



## REPUBLIC OF SOUTH AFRICA

### **SOCIO-ECONOMIC IMPACT ASSESSMENT SYSTEM (SEIAS)**

#### **REVISED (2020): FINAL IMPACT ASSESSMENT TEMPLATE –PHASE 2**

#### **NAME OF THE PROPOSAL: DRAFT PROHIBITION OF CERTAIN ACTIVITIES INVOLVING AFRICAN LION (*Panthera leo*)**

1. Please DO NOT ALTER the template and questionnaire
2. Date must be clearly indicated
3. Draft SEIAS report should have a watermark word DRAFT indicating the version and should be accompanied by the supporting documents (draft proposal, M&E plan and pieces of research work)
4. FINAL report will be in PDF format and will be inclusive of the sign-off
5. FINAL report will have the approval stamp of the Presidency on the front cover and will include the signoff
6. Sign off forms are only valid for a period of six months.
7. Bills and Regulations that introduce permitting, licensing and registration system must be accompanied by a streamlined process map and indicate the proposed turnaround time for processing of such.

The Minister of Forestry, Fisheries and the Environment (the Minister) appointed a High-Level Panel (HLP) in October 2019 to review policies, legislation and practices relating to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros. The HLP's report and recommendations were adopted by Cabinet in April 2021, and released to the public on 02 May 2021.

The following goal was adopted in respect of captive lions in particular:

*“South Africa does not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially.”*

The HLP made the following recommendations in respect of captive lions to achieve the above-mentioned goal:

*“Minister puts in place a process to halt and reverse the domestication of our iconic lions, through captive lion keeping, breeding, and commercial use, putting in place ethical and humane procedures for euthanasia of existing captive lions;*

*and*

*Minister puts in place policy decisions for an immediate halt to (1) the sale of captive lion derivatives, including the appropriate disposal of existing lion bone stockpiles and lion bone from euthanised lions, (2) the hunting of captive bred lions, and (3) tourist interactions with captive lions, including, so-called, ‘volun-tourism’, cub petting, etc.*

*and*

*The Minister engages with other Departments and the SETAs to identify mechanisms to protect employment of workers on captive lion facilities, including redeployment to other components of the wildlife sector, repurposing/retraining, and/or incorporation into the agricultural sector.”*

Some of the key issues highlighted by the HLP that provided context to the above-mentioned recommendations, include the following:

- (a) reference to the Colloquium on Captive Lion Breeding for Hunting in South Africa: harming or promoting the conservation image of the country, which was hosted by the Portfolio Committee on Environmental Affairs in 2018, and which resolved that *“The Department of Environmental Affairs should as a matter of urgency initiate a policy and legislative review of Captive Breeding of Lions for hunting and Lion bone trade with a view to putting an end to this practice”*;
- (b) the captive lion industry threatened South Africa's reputation as a leader in the conservation of wildlife;
- (c) the housing of wild or captive-bred lion is perceived as the domestication of lion as a species;
- (d) the captive lion industry does not contribute to the conservation of wild lions;
- (e) the trade in lion derivatives poses major risks to wild lion populations in South Africa; and

- (f) there are demonstrable zoonotic risks associated with the intensive keeping and breeding of lions.

The Minister has initiated a process of putting in place a policy and legislative framework for the phasing out of the captive lion industry. In this regard, the Minister has:

- a) established a Task Team in December 2022 in terms of section 3A of the National Environmental Management Act, 1998 (Act No. 107 of 1998), to identify and recommend voluntary exit strategies and pathways for the captive lion industry. The exit strategy must consider, among others, all possible exit options and voluntary disposal of lions in existing captive facilities. The work of the Ministerial Task Team concludes on 31 December 2023;
- b) published the White Paper on the Conservation and Sustainable Use of South Africa's Biodiversity (the White Paper) in Government *Gazette*, No. 48785, for implementation on 14 June 2023. The White Paper provides a broad policy context with four goals, namely Enhanced Biodiversity Conservation, Sustainable Use, Equitable Access and Benefit Sharing, and Transformed Biodiversity Conservation and Sustainable Use. As with the Colloquium and HLP report, the White Paper identified, among the challenges, "*Practices within the sector that have brought the country into disrepute*", which includes actions that compromise animal well-being; and
- c) developed the draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros (the draft Policy Position). The draft Policy Position intends to establish a specific policy intent that will further inform a legislative review with regards to the management of elephant, lion, leopard and rhinoceros.

It has become critical to implement appropriate measures to avoid the establishment of new captive facilities for lion whilst a broader process of policy and legislative developments is underway to phase out the captive lion industry, in accordance with the aforementioned delineated processes.

In respect of the above, the Minister intends to put in place a prohibition in terms of section 9A of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) that prohibits the establishment and registration of new captive facilities for lion (hereinafter referred to as the proposed prohibition notice). Section 9A of NEMBA enables the Minister to prohibit an activity that may negatively impact on the well-being of an animal, in this case lions in controlled environments. Section 9A is one of the amendments to NEMBA, as part of the National Environmental Management Laws Amendment Act, 2022 (Act No. 02 of 2022) (NEMLAA), that was published in the Government *Gazette*, No. 46602, of 24 June 2022. These amendments were promulgated into law by Notice No. 125, published in the Government *Gazette*, No. 48869, of 30 June 2023.

## **PART ONE: ANALYSIS FOR FINAL SEIAS REPORT**

*Please keep your answers as short as possible. Do not copy directly from any other document.*

### **1. Conceptual Framework, Problem Statement, Aims and Theory of Change**

The high level final comprehensive SEIA has been undertaken for the draft Policy Position. This SEIA intends to address issues relating to one of the objectives of the draft Policy Position involving captive lion facilities/industry.

1.1. What socio-economic problem does the proposal aim to resolve?

1.2. What are the main root causes of the problem identified above?

What socio-economic problem does the proposal aim to resolve	What are the main roots or causes of the problem
<p>South Africa’s reputational damage as a world leader in biodiversity conservation and sustainable use due to practices within the captive lion industry that has brought the country into disrepute.</p>	<p>Absence, until recently, of a legislative mandate to regulate the well-being of wild animals in terms of NEMBA, which enabled the following practices to develop and continue lawfully:</p> <ul style="list-style-type: none"> <li>• The intensive and selective captive breeding of lion;</li> <li>• Hunting of captive-bred lion;</li> <li>• International commercial trade in lion bones and other lion derivatives;</li> <li>• Tourists interactions with captive lions and lion cubs.</li> </ul>

1.3. Summarise the **aims** of the proposal and **how** it will address the problem in no more than five sentences.

The proposed prohibition notice is intended to prohibit the establishment of new captive facilities (captive breeding facilities, commercial exhibition facilities, rehabilitation facilities and sanctuaries) for lion, unless such facility is intended to provide a public function or operate on a non-profit basis. The proposed prohibition further intends to prohibit the keeping of lion in any other new controlled environment that is not specifically a captive facility.

1.4. How is this proposal contributing to the following national priorities?

National Priority	Impact
Economic transformation and job creation	<ul style="list-style-type: none"> <li>• The captive lion industry in South Africa makes a relatively negligible contribution to the country's economy and transformative efforts.</li> <li>• The proposed prohibition notice is not aimed at addressing transformation and job creation. However, halting establishment of new captive lion facilities may lead to loss of potentially new employment opportunities. Since these opportunities are limited, the impact of the proposed prohibition notice will be negligible.</li> </ul>
Education, skills and health	The proposed prohibition notice will not have an impact on education, skills and health.
Consolidating the social wage through reliable and quality basic services	The proposed prohibition notice will not have an impact on the social wage.
Spatial integration, human settlements and local government	The proposed prohibition notice will not have an impact on spatial integration, human settlements and local government.
Social cohesion and safe communities	Prohibiting the establishment of new captive lion facilities will be regarded as a positive step from a moral, ethical and humane perspective for many South Africans, which could render support to the South African government in its conservation efforts.
Building a capable, ethical and developmental state	Taking immediate steps to prohibit the captive lion industry from growing, while a broader policy and legislative process are being put in place to phase out this industry, could assist to improve or restore South

National Priority	Impact
	Africa's reputation as a world leader in biodiversity conservation and sustainable use.
A better Africa and world.	Enhanced South African reputation as a world leader in biodiversity conservation and sustainable through improvement of the duty of care towards lion

1.5. Please describe how the problem identified could be addressed if this proposal is not adopted. At least one of the options should involve no legal or policy changes, but rather rely on changes in existing programmes or resource allocation.

<b>Option 1.</b>	The Minister to put in place well-being standards to be considered by the captive lion industry.
<b>Option 2.</b>	Maintain the status quo of allowing captive breeding and keeping of lions under the current legislative regime.

## PART TWO: IMPACT ASSESSMENT

**2. Policy/Legislative alignment with other departments, behaviours, consultations with stakeholders, social/economic groups affected, assessment of costs and benefits and monitoring and evaluation.**

2.1. Are other government laws or regulations linked to this proposal? If so, who are the custodian departments? Add more rows if required.

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
<p>NEMBA, and its subordinate legislation:</p> <ul style="list-style-type: none"> <li>Threatened or Protected Species Regulations (TOPS Regulation)</li> </ul>	<p>Department of Forestry, Fisheries and the Environment (DFFE)</p>	<p>Restricted activities intended to be prohibited such as breeding or keeping of live lion in a new controlled environment are currently require permits in terms of NEMBA and are regulated through the TOPS Regulations</p>	<p>Restricted activities proposed to be prohibited in terms of the proposed prohibition notice such as breeding or keeping of live lion in new controlled environments are currently permitted in terms of the NEMBA. No conflict is anticipated, as permits for applications for the establishment of new facilities or permits for keeping of lion in new controlled environments, must then be refused by the issuing authority.</p> <p>The Minister is now empowered in terms of section 9A of NEMBA to prohibit any activity that may negatively impact on the well-being of an animal, in this case, lions in controlled environment.</p> <p>The proposed prohibition notice does not intend to prohibit restricted activities in the existing captive lion facilities.</p>
<p>Provincial Acts/ Ordinances</p>		<p>Some activities intended to be prohibited are</p>	<p>Activities proposed to be prohibited are</p>



Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
<p>regulating biodiversity matters:</p> <ul style="list-style-type: none"> <li>• Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003)</li> <li>• Transvaal Nature Conservation Ordinance, 1983 as amended by Gauteng General Laws Amendment Act, 2004 (Ordinance No. 12 of 2004)</li> <li>• Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998); and</li> <li>• Mpumalanga Nature Conservation Regulations, 1998</li> <li>• Transvaal Nature Conservation Ordinance, 1983</li> <li>• and</li> </ul>	<ul style="list-style-type: none"> <li>• Limpopo Department of Economic Development, Environment and Tourism (LEDET)</li> <li>• Gauteng Department of Agriculture, Rural Development and Environment (GDARDE)</li> <li>• Mpumalanga Department of Economic Development, Environment Affair and Rural Development (DEDEARD) and its agency Mpumalanga Tourism and Parks Agency)</li> <li>• Northwest Department of Economic Development, Environment,</li> </ul>	<p>already regulated in terms of provincial Acts/ Ordinances</p>	<p>permitted in terms of the provincial Acts/Ordinances. Conflict may arise when permits for new facilities, or the keeping of lion in other new controlled environments, may be issued in terms of provincial legislation, but must be refused in terms of NEMBA.</p> <p>The proposed prohibition notice will be consulted with the provincial conservation authorities, and the proposed prohibition notice will be subject to the National Council of Provinces (NCOP) for approval in terms of section 146 of the Constitution of the Republic of South Africa that deals with conflict between national and provincial legislation. If the proposed prohibition notice is approved by the NCOP, the</p>

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
<ul style="list-style-type: none"> <li>• Boputhatswana Nature Conservation Act, 1973 (Act No. 3 of 1973).</li> <li>• Free State Nature Conservation Ordinance No. 8 of 1969; and</li> <li>• Nature Conservation Regulations, 1983.</li> <li>• Northern Cape Nature Conservation Act, 2009, Act No. 9 of 2009;</li> <li>• Northern Cape Nature Conservation Regulations, 2012</li> <li>• KwaZulu-Natal Nature Conservation Management Act, 1997 (Act No. 9 of 1997);</li> <li>• Nature Conservation Ordinance 15 of 1974.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Tourism (DEDECT)</li> <li>• Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTE A)</li> <li>• Northern Cape Department of Agriculture, Environmental Affairs and Rural Development and Land Reform ( )</li> <li>• KZN Department of Economic Development, Tourism and Environmental Affairs, and its agency (Ezemvelo KwaZulu-Natal Wildlife)</li> </ul>		<p>prohibition, when implemented, will prevail over provincial legislative provisions.</p> <p>The Minister will formally communicate, in writing, with all Members of the Executive Council (MECs) informing them of her intent to issue the proposed prohibition notice and impact thereof on the issuance permits.</p>

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
<ul style="list-style-type: none"> <li>• Nature Conservation Act, 1987;</li> <li>• Nature and Environmental Conservation Ordinance No. 19 of 1974; and</li> <li>• Decree No. 9 (Environmental Conservation) of 1992.</li>   <li>• Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No3 of 2000);</li> <li>• Nature Conservation Ordinance No. 19 of 1974.</li> </ul>	<ul style="list-style-type: none"> <li>• Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEAT</li>   <li>• Western Cape Department of Environmental Affairs and Development Planning and its entity (CapeNature)</li> </ul>		
<p>Animals Protection Act, 1962 (Act No. 71 of 1962) (APA)</p>	<p>Department of Agriculture, Rural Development and Land Reform (DALRRD)</p>	<p>The APA prohibits the confinement of lion in circumstances, among others, that:</p> <ul style="list-style-type: none"> <li>• cause unnecessary suffering; or</li> <li>• in dirty or parasitic conditions.</li>   <li>• The APA further empowers the</li> </ul>	<p>The APA does not regulate or prohibit the keeping of lion in captive facilities or other controlled environments <i>per se</i> – it only prohibits the circumstances in which lion may not be kept. No regulations currently exist in terms of the APA with regards to the captive keeping of lion.</p>

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
		<p>Minister responsible for agriculture at national level, to make regulations pertaining to the method and form of confinement and accommodation of lion</p>	<p>The DFFE and DALRRD have entered into an MOU to collaborate on matters of mutual interest, amongst others, activities provided for in the proposed prohibition notice.</p> <p>The Minister will formally communicate, in writing, with the Minister of ALRRD, the Minister's intention to phase out captive lion industry.</p>
<p>Performing Animals Protection Act, 1935 (Act No. 24 of 1935) (PAPA)</p>	<p>DALRRD</p>	<p>The PAPA makes provision for the issuing of licenses for the purpose of exhibiting animals.</p> <p>The TOPS Regulations compel the registration of commercial exhibition facilities (e.g. zoos)</p>	<p>Potential for conflict may arise if NEMBA prohibits the establishment of new commercial exhibition facilities for lion, while the PAPA makes provision for the licence to be issued.</p> <p>The potential for conflict will be addressed through the MOU between the DFFE and DALRRD.</p>
<p>Animal Improvement Act, 1998 (Act No. 62 of 1998) (AIA)</p>	<p>DALRRD</p>	<p>Most of the activities intended to be prohibited, such as breeding are already</p>	<p>If lion is included as a landrace breed in Table 7 of the regulations of the AIA, breeding of lion will be permitted in</p>

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
		regulated in terms of AIA	<p>terms of the AIA, while the establishment of new captive breeding facilities for lion will be prohibited in terms of NEMBA.</p> <p>The potential for conflict will be addressed through the MOU between the DFFE and DALRRD.</p> <p>The Minister will formally communicate, in writing, with the Minister of ALRRD, the Minister's intention to phase out captive lion industry.</p>

2.2. Proposals inevitably seek to change behaviour in order to achieve a desired outcome. Describe (a) the behaviour that must be changed, and (b) the main mechanisms to bring about those changes. These mechanisms may include modifications in decision-making systems; changes in procedures; educational work; sanctions; and/or incentives.

a) What and whose behaviour does the proposal seek to change? How does the behaviour contribute to the socio-economic problem addressed?

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
<p>South Africa's reputational damage as a world leader in biodiversity conservation and sustainable use due to practices within the captive lion industry that has brought the country into disrepute.</p>	<ul style="list-style-type: none"> <li>• Captive keeping and breeding of lion</li> <li>• Hunting of captive-bred lions</li> <li>• Trade in captive lion derivatives</li> <li>• Maintenance of poor welfare standards in many captive lion facilities</li> <li>• Petting of lions</li> <li>• Handling of lions</li> <li>• Walking with lions</li> </ul>	<ul style="list-style-type: none"> <li>• Owners of captive lion facilities</li> <li>• Hunting outfitters marketing the hunting of captive-bred lion</li> <li>• Foreign and local hunters who hunt captive-bred lion</li> <li>• Professional hunters who accompany hunting clients on these hunts</li> <li>• Traders and taxidermists</li> </ul>	<ul style="list-style-type: none"> <li>• Although some operators may implement acceptable well-being practises, the intensive breeding of lion in controlled environments, and the commercial exploitation of captive or captive-bred lions affect their well-being.</li> <li>• The continuation of keeping and breeding of lion in controlled environments will continue to affect the well-being of captive lions and will continue to enable the practices that have affected South Africa's conservation reputation, such as hunting of captive-bred lion, commercial exploitation of live lions and their</li> </ul>

Identified Problem	Behaviour giving rise to the identified problem	Groups whose behaviour the proposal seek to change?	How does the behaviour contribute to the problem?
			derivatives, and tourist activities such as cub-petting.

b) How does the proposal aim to bring about the desired behavioural change?

The proposed prohibition notice intends to prohibit the establishment and registration of new captive breeding facilities, commercial exhibition facilities, rehabilitation facilities or sanctuaries, unless the facilities provide a public function of operate on a non-profit basis. The proposed prohibition notice further intends to prohibit the introduction and keeping of a live specimen of African lion in any other new controlled environment. This will ensure that, while a broader policy and legislative process is underway that is intended to achieve similar behavioural changes in respect of the existing captive lion industry, the industry is prevented from further expansion.

### 2.3. Consultations

- a) Who has been consulted inside of government and outside of it? Please identify major functional groups (e.g. business; labour; specific government departments or provinces; etc.); you can provide a list of individual entities and individuals as an annexure if you want.

#### Consulted Government Departments, Agencies and Other Organs of State

Department's name	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs</u> <u>and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal? If yes, under which section?
Intergovernmental processes	Support by all provinces for	Support	Not applicable	Not applicable

	public comment of the proposed prohibition notice			
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### Consulted stakeholders outside government

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these <u>amendments</u> been <u>incorporated</u> in your proposal?

- b) Summarise and evaluate the main disagreements about the proposal arising out of discussions with stakeholders and experts inside and outside of government. Do not give details on each input, but rather group them into key points, indicating the main areas of contestation and the strength of support or opposition for each position

No areas of contestation at this point in time.

- 2.4. Describe the groups that will benefit from the proposal, and the groups that will face a cost. These groups could be described by their role in the economy or in society. Note: NO law or regulation will benefit everyone equally so do not claim that it will. Rather indicate which groups will be expected to bear some cost as well as which will benefit. Please be as precise as possible in identifying who will win and who will lose from your proposal. Think of the vulnerable groups (disabled, youth women, SMME), but not limited to other groups.

List of beneficiaries (groups that will benefit)	How will they benefit?
South Africans in general	<ul style="list-style-type: none"> <li>Improved reputation of South Africa as a world leader in biodiversity conservation and sustainable use, by preventing the captive lion industry from growing.</li> </ul>
DFFE	<ul style="list-style-type: none"> <li>By ensuring there is no further growth of the captive lion industry, it may foster improved collaboration for South Africa at international level.</li> </ul>
DALRRD	<ul style="list-style-type: none"> <li>The proposed prohibition notice will ensure there is no further growth in the captive lion industry, thereby ensuring that there is no additional capacity</li> </ul>



	pressure resulting from compliance monitoring and enforcement activities in terms of the APA and PAPA.
Department of Tourism	<ul style="list-style-type: none"> <li>Increased opportunities; improved reputation could assist to stimulate growth of the tourism sector and mitigate reputational risks.</li> </ul>
Provincial conservation authorities	<ul style="list-style-type: none"> <li>The proposed prohibition notice will ensure there is no further growth in the captive lion industry, thereby ensuring that there is no additional capacity pressure resulting from permitting, compliance monitoring and enforcement activities.</li> </ul>
Parties to Multilateral Environmental Agreements to which South Africa is also a party.	<ul style="list-style-type: none"> <li>Confidence in South Africa's ability to conserve and utilise biodiversity in a responsible manner.</li> </ul>
Wildlife Well-being stakeholders	<ul style="list-style-type: none"> <li>The proposed prohibition notice initiates a process of correcting practices that negatively affect the well-being of lions.</li> </ul>
Wildlife industry	<ul style="list-style-type: none"> <li>Increased opportunities; improved reputation will stimulate growth and mitigate reputational risks.</li> </ul>

List of cost bearers (groups that will bear the cost)	How will they incur / bear the cost
There are no cost bearers, as the proposed prohibition notice does not affect any existing captive facilities or other existing controlled environments.	

2.5. Describe the costs and benefits of implementing the proposal to each of the groups identified above, using the following chart. Please do not leave out any of the groups mentioned, but you may add more groups if desirable. Quantify the costs and benefits as far as possible and appropriate. Add more lines to the chart if required.

*Note: "Implementation costs" refer to the burden of setting up new systems or other actions to comply with new legal requirements, for instance new registration or reporting requirements or by initiating changed behaviour. "Compliance costs" refers to on-going costs that may arise thereafter, for instance providing annual reports or other administrative*

actions. The costs and benefits from achieving the desired outcomes relate to whether the particular group is expected to gain or lose from the solution of the problem.

For instance, when the UIF was extended to domestic workers:

- The implementation costs were that employers and the UIF had to set up new systems to register domestic workers.
- The compliance costs were that employers had to pay regularly through the defined systems, and the UIF had to register the payments.
- To understand the inherent costs requires understanding the problem being resolved. In the case of UIF for domestic workers, the main problem is that retrenchment by employers imposes costs on domestic workers and their families and on the state. The costs and benefits from the desired outcome are therefore: (a) domestic workers benefit from payments if they are retrenched, but pay part of the cost through levies; (b) employers pay for levies but benefit from greater social cohesion and reduced resistance to retrenchment since workers have a cushion; and (c) the state benefits because it does not have to pay itself for a safety net for retrenched workers and their families.

<b>Group</b>	<b>Implementation costs</b>	<b>Compliance costs</b>	<b>Costs/benefits from achieving desired outcome</b>	<b>Comments</b>
South Africans in general	None anticipated	None anticipated.	Improved management of the lions, thereby improving South Africa's reputation as a world leader in biodiversity conservation and sustainable use	

DFFE	<ul style="list-style-type: none"> <li>Costs pertaining to public consultations and publications of Gazette and newspaper notices</li> </ul>	<ul style="list-style-type: none"> <li>Cost associated with monitoring compliance with, and enforcement of, the proposed prohibition notice</li> </ul>	<ul style="list-style-type: none"> <li>The proposed prohibition notice will ensure there is no further growth in captive lion facilities.</li> </ul>	
DALRRD	None anticipated.	None anticipated.	The proposed prohibition notice focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote well-being of lions.	
Department of Tourism	None anticipated	None anticipated	Increased opportunities; improved reputation will stimulate growth and mitigate reputational risks.	
Provincial conservation authorities	None anticipated	<ul style="list-style-type: none"> <li>Cost associated with monitoring compliance, and enforcement of, the proposed prohibition notice</li> </ul>	<ul style="list-style-type: none"> <li>Improved management of the lions, thereby improving South Africa's reputation as a world leader in biodiversity conservation and sustainable use</li> <li>The proposed prohibition notice will ensure there is no further growth in captive lion facilities.</li> </ul>	
Captive lion facility owners	None anticipated	<ul style="list-style-type: none"> <li>None anticipated.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed prohibition notice intends to halt the establishment/registration of new captive breeding and keeping facilities. This may lead to potential loss of income for those intending to venture into the industry, which may lead to loss of potential livelihood/opportunities.</li> </ul>	

Employees working with captive lion	None anticipated	<ul style="list-style-type: none"> <li>None anticipated.</li> </ul>	<ul style="list-style-type: none"> <li>The intention to halt new establishments may lead to loss of potential job opportunities until such time when alternatives become available. However, in the longer term many more jobs may be created resulting from a positive impact on the ecotourism, hunting, harvesting, bioprospecting, customary use, and recreation industries.</li> </ul>	
Parties to Multilateral Environmental Agreements to which South Africa is also a party.	None anticipated	None anticipated.	Confidence in South Africa's ability to conserve and utilise biodiversity sustainably.	
Wildlife Well-being stakeholders	None anticipated	None anticipated.	The proposed prohibition notice focuses on, amongst others, correcting unsustainable practices in order to ensure the adoption of practices that are responsible, legal, sustainable and promote well-being of lions	
Wildlife industry	None anticipated	None anticipated.	Increased opportunities; improved reputation will stimulate growth and mitigate reputational risks.	

2.6 Cost to government: Describe changes that the proposal will require and identify where the affected agencies will need additional resources

- a) Budgets, has it been included in the relevant Medium Term Expenditure Framework (MTEF) and
- Cost for DFFF: pertaining to public consultations and publications of Gazette and newspaper notices.
  - b) Staffing and organisation in the government agencies that have to implement it (including the courts and police, where relevant). Has it been included in the relevant Human Resource Plan (HRP)
- The necessary capacity to implement the proposed prohibition notice and to monitor compliance and ensure enforcement of the proposed prohibition notice is already in place under both the DFEE and provincial conservation authorities.

*Note: You MUST provide some estimate of the immediate fiscal and personnel implications of the proposal, although you can note where it might be offset by reduced costs in other areas or absorbed by existing budgets. It is assumed that existing staff are fully employed and cannot simply absorb extra work without relinquishing other tasks.*

2.7 Describe how the proposal minimises implementation and compliance costs for the affected groups both inside and outside of government.

**For groups outside of government (add more lines if required)**

Group	Nature of cost (from question 2.6)	What has been done to minimise the cost?
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**For government agencies and institutions:**

Agency/institution	Nature of cost (from question 2.6)	What has been done to minimise the cost?
DFFE	Cost for DFFF: pertaining to public consultations and publications of Gazette and newspaper notices	<ul style="list-style-type: none"> <li>• Utilize established collaborative platforms and organized forums to facilitate substantive consultation processes. Additionally, employ a multi-faceted approach to disseminate notices, including publication in the Gazette, on the DFFE website, media statements, in newspapers, and leveraging the official DFFE social media channels as an alternative means of communication</li> </ul>

	<ul style="list-style-type: none"> <li>• Cost associated with monitoring compliance with, and enforcement of, the proposed prohibition notice</li> </ul>	Necessary awareness for officials will be conducted
Provincial conservation authorities	<ul style="list-style-type: none"> <li>• Cost associated with monitoring compliance with, and enforcement of, the proposed prohibition notice</li> </ul>	Necessary awareness for officials will be conducted

## 2.8 Managing Risk and Potential Dispute

- a) Describe the main risks to the achievement of the desired outcomes of the proposal and/or to national aims that could arise from implementation of the proposal. Add more lines if required.

*Note: It is inevitable that change will always come with risks. Risks may arise from (a) unanticipated costs; (b) opposition from stakeholders; and/or (c) ineffective implementation co-ordination between state agencies. Please consider each area of risk to identify potential challenges.*

- b) Describe measures taken to manage the identified risks. Add more rows if necessary.

*Mitigation measures means interventions designed to reduce the likelihood that the risk actually takes place.*

Identified risk	Mitigation measures
Risk of litigation by applicants for permits and registrations of new captive lion facilities	<ul style="list-style-type: none"> <li>• Ensure that the process of developing the proposed prohibition notice is legally sound, rational, reasonable and procedurally fair.</li> <li>•</li> </ul>
Non-compliance with the proposed measures (by implementing agencies or the regulated community)	<ul style="list-style-type: none"> <li>• Awareness-raising to capacitate government officials and members of the wildlife sector on the implementation of the proposed prohibition notice, to: <ul style="list-style-type: none"> <li>○ promote the benefits of the proposal; and</li> <li>○ clarify the intended meaning of the proposed provisions (to ensure uniform interpretation)</li> </ul> </li> </ul>

- c) What kinds of dispute might arise in the course of implementing the proposal, whether (a) between government departments and government agencies/parastatals, (b) between government agencies/parastatals and non-state actors, or (c) between non-state actors? Please provide as complete a list as possible. What dispute-resolution mechanisms are expected to resolve the disputes? Please include all of the possible areas of dispute identified above. Add more lines if required.

*Note: Disputes arising from regulations and legislation represent a risk to both government and non-state actors in terms of delays, capacity requirements and expenses. It is therefore important to anticipate the nature of disputes and, where possible, identify fast and low-cost mechanisms to address them.*

Nature of possible dispute (from sub-section above)	Stakeholders involved	Proposed Dispute-resolution mechanism
Disagreement on the interpretation/implementation of the provisions of the proposed amendments	Between implementing agencies (DEFF and provinces)	<ul style="list-style-type: none"> <li>• Potential resolution through formal legal opinions</li> <li>• Development of interpretation guidelines</li> <li>• Resolution through formal inter-governmental structures (Working Groups, MINTECH and MINMEC)</li> <li>• The nature of this risk should not require resolution through the Intergovernmental Relations Framework Act</li> </ul>
	Between DFFE and the regulated community	<ul style="list-style-type: none"> <li>• Potential resolution through formal legal opinions</li> <li>• Development of interpretation guidelines</li> <li>• Resolution through formal and informal platforms such as the Wildlife Forum, Wildlife Well-being Forum,</li> </ul>

Nature of possible dispute (from sub-section above)	Stakeholders involved	Proposed Dispute- resolution mechanism
		consultation workshops, etc. <ul style="list-style-type: none"> <li>• Process for formal                appeal of decisions,                where necessary</li> </ul>

## 2.9 Monitoring and Evaluation

*Note: Sound implementation of policy and legislation is due to seamless monitoring and evaluation integration during the policy development phase. Policies and legislation that are proficiently written yet unable to report on implementation outcomes are often a result of the absence of an M&E framework at the policy and legislative planning phase. It is therefore imperative to state what guides your policy or legislation implementation monitoring.*

2.9.1 Develop a detailed Monitoring and Evaluation Plan, in collaboration with your departmental M&E unit which should include among others the following:

2.9.1.1 Provide clear and measurable policy or legislative objectives

2.9.1.2 Provide a Theory of Change clearly describing the following components:

- Impact: the organisational, community, social and systemic changes that result from the policy or legislation;
- Outcomes: the specific changes in participants (i.e. beneficiaries) behaviour, knowledge, skills, status and capacity;
- Outputs: the amount, type of degree of service(s) the policy or legislation provides to its beneficiaries;
- Activities: the identified actions to be implemented
- Input: departmental resources used in order to achieve policy or legislative goals i.e. personnel, time, funds, etc.
- External conditions: the current environment in which there's an aspiration to achieve impact. This includes the factors beyond control of the policy or legislation (economic, political, social, cultural, etc.) that will influence results and outcomes.
- Assumptions: the facts, state of affairs and situations that are assumed and will be necessary considerations in achieving success

2.9.1.3 Provide a comprehensive Logical Framework (LogFrame) aligned to the policy or legislative objectives and the Theory of Change. The LogFrame should contain the following components:

- Results (Impact, Outcomes and Output)
- Activities and Input
- Indicators (A measure designed to assess the performance of an intervention. It is a quantitative or qualitative factor or variable that provides a simple and reliable means to measure achievement, to reflect



the changes connected to an intervention, or to help assess the performance of a development actor)

- Baseline (the situation before the policy or legislation is implemented)
- Targets (a specified objective that indicates the number, timing and location of that which is to be realised)

2.9.1.4 Provide an overview of the planned Evaluation, briefly describing the following:

- Timeframe: when it the evaluation be conducted
- Type: What type of evaluation is planned (formative, implementation or summative) – the selection of evaluation type is informed by the policy owners objective (what it is you want to know about your policy or legislation.

2.9.1.5 Provide a straightforward Communication Plan (Note: a common assumption is that the target group will be aware of, and understand how to comply with a policy or legislation come implementation. However, increases in the complexity and volume of new or amendment policy or legislation render this assumption false. Hence, the need for a communication plan to guide information and awareness campaigns to ensure that all stakeholders (including beneficiaries) are informed.

The proposed prohibition notice will be reviewed when the broader process for policy and legislative developments are in place to phase out the captive lion industry. Implementation of this prohibition notice will be monitored and evaluated through the monitoring and evaluation of the White Paper.

2.10 Please identify areas where additional research would improve understanding of then costs, benefit and/or of the legislation.

None in relation to the proposed prohibition notice.

## PART THREE: SUMMARY AND CONCLUSIONS

1. Briefly summarise the proposal in terms of (a) the problem being addressed and its main causes and (b) the measures proposed to resolve the problem.

The problem that is being addressed relates to South Africa's reputational damage as a world leader in biodiversity conservation and sustainable use, which is due to practices within the captive lion industry, associated with intensive and selective breeding, handling of captive-bred lions and lion bone and other derivatives, that has brought the country into disrepute.

The Minister is therefore intending to put in place a prohibition notice that halts the establishments of new captive lion facilities, or similar facilities that do not provide a public function or operate on a profit basis in order to curb further expansion of these facilities, while putting in place broader policy and legislative measures to phase out this industry.

2. Identify the social groups that would benefit and those that would bear a cost, and describe how they would be affected. Add rows if required.

Groups	How they would be affected
<b><i>Beneficiaries</i></b>	
1. South African in general	Improved reputation of South Africa as a world leader in biodiversity conservation and sustainable use, by preventing the captive lion industry from growing.
2. DFFE and Provincial conservation authorities	By ensuring there is no further growth of the captive lion industry, it may foster improved collaboration for South Africa at international level.
3. DALRRD	The proposed prohibition notice will ensure there is no further growth in the captive lion industry, thereby ensuring that there is no additional capacity pressure resulting from compliance monitoring and enforcement activities in terms of the APA and PAPA.
4. Department of Tourism	Increased opportunities; improved reputation could assist to stimulate growth of the tourism sector and mitigate reputational risks.
5. Parties to Multilateral Environmental Agreements to which South Africa is also a party.	The proposed prohibition notice will ensure there is no further growth in the captive lion industry, thereby ensuring that there is no additional capacity pressure resulting from permitting, compliance monitoring and enforcement activities.
6. Wildlife Well-being stakeholders	Confidence in South Africa's ability to conserve and utilise biodiversity in a responsible manner.

7. Wildlife industry	Increased opportunities; improved reputation will stimulate growth and mitigate reputational risks.
<b>Cost bearers</b>	
1. There are no cost bearers, as the proposed prohibition notice does not affect any existing captive facilities or other existing controlled environments.	

3. What are the main risks from the proposal in terms of (a) undesired costs, (b) opposition by specified social groups, and (b) inadequate coordination between state agencies?
  - Risk of litigation by applicants for permits and registrations of new captive lion facilities.
  - Non-compliance with the proposed measures (by implementing agencies or the regulated community).
4. Summarise the cost to government in terms of (a) budgetary outlays and (b) institutional capacity.
  - Cost to government: Describe changes that the proposal will require and identify where the affected agencies will need additional resources.
  - The necessary capacity to implement the proposed prohibition notice and to monitor compliance and ensure enforcement of the proposed prohibition notice is already in place under both DFEE and provincial conservation authorities.
5. Given the assessment of the costs, benefits and risks in the proposal, why should it be adopted?
  - To curb further expansion of captive lion industry
  - To improve management of the lions, reputational risks and duty of care towards the lions and wellbeing practises
6. Please provide two other options for resolving the problems identified if this proposal were not adopted.

<b>Option 1.</b>	The Minister to put in place well-being standards to be considered by the captive lion industry
<b>Option 2.</b>	Maintain the status quo of allowing captive breeding and keeping of iconic species under the current legislative regime

7. What measures are proposed to reduce the costs, maximise the benefits, and mitigate the risks associated with the legislation?

8. Is the proposal (mark one; answer all questions)

	Yes	No
a. Constitutional?	✓	
b. Necessary to achieve the priorities of the state?	✓	
c. As cost-effective as possible?	✓	
d. Agreed and supported by the affected departments?	✓	

9. What is the impact of the Proposal to the following National Priorities?

National Priority	Impact
Economic transformation and job creation	<ul style="list-style-type: none"> <li>The captive lion industry in South Africa makes a relatively negligible contribution to the country's economy and transformative efforts.</li> <li>The proposed prohibition notice is not aimed at addressing transformation and job creation. However, halting establishment of new captive lion facilities may lead to loss of potentially new employment opportunities. Since these opportunities are limited, the impact of the proposed prohibition notice will be negligible.</li> </ul>
Education, skills and health	<ul style="list-style-type: none"> <li>The proposed prohibition notice will not have an impact on education, skills and health.</li> </ul>
Consolidating the social wage through reliable and quality basic services	The proposed prohibition notice will not have an impact on the social wage.
Spatial integration, human settlements and local government	The proposed prohibition notice will not have an impact on spatial integration, human settlements and local government.
Social cohesion and safe communities	<ul style="list-style-type: none"> <li>Prohibiting the establishment of new captive lion facilities will be regarded as a positive step from a moral, ethical and humane perspective for many South Africans, which could render</li> </ul>

National Priority	Impact
	support to the South African government in its conservation efforts.
Building a capable, ethical and developmental state	<ul style="list-style-type: none"> <li>• Taking immediate steps to prohibit the captive lion industry from growing, while a broader policy and legislative process are being put in place to phase out this industry, could assist to improve or restore South Africa's reputation as a world leader in biodiversity conservation and sustainable use.</li> </ul>
A better Africa and world.	<ul style="list-style-type: none"> <li>• Enhanced South African reputation as a world leader in biodiversity conservation and sustainable through improvement of the duty of care towards lion</li> </ul>

***For the purpose of building a SEIAS body of knowledge please complete the following:***

<b><i>Name of Official/s</i></b>	<b><i>Khuthadzo Mahamba &amp; Magdel Boshoff</i></b>
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