

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 501

Pretoria, 2 March
Maart 2007

No. 29674

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No. Gazette
No.***GENERAL NOTICE****Environmental Affairs and Tourism, Department of***General Notice*

- 224 National Environmental Management: Biodiversity Act (10/2004): National norms and standards for the management of elephants in South Africa.....

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GENERAL NOTICE

NOTICE 224 OF 2007

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 of 2004)

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 100 of the Act, publish for public information and comments the following:

NATIONAL NORMS AND STANDARDS FOR THE MANAGEMENT OF ELEPHANTS IN SOUTH AFRICA

To ensure that all the relevant stakeholders are consulted and to streamline the consultation process, interested and affected stakeholders are invited to submit **written** comments to the department:

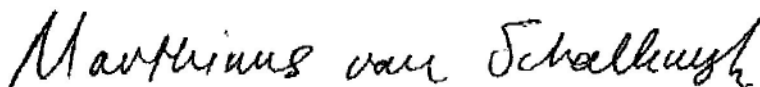
Please submit all written comments to:

The Director-General
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

For Attention: Mrs Thea Carroll

Enquiries should be directed to Mrs Thea Carroll Tel. (012) 310 3799;
tcarroll@deat.gov.za, or fax number (012) 320 7026.

Closing date: 04 May 2007



M C J VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL NORMS AND STANDARDS FOR THE MANAGEMENT OF ELEPHANTS IN SOUTH AFRICA

I, Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby issue national norms and standards for the management of elephant populations in South Africa in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), as set out in the Schedule.

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CHAPTER 1 INTERPRETATION, PURPOSE AND APPLICATION

Definitions

1. (1) In this Schedule, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act or Protected Areas Act has the same meaning, and –

“adaptive management” means, integrated research, planning, and monitoring in repeated cycles of learning in order to better define and achieve objectives. It is built on the assumption that natural systems are complex, our knowledge is imperfect but we can learn from purposeful, documented objectives and actions;

“applicable legislation” means –

- (a) all legislation and instruments mentioned in section 88(3) of the Biodiversity Act;
- (b) any regulations issued in terms of section 97 of the Biodiversity Act or referred to in section 49 of the Protected Areas Act which apply to the implementation of these norms and standards; and
- (c) these norms and standards;

“Biodiversity Act” means the National Environmental Management- Biodiversity Act, 2004 (Act No 10 of 2004);

“captive” means an elephant that is -

- (a) restrained in a controlled environment;
- (b) an elephant that, although not in a controlled environment, through sedation, training or other human intervention, is temporarily or permanently prevented from escaping or moving freely;

“captive bred” means an elephant born in a controlled environment;

“controlled environment” means an enclosure that -

- (a) has an area that is less than 4 km²;
- (b) is designed to hold an elephant in a way that prevents it from escaping;
- (c) facilitates intensive human intervention or manipulation in the form of the provision of —
 - (i) food or water;
 - (ii) artificial housing; or
 - (iii) veterinary or health care; or
- (d) facilitates or is intended to facilitate the intensive breeding of elephants, but excludes fenced land on which self-sustaining wild populations of elephants are managed in an extensive wildlife system;

“cow-calf group” means a cohesive group of females led by the matriarch or another older female, comprising no less than 6 elephants, including calves, that voluntarily associate with one another over time;

“culling” means -

- (a) in relation to an elephant in a protected area or on a registered game farm, an operation executed by an official of, or other person designated by, the responsible person to kill a specific number of elephants within the area in order to manage elephants in the area in accordance with the management plan of the area; or
- (b) in relation to an elephant that has escaped from a protected area and has become a damage causing animal, an operation executed by an official of, or a person designated by the issuing authority to kill the elephant;

“damage causing animal” means an individual elephant that —

- (a) has caused and threatens to cause losses to stock or to other wild specimens;
- (b) has caused and threatens to cause excessive damage to cultivated trees or crops or natural flora or other property;
- (c) presents an imminent threat to human life; or
- (d) alone or in conjunction with other elephants is materially depleting agricultural grazing;

“darting” means to shoot an elephant with a projectile loaded with a tranquillising, narcotic immobilising, or similar agent;

“elephant population” means an individual elephant that lives alone or a group of elephants freely associating in a given environment;

“encumbered person” means the owner of land onto which a vagrant or escaped elephant has roamed, and includes the tribal authority of communal land;

“escaped elephant” means-

- (a) a wild elephant that escapes from a protected area, an adequately enclosed or suitably fenced property;
- (b) a captive elephant that has escaped from captivity.

“extensive wildlife system” means a system that is large enough, and suitable for, the management of self-sustaining elephant populations in a natural environment that requires minimal human intervention in the form of –

- (a) the provision of water;
- (b) the supplementation of food, except in times of drought;
- (c) the control of parasites; or
- (d) the provision of health care;

“genuine orphan calf” means an elephant calf that -

- (a) is without a mother; and
- (b) has been rejected by the elephant population of which it forms part; and
- (c) is likely to die if it is not taken into captivity

“green hunt” means a hunt by any method that is not intended to kill an elephant;

“handler” means the person at any time controlling, caring for, cleaning or managing a captive elephant;

“humane” means a condition that does not conflict with the prevailing norms of society relating to cruelty against animals, and does not cause or minimises suffering for, or distress to, the elephant or other elephants in the vicinity of the elephant;

“hunt” means by any method or device –

- (a) to intentionally kill an elephant;
 - (b) to capture an elephant; or
 - (c) to shoot at, tranquillise or immobilise, an elephant,
- and includes to search for, lie in wait for, pursuit of or luring of an elephant by any means, method or device prior thereto, but excludes the culling of an elephant, or the killing of a damage causing elephant,

“issuing authority” means –

- (a) the Minister; or
- (b) an organ of state designated in terms of regulation 3 of the Threatened or Protected Species Regulations;

“keep” means the active or passive control of the movement of an elephant;

“management plan” means a management plan that-

- (a) in relation to a protected area, has been prepared by the management authority in terms of section 39(2) of the Protected Areas Act and approved by the Minister or the MEC as the case may be; and
- (b) in relation to a registered game farm, has been prepared by the responsible person and, has been approved by the issuing authority in terms of paragraph 6 of these norms and standards;

“metabolic biomass” means the maintenance energy requirements of an elephant and is calculated as using the formula $m^{0.75}$ where **m** is mass in kilograms;

“natural range” means the area in which an elephant population normally exists, the boundaries of which may be determined by natural factors;

“permit” means a permit issued by the issuing authority authorising a restricted activity involving an elephant in the area of jurisdiction of that issuing authority;

“preferred management density” means an optimal stocking rate, defined in terms of objectives and goals of the protected area to which it relates;

“professional hunter” means a person who is licensed in terms of provincial legislation as a professional hunter;

“Protected Areas Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003);

“protected area” means an area declared as such in terms of the Protected Areas Act;

“range manipulation” means the use of fires, closure of watering points, fencing, driving or other human activity intended to alter, whether through limitation, extension or expansion, the natural range of an elephant population;

“registered game farm” means a game farm registered with the issuing authority in terms regulation 27 of the Threatened or Protected Species Regulations;

“responsible person” means the owner or manager of an elephant, the owner or manager of the land on which an elephant normally ranges, or any other person having a direct financial interest in or exercising control over an elephant, including the management authority of a protected area;

“temporarily captive” means an elephant that is restrained for a short period of time in a controlled environment or controlled condition for the purpose of –

- (a) transfer or transport;
- (b) quarantine; or
- (c) veterinary treatment;

“Threatened or Protected Species Regulations” means the regulations made by the Minister of Environmental Affairs and Tourism in terms of section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), relating to listed threatened or protected species;

“trainer” means a person who supervises the training of the elephants and their handlers;

“train” means to teach an elephant to responds to commands by a person;

“translocation” means the removal by human and mechanical means of an elephant from its existing natural range to another area;

“vagrant” means -

- (a) free roaming wild elephants that, from time to time, cross the border from neighbouring states into the Republic or province; or
- (b) an elephant whose origin cannot readily be determined ;

“wild elephant” means an elephant that -

- (a) is not a captive or trained elephant; or
- (b) is living in natural conditions with or without human intervention.

(2) In this Schedule, a word or expression which is a derivative or other grammatical form of a word or expression defined in subparagraph (1) or in the Biodiversity Act or Protected Areas Act, has a corresponding meaning unless the context indicates that another meaning is intended.

Purpose and application

2. (1) The purpose is to set national norms and standards to ensure that –
- (a) elephants are managed in the Republic in a way that –
 - (i) ensures the long term survival of elephants within the ecosystem in which they occur;
 - (ii) promotes broader biodiversity and social goals and are ecologically, socially, politically and economically sustainable;
 - (iii) does not disrupt the ecological integrity of the ecosystems in which elephants occurs; and
 - (iv) secures the ability of elephants to meet the needs and aspirations of present and future generations of people; and
 - (b) the management of elephants is regulated –
 - (i) in a way that-
 - (aa) is uniform across the Republic;
 - (bb) takes into account the Republic's international obligations in terms of international agreements on biodiversity management binding on the Republic; and
 - (ii) in accordance with national policies on biodiversity management and sustainable development.

(2) These norms and standards are informed by the principles contained in paragraph 3.

(3) The provisions of these norms and standards apply to the management of elephants wherever they occur within the Republic.

Guiding Principles

3. Any person executing a function or exercising a power or carrying on an activity that relates, directly or indirectly, to an elephant must do so with regard to the following further principles:

- (a) elephants operate within highly socialised groups and unnecessary disruption of these groups by human intervention should be minimised;
- (b) elephants are sentient beings and interventions to manage an elephant should seek to minimise any resultant pain or trauma to the elephant;
- (c) whilst 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 had for the impacts of elephants on biodiversity or people living in proximity to elephants.
- (d) elephants are recognised engineers of habitat change and their presence or absence has a critical effect on the way in which ecosystems function;
- (e) the movement of elephants through their natural migration routes has been disrupted by the activities of people over the last two centuries;
- (f) careful conservation management has led to the significant growth of elephant populations and human intervention is necessary to ensure that any future growth occurs in a manner that does not result in the loss of biodiversity or human life;
- (g) elephants are often required to exist in close proximity to people, with the result that the elephants pose a threat to the well-being of people and management measures must endeavour to limit these threats;
- (h) 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;
- (i) whilst contraception appears to be a promising measure to control the rate of reproduction of elephants in certain limited circumstances, the long-term social, physiological and emotional impacts on elephants are not yet fully understood and

current contraception methods are highly invasive and should therefore be used with caution;

- (j) management interventions must, wherever practicable, be in the form of controlled and adaptable measures that will contribute to the body of scientific knowledge or management experience regarding elephant populations and must -
 - (i) take into account the social structure of elephants;
 - (ii) be based on measures to avoid stress and disturbance where possible;
- (k) 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 circumspection;
- (l). whilst efforts should be made to ensure that elephants continue to play an important role in the burgeoning nature-based tourism industry, this should not occur in an inappropriate form or manner.

CHAPTER 2

GENERAL MANAGEMENT OF ELEPHANTS

Part 1

General provisions

Restricted activities

4. No restricted activities in terms of the Biodiversity Act involving an elephant may be undertaken without a permit issued in terms of the Threatened or Protected Species Regulations.

Keeping of elephants

5. No person may keep an elephant unless -
- (a) it is -
 - (i) a wild elephant that ranges on land that forms part of -
 - (aa) a proclaimed protected area; or
 - (bb) a registered game farm; or
 - (ii) a captive elephant held in terms of paragraph 24;
 - (b) it is kept and managed in terms of a management plan; and
 - (c) it is kept in compliance with the applicable legislation.

Management plans

6. A management plan in terms of paragraph 5(b) must -

- (a) be prepared by the responsible person;
- (b) comply with the following:
 - (i) for an elephant occurring on land that is declared as a protected area, the prescriptions of the Protected Areas Act;
 - (ii) for an elephant occurring on a registered game farm, contain the information contained in Annexure I;
 - (iii) for a captive elephant contain, the information contained in Annexure I;
- (c) take into consideration the principles contained in paragraph 3;
- (d) be consistent with any biodiversity management plan developed in terms of section 43 of the Biodiversity Act;
- (e) be approved by the issuing authority;
- (f) include a contingency plan that deals with the fate of the elephant in the event of-
 - (i) the death or bankruptcy of the owner or the responsible person;
 - (ii) the issuing authority deciding that the elephant is being mismanaged; or
 - (iii) the issuing authority deciding that the habitat has deteriorated as a result of the presence of the elephants;
- (g) contain an initial assessment as described in paragraph 7 and provide for the ongoing assessment of the impact of the elephant on the vegetation structure and ecological function of -
 - (i) the area of enclosure;
 - (ii) any area from which the elephant is deliberately excluded;
- (h) identify the potential for conflict between people and elephants in or on the borders of the area of enclosure; and
- (i) identify interventions to be made and management measures to be adopted, based on the principle of adaptive management.

Initial assessment

7. An assessment in terms of paragraph 6(g) must -:

- (a) consider the potential impact of the elephants on the biodiversity of the area and structure of the habitat into which the population is to be introduced;
- (b) take into account-
 - (i) the availability of adequate food plants-
 - (ii) the availability adequate shelter;
 - (iii) the availability of adequate water for drinking and bathing; and
 - (iv) the size of the land available to the population; and
- (c) be based on the following population parameters:

- (i) a cow-calf group of 6 or more elephants;
- (ii) the possibility that two adult bulls may need to be introduced if juvenile males become troublesome;
- (iii) a stocking density that must equal or be less than 50 % of the future maximum preferred elephant density for the land; and
- (iv) a maximum metabolic biomass of the elephant population that never exceeds 15% of the preferred management biomass, elephants being high impact feeders that modify the habitat in terms of species composition and structure.

Duty of care

8. (1) The responsible person -

- (a) is responsible for an elephant under their control and its management in terms of the management plan;
- (b) must –
 - (i) comply with the management plan and the conditions laid down by the issuing authority;
 - (ii) provide, to the extent possible, for the physical and social needs of the elephant, including responsible veterinary care;
 - (iii) provide sufficient qualified staff to manage the elephant effectively and exercise control over their activities;
 - (iv) familiarize themselves with new monitoring and research information on the management of elephants, especially captive elephants;
 - (v) submit to the Institute any information that may be of use to the development of properly planned monitoring and research programmes, a national and international database on elephant management and the development of best practises;
 - (vi) share information and experiences with other responsible persons and, if appropriate, trainers;
 - (vii) provide for the safety of people, including guests and staff, interacting with the elephant in accordance with the requirements of Annexure II.
 - (viii) not neglect or allow any neglect of the elephant; and
 - (ix) meet and be capable of meeting the financial commitments of owning or managing elephants.
- (2) In the event of more than one person being responsible for an elephant, such persons –

- (a) shall be jointly responsible for the elephant; and
- (b) may be jointly and severally liable for any claims arising from the conduct of the elephant.

Adequate enclosure

9. (1) An elephant must be kept in an area that is adequately enclosed.

(2) An area will be deemed to be adequately enclosed in terms of sub-paragraph (1) if it is -

- (a) an existing protected area or registered game farm on which elephants are currently kept and the management plan provides for the erection of a perimeter fence within a period of time approved by the issuing authority; or
- (b) an existing protected area or existing registered game farm to which elephants are to be newly introduced and a perimeter fence has been erected; or
- (c) a new protected area or newly registered game farm and a perimeter fence has been erected.
- (d) a controlled environment around which a perimeter fence has been erected.

(3) The perimeter fence must be -

- (a) a minimum height of 2.4m and a minimum of 20 strands; and
- (b) electrified on the side occupied by the elephant in accordance with the requirements of Annexure VI.

(4) The provisions of sub-paragraph (1) shall not apply to-

- (a) an elephant in the process of translocation; and
- (b) that portion of a boundary that extends beyond an international border of the Republic.

Administration of drugs and sedation

10. (1) The administration of drugs to an elephant must be in accordance with the Medicines Control Act, 1965 (Act No 101 of 1965).

(2) An elephant must -

- (a) only be sedated as an extraordinary measure;
- (b) not be sedated repeatedly; and
- (c) only be sedated for the purpose of temporarily immobilising or tranquillising it -

- (i) to carry out a disease control procedure, scientific experiment or management purposes;
- (ii) for treatment by a veterinarian; or
- (iii) to translocate or transport the animal.

(3) Sedation in terms of subparagraph (2) may only be carried out by a veterinarian or a person authorised in writing by a veterinarian, in possession of a valid permit, and may be carried out from a motorised vehicle or aircraft.

Capture, transport and holding of elephants

11. An elephant must only be captured and transported in accordance with SABS Protocol SABS 0331.

Selection of elephants for translocation

12. (1) An elephant may not be translocated if it is -
- (a) a wild elephant that is to be introduced into captivity.
 - (b) to be introduced into the wild and originates or is descended from a central African forest population or from a West African population to be introduced into the wild in the Republic;
 - (c) to be introduced into the wild in the Republic and is an Asian elephant;
 - (d) an elephant with a history of crop raiding, fence breaking, damaging property or aggression towards humans or livestock unless it is to be translocated to an area where there is no risk of damage from similar behaviour; or
 - (e) from the Republic and it is to be introduced into the wild in central or West Africa.

(2) Subparagraph 1(a) does not apply in the case of a genuine orphan calf where the orphan status of the animal has been proved to the satisfaction of the issuing authority .

Composition of groups for translocation

13. An elephant may not be translocated if it is -
- (a) part of a cow-calf unit -
 - (i) unless the entire cow-calf unit, including the matriarch and juvenile bulls, is translocated; or
 - (ii) there are calves less than 2 months old in the cow-calf unit;
 - (b) part of a group comprising only juvenile elephants, unless-
 - (i) the entire group is translocated; or

- (ii) the group is divided and the one part is translocated;
- (c) an adult bull to be introduced to an area where there is a cow-calf unit unless the calf-cow unit has a successfully established a natural range; or
- (d) a bull of 40 years or older.

Translocation conditions

14. An elephant may only be translocated on the following conditions:

- (a) the translocation must comply with all relevant permitting requirements;
- (b) the translocation must be effected in accordance with the provisions of the Biodiversity Act;
- (c) if elephants are captured within a publicly owned protected area for the purpose of translocation, the capture must be in accordance with an approved management plan for the protected area within which the elephant occurs;
- (d) if the elephants are to be introduced into a publicly owned protected area, the introduction must be in accordance with an approved management plan for the protected area to which the elephant is to be introduced;
- (e) at the point of destination, the elephant must initially be released into a release camp constructed in accordance with the provisions of Annexure V.
- (f) immediately prior to offloading into a release camp, the matriarch, other adults and juveniles must be tranquilized with azaperone and, if required, haloperidol or other narcotic approved by the issuing authority.

Temporary holding facilities

15. (1) A release camp must conform with the requirements of Annexure V.

(2) Except for the required management actions and in an emergency, there must be no interaction between a human and an elephant whilst the elephant is in a release camp.

(3) An elephant must not be kept in a release camp for a period exceeding two days.

(4) Elephants are highly social animals and, other than in extraordinary circumstances, should not be housed separately.

Vagrant animals

16. (1) The obligation to control a vagrant elephant lies with the issuing authority or the encumbered person or the manager or other person in control of the encumbered property.

(2) The encumbered person or manager or other person in control of the encumbered property must report such an event to the issuing authority within a period not exceeding 24 hours after the event has occurred.

- (3) The encumbered person may -
- (a) apply to the issuing authority for a permit to-
 - (i) capture and keep the elephant;
 - (ii) hunt or arrange for the vagrant elephant to be hunted; or
 - (iii) have the elephant destroyed at his own cost and for his own account;
 - (b) request that the issuing authority deal with the elephant

(4) The issuing authority must, after consultation with the encumbered person, identify the appropriate steps to be taken to deal with the vagrant elephant including -

- (a) approving the application in terms of sub-paragraph (3)
- (b) refusing the application and arranging for the vagrant elephant to be –
 - (i) translocated; or
 - (ii) destroyed.

(5) The issuing authority may immediately take such steps as it deems appropriate to deal with the vagrant elephant if -

- (a) notwithstanding the provisions of sub-paragraph (3), it is of the view that the elephant poses an immediate threat to people or threatens to become damage causing; or
- (b) the encumbered person fails to expeditiously take steps pursuant to a permission granted in terms of sub-paragraph (4)(a).

(6) No compensation shall be payable by the issuing authority to any person affected by a vagrant elephant.

Escaped elephants

17. (1) The obligation to control an escaped elephant lies with the responsible person.

(2) The responsible person, the encumbered person or the manager or other person in control of the subjugated property must report such an event to the issuing authority within a period not exceeding 24 hours after the event has occurred.

(3) Unless the issuing authority is of the view that the elephant poses an immediate threat to people or threatens to become damage causing, the issuing authority must forthwith act as facilitator between the responsible person and the encumbered person to identify appropriate steps that may be taken to deal with the escaped elephant and the consequences of its escape;

- (4) The responsible person may apply to the issuing authority to -
- (a) capture the escaped elephant and return it to its normal range;
 - (b) subject to the written approval of the encumbered person -
 - (i) hunt or arrange for the escaped elephant to be hunted, or
 - (ii) destroy the escaped elephant or arrange for the escaped elephant to be destroyed.

(5) Should the responsible person fail to expeditiously take steps in terms of sub-paragraph (4), the encumbered person may-

- (a) apply for a permit to-
 - (i) capture and-
 - (aa) return the elephant to its normal range; or
 - (bb) keep the elephant; or
 - (ii) hunt or arrange for the escaped elephant to be hunted; or
 - (iii) destroy or have the elephant destroyed; and
- (b) recover the cost incurred in terms of sub-paragraph (a)(i) or (iii) from the responsible person.

(6) An application in terms of subparagraph (5) is subject to proof that the responsible person has been notified that the elephant has escaped from its normal range and the area in which it is currently ranging.

(7) The issuing authority must, after consultation with the responsible person and the encumbered person, identify the appropriate steps to be taken to deal with the escaped elephant including -

- (a) approving an application in terms of sub-paragraph (4) or (5)
- (b) refusing an application in terms of sub-paragraph (4) or (5) and arranging for the escaped elephant to be –
 - (i) translocated;
 - (ii) hunted; or
 - (iii) destroyed.

(8) The issuing authority may immediately take such steps as it deems appropriate to deal with the escaped elephant if-

- (a) notwithstanding the provisions of sub-paragraphs (4) and (5), it is of the view that the escaped elephant poses an immediate threat to people or may become damage causing;
- (b) the responsible person fails to expeditiously take steps pursuant to a permission granted in terms of sub-paragraph (7)(a); or
- (c) the encumbered person fails to expeditiously take steps pursuant to a permission granted in terms of sub-paragraph (7)(b).

(9) The issuing authority may recover the cost incurred in terms of sub-paragraph (8) from the responsible person.

(10) No compensation shall be payable by the issuing authority to any person affected by an escaped elephant.

Control of damage-causing elephants

18. (1) The control of a damage causing elephant must be undertaken in compliance with the provisions of regulation 14 of the Threatened or Protected Species Regulations, where applicable.

(2) Unless the issuing authority decides that it is not practical, a damage causing elephant must be captured and translocated.

(3) In deciding whether translocation of a damage-causing elephant is practical, the issuing authority must have regard to the following:

- (a) the feasibility and practicality of translocation in terms of these Norms and Standards;
- (b) the attitude of the local community, including members of a conservancy, to the relocation;

- (c) the topography of the area in which the elephant is ranging and the ease with which it can be held captive;
- (d) the likelihood and immediacy of further injury to persons or significant crop damage in the area in which the elephant is ranging, and
- (e) whether the elephant is wounded.

Conditions relating to the control of damage causing elephants

19. (1) Should the issuing authority decide that translocation of a damage causing elephant is inappropriate the elephant must be destroyed by officers of the issuing authority.

- (2) The issuing authority may use such methods as they deem appropriate.

Ownership of tusks and tissue products.

20. Unless otherwise specified in a permit, the tissue products of a vagrant, escaped or damage causing elephant that has been destroyed will accrue as follows-

- (a) if destroyed by the responsible person or a person directly authorised by him, to the responsible person;
- (b) if destroyed by the encumbered person; or
- (c) if destroyed by the issuing authority-
 - (i) the tusks accrue to the issuing authority; and
 - (ii) the meat and other tissue to the encumbered person..

Contraception

21. (1) The responsible person undertaking a programme to control the size of an elephant population by reducing the rate of reproduction of the elephant population using contraceptives must take into account that -

- (a) contraception is —
 - (i) highly invasive and poorly understood;
 - (ii) undesirable if it requires regular sedation of an elephant;
 - (iii) difficult to implement in a large population;
 - (iv) most effective in a small elephant population of 20 or less and has an uncertain or limited ability to reduce the number of elephants within a large population;
 - (v) not effective in providing immediate control of an elephant population or dealing with the immediate need to reduce the size of an elephant population;

- (b) the use of vasectomy procedures in elephants are currently complex and until scientific knowledge improves, should only be considered in small populations;
- (c) in publicly owned protected areas contraception should only be used in the context of approved research projects that are adequately designed to ensure meaningful conclusions regarding the efficacy of the techniques.

(2) Contraceptives must be

- (a) administered by a registered veterinarian;
- (b) applied in accordance with the Medicines Control Act, 1965 (Act No 101 of 1965).

(3) A monitoring programme must be implemented to evaluate the effects of a contraception programme.

Part 2

Management of captive elephants

National register of captive elephants

22. The Institute must establish and administer a national register of captive elephants.

Selection of elephants for capture

23. An elephant may only be kept captive if-

- (a) it is already captive;
- (b) it is captive bred;
- (c) it is from a wild population and –
 - (i) it is proved to the satisfaction of the issuing authority that the elephant is a genuine orphan calf; and
 - (ii) a permit authorising the removal of the elephant from the wild has first been obtained from the issuing authority in terms of the Threatened or Protected Species Regulations.

Conditions for keeping captive elephants

24. (1) No person may introduce, keep or handle a captive elephant without -
- (a) a permit to undertake a restricted activity involving an elephant issued in terms of the Threatened or Protected Species Regulations ;
 - (b) the responsible person making prior financial provision sufficient to cover –

- (i) any damages resulting from the death of or injury to any person or damage to property by the elephant;
- (ii) the costs that may be incurred in returning the elephant in the event of a breakout or escape which costs must include helicopter and game capture costs, veterinary expenses, transport costs and other costs relating to relocation of the animal;
- (c) the elephant being fitted with two permanent internal microchips or transponders inserted one at the base of the tail and one at the top of the left ear;
- (d) the responsible person creating and maintaining a system of identikits of each elephant as changes in tusks or ears occur, preferably by a set of photographs and forward these to the Institute for incorporation in the national register; and
- (e) there being a minimum of one handler permanently and exclusively allocated to the care of the elephant; and
- (f) complying with the requirements of Annexure III.

(2) A permit to keep captive elephants will be limited to 3 years pursuant to which application must be made for the renewal in terms of Threatened or Protected Species Regulations.

Trainers of captive elephants

25. No person may train a captive elephant unless they have relevant knowledge and a minimum of five years experience of working with elephants.

Handlers of captive elephants

26. No person may handle a captive elephant as part of its training or daily management unless -

- (a) they are a trainer or working under the direct supervision of a trainer; and
- (b) 75% of the people handling elephants in that population have proof of relevant knowledge and two years experience of working with elephants;
- (c) for operations within a dangerous game area, they are a guide accredited by the Field Guide Association of South Africa.

Elephant back safaris

27. No person may operate an elephant back safari without a permit from the issuing authority.

Part 3

Management of elephants in the wild

Composition of wild elephant populations

- 28.** (1) An elephant population in the wild must be managed with proper regard for-
- (a) the highly social nature of elephants;
 - (b) the organised matriarchal system in which they normally operate;
 - (c) the division of the population into different herds;
 - (d) the division of a herd into cow-calf groups each under a matriarch;
 - (e) the existence of adult bulls in a herd outside of the cow-calf groups; and
 - (f) the role of adult bulls in dominating and controlling juvenile males.

(2) Before undertaking any management action that may affect the composition of an elephant population the responsible person must identify the herds in the population.

(3) Bull elephants, between twenty-five and thirty-five years old must be introduced into areas where the only male elephants present are juvenile bulls.

Control of wild elephant population sizes

29. Should it become necessary that the size and composition of a wild elephant population must be controlled it must -

- (a) take place in terms of the management plan applicable to the area in which the population occurs and to the population;
- (b) use one or a combination of the following procedures:
 - (i) contraception in terms of paragraph 21;
 - (ii) range manipulation in terms of paragraph 31;
 - (iii) removal by translocation in terms of paragraph 12 ;
 - (iv) introduction of elephants in terms of paragraph 12; and
 - (v) culling in terms of paragraph 32.

Establishment of new populations of wild elephants

- 30.** (1) A new population of wild elephants may be established by-
- (a) dividing an existing population;
 - (b) translocating elephants from an existing population of wild elephants; or
 - (c) introducing captive elephants into an extensive system.

(2) A new population of wild elephants may be established subject to the following conditions:

- (a) the prior approval of a management plan for the population;
- (b) the prior assessment of the suitability of the land to which the population is to be translocated in terms of paragraph 7;
- (c) adequate enclosure in terms of paragraph 9;
- (d) stipulation of the initial population structures taking into account-
 - (i) the matriarchal society of the animals;
 - (ii) the initial population should not be less than 6 animals, and should consist of a cow-calf group; and
 - (iii) that adult bulls may only be introduced once the cow-calf unit has successfully established a natural range;
- (e) identification of the long term population structure in view of the management objectives of the population;
- (f) written notification of the intended establishment to adjacent landowners, communities and any other person who may be directly affected by the intended establishment and requesting written comments within a period of thirty days; and
- (g) the issuing of a permit by the issuing authority.

Range manipulation

31. The movement of an elephant in the area in which it normally ranges may be altered by using one or a combination of various methods such as –

- (a) management of the water supply of the elephants;
- (b) the controlled use of fire in appropriate situations;
- (c) preventing the elephants from entering or leaving a particular area of the land by:
 - (i) erecting of enclosure fences; or
 - (ii) erection of exclosure fences; or
- (d) the creation of corridors of movement between different areas; or
- (e) the expansion of the range by acquisition of additional land.

Population control by culling

32. (1) Culling may be used to reduce the size of an elephant population subject to the following conditions:

- (a) due consideration of all other population management options;

- (b) culling must be undertaken in terms of a management plan that sets out the conditions under which culling can take place and the manner in which the cull is to be implemented; and
- (c) an elephant may not be culled if it is-
 - (i) part of a cow-calf unit unless the entire cow-calf unit, including the matriarch and juvenile bulls, is culled; or
 - (ii) part of a group comprising only juvenile elephants, unless the entire group is culled.

(2) The person carrying out the operation must do so without direct or indirect remuneration to the responsible person or the person designated by the responsible person to carry out the operation.

Culling methods

33. (1) Culling must be done with -
- (a) quick and humane methods;
 - (b) a rifle with a minimum calibre of .375 inches; and
 - (c) a bullet of a full metal jacket or monolithic construction with a minimum weight of 300 grains and shall not include bullets of soft-nosed construction.
- (2) The use of suxamethonium (Scoline) in culling is prohibited;

Part 4

Hunting

Hunting of elephants

34. (1) Save, under exceptional circumstances, hunting of an elephant within twenty-four months of its introduction into an area is prohibited;
- (2) No person may carry out a green hunt;
- (3) Only the following elephants may be hunted:
- (a) solitary males; and
 - (b) if authorised in terms of paragraph 16, females that are vagrant,
- (4) No elephant may be hunted in the proximity of any female group;

(5) A registered professional hunter registered with the issuing authority must be present for the full duration and supervise each hunt;

(6) A hunt must be carried out in compliance with the provisions of the Threatened or Protected Species Regulations and paragraph 35;

Hunting methods

35. In addition to those methods regulated in terms of Regulation 26 of Threatened or Protected Species, the following methods of hunting elephants are prohibited:

- (a) driving an elephant by any means;
- (b) hunting within 500 metres of a water hole or watering point;
- (c) hunting from a hide;
- (d) using a pitfall;
- (e) hunting with-
 - (i) a rifle with a calibre of less than .375 inches; and
 - (ii) a bullet of a full metal jacket or monolithic construction with a weight of less than 300 grains or bullets of soft-nosed construction.

CHAPTER 5

PERMITS AND PERMIT REQUIREMENTS

Import or export of elephants into and from the Republic

36. (1) No person may carry out any of the following activities involving an elephant without such a person having in his or her possession a permit issued by the issuing authority pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Washington 1973) to:-

- (a) import an elephant into the Republic; or
- (b) export an elephant from the Republic.

(2) An application for a permit in terms of sub-paragraph (1)(a) must be submitted-

- (a) by the owner of the elephant or his or her agent or the management authority; and
- (b) to the issuing authority of the province into which the elephant is to be introduced.

(3) The permit application must be evaluated in terms of applicable legislation and the provisions of Articles III, IV and V and relevant resolutions and decisions of CITES.

(4) The owner of an elephant that is imported into the Republic may not dispose of the elephant for a period of five years after its import.

Import of elephants into a province

37. (1) No person may import an elephant into a province without such a person having in their possession a permit issued by the relevant issuing authority in terms of the Biodiversity Act.

(2) The applicant must apply to the issuing authority of the province where an elephant will be housed for permission to transport into the province and to possess such elephant.

Factors to be taken into account by issuing authority when considering permit applications

38. When considering an application for the import or export of an elephant the issuing authority must take into account the following:

- (a) the relevant criteria contained in the provisions of the Biodiversity Act, and subsidiary legislation issued;
- (b) the management plan of the area from which the elephant is to be removed and of the area to which the elephant is to be introduced ;
- (c) the suitability of land including -
 - (i) the size of the land;
 - (ii) fencing of the property; and
 - (iii) the management and business plans; and
- (d) all other relevant factors, including –
 - (i) all the information and documentation submitted by the applicant to the issuing authority in connection with the application;
 - (ii) written comments of all adjacent landowners and or communities; and
 - (iii) any objections to the application.

Annexure I- Management plans for wild elephants

A management plan for a wild elephant shall contain at least all the following information:

Section A. General information and inventory

1. General

- 1.1 Names of owner and manager.
- 1.2 Postal address.
- 1.3 Telephone and fax numbers.
- 1.4 Farm name (including all registered farm names, numbers and portion numbers in the fenced area).
- 1.5 Precise extent of the property and the specific enclosure where the elephants will be kept.
- 1.6 Description of the land uses and activities on all neighbouring properties. Description of land uses must be specific such as irrigation farming.
- 1.7 Name, contact details and qualifications of an accredited ecologist who did the survey.
- 1.8 Proximity to settlements, rural communities and tribal land.
- 1.9 Information as to whether there is potential for enlarging the property.
- 1.10 Specifications of the perimeter fence.

2. Ecological

- 2.1 General climatic data (e.g. rainfall, temperatures).
- 2.2 General description of the geology.
- 2.3 General description of the soils.
- 2.4 Detailed description of the vegetation.
- 2.5 Preferred density of elephants.
- 2.6 Game species and numbers present on property.
- 2.7 Sensitive habitats and species.
- 2.8 Disturbed or degraded areas such as bush encroachment and soil erosion
- 2.9 Description of all available water bodies and distribution thereof described.
- 2.10 Maps-
 - (a) Location map.
 - (b) Topographic map of property (boundary of farm(s) and camp(s), roads, water points, infrastructure, etc.).

- (c) Vegetation communities.

Ecological information should be collected and analysed by a professional ecologist. Methods used should be scientific and described in detail. The scale of the maps should be at least 1:50 000.

Section B. Management goals and objectives

3. Habitat

- 3.1 Veld condition monitoring methods and time schedules.
- 3.2 Rehabilitation programme for degraded areas.
- 3.3 Fire management plan.
- 3.4 Water provision.
- 3.5 Population management of other wildlife species.

4. Information pertaining to elephants

- 4.1 Purpose of introduced elephant.
- 4.2 Public participation reports.
- 4.3 Specifications for the release camp.
- 4.4 Control of elephant population size.
- 4.5 If and how sex and age ratios will be manipulated.
- 4.6 Measures to prevent poaching.
- 4.7 Provision for adequate insurance.
- 4.8 Contingency plans to deal with elephant problems (including contact details of responsible manager, veterinary practitioner and capture operator/s)-
 - (a) in the case of the fence being unable to contain the elephants.
 - (b) in the case of the alteration of the habitat beyond acceptable limits.
- 4.9 Feeding scheme in case of a natural food supply shortfall.
- 4.10 Threat analysis and security plan.

Section C Information to be provided after approval for the introduction of elephants, but before a permit may be issued

5. Details of the elephants

- 5.1 The complete translocation history of each individual-
 - (a) Origin of the elephants (e.g. location, habitat, fencing and size of reserve/farm).
 - (b) The age of elephants and selection of elephants to be translocated (e.g. exposure to tourists, fences and boma).
- 5.2 The complete translocation history of each individual.
- 5.3 Identikits of each animal to be introduced must be included or provided within one month of the introduction
- 5.4 Serial numbers of transponders (microchips) to be inserted.
- 5.5 The management of the capture, transport and keeping in boma (including sedation) of elephants, as well as the name of the acting veterinary practitioner

Two hard copies of the management plan must be handed in at the provincial authority. The applicant will be informed in writing if the plan has been accepted/rejected or if the plan has to be amended.

Annexure II- Security

WHEN DEALING WITH WILD ELEPHANTS

- Elephants in any reserve are wild animals and can be very dangerous if not treated with respect and caution.
- The responsibility of safe encounters with elephant lies entirely in the hands of the field guides, and land owners.
- High standards of guest and staff safety should be maintained at all times.
- Guides should be adequately experienced to protect the guests.
- The following are recommended specifically:
 - All tourist infrastructure should be ring fenced with an electric fence, so should staff villages;
 - Where river frontage occurs a cabled fence must be erected to keep elephant out of tourist camps;
 - Fencing of sewage ponds and rubbish pits with electrified fence;
- Regarding vehicles, the following is recommended:
 - Expanded mesh should be attached to vehicles to at least cover the height of the legs of guests and doors must be present in the cab to protect the driver and his passenger;
 - All vehicles must be fitted with adequate spare wheels and repair kits.
 - Functional radios are essential.
 - Well-prepared emergency action plan.
- When guests drive on their own the following should be supplied:
 - Information on the potential dangers of elephants (i.e. cows with calves)
 - Information on how to identify, approach and behave near musth bulls
 - Strict regulations of how to behave near wild elephants;
 - not to drive off road,
 - not to follow the elephants
 - to respect the elephants at all times
 - to always allow them the right of way
 - to drive off slowly if they get too near
 - not to cut off their path especially when more than one vehicle present
 - not to rev the engine near elephants
 - not to leave the vehicle

- Guide training and qualification, equivalent to guiding level of FGASA level 3 and SKS dangerous game

WHEN DEALING WITH CAPTIVE ELEPHANTS

The following minimum security measures should be adhered to:

- No person from the general public should be allowed to come into contact with a domesticated elephant unless a handler is present.
- Trainers and handlers should be constantly alert to the mood of their elephants, including the possibility of aggression due to musth or oestrus and be ready at any moment to temporarily withdraw the elephant from any tourist programme.
- Any person from the general public about to come into contact with a domesticated elephant should be made fully aware of the potential dangers and consequences.
- Any person who does not follow the instructions of the trainer or handlers should immediately be expelled from the property.
- Adequate signs of potential dangers should be clearly visible for the general public.

Annexure III- Husbandry and housing of captive elephants

The following are minimum guidelines and details should be included by the owner according to his specific operation and situation:

Proper elephant husbandry include-

- Environment must be kept clean at all times;
- Sufficient fresh water must be provided daily;
- High quality, appropriate and sufficient fodder and supplements must be provided daily;
- Daily bathing and mudding must be possible;
- Shade must be available;
- Ability to take samples any time (blood, urine, faeces, saliva);
- Ability to medicate properly any time;
- Regular examination of all body parts;
- Weight and height measured regularly;
- Ability to control elephant in an emergency medical situation;
- Ability to control elephant if it is showing aggression to humans or other elephants;
- Providing the psychological well being of the elephant- stimulation, tactile contact;
- The elephant's need for physical exercise and resting periods must be respected;
- Social grouping must be respected (e.g. mother - calf).

Proper elephant housing include-

- Stables well ventilated, and lit where necessary;
- Stables built in such a manner that the elephants are sheltered from humidity, cold drafts, heat, wind;
- Floor or bedding should prevent pressure sores;
- Elephants should have access to other elephants as much as possible;
- Elephants should have access to earth/sand and mud as much as possible;
- Outdoor facilities must have adequate fencing to prevent animals from straying - provide opportunities for recreation and socialising as much as possible;
- Awareness of social compatibility and dominance hierarchies;
- Be able to deal with new elephant introductions and separations;
- Need for environmental and behavioural stimulation and exercise;
- Where chains are used as a management tool or during the night, the chains and legs of the elephants must be inspected daily;
- Be allowed free time as much as possible but under supervision;

Annexure IV Protocols and Public Education**Elephant management protocols include-**

- management policies,
- definitions of responsibilities for all personnel involved in the elephant operation,
- guidelines for all elephant management and handling activities,
- emergency responses,
- security measures.

Research and public education

- Implement new research results where relevant and possible, and support ongoing research programmes where possible.
- Up-to-date educational signs and display information should be readily available.

Annexure V - Requirements for release camps

1. The purpose of the release camp is to teach the elephants to respect electricity;
2. The release camp must be:
 - 2.1 prepared well ahead of time;
 - 2.2 inspected and approved beforehand by the issuing authority.
 - 2.3 be easily accessible by large, low-bed transport trucks with access roads able to adequately carry such vehicles, due consideration being be given to all bridges and culverts;
 - 2.4 be located near the centre of the protected area or registered game farm;
 - 2.5 be near to a water source;
 - 2.6 be a minimum width of 100 metres;
 - 2.7 be a minimum area of two hectares for every six elephants;
 - 2.8 have adequate clean drinking water;
 - 2.9 include a possibility for mud-wallowing with a solid cement or rock floor and supplied with water to prevent small calves from becoming trapped.
 - 2.10 is sufficiently vegetated to provide security and shade for the elephants.
3. The vegetation occurring within the release camp should be sufficient to feed the elephants for the entire duration of their stay in this paddock. Additional cut branches can be provided prior to the elephants arriving.
4. The fence of the release camp must-
 - 4.1 have a minimum height of 2, 4 metres;
 - 4.2 be constructed using steel railway tracks lines or steel poles filled with concrete as uprights set in concrete ten metres apart.
 - 4.3 have a minimum of five strands of steel cables, each having a minimum diameter of 16mm, one placed at ground level and thereafter at minimum intervals of 500mm. The cable must be strung on the inside of the poles except at the corners, where it must go around the outside of the corner post.
 - 4.4 have veldspan erected from ground level to the top of the fence with steel droppers, each having a minimum top width of 100mm, placed at intervals of one metre apart;
 - 4.5 be electrified in the following manner:
 - (i) five strands of wire;

- (ii) the offsets must be to the inside;
 - (iii) a voltage of 6000 - 9000 V should be maintained;
 - (iv) the bottom strand must be 300mm above ground level. The second strand must be 1,0m above ground level and the remaining strands are to be spaced approximately 500mm apart. The top strand must be placed at the top of the fence with an additional earth strand. Double offset brackets should be used for all strands, especially when bulls are introduced.
 - (v) the offsets must be five metres apart to prevent the elephants from causing a short when they push against the fence.
 - (vi) if elephants are ranging on the property outside the release camp, it is essential that the paddock is also electrified with three strands on the outside
- 4.6 where adult bulls are to be introduced, be reinforced with the following:
- (i) additional earthing that can be obtained by wetting the area directly inside the fence prior to the animals arriving;
 - (ii) a second inner electric fence erected two metres inside the perimeter of the paddock fence using Y metal standards or using good quality offset brackets.
 - (iii) spanning electrified strands across the corners of the release camp. It is advisable to construct a paddock of 2 hectares, so as to ensure that the elephants do not run through the fence in panic, and so that they have sufficient food during their stay. Additional re-enforcement of the gate can be achieved by using horizontal steel poles;
- 4.7 not be near large trees that the elephants may push onto the fence and cause a short.
6. The offloading ramp must-
- 6.1 be placed outside the fence;
 - 6.2 be at least 2, 4m wide and 1m high;
 - 6.3 have containing walls that are-
 - (i) three metres high;
 - (ii) reinforced;
 - (iii) constructed with steel poles that are concreted into the ramp;
 - (iv) are sufficiently strong to prevent the elephants from pushing them over when off-loaded.
 - 6.4 have a gate that-
 - (i) separates the offloading ramp from the release camp;

- (ii) is constructed of heavy steel;
- (iii) is electrified when closed;
- (iv) is reinforced by thick horizontal poles pushed through steel brackets after the elephants have been offloaded;
- (v) is additionally reinforced if bulls are to be introduced; and
- (vi) is six metres wide;
- (vii) is of a sliding design and
- (viii) can be opened remotely with a cable or rope if necessary;

Annexure VI - Electrification of perimeter fences

A perimeter fence to an area in which an elephant population is kept must be electrified in accordance with the following requirements:

1. The fence must have at least three strands of electrical wires that are structured in the following manner:
 - 1.1 each strand must have a minimum diameter of 2.24mm;
 - 1.2 the bottom strand must be 60cm above ground level with 225mm double offset brackets;
 - 1.3 the second strand must be 1.5m above ground level with 225mm or 450mm double offset brackets;
 - 1.4 the top strand must be on the top of fence with 450mm double offset brackets; and
 - 1.5 an earth strand must be affixed to the double offset brackets 10cm on the inside of each live wire strand;
 2. a minimum voltage of 6000 V must be maintained on the whole perimeter;
 3. energisers must be large enough to maintain at least 6000 V over a distance of 8km and should not release less than 6 Joules;
 4. danger signs indicating electrified fencing and elephants must be erected on the fence at regular intervals and all likely points of human contact.
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