

Lion bone ruling melds ethics and conservation

Welfare problems have always characterised the captive lion industry, but have proliferated over the past few years due to a shift in the market as lion breeders actively promote lion bone exports, writes Ross Harvey, wildlife governance expert, in a **Daily Maverick** analysis. 'The government is now legally obliged to consider animal welfare in all its wildlife conservation decisions. This is the message from the judgment handed down on 6 August by the Gauteng High Court which determined that SA's 2017 and 2018 lion export skeleton quotas were unlawful and constitutionally invalid, although the exports under those quotas have already been made,' he explains. 'The judgment strongly rejects the view that "adaptive management" of wild animals can arbitrarily be divorced from ethics,' he notes. 'The National Council of Societies for the Prevention of Cruelty to Animals (NSPCA) was the applicant, and the respondents were the Minister of Environmental Affairs and the South African Predators Association (SAPA). The NSPCA objected to the way in which the quota had initially been determined as it ignored welfare considerations,' he explains. 'Given the integrative nature of welfare and conservation, Judge Kollapen ruled that while the Minister may technically be right that the welfare mandate for lions in captivity resides substantially with the Department of Agriculture, this was different to the obligation to consider welfare issues in conservation decisions. The latter resides in the Minister of the Environment, especially as lions in captivity constitute part of the country's biodiversity challenge,' he goes on to say. Sarah Kvalsig of Cullinan and Associates, an environmental law firm, noted that the Department of Environment, Forestry and Fisheries '**must now consider welfare as part of the basis for its decisions rather than treating it as incidental to those decisions**'. 'The NSPCA's Karen Trendler rightly noted in her organisation's victory that this "precedent-setting judgment" declares that "one cannot simply use, abuse and trade wildlife without considering their welfare and well-being",' she states. 'Judge Kollapen has gifted SA with legal clarity regarding the unlawfulness of the establishment of the 2017 and 2018 quotas. He has also reminded us that the captive lion industry is abhorrent and repulsive, so it remains to be seen how the Department of Environment, Forestry and Fisheries will take this into account in determining future quotas,' Harvey concludes.