June 14, 2020

Mr. Mavuso Msimang
Chairperson: Advisory Committee (High-Level Panel)
c/o Department of Environment, Forestry and Fisheries
Attention: Ms. Pamela Singh/Ms. Ofentse Mashiyane
Private Bag X447
Pretoria
0001
Republic of South Africa

Re: EIA Submission to the Advisory Committee (High-Level Panel) Appointed to Review Existing Policies, Legislation and Practices Relating to the Management and Handling, Breeding, Hunting and Trade of Elephant, Lion, Leopard and Rhinoceros

Dear Mr. Mavuso Msimang:

The Environmental Investigation Agency (EIA) is writing in response to the invitation to submit information to the Advisory Committee (High-Level Panel) appointed to review existing policies, legislation and practices relating to the management and handling, breeding, hunting and trade of elephant, lion, leopard and rhinoceros (Government Gazette No. 43173, Notice No. 211, dated 27 March 2020). We appreciate the opportunity to provide our comments for input into the High-Level Panel's review, and have focused our comments on rhinos and elephants.

EIA is an international campaigning organization committed to investigating and exposing environmental crime and campaigning to protect endangered species and the natural world. EIA has worked to protect rhinos and elephants from poaching and illegal trade for more than 30 years.

EIA is concerned that the Terms of Reference for the High-Level Panel's review on rhinoceroses precludes the Panel from critically and usefully evaluating one the most important aspects of rhino conservation policy: rhino horn trade. According to the Terms of Reference, the High-Level Panel is tasked with making recommendations to *inter alia*: "Develop the Lobby/Advocacy strategy for rhino horn trade in different key areas…"

There is nothing in the Committee of Inquiry's Summary Report about creating a lobbying or advocacy strategy for rhino horn trade.[1] By tasking the High-Level Panel with creating a lobbying strategy for rhino horn trade, the Terms of Reference seem to assume the High-Level Panel's view toward rhino horn trade policy and to preordain the outcomes. It is also unclear how the High-Level Panel is expected to make an objective assessment informing a policy position on rhino horn trade, which is also set out in the Terms of Reference, if it is simultaneously tasked with making recommendation on a lobbying strategy for rhino horn trade.

The Committee of Inquiry did not reach a conclusion on whether or not South Africa should pursue legal rhino horn trade. The Committee of Inquiry instead arrived at five minimum requirements that would "create an environment conducive for rhino conservation in South Africa and effectively address rhino poaching and the illegal trade in rhino horn."[2] The Chair of the Committee of Inquiry further emphasized that these requirements were reached "independently of any decision on whether to advocate trade legalisation or not."[3]

[1] DEA. 2016. Committee of Inquiry Summary Report. Available at: https://www.environment.gov.za/sites/default/files/reports/summaryreport_committeeofinquiry.pdf
[2] DEA. 2016. Committee of Inquiry Summary Report.
[3] DEA. 2016. Statement of the Chair of the Committee of Inquiry, Ms Nana Magomola. Available at: https://www.environment.gov.za/mediarelease/committeeofinquiry_statement

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In fact, the Inter-Ministerial Committee specifically advised the Committee of Inquiry to provide *options* relating to international commercial rhino horn trade for consideration by the government. Ultimately, the inter-departmental Technical Advisory Committee and the Inter-Ministerial Committee recommended to the Cabinet that South Africa continue to apply the "current policy with no immediate intention to trade in rhino horn but maintaining the option to reconsider regulated legal international trade in rhino horn when key requirements identified earlier are met."[4]

EIA urges the High-Level Panel to make an objective assessment with regard to rhino horn trade policy and give legitimate consideration to policies and recommendations that would align South Africa with the overwhelming majority of the international community in support of international and domestic rhino horn trade bans.

Rhinoceroses

In 2017 there were an estimated 15,625 southern white rhinos (*Ceratotherium simum simum*) and 2,046 black rhinos (*Diceros bicornis*) in South Africa according to the IUCN African Rhino Specialist Group (AfRSG).[5] South Africa accounted for 86 percent of the continental southern white rhino population (18,067 individuals) and 37 percent of the continental black rhino population (5,495 individuals[6]) in 2017.[7] The South African government has not released updated estimates for its white and black rhino populations for the past three years and therefore 2017 data are the most updated South African rhino population estimates available.

The continental rhino population declined by 15 percent from 2012-2017 due to a poaching crisis that has endured for nearly 15 years.[8] After a decade of low poaching levels resulting from the closure of key domestic rhino horn markets in Asia, rhino poaching rates began to rise in South Africa in 2008 which saw 83 rhinos killed. Annual rhino poaching rates proceeded to rise rapidly in South Africa, reaching a peak in 2014 with 1,215 rhinos poached. From 2013 through 2017 more than 1,000 rhinos were poached each year in South Africa.[9] Over the past two years South Africa has experienced a decline in rhino poaching with an estimated 594 rhinos poached in 2019 according to official government figures.[10] In total, at least 8,493 rhinos were poached in South Africa from 2008 through 2019.

The recent downward trend in South Africa's annual rhino poaching rate is a welcome development and can be attributed to a combination of factors. Though South Africa's law enforcement response has likely contributed to the poaching decline, after years of unrelenting poaching pressure there are simply less rhinos available to poach in South Africa. The majority of the rhino losses underlying the 15 percent decline in the continental white rhino population from 2012 through 2017 occurred in South Africa. Kruger National Park lost more than half of its total white rhino population during this time period with a net loss of approximately 3,400 rhinos in 2015-2017 alone (after accounting for just over 300 rhinos removed for translocation purposes).[11] The declines recorded in Kruger National Park are conservative estimates given that nearly 20 percent of white rhino carcasses in the park are never detected. According to Ferreira et al (2018), between 4,750 and 6,165 white rhino carcasses may have gone undetected in Kruger National Park in 2016-2017.[12]

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[4] DEA. 2016. Minister Edna Molewa on the Committee of Inquiry into the feasibility of a legal trade in rhino horn, or not. Available at: https://www.environment.gov.za/mediarelease/molewa_onlegaltradeofrhinohornornot

[5] CITES 18th Conference of the Parties. 2019. CoP18 Doc. 83.1 Annex 2 African and Asian Rhinoceroses – Status, Conservation and Trade. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-083-02.pdf

[6] In 2020 the IUCN AfRSG released an updated population estimate for the black rhino: 5,630 individuals.

[7] Id.

[8] Id.

[9] Save the Rhino. 2020. Poaching Statistics. Available at: https://www.savetherhino.org/rhino-info/poaching-stats/#:~:text=Poaching%20statistics,have%20been%20lost%20to%20poaching.&text=South%20Africa%20holds%20nearly%2080,year%20between%202013%20and%202017.

[10] DEFF. 2020. Department of Environment, Forestry and Fisheries report back on rhino poaching in South Africa in 2019. Available at: https://www.environment.gov.za/mediarelease/reportbackon2019_rhinopoachingstatistics

[11] CITES CoP18. Doc. 83.1 Annex 2

[12] Ferreira S. M., Hass T., Le Roex, N, Greaver, C. and Simms, C. 2018. Evaluating the protection of rhinoceroses from poaching. Unpublished SANParks report.

Because the Department of Environment, Forestry and Fisheries (DEFF) has not released updated rhino population estimates to complement its reports on poaching statistics, it impossible to determine whether poaching rates are actually decreasing or if the downward trend in the number of rhinos poached annually is matched by a downward trend in South Africa's rhino population.

It is important that South Africa not view its rhino population in isolation and instead should consider poaching trends in other African rhino range states when making decisions on rhino management and trade policy. For instance, while poaching rates have declined over the past two years in South Africa, in neighboring Botswana rhino poaching rates have skyrocketed. At least 46 rhinos, nearly 10 percent of Botswana's total rhino population, were killed between April 2019 and February 2020.[13] Rhino poaching continued unabated through early April until a countrywide lockdown in response to the COVID-19 pandemic seemed to contribute to a pause in poaching.[14] Earlier this year Dr. Mmadi Reuben, rhino coordinator for the Botswana Department of Wildlife and National Parks, warned that if poaching continued at current rates then Botswana would be in danger of losing its entire black rhino population.[15]

Rhino poaching is driven by consumer demand for rhino horn Asia where it is consumed for its perceived medicinal properties or carved into jewelry, cups, and other trinkets that convey status and prestige. According to EIA's rhino horn seizure records,[16] more than 7.5 tonnes of rhino horn have been seized globally since April 2006. Of this total, 2.7 tonnes (36 percent) was seized in 2018-2019, and six of the 10 largest seizures by weight in EIA's records took place over the past two and a half years; four occurred in South Africa. These recent large rhino horn seizures demonstrate that demand for rhino horn remains significant despite the reported declines in rhino poaching in South Africa.

The rhino horn seizure data indicates that China and Vietnam are the two main consumer markets for rhino horn. China has been linked to 2,290 kg of rhino horn (30.3% of total seizure by weight) and Vietnam was linked to 2,260 kg (29.9% of total seizures by weight). South Africa has seized more rhino horn than any country since the current poaching crises began: 2,834.72 kilograms. This is unsurprising given South Africa's disproportionately large rhino population compared to other rhino range states and the high rates of poaching it has experienced over the past decade.

Transnational organized criminal networks continue to control the international trade in rhino horn. In 2019, EIA released a report entitled *Exposing the Hydra* that documented a Vietnamese criminal syndicate moving large quantities of rhino horn and ivory from Southern Africa to Vietnam and China via intermediary countries in Southeast Asia.[17] EIA estimates this particular syndicate was responsible for the movement of an estimated 299 kg of rhino horn and 6.3 tonnes of ivory from 2015 to 2018. The head of the syndicate bragged to EIA investigators that he was able to source 100-150 kg of rhino horn per month.

Trade in rhino and rhino horn

EIA is opposed to domestic and international rhino horn trade for commercial and non-commercial purposes, except in legitimate scientific or law enforcement cases. Domestic and international rhino horn trade poses serious risks not only for South Africa's rhino populations but also for all other populations of African and Asian rhino species. Rhino horn trade is prohibited in consumer countries. No countries that are Parties to CITES, including key rhino horn consumer countries, have expressed a willingness to engage in rhino horn trade. Instead, countries with significant consumer markets for rhino horn have initiated demand reduction programs and stepped up their law enforcement response to eliminate the rhino horn trade.

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[13] Phys.org. 2020. Nearly 50 rhinos killed in Botswana in 10 months as poaching surges. Available at: https://phys.org/news/2020-02-rhinos-botswana-months-poaching-surges.html

[14] Ministry of Environment, Natural Resources Conservation and Tourism. 2020. Update on Rhino Poaching Situation. Available at: https://www.facebook.com/BotswanaGovernment/photos/a.336021353147196/2939081332841172/?type=3&theater

[15] Xinhua. 2020. No rhinos in Botswana if poaching continues: official. Available at: http://www.china.org.cn/world/2020-01/25/content_75647102.htm

[16] EIA's rhino horn seizure data is comprised of open-source information and is therefore an underestimate of the actual amount of rhino horn seized. Data available up on request.

[17] EIA. 2002. Exposing the Hydra: The growing role of Vietnamese syndicates in ivory trafficking. Available at: https://reports.eia-international.org/exposingthehydra/

The international rhino horn trade ban, reaffirmed most recently at the 18th meeting of the Conference of the Parties to CITES (CITES CoP18) by the vast majority of Parties, including African and Asian rhino range states, has succeeded when Parties affected by rhino poaching and illegal rhino horn trade have instituted and enforced their own supporting domestic trade bans. This was the case in the 1990s and early 2000s after key rhino horn markets in China, Taiwan, Yemen, and South Korea were closed, which caused rhino poaching rates to drop off sharply and allowed rhino populations to begin to recover.[18] Advocating for and instituting policies that promote trade in rhino parts and derivatives undermines the effectiveness of the CITES international trade ban, the effectiveness of domestic bans instituted in consumer countries like China and Vietnam, and the efforts by the majority of CITES Parties to reduce demand for rhino horn.

As has been demonstrated in the past for rhino horn and for other high-value wildlife products from threatened species including elephant ivory, pangolin scales, and tiger parts, parallel legal markets stimulate demand, complicate enforcement, and provide laundering opportunities.[19] The 2009 moratorium on domestic rhino horn trade was put in place in South Africa as rhino poaching levels started to spiral out of control and the existing regulatory framework for rhino management and trade was increasingly exploited. Pro-trade advocates responded by suing the government, and in April 2017 the South Africa Constitutional Court upheld a lower court ruling repealing the domestic trade moratorium based on the finding that the Department of Environmental Affairs (now DEFF) made a procedural error when instituting the moratorium.[20]

Before the moratorium was enacted, legal domestic rhino horn trade in South Africa provided opportunities to launder illegally sourced rhino horn onto the legal market and eventually make its way to consumers in Asia. For example, South Africa's permit system for possession and sale of rhino horn was taken advantage of by dealers who would sell multiple horns under the same permit, sometimes for weeks or months at a time.[21] In one of South Africa's most high-profile rhino horn poaching and trafficking cases, Dawie Groenewald, together with his network of accomplices dubbed the "Groenewald Gang", is alleged to have sold nearly 400 illegal rhino horns into trade aided by the falsification of permits, including using expired permits, applying for fraudulent rhino translocation permits, and reusing the same microchip numbers on multiple permits.[22]

Despite these enforcement risks and without new regulations in place, the government of South Africa issued dozens of permits to buy and sell thousands of rhino horns after the moratorium was lifted. As of July 31, 2019, 23 permits were issued for the sale of 2,075 rhino horns and an undisclosed number of permits were issued to 27 buyers.[23] DEFF has not released any new figures since July 2019 on the number of permits issued to buy and sell rhino horns.

South Africa's New Regulations Concerning Rhino Horn Trade

Draft regulations for a legal domestic rhino horn trade framework were first published for public comment in February 2017, and a second set of draft regulations was published in October 2018. EIA had serious concerns with both sets of draft regulations, which are described in comments submitted by the Species Survival Network in response to the February 2017 draft regulations, and in comments submitted by EIA in response to the October 2018 draft regulations.

On 3 June 2020, more than three years after the domestic rhino horn trade moratorium was lifted, DEFF published final trade regulations in the Government Gazette (No. 43386, Notice No. 626, dated 3 June

[18] Reeve, R. 2014. Policing international trade in endangered species: the CITES treaty and compliance. Routledge.
[19] EIA. 2012. Blood Ivory. London, United Kingdom; Xu, L. et al. 2016. An Overview of Pangolin Trade in China. TRAFFIC, Cambridge, United Kingdom; EIA. 2013. Hidden in Plain Sight. London, United Kingdom.
[20] Bale, R. 2017. Breaking: Rhino Horn Trade to Return in South Africa [National Geographic]. Available at: https://www.nationalgeographic.com.au/animals/breaking-rhino-horn-trade-to-return-in-south-africa.aspx
[21] Hübschle, A. 2016. A game of horns: transnational flows of rhino horn (Doctoral dissertation, Universität Köln Köln).
[22] Id.
[23] DEFF. 2019. Department of Environment, Forestry and Fisheries reports back on rhino poaching in first six months of 2019. Available at: https://www.environment.gov.za/mediarelease/barbaracreecy_rhinopoaching_sixmonthreportback_july2019

2020). EIA is disappointed that DEFF published the final rhino horn trade regulations prior to the conclusion of the High-Level Panel's review. A thorough examination of South Africa's domestic rhino horn trade, including its impacts on demand reduction and illegal trade, could have further informed the development of the final regulations.

Unfortunately, the rhino horn domestic trade regulations are insufficient to prevent South Africa's domestic rhino horn market from contributing to poaching or illegal trade. For instance, unlike previous drafts the final regulations do not specifically prohibit individuals who are not citizens or permanent residents of South Africa from purchasing rhino horn. Moreover, even if domestic rhino horn transactions are conducted in full compliance with the regulations, the free movement of rhino horn within South Africa exacerbates the risk of illegal export and presents serious challenges to enforcement agencies in South Africa and in all countries located along the rhino horn trade chain.

The core tool to record and trace the movement of rhino horn in South Africa is genetic sampling. Genetic samples of rhino horn must be provided in order to receive possession, buying, and selling permits from DEFF for rhino horn. These genetic samples are managed by the University of Pretoria's Veterinary Genetics Laboratory using the Rhino DNA Indexing System (RhODIS). However, private rhino owners have complained about delays in obtaining genetic samples and rhino-related permits under NEMBA.[24] At the same time the South African Police Service terminated its agreement with RhODIS in 2019 and is not utilizing this vast genetic database to analyze forensic evidence gathered in cases involving rhino-related crimes.[25] These glaring deficiencies in the DNA-based rhino horn traceability and enforcement framework raise serious concerns about South Africa's ability to sufficiently prevent illegal rhino horn trade and effectively prosecute rhino horn traffickers.

It is also unclear why the prohibitions on producing powdered rhino horn (and similar derivatives) and the selling and export of rhino horn less than 5 cm in length are only applicable for three years at which time they will be reassessed. The prohibition on trading such rhino horn products is important to ensuring legality and traceability of such rhino horn derivatives. If the prohibitions on powdered rhino horn are allowed to expire, EIA is concerned that South Africa's legal domestic rhino horn market will facilitate the production and trade of rhino horn medicinal products. The Northern Cape Provincial Government expressed support for the commercialization of rhino horn medicinal products and recommended the removal of the three-year prohibition on powdered rhino horn during the review of the draft trade regulations by the National Council of Provinces.[26]

South Africa's domestic rhino horn market has been linked to illegal trade since the moratorium was lifted according to DEFF, which expressed its "serious concern that some of the rhino horn which was sold in terms of permits issued by the department as part of the legal domestic trade bas been linked to illegal activities."[27] One of the most high-profile cases of illegal trade facilitated by South Africa's legal domestic market involved the April 2019 seizure of 181 rhino horns that originated from the stockpile of a private rhino owner who operates the largest captive rhino breeding facility in South Africa.[28] The horns were being transported without the proper permits and were destined for "South East Asian markets" according to the official police statement.[29]

On 10 June 2020, DEFF reported that the two suspects were convicted of illegal possession and transportation of rhino horn, and one suspect was also convicted of forgery.[30] The suspects were ordered

[24] South Africa Department of Environmental Affairs. 2019. Rhino Species Conservation and Trade in South Africa, Part 1. Side Event to the 18th Conference of the Parties to CITES
[25] Beega, S. 2019. Anti-poaching tool contract not renewed [Saturday Star]. Available at: https://www.iol.co.za/saturday-star/news/anti-poaching-tool-contract-not-renewed-38048872. At time of writing this agreement has not been renewed to EIA's knowledge.
[26] Northern Cape Provincial Legislature Office of the Speaker. 2019. Comments on Regulations
[27] DEFF. 2019. Department of Environment, Forestry and Fisheries reports back on rhino poaching in first six months of 2019.
[28] Beega, S. 2019. SA's largest private rhino breeder, John Hume, says seized horns are his property [Saturday Star]. Available at: https://www.iol.co.za/saturday-star/sas-largest-private-rhino-breeder-john-hume-says-seized-rhino-horns-are-his-property-22221195
[29] South African Police Service. 2019. Available at: https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=20103
[30] DEFF. 2020. The department welcomes conviction and sentencing of two men for rhino horn smuggling. Available at: https://www.environment.gov.za/mediarelease/rhinohorn_poachersconviction

to pay small fines and received suspended prison sentences. At time of writing, no government agency has released any additional details about the crimes committed, the fate of the seized horns, the Southeast Asia connection, or whether any other investigations are ongoing connected to this case. According to independent reporting, the horns were forfeited to the government and the forgery charge related to documents authorizing the suspects to carry the horns on behalf of the buyer.[31]

This case clearly demonstrates that South Africa's domestic rhino horn market is contributing to illegal trade and underscores how South Africa's domestic rhino horn trade regulatory framework can be exploited to facilitate international rhino horn trafficking. Indeed, recent seizures of rhino horn in Asia that were trafficked from South Africa have included rhino horns exhibiting the characteristics of re-growth after a dehorning operation.[32] It is possible this rhino horn may be linked to illicit sales of rhino horn from private stockpiles, and it is crucial that the South African authorities and their counterparts in countries that have made these rhino horn seizures cooperate on enforcement action, including DNA analysis of seizures, to determine the source and nature of the illegally traded horns.

In 2014, the DEA conducted an analysis on the viability of legalizing domestic rhino horn trade, which ultimately recommended leaving the moratorium intact.[33] The DEA justified its recommendation by noting that the mechanisms for controlling a legal trade in South Africa were not in place, that the amount of rhino horn in privately owned stockpiles was unknown, and that some private rhino owners were noncompliant with permitting regulations. The DEA concluded that these factors would lead to laundering of illegal horn into stockpiles and trafficking rhino horn abroad if the domestic trade moratorium were lifted. Only after these issues were rectified, and after a "secure, national electronic permitting system and rhino database" was established and utilized by all private rhino owners to disclose the exact contents of their rhino horn stockpiles, would the DEA consider lifting the domestic trade moratorium and consider offering a legal trade proposal at CITES.

The issues identified in the 2014 viability analysis were not addressed before the moratorium was overturned in 2017 nor have they been addressed in the more than three years since domestic rhino horn trade was reinstated in South Africa. No nationwide electronic permitting system has been implemented, there is a backlog for RhODIS DNA analysis requests, and accurate estimates of the total amount of rhino horn kept in private stockpiles remains unknown, presenting a major risk that poached or otherwise illegally-acquired horn can be laundered through these stockpiles.

At CITES CoP18 Parties adopted Decision 18.116:

> Parties in which illegal markets for rhinoceros horn exist are encouraged to develop demand reduction programmes targeted at key identified audiences, taking into consideration the provisions in Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in* CITES-*listed species* and taking advantage of the experience and expertise developed in other jurisdictions and by other organizations. **Parties are urged to close those markets that contribute to poaching or illegal trade.** [Emphasis added]

Key consumer countries like China and Vietnam have already banned domestic rhino horn trade and are demonstrating their commitment to enforcing these domestic trade bans and upholding the CITES ban on international trade in rhino horn. By maintaining an open rhino horn market and constantly calling for the CITES international trade ban to be overturned, South Africa is undermining international cooperation to eliminate the trade in rhino horn and put an end to rhino poaching.

EIA encourages South Africa to comply with CITES Decision 18.116 by closing its domestic rhino horn market as a matter of urgency, refrain from offering a proposal to trade in rhino horn at future CITES CoPs, and support implementation of the CITES ban on international rhino horn trade.

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[31] Save the Beasts Stop the Slaughter. 2020. Available at: https://www.facebook.com/276640799057143/photos/pcb.3035444269843435/3035402429847619/?type=3&theater

[32] EIA. 2019. Stop the Slaughter: Close Domestic Rhino Horn Markets. Available at: https://eia-global.org/reports/-close-domestic-rhino-horn-markets

[33] South Africa Department of Environmental Affairs. 2014. The viability of legalising trade in rhino horn in South Africa.

International Rhino Horn Trade for Non-commercial Purposes

EIA urges South Africa to prohibit exports of rhino horn and rhino horn products for non-commercial purposes. In its 2019 non-detriment finding for the southern white rhino,[34] the South African Scientific Authority reached the following conclusion:

"The export, for primarily non-commercial purposes, of rhinoceros horn that has been legally sourced, either through natural mortalities and/or horn harvest from wild populations, or from captive breeding facilities, will not be detrimental to the survival of the species in the wild provided that (1) the income derived from these exports contributes directly to the conservation of wild rhinoceros populations and (2) the captive breeding facilities meet the Scientific Authority's approved criteria for the captive breeding of white rhinoceros."

It is alarming that the Scientific Authority has downplayed the potential effects on global rhino poaching rates that could result from legal horn exports increasing demand for rhino horn products in consumer countries, especially considering that poaching is identified as the "current major threat" to South Africa's white rhinos in the NDF. EIA is further concerned that the Scientific Authority has made no commitment to amend its NDF if poaching rates do increase as a result of legal rhino horn exports.

The goal of any trade scheme for rhino horn, whether that is commercial international trade or exports for primarily non-commercial purposes derived from commercial domestic trade, will be to maximize rhino horn sales so as to maximize profit regardless of the intended use of the profit. Thus, stimulating demand to increase levels of trade will be at the core of any rhino horn trade scheme, and with no accurate estimate of the potential consumer market for rhino horn in demand countries like China and Vietnam, South Africa should take a precautionary approach and heavily weigh the potential for consumer demand to skyrocket and in turn lead to increased poaching as a result of rhino horn exports for non-commercial purposes.

Allowing exports of rhino horn for primarily non-commercial purposes would circumvent the position held by the majority of CITES Parties that international trade in rhino horn is detrimental to the survival of wild rhino species. EIA urges South Africa to prohibit exports of rhino horn and rhino horn products for non-commercial purposes. At the very least, the Scientific Authority should commit to revising its NDF if legal exports result in increased poaching and illegal trade.

Captive Breeding for the Commercial Rhino Horn Trade

In its 2019 non-detriment finding for the southern white rhino, the South African Scientific Authority concluded that it is appropriate to consider registering a captive breeding facility with CITES to allow for legal international commercial trade in white rhino horn.[35] EIA strongly disagrees with this conclusion; captive breeding of rhinos for commercial purposes undermines efforts to conserve wild rhinos and should not be supported under any circumstances.

Registration of any captive breeding facility for a CITES Appendix I-listed species is subject to the approval of CITES Parties as described in Resolution Conf. 12.10 (Rev. CoP15). As established previously in these comments, it is the position of the vast majority of CITES Parties that the ban on international commercial trade in rhino horn should be maintained for the benefit of the survival of all rhino species. The arguments against domestic and international commercial rhino horn trade presented previously in these comments are largely applicable to international commercial trade in rhino horn sourced from a registered captive breeding operation.

As noted by Taylor et al. (2017), legalizing international trade in rhino horn may incentivize private rhino owners to convert their rhino management schemes to intensive breeding operations so as to maximize horn production, which could lead to wild rhino populations becoming more uncommon with negative

[34] Government Gazette No. 42660, Notice No. 1104, dated 22 August 2019.
[35] Id.

consequences for wild rhino conservation.[36] This is especially true for registered captive breeding operations since this could incentivize private rhino owners to adjust their management practices to meet the CITES conditions for "animal species bred in captivity" under Resolution Conf. 10.16 (Rev.) and the registration requirements detailed in Resolution Conf. 12.10 (Rev. CoP15).

All rhino populations remain at risk from poaching and illegal trade. International commercial trade in rhino horn from CITES registered captive breeding facilities would exacerbate these threats by increasing demand for rhino horn, undermining the CITES international trade ban, and could incentivize captive rhino breeding at the expensive of wild rhino conservation efforts.

EIA recommends South Africa:

- **Prohibit exports of rhino horn and rhino horn products for commercial and non-commercial purposes.**
- **Refrain from offering a proposal to trade in rhino horn at future CITES Conferences of the Parties.**
- **Close the domestic rhino horn market as a matter of urgency in compliance with CITES Decision 18.116.**
- **Refrain from submitting an application for the registration of a rhino captive breeding facility under CITES Resolution Conf. 12.10 (Rev. CoP15).**
- **Provide updated figures to the public on the number of permits issued to buy and sell rhino horns since July 2019.**
- **Adopt and implement the National Integrated Strategy to Combat Wildlife Trafficking**
- **Immediately reinstate the agreement between SAPS and RhODIS.**
- **Publicly disclose information on rhino horn DNA samples received from law enforcement agencies in other countries that have made rhino horn seizures including: the amount of horn seized, whether the horn was derived from a privately-owned or state-owned rhino, and any information on prosecutions in South Africa and abroad linked to the seizures.**

Rhino Horn Stockpiles

Unless kept for legitimate enforcement and scientific purposes, EIA recommends the destruction of rhino horn stockpiles. All rhino horn stockpiles are at risk of theft and high security costs create an added burden for private citizens and government agencies responsible for rhino horn stockpiles. Stockpiling rhino horn also undermines the CITES rhino horn trade ban by sending a message that suggests a reversal of the ban is inevitable. This signaling perpetuates the demand for rhino horn that fuels rhino poaching across Africa and Asia.

South Africa has struggled to obtain accurate estimates of rhino horn stockpiles spread among private citizens, provincial government agencies, and the national government. Private rhino owners can be reluctant to share their stockpile information with the government and the absence of a nationwide electronic permitting system makes maintaining up to date figures in real time impossible. Taylor et al. (2017) estimated there were 23 tonnes of rhino horn in private and government stockpiles in South Africa in 2016,[37] however this estimate did include the largest private rhino horn stockpile in the country, which was comprised of approximately six tonnes in 2016.[38]

[36] Taylor, A., Balfour, B., Brebner, D. K., Coetzee, R., Davies-Mostert, H., Lindsey, P. A., Shaw, J. and 't Sas-Rolfes, M. (2017). *Sustainable rhino horn production at the pointy end of the rhino horn trade debate*. Biological Conservation 216: 60-68. http://dx.doi.org/10.1016/j.biocon.2017.10.004.
[37] Id.
[38] Bale, R. An Inside Look at the World's Biggest Rhino Farm [National Geographic]. Available at: https://www.nationalgeographic.com/news/2016/01/160122-Hume-South-Africa-rhino-farm/

South Africa has also not provided comprehensive rhino horn stockpile totals to the CITES Secretariat as required under CITES Resolution Conf. 9.14 (Rev. CoP17) in past years, instead only reporting the weight of new rhino horn added to the country's stockpiles. The combined stockpile totals from the preceding paragraph together with an additional 7.4 tonnes[39] of rhino horn reportedly added to South Africa's stockpiles in 2017 indicates there are at least 36.4 tonnes of stockpiled rhino horn in South Africa. The inability to accurately monitor private rhino horn stockpiles presents a significant law enforcement challenge and exacerbates the risk of horn stockpiles facilitating illegal trade.

EIA recommends South Africa:

- **Destroy government-held rhino horn stockpiles.**
- **Encourage the private sector to destroy privately-owned rhino horn stockpiles, possibly by offering government-backed incentives.**
- **Finalize and implement the secure, national electronic permitting system and rhino database as a matter of urgency.**
- **Process outstanding rhino genetic sampling requests to reduce the current backlog and commit to efficient processing of genetic sampling requests moving forward.**
- **Declare the total weight of rhino horn stockpiles in South Africa to the CITES Secretariat annually in compliance with CITES Resolution Conf. 9.14 (Rev. CoP17), specifying the total amount of rhino in government and private stockpiles.**

Keeping of Rhinoceros in Captivity and Population Management

As poaching drastically reduced wild white rhino populations in state-run protected areas like Kruger National Park, the proportion of white rhinos in private hands has grown considerably. The proportion of privately-owned rhinos in South Africa grew to 49.3 percent by the end of 2017[40] up from an estimated 33 percent in 2015.[41] A revised estimate would almost certainly indicate that the majority of white rhinos in South Africa today are privately owned where they are managed more intensively than wild populations.

This rapid demographic shift evidences the deeply concerning decline in South Africa's wild rhino populations. In its *African Rhino Conservation Action Plan*, the IUCN AfRSG recognizes three different categories of rhino populations: "wild", "semi-wild", and "captive".[42] The AfRSG considers "wild" rhino populations to be: "Free-ranging rhinos, usually in large to medium (>10km^2) areas, generally in the historical range of the taxon, living at natural density and spacing, without food supplementation, with only very occasional husbandry and veterinary intervention, and a *natural breeding system*." [italics included in the *Action Plan*] The AfRSG explained that among the reasons it arrived at these three definitions was to "retain primary emphasis upon rhino conservation in the wild, and to prevent attention and funds being deflected away from this overriding priority."[43]

South Africa's rhino conservation actions should focus on the recovery, growth, and protection of **wild** white and black rhino populations. All metapopulation management actions should contribute toward this overall goal of ensuring the long-term survival of wild rhinos in South Africa.

EIA is also concerned that recent amendments to include rhinos on the schedules of the Animal Improvement Act[44] and Meat Safety Act[45] are contributing to a growing trend in South Africa to treat wildlife

[39] CITES CoP18 Doc. 83.2 Annex 2
[40] Id.
[41] CITES 17th Conference of the Parties. 2016. CoP17 Doc. 68 Annex 5 African and Asian Rhinoceroses – Status, Conservation and Trade. Available at: https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-68-A5.pdf
[42] IUCN/SSC African Rhino Specialist Group. 1999. African Rhino Status Survey and Conservation Action Plan. Available at: http://www.rhinoresourcecenter.com/pdf_files/117/1175863242.pdf
[43] Leader-Williams, N., Brett, R. A., Brooks, M., Craig, I., du Toit, R. F., Emslie, R., ... & Stockil, O. 1997. A scheme for differentiating and defining the different situations under which live rhinos are conserved. Pachyderm, 23, 24-28.
[44] Government Gazette No. 42464, Notice No. 664, dated 17 May 2019
[45] Government Gazette No. 43050, Notice No. 201, dated 28 February 2020

as domesticated livestock species and may result in administrative confusion with competing mandates among different government agencies. These changes may incentivize private rhino owners to intensively manage rhinos for economic benefit, such as breeding rhinos to produce specific phenotypic traits that may make them more valuable for trophy hunting, rather than managing rhinos to maximize genetic diversity for conservation purposes.

The proposed changes to the Animal Improvement Act and Meat Safety Act also raise questions about the applicability of NEMBA to rhinos and other wildlife species included in the amendments and obscure jurisdictional roles for DEFF and the Department of Agriculture, Land Reform and Rural Development (DALRRD) for the management of these species. Some in the game breeding industry initially asserted that conservation legislation would no longer apply to the wildlife species listed in the amendments, though DEFF has pushed back on this claim and maintained that NEMBA and provincial conservation legislation still apply.[46]

EIA recommends South Africa:

- **Prioritize the recovery, growth, and protection of wild white and black rhino populations. All metapopulation management actions should contribute toward this overall goal of ensuring the long-term survival of wild rhinos in South Africa.**
- **Provide updated figures to the public annually on South Africa's white and black rhino populations and specify the proportion of rhinos under private ownership and state management.**
- **Ensure that DEFF is government agency responsible for the management and protection of rhinos.**
- **Ensure that all actions involving rhinos comply with NEMBA and provincial conservation legislation, including by amending the Animal Improvement Act and Meat Safety Act as required.**

Live Rhino Trade

Trade in live rhinos should be permitted only for *in situ* conservation programs that will contribute to the growth of the continental populations of wild white and black rhinos in rhino range states. EIA applauds the role South Africa has played in growing, and in some instances reestablishing, rhino populations in African range states.

It is important that lessons from past translocations inform the formulation of future plans to introduce rhinos from South Africa into new environments. The unfortunate outcomes of recent rhino translocations in Chad[47] and Kenya[48] (the Kenya case involved intracountry translocation) underscore the importance of conducting thorough assessments of the reintroduction sites and providing rhinos the necessary time and resources to acclimate before they are released unfettered into their new environment. The loss of any rhinos, especially Critically Endangered black rhinos, to failed translocations have outsized consequences for such threatened species.

South Africa has historically not limited trade in live rhinos to *in situ* conservation purpose. Hundreds of rhinos have been exported to zoos, safari parks, and other private entities around the world. According to the CITES trade database, South Africa has exported 1,378 white rhinos to 51 different countries over the past two decades. According to the annotation of the southern white rhino's Appendix II listing, live southern

[46] DEFF. 2019. Department of Environment, Forestry and Fisheries clarifies legal status of game species. Available at: https://www.environment.gov.za/mediarelease/environment-forestry-fisheries-clarifies_legalstatus-of-gamespecies

[47] Mongabay. 2018. Four of six rhinos translocated to Chad are now dead. Available at: https://news.mongabay.com/2018/11/four-of-six-black-rhinos-translocated-to-chad-are-now-dead/

[48] Save the Rhino. 2018. All rhinos translocated to Tsavo East National Park have died. Available at: https://www.savetherhino.org/africa/kenya/all-rhinos-translocated-to-tsavo-east-national-park-have-died/#:~:text=On%2026%20July%202018%2C%20the,in%20Tsavo%20East%20National%20Park.

white rhinos may only be traded commercially to "appropriate and acceptable destination." According to CITES Resolution Conf. 11.20 (Rev. CoP18):

- ENCOURAGES that any permit authorizing trade of live rhinoceroses or elephants under an 'appropriate and acceptable destinations' annotation contain a condition stating that the rhinoceros horn or elephant ivory from those animals and from their progeny may not enter commercial trade and be sport hunted outside of their historic range; and
- RECOMMENDS that all Parties have in place legislative, regulatory, enforcement, or other measures to prevent illegal and detrimental trade in live elephants and rhinoceroses, to minimize the risk of negative impacts on wild populations and injury, damage to health or cruel treatment of live elephants and rhinoceroses in trade, and to promote the social well-being of these animals.

Upon closer scrutiny, the destinations for many of South Africa's white rhino exports may not rise to the level of "appropriate and acceptable" as envisioned by CITES Parties. For instance, white rhinos exported from South Africa to China in 2001 were used by a Chinese pharmaceutical company to establish a private herd of rhinos to produce a steady supply of rhino horn for research purposes and anticipated commercial sale of rhino horn medicine.[49]

A recent report published by the EMS Foundation contained a number of disturbing allegations about live wildlife exports from South Africa, including rhinos.[50] We are encouraged that the Minister of Environment, Forestry and Fisheries has opened an investigation into the allegations[51] and we look forward to reviewing the Department's findings on this matter, including proposals for any remedial actions deemed necessary.

EIA recommends South Africa:

- **Authorize international trade in live rhinos only for *in situ* conservation programs that will contribute to the growth wild white and black rhinos in rhino range states.**

Hunting of Rhino

Trophy hunting of rhinos in South Africa has historically provided opportunities for traffickers to acquire and export rhino horns to consumer markets in Asia. From 2006 through 2012, South Africa's trophy hunting industry was co-opted by Asian nationals, predominantly of Vietnamese origin, who acquired rhino horns through legal trophy hunts and exported the horns to Asia where they were traded illegally. South Africa allowed these "pseudo-hunts" and trophy exports to Vietnam to continue for six years despite the evidence of criminal activity and the failure of Vietnam to account for rhino trophy imports. Between 2003 and 2010 Vietnam submitted CITES trade data reporting the import of 170 rhino horns in the form of trophies sourced from South Africa. Vietnam's data failed to account for approximately 75 percent of the 657 horns exported to Vietnam according to the CITES trade data submitted by South Africa.[52] Only after the South African government prohibited the issuance of rhino trophy export permits to Vietnamese nationals in 2012 did the pseudo-hunting phenomenon subside.[53]

While pseudo-hunting levels have declined markedly since 2012, there is evidence suggesting that these hunts may still be occurring. For instance, the 2019 IUCN/TRAFFIC report to CITES CoP18 on rhinos identifies discrepancies in the rhino trophy export data provided by South Africa and import data provided by "non-traditional" trophy hunting countries including China, Malaysia, and Kuwait.[54]

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[49] Annamaticus. 2013. A troubling timeline: Rhinos from South Africa to China. Available at: https://annamiticus.com/Reports/TroublingTimeline.pdf
[50] EMS Foundation. 2020. The Breaking Point. Available at: https://emsfoundation.org.za/the-breaking-point-uncovering-south-africas-shameful-live-wildlife-trade-with-china/
[51] DEFF. 2020. Minister Barbara Creecy discusses wildlife exports from South Africa to China with the EMS Foundation and BAT. Available at: https://www.environment.gov.za/mediarelease/creecy_wildlifeexportfromchina_emsfoundationbananimaltrading
[52] Milliken, T. and Shaw, J. 2012. The South Africa – Viet Nam Rhino Horn Trade Nexus: A deadly combination of institutional lapses, corrupt wildlife industry professionals and Asian crime syndicates. TRAFFIC, Johannesburg, South Africa.
[53] Id.
[54] CITES CoP18 Doc. 83.2 Annex 2.

Unscrupulous private rhino owners and others associated with South Africa's wildlife ranching industry have also taken advantage of the trophy hunting framework to engage in the illegal rhino horn trade. The notorious rhino horn trafficker Dawie Groenewald organized dozens of illegal hunts to American hunters on his farm to obtain rhino horn for the illegal trade before attempting to hide the evidence by destroying or selling the rhino carcasses. Groenewald and his brother were indicted by the U.S. Government in 2014 on 18 counts of conspiracy, Lacey Act violations, mail fraud, money laundering, and structuring bank deposits to avoid reporting requirements.[55]

EIA supports the non-consumptive sustainable use of rhinos and urges South Africa to prohibit rhino trophy exports and to work with private rhino owners and the conservation community at-large to develop strategies and incentives that decrease private rhino owners' reliance on trophy hunting revenue for rhino management and protection.

EIA recommends South Africa:

- **Prohibit the hunting of rhinos.**
- **Prohibit rhino trophy exports.**
- **Work with private rhino owners and the conservation community at-large develop non-strategies and incentives that decrease private rhino owners' reliance on trophy hunting revenue for rhino management and protection.**

Elephants

African elephant populations have suffered heavily from poaching over past decades. While more than 1.3 million elephants roamed Africa in the 1970s, at present the population is estimated to be as low as 419,000. African elephants have experienced the worst decline in 25 years (1991-2016) mainly due to escalating poaching starting in 2006, with certain elephant populations in parts of Africa becoming locally extinct and others facing an imminent threat of extinction.[56] African savanna elephants declined by 30 percent between 2007 and 2014 primarily due to poaching driven by the demand for ivory.[57]

South Africa, along with fellow SADC elephant range states like Botswana, Mozambique, and Zambia, has experienced a rise in elephant poaching in recent years according to the CITES CoP18 Monitoring the Illegal Killing of Elephants (MIKE) report.[58] In 2019, South Africa was one of the countries where Elephant Trade Information System (ETIS) ivory seizure data suggested a considerable level of criminal activity.[59] Kruger National Park was identified specifically in the MIKE report as having experienced elevated elephant poaching levels since 2016. The IUCN has also noted an increase in elephant poaching in South Africa since 2008, particularly in Kruger National Park. Indeed, South Africa's recent introduction of Project Ivory in Kruger Park is a recognition of increased poaching there.[60]

The rise in poaching throughout Southern African countries was complemented by high levels of illegal ivory trade from the region according to the CITES CoP18 ETIS report, which found that "considerable quantities of ivory have entered international trade from South Africa". The ETIS report also highlighted the South Africa has been used by criminal networks as a consolidation point for ivory from neighboring

[55] United States Department of Justice. 2014. Owners of Safari Company Indicted for Illegal Rhino Hunts. Available at: https://www.justice.gov/opa/pr/owners-safari-company-indicted-illegal-rhino-hunts
[56] The CITES Secretariat, 2019. REPORT ON MONITORING THE ILLEGAL KILLING OF ELEPHANTS (MIKE). CITES. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-02.pdf
[57] Vulcan Inc. 2016. Great Elephant Census Report. Available at: http://www.greatelephantcensus.com/final-report
[58] I he CITES Secretariat, 2019. REPORT ON MONITORING THE ILLEGAL KILLING OF ELEPHANTS (MIKE). CITES. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-02.pdf
[59] The CITES Secretariat, 2019. REPORT ON THE ELEPHANT TRADE INFORMATION SYSTEM (ETIS). CITES. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-03-R1.pdf
[60] The Citizen. 2019. Kruger Park Launches Project Ivory To Protect Its Elephants. Available at: https://citizen.co.za/news/south-africa/environment/2074262/kruger-park-launches-project-ivory-to-protect-its-elephants/

countries, and the emergence of ivory processing within South Africa and Zimbabwe prior to the ivory being exported to Asia. South Africa is identified by ETIS as a Category C country of concern, which may potentially be requested to participate in the National Ivory Action Plan (NIAP) process to step up the country's efforts in combating the illegal trade in elephant ivory.

South Africa has a very poor record of submitting seizure data to ETIS in recent years owing to the lack of a centralized reporting system and the fact that most provinces continually fail to submit data directly. Thus, South Africa's position in the analysis of illegal ivory trade is certainly clouded by the country's lack of systematic participation in ETIS. The increase in elephant poaching in Kruger National Park raises concerns and focus should be on preemptive action to understand the networks and stop the problem escalating. Implementation of the National Integrated Strategy to Combat Wildlife Trafficking (NISCWT) is a priority action to address many of the identified issues.

Trade in Elephant Ivory

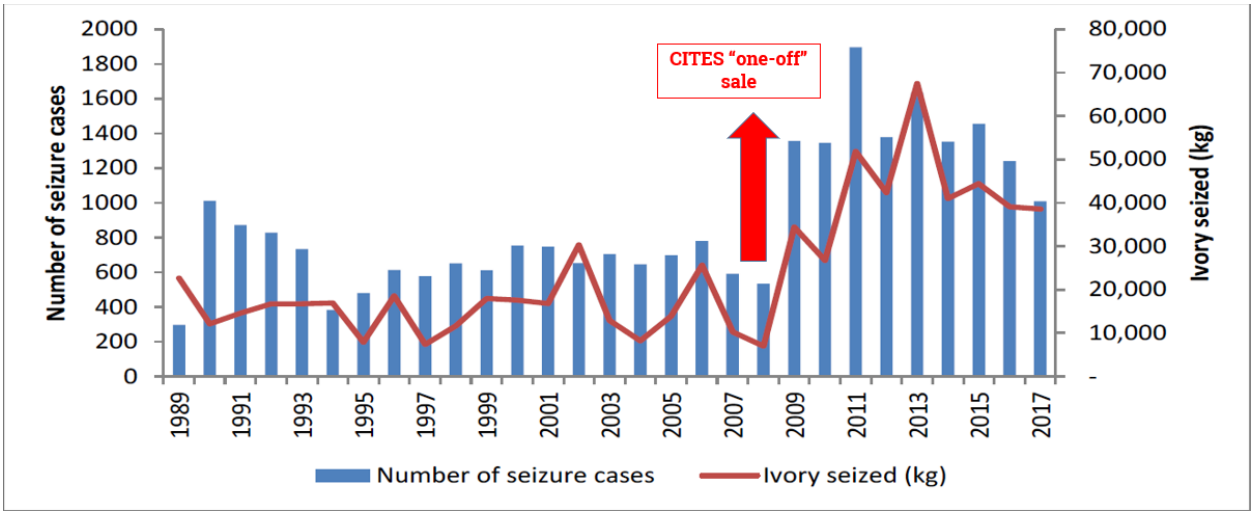
Legal ivory trade does not alleviate elephant poaching nor does it reduce levels of illegal trade. Quite the opposite, legal ivory trade drives elephant poaching by perpetuating demand for ivory, complicates law enforcement, and allows transnational ivory trafficking syndicates to thrive.[61] EIA urges South Africa to support the CITES ivory trade ban and refrain from submitting or supporting any future proposals to CITES that would authorize international trade in ivory.

The international trade in elephant ivory was banned by CITES since 1989 and resulted in sharp declines in elephant poaching rates and ivory prices that allowed elephant populations to begin to recover. Unfortunately, two CITES-approved "one-off" ivory sales and the continued presence of legal domestic ivory markets in consumer countries seriously undermined the ban and set the stage for the rampant poaching of elephants today.

In 1999, CITES conducted its first post-ban ivory sale that saw Botswana, Namibia, and Zimbabwe trade a combined 50 tonnes of ivory to Japan. In 2008 CITES conducted a second "one-off" sale of ivory to Japan and China. South Africa joined Botswana, Namibia, and Zimbabwe as an authorized ivory seller and contributed 51.1 tonnes of ivory to the total 108 tonnes sold.[62]

The CITES ivory sales did nothing to reduce the level of illegal ivory trade and instead severely weakened the international ivory trade ban by generating renewed demand for ivory that instigated widespread elephant poaching that continues today, as illustrated by the diagram below based on ETIS data. After the 2008 ivory sale, African elephants experienced their worst declines in a quarter century as their continental population plummeted by 111,000 from 2006-2015. At the same time, ivory was trafficked on an industrial scale from Africa to consumer markets in Asia. According to the ETIS report to CITES CoP18, nearly 400 tonnes of ivory has been seized globally between 2008 and 2017, equivalent to the deaths of approximately 58,672 elephants.[63]

[61] EIA. 2012. CITES ivory trade system is flawed and drives poaching. Available at: https://eia-international.org/news/cites-ivory-trade-system-flawed-and-drives-elephant-poaching/
[62] CITES. 2008. Ivory sales get the go-ahead. Available at: https://www.cites.org/eng/news/pr/2008/080716_ivory.shtml
[63] The CITES Secretariat, 2019. REPORT ON THE ELEPHANT TRADE INFORMATION SYSTEM (ETIS). CITES. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-03-R1.pdf



The MIKE report for CoP18 concludes that while it is "perhaps impossible" to assess the effects of the CITES authorized ivory sales on elephant populations, there is overwhelming evidence that the sales did exacerbate poaching and ivory trafficking.[64]

Seventy-six percent of Africa's elephants are found in transboundary populations including the populations of the Appendix II countries Botswana, Namibia, Zimbabwe and South Africa. These factors should be taken into consideration in evaluating the impact of future ivory trade on elephants throughout the continent. Poaching and ivory trafficking is a continuing threat to elephants in Appendix II countries and authorizing legal trade would only aggravate the situation in the region. In this regard, it is important to note that the elephant populations of all Appendix II countries (Botswana, Namibia, South Africa and Zimbabwe) are shared with countries whose own elephant populations are on Appendix I, including Mozambique, Angola, and Zambia.

CITES recommends that where there is uncertainty of the impact of trade on the conservation of a species, Parties must 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. At CoP18, CITES Parties voted to uphold the ban on international ivory trade and all around the world countries are closing domestic ivory markets in accordance with CITES Resolution Conf. 10.10 (Rev. CoP18), including China, the United States, the United Kingdom, France, and Singapore. EIA urges South Africa to take a firm position against legal ivory trade and join the majority of CITES Parties and African elephant range states by supporting the implementation of the CITES ban on international ivory trade and closing its domestic ivory markets as a matter of urgency in the best interests of elephant conservation.

EIA recommends South Africa:

- **Prohibit exports of elephant ivory for commercial and non-commercial purposes.**
- **Refrain from offering a proposal to trade in elephant ivory at future CITES Conferences of the Parties.**
- **Close South Africa's domestic ivory market**

Trade in Elephant Skin

EIA is also concerned that elephant skin is currently exported from South Africa to Asian countries such as China for commercial purposes. EIA research has identified an increasing frequency of poaching for

[64] The CITES Secretariat, 2019. Report On Monitoring The Illegal Killing Of Elephants. CITES. Available at: https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-069-02.pdf

elephant skin over the past several years in addition to the poaching for tusks. Elephant skin is used in Chinese traditional medicine as well as sold on the black market for processing into jewelry and decorative items.

Any legal trade in elephant parts will encourage and maintain the illegal market for such products, adding pressure to the survival of this endangered species. EIA therefore recommends the prohibition of trade in elephant skin both domestically in South Africa and commercial export.

EIA recommends South Africa:

- **Prohibit commercial exports of elephant skin.**
- **Prohibit domestic trade of elephant skin.**

Ivory Stockpiles

EIA recommends the destruction of all parts and derivatives of elephants no longer required for enforcement and prosecution purposes. Destruction is the most efficient management practice to address the high costs of securing ivory stockpiles against theft and supports the CITES international trade ban by sending a powerful message that ivory is not a commodity to be bought and sold.

EIA recommends South Africa:

- **Destroy government-held ivory stockpiles.**
- **Encourage the private sector to destroy privately-owned ivory horn stockpiles, possibly by offering government-backed incentives.**

Keeping of Elephants in Captivity

Keeping elephants in captivity is not sustainable. Elephants are social animals that have large families and complex social and psychological needs. They also need vast areas to roam and migrate between. Such conditions are impossible to simulate in captivity. Elephants also have a long reproduction circle. Most captive elephant populations are not self-sustaining due to high mortality, low fertility rates, and low birth rates [65]. Individuals have been regularly taken from the wild to maintain captive populations. There has been no known successful release of captive bred elephants into the wild.[66] Keeping elephants in captivity for exhibition, circuses, travelling display or tourism not only is an animal welfare and ethics issue, but puts further pressure onto elephant populations in the wild.

EIA recommends a stop to the practice of capturing wild elephants for export to zoos and circuses. We object to holding elephants in captivity for circuses and travelling exhibitions. The keeping and breeding of elephants should be restricted to programs and scientific institutions that are part of internationally recognized scientific conservation breeding initiatives, managed via studbooks. The relevant authorities should ensure robust, centralized monitoring and inspection of facilities keeping elephants in captivity to ensure that parts and derivatives do not enter trade.

EIA recommends South Africa:

- **Prohibit the capture of wild elephants for export to zoos, circuses, and any for other purposes that do not contribute to in situ conservation programs.**

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[65] Smithsonian's National Zoo. 2020. *Center For Species Survival - Elephants*. Available at: https://nationalzoo.si.edu/center-for-species-survival/elephants

[66] National Geographic Society Newsroom. 2013. No Ethical Way To Keep Elephants In Captivity. Available at: https://blog.nationalgeographic.org/2013/05/03/no-ethical-way-to-keep-elephants-in-captivity/

- **Restrict the keeping and breeding of elephants in captivity to programs and scientific institutions that are part of internationally recognized scientific conservation breeding initiatives, managed via studbooks.**
- **Implement robust, centralized monitoring and inspection of facilities keeping elephants in captivity to ensure that parts and derivatives do not enter trade.**

Hunting of Elephants

Elephant hunting and trophy exports create loopholes for the laundering of illegal ivory as legal hunting trophies. It also provides a window for the sourcing of ivory for the illegal market; for example, a previous study suggests that some traders in Africa would hire licensed hunters to obtain parts of protected species to be sold illegally.[67]

EIA recommends South Africa:

- **Prohibit the hunting of elephants.**
- **Prohibit elephant trophy exports.**

[67] Soewu, D. and Ayodele, I., 2009. Utilisation of Pangolin (Manis sps) in traditional Yorubic medicine in Ijebu province, Ogun State, Nigeria. *Journal of Ethnobiology and Ethnomedicine*, 5(1).