



















CPHC-SA CONFERENCE & AGM: 27 & 28 NOVEMBER 2023

LEGISLATIVE OVERVIEW





Abbreviation & full reference

| Addreviation & full reference | | | | |
|-------------------------------------------------------------------------------------|--------|----------------------------------------------------------------|----------|--|
| 1. Biodiversity Management Pan | ВМР | 8. Norms and Standards | N&S | |
| 2. Convention on International Trade in Endangered Species of Wild Fauna and Flora | CITES | 9. Restricted Activity | RA | |
| 3. Chief State Law Advisors | CSLA | 10. South African National Parks | SANParks | |
| 4. National Environmental Management Act, 1998 (Act No. 107 of 1998 | NEMA | 11. South African National Biodiversity Institute | SANBI | |
| 5. National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004) | NEMBA | 12. Department of Agriculture, Land Reform & Rural Development | DALRRD | |
| 6. National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003) | NEMPAA | 13. Socio-Economic Impact Assessment | SEIA | |
| 7 National Council of Provinces | NCOD | 14. Threatened of Protected | TOPS | |

Species

NCOP



7. National Council of Provinces



TOPS

Constitution

International Agreements

Constitutiona I Acts: PAJA

Policies: White Paper





Provincial acts/ordinances





Legislative principles

- Nature conservation = concurrent competence
 - Both national and provincial spheres of government have the legal mandate to develop and implement conservation legislation
 - National legislation does not automatically prevail over provincial legislation
 - Constitution provides for the resolution of conflict (section 146)
- Functional Areas of Concurrent National and Provincial Legislative Competence = Schedule 4 of the Constitution of the Republic of South Africa
- Necessary empowering provisions must be provided in NEMBA





Legislative principles

| Legislative tool | Enabler | Example |
|------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| NEMBA | To prohibit, regulate or exempt a restricted activity (RA) | Permit required to hunt a leopard Prohibited to collect cycads from the wild |
| Regulations (TOPS and CITES Regulations) | Prohibit a RA in certain circumstances | Prohibit the hunting of a listed large predator in a controlled environment |
| Norms and Standards (section 9 intends N&S to be enforceable) | How a RA may be carried out | Parameters in which a leopard may be hunted Specifications for keeping of an elephant |





NEMBA

Regulations

Norms and Standards

Prohibition Notice

Biodiversity Management Plan

TOPS
Regulations
CITES
Regulations

Marking of rhino and horns, and hunting of rhino Cycad prohibitions

African lion

AIS Regulations BABS Regulations

Management of elephants in South

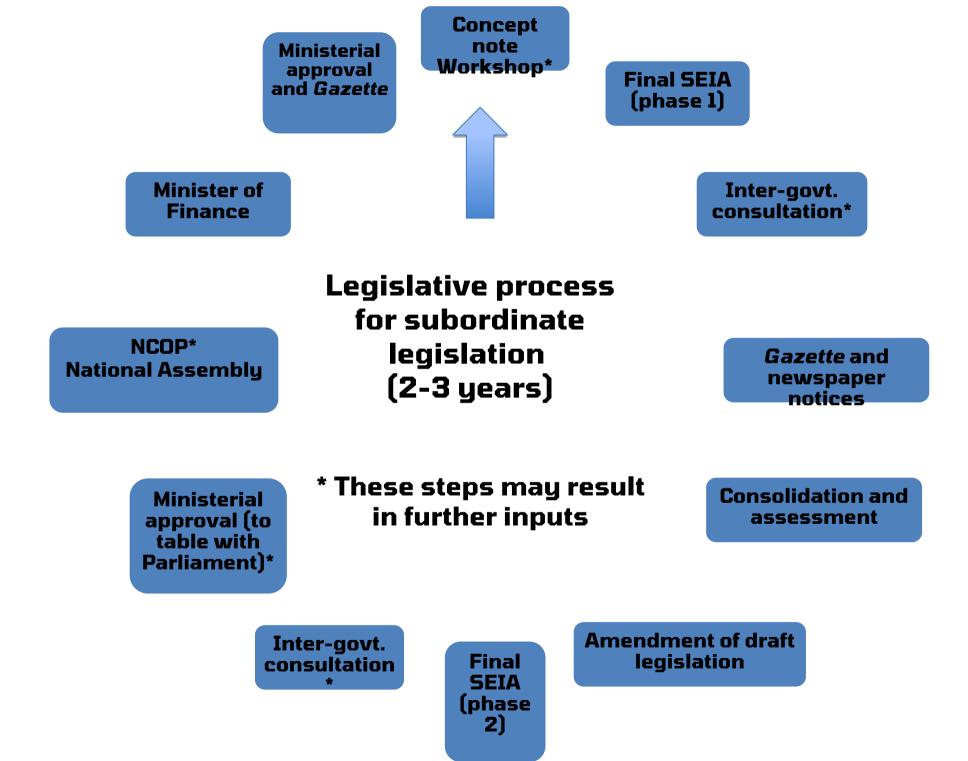
Powdering or shaving of rhino horn, and trade in powder

Black rhino White rhino

Domestic rhino horn trade Regulations

Trophy hunting of leopard

Cape mountain zebra



Who are stakeholders?

- Conservation authorities:
 - SANParks and SANBI
 - Provincial conservation authorities
- Other affected departments, e.g. DALRRD
- Organised industry (e.g. Wildlife Forum, Wildlife Well-being Forum, People and Parks)
- Communities, Traditional Leaders and Healers
- Interested and affected parties/ public
- General approach to stakeholder workshops:
 - Government
 - Industry organisations
 - Roadshows (solicit inputs & feedback sessions)
 - General public





Progress on legislation and other tools





Policies Progress White Paper on Conservation and Published on 14 June 2023 for implementation Sustainable Use of South Africa's Gazette No. 48785, Notice No. 3537 Copy available on www.dffe.gov.za Biodiversity Draft Policy Position on the • Published on 19 September 2023, for public comment Conservation and Sustainable Use Gazette No. 49322 of Elephant, Lion, Leopard and Commenting period closed on 20 November 2023 Rhinoceros Legislation **Progress** Inter-governmental consultation concluded • Submitted to the Chief State Law Advisors for Pre-Draft NEMBA Bill (comprehensive Certification review of NEMBA) Next step: Cabinet approval to publish for public comment

Draft revised TOPS Regulations and species list

Publication anticipated in April 2024
 TOPS Regs - Gazette No. 49469/ Species list - Gazette No. 49470
 Commenting period closed on 21 November 2023





Legislation

Progress

Draft lion prohibition notice – prohibition to establish new controlled environments (including facilities) for lion

Published on 29 September 2023 for public comment

Gazette No. 49383 Commenting period closed on 21 November

2023

Inter-governmental consultation in Oct/

Review of the cycad prohibition notice

Nov 2023 To be published for public comment in January 2024

Revised N&S for the management of elephants in South Africa

To be re-published for implementation together with the finalised revised TOPS

N&S for the trophy hunting of leopard in South Africa

Regulations and species list

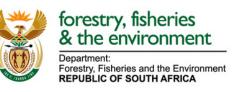
To be initiated in April 2024

N&S for management of elephant, rhino, lion and leopard



forestry, fisheries & the environment EPUBLIC OF SOUTH AFRICA

| Other tools/ processes | Progress |
|---------------------------------|------------------------------------------------------------------------------------------------------------------|
| Plans (BMP) for white and black | U1 September 2U23 Draft BMPs are being developed |
| Review of BMP for lion | Procurement process to appoint a service provider is in process |
| Leopard Conservation Strategy | in processLong-term goal is to develop a Biodiversity |
| South Africa | Phase 2: Research work by UPE and UKZN completed; stakeholder consultations held in 2022 |
| National Elephant Heritage | elephants completed – 2021/2022 |
| Strategy | First draft of the strategy is ready for another round |





Other tools/ processes

Progress

Draft National Vulture BMP

• Inter-governmental structure consultation underway to seek approval.





THANK YOU! Thank You



