

Minister notes rhino horn court judgment

Environmental Affairs Minister Edna Molewa has noted a judgment handed down by the Supreme Court of Appeal (SCA) regarding the moratorium on the domestic trade in rhino horn.



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“An original application challenging a 2009 moratorium on the domestic trade in rhino horn was brought by Johan Kruger in 2012, joined by John Hume in 2015,” the Department of Environmental Affairs said in a statement on Tuesday, 24 May.

The application was supported by Wildlife Ranching South Africa and the Private Rhino Owners Association of South Africa.

Last year, the High Court of South Africa, Gauteng Division, Pretoria, set aside the moratorium.

“Pursuant to this judgment, the minister filed an application for leave to appeal to the High Court, which was dismissed. Subsequently, the minister petitioned the SCA for leave to appeal,” the department said.

On Friday, 20 May, the SCA dismissed the minister’s application for leave to appeal with costs. No reasons were given for this order.

Minister Molewa is considering the implications of the judgment and will brief the public in due course.

The department said the judgment does not relate to the international trade in rhino horn for commercial purposes, which is still prohibited in terms of the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

“Both the possession of rhino horn and the trade in rhino horn, including any derivatives or products thereof, is subject to prior authorisation: namely the issuing of the relevant permits in terms of the National Environmental Management: Biodiversity Act, (NEMBA) 2004 (Act No 10 of 2004),” the department said.

A person who is found in possession of a rhino horn, or who sells a rhino horn within the borders of South Africa, or who exports a rhino horn from the country without the relevant permits, is guilty of an offence and may, if convicted, be liable to a fine not exceeding R10m, or imprisonment for a period not exceeding 10 years, or both such fine and imprisonment.

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