

MEDIA STATEMENT

MORATORIUM ON RHINO HORN TRADE REINSTATED AS MINISTER OF ENVIRONMENTAL AFFAIRS FILES APPLICATION FOR LEAVE TO APPEAL TO THE CONSTITUTIONAL COURT

8 JUNE 2016

The Minister of Environmental Affairs, Edna Molewa has filed an application for leave to appeal to the Constitutional Court in the matter involving the moratorium on the domestic trade in rhino horn.

The application was filed on Monday, 6 June 2016, in terms of Rule 19 of the Rules of the Constitutional Court, which provides for the procedure for an application for leave to appeal.

The application suspends the operation and execution of the High Court's 2015 invalidation of the moratorium, and means that the moratorium on the domestic trade in rhino horn, or products or derivatives thereof, is once again in place.

The moratorium which took effect on 13 February 2009 was implemented in terms of section 57(2) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA).

The moratorium was challenged in court by farmers Johan Kruger in 2012, and John Hume in 2015. Wildlife Ranching South Africa and the Private Rhino Owners Association of South Africa supported the application.

On 26 November 2015 the High Court of South Africa, Gauteng Division, Pretoria (High Court) set aside the moratorium with immediate and retrospective effect.

Pursuant to this judgment, the Minister filed an application for leave to appeal to the High Court, which was dismissed. The Minister then petitioned the Supreme Court of Appeal (SCA) for leave to appeal. The SCA in May 2016 dismissed the Minister's application for leave to appeal with costs. No reasons were given for the order.

The respondents in this matter are Johan Kruger (First Respondent), John Hume (Second Respondent), Wildlife Ranching South Africa (WRSA) (Third Respondent) and The Private Rhino Owners Association (PROA) (Fourth Respondent).

The respondents have 10 days thereafter within which to respond in writing, indicating whether or not the application for leave to appeal is being opposed, and if so, on what grounds. The respondents may also wish to lodge a cross appeal.

No permits will be authorized in terms of NEMBA to trade in rhino horn and any derivatives or products of horn until the matter is finalized by the Constitutional Court.

The judgment by the High Court does not relate to the international trade in rhino horn for

commercial purposes, which is prohibited in terms of the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

South Africa will host the 17th Conference of the Parties to CITES in Johannesburg from 24 September to 5 October 2016.

For media inquiries contact Albi Modise on 083 490 2871

ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS