



Note: The Norms and Standards for the Management of Elephants in South Africa will be published in the Government Gazette on 29 February 2008 and become effective on 1 May 2008.

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POLICY ANNOUNCEMENT BY MARTHINUS VAN SCHALKWYK, SOUTH AFRICAN MINISTER OF ENVIRONMENTAL AFFAIRS & TOURISM, ON THE OCCASION OF THE PUBLICATION OF THE FINAL NORMS & STANDARDS FOR ELEPHANT MANAGEMENT, PRETORIA, 25 FEBRUARY 2008

ELEPHANT MANAGEMENT IN SOUTH AFRICA

Introduction

At approximately this time a year ago, DEAT published the Draft Norms & Standards for Elephant Management for public comment. Intense public interest was generated and we are now ready to publish a final version that has benefited significantly from the public commentary and consultative processes.

It was to be expected that strong emotions would be part of this debate. There are few other creatures on earth that have the ability of elephants to “connect” with humans in a very special way. I have personally experienced this sense of awe and affection when in the close proximity of both wild and captive elephants.

It was therefore appropriate that in meeting our responsibility to manage elephants in a manner that is appropriate, fair and sensible, we should have consulted so widely with all shades of opinion. We have been inclined to respect equally the views of scientists, conservationists and other stakeholders as well as people out there who might not all share our emotional attachment to elephants.

What has emerged is a thoughtful piece of legislation that balances the interest of elephants with all other aspects of biodiversity, and societal values. It includes a “toolbox” of options for the management of elephants, both wild and captive.

The issue of population management has been devilishly complex and we would like to think that we have come up with a framework that is acceptable to the majority of South Africans. Equally, the issue of capturing elephants and managing South Africa’s captive elephant population has been extremely challenging. I will deal with this in more details a little later.

The Background to the Norms and Standards

Our simple reality is that elephant population density – that is the number of elephants per square kilometre of current elephant range - has risen so much in some southern African countries that there is concern about impacts on the landscape, the viability of other species, and the livelihoods and safety of people living within elephant ranges. Questions relating to elephant densities are also closely related to the management objectives for specific protected areas.

On 20 September 2005 I therefore outlined the Government's approach to addressing what was considered the increasingly pressing challenge of managing both wild and captive elephants in South Africa.

Today is an important milestone in our journey towards the accomplishment of an elephant management framework that is equally respectful of the needs of nature, wildlife and humans. It is a journey that will never quite be complete. Our commitment to the principle of Adaptive Management means that policy and practice will be amended as our scientists and conservation managers improve our knowledge and understanding of how interventions impact on the well-being of elephants, other species, and management objectives.

The development of these Norms and Standards has been a lengthy process. A Task Team consisting of representatives of DEAT, the conservation authorities in Eastern Cape, KwaZulu-Natal, Mpumalanga, Northern Cape and Northwest provinces and various specialists has played a key role in guiding the process.

We consulted extensively with stakeholders for more than a year before we put pen to paper. This included detailed interaction with leading elephant scientists through a series of "round table" discussions and numerous workshops with NGOs and industry.

MINMEC: Environment was consulted regularly as policy options emerged, with the final interaction and approval as recently at 7 February 2008.

In February last year we published Draft Norms & Standards for formal public comment. Literally hundreds of submissions, many of them extremely comprehensive, were received. My office has received hundreds more submissions by way of chain letters and submissions. Clearly, elephants have a special place in the hearts of humans, and especially mine.

The guiding principles

While some of the technical and legal issues dealt with in the draft have been amended, the guiding principles were favourably received. I would like to review these as they establish the philosophical and policy backdrop against which the Norms and Standards must be implemented:

- elephants are intelligent, have strong family bonds and operate within highly socialised groups and unnecessary disruption of these groups by human intervention should be minimised;
- while it is necessary to recognise the charismatic and iconic status of elephants and the strong local and international support for their protection, proper regard must be given to the impacts of elephants on biodiversity or people living in proximity to elephants;

- elephants are recognised engineers of habitat change and their presence or absence has a critical effect on the way in which ecosystems function;
- the movement of elephants throughout their historical range has been disrupted by the activities of people over the last two centuries;
- careful conservation management has led to the significant growth of elephant populations and human intervention may be necessary to ensure that any future growth occurs in a manner that does not result in the loss of biodiversity, ecosystem function and resilience or human life, or the compromise of key management objectives for protected areas, registered game farms or private or communal land;
- elephants often exist in close proximity to people, with the result that the elephants potentially pose a threat to the well-being of people and management measures must endeavour to limit these threats;
- measures to manage elephants must be informed by the best available scientific information and, where the available scientific information is insufficient, adaptive management forms the cornerstone of the management of elephants and adaptive decision making tools must be adopted;
- management interventions must, wherever practicable, be based on scientific knowledge or management experience regarding elephant populations and must –
 - take into account the social structure of elephants;
 - be based on measures to avoid stress and disturbance to elephants;
- where lethal measures are necessary to manage an elephant or group of elephants or to manage the size of elephant populations, these should be undertaken with caution and after all other alternatives have been considered;
- while efforts should be made to ensure that elephants continue to play an important role in an already well established nature-based tourism sector this should not occur in an inappropriate, inhumane or unethical form or manner;
- in the context of objective-based management of complex ecological systems elephants should not be accorded preference over other elements of biodiversity;
- every effort must be made to safeguard elephants from abuse and neglect; and
- elephant populations in the wild should be managed in the context of objective based management of the complex ecosystem in which they occur.

Nobody should be in any doubt about our commitment to these principles and our determination to ensure that they will be respected. And I want to emphasise that these Norms & Standards apply to all protected areas as well as private land on which elephants occur.

Enforcement

For protected areas, this oversight will be enforced through the management plans submitted in terms of the Protected Areas Act. For private and communal land and for captive elephants they will be enforced through the management plans submitted as part of the permitting process in terms of the Threatened or Protected Species Act, or what we recognise as "TOPS".

The necessary amendments to the TOPS Regulations, essentially to the section on penalties and offences, will be published for public comment, with a view to finalisation before 1 May 2008.

While the guiding principles were well-accepted, an issue that raised significant public concern was the capture and treatment of elephants in captivity. There is widespread public concern about the welfare of elephants in captivity.

Capture of elephants and elephants in captivity

DEAT's mandate and/or responsibility to deal with the welfare of elephants in captivity was thoroughly canvassed.

Our legal advise was that, while some of the concerns can be effectively regulated during the permitting process in terms of the TOPS Regulations, DEAT's Duty of Care as the permit issuing authority in respect of elephants in captivity, for example in zoos, circuses or elephant back safaris, was limited to setting **standards**.

In other words, our law making ability is focussed on elephants in the wild rather than on wild elephants in captivity.

Within our mandate, we have nevertheless decided to prohibit the capture of wild elephants except for purposes of rehabilitation into the wild. In the case of genuine orphans on private and communal land they may be rehabilitated and reintroduced into the wild or, as a last resort, into bona fide sanctuaries if they cannot be rehabilitated. This means that the capture of elephants for commercial exhibition facilities such as elephant back safari industries or circuses will as of 1 May 2008 be prohibited.

Furthermore, the Norms and Standards will also prohibit the import and export of captive elephants and will prevent intensive breeding, other than natural birth, of elephants in captivity.

Regarding the approximately 120 elephants that are already held in captivity in South Africa, I have committed to developing within 12 months Minimum Standards for their management, potentially including topics such as care, maintenance and permissible uses.

Compliance with these standards, which will be drawn up in close consultation with all interested and affected stakeholders, will be a pre-condition for the approval of management plans for keeping captive elephants and consequently for the permitting of these captive elephant facilities in terms of the Threatened or Protected Species Regulations (TOPS).

In addition, I have discussed with my colleague, the Minister of Agriculture and Land Affairs, the issues related to captive elephants that arose during our consultations and workshops, including:

- Housing;
- Husbandry;
- Training methods;
- Treatment of working or performing animals;
- Safety issues;
- Contraception and other management options to control numbers;
- Indemnities; and

- Transparency.

In particular, our department received numerous complaints about alleged cruel and unethical practices during the training of elephants for elephant back safaris or circuses, including the use of chains, ropes and electric prodders. Expert opinion is that this type of 'free contact' training is aimed at breaking the will of the elephant by establishing a relationship of dominance and is therefore totally unacceptable.

These issues, amongst others, deserve the urgent and serious attention of government. We have therefore agreed that **Norms – which could take the form of a Code of Practice or another regulatory instrument** - and the policing and enforcement of elephant welfare, will be dealt with under the Animals Protection Act and the Performance Animals Protection Act, which resort under her jurisdiction.

The Department of Agriculture will work on these issues in parallel with DEAT's work on the Minimum Standards. A joint task team will be established by the Department of Agriculture and DEAT, to be lead at Deputy Director General level, to deal with this issue as a matter of priority.

I am pleased to confirm that the owners of elephants in captivity, elephant scientists as well as various animal rights/welfare groups are all well prepared and very eager to engage in this process and have indeed already put forward a number of proposals in this regard.

Ladies and gentlemen, cruel and unethical practices will be rooted out. I trust that the culprits will heed this early warning and clean up their house before we finalise our regulatory instruments.

Adaptive Management

I have emphasised in the past that "decisions on elephant management are ultimately based on societal value systems, since they involve trade-offs between different things that are legitimately valued by society. The divergence of views on elephant management arises primarily from different values held by different stakeholders. Scientific information, alone, cannot resolve these value differences. It is up to decision makers to set the value systems and make the laws that underpin them. "

Nonetheless, scientific understanding remains a crucial component for decision-making.

I am therefore delighted with the progress that has been made by the elephant science community (as reported earlier by Dr Bob Scholes and Professor Graham Kerley) since I announced in February last year that this Department would contribute R5 million to enhance elephant research in South Africa.

'The 2007 South African Assessment of Elephant Management' is the first step in a long term Elephant Research Programme that will continue to inform our future law making and management practices. This research is crucial to the continuing debate whether elephant numbers need to be reduced in South Africa, and if so, how.

Population management

In this regard, the Norms & Standards allow for the use of one or more of the following options for population control:

- range manipulation (meaning water supply management, enclosure or exclosure, the creation of corridors of movement between different areas; or the expansion of the range by acquisition of additional land)
- removal by translocation;
- introduction of elephants;
- contraception; and
- culling

These options recognise that management objectives and local circumstances vary from park to park. It is highly desirable that the selected option, or package of options, should be thoroughly tested against the approved management plan and that local stakeholders should be given a reasonable opportunity to influence the process.

Our Department has recognised the need to maintain culling as a management option, but has taken steps to ensure that this will be the option of last resort that is acceptable only under strict conditions, to quote from the Norms & Standards:

- culling may be undertaken only in terms of a culling plan prepared by the responsible person with the assistance of an ecologist who is a recognised elephant management specialist and approved by the relevant issuing authority that sets out the conditions under which culling would take place and the manner in which the cull would to be implemented;
- The culling plan must provide the issuing authority with the following information relating to the culling operation:
 - evidence that the actual or projected elephant numbers at a specific location are incompatible with the agreed land use objectives spelt out in the management plan and that a reduction in population numbers is therefore necessary;
 - evidence that all other population management options, referred to in paragraph 15 have been rejected by an ecologist after appropriate consideration and evaluation;
 - proposed number of elephants to be culled;
 - proposed method of animal selection;
 - proposed time frames;
 - proposed culling methods; and
 - intended use of products.

Conclusion

Ladies and gentlemen, the Norms and Standards document launched today is a well balanced regulatory instrument that adequately reflects our current societal norms and scientific knowledge.

However, it is not South Africa's final word on elephant management. That is the point of Adaptive Management and why we continue to invest in research and scientific analysis. In due course, and if it becomes necessary, Government may review its approach in response to emerging scientific evidence and the ever-changing values of our society.

In closing, I would like to thank the many South Africans as well as people from all corners of the world for the robust but constructive way in which they have engaged in the process of developing these Norms & Standards.

I hope that stakeholders with widely differing views and from all points of the global compass will agree that the consultative process was comprehensive and that their views have been carefully considered, if not always adopted.

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