

13 April 2018

To: Mpho Tjiane: MTjiane@environment.gov.za

RE: INVITATION TO SUBMIT PROPOSALS FOR CITES COP18

Dear Mr. Mpho Tjiane

Please find attached our proposed submissions in respect of CITES COP18.

We are of the view that certain listings should be amended and that new listings should be added in order to protect South Africa's wildlife from the various threats they currently face. South Africa has an opportunity at COP18 to offer numerous species fortification as well as show the international community that it is serious about tackling issues such as wildlife crime, species extinction and loss of biodiversity. We trust that you will take advantage of this.

We look forward to engaging with you further on these issues and hope you will include our comments. We are available to discuss, should you require.

Yours sincerely,



Michele Pickover
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SECTION I: General Comments

Precautionary Principle

South Africa must take a Precautionary Approach in relation to Trade and Listing decisions.

- a. Both the Convention and the listing criteria of Resolution Conf. 9.24 (Rev. CoP15) indicate that listing species in the Appendices should reflect a precautionary approach. This means that a species need not actually be affected by trade to qualify for an Appendix I listing, only that the possibility exists that it *may* be affected by trade.
- b. Resolution 9.24 (Rev. CoP15) provides that In addition, Resolution 9.24 (Rev. CoP15) provides that when considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

Split Listings

- a. The following are issues relating to Split Listings:
 - i. Resolution Conf. 9.24 (Rev. CoP15) discourages split-listings due to the enforcement issues that split-listings are likely to create.
 - ii. South Africa's downlisting from Appendix I to Appendix II of elephants and rhino through the use of a Split Listing is harming these species and does not adequately take into account the precautionary approach outlined in Annex 4 of Resolution Conf. 9.24 (Rev. CoP 15).
 - iii. South Africa needs to put an end to split listing of elephants and rhino to offer then the highest level of protection.

SECTION II: Split Listed Species from Appendix 11 to Appendix 1

Panthera Leo

1. Large predators in Africa have declined in recent decades, largely due to human impacts (Woodroffe 2000). African lion *Panthera leo* populations have declined by 70% from an estimated 100 000 in the 1960s and suffered an 83% reduction in range (Nowell & Jackson 1996; Bauer & Van Der Merwe2004; Riggio *et al.* 2012). Two decades ago there were roughly 100 000 lions on the continent but at present there are less than 20,000, while some believe there to be as little as 15 000 left. The species is in danger of rapid population decline and possible extinction in the near future. Lion populations have declined across the African continent and are now restricted principally to East and Southern Africa although a few small, isolated populations still persist in West and Central Africa.
2. The causes of lion decline in Africa are principally due to the following:



- i. Climate Change. The effects of climate change (described as severe for Africa by the Intergovernmental Panel on Climate Change) will reach catastrophic proportions on the African continent.
 - ii. Habitat destruction (Riggio et al., 2013). Activities that have altered lion habitat are mostly agriculture, livestock grazing and human development. The human population of Sub-Saharan Africa is predicted to increase to 1.75 billion people by 2050. To support this growth, land and resources are under increasing pressure. Due to the loss of habitat, connections for lions between various parks and conservancies no longer exist. This creates difficulty for gene transfer between African lion prides. They have had to expand their home range due to this loss of habitat. This expansion allows for more contact with domestic animals, spreading disease between livestock and lions, resulting in increased lion mortality. Desertification further exacerbates this link with human populations. It is predicted that by 2025 land degradation through desertification will lead to a loss of two-thirds of all arable land in Africa. This loss will invariably increase competition between people and lions for land, resulting in less land for lion populations.
 - iii. Lack of an adequate prey base (Ray et al., 2005)
 - iv. Retaliatory killing for cattle losses (Hazzah and Dolrenry, 2007; Kissui, 2008; Maclennan et al., 2009)
 - v. Poor management (see TAWIRI, 2009)
 - vi. Poor enforcement
 - vii. Trade. Legal and Illegal. African lions, their parts and derivatives are traded at both local and international level. There is trade in African lion teeth, claws, skin, skulls, whiskers, fat, bones, bile, testicles, heart and tails, and also in live lions. In 2012 there were 557 reported exports of African lions, their parts and derivatives, from African countries. The quantity of each export differs. For example, just one of these exports contained 452 trophies exported from South Africa to the United States of America.
 - viii. Ritual killing (Ikanda and Packer, 2008)
 - ix. A switch from retaliatory to commercial killing (Fitzherbert et al., 2014)
 - x. Tourist/trophy hunting (Loveridge et al., 2007; Packer et al., 2009; Croes et al., 2011)
 - xi. Inbreeding (Packer et al., 1991; Trinkel et al., 2008)
 - xii. Disease (Roelke-Parker et al., 1996; Packer et al., 1999; Munson et al., 2008)
3. It appears that the South African government may not wish to support this proposal and this is alarming and untenable and links directly to South Africa's continued and disgraceful support for the canned lion industry and the hyper-commodification of lions through trophy hunting.
 4. PAIA requests to DEA have shown that officially DEA does not even know how many lions are kept in captivity in the industry and the industry is extremely poorly monitored, if at all. The hunting of captive-bred animals should be stopped as it has no purpose other than commercial gain for the captive breeders. South Africa is a pariah state on this issue and its justification for reducing lion protections is based on bad science and an erroneous political position of "South African



exceptionalism” which continuously distances itself from other African countries and displays a disregard for the rest of the continent.

1. From South Africa’s own NDF on *Panthera leo* (May 2015) the following is noted:
 - i. The species has a low reproductive rate.
 - ii. Due to biological, social and anthropogenic constraints dispersal ability of both sexes is relatively poor, although some long distance dispersal of males does occur. The species is sensitive to human activity and is conservation dependent, in South Africa occurring solely in state protected areas and on a limited number of privately owned reserves.
 - iii. The African lion is considered an uncommon species within South Africa with a fragmented and restricted distribution.
 - iv. The total national wild population is estimated at approximately 2700 individuals. Discrepancy in population figures – SANBI – SA’s Scientific Authority says there are 2500. <http://www.sanbi.org/creature/lion> (December 2015)
 - v. Of this, 67% are well protected within South Africa’s national parks (primarily the Kruger National Park and the Kgalagadi Transfrontier Park). The remainder of the national population occurs in 45 small reserves where lion have been re-introduced and are intensively managed.
 - vi. The absence of meta-population management of these re-introduced lions undermines their conservation value. So effectively one should only 1809 as the total national wild population (i.e. the 67%).
 - vii. The NDF identified the following threats: overutilization (hunting), disease, poaching and reprisals for conflict with communities around protected areas.
 - viii. According to the NDF there are no official figures available on the illegal trade of lions in South Africa. Thus illegal trade cannot be discounted as a threat.
 - ix. In South Africa there is no national or provincial adaptive framework for quota allocation. Hunting permits are issued by local authorities without information on the bigger picture, i.e. effects, sex, ratio, social dynamics, population dynamics, etc.
5. Formal and officially approved management plans are not in place.
6. South Africa’s Biodiversity Management Plan (BMP) for the African Lion, 7 April 2015 (Gazette No. 38706), seeks to encourage the trade in lion bones and recommends that wild lion populations should be downgraded from the current IUCN status of “*Vulnerable*” to “*Least Concern*” in South Africa, mainly because of the ‘stability’ offered by all the ‘canned’ lions held in an unknown amount of ‘canned’ farms across South Africa. It has been widely acknowledge that these ‘canned’ farm population are genetically mutated through poor breeding and offer no conservation value.
7. The BMP states an intention to regulate the hunting of captive-bred lions, but the track record of DEA, both historical and existing, with the reality of lack of manpower and funding, indicates that conservation authorities have been and will continue to be unable to monitor or ensure proper controls. These control measures include the hunting of captive bred lions in small enclosures, or prevention of wild lions from being relocated into captivity for hunting purposes.



8. No detailed ground based surveys of lions have ever been done in South Africa. DEA claims that there are about 1,600 mature individual lions in South Africa, and that when the population tops 1,500, the IUCN's Red List should change the status of the species. But there is no recent lion population data and therefore scientific based decisions cannot be made. The last lion survey was done in Kruger National Park in 2005/2006 – ten years ago and it was estimated that there approximately 1684 (1615-1751) lions in the KNP. According to Dr Pieter Kat of LionAid, “you cannot use [that data] in any management plan as it is well beyond the ‘sell by’ date.” And the Management Plan itself admits that truly “wild” lions (those outside of protected reserves) have not been studied at all. Until more research takes place, there just is not the science available to make sound decisions regarding the management of wild lions in South Africa.
9. Lion population estimates usually use regression models based on prey biomass availability but these often overestimate lion densities. This is reinforced by a 2014 article in Wildlife Biology by Young-Overton, by Funston and Ferreira argues that population estimates (which is usually based on sampling) have been made on behavioural responses and that this has not taken into account habitat variabilities. They show there is a need for caution when interpreting results from population estimates for lions that rely on behavioural responses that may be modified by variability in structural and functional landscape factors.
10. It has been shown that there is a population collapse of lions in southern Africa and that this is happening as a result of high human impact through: trophy hunting within or around protected areas, persecution, poisoning, and ‘problem animal control’, as well as disease and competition with spotted hyaenas.
11. South Africa's wild lions are not immune from any of these negative effects, particularly if you take into account the fact that many of our protected areas have taken down fences with private hunting zones. Even ‘showcase’ private nature reserves such as the Associated Private Nature Reserves (>180 000ha) that are managed under the watchful eye of the Kruger National Park, have failed to implement an ecologically responsible lion trophy hunting practice, frequently trophy hunting pride male lions, resulting in infanticide, destabilization of prides, and resultant skewed sex ratios in cub litters.
12. A growing threat in South Africa is the poaching of adult wild lions and cubs to add to the breeding and captive facilities. Exact numbers reflecting the rate at which this occurs are unknown, and the practice is uncontrolled, thus posing an even greater risk to the species.
13. Another threat to lion populations in South Africa is the increasing trade in lion bones. The bones are used as a substitute for tiger bones in a Chinese brew known as “tiger bone wine”, which is believed to have healing and medicinal properties. In 2008 there were 70 international exports of lion bone, but in 2010 this number increased to 638 exports. Captive-bred lions are one source of these bones. There is a clear possibility that the international trade in lion parts and derivatives for traditional Chinese medicine may grow uncontrollably, affecting populations, as we have seen in the case of the tiger. The South African government through its support for the captive-bred lion industry is fueling the demand for lion bone and therefore growing the illegal market. Due to the fixed and expensive prices of captive-bred lions, the poaching of wild lions may increase. A further stimulant for poaching lions may arise from the market preference in the East for wild animal parts rather than captive-bred counterparts.



14. Typically lions live in stable Prides of 2–18 females and coalitions of 2–7 males (Packer, 1986; Pusey and Packer, 1987). Per capita reproductive success of lionesses increases with pride size (Mosser and Packer, 2009) and reproductive success of males increases with coalition size because they are better able to fend off challenges from other males (Packer et al., 1988). When a coalition takes over a pride it kills cubs sired by previous male pride holders (Packer et al., 1988). If human hunting of male lions reduces resident coalition size, the chance of a takeover by other coalitions and of associated infanticide increases (Caro et al., 2009).
15. Hunting also has an effect on population growth rates beyond simply removing males.
16. Trophy hunting is often used as an economic incentive for local communities to support wildlife conservation. However, this industry often provides only short-term gains, and as profits increase so do the risks of the overexploitation of lions. This industry lacks the structure and transparency to ensure the sustainability of African lion populations. Often, hunting concessions are divided randomly amongst hunting associations and quotas are increased with no scientific support.
17. It has been estimated that trophy hunting has reduced the wild African lion population by 30%.
18. Trophy hunting gives rise to further threats to African lion populations through the dominant selection of large male targets, often pride holders in the wild. Once these leaders are killed, other males kill the deceased male's offspring, resulting in unnecessary population decline. Lionesses defending their cubs are at times killed as well. Furthermore, the hunting of female African lions results in dramatic population decline.
19. It has been found that the international legal regime for the African lion is in fact not effective in achieving the protection and survival of the species. The security and viability of the African lion is uncertain, and legal protection of the species needs to be clear to start ensuring their survival in the future.
20. Inconsistencies in export data suggest that captive-bred lions are being exported from South Africa to other African states to be hunted as “wild” lions. This creates the impression that wild lion populations are thriving, which is far from the reality.
21. Weak law enforcement and capacity, in many African states, including South Africa, allows illegal trade to threaten remaining lion populations. Live lions, their parts and derivatives are also traded illegally, domestically and internationally. The unlawful nature of this trade makes it difficult to quantify the extent of such activities. Control of this trade is problematic. Often the legal trade in lion trophies is used as a ruse for selling other lion products on the black market.
22. **Trade is detrimental to the survival of African lions.**

Rhinoceros (*Ceratotherium simum*) and Elephants (*Loxodonta africana*)

1. In order to save Africa's elephants, South Africa must: support the listing all elephants and rhinos as Appendix I. The amendment from Appendix 11 to Appendix 1 is justified according to the following criteria under Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), Criteria for amendment of Appendices I and II: "C. A marked decline in population size in the wild, which has been either: i) observed as ongoing or as having occurred in the past (but with a potential to resume); or ii) inferred or projected on the basis of any one of the following: - levels or patterns of exploitation; - a high vulnerability to either intrinsic or extrinsic factors".



2. The split-listing of African elephants and rhinos means that commercial trade in specimens from populations in Appendix I is not permitted, while exemptions allow specimens from the populations of the four Appendix II countries to be traded. This means that CITES policy on elephants and rhinos is being pulled in different directions. This intrinsic tension of split-listing feeds expectations that ivory trade could be legalized in the not too distant future. These expectations have an important influence on investment decisions since capital-widening investments are made to meet future market expansion. This leads to a consolidation of existing market institutions in the legal markets and also reinforces linkages between legal and illegal trade.
3. South Africa therefore also needs to close domestic ivory markets and destroy ivory and rhino stockpiles.
4. When CITES allowed a one-time sale of legal ivory from Zimbabwe, Namibia and Botswana on an experimental basis, a crucial 2016 study by economists has clearly shown that elephant poaching shot up by 66%, and black market trafficking increased by 71%.¹ The study analysed years of data from MIKE, a system operated by CITES, to reach these findings. Significantly, the study points to how closely the percentage for poaching corresponds with the percentage for trafficking. According to one of the researchers, Professor Hsiang, a public policy professor at the University of California at Berkeley, *“When we look at the data, almost all the rise of poaching originated with this 2008 sale.”*
5. South Africa is at the epi-entre of the killing of rhinos and as demand for ivory has escalated the pandemic of elephant poaching is moving southwards into South Africa. Already in 2016, according to Kruger’s Chief Ranger, Nicholas Funda, “the numbers have been steadily increasing” and according to SANParks General Manager of Communications & Marketing, William Mabasa, “Given the situation in the rest of the continent pertaining to widespread poaching of elephants, we cannot allow this destabilization of our keystone species to continue further.” If elephant poaching has already begun in the Kruger National Park and given that the rhino poaching avalanche is yet to be stemmed, then there is no reason not to believe that the killing of elephants will also rise exponentially.
6. South Africa bases its pro trade policy formulation on a false and discredited market-friendly premise that trade is a conservation solution for so-called ‘endangered species’ and that legal markets are a panacea for the illegal trade. A pivotal study by Nadal and Aguayo reviewed the analytical economic arguments² used to support the legal market framework. It powerfully shows that “the literature advocating trade as a conservation solution for endangered species relies on models that are based on simplistic and/or extremely restrictive assumptions. In most cases, these models also rely on conceptual tools that have been theoretically discredited.” (Nadal & Aguayo 1:2014) The belief that markets behave as self-regulating mechanisms that lead to equilibrium and greater efficiency cannot be substantiated and that “the economic analysis of wildlife

¹ Hsiang, S. & Sekar, N. Does Legalization Reduce Black Market Activity? Evidence from a Global Ivory Experiment and Elephant Poaching Data, June 2016

² For examples see Biggs et al (2013), Conrad (2012), Eustace (2012), Lockwood (2011), Martin (2011), Moyle (2007, 2013), Sas t’ rolfes (2012) and Loon (2012).



trade... appears to have been trapped in the backwaters of textbook economics" (3:2014) resulting in "incongruities and misleading conclusions" (4:2014).

7. Partial legalisation of a banned good can increase illegal production of the good because the existence of white markets may influence the nature of black markets and that this is likely to extend to markets structurally similar to ivory markets, such as those for 'products' from other slow-growing, slow-breeding, or low-population density species like rhinos.
8. It remains more important than ever to reduce the demand at the consumer end. This is incompatible with a partial trade or leaving the door open for its resumption at a future date. A continent-wide unified approach, listing of all of Africa's elephants and rhinos on Appendix I, sends a clear signal to consumers and criminal syndicates that trade is prohibited.

Caracal Caracal

1. Caracal as reported as widespread in South Africa.
2. SANBI (South African National Biodiversity Institute) is required to make 'non-detriment findings on the impact of actions relating to the international trade in specimens of threatened or protected species and species included in the Appendices to the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES). In terms of Articles III and IV of CITES, an export permit for a specimen of an Appendix I or an Appendix II species shall only be granted when the Scientific Authority of the State of export has advised that export will not be detrimental to the survival of that species.'
3. An NDF for Caracals has not been done, therefore the conservation status of caracal as 'widespread' has no scientific basis and is in all probability based on the accounts of farmers, who see caracals as a problem because they prey on domesticated livestock.
4. Until such time as an NDF has been made, and the numbers of caracal have been assessed, this species should be up-listed to Appendix I, together with the Asian Caracal.

SECTION III: Proposals for New Listings

Giraffa: To Appendix 1

1. Expert scientists are arguing that Giraffes are facing extinction and they are in devastating decline.
2. The IUCN has placed Giraffes on the Red List of Threatened Species.
3. Nearly 40% of giraffes lost in the last 30 years.
4. Giraffes have already become extinct in seven countries.
5. Until recently biologists have not properly assessed giraffe numbers and they have put them into one broad species instead of nine separate subspecies.



6. As the human population in Africa rises, habitat loss from farming and deforestation, illegal hunting and the impact of civil wars are all pushing giraffes towards extinction.
7. South Africa has an extremely high live international trade of wild giraffes who are being sent to petting zoos abroad. This is harming the genetic pool and threatening their survival.
8. Conservationists, in 2014, already warned of the extinction of the giraffe due to poaching, habitat loss and trophy hunting.
9. The IUCN SSC Giraffe and Okapi Specialist Group warned about the extinction of giraffe in 2016.
10. South Africa has not done an NDF for giraffes.

Lycaon Pictus: To Appendix 1

1. The African Wild Dog is listed as endangered on the IUCN Red List of Threatened Species: 'African Wild Dogs have disappeared from much of their former range. Their population is currently estimated at approximately 6 600 adults in 39 subpopulations of which only 1 400 are mature individuals. Population size is continuing to decline as a result of ongoing habitat fragmentation, conflict with human activities and infectious disease.'
2. SANBI has not done an NDF for the African Wild Dog, nor does it plan to undertake an NDF in the near future.
3. Given the very low numbers of the African Wild Dog, as reported by the IUCN, a listing of the species on Appendix I is the first step towards the protection of this endangered species.

Galagidae: To Appendix 1

1. An NDF has not been done by SANBI for bushbabies.
2. Although this species is reported to be widespread and common, this can merely be described as an observation and not as fact.
3. Bushbabies are popular in the international pet trade, and hundreds are exported from South Africa every year for this purpose.
4. The numbers exported do not compare with the numbers of bushbabies in captivity, making it highly likely that most of those exported, have been wild-caught.

SECTION IV: Appendix II Proposals

Transfer from Appendix III

1. All South African species currently listed on Appendix III should be up-listed to Appendix II.
2. The species listed on Appendix III are already on the South African Threatened and Protected list.



South African Puff Adders: To Appendix II

1. These species meet the criteria for listing on Appendix II found in Article II, paragraph 2(a), “all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival,” and in CITES.
2. Resolution Conf. 9.24 (Rev. CoP16), Annex 2a, paragraph B: “It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.”
3. These species are endemic to South Africa, except *B. schneideri*, which also occurs in the southern Namib in Namibia. Some of them have a very small distribution: *B. rubida* is limited to the Western Cape Province, *B. inornata* only occurs in Eastern Cape, *B. armata* only in Western Cape. The IUCN Red List classifies *B. albanica* as Critically Endangered, with a decreasing population trend, *B. armata* as Vulnerable, again with a decreasing population trend, *B. inornata* as Endangered, *B. schneideri* as Vulnerable, and *B. rubida* as Least Concern. In 2017, *B. albanica* (CR) has been rediscovered after ten years; only 16 individuals were found so far, making the species extremely attractive for collectors.
4. Though these species are nationally protected, they are being collected illegally and offered for sale as pets,³ e.g. in Europe, where they are highly prized by collectors.⁴ Trade offers often note distinct locations from which specimens originate in South Africa (Springbok, Namaqua, Kokstad, Mpumalanga) or Namibia (Windhoek, Luederitz). Occasionally seizures involving adders have been made, with a news article from October 2017 stating that “South African police have cracked an illegal reptile smuggling network with links to the United States, Germany, the Netherlands, Colombia and Madagascar”.⁵

SECTION V: Appendix III Proposals

TOPS Species

All species listed in the TOPS regulations should be proposed by South Africa to be included in Appendix III of CITES. The fact that such species are included in the TOPS list already indicates that Government deems

³ http://zooreach.org/ZOO_WILD_Projects/2003%20spider%20report%20Rufford.pdf

⁴ <https://news.nationalgeographic.com/2015/11/151111-south-africa-wildlife-smuggling-cape-floral-kingdom-cites-paulgildenhuis/>

⁵ <http://www.aparchive.com/metadata/youtube/886704e6a4604f8f63ea1281de4f87f3>



them worthy of protection.⁶ To the extent that the animals on the SA TOPS list are not already included in Appendix I, II or III, these should be included in Appendix III.

Thank you for considering these comments. If you have any questions, please contact us using the information listed below.

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⁶ <http://biodiversityadvisor.sanbi.org/wp-content/uploads/2012/09/BPF-2012-23-NEMB.pdf>