

DEHORNING OF RHINO AND TRADE IN HORN – DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) PERSPECTIVE

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The South African Constitution, in the Bill of Rights, states in section 24 on the Environment that everyone has the right- ... (b) to have the environment protected, for the benefit of present and future generations, **through reasonable legislative and other measures** that (ii) promote conservation; and (iii) secure ecologically sustainable development and **use of natural resources** while promoting justifiable economic and social development.

National Environmental Management: Biodiversity Act (NEMBA), 2004 regulates restricted activities which are permitted under the Threatened or Protected Species regulations (TOPS) and which include: hunting, catching, capturing or killing any living specimen of a listed TOPS species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen; importing, exporting or re-exporting, having in possession or exercising physical control over any TOPS listed specimen, conveying, moving or otherwise translocating, selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen and any other prescribed activity which involves a specimen of a TOPS listed specimen.

Threatened or Protected Species regulations

Both black and white rhino are listed on TOPS, thus regulated under TOPS. There are prohibited activities involving rhino in regulation 24 of TOPS, prohibited methods of hunting in regulation 26 and compulsory registration requirements in regulation 27.

International trade is regulated under: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which is in place for member states wishing to control / regulate international trade in CITES listed species. South Africa published CITES regulations in March 2010.

Dehorning: The outcome of the discussion on dehorning at the Rhino Summit held in November 2010 included that the DEA commission a dehorning impact study, that dehorning can be considered as an interim security measure subject to the requirements of the law and where feasible and that no dehorning should be allowed in National Parks.

Outcomes of Minister's Rhino Summit held in October 2010

The outcome of the discussion on possible legal trade at the Rhino Summit included that a study to determine the feasibility and viability of the legal trade in rhino horn will be commissioned. Should the outcome of the study be positive and the Minister of Water and Environmental Affairs decides that a process of legalising the trade in rhino horn should be initiated, the following will have to be done: cabinet approval for the process, approval by the National Scientific Authority before South Africa can submit such a proposal to the CITES Conference of Parties, and lobbying of CITES Parties for support of a rhino horn trade proposal will have to take place well before the Conference of Parties. The DEA realises that in accordance with the Constitution, rhino horn is a renewable resource which could potentially be used in a sustainable manner and will, in line with the outcomes of the Ministers Rhino Summit, commission the study on legal trade in rhino horn.