

**MINISTRY : ENVIRONMENTAL AFFAIRS AND TOURISM
REPUBLIC OF SOUTH AFRICA**

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Ref. MC20917

Ms Gerda Verburg
Minister of Agriculture, Nature and Food Safety
c/o The Royal Netherlands Embassy
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Dear Ms Verburg

**ENQUIRY ON THE REGULATION OF THE GAME FARMING AND HUNTING INDUSTRY IN
SOUTH AFRICA**

I refer to your letter dated 9 July 2008 with regard to the above.

Thank you very much for the interest shown in South Africa's experiences and policies on trophy hunting. In 2005 I appointed a Panel of Experts on hunting to assist me in making decisions on how to address hunting in South Africa. As you might know, the Constitution of South Africa allows for the sustainable utilisation of natural resources and hunting is recognized as one of the tools in both wildlife management and sustainable utilization.

According to the Constitution of South Africa nature conservation is a concurrent competency, providing authority to both the national and provincial sphere of government to develop and implement policies and legislation relating to environmental matters. In terms of legislation, owners of adequately fenced private game farms can claim ownership of the game, with the exception of a few species, on their land.

Regulations pertaining to threatened or protected species (TOPS), which were promulgated under the National Environmental Management: Biodiversity Act (Act 10 of 2004) (NEMBA) entered into force on 1 February 2008. Although the TOPS regulations have been promulgated in terms of national legislation, it is uniformly implemented and will be enforced on a provincial level by the nine provincial conservation departments.

In terms of these regulations a permit is required of the hunting of any of the specimens listed as threatened or protected. However, canned hunting, which refers to the hunting of certain listed captive bred species within a period of 24 months after release from the captive environment, is explicitly prohibited, in which case a permit may not be issued. The regulations further prohibit the bow hunting of certain thick skinned species, the use of certain calibres of rifles, the use of certain equipment for the purpose of hunting, as well as the hunting of listed specimens under certain conditions.

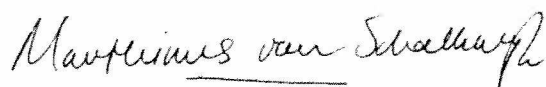
NEMBA makes provisions for the development and publication of Norms and Standards for the achievement of any of the objectives of the Act such as the hunting industry and also for the making of regulations relating to various issues in the Act. NEMBA also makes provision to prohibit the carrying out of any activity that by nature may negatively impact on the survival of a TOPS species. I have used this provision to prohibit the selling of individual rhinoceros horns in South Africa and to implement a special procedure for the hunting and export of White rhinoceros trophies.

Trophy hunting is implemented and regulated in terms of provincial legislation, which had been developed with the specific intent to protect the interest of the foreign hunter. Only a registered hunting outfitter may organize the hunt of a wild animal for a foreign hunter, and only a registered professional hunter may accompany a foreign hunter during the hunt. It is a legal requirement for the hunting outfitter to enter into a written agreement with his/ her client before commencement of the hunt, and for the professional hunter to complete a hunting register after completion of the hunt.

The National Council of the Societies for the Prevention of Cruelty to Animals (NSPCA) is the main regulator of animal welfare legislation which falls under the jurisdiction of the National Department of Agriculture. The NSPCA further has the mandate to enforce legislation specifically applicable to the rights and welfare of any animal, whether wild or domesticated. When any legislation that might affect the welfare of wild animals is developed, the NSPCA is involved as an interested and affected party during the drafting process to provide input on the welfare matters.

The above information is merely a brief explanation of the authority of the two different spheres of government responsible for the development and implementation of biodiversity legislation relating to the hunting and wildlife industry and the involvement and authority of the NSPCA. Please do not hesitate to contact the Deputy Director General: Biodiversity and Conservation, Mr. Fundisile Mketeni on e-mail at fmketeni@doat.gov.za should you need detailed information or copies of the Act and Regulations pertaining to hunting. Some of these policies can also be accessed via our government website under my department for further details.

Kind regards



MARTHINUS VAN SCHALKWYK, MP
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

27 AUG 2008

Uitendelike groete!