

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3013

3 February 2023

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)**REPEAL OF THE NOTICE AMENDING THE ALIEN AND INVASIVE SPECIES LIST AND LIST OF CRITICALLY ENDANGERED, ENDANGERED, VULNERABLE AND PROTECTED SPECIES, AND AMENDMENT AND COMMENCEMENT OF THE NOTICE PROHIBITING THE CARRYING OUT OF CERTAIN RESTRICTED ACTIVITIES INVOLVING RHINOCEROS HORN, AND THE REGULATIONS PERTAINING TO TRADE IN RHINOCEROS HORN**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby—

- (a) amend the Notice Prohibiting the Carrying Out of Certain Restricted Activities Involving Rhinoceros Horn, published under Government Notice R.625 in *Government Gazette* 43386 of 3 June 2020, as set out in the schedule hereto;
- (b) amend the Regulations Relating to Trade in Rhinoceros Horn, published under Government Notice R.626 in *Government Gazette* 43386 of 3 June 2020, as set out in the schedule hereto;
- (c) repeal the Notice Amending the Alien and Invasive Species List and the List of Critically Endangered, Endangered, Vulnerable and Protected Species, published under Government Notice R.627 in *Government Gazette* 43386 of 3 June 2020; and
- (d) further determine that the Notice Prohibiting the Carrying Out of Certain Restricted Activities Involving Rhinoceros Horn, published under Government Notice R.625 in *Government Gazette* 43386 of 3 June 2020, and the Regulations Relating to Trade in Rhinoceros Horn, published under Government Notice R.626 in *Government Gazette* 43386 of 3 June 2020, as amended, come into effect on 01 April 2023.

The intention is to allow the selling or otherwise trading in, giving, donating, buying, receiving, accepting as a gift or donation, or acquiring or disposing of rhinoceros horn within the borders of the Republic of South Africa, or the export of rhinoceros horn from the Republic of South Africa, but only those specimens that have been adequately marked. The results of a number of studies conducted indicate that powdered rhinoceros horn or shavings of rhinoceros horn, is usually used for medicinal purpose in consumer countries. Due to the challenges relating to the detection of powdered rhinoceros horn or shavings of rhinoceros horn, a realistic and significant risk exists that such powdered rhinoceros horn or shavings of rhinoceros horn, will be exported from the Republic of South Africa illegally, which will be a contravention of the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

It is relatively simple to identify a whole rhinoceros horn, or a piece of rhinoceros horn that is of sufficient size to be marked in accordance with the requirements of the Norms and Standards for the marking of

rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes, 2018. Small pieces of rhinoceros horn, or rhinoceros horn that has been powdered or shaved, is difficult to identify and trace, especially since it can be concealed in various ways. These specimens of rhinoceros horn will thus present a significant compliance monitoring and enforcement challenge, both within the Republic of South Africa and at ports of entry and exit. Laundering will be possible and small quantities can be sold or otherwise traded, making it difficult to regulate. The only way to identify small specimens of rhinoceros horn, or powder or shavings of rhinoceros horn, will be through DNA analysis, which is a time-consuming and costly process.



BARBARA DALLAS CREECY

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule unless the context requires otherwise —

"Government Notice R.625 of Government Gazette 43386 of 03 June 2020" means the Notice Prohibiting the Carrying Out of Certain Restricted Activities Involving Rhinoceros Horn, published under Government Notice R.625 in Government Gazette 43386 of 3 June 2020; and

"Government Notice R.626 of Government Gazette 43386 of 03 June 2020" means the Regulations Relating to Trade in Rhinoceros Horn, published under Government Notice R.626 in Government Gazette 43386 of 3 June 2020.

Amendment of Government Notice R.625 of Government Gazette 43386 of 03 June 2020

2. Government Notice R.625 of Government Gazette 43386 of 03 June 2020 is hereby amended by the insertion after the definition of **"scientific purposes"** of the following definition:

"selling or sell" has the same meaning as having been defined in the TOPS Regulations, and buying shall be construed accordingly;;

Amendment of Government Notice R.626 of Government Gazette 43386 of 03 June 2020

3. Regulation 15(2)(d) of Government Notice R.626 of Government Gazette 43386 of 03 June 2020 is hereby amended by the substitution in subregulation (2) for paragraph (d) of the following paragraph:

"(d) a certified copy of an import permit issued by the Management Authority of the country of import, in the case where such import permit is required; and"