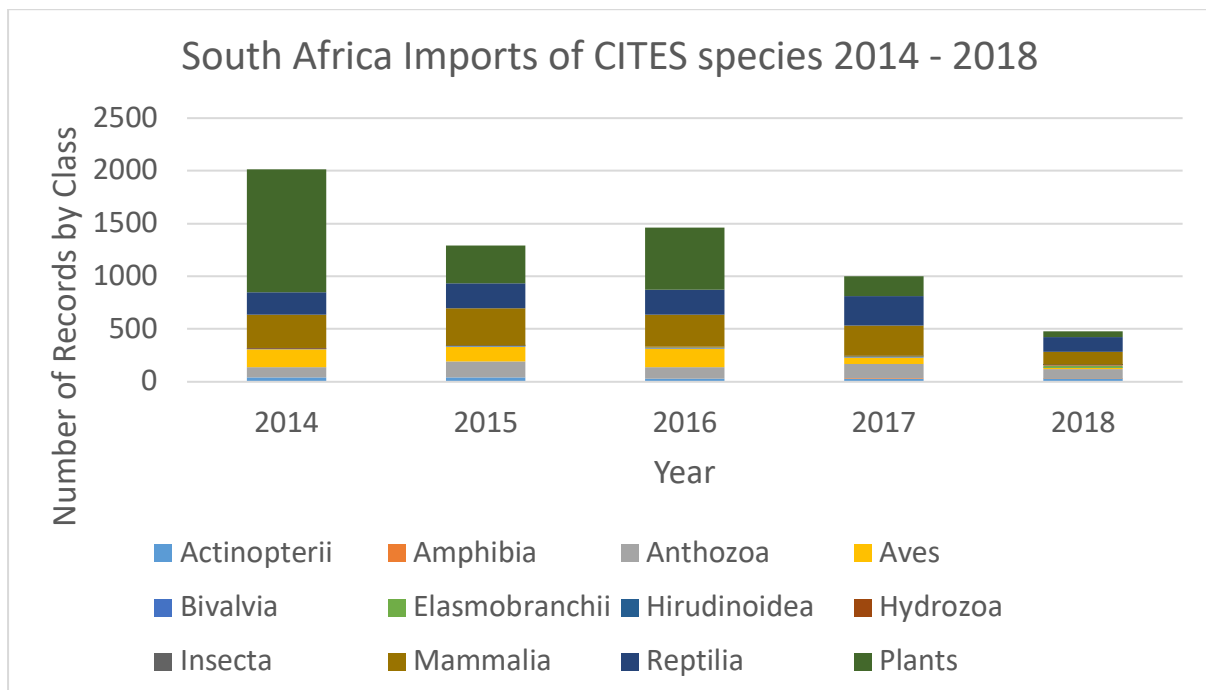
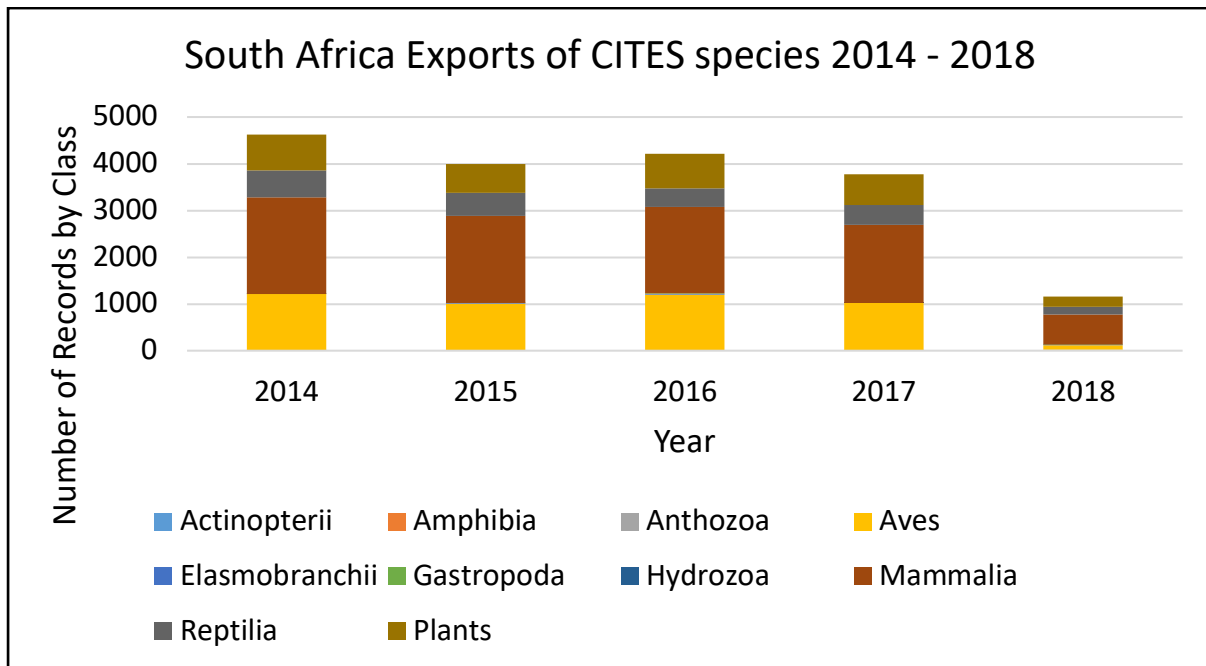




CASE STUDY 3 – SOUTH AFRICA

As part of my Arts and Humanities Research Council Leadership Fellowship investigating the implementation of and compliance with CITES, three case studies of best practice and lessons learned were identified and chosen. The third of these is South Africa.

During this research, I conducted a Delphi Iterative Survey and participants in the first round of the survey named South Africa as doing well in regards to CITES implementation and compliance particularly with regards to enforcement. South Africa is both an importer and exporter of CITES-listed wildlife. The exports exceed the imports and the largest number by record are mammals followed by birds, plants, and reptiles (first table). Imports are about half as many as exports and consist mostly of plants and reptiles (second table).





CASE STUDY 3 – SOUTH AFRICA

South Africa joined CITES from the beginning, but did not fully implement it until 2010 with the specific regulations, which were amended in 2014. Also relevant to CITES are the Biodiversity Act 2004 and ToPS – Threatened or Protected Species list.

South Africa is a Category 1 member according to CITES' National Legislation Project. There are national and nine provincial legislative provisions to govern conservation that are brought into alignment by the CITES regulations. Prohibited activities are:

- hunting, catching, capturing or killing any living specimen of any such ToPS species by any means, method or device
- gathering, collecting or plucking any specimen of any such species
- picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any such species
- importing or exporting any such species into or out of South Africa
- having in possession or exercising physical control of any such species
- growing, breeding or in any other way propagating any such species or causing it to multiply
- conveying or moving any such species
- selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any such species
- any other prescribed activity which involves any such species.

South Africa has the same organisation as their Management and Enforcement Authority (though different people are listed). The Scientific Authority is separate.

They use standard CITES permits, but issuance is decentralised to the provincial level.

Penalties range from ZAR 5 to 10 million (USD 833,333) and up to 5 or 10 years in prison. Violations in terms of fisheries receive lesser sanctions.

In South Africa legislation. There is specific mention of seizing vehicles, but other information on confiscation is rather vague. According to the legislation: where the offence involves a specimen of a listed threatened or protected species, or an alien species or commencing the commercialisation phase of bioprospecting without a permit, a fine may be determined, either as set out, which may be equal to three times the commercial value of the specimen or activity in respect of which the offence was committed, whichever is the greater.

BEST PRACTICE AND LESSONS LEARNED

- Public participation built into preparation for the CoP (though, in practice, this may not be done)
- The National CITES Management Authority has a member on the Scientific Authority and the CITES Enforcement Focal Point also attends the Scientific Authority meetings
- Uniform implementation guidelines for implementation of ToPS and CITES

- Uniformity across provinces so that people cannot choose the one with the weakest legislation (DLA Piper 2015)

