



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 581 {NW685E}

INTERNAL QUESTION PAPER NO. 8 of 2024

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Mr D W Bryant (DA) to ask the Minister of Forestry, Fisheries and the Environment:

- a) Whether, with reference to reports from the Namibian Ministry of Environment and Tourism regarding the re-exportation of white rhinos back to the Republic from Namibia in order to circumvent regulations for the export of rhinos to non-range states, she has been informed of any incidents of live white rhinos imported from the Republic being re-exported from Namibia; if not, what is the position in this regard; if so, what are the relevant details;
- b) what (a) is the total number of live white rhinos that were exported from the Republic to Namibia in each of the past five years and (b) are the current regulations controlling the import of live white rhinos from Namibia?

581. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- a) The Department of Forestry, Fisheries and the Environment (DFFE) is aware of the media statement made by the Namibian Ministry and has since engaged with Namibian authorities to ensure that exports of rhinoceros from South Africa are used for the intended purpose of reintroduction and not re-export.

- b) It is imperative to note that the administration of the environment and nature conservation (excluding national parks, national botanical gardens, and marine resources), as indicated in schedule 4 (Part A) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), are functional areas of concurrent national and provincial legislative competence.

In accordance with the above and in the spirit of cooperative governance, in section 87A(1)(b) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM:BA), it is stated that the Minister (responsible for national environmental management) is the issuing authority responsible for deciding an application for a permit for the import, export, re-export or introduction from the sea, of a specimen of a species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora –

- (i) originating from a national protected area;
- (ii) that is a marine species; or
- (iii) applied for by an official, on behalf of—
 - (aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;
 - (bb) a national protected area;
 - (cc) the South African National Biodiversity Institute; or
 - (dd) an organ of State in the national sphere of government.

Section 87A(2) of NEM:BA states that the Member of the Executive Council (responsible for the conservation of biodiversity in the province) is the issuing authority responsible for deciding an application for any permit not listed in subsection (1).

In line with section 87A of NEM:BA, Regulation 3(1) of the CITES Regulations, 2010, states that the national Minister responsible for environmental affairs is the National Management Authority for CITES-related activities. Regulation 3(3) of the CITES Regulations, 2010 provides that the national Minister responsible for environmental affairs is the authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III, as specified in section 87A(1)(b) of NEM:BA.

Regulation 3(4) of the CITES Regulations, 2010 provides that the MEC of the provincial department responsible for nature conservation in a province is the Provincial Management

Authority responsible for the issuing of permits or certificates relating to the import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III, as specified in section 87A(2) of NEM:BA.

Although the Minister is the National Management Authority, the implications of the above-mentioned provisions are that the MEC of the provincial department responsible for nature conservation in a province is the Management Authority in his/her own right, with the authority to decide on permits or certificates relating to the import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III.

In June 2014, the Minister published a general notice (Notice No. 431 of 2014) in terms of NEM:BA in *Government Gazette* 37736. The notice informs the issuing authorities specified in section 87A(2) of NEM:BA that in order to monitor compliance and provide the necessary technical support contemplated in sections 59(a) and (d) of NEM:BA with respect to trade in listed threatened or protected species, the issuing authorities are required to submit all applications relating to the authorisation of international trade in rhinoceros (white rhinoceros – *Ceratotherium simum* and black rhinoceros – *Diceros bicornis*) specimens to the DFFE for consideration and recommendation prior to the issuing of the permits.

In line with the notice, all applications for international trade in rhinoceros are submitted to the DFFE for consideration and recommendation by the Minister.

In July 2020, the President of the Republic of South Africa signed the Border Management Authority Act, 2020 (Act No. 2 of 2020) (BMA Act), which was assented to and came into law. This effectively introduced a new paradigm shift from that of coordinated border management to integrated border management under a single command and control, excluding the South African Revenue Service (SARS) and the South African Police Service (SAPS).

In order to operationalise and list the BMA as a Schedule 3(A) public entity, the President signed a proclamation in terms of section 97 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), transferring functions that are operational at the ports of entry from the Departments of Health, Agriculture, Land Reform and Rural Development, as well as the DFFE to the Department of Home Affairs. These functions were subsequently delegated by the Minister of Home Affairs to the Commissioner of the BMA.

Among other duties, the BMA is responsible for monitoring the import and export of CITES listed species at ports of entry/exit.

In light of the background provided above, we would like to state that the DFFE is not the custodian of the requested information. However, we hereby provide the information below based on the applications received for recommendation before permits are issued.

2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
10	16	105	5	12



MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT
DATE: 19/3/2024