa’s Biodiversity (“**White Paper**”) of June 2023 has been published.

We have highlighted below a few, non-exhaustive and illustrative examples of relevant provisions and considerations, which should guide the Department in its preparations for COP as well as its representatives in discussions, decision-making and subsequent actions.

A. **NEMBA as Amended by NEMLAA**

Many of the decisions to be discussed and made at COP 20 are relevant to the provisions of NEMBA that require the consideration which is defined as

“...the holistic circumstances and conditions of an animal, which are conducive to its physical, physiological and mental health and quality of life, including the ability to cope with its environment.”¹⁸

¹⁷ Act 2 of 2022.

¹⁸ Section 1.

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These new amendments state that the objectives of NEMBA are to, among others;

“(a) within the framework of the National Environmental Management Act, to provide for

(i) the management and conservation of biological diversity within the Republic and of the components of such biological diversity;

(iA) the need to protect the ecosystem as a whole, including species which are not targeted for exploitation;

... (iiA) the consideration of the well-being of animals in the management, conservation and sustainable use thereof; (emphasis added)

These amendments provide a legislative provision which require that the Minister (among others) give due and proper consideration to the above factors in environmental decision-making.

It is notable that section 9A, grants powers to the Minister: *“The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, prohibit any activity that may negatively impact on the well-being of an animal.”*

B. White Paper

In addition to the NEMBA amendments, the White Paper recognises “sustainable use” as one of its four main goals, which is described as follows:

“Following Ubuntu, this goal emphasises the environmental duty of care principle. In accordance with our custodial responsibilities in guarding the interests of animals, any conservation and sustainable use activities, methods, or actions should be humane and ensure quality of life within its environment. This does not imply that natural processes such as predation or competition should be prevented or interfered with, but rather that anthropogenic interventions and activities must consider animal well-being. In addition, in a conservation or use context, it is necessary to consider not only the well-being of individual animals, but also of groups of animals for social species, and of populations of animals. It is acknowledged that the conservation of wild animals and their well-being are intertwined values, and where relevant, decisions need to take this into account. In this regard, the well-being of individual and populations of wild animals needs to be integrated into biodiversity policy and



*legislation, as well as conservation and sustainable practices.*¹⁹ (emphasis added)

The definition of “sustainable use” in the White Paper further includes a specific reference to the duty of care principle:

*“The use of any component of biodiversity in a manner that:
is ecologically, economically, and socially sustainable;
does not contribute to its long-term decline in the wild or disrupt the genetic integrity of the population;
does not disrupt the ecological integrity of the ecosystem in which it occurs
ensures continued benefits to people in a manner that is fair, equitable, and meet the needs and aspirations of present and future generations; and
ensures a **duty of care towards all components of biodiversity** for thriving people and **nature**.”* (emphasis added)

The White Paper defines Ubuntu to include not only humans but natural and spiritual elements, thus expanding the circle of consideration to include animals:

*“Ubuntu is a traditional unifying way of life that recognises the importance of interdependent and respectful relationships among the human, natural and spiritual elements, taking into consideration dignity, compassion, cooperation, communalism, sharing, caring, and responsiveness that individuals and groups display for one another and for the environment.”*²⁰

The White Paper defines “humane” as: *“Any activities, methods, or actions involving wild animals that avoid or minimise pain, stress, suffering, or distress, and consider their well-being.”*²¹

The White Paper “seeks that anthropogenic interventions and activities must consider animal well-being. In addition, in a conservation or use context, it is necessary to consider not only the well-being of groups of animals for social species, and of populations of animals, but also of individual animals. It is acknowledged that the conservation of wild animals and their well-being are intertwined values, and decisions need to take this into account. In this regard, the well-being of individual and populations of wild animals needs to be integrated into biodiversity policy and legislation, as well as conservation

¹⁹ White Paper on Conservation and Sustainable Use of South Africa’s Biodiversity at pages 21 22.

²⁰ White Paper at 19.

²¹ White Paper at 18.



and sustainable practices.”²²

Within its “Policy Objectives and Expected Outcomes” the White Paper recognises that in order to achieve the policy objective to “promote well-being and humane practices, actions, and activities towards wild animals” the following outputs and outcomes are expected:

“Expected outputs...

Well-being of individual animals and populations of animals integrated into biodiversity policy, legislation, tools, and practice.

Ethical practices and standards incorporated into wildlife management and use in South Africa.

Expected outcome

Well-being of individual animals and populations of animals is realised and considered in biodiversity conservation and sustainable use practice and activities.”²³

Another important definition of the White Paper is that of “conservation”, which includes: “Protection, management, care, sustainable use, maintenance, rehabilitation, restoration, and recovery of ecological and evolutionary processes, biological diversity and its components, for their intrinsic and instrumental value, to improve the well-being of people and nature.” (emphasis added)

Within this definition is the recognition of both the intrinsic and instrumental value of biological diversity and its components, which includes animals. This recognition of intrinsic value within the context of conservation, reiterates several court decisions which confirm that animals have intrinsic value as individuals.

It is apparent from the above that terms such as “conservation”, “ubuntu”, “sustainable use”, “intrinsic value” and “humane” are interlinked and intertwined in South African conservation and sustainable use policy. As such the White Paper further develops the recognition of the well-being of individual animals as an important component in the Section 24 environmental right (including as it relates to sustainable use and conservation); the need to integrate this recognition into decision-making and actions; and the concept of intrinsic value as it relates to biodiversity and animals.

Albeit that the White Paper is a policy document and may be non-binding, some of the terminology

²² ALRSA Amicus Curiae Heads of Argument dated 20 September 2024.

²³ White Paper at p 30.



referred to therein has now been specifically incorporated into the NEMBA and its legislated provisions.”²⁴

C. Additional Considerations: Jurisprudence and Animals

In addition to the specific examples highlighted in NEMBA and the White Paper, COP20 also presents an opportunity for the Department to incorporate and consider relevant jurisprudence relating to wild animals and incorporate it into decision-making. In recent years, there have been notable judicial pronouncements by South African Courts related to animals, highlighting the potential for advancing animal protection (and accordingly human and environmental protection) through tangible legal actions that promote their well-being and flourishing in South Africa. These judgments reflect an important shift in ethic and ethos away from a purely economic and instrumental value of animals, which promotes a limited sustainable use paradigm that allows for the exploitation of animals.

However, the Department has not yet given sufficient credence to the findings and principles established in these cases. The Department should be actively considering and incorporating these jurisprudential precedents into their decisions, including leading up to and including COP20. Due and adequate consideration must be given to these rulings in the context of the relevant separation of powers, or it undermines the integrity of our legal system.²⁵

Below contains a non-exhaustive exploration of these judicial pronouncements for consideration by the Department as it prepares for COP20 and its environmental decision-making obligations more generally.

In *South African Predator Breeders Association v Minister of Environmental Affairs and Tourism*,²⁶ the validity of regulations published by the Minister of Environmental Affairs and Tourism designed to regulate the practice of canned lion hunting, were challenged before the High Court. The regulations in question listed the African lion as a “*vulnerable species*”. This rendered the “*breeding, hunting, catching, capturing or killing*” and “*pursuing, lying in wait for or luring*” of a living African lion, a prohibited practice in South Africa.²⁷ Despite not declaring the practice of

²⁴ ALRSA Amicus Curiae Heads of Argument dated 20 September 2024

²⁵ *S v Makwanyane and Another* (CCT3/94) [1995] ZACC 3; 1995 (6) BCLR 665; 1995 (3) SA 391; [1996] 2 CHRLD 164; 1995 (2) SACR 1 (6 June 1995), accessible at: <https://www.saflii.org/za/cases/ZACC/1995/3.html>.

²⁶ *South African Predator Breeders Association and Others v Minister of Environmental Affairs and Tourism* (1900/2007) [2009] ZAFSHC 68, accessible at: <https://www.saflii.org/za/cases/ZAFSHC/2009/68.html>.

²⁷ Ibid at para 14.



canned lion hunting unlawful, Justice Rampai acknowledged that the practice is “*abhorrent and repulsive*” due to the suffering of animals, based on the notion of sentience.²⁸ Rampai J further **emphasised the importance of protecting animals against cruel practices that humans subject them to.**

In *National Society for the Prevention of Cruelty to Animals v Minister of Justice, Constitutional Development, and Another*,²⁹ a full bench of the Constitutional Court recognised that animals are “*sentient beings*” and that they have “*intrinsic value as individuals*.” This has since been echoed by various other courts, including the Supreme Court of Appeal.³⁰ Notably, the Court held that animal welfare and animal conservation together reflect intertwined values and further related animal welfare to the constitutionally protected environmental right (in Section 24 of the Constitution).³¹ When referencing the SCA judgment of *S v Lemthongthai*,³² the Constitutional court further noted that “*constitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general*,” and the Court concluded further that this obligation is especially pertinent because of our history. When referencing the “*integrative approach*” (as coined by Professor David Bilchitz, one of ALRSA’s co-founders and directors) the court noted that such approach “*correctly links the suffering of individual animals to conservation and illustrates the extent to which showing respect and concern for individual animals reinforces broader environmental protection efforts*”.³³ This interpretation of Section 24 by South Africa’s apex court, cannot be squared with the continued authorisation of the exploitation of elephant, one of South Africa’s Big 5 species.

The integrative approach was applied directly by the High Court in the context of the setting of

²⁸ Ibid at para 72.

²⁹ *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016), accessible at: <https://www.saflii.org/za/cases/ZACC/2016/46.html>.

³⁰ *Boel Smuts and Another v Herman Botha* (887/20) [2022] ZASCA 3 (10 January 2022), accessible at: <https://www.saflii.org/za/cases/ZASCA/2022/3.html>.

³¹ *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016), accessible at: <https://www.saflii.org/za/cases/ZACC/2016/46.html>, at para 67.

³² *Lemthongthai v S* [2014] ZASCA 131.

³³ *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* (CCT1/16) [2016] ZACC 46; 2017 (1) SACR 284 (CC); 2017 (4) BCLR 517 (CC) (8 December 2016), accessible at: <https://www.saflii.org/za/cases/ZACC/2016/46.html>, at para 58.

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annual quotas for the export of lion bone in the 2019 case of *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others*,³⁴ in which the Court set aside the quotas set on the ground that, among other factors, our constitutional and legal obligations that arise from Section 24 of the Constitution and the NEMBA require the consideration of animal welfare issues.³⁵ Prioritising certain economic considerations (i.e. economic benefits from trophy hunting) over other economic benefits (from eco-tourism and reputation) as well as conservation imperatives, is a reductionist (and aggregative) approach which is misaligned with case law and the integrative approach to environmental protection.

In *Endangered Wildlife Trust v Minister of Agriculture, Land Reform and Rural Development and Others*,³⁶ the High Court set aside the Minister's decision to define certain wild and game species as "animals" under amended regulations of the Animal Improvement Act 62 of 1998. This would have led to genetic manipulation of these species for agricultural purposes, potentially violating the constitutional right to environmental protection.³⁷ The applicants argued that such breeding operations compromise the integrity of species management and conservation strategies.³⁸ Therefore, it should be considered that any policy or decision that fails to consider relevant information including scientific evidence (in relation to environmental impact) could be set aside.

In *Trustees for the time being of the Humane Society International - Africa Trust and Others v Minister of Forestry, Fisheries and the Environment and Another*,³⁹ the applicants challenged the Minister's decision to set hunting and export quotas for leopard, elephant, and black rhinoceros trophies. The applicants argued (among others) that animal welfare was not taken into account when setting the quotas as is required by law and thus sought to interdict the Minister's

³⁴ *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others* (86515/2017) [2019] ZAGPPHC 337; 2020 (1) SA 249 (GP) (6 August 2019), accessible at: <https://www.saflii.org/za/cases/ZAGPPHC/2019/337.html>.

³⁵ Ibid.

³⁶ *Endangered Wildlife Trust v Minister of Agriculture, Land Reform and Rural Development and Others* [2023] ZAGPPHC 163; 1138/2022 (3 March 2023), accessible at: <https://www.saflii.org/za/cases/ZAGPPHC/2023/163.html>.

³⁷ Ibid.

³⁸ Ibid.

³⁹ *Trustees for the time being of the Humane Society International - Africa Trust and Others v Minister of Forestry, Fisheries and the Environment and Another* (6939/2022) [2022] ZAWCHC 55; [2022] 3 All SA 616 (WCC) (21 April 2022), accessible at: <https://www.saflii.org/za/cases/ZAWCHC/2022/55.html>.

decision.⁴⁰ The High Court was tasked with determining whether the potential economic harm which would result in the interdict being granted outweighs the interests of the animals implicated. In his judgment, Gamble J made the following statements related to trophy hunting:

*“In the event that no interdict is granted pending finalisation of the review proceedings, of the order of 170 animals will be hunted during 2022, their respective trophies mounted by local taxidermists and thereafter exported overseas. **The primary beneficiaries of these killings will be the wealthy, foreign hunters who may wish to adorn their homes, man-caves, offices, club houses and the like with the hubristic consequences of their expensive forays into the wilds of southern Africa. If the interdict is granted, those animals will be spared death at the hands of the hunters. The irreparable harm is thus the difference between life and death.**”⁴¹ [emphasis added].*

Furthermore, Gamble J quoted statements made by the applicant in the matter, which read as follows:

“If the interdict is not granted, the black rhino, elephant and leopard population may be irreversibly affected, the welfare of individual elephants, black rhino and leopards will have been harmed and the rights claimed above will have been lost,” [emphasis added] and: *“the desire of the fortunate few who can afford to hunt **protected animals** exclusively for the purpose of transporting their trophies for display overseas **will not have been lost** [should the interdict be granted], only delayed.”⁴² [emphasis added].*

The court granted an interdict against the enforcement of the quotas. However, this ruling was overturned on appeal in 2024.⁴³ It is deeply concerning that, despite the legal scrutiny and strong judicial commentary in this case, the **Department has not taken meaningful lessons from the outcomes** and continues to disregard the interests of animals when developing legislation, regulations, policies and strategies.

⁴⁰ Ibid.

⁴¹ Ibid at para 83.

⁴² Ibid at para 87.

⁴³ *Trustees for the Time Being of the Humane Society International - Africa Trust and Others v Minister of Forestry, Fisheries and the Environment and Another* (6939/22) [2024] ZAWCHC 9 (26 January 2024), accessible at: <https://www.saflii.org/za/cases/ZAWCHC/2022/55.html>.



II. GENERAL PROPOSALS FOR CONSIDERATION AT COP20

A. CITES Listings Should Adopt a Precautionary Approach

CITES Appendix II listings have proven insufficient in curbing illegal trade.⁴⁴ Uplisting efforts must be accompanied by enhanced enforcement mechanisms to ensure their effectiveness. CITES should adopt a precautionary approach in species listings (across all Appendices) and enforcement mechanisms to prevent species from reaching critical endangerment levels.⁴⁵

The precautionary approach is a fundamental principle of environmental law and conservation policy, emphasising that action should be taken before irreversible harm occurs—not *after* a species has reached dangerously low population levels.⁴⁶ A reactive approach where species are only uplisted after significant population declines is ineffective in preventing biodiversity loss. Instead, a proactive strategy should be implemented to ensure that species receive adequate protection before their survival becomes critically threatened. Strengthening enforcement mechanisms is essential to complement any CITES uplisting efforts, ensuring that trade restrictions translate into meaningful conservation outcomes rather than merely existing on paper.⁴⁷

B. CITES Appendices Should Align with the IUCN Red List

The CITES Appendices must be systematically aligned with The International Union for Conservation of Nature (“IUCN”) Red List of Threatened Species (“IUCN Red List”) and other IUCN assessments to ensure species receive the appropriate level of protection based on the best available scientific data. This alignment would be consistent with the precautionary approach (as referenced above), enhance consistency in conservation efforts, close regulatory gaps, and prevent species from being exploited due to outdated listings.

As new assessments become available, timely amendments to the CITES Appendices should be prioritised to reflect the most current conservation status of species.

⁴⁴ United Nations Office on Drugs and Crime: <https://www.unodc.org/e4j/en/wildlife-crime/module-2/key-issues/cites-and-the-international-trade-in-endangered-species.html>; and See Cooney, R., et al, 2021. Think before you act: Improving the conservation outcomes of CITES listing decisions. *Frontiers in Ecology and Evolution*, 9, p.631556, accessible at: <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2021.631556/full>.

⁴⁵ See Wiersema, A., 2014. Uncertainty, precaution, and adaptive management in wildlife trade. *Mich. J. Int'l L.*, 36, p.375, accessible at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/mjil36&div=17&id=&page=>.

⁴⁶ See International Institute for Sustainable Development: <https://www.iisd.org/articles/deep-dive/precautionary-principle>.

⁴⁷ United Nations Office on Drugs and Crime: <https://www.unodc.org/e4j/en/wildlife-crime/module-2/key-issues/cites-and-the-international-trade-in-endangered-species.html>; and See Cooney, R., et al, 2021. Think before you act: Improving the conservation outcomes of CITES listing decisions. *Frontiers in Ecology and Evolution*, 9, p.631556, accessible at: <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2021.631556/full>.

(i) IUCN Red List

The IUCN Red List is the world's most comprehensive source on the global conservation status of animal, fungal, and plant species.⁴⁸ The IUCN Red List assesses species based on criteria such as population size, habitat and ecology, use and/or trade, threats, and conservation actions that will help inform necessary conservation decisions.⁴⁹

The IUCN Red List classifies species into nine categories: **Not Evaluated (NE)**, **Data Deficient (DD)**, **Least Concern (LC)**, **Near Threatened (NT)**, **Vulnerable (VU)**, **Endangered (EN)**, **Critically Endangered (CR)**, **Extinct in the Wild (EW)**, and **Extinct (EX)**.⁵⁰ It is widely regarded as the global standard for assessing extinction risks and guiding conservation policy, providing governments, researchers, and organisations with essential data to protect biodiversity.⁵¹

The IUCN Red List is produced through a collaborative effort involving the IUCN Species Programme, the IUCN Species Survival Commission, and a global network of partner organisations and scientists.⁵² The South African National Biodiversity Institute (“**SANBI**”) contributes to this effort through its Threatened Species Programme which assesses the conservation status and biology of species in the southern African region.⁵³

The IUCN Red List plays a crucial role in conservation efforts in South Africa, particularly in shaping policies and regulation under the National Environmental Management: Biodiversity Act 10 of 2004 (“**NEMBA**”), its Threatened or Protected Species (“**TOPS**”) Regulations of 2007, and its CITES Regulations of 2010 (“**CITES Regulations**”).⁵⁴ These legal frameworks consider IUCN assessments, and mandate that decision-makers take the IUCN Red List into account, when determining species listings and protection measures, and when issuing permits for their use.⁵⁵ Additionally, the Red List informs South Africa's Biodiversity Management Plans (“**BMPs**”), guiding conservation strategies for threatened species.⁵⁶

⁴⁸ Duenas, M.A., Hemming, D.J., Roberts, A. and Diaz-Soltero, H., 2021. The threat of invasive species to IUCN-listed critically endangered species: A systematic review. *Global Ecology and Conservation*, 26, p.e01476, accessible at: <https://www.sciencedirect.com/science/article/pii/S2351989421000263>.

⁴⁹ IUCN: <https://www.iucnredlist.org/>.

⁵⁰ IUCN: <https://iucn.org/resources/conservation-tool/iucn-red-list-threatened-species>.

⁵¹ IUCN: https://nc.iucnredlist.org/redlist/resources/files/1630480997-IUCN_RED_LIST_QUADRENNIAL_REPORT_2017-2020.pdf.

⁵² South African National Biodiversity Institute (“**SANBI**”): <https://www.sanbi.org/wp-content/uploads/2018/04/guide-threatened-species-and-red-listing.pdf>

⁵³ Ibid.

⁵⁴ SANBI: <https://speciesstatus.sanbi.org/about/>.

⁵⁵ See for example, regulation 10(c) of the Threatened or Protected Species Regulations (*Government Gazette* No. 29657) of 2007.

⁵⁶ SANBI: <https://www.sanbi.org/wp-content/uploads/2018/04/guide-threatened-species-and-red-listing.pdf>.

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South Africa is home to numerous species facing severe threats, including but not limited to the African penguin, leopard, rhinoceros, and pangolins, all of which are assessed by the IUCN. However, discrepancies often exist between the IUCN Red List assessments and the CITES Appendices.⁵⁷ Ensuring alignment between CITES listings and IUCN Red List classifications is essential for enhancing species protection and preventing biodiversity loss. It is also important to ensure alignment as among and between the South African legislation, regulations and lists.

(ii) CITES Appendices

The CITES Appendices are a critical component of the CITES framework, providing a global mechanism for regulating the international trade of endangered species.⁵⁸ The Appendices classify species based on their conservation status and the level of protection they require. Appendix I includes species threatened with extinction that are prohibited from international trade except under exceptional circumstances, such as for scientific research.⁵⁹ Appendix II covers species not necessarily threatened with extinction but whose trade must be controlled to avoid utilisation that threatens their survival.⁶⁰ Appendix III lists species protected in at least one country, which has requested assistance from other countries in controlling trade.⁶¹

The Appendices aim to prevent the over-exploitation of species due to international trade, ensuring that trade does not endanger their survival in the wild.⁶² However, the inclusion or exclusion of species from these Appendices is often subject to political and scientific debate,⁶³ and discrepancies can arise between the IUCN Red List and the CITES listings.⁶⁴ Aligning the CITES Appendices

⁵⁷ See Green, J., et al, 2022. Commercial trade of wild animals: examining the use of the IUCN Red List and CITES Appendices as the basis for corporate trade policies. *Frontiers in Conservation Science*, 3, p.902074, accessible at: <https://www.frontiersin.org/journals/conservation-science/articles/10.3389/fcsc.2022.902074/full>;

⁵⁸ United Nations Office on Drugs and Crime: <https://www.unodc.org/e4j/en/wildlife-crime/module-2/key-issues/cites-and-the-international-trade-in-endangered-species.html>.

⁵⁹ CITES: <https://cites.org/eng/node/130903#:~:text=a>.

⁶⁰ CITES: <https://cites.org/eng/app/index.php>.

⁶¹ Ibid.

⁶² CITES: <https://cites.org/eng/disc/text.php>.

⁶³ See for example, Cooney, R., et al, 2021. Think before you act: Improving the conservation outcomes of CITES listing decisions. *Frontiers in Ecology and Evolution*, 9, p.631556, accessible at: <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2021.631556/full>; and Favre, D., 1993. Debate within the CITES community: what direction for the future. *Nat. Resources J.*, 33, p.875, accessible at: <https://www.animallaw.info/article/debate-within-cites-community-what-direction-future>.

⁶⁴ See for example, Gehring, T. and Ruffing, E., 2008. When arguments prevail over power: the CITES procedure for the listing of endangered species. *Global Environmental Politics*, 8(2), pp.123-148, accessible at: https://www.researchgate.net/publication/24089966_When_Arguments_Prevail_over_Power_The_CITES_Procedure_for_the_Listing_of_Endangered_Species; Green, J., et al, 2022. Commercial trade of wild animals: examining the use of the IUCN Red List and CITES Appendices as the basis for corporate trade policies. *Frontiers in Conservation*

more closely with the IUCN Red List is essential to ensure that species receive the most appropriate level of protection based on their current conservation status.⁶⁵

Recommendations:

1. Systematic Review of Species Listings:

CITES should conduct a regular and systematic review of the CITES Appendices to ensure they are aligned with the most current IUCN Red List assessments. As new IUCN assessments are published, these updates should be reflected in CITES listings in a timely manner to provide species with the appropriate level of protection based on the latest scientific data.

2. Strengthen CITES Listing Criteria Based on IUCN Red List Categories:

CITES should adopt and integrate the IUCN Red List categories (e.g., Vulnerable, Endangered, Critically Endangered) as a more direct criterion for listing species. This will provide greater clarity and consistency in how species are categorised under CITES Appendices, ensuring that trade regulations are based on scientifically backed extinction risk assessments.

3. Encourage Collaboration Between IUCN and CITES Parties:

Strengthen collaboration between IUCN and CITES Parties to ensure that CITES decisions regarding species listings are informed by the most up-to-date and scientifically robust information provided by the IUCN Red List. Regular dialogues and exchanges between conservation scientists, government representatives, and wildlife protection organisations should be encouraged.

C. Compliance and Enforcement Measures for CITES Listings Should be Strengthened

While CITES plays a crucial role in regulating international wildlife trade, its effectiveness is often undermined by weak enforcement and non-compliance, leading to ongoing exploitation of listed species.⁶⁶ Strengthening monitoring and enforcement mechanisms is essential, particularly for

Science, 3, p.902074, accessible at: <https://www.frontiersin.org/journals/conservation-science/articles/10.3389/fcosc.2022.902074/full>; Hutchinson, A., et al, 2022. Speciesism and the wildlife trade: Who gets listed, downlisted and uplisted in cites?. *International Journal for Crime, Justice and Social Democracy*, 11(2), pp.191-209, accessible at: <https://search.informit.org/doi/abs/10.3316/informit.479197087254705>; and Challender, D.W., et al, 2023. Identifying species likely threatened by international trade on the IUCN Red List can inform CITES trade measures. *Nature ecology & evolution*, 7(8), pp.1211-1220, accessible at: <https://www.nature.com/articles/s41559-023-02115-8>.

⁶⁵ See Challender, D.W., et al, 2023. Identifying species likely threatened by international trade on the IUCN Red List can inform CITES trade measures. *Nature ecology & evolution*, 7(8), pp.1211-1220, accessible at: <https://www.nature.com/articles/s41559-023-02115-8>.

⁶⁶ See Challender, D.W., Harrop, S.R. and MacMillan, D.C., 2015. Towards informed and multi-faceted wildlife trade interventions. *Global Ecology and Conservation*, 3, pp.129-148, accessible at: <https://www.sciencedirect.com/science/article/pii/S2351989414000791>.



species listed under Appendices I and II, many of which remain under severe threat from illegal trade, poaching, and habitat loss.

A key issue is the lack of robust compliance mechanisms at both national and international levels. Many range states (countries where species are found) have inadequate reporting requirements, while penalties for non-compliance are often insufficient to deter illegal activities.⁶⁷ Additionally, enforcement agencies frequently struggle to track and intercept illicit wildlife products, such as rhinoceros horn and lion bones, due to the absence of effective forensic technologies and tracking systems across borders.⁶⁸

South Africa's iconic "Big 5" species, including rhinoceros and lion, remain highly vulnerable.⁶⁹ Legal loopholes and weak enforcement continue to be exploited by traffickers, undermining conservation efforts and highlighting the urgent need for stronger regulatory and enforcement measures.⁷⁰

(i) The Rhinoceros Poaching Crisis

Notwithstanding existing protections, South Africa remains at the centre of the global rhinoceros poaching crisis. The black rhinoceros is classified as Critically Endangered,⁷¹ and the white rhinoceros is listed as Near Threatened⁷² on the IUCN Red List. Although most rhinoceros species are included in Appendix I of CITES, the southern white rhinoceros populations in Eswatini, Namibia, and South Africa remain under Appendix II, allowing limited trade under certain

⁶⁷ See Abensperg-Traun, M., 2009. CITES, sustainable use of wild species and incentive-driven conservation in developing countries, with an emphasis on southern Africa. *Biological Conservation*, 142(5), pp.948-963, accessible at: <https://www.sciencedirect.com/science/article/abs/pii/S0006320709000615>; and Gorobets, A., 2020. Wild fauna conservation: IUCN-CITES match is required. *Ecological Indicators*, 112, p.106091, accessible at: <https://www.sciencedirect.com/science/article/abs/pii/S1470160X20300285>.

⁶⁸ See GEF: <https://www.thegef.org/projects-operations/projects/4937>; and World Bank Group: <https://pubdocs.worldbank.org/en/389851519769693304/24691-Wildlife-Law-Enforcement-002.pdf>.

⁶⁹ See for example, Wild in Africa: https://wildinafrica.store/blogs/wildlife-conservation/africas-big-5-animals?srsId=AfmBOoOL3FKXYBgAFkGxVc8J6z-FZeD2ZKS4qY0t8VZJgiMe_hH2HtK2

⁷⁰ See Wilson, A.P., 2019, January. Animal Law in South Africa: "Until the lions have their own lawyers, the law will continue to protect the hunter". In *Derecho Animal. Forum of Animal Law Studies* (Vol. 10, No. 1, pp. 35-58), accessible at: <http://files.harmonywithnatureun.org/uploads/upload1153.pdf>.

⁷¹ IUCN: <https://www.iucnredlist.org/species/6557/152728945>.

⁷² IUCN: <https://www.iucnredlist.org/species/4185/45813880>.

conditions.⁷³ However, relentless demand for rhinoceros horn, particularly from Asian markets, continues to drive poaching and illegal trade.⁷⁴

Despite the critically endangered status of black rhinoceros and CITES Appendix I listing, the South African government continues to authorise trophy hunting quotas for the species, further undermining conservation efforts. In late 2024, the Department released proposed export quotas for elephant, black rhinoceros, and leopard hunting trophies for the 2024 and 2025 calendar years.⁷⁵ These quotas were made available for public consultation without providing sufficient supporting information, including specific figures or scientific justification. This raises serious concerns about the sustainability and ethical implications of allowing the legal hunting of a species on the brink of extinction and highlights the urgent need for stronger oversight and enforcement of CITES regulations.

(ii) The Illicit Lion Bone Trade

Over the past decade, the trade in lion body parts, and especially the trade in lion bones from Africa to Asia, has raised global concerns.⁷⁶ The African lion is categorised as a Vulnerable species by the IUCN Red List,⁷⁷ and is listed under CITES Appendix II.⁷⁸ At the CoP 17, it was proposed that the African lion be uplisted to Appendix I in order for the trade of body parts and bones of wild African lions to be prohibited as the trade could result in the species becoming extinct.⁷⁹

Currently, there is a zero annual export quota for wild lion body parts, meaning that no trade in wild lion bones is permitted for commercial purposes.⁸⁰ However, CITES makes provision for export quotas to be established for South Africa for captive lion body parts, including bones.⁸¹ In 2019, the High Court of South Africa determined that the export quotas set for captive-bred lion bone export were unlawful and constitutionally invalid due to insufficient consideration of the welfare of

⁷³ CITES: <https://cites.org/eng/app/appendices.php>.

⁷⁴ See Rhino Recovery Fund: <https://rhinorecoveryfund.org/what-drives-the-demand-for-rhino-horn/F>; and Aucoin, C. and Deetlefs, S., 2018. Tackling supply and demand in the rhino horn trade. *Pretoria: Institute for Security Studies (ISS)*, accessible at: https://enact-africa.s3.amazonaws.com/site/uploads/2018_03_28_PolicyBrief_Wildlife.pdf.

⁷⁵ DFFE: https://18a66295-3a0f-41fb-a13d-9849edd3b2a3.usrfiles.com/ugd/18a662_479bf26c36e5401bb961ba1587bb7fb1.pdf.

⁷⁶ Williams, V.L., et al, 2017. A roaring trade? The legal trade in Panthera leo bones from Africa to East-Southeast Asia. *PLoS One*, 12(10), p.e0185996, accessible at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185996>.

⁷⁷ IUCN: <https://www.iucnredlist.org/species/15951/266696959>.

⁷⁸ CITES: <https://cites.org/eng/app/appendices.php>.

⁷⁹ CITES: <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-04.pdf>.

⁸⁰ CITES: <https://cites.org/eng/app/appendices.php>.

⁸¹ Ibid.



captive-bred lions.⁸² Since this judgment, no CITES export quotas for lion skeletons have been set. Therefore, the export of lion bones originating from captive-bred lions in South Africa is currently illegal.⁸³

Nonetheless, the illegal trade in lion bones, often sourced from captive-bred lions in South Africa, has grown into a lucrative market.⁸⁴ The weak enforcement and inconsistent monitoring of these trade activities have allowed these illegal industries to thrive, undermining the effectiveness of CITES protections.

As of 2025, the South African Predators Association is challenging the Department's decision *not* to establish new export quotas, arguing for the continued trade in lion bones.⁸⁵ This presents a critical opportunity for South Africa to take a firm stance against the exploitation of lions by rejecting future quotas and/or setting these at 0 and furthermore, advocating for the species' uplisting to Appendix I, thereby closing loopholes that facilitate illegal trade and ensuring stronger protections for wild and captive lions alike.

Recommendations:

1. Enhanced Reporting Requirements for Range States:

It is crucial for range states, such as South Africa, to provide comprehensive and regular reports to CITES on their compliance efforts, the status of listed species, and the effectiveness of their enforcement activities.⁸⁶ These reports should include detailed information on the number of seizures, prosecution rates, and actions taken against wildlife crime, ensuring that data is transparent and accessible for international review. This can help identify trends in illegal trade and ensure that CITES decisions reflect the most accurate and up-to-date information available.

2. Stricter Penalties for Non-Compliance:

Stronger, more consistent penalties for non-compliance with CITES (domestic and international) regulations would act as a deterrent against illegal trade activities. Countries and individuals found

⁸² *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others* (86515/2017) [2019] ZAGPPHC 337; 2020 (1) SA 249 (GP) (6 August 2019), accessible at: <https://www.saflii.org/za/cases/ZAGPPHC/2019/337.html>.

⁸³ Elwin, A., et al 2024. Under the lion's paw: lion farming in South Africa and the illegal international bone trade. *Nature Conservation*, 56, pp.1-17, accessible at: <https://natureconservation.pensoft.net/article/124555/download/pdf/>.

⁸⁴ Ibid.

⁸⁵ Mail and Guardian: <https://mg.co.za/the-green-guardian/2025-02-28-south-african-predators-association-fights-to-reopen-controversial-lion-bone-industry/>.

⁸⁶ CITES: <https://cites.org/sites/default/files/eng/resources/reporting/Reporting%20requirements%20post%20CoP19.pdf>.

violating CITES regulations should face severe consequences, including higher fines, longer prison sentences, and trade sanctions. South Africa, as a key player in wildlife conservation, should advocate for the imposition of stronger sanctions on countries or entities that fail to adhere to CITES provisions.

3. Investment in Wildlife Forensic Technologies:

In the digital age, the use of advanced wildlife forensic technologies is crucial for effective monitoring and enforcement.⁸⁷ These technologies, including DNA testing, electronic tracking devices, and database systems, can assist in tracking illegal wildlife products and identifying their origins.⁸⁸ CITES should encourage, and provide aid to, range states to invest in forensic research and technology to strengthen its ability to trace and intercept illegal wildlife trade. Additionally, international collaboration on the sharing of forensic data can create a more coordinated and effective response to illegal wildlife trade.⁸⁹

D. Legal Loopholes in the Trade of Captive-Bred Wildlife Should be Addressed

There is a growing need for a comprehensive review and implementation of CITES frameworks governing captive breeding operations and their impact on wild populations.⁹⁰ A more rigorous examination of the CITES framework, in conjunction with stricter regulations and monitoring measures, is essential to ensure that these operations do not inadvertently contribute to the exploitation of wild populations.

Captive breeding programs for species such as lions and tigers are often regarded as conservation efforts aimed at preserving genetic diversity and reintroducing species into the wild.⁹¹ However, these programs have increasingly become linked to illegal wildlife trade.⁹² One of the primary

⁸⁷ Choudhary, Y. and Sharma, A., 2024. Wildlife Crimes And Digital Technology. Available at SSRN 4988231, accessible at: <https://www.ijcrt.org/papers/IJCRT2410058.pdf>.

⁸⁸ Ibid.

⁸⁹ World Bank: <https://pubdocs.worldbank.org/en/389851519769693304/24691-Wildlife-Law-Enforcement-002.pdf>.

⁹⁰ See Traffic.org: <https://www.traffic.org/site/assets/files/7515/cites-cop17-ranching-captive-breeding.pdf>.

⁹¹ See Shah, A. and Miller, A., 2005. Invented cages: the plight of wild animals in captivity. *J. Animal L.*, 1, p.23, accessible at: [https://heinonline.org/HOL/LandingPage?handle=hein.journals/janimlaw1&div=6&id=&page=](https://heinonline.org/HOL/LandingPage?handle=hein.journals/janimlaw1&div=6&id=&page=;); and Fraser, D.J., 2008. How well can captive breeding programs conserve biodiversity? A review of salmonids. *Evolutionary Applications*, 1(4), pp.535-586, accessible at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1752-4571.2008.00036.x>.

⁹² See Fukushima, C.S., et al, 2021. Challenges and perspectives on tackling illegal or unsustainable wildlife trade. *Biological Conservation*, 263, p.109342, accessible at: <https://www.sciencedirect.com/science/article/pii/S0006320721003943>; and Elwin, A., et al 2024. Under the lion's paw: lion farming in South Africa and the illegal international bone trade. *Nature Conservation*, 56, pp.1-17, accessible at: <https://natureconservation.pensoft.net/article/124555/download/pdf/>.

concerns is that some captive breeding operations have been used as a cover for laundering wild-caught animals.⁹³ Under the guise of breeding programs, individuals and organisations may falsely claim that wild-caught animals are captive-bred, allowing them to circumvent restrictions on the trade of wild species.⁹⁴

This is particularly problematic for species like lion, where, as discussed above, the high demand for trophies, bones, and other body parts fuels both legal and illegal trade.⁹⁵ Between 2008 and 2018, South Africa legally exported captive-bred lion bones and skeletons to Southeast Asia for use in traditional medicine and cultural practices, despite concerns that this trade could encourage poaching and trafficking of wild lions.⁹⁶ The captivity loophole has raised concerns about the ethics of breeding operations that prioritise financial gain over species conservation.⁹⁷

Furthermore, tiger breeding (including in South Africa) has also been linked to illegal trade, with tigers being bred in captivity for their parts, despite strict protections for wild tigers under CITES.⁹⁸

In light of these challenges, it is crucial to address the potential harms posed by poorly regulated captive breeding operations. These operations must not be allowed to mask the illegal exploitation of wild populations, particularly in the context of species with low population numbers or those at risk of extinction.

⁹³ Ibid; and van Uhm, D., 2018. Wildlife and laundering: interaction between the under and upper world. In *Green crimes and dirty money* (pp. 197-211). Routledge, accessible at: https://www.researchgate.net/publication/325606824_Wildlife_and_laundering_interaction_between_the_under_and_upper_world.

⁹⁴ Meeks, D., et al, 2024. Wildlife farming: Balancing economic and conservation interests in the face of illegal wildlife trade. *People and Nature*, 6(2), pp.446-457, accessible at: <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10588>.

⁹⁵ Elwin, A., et al 2024. Under the lion's paw: lion farming in South Africa and the illegal international bone trade. *Nature Conservation*, 56, pp.1-17, accessible at: <https://natureconservation.pensoft.net/article/124555/download/pdf/>.

⁹⁶ Ibid.

⁹⁷ World Animal Protection: <https://www.worldanimalprotection.org/globalassets/pdfs/reports/english/bred-for-profit-report-on-global-wildlife-farming.pdf>.

⁹⁸ See Daily Maverick: <https://www.dailymaverick.co.za/article/2024-12-05-behind-bars-south-africas-tiger-farming-crisis-and-its-hidden-global-implications/>; and Focusing on Wildlife https://focusingonwildlife.com/news/south-african-tiger-farms-illegally-smuggling-body-parts-says-charity/?utm_source=chatgpt.com.



Recommendations:

1. Introduce Stricter Regulations and Independent Monitoring of Captive Breeding Facilities:

It is imperative that captive breeding operations are held to higher standards of regulation and oversight. CITES requires Management Authorities⁹⁹ and other relevant government regulatory agencies to conduct inspections at captive breeding facilities.¹⁰⁰ However, it is proposed that these facilities are also independently monitored by external bodies to verify that they are operating within the bounds of CITES and that they are not contributing to illegal trade. These external monitoring programs should include regular inspections, audits, and accountability measures to ensure that animals are being bred in humane conditions considering their well-being and welfare and are not merely being exploited for commercial gain. Only those facilities that meet stringent conservation, welfare and well-being standards should be allowed to continue breeding and trading in CITES-listed species.

2. Close Loopholes Allowing the Laundering of Wild-Caught Animals Under Captive Breeding Claims:

A critical focus should be on closing the legal loopholes that enable the laundering of wild-caught animals under the false pretext of being captive-bred. Strengthening the requirements for verifiable proof of breeding lineage, such as DNA testing and detailed breeding records, will help ensure that animals traded under the guise of captive breeding are genuinely bred in captivity and not sourced from wild populations.¹⁰¹ This should be accompanied by clear definitions of captive breeding in domestic legislation to prevent exploitation of these terms for illicit purposes.

3. Impose Moratoriums on the Commercial Trade of Captive-Bred Species Where Conservation Risks Exist:

In situations where the commercial trade of captive-bred species poses a risk to wild populations, it is crucial to impose moratoriums on the trade of these species. This would prevent the further exploitation of species that are already at risk.

E. Regulation of Trophy Hunting and Export Permits Under CITES Should be Enhanced

Stricter oversight of CITES trophy hunting export permits is necessary to ensure alignment with conservation objectives. While CITES regulates international trade in endangered species, trophy

⁹⁹ CITES: <https://cites.org/eng/node/130955>.

¹⁰⁰ CITES: https://cites.org/sites/default/files/eng/prog/captive_breeding/E-InspectionGuidance-FINAL.pdf.

¹⁰¹ See United Nations Office on Drugs and Crime: <https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/dna.html>.



hunting remains highly contentious, particularly for species such as lions, elephants, rhinoceros, and leopards, which are hunted for trophies and body parts.¹⁰²

South Africa is a major exporter of hunting trophies, yet concerns persist regarding inadequate monitoring, weak enforcement, and the questionable scientific basis for quotas.¹⁰³ The governance of trophy hunting under CITES should be strengthened through more rigorous, science-based assessments and increased accountability to prevent hunting from undermining the survival of threatened species.

Trophy hunting is often justified as a conservation tool,¹⁰⁴ but inadequate oversight leads to unsustainable practices and population declines, particularly for already vulnerable species.¹⁰⁵ Hunting quotas are frequently set without up-to-date scientific data on population health or species well-being, resulting in over-hunting and unregulated exploitation. The recent release of proposed export quotas for elephant, black rhinoceros, and leopard hunting trophies for the 2024 and 2025 calendar years exemplifies this issue, as these quotas were made available for public consultation without sufficient supporting information, including specific figures for the quotations, nor a Non-Detriment Finding (“**NDF**”) as required under South African law and CITES, for leopard. This lack of transparency and failure to provide necessary scientific assessments undermines informed decision-making and responsible conservation.

To prevent further declines, CITES must enhance the monitoring, regulation and enforcement of trophy hunting quotas, ensuring they are based on credible scientific research and contribute to the conservation, rather than the exploitation, of imperiled species.

Recommendations:

1. Strengthen Bans on Trophy Hunting of Species with Declining Populations (e.g., Leopard):

For species facing severe population declines, it is crucial to strengthen bans or impose moratoriums on trophy hunting. For species with populations that are already at risk, such as those listed as Vulnerable or Endangered on the IUCN Red List, there should be *complete bans* on the commercial hunting and export of trophies until a clear recovery is achieved.

¹⁰² See Humane World for Animals: <https://www.humaneworld.org/wp-content/uploads/2021/06/Trophy-hunting-numbers-eu-report.pdf>.

¹⁰³ See Faunalytics: <https://faunalytics.org/trophy-hunting-in-south-africa-conservation-or-business/>.

¹⁰⁴ Africa Geographic: <https://africageographic.com/stories/opinion-trophy-hunting-counter-productive-conservation-tool/>.

¹⁰⁵ Ibid.



2. Enhance the Role of CITES in Regulating Trophy Hunting Exports:

While CITES has the authority to regulate trade in endangered species, its role in overseeing trophy hunting export permits is often limited. To enhance oversight, CITES should take a more active role in the regulation of trophy hunting exports. This includes enforcing that all trophies exported under CITES permits come from populations that are stable or increasing and that no hunting occurs, or quotas are set, unless it is backed by scientifically rigorous NDFs.

3. Introduce International Collaboration for Joint Species Management Plans:

Collaborative, international management plans should be developed for species that are cross-border populations ensuring that trophy hunting quotas are consistent and scientifically informed across range states. These plans should involve regional cooperation and information-sharing between countries to ensure that hunting quotas are set in a way that promotes species recovery and is aligned with the species' true conservation status.

F. The Role of Domestic Trade in Facilitating Illegal International Trade Should be Reviewed

CITES should conduct a thorough assessment of how domestic wildlife trade regulations contribute to illegal international trafficking. While CITES primarily regulates the international trade of endangered species, weak and/or poorly enforced domestic trade laws often create loopholes that allow illegally sourced wildlife products to enter international markets. By evaluating the link between domestic trade and global trafficking networks, CITES can identify regulatory gaps and strengthen enforcement mechanisms to prevent illicit trade.

Domestic trade in wildlife products, particularly rhinoceros horn, lion bones, and elephant ivory, has been linked to the illegal international trafficking of these species.¹⁰⁶ Although trade in these species is restricted under CITES, domestic markets in certain countries provide a legal cover for laundering illegally sourced wildlife products into international supply chains.¹⁰⁷ For example, in South Africa, the domestic trade in rhino horn, which is legal under specific conditions, has raised concerns about stockpiling and laundering, where horn obtained illegally is introduced into legal markets and subsequently smuggled out of the country.¹⁰⁸

¹⁰⁶ See Koutchoro, A.M., et al, 2024. Role of local markets in illegal wildlife trade and conservation efforts for trafficked species. *Global Ecology and Conservation*, 54, p.e03110, accessible at: <https://www.sciencedirect.com/science/article/pii/S2351989424003147>.

¹⁰⁷ Mozer, A. and Prost, S., 2023. An introduction to illegal wildlife trade and its effects on biodiversity and society. *Forensic Science International: Animals and Environments*, 3, p.100064, accessible at: <https://www.sciencedirect.com/science/article/pii/S2666937423000021>.

¹⁰⁸ See EMS Foundation: <https://emsfoundation.org.za/wp-content/uploads/South-Africas-Rhino-Horn-Stockpiles-Intrinsic-to-Illegal-Trade-Report-2024.pdf>.



The existence of domestic markets for these wildlife products complicates enforcement efforts, as it becomes difficult to distinguish between legally and illegally sourced items.¹⁰⁹ Criminal syndicates exploit regulatory loopholes, using fraudulent documentation, mislabelling, or corruption to smuggle illegal products across borders.¹¹⁰ Without stronger domestic controls, countries risk undermining international conservation efforts, as domestic trade regulations can inadvertently facilitate cross-border wildlife crime.¹¹¹ To address this issue, CITES must work with member states and range states to close domestic markets that contribute to illegal international trafficking and strengthen cooperation with law enforcement agencies to dismantle trafficking networks.

Recommendations:

1. Call for Stricter Domestic Regulations on Species Listed Under Appendix I and II:

CITES should urge range states to strengthen domestic regulations for species listed under Appendix I and II. For Appendix II species, stricter monitoring and enforcement of domestic trade laws should be required to ensure that legal trade does not become a front for illegal activities.¹¹² CITES should encourage harmonised domestic trade policies across member states to close regulatory loopholes and prevent wildlife trafficking syndicates from exploiting differences in national legislation.¹¹³

2. South Africa (and other range states) should Close Domestic Markets for Species at High Risk of International Trafficking:

South Africa and other range states should shut down domestic markets for species that are highly vulnerable to international trafficking, particularly those with a well-documented history of being laundered into illicit trade, such as rhinoceros. A total ban on domestic trade in these products, combined with stringent enforcement, would help prevent legal loopholes from being exploited by traffickers. Such measures would also align South Africa with global conservation objectives, the constitutional environmental right, and reinforce its commitment to combatting wildlife crime.

¹⁰⁹ Tensen, L., 2016. Under what circumstances can wildlife farming benefit species conservation?. *Global Ecology and Conservation*, 6, pp.286-298, accessible at: <https://www.sciencedirect.com/science/article/pii/S2351989415300421>.

¹¹⁰ See for example, SAMLIT: <https://www.fic.gov.za/wp-content/uploads/2023/09/2021.11-SL-SAMLIT-IWT-Report-2021.pdf> and International Fund for Animal Welfare: <https://www.ifaw.org/press-releases/loopholes-eu-legislation-wildlife-trade-latin-america>.

¹¹¹ Duffy, R., 2022. *Security and conservation: The politics of the illegal wildlife trade*. Yale University Press, accessible at: <https://books.google.co.za/books?hl=en&lr=&id=Fj9nEAAAQBAJ&oi=fnd&pg=PP1&dq=Without+stronger+domestic+controls,+countries+>.

¹¹² Challender, D.W., Harrop, S.R. and MacMillan, D.C., 2015. Towards informed and multi-faceted wildlife trade interventions. *Global Ecology and Conservation*, 3, pp.129-148, accessible at: <https://www.sciencedirect.com/science/article/pii/S2351989414000791>.

¹¹³ See Chatham House: <https://www.chathamhouse.org/sites/default/files/public/Research/Africa/0214Wildlife.pdf>.



3. Increase Cooperation Between CITES and National Law Enforcement Agencies:

Wildlife trafficking operates as a transnational crime, requiring stronger collaboration between CITES, national law enforcement agencies, financial institutions, the private sector, and customs authorities to disrupt smuggling networks.¹¹⁴ Additionally, CITES should encourage member states to increase penalties for wildlife crime (specifically in the case of organised crimes, the highest members of these criminal networks), ensuring that offenses related to illegal trade carry severe consequences that deter traffickers.

III. PROPOSED AMENDMENTS TO CITES APPENDICES FOR CONSIDERATION AT COP 20

E. Proposals for Uplisting Selected Species from Appendix II to Appendix I

These measures would strengthen conservation efforts, align with South Africa's international obligations, including under CITES and the Convention on Biological Diversity ("**CBD**"), and uphold the constitutional environmental right enshrined in section 24 of the Constitution of the Republic of South Africa, 1996 ("**Constitution**"). Additionally, they would ensure compliance with the Department's mandate under NEMBA to consider animal well-being.

(i) African Lion (*Panthera leo*)

The African lion is classified as Vulnerable¹¹⁵ on the IUCN Red List, with regional populations facing serious threats from habitat loss, human-wildlife conflict, and poaching.¹¹⁶ Despite these risks, African lion remain listed under CITES Appendix II. There is currently no annual export quota for wild-sourced lion bones, skeletons, skulls, claws, and teeth for commercial purposes, effectively banning trade in parts from wild lions. However, CITES does allow South Africa to set and communicate annual export quotas for captive-bred lion bones and body parts,¹¹⁷ creating a legal trade framework that has been exploited for illegal trafficking.¹¹⁸

Research shows that the existence of this legal trade fuels demand and increases poaching pressure on wild lion populations, as traffickers use the captive-bred industry to launder wild-sourced lion

¹¹⁴ See SAMLIT: <https://www.fic.gov.za/wp-content/uploads/2023/09/2021.11-SL-SAMLIT-IWT-Report-2021.pdf>.

¹¹⁵ IUCN: <https://www.iucnredlist.org/species/15951/266696959>.

¹¹⁶ Trinkel, M. and Angelici, F.M., 2016. The decline in the lion population in Africa and possible mitigation measures. *Problematic wildlife: A cross-disciplinary approach*, pp.45-68, accessible at: https://link.springer.com/chapter/10.1007/978-3-319-22246-2_3.

¹¹⁷ See 'A4' of CITES: <https://cites.org/eng/app/appendices.php>.

¹¹⁸ See Elwin, A., et al 2024. Under the lion's paw: lion farming in South Africa and the illegal international bone trade. *Nature Conservation*, 56, pp.1-17, accessible at: <https://natureconservation.pensoft.net/article/124555/download/pdf/>.

parts into the market.¹¹⁹ Given these risks, CITES must uplist the African lion to Appendix I and impose a full ban on all trade in lion bones and body parts, closing loopholes that threaten both wild and captive lions.

(ii) African Penguin (*Spheniscus demersus*)

The African penguin is classified as Critically Endangered¹²⁰ on the IUCN Red List, with populations in South Africa declining by over 77% in the past 30 years due to overfishing, habitat destruction, and climate change.¹²¹ Alarming, 97% of the bird's population has been lost, and projections suggest the species could face extinction within a decade if urgent action is not taken.¹²²

The current Appendix II listing of the African penguin does not provide sufficient protection against the threats posed by international trade, which could contribute to the species' extinction.

Uplisting to Appendix I would prohibit all commercial trade, thereby offering stronger international safeguards for the African penguin. This amendment would bolster protections for the species and help prevent its imminent extinction, particularly given ongoing disregard for their interests by the South African government. This issue is highlighted by the court case initiated by BirdLife South Africa and the Southern African Foundation for the Conservation of Coastal Birds (SANCCOB), joined by ALRSA as *amicus curiae*, which underscores the Department's failure to adequately address the species' conservation needs.¹²³

(iii) Southern White Rhino (*Ceratotherium simum simum*)

Poaching for rhinoceros horn remains a critical threat to the southern white rhinoceros.¹²⁴ Despite ongoing conservation efforts, South Africa's rhino populations continue to suffer severe losses.¹²⁵ The broader white rhinoceros species is currently listed as Near Threatened¹²⁶ on the IUCN Red

¹¹⁹ See Uhm, D., 2018. Wildlife and laundering: interaction between the under and upper world. In *Green crimes and dirty money* (pp. 197-211). Routledge, accessible at: https://www.researchgate.net/publication/325606824_Wildlife_and_laundering_interaction_between_the_under_and_upper_world.

¹²⁰ IUCN: <https://www.iucnredlist.org/species/22697810/256021744>.

¹²¹ Sherley, R.B., et al, 2024. The African Penguin *Spheniscus demersus* should be considered Critically Endangered. *Ostrich*, 95(3), pp.181-187, accessible at: <https://www.tandfonline.com/doi/abs/10.2989/00306525.2024.2355618>.

¹²² Sydeman, W.J., et al, 2021. South Africa's experimental fisheries closures and recovery of the endangered African penguin. *ICES Journal of Marine Science*, 78(10), pp.3538-3543, accessible at: <https://academic.oup.com/icesjms/article/78/10/3538/6429113>. SANCCOB (Southern African Foundation for the Conservation of Coastal Birds): <https://sanccob.co.za/news/african-penguin-newly-classified-as-critically-endangered-as-breeding-pairs-fall-below-10000/>.

¹²³ All Africa: <https://allafrica.com/stories/202502170189.html>.

¹²⁴ Saving Private Rhino: <https://savingprivaterhino.org/the-southern-white-rhino/>.

¹²⁵ See Southern African Wildlife College: <https://wildlifecollege.org.za/the-rhino-poaching-crisis-continues/>.

¹²⁶ IUCN: <https://www.iucnredlist.org/species/4185/45813880>.

List and should be afforded stronger protection under CITES, in line with the precautionary principle.

Uplisting to Appendix I and establishing zero quotas for export of live specimen or any other derivatives of the species, and imposing a ban on trophy hunting, would aid in closing existing loopholes and preventing further illegal poaching and trafficking of rhinoceros horn and further population declines.

(iv) Hippopotamus (*Hippopotamus amphibius*)

The hippopotamus is listed as Vulnerable¹²⁷ on the IUCN Red List, with populations declining due to the growing demand for hippopotamus meat and ivory, often used as a substitute for elephant ivory.¹²⁸

Uplisting the species to Appendix I would impose stricter trade restrictions, significantly reducing the risk of further population declines and enhancing global conservation efforts to protect the species. This action would strengthen protection for vulnerable wildlife in accordance with the precautionary principle.

(v) Giraffe (*Giraffa camelopardalis*)

The giraffe has experienced a concerning 40% population decline over the past 30 years,¹²⁹ leading to its classification as Vulnerable¹³⁰ on the IUCN Red List. Increased poaching for meat, hides, and body parts, coupled with ongoing habitat loss, has placed significant pressure on the species.¹³¹

Uplisting the giraffe to Appendix I would impose stricter international trade restrictions, including body parts and other derivatives, providing enhanced protection for the species and aligning with the precautionary principle. This action is necessary to address poaching and habitat loss, ensuring stronger global safeguards for the giraffe's long-term survival.

¹²⁷ IUCN: <https://www.iucnredlist.org/species/10103/18567364>.

¹²⁸ See Traffic.org: https://www.traffic.org/site/assets/files/14405/the_often_overlooked_ivory_trade.pdf; and Africa Geographic: <https://africageographic.com/stories/the-hidden-ivory-trade-hippos-under-threat-amidst-rising-demand>.

¹²⁹ Center for Biological Diversity: https://www.biologicaldiversity.org/species/mammals/giraffe/endangered_species_profile.html.

¹³⁰ IUCN: <https://www.iucnredlist.org/species/9194/136266699>.

¹³¹ Bond, M.L., et al, 2023. Extinction risks and mitigation for a megaherbivore, the giraffe, in a human-influenced landscape under climate change. *Global Change Biology*, 29(23), pp.6693-6712, accessible at: <https://onlinelibrary.wiley.com/doi/10.1111/gcb.16970>.

(vi) African Elephant (Loxodonta africana)

The African elephant is classified as Endangered¹³² on the IUCN Red List and faces significant threats from poaching, habitat loss, and illegal trade, particularly in ivory and other body parts.¹³³ Currently listed under Appendix II of CITES, the species allows a wide range of trade in elephant derivatives,¹³⁴ which creates enforcement challenges and regulatory loopholes. As a result, these protections are inadequate, and elephant populations continue to decline.

CITES provides that the Standing Committee can take action to suspend or limit the trade in African elephant derivatives if non-compliance by exporting or importing countries is found or if trade is shown to have detrimental impacts on elephant populations.¹³⁵ This underscores the need for a stronger, more urgent response to the ongoing illegal trade in elephant products. In light of this, CITES should be informed of the recent public consultation¹³⁶ by the Department regarding proposed export quotas for hunting trophies for elephant, black rhinoceros and leopard, which lack sufficient information for assessing their impact on species' populations. Notably, no specific figures for the quotas have been provided by the Department.

Uplisting the African elephant to Appendix I would prohibit all trade in ivory, skin, bones, and live specimens, significantly strengthening protections. Furthermore, we propose setting zero quotas for trophy hunting of elephant to curb exploitation.

(vii) Great White Shark (Carcharodon carcharias)

The great white shark is listed as Vulnerable¹³⁷ on the IUCN Red List, with populations declining due to overfishing, bycatch, and illegal trade in their fins and other body parts.¹³⁸ The survival of this iconic marine species is at risk due to lack of effective regulation in international trade.¹³⁹ The current

¹³² IUCN: <https://www.iucnredlist.org/species/181008073/223031019>.

¹³³ de Sales, A.R., Anastácio, R.S.S. and Pereira, M.J., 2020. The African elephant (*Loxodonta africana*): Mini-review of an endangered species. *Natural Resources*, 11(8), pp.317-350, accessible at: <https://www.scirp.org/journal/paperinformation?paperid=102458>.

¹³⁴ See 'A10' of CITES: <https://cites.org/eng/app/appendices.php>.

¹³⁵ Ibid.

¹³⁶ DFFE: https://18a66295-3a0f-41fb-a13d-9849edd3b2a3.usrfiles.com/ugd/18a662_479bf26c36e5401bb961ba1587bb7fb1.pdf.

¹³⁷ IUCN: <https://www.iucnredlist.org/species/3855/212629880>.

¹³⁸ See World Wildlife Fund: <https://www.worldwildlife.org/species/great-white-sharks>; and Kempster, R.M. and Collin, S.P., 2014. Iconic species: Great white sharks, basking sharks and whale sharks. *Sharks: Conservation, governance and management*, pp.213-235, accessible at: <https://www.taylorfrancis.com/chapters/edit/10.4324/9780203750292-16/iconic-species-ryan-kempster-shaun-collin>.

¹³⁹ See Cardenas, D., et al, 2022. Two thirds of species in a global shark fin trade hub are threatened with extinction: Conservation potential of international trade regulations for coastal sharks. *Conservation Letters*, 15(5), p.e12910, accessible at: <https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12910>.

listing of the great white shark under Appendix II does not provide sufficient safeguards against unsustainable trade practices and the risks associated with illegal and unregulated trade. Uplisting to Appendix I would prohibit all international commercial trade of great white shark and their derivatives, offering a higher level of protection and ensuring stricter enforcement.

F. Proposals Related to Export Quotas under CITES Appendices

(i) Removal of Trophy Hunting Quotas for Leopard (*Panthera pardus*)

Leopards are listed as Vulnerable¹⁴⁰ on the IUCN Red List, with populations declining due to habitat loss, human-wildlife conflict, poaching, and trophy hunting.¹⁴¹ Despite their Appendix I status under CITES, South Africa continues to propose trophy hunting quotas for leopard without a NDF, a critical requirement under CITES and domestic law, to ensure trade does not negatively impact the species.¹⁴²

Permitting trophy hunting of an Appendix I species without robust scientific data undermines both international conservation commitments and South Africa's constitutional environmental right. South Africa should establish a zero quota for leopard trophy hunting, in alignment with its constitutional duty to protect biodiversity and uphold animal well-being as mandated by NEMBA. This approach would reinforce the precautionary principle, strengthen conservation efforts, and prevent further population declines.

(ii) Removal of Export and Trophy Hunting Quotas for Cheetah (*Acinonyx jubatus*)

Cheetahs are classified as Vulnerable¹⁴³ on the IUCN Red List and are listed under Appendix I of CITES. Despite this, CITES allows annual export quotas for live specimens and hunting trophies from Botswana (5), Namibia (150), and Zimbabwe (50).¹⁴⁴

These quotas pose a significant risk to cheetah populations due to illegal trade, poor population monitoring, and unsustainable exploitation. South Africa should propose zero quotas for live specimen and trophy hunting for cheetah to strengthen international protections, limit the pressure on remaining populations, and support efforts to prevent their extinction.

¹⁴⁰ IUCN: <https://www.iucnredlist.org/species/15954/254576956>.

¹⁴¹ Gebretensae, K. and Messele, A., 2022. The effect of human-mediated mortalities of African leopard (*Panthera pardus pardus*) in Ethiopia. *International Journal of Biodiversity and Conservation*, 14(3), pp.150-157, accessible at: <https://academicjournals.org/journal/IJBC/article-full-text/2D3FEEE69704>.

¹⁴² See ALRSA's submission in respect of the Department's Consultation on the Intention to Set and Allocate Annual Export Quotas for Elephant, Black Rhinoceros and Leopard Hunting Trophies for the 2024 and 2025 Calendar Years (February 2025).

¹⁴³ IUCN: <https://www.iucnredlist.org/species/219/259025524>.

¹⁴⁴ See 'A5' of CITES: <https://cites.org/eng/app/appendices.php>.

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(iii) Removal of Provision for African Lion (*Panthera leo*) Bone Export Quotas

As proposed above, CITES must uplist the African lion to Appendix I and impose a full ban on all trade in lion bones and body parts, closing loopholes that threaten both wild and captive lions.

G. Proposals for Species to be Listed under Appendix III

Including species under CITES Appendix III offers several key benefits: it simplifies the listing and permitting process compared to Appendices I and II; provides a legal basis for law enforcement to seize illegal specimens; and helps prevent overexploitation of at-risk species.¹⁴⁵ It also enables better monitoring of international trade patterns, enhancing understanding of trade impacts on native populations.¹⁴⁶ Furthermore, Appendix III listings can serve as a “watch-list”, helping to track previously unknown trade routes.¹⁴⁷

By proposing species for Appendix III listing, South Africa will fulfill its international obligations under CITES and the CBD, while aligning with the constitutional environmental right that mandates the protection of biodiversity, which includes animals. This will also support its duty under NEMBA to consider animal well-being. These amendments would promote ecologically sustainable use, reinforce national policies, and align with global standards for species protection, in line with the precautionary principle.

(i) African Wild Dog (*Lycaon pictus*)

The African wild dog is classified as Endangered on the IUCN Red List,¹⁴⁸ with approximately 1400 individuals left in the world.¹⁴⁹ The species faces critical threats from habitat fragmentation, human encroachment, agricultural expansion, and disease.¹⁵⁰ Additionally, they are hunted for the illegal meat trade and targeted by farmers due to concerns about livestock predation.¹⁵¹ These combined pressures significantly jeopardise the survival of this already dwindling population.

¹⁴⁵ Heinrich, S., et al, 2022. Using CITES appendix III to protect native species found in international trade: The case of the Philippines. *Philippine Journal of Science*, 151(1), pp.127-137, accessible at: https://philjournalsci.dost.gov.ph/images/pdf/pjs_pdf/vol151no1/using_CITES_Appendix_III_to_protect_native_species_found_in_intl_trade.pdf.

¹⁴⁶ Ibid; and U.S. Fish and Wildlife Services: <https://www.fws.gov/sites/default/files/documents/factsheet-cites-appendix-ii-2014.pdf>.

¹⁴⁷ Ibid (Heinrich et al).

¹⁴⁸ IUCN: <https://www.iucnredlist.org/species/12436/166502262>.

¹⁴⁹ Ibid.

¹⁵⁰ Masenga, E., et al, 2019. Abundance, distribution and conservation threats of African wild dog (*Lycaon pictus*) in the Loliondo Game Controlled Area, Tanzania. *Asian Journal of Forestry*, 3(1), pp.31-41, accessible at: <https://smujo.id/ajf/article/view/5946>; and African Bush Camps: <https://africanbushcamps.com/african-wild-dog/>.

¹⁵¹ Ibid.

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Listing the African Wild Dog under Appendix III would strengthen protections by requiring a system of documentation and control for any international trade, which is crucial for mitigating illegal trade and supporting conservation efforts. It would also provide a framework for greater international collaboration and bolster efforts to prevent further population decline. This listing is a vital step to ensure the species' survival.

*(ii) Abalone (specifically *Haliotis midae*)*

Abalone should be listed under Appendix III to strengthen monitoring and enforcement against illegal trade. This species is heavily poached and trafficked in South Africa, driven by high international demand, particularly in Asian markets.¹⁵² Illegal harvesting continues to deplete wild populations, and *Haliotis midae* is now classified as Endangered¹⁵³ on the IUCN Red List.

Abalone was previously listed under CITES Appendix III by South Africa in 2007,¹⁵⁴ and in NEMBA, but was removed from both CITES and NEMBA in 2010¹⁵⁵ due to pressure from the fishing industry.¹⁵⁶ However, given the ongoing illegal trade crisis, reinstating abalone under Appendix III would provide a legal basis for international cooperation, improve trade monitoring, and facilitate stronger enforcement measures to curb overexploitation.

Recently, the Department released proposed regulations for public consultation concerning abalone, including the identification of a new sea-based abalone ranching concession area in Papendorp, Western Cape Province,¹⁵⁷ and amendments to the Marine Living Resources Act: Regulations for the Protection of Wild Abalone.¹⁵⁸ The proposed regulations highlight the government's continued involvement in the abalone industry, but also underscore the need for enhanced protections.

¹⁵² See Lambrechts, D. and Goga, K., 2016. Money and marginalisation: the lost war against abalone poaching in South Africa. *Politikon*, 43(2), pp.231-249, accessible at: <https://www.tandfonline.com/doi/abs/10.1080/02589346.2016.1201728>; <https://www.traffic.org/site/assets/files/8469/south-africas-illicit-abalone.pdf>; <https://www.kaya959.co.za/news/11-arrested-after-saps-recovers-over-4-300-illegally-harvested-abalone/>. Traffic.org: Kaya FM:

¹⁵³ IUCN: <https://www.iucnredlist.org/species/78771094/78772518>.

¹⁵⁴ See DFFE: <https://www.dffe.gov.za/south-africa-party-convection-international-trade-endangered-species-wild-fauna-and-flora-cites>.

¹⁵⁵ Stop Illegal Fishing: <https://stopillegalfishing.com/news-articles/abalone-is-delisted-from-cites-by-south-africa-5/>.

¹⁵⁶ See Raemaekers, S., et al, 2011. Review of the causes of the rise of the illegal South African abalone fishery and consequent closure of the rights-based fishery. *Ocean & Coastal Management*, 54(6), pp.433-445, accessible at: <https://www.sciencedirect.com/science/article/abs/pii/S0964569111000251>.

¹⁵⁷ DFFE: https://www.dffe.gov.za/sites/default/files/legislations/mlra_seabasedabaloneranchingconcessionpapendorp_g52199%20gon5925.pdf.

¹⁵⁸ DFFE: https://www.gov.za/sites/default/files/gcis_document/201409/3071662.pdf.



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Listing abalone under Appendix III would help ensure stronger oversight and accountability, addressing the ongoing illegal trade and aligning with South Africa's international obligations for species protection.

(iii) Other Species

This is a non-exhaustive, initial list of species that should be considered by the Department for listing on Appendix III of CITES due to (among others) their population status. The Department should conduct further investigations to determine which species, including aquatic species which are underlisted,¹⁵⁹ require greater protection in South Africa and ensure that proposals are made for these species to be listed under Appendix III of CITES.

Species Classified as Critically Endangered on the IUCN Red List:

1. Twee River redbfin (*Barbus erubescens*).¹⁶⁰
2. Burchell's redbfin (*Pseudobarbus burchelli*).¹⁶¹
3. Treur River barb (*Barbus treurensis*).¹⁶²
4. White-winged flufftail (*Sarothrura ayresi*).¹⁶³
5. Table Mountain Ghost Frog (*Heleophryne rosei*).¹⁶⁴
6. Estuarine Pipefish (*Syngnathus watermeyer*).¹⁶⁵
7. Pondoland cannibal snail (*Natalina beyrichi*).¹⁶⁶
8. White-backed vulture (*Gyps africanus*).¹⁶⁷

Species Classified as Endangered on the IUCN Red List:

1. Knysna seahorse (*Hippocampus capensis*).¹⁶⁸
2. Atlantic petrel (*Pterodroma incerta*).¹⁶⁹

¹⁵⁹ Cochrane, K., 2015. Use and misuse of CITES as a management tool for commercially-exploited aquatic species. *Marine Policy*, 59, pp.16-31, accessible at: https://www.researchgate.net/publication/277089685_Use_and_misuse_of_CITES_as_a_management_tool_for_commercially-exploited_aquatic_species.

¹⁶⁰ IUCN: <https://www.iucnredlist.org/species/2564/100140580>.

¹⁶¹ IUCN: <https://www.iucnredlist.org/species/107649398/100170338>.

¹⁶² IUCN: <https://www.iucnredlist.org/species/2572/100159826>.

¹⁶³ IUCN: <https://www.iucnredlist.org/species/22692245/179602552>.

¹⁶⁴ IUCN: <https://www.iucnredlist.org/species/9773/77164671>.

¹⁶⁵ IUCN: <https://www.iucnredlist.org/species/41030/67621860>.

¹⁶⁶ IUCN: <https://www.iucnredlist.org/species/40083/10301382>

¹⁶⁷ IUCN: <https://www.iucnredlist.org/species/22695189/204461164>.

¹⁶⁸ IUCN: <https://www.iucnredlist.org/species/10056/54903534>.

¹⁶⁹ IUCN: <https://www.iucnredlist.org/search?query=Pterodroma%20incerta&searchType=species>.

3. Cape cormorant (*Phalacrocorax capensis*).¹⁷⁰
4. Clanwilliam sandfish (*Labeo seeberi*).¹⁷¹
5. Spotted rock-catfish or Barnard's rock-catfish (*Austroglanis barnardi*).¹⁷²
6. Fiery redfin (*Pseudobarbus phlegethon*).¹⁷³
7. Berg River redfin (*Pseudobarbus burgi*).¹⁷⁴
8. Southern bluefin tuna (*Thunnus maccoyii*).¹⁷⁵
9. Leafscale gulper shark (*Centrophorus squamosus*).¹⁷⁶
10. Eastern Cape redfin (*Pseudobarbus afer*).¹⁷⁷
11. Lowveld largemouth (*Serranochromis meridianus*).¹⁷⁸
12. Eastern Province rocky (*Sandelia bainsii*).¹⁷⁹
13. Pickersgill's reed frog (*Hyperolius pickersgilli*).¹⁸⁰

Species Classified as Vulnerable on the IUCN Red List:

1. Smallscale redfin (*Pseudobarbus asper*).¹⁸¹
2. Cape Vulture (*Gyps coprotheres*).¹⁸²
3. Yellow-breasted Pipit (*Hemimacronyx chloris*).¹⁸³
4. Blue Crane (*Anthropoides paradiseus*).¹⁸⁴

Thank you for considering our Submission. Please do not hesitate to reach out should you have any questions.

¹⁷⁰ IUCN: <https://www.iucnredlist.org/species/22696806/132594943>.

¹⁷¹ IUCN: <https://www.iucnredlist.org/species/11071/174778890>.

¹⁷² IUCN: <https://www.iucnredlist.org/species/2426/99448638>.

¹⁷³ IUCN: <https://www.iucnredlist.org/species/107649522/107654419>.

¹⁷⁴ IUCN: <https://www.iucnredlist.org/species/107660562/100170651>.

¹⁷⁵ IUCN: <https://www.iucnredlist.org/species/21858/170082633>.

¹⁷⁶ IUCN: <https://www.iucnredlist.org/species/41871/254975849>.

¹⁷⁷ IUCN: <https://www.iucnredlist.org/species/107654052/107654388>.

¹⁷⁸ IUCN: <https://www.iucnredlist.org/species/20160/99462846>.

¹⁷⁹ IUCN: <https://www.iucnredlist.org/species/19889/99447325>.

¹⁸⁰ IUCN: <https://www.iucnredlist.org/species/10644/77165927>.

¹⁸¹ IUCN: <https://www.iucnredlist.org/species/18477/100170134>.

¹⁸² IUCN: <https://www.iucnredlist.org/species/22695225/197073171>.

¹⁸³ IUCN: <https://www.iucnredlist.org/species/22718444/180132223>.

¹⁸⁴ IUCN: <https://www.iucnredlist.org/species/22692109/177514877>.