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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3926

29 September 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)PUBLICATION OF THE DRAFT NOTICE PROHIBITING CERTAIN ACTIVITIES INVOLVING
AFRICAN LION (*Panthera leo*) FOR PUBLIC COMMENT

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 9A read with sections 99 and 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), consult on my intention to prohibit the establishment or registration of new captive breeding facilities, commercial exhibition facilities, rehabilitation facilities or sanctuaries in respect of live specimens of African lion (*Panthera leo*) and the keeping of live specimens of African lion (*Panthera leo*) in any other new controlled environment, as set out in the Schedule hereto.

Members of the public are invited to submit, within 30 days from the date of publication of this notice in the Government Gazette or in the newspaper, whichever date is the later date of publication, written comments to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Khuthadzo Mahamba
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083

By e-mail: lionprohibition@dfre.gov.za

Any inquiries in connection with this Notice or to obtain a copy of the draft Socio-Economic Impact Assessment (SEIAS) Report, can be directed to Mr Khuthadzo Mahamba on +27 64 880 8728 or lionprohibition@dfre.gov.za.

Comments received after the closing date may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. DEFINITIONS

In this notice a word or expression, or any derivative or other grammatical form of that word or expression, to which a meaning has been assigned in the Biodiversity Act, has the corresponding meaning, and—

“Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), including any amendment thereof;

“captive breeding facility” has the same meaning as defined in the TOPS Regulations;

“commercial exhibition facility” has the same meaning as defined in the TOPS Regulations;

“controlled environment” has the same meaning as defined in the TOPS Regulations;

“register” means register in terms of the TOPS Regulations;

“rehabilitation facility” has the same meaning as defined in the TOPS Regulations;

“sanctuary” has the same meaning as defined in the TOPS Regulations; and

“TOPS Regulations” means the Threatened or Protected Species Regulations, published in terms of section 97 of the Biodiversity Act, in *Government Gazette* No. 29657, Government Notice No. R. 152, of 23 February 2007, as amended or replaced from time to time.

2 PROHIBITIONS

- (1) A person may not, in respect of a live specimen of African lion (*Panthera leo*), establish or register a new—
 - (a) captive breeding facility; or
 - (b) commercial exhibition facility, rehabilitation facility or sanctuary, unless the facility provides a public function or operates on a non-profit basis.
- (2) A person may not introduce, have in possession or exercise physical control over a live specimen of African lion in any other new controlled environment that is not a facility referred to in subparagraph (1).

3. EXCLUSIONS FROM PROHIBITIONS

The prohibitions referred to in paragraph 2 does not apply in exceptional cases where change of ownership is unavoidable, including but not limited to, in the case of a deceased estate or bankruptcy of the original owner.

4. COMMENCEMENT OF THE PROHIBITIONS

The prohibitions referred to in paragraph 2 take effect on the date of publication of this notice in the *Government Gazette*.

5. BACKGROUND INFORMATION

In 2018 the Parliamentary Portfolio Committee for Environmental Affairs convened a Colloquium on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country. One of the recommendations of the Portfolio Committee was that a policy and legislative review of captive breeding of lions for hunting and lion bone trade, should be initiated as a matter of urgency, with a view to putting an end to this practice.

Following the Colloquium, as part of a comprehensive process of policy and legislative review, the Minister of Forestry, Fisheries and the Environment (the Minister) appointed a High-Level Panel (HLP) in October 2019 to review policies, legislation and practices relating to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. The HLP's report and recommendations were adopted by Cabinet in April 2021. The HLP recommended that South Africa does not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially.

The White Paper on Conservation and Sustainable Use of South Africa's Biodiversity was approved by Cabinet on 29 March 2023 and was published on 14 June 2023. The White Paper sets the broad overarching policy from which the species-specific legislation, policies and strategies are developed.

The consideration of the well-being of animals in the management, conservation and sustainable use thereof is now one of the objectives of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004). "Well-being" is defined in section 1 of the Act 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."

It has become critical to implement appropriate measures to avoid the establishment of new captive facilities for lion whilst the development of a policy, strategy and legislation are under consideration to phase out the captive lion industry.

Lions are sentient and social animals, and as such more consideration needs to be given to promoting their well-being, compared to that of less sentient species. These considerations include their physical and mental health, quality of life, and their ability to cope with their environment.

Consideration of lions' well-being also includes providing opportunity for complex social interactions, such as the ability to interact naturally with other lions, for example, as groups of males, with groups of females or with their offspring. This requires sufficient space for groups of lions to choose to be together in a group, or to move separately at sufficient distance to provide for a refuge from the group. Artificial behavioural enhancement may not be sufficient to substitute for these highly evolved needs.

Lion is a highly territorial and competitive species, especially in respect of competition for access to mates and promoting the production and survival of their own progeny. The ability to escape when dominated as a result of intra-specific competition is a critical consideration.

As apex predators, hunting and killing, as well as the diverse diet associated with a generalist apex predator and access to prey, are central to the physiology and behaviour of lions.

In addition to minimum standards of husbandry, as well as diverse and healthy diets, sufficient space and opportunity to conduct natural behaviours, and for refuge when necessary, are all thus critical elements for providing for the physical and physiological requirements of lion, and to ensure their well-being.

The proposed prohibition relates only to the establishment or registration of new captive breeding facilities, commercial exhibition facilities, rehabilitation facilities or sanctuaries in respect of live specimens of African lion (*Panthera leo*) and the keeping of live specimens of African lion (*Panthera leo*) in any other new controlled environment. Persons who operate under existing permits, and the establishment or registration of new exhibition facilities, rehabilitation facilities or sanctuaries, which provide a public function or operate on a non-profit basis are not affected.

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