

10 March 2017

The Director-General  
Department of Environmental Affairs  
Attention: Ms Makganthe Maleka  
Submitted by email to: [Mamaleka@environment.gov.za](mailto:Mamaleka@environment.gov.za)

**RE: DEA NOTICE 75 OF 2017 ON DRAFT NORMS AND STANDARDS FOR THE  
MANAGEMENT AND MONITORING OF THE HUNTING OF LEOPARD IN  
SOUTH AFRICA FOR TROPHY HUNTING PURPOSES**

Dear Ms Maleka,

Please find attached our comments on, and objections to, the draft norms and standards for the management and monitoring of the hunting of leopard in South Africa for trophy hunting purposes.

We have serious concerns not only about the content of these draft N&S but worryingly the uneven, biased, and undemocratic process by which they were drawn up.

It appears that DEA is attempting to appease the powerful hunting lobby by steamrolling through a trade and trophy hunting agenda at any cost, without adequate scientific backing and despite strong evidence to the contrary. This untenable and flawed position is impacting negatively and severely on the very survival of species, in this case the leopard.

The EMS Foundation and Ban Animal Trading object to these draft N&S and urge DEA to take a precautionary approach and withdraw them until a critical and irrefutable body of scientific evidence exists in relation to leopard populations in South Africa.

We implore DEA to take cognisance of our comments and objections.

Yours Sincerely,



Smaragda Louw  
Director and Chairperson  
Ban Animal Trading



Michele Pickover  
Director  
EMS Foundation

**EMS FOUNDATION AND BAN ANIMAL TRADING COMMENTS ON AND OBJECTIONS TO THE DRAFT NORMS AND STANDARDS FOR THE MANAGEMENT AND MONITORING OF THE HUNTING OF LEOPARD IN SOUTH AFRICA FOR TROPHY HUNTING PURPOSES (GG No. 40601)**

1. There is completely insufficient credible data on leopard populations and the effect of trophy hunting on leopards. Indeed there is no need for N&S to be developed for trophy hunting of leopards, and the trophy hunting of leopards should be totally stopped and banned until at the very least a critical mass of credible, transparent and interrogated data is available.
2. The credible research that has been done is clearly showing that human-mediated killings of leopards is having a devastating effect on leopard populations and indeed threatening their continued existence. The draft N&S seems to be ignoring the existing data.
3. The number of leopards remaining in South Africa is unknown but what is definitely known is that their numbers are declining at a concerning rate.
4. According to predator scientists, leopards are the most persecuted cat species in the world. And this statement is very true for South Africa
5. The South African Department of Environmental Affairs, as the authority responsible for conservation and protection, and in line with good scientific practice, has a duty to take a Precautionary Position in relation to the trophy hunting of leopards, particularly as they are a CITES Appendix 1 Listed Species. The fact that we are dealing with the persistence of species means that if a mistake is made the cost can be extinction or large-scale extirpation.
6. The N&S cannot be developed in a vacuum, i.e. it is not only about the effects of trophy hunting on leopards. There are a number of additional pressures on leopards and all

these factors **together** need to be taken into account. The draft N&S does not represent a holistic approach.

7. DEA needs to take the effects of climate change into account. Particularly on an animal such as leopards, which is already listed as CITES Appendix 1.
8. The DEA cannot facilitate and support an industry (hunting) purely predicated on profits to the detriment of an entire species.
9. The EMS Foundation and Ban Animal Trading responses to these proposed/draft N&S are within the overall context that sport/trophy hunting of endangered and threatened species such as leopards is not a legitimate conservation tool.
10. The proponents of “trophy/sport-hunting as a conservation tool” contention are primarily sport-hunting advocacy organizations, like PHASA, CHASA, SAPA, Safari Club International etc. These organisations often cite two interrelated documents as alleged “proof” that trophy hunting can be a “useful tool” to conservationists:
  - a. the IUCN SSC Guiding Principles on Sport-hunting as a Tool for Creating Conservation Incentives (09 August 2012)
  - b. CITES Resolution Conf. 2.11 (regarding trade in hunting trophies of species listed in Appendix I).The primary theory for promoting trophy hunting as a conservation tool behind the IUCN Principles and the CITES’s Resolution is that hunting can:
  - a. Incentivise governments in developing countries to generate conservation programmes
  - b. Directly raise funding for on the ground conservation efforts in counties with otherwise limited resources.
11. Supporters of trophy hunting based conservation increasingly ignore that these so-called benefits of trophy hunting have not overcome the long-term negative effect of hunting - namely the allowance for legalised killing of these animals continues to decrease their overall chance of survivability as a species in the wild. In fact,

development economists conducted a study on illegal trade of wildlife and found 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."<sup>1</sup> The study went on to explain that "[i]n most cases these models rely on conceptual tools that have been theoretically discredited." Indeed, many objective scientific studies and in the field observations that are not directly supported by sport-hunting organizations have repeatedly concluded that sport-hunting endangered or threatened species, even if well managed, is one of the primary factors driving the illegal trade of these species in the black market. These findings show that the legal and illegal markets are intertwined in a complex manner and that their interactions create a dual market that is impossible to regulate.

12. Development Economists such as Nadal and Aguayo are supported by South African programmes driven by the Department of Trade and Industry (DTI) and the Industrial Development Corporation (IDC), for example through the African Programme on Rethinking Development Economies (APORDE).
13. These Development Economists are extremely concerned by the lack of serious economic analysis on market structures and price formation dynamics in markets for so-called wildlife 'products' (including, of course, ivory, rhino horn, lion and tiger bones and skins, etc.). They argue that advocates of trophy hunting and deregulated trade of these 'products' have been navigating in oceans of ignorance, both in terms of the theoretical tools that are used as well as the superficial analyses of real world (existing) markets. This means that assertions concerning the movement of prices and the amount of resources that are supposed to be 'ploughed back' into conservation are in reality just empty statements.<sup>2</sup>

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<sup>1</sup> Alejandro Nadal & Francisco Aguayo, *Leonardo's Sailors: A Review of the Economic Analysis of Wildlife Trade*, (June 2014).

<sup>2</sup> Email correspondence with Alejandro Nadal

14. Given the remarkable exposure and research that has been generated over the past decade regarding the lack of credible evidence that sport/trophy hunting actually increases the survivability of many protected species, it is urgent that South Africa undertake a review of its policies.
15. Allowing leopards to be trophy hunted and arguing that this can be used to obtain information on leopard populations and dynamics is counter-intuitive and unscientific.
16. Trophy hunting, illegal hunting, killing for skins, 'legal destruction' and revenge killings result in many leopards dying, and by-catch from snares for the bush meat trade, are pushing leopards in South Africa to the brink of extinction.
17. Unreported and illegal killing of wildlife is widespread across southern Africa and therefore extremely pertinent.<sup>3</sup>
18. According to peer-reviewed research papers human-mediated leopard mortality is widespread, especially amongst private agricultural and wildlife ranches in South Africa.
19. A recent study on leopards in Limpopo demonstrated that legal mortality is unsustainable. Indeed this is the same study the N&S is using to propose LHZ's – this is contradictory.
20. In Limpopo and KZN for example research<sup>4</sup> has shown that human-mediated leopard mortality exceeded the annual trophy "offtake rate" considered sustainable. In other words trophy hunting is causing leopard extirpation.
21. The notion of a so-called "sustainable off-take" particularly in relation to leopards is also hugely problematic, contested and untested.

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<sup>3</sup> St John et al. 2012; Thorn et al. 2013; Kahler & Gore 2015

<sup>4</sup> See papers used in the DEA N&S document.

22. Given the increased economic reliance on agricultural productivity, and the increased financial risk associated with intensive high-value wildlife breeding, decreased tolerance among landowners towards so-called problem animals such as leopards is inevitable.
23. The consequences of decreased tolerance towards ecologically important free-ranging wild animals<sup>5</sup> in particular leopards, is likely to have significant detrimental impacts on species persistence and ecological systems more broadly.
24. Pitman et.al (2016)<sup>6</sup> clearly showed that in Limpopo alone “From 2003–2012, landowners submitted 693 problem animal permit applications for nuisance wildlife, and 999 for non-nuisance wildlife. Most (79%) applications originated from game ranches. **For nuisance wildlife, leopard were the most common putative problem animal (68%)**”, this means that 471 leopards were known to have been killed during this period. These figures exclude unreported killings, which according to researchers, is widespread (see point 17 above).
25. Pitman *et.al* (2016) also demonstrated that wildlife ranching management practices have become more intensive, to facilitate the breeding of high-value game species and they are as a result increasing predator-proof fencing to keep free-ranging wildlife out, and reducing populations of so-called “nuisance wildlife” through legal destruction.<sup>7</sup> This is having a devastating effect on leopards.
26. Their findings demonstrated that the proportional increase in problem animal control of nuisance wildlife has far outweighed the proportional increase in game ranching

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<sup>5</sup> Free-ranging wildlife that potentially threaten the profitability of the game ranching industry include black-back jackal *Canis mesomelas*, brown hyaena *Hyaena brunnea*, caracal *Caracal caracal*, cheetah *Acinonyx jubatus*, lion *Panthera leo*, leopard *Panthera pardus*, spotted hyaena *Crocuta crocuta*, and African elephant *Loxodonta africana* (collectively referred to as ‘nuisance wildlife’).

<sup>6</sup> Pitman, T, Fattebert, J, Williams, ST., Williams, KS, Hill, RA, Hunter, LTB, Slotow R and Balme, GA. The Conservation Costs of Game Ranching. *Conservation Letters. A Journal of the Society of Conservation Biology*, 2016

<sup>7</sup> The number of applications for nuisance wildlife increased significantly with the number of wildlife ranchers breeding high-value species and with the use of predator-proof fencing.

trends towards more intensive practices - suggesting that intolerance is growing in momentum.<sup>8</sup> The consequences of decreased tolerance towards ecologically important free-ranging wildlife such as leopards is likely to have significant detrimental impacts on their ability to survive and endure as well as on ecological systems more broadly.

27. The top three species killed as so-called ‘problem animals’ (leopards, elephants and lions) are also the most desired for **non-consumptive tourism**.<sup>9</sup> The contribution of charismatic species such as leopards to South Africa’s economy, together with their ecological significance, make them vitally important species to conserve.<sup>10</sup> The DEA therefore must take a more precautionary approach.
28. The increased use of predator-proof fencing and the legal destruction of wildlife shows that wildlife ranching practices are in conflict with leopard conservation.
29. The predisposition to erect predator-proof fencing raises additional concerns (Woodroffe et al. 2014) because it fragments leopard habitats and significantly alters interactions between species, leading to detrimental impacts on ecosystem functions.
30. Of concern is that currently there is inadequate national or provincial environmental legislation to control this particular private sector and the negative impact it is having on conservation and protection of species such as leopards.
31. The marked growth of human population in the provinces where leopards occur is increasingly negatively impacting and threatening leopard habitat and has left the majority of suitable wildlife habitat in a highly fragmented state.<sup>11</sup>
32. Pitman *et.al.* (2015) Leopards in Limpopo demonstrated that **legal mortality is unsustainable** (Pitman et al. 2015), and camera-trapping surveys conducted during and

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<sup>8</sup> Ripple et al. 2014; 2015

<sup>9</sup> Di Minin et al. 2013

<sup>10</sup> Richardson & Loomis 2009

<sup>11</sup> Swanepoel et al. 2013

after that study period indicate that **leopard populations are declining** (Pitman et. al 2016).

33. Another enormously concerning anthropocentric practice is the illegal trade and killing (snaring and poisoning) of leopards for cultural and *muti* purposes. For example in KZN *one* trader was found with 150 leopard skins.<sup>12</sup> This trader was not charged and is apparently still in business: this raises a red flag in terms of **weak and incompetent enforcement**. So even though theoretically a “strict permit system” governs hunting many leopards are being killed and traded illegally.
34. DEA cannot allow trophy hunting because in general, both nationally and in the provinces, there are valid concerns about the monitoring and enforcement systems, the negative effects of decentralised systems and practices and the concomitant poor management of wildlife in provinces. This includes the lack of implementation of a fully functional and transparent electronic permitting system (which is also accessible to NGOs who are monitoring trade and hunting).
35. TRAFFIC has already highlighted to DEA that the requirement to address capacity and resource constraints affecting South Africa’s conservation authorities at national, provincial and site levels has not been addressed. This also includes South Africa’s administration of CITES. According to TRAFFIC DEA remains derelict in fulfilling this critical need despite repeated promises and as a result South Africa’s wildlife management remains clouded by delays, abuse and miscommunication within the current permitting structure, providing loopholes and opportunities for illegal and unintended activities for many species to proliferate.
36. The effect on leopard populations of local decision-making in the absence of adequate centralized regulation and evidence-based best practice necessary to uphold conservation objectives is extremely worrying.

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<sup>12</sup> <http://mg.co.za/article/2011-02-11-leopard-pelt-trader-gets-off-scotfree>



37. In addition most of the provincial nature conservation departments are under-staffed and often dysfunctional. Conservation authorities lack the human and financial resources to accurately and consistently monitor wildlife populations,<sup>13</sup> particularly elusive species such as leopard that range widely, and occur mainly outside of formally protected areas.<sup>14</sup> As a result these conservation departments and officials cannot be entrusted to collect scientific data, or oversee and manage leopard issues. In particular the lack the ability to adequately effectively monitor and regulate trophy hunting activities.
38. The effect of widely documented corruption in the provinces where leopards largely occur is also of concern and surely has the potential to adversely affect leopard populations.
39. It is well-document that the hunting industry itself is extremely problematic and unethical and has been involved in countless illegal activities with an expansion and consolidation of criminal syndicates in its ranks. This means there is even more need for the hunting industry to be appropriately monitored, controlled and managed. DEA cannot give them a free-hand to do as they please. It certainly cannot be left up to hunting associations to self-enforce, self-police and self-instruct. Nor can it be left up to under-resourced inefficient conservation department in the provinces. Unless this issue is seriously addressed by DEA, trophy hunting, particularly of Appendix 1 animals such as leopards, whose very existence is severely compromised by human activities, should be suspended.

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<sup>13</sup> Rodriguez et al. 2005

<sup>14</sup> Swanepoel et al. 2013

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