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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1208

02 NOVEMBER 2018

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)

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

I, Derek Andre Hanekom, Minister of Environmental Affairs (Acting), hereby under section 9(1), read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), give notice of my intention to repeal and replace the National Norms and Standards for the Management of Elephants in South Africa, 2008, published under Government Notice No. 251 in the *Government Gazette* No. 30833 of 29 February 2008, as set out in the Schedule hereto. For easy reference and for consultation purposes, the changes proposed to the existing Norms and Standards are indicated.

Members of the public are invited to submit to the Minister, within 30 days after the publication of the notice in the *Gazette*, written comments or inputs to the following address:

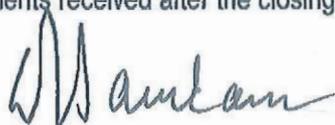
By post to: The Director-General
Department of Environmental Affairs
Attention: Mr Khuthadzo Mahamba
Private Bag X447
PRETORIA
0001

By hand at: Environmental House, 473 Steve Biko Street, Arcadia, Pretoria, 0083.

By e-mail: elephantnorms@environment.gov.za

Any enquiries in connection with the notice can be directed to Mr Khuthadzo Mahamba at 012 399 8845.

Comments received after the closing date may not be considered.



DEREK ANDRE HANEKOM
MINISTER OF ENVIRONMENTAL AFFAIRS (ACTING)

GENERAL EXPLANATORY NOTES

[] Words in bold type in square brackets indicate omissions from the existing Norms and Standards.

_____ Words underlined with a solid line indicate insertions in the existing Norms and Standards.

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CHAPTER 1 INTERPRETATION, PURPOSE AND APPLICATION

Definitions

1. (1) In these Norms and Standards [, 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, and is built on the assumption that natural extensive wildlife systems are complex, our knowledge is imperfect but we can learn from purposeful, documented objectives and actions;]

"adaptive management" means an interactive and repetitive cyclic process between integrated research, planning, monitoring, learning and implementing actions in order to better define and achieve objectives;

["applicable legislation" means—

- (a) the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- (b) the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- (c) legislation and instruments mentioned in section 88(3) of the Biodiversity Act, 2004;
- (d) any regulations issued in terms of section 97 of the Biodiversity Act, 2004, or referred to in section 49 of the Protected Areas Act which apply to the implementation of these norms and standards;
- (e) these Norms and Standards and annexures thereto;
- (f) the Animals Protection Act, 1962 (Act No. 71 of 1962);
- (g) the Performing Animals Protection Act, 1935 (Act No. 24 of 1935);
- (h) the Animal Matters Amendment Act, 1993 (Act No. 42 of 1993);
- (i) the Animal Health Act, 2002 (Act No. 7 of 2002);
- (j) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- (k) the Animals Diseases Act, 1984 (Act No. 35 of 1984);
- (l) the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983);
- (m) the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);
- (n) the Meat Safety Act, 2000 (Act No. 40 of 2000); and
- (o) the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);

- p) the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); and
- q) the Animal Improvement Act, 1998 (Act No. 62 of 1998);]

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

[“biodiversity” means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems;]

“bond groups” means two or more social units that regularly associate together, more than they do with other social units;

[“born in captivity” means an elephant conceived naturally and born to a captive elephant in a controlled environment;]

“captive elephant” means an elephant that is kept in permanent captivity in a controlled environment [including elephants kept in captivity for rehabilitation, but excluding wild elephants in temporary captivity for other purposes];

“captive facility” means a [registered facility in accordance with the provisions of Regulation 27 of the Threatened or Protected Species Regulations, 2007 and paragraph 24 of these Norms and Standards] quarantine facility, rehabilitation facility, sanctuary, commercial exhibition facility, or any other similar facility;

[“capture” includes searching, pursuing, driving, chasing, darting, lying in wait, luring, alluring, discharging a missile, catching, sedating, or exercising physical control by any other means, method or device, with the intent not to kill;]

“capture” means to employ any means, method or device to—

- a) take, gain control over, or to secure possession of;
- b) attempt to take, gain control over, or to secure possession of; or
- c) search for, pursue, drive, lie in wait for, lure or allure, discharge a missile or injure with the intent to catch;

irrespective of whether such control or possession is intended to be temporary or permanent, and irrespective of whether such control or possession is with the intent to kill such specimen or not;

“commercial exhibition facility” in respect of elephants means a facility that keeps elephants for public display or performance purposes, including but not limited to, a circus, zoological garden or travelling exhibition, whether or not any kind of interaction between humans and the elephants is taking place at such facility;

“controlled environment” [in relation to elephant management] means an [enclosure designed to hold an elephant in any way] environment that—

- (a) is a captive facility or an environment that is of insufficient size for an elephant or a group of elephants to be self-sustainable;
- [(a)](b) is designed to hold an elephant or a group of elephants in any way that prevents it from escaping;
and
- [(b)](c) facilitates intensive human intervention in the form of provision of—
 - (i) food or water, or both;
 - (ii) artificial housing; [or]
 - (iii) veterinary or health care; [and is less than 2000 ha;]
 - (iv) the control of parasites or predation; or
 - (iv) any combination of the above interventions;

“cow-calf group” means a cohesive group of females and their calves led by the matriarch or another older female, which associate regularly and closely with one another over time;]

“culling” has the meaning as defined by the [Threatened or Protected Species] TOPS Regulations;

“damage-causing elephant” has the meaning as defined by the [Threatened or Protected Species] TOPS Regulations;

["defined herd" means a cohesive group of elephants that exist in a limited or extensive wildlife system;]

"destroy" means to intentionally kill an elephant for management purposes;

"ecologist" means a person registered as an ecologist under section 20 of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003);

"elephant" means a wild or captive elephant of the species *Loxodonta africana*;

"elephant population" means [a group of] all elephants [freely associating] living in a given [environment] defined area;

"escaped elephant" means—

- (a) a wild elephant that has escaped from [a protected area, or an adequately enclosed or suitably fenced property] an extensive wildlife system, but has not become a damage-causing elephant; or
- (b) an [captive] elephant that has escaped from [captivity] a controlled environment;

["extensive wildlife system has the meaning as defined by the [Threatened or Protected Species Regulations;]

"extensive wildlife system" means an environment—

- (a) that is of sufficient size to meet the spatial requirement, and all or most of the other ecological requirements, of the elephant population occurring within that environment or to be introduced into that environment;
- (b) that is fenced in a way that prevents an elephant from escaping;
- (c) where the process of natural selection plays a major role; and
- (d) where no or minimal human intervention is required, except if necessary in times of drought, in the form of—
 - (i) the provision of water;
 - (ii) the supplementation of food;
 - (iii) the control of parasites or predation; or
 - (iv) the provision of health care;

but excludes an enclosure that is a controlled environment within such extensive wildlife system:

["genuine orphan calf" means an elephant calf that—

- (a) is less than 2 years old;**
- (b) its mother has clearly died of natural causes or poaching;**
- (c) has been rejected by the elephant population of which it forms part; and**
- (d) is likely to die if it is not taken into captivity;]**

"GnRH vaccine" means Gonadotrophin releasing hormone vaccines;

"handler" means a trained person who is responsible for—

- (a) controlling, caring for[, cleaning or] or managing a captive elephant[.,,]; or**
- (b) cleaning the enclosure of a captive elephant;**

"hunt" has the meaning as defined by the [Threatened or Protected Species] TOPS Regulations;

"hunting client" means a person who is not a citizen of the Republic or a permanent resident within the Republic, and who pays or rewards any other person for or in connection with the hunting of an elephant;

["institute" means the South African National Biodiversity Institute (SANBI), established in terms of section 10 of the Biodiversity Act;]

"issuing authority" has the meaning as defined by the [Threatened or Protected Species Regulations] Biodiversity Act;

["kept in captivity" or "captive kept" has the meaning as defined by the Threatened or Protected Species Regulations, provided that the definition of "controlled environment" given in these norms and standards applies specifically in relation to the management of elephants;]

["limited wildlife system" in relation to elephant management means—

- (a) an area that is suitable for management of elephant populations of less than 15 animals with minimal human intervention, except the provision of water and supplementation of food in times of drought;
 - (b) is fenced to hold an elephant in a way that prevents it from escaping; and
 - (c) is larger than 2000 ha and less than 5000 ha,
- but excludes fenced land on which self-sustaining wild populations of elephants are managed in an extensive wildlife system;]

"management authority" in relation to a protected area, means the organ of state or other institution or person in which the authority to manage the protected area is vested;

"management plan" means the management plan referred to in paragraph 6(1), in respect of the management of elephants;

"orphan calf" means an elephant calf—

- (a) that has not been weaned yet and is likely to be less than 4 years of age;
- (b) of which its mother has died;
- (c) that has been rejected by the elephant population of which it forms part; and
- (d) that is likely to die if it is not taken into captivity;

["preferred management density" means a stocking rate, or an acceptable range of densities within which a population may be allowed to fluctuate naturally;]

"professional hunter" [has the meaning as defined by the Threatened or Protected Species Regulations] means a person who is authorized in terms of applicable national or provincial conservation legislation that regulates hunting, to operate 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;

"PZP vaccine" means porcine zona pellucida vaccine;

["range manipulation" means the alteration of the natural range of an elephant population, whether through limitation, extension or expansion by using fires, provision or opening or closure of, watering points, feed, fencing, driving or other human activity;]

"registered game farm" [has the meaning as defined by the Threatened or Protected Species] means a game farm registered in terms of the TOPS 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 a management authority of a protected area;]

["rehabilitation facility" has the meaning as defined by the Threatened or Protected Species Regulations;]

"rehabilitation facility" means a facility equipped for the temporary keeping of a live—

(a) sick or injured elephant for the purpose of providing treatment of and care to the elephant; or

(b) young orphan elephant for rearing purposes;

with the overall intent to release such specimen, but excludes a veterinarian's practice or a veterinary academic hospital;

["rehabilitation" means the keeping in captivity for the treatment and recovery of sick or injured elephant, or the rearing of genuine orphan elephants, for the sole purpose of returning them to the wild in a limited or an extensive wildlife system as soon as possible;]

"rehabilitation" means—

(a) the treatment and recovery of a sick or injured elephant;

(b) the rearing of an orphan elephant for the purpose of releasing it onto an extensive wildlife system as soon as possible; or

(c) the preparation of an elephant or group of elephants that have been kept in a controlled environment for purposes other than temporary captivity, for later release onto an extensive wildlife system;

"research elephant" means a roaming elephant that becomes the subject of a research project for the purpose of monitoring its biology;

“responsible person” means the owner or manager of an elephant, the owner or manager of the land on which an elephant normally ranges, or the management authority of a protected area on which elephants normally range;

“roaming elephant” means an elephant—

- (a) from a known or unknown locality for which responsibility cannot readily be determined; or
- (b) roaming across an international boundary from a neighbouring country into the Republic;

“scheduled substance” means a medicine or other substance prescribed under section 22A of the Medicines and Related Substances Act, 1965 (Act No.101 of 1965);

[“sanctuary” has the meaning as defined by the Threatened or Protected Species Regulations;]

“sanctuary” means a facility that provides permanent care to an elephant that would be unable to sustain itself if released in an environment other than a controlled environment, whether as a result of injury or on account of human imprinting;

“social unit” means the basic unit that constitutes a matriarch with her dependent offspring, her adult daughters and their dependent offspring, and other related or bonded adult females that spend the majority of their time in close proximity and coordinate their behaviour and movement patterns;

“temporary captivity” means a wild elephant that is kept in a controlled environment for a short period of time [the purpose of] for —

- (a) translocation, [release camps,] transfer or transport;
- (b) quarantine;
- (c) veterinary treatment; [or]
- (d) rehabilitation, in the case of sick or injured elephants, or [genuine] orphan elephants; or
- (e) any other similar purpose;

“TOPS Regulations” mean the regulations pertaining to listed threatened or protected species and promulgated in terms of section 97 of the Biodiversity Act;

["Threatened or Protected Species Regulations" means the regulations made by the Minister of Environmental Affairs and Tourism in terms of section 97 of the Biodiversity Act, relating to listed threatened or protected species published under Government Notice No.R.152 in Gazette No.29657 of 23 February 2007, as amended;]

["translocation" means the removal by human and mechanical means of a wild elephant from its existing location to another area;]

"translocation" means the—

- (a) process of capturing a live elephant at a particular location, the conveying or transporting of the elephant, and the release of the elephant in another location; or
- (b) movement of a live elephant from one area and the release of the elephant in another area;

["veterinarian" means a person registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);]

"veterinarian" means a person registered with the South African Veterinary Council to operate as such;

"wild elephant" means an elephant that—

- (a) [is not a captive elephant or] originates from an extensive wildlife system but is in temporary captivity, pending release into [a limited or] an extensive wildlife system; or
- (b) is in [a limited or] an extensive wildlife system;

(2) In these Norms and Standards, 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]** otherwise.

Purpose and application

2. [(1) In terms of Section 9(1) of the Biodiversity Act, the Minister may, by notice in the Gazette—

- (a) issue norms and standards for the achievement of any of the objectives of this Act, including for the—
 - (i) management and conservation of South Africa's biological diversity and its components;
 - (ii) restriction of activities which impact on biodiversity and its components; and
- (b) set indicators to measure compliance with those norms and standards.]

[(2)] (1) The purpose of these norms and standards 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 ecosystems in which they occur or may occur in future;
 - (ii) promotes broader biodiversity and socio-economic goals that are ecologically, socially and economically sustainable;
 - (iii) does not disrupt the ecological integrity of the ecosystems in which elephants occur;
 - (iv) enables the achievement of specific management objectives of [protected areas, registered game farms, private or communal land] the extensive wildlife systems on which they occur;
 - (v) [ensures the sustainable use of hair, skin, meat and ivory products; and
 - (vi) is ethical and humane] recognises the necessary and persistent interplay between ethics, the well-being of elephants and conservation; and
 - [(vii)](vi) recognises their sentient nature, highly organised social structure and ability to communicate,
 - [(v) ensures the sustainable use of hair, skin, meat and ivory products; and]
 - [(vi)](v) [is ethical and humane] recognises the necessary and persistent interplay between ethics, the well-being of elephants and conservation; and
 - [(vii)](vi) recognises their sentient nature, highly organised social structure and ability to communicate,

- (b) the management of elephants is regulated—
- (i) in a way that—
- (aa) is uniform across the Republic; and
- (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.

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

~~[(4)](3)~~ The provisions of these norms and standards apply to the management of elephants wherever they occur within the Republic, regardless of whether the elephants are wild elephants or captive elephants, or where a permit to import, export or re-export is applied for.

~~[(5)](4)~~ The provisions of these Norms and standards must be read with the ~~[Threatened or Protected Species]~~ TOPS Regulations.

Guiding Principles

3. Any person executing a function or exercising a power or carrying out an activity that relates, directly or indirectly, to an elephant must do so with regard to the following ~~[further]~~ principles:
- (a) elephants are intelligent, have strong family bonds, and in natural ecosystems operate within highly socialised groups; ~~[and]~~ unnecessary disruption of these groups by human intervention should therefore be minimised;
- (b) 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;
- (c) elephants are recognised engineers of habitat change and their presence or absence has a critical effect on the way in which ecosystems function;
- (d) the movement of elephants throughout their ~~[historical]~~ natural distribution range has been disrupted by the activities of people;
- (e) 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 functions and resilience, or human life, or

- the compromise of key management objectives for **[protected areas, registered game farms or private or communal land]** the extensive wildlife systems on which they occur;
- (f) 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;
 - (g) measures to manage elephants must be **[informed by the best available scientific information and]** scientifically-based, and where the available scientific information is insufficient, adaptive management forms the cornerstone of the management of elephants and adaptive decision-making tools **[must]** should be adopted;
 - (h) management interventions must **[, wherever practicable, be based on 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 to elephants;
 - (i) 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;
 - (j) 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;
 - (k) in the context of objective-based management of complex ecological systems elephants should not be accorded preference over other elements of biodiversity;
 - (l) every effort must be made to safeguard elephants from abuse and neglect; and
 - (m) elephant populations in the wild should be managed in the context of objective-based management of the complex ecosystems in which they occur.

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]** carried out without a permit issued in terms of **[Regulation 18 of the Threatened or Protected Species Regulations]** the Biodiversity Act.

Introduction, [K]keeping or handling of elephants

5. (1) A wild elephant may not be introduced for the purpose of keeping it in a controlled environment, except—

- (a) in the circumstances referred to in paragraph 11(3); or
- (b) if the introduction is necessary for the purpose of temporary captivity,

~~[(1)](2)~~ An elephant may ~~[not]~~ be kept, ~~[unless]~~ if—

[it is:]

- (a) **it is a wild elephant that ranges in [a limited or] an extensive wildlife system; or [that forms part of—**
 - (I) a proclaimed protected area; or**
 - (II) a registered game farm, private or communal land; or]**
- (b) **it is a captive elephant kept at a captive facility; or**
- (c) **it is a wild elephant in temporary captivity; or**
- (d) **it is an ill or injured elephant or an [genuine] orphan calf kept in a rehabilitation facility; or**
- (e) **it is an [genuine] orphan[ed] calf that could not be rehabilitated successfully into [a limited or] an extensive wildlife system, and is therefore kept in a sanctuary; and**
- (f) **it is kept in terms of an approved management plan[.]**

[(2) In the case of a limited wildlife system and extensive wildlife system, the [owner or person in control of elephants is responsible to] must provide for an ongoing assessment of the impact of the elephant on the habitat and ecological function of the area.]

~~(3) An elephant may be kept in accordance with subparagraph (2), only if—~~

- ~~(a) it is kept in terms of an approved management plan; and~~
- ~~(b) the controlled environment or extensive wildlife system in which it is kept, is adequately enclosed in accordance with paragraph 9.~~

~~[(3)] (4) [A captive elephant may not be kept or handled without—~~

- ~~(a) the elephant being fitted with two permanent internal microchips or transponders; inserted one at the base of the tail and one in front of the left shoulder], the responsible~~

person must submit the serial numbers of the transponders (microchips) to the issuing authority;

- (b) [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 issuing authority for incorporation in the national register; and]
- [(c) there being a minimum of two trained elephant handlers permanently and exclusively allocated to the care of the elephant] Subparagraph (3)(b) does not apply to—
 - (a) an elephants that is in the process of being transported; or
 - (b) a property that borders an international boundary of the Republic.

[(4) A permit to keep a captive elephant shall only be issued for a period of 36 months pursuant to which application must be made for the renewal in terms of regulation 38 of the Threatened of Protected Species Regulations.]

(5) An elephant in a controlled environment that is subject to human contact may not be handled without a minimum of two appropriately trained persons being allocated permanently and exclusively to the care of the elephant.

- (6) The responsible person in respect of the keeping of a captive elephant must—
 - (a) submit the serial numbers of the microchips or transponders referred to in subparagraph (5) (a) to the issuing authority, within 5 working days of inserting the microchips or transponders; and
 - (c) update the system of identikits referred to in subparagraph (5)(b) of each elephant as changes in its tusks or ears occur, and must forward the photograph to the relevant issuing authority for incorporation into the national register, within 5 working days of the photograph being taken.

Management plans

6. (1) The responsible person [in relation to a protected area, registered game farm, private or communal land or in relation to a captive facility in which elephants are kept, is responsible], whether in respect of a wild elephant or a captive elephant, must —
- (a) [to] prepare a management plan, with the assistance of a professional natural scientist who has adequate knowledge and experience in matters relating to elephant management; and
 - (b) [to] submit the management plan to the relevant issuing authority for approval.

- [(2) A management plan must—**
- (a) comply with the following:**
 - (i) the process prescribed in the Protected Areas Act and the requirements and contents in Annexure I for a wild elephant occurring on land that is declared as a protected area;**
 - (ii) for a wild elephant occurring on a registered game farm, private or communal land the requirements specified in Annexure I; or**
 - (iii) for a captive elephant, the requirements specified in Annexure II;**
 - (b) take into consideration the principles contained in paragraph 3;**
 - (c) be consistent with any biodiversity management plan developed in terms of section 43 of the Biodiversity Act;**
 - (d) include a contingency plan that deals with the fate of the elephant in the event of the death, insolvency or any other event that impairs the ability of the owner or the responsible person to care for the elephant;**
 - (e) 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; or**
 - ii) any area from which the elephant is deliberately excluded;**
 - (f) identify the potential for conflict between people and elephants in or on the borders of the area of enclosure and provide for emergency plans in the event of the escape of an elephant, including measures to deal with such an emergency;**
 - (g) identify interventions likely to be made and management measures likely to be adopted, based on the principle of adaptive management; and**
 - (h) include a culling plan, if and when culling is identified as an intervention in terms of paragraph 15(1) and set out the conditions under which culling would take place.]**

[(3) The management plan referred to in subparagraph (1) may be incorporated in one of the following plans—

- (a) In relation to a protected area, the plan that has been prepared by the management authority in terms of section 39(2) of the Protected Areas Act and the requirements for a management plan as described in Annexure I and approved by the Minister or the MEC as the case may be; or**

(b) a biodiversity management plan that has been developed in terms of section 43 of the Biodiversity Act.

(4) When preparing a management plan and/or a culling plan for a protected area, registered game farm, private or communal land the responsible persons must develop their management plan according to Annexure I and II of these norms and standards.]

(2) The relevant issuing authority must approve the management plan—

(a) within 60 working days of receiving the management plan; or

(b) if it requests additional information, within 60 working days of receiving the additional information.

(3) A management plan referred to in subparagraph (1) that has been approved by the relevant issuing authority in respect of elephants occurring in a protected area, may be incorporated into the management plan of the protected area that has been prepared by the management authority and approved in terms of section 39(2) of the Protected Areas Act.

(4) Notwithstanding subparagraph (1)(b), if a management plan referred to in subparagraph (1) is developed as part of a management plan for a protected area, the management plan referred to in subparagraph (1) must be approved by the Minister or the MEC, as the case may be.

(5) A management plan must—

(a) contain the information set out in—

(i) Annexure I in respect of wild elephants; or

(ii) Annexure II in respect of a captive elephant;

(b) in addition to the information set out in Annexure I, contain an initial assessment referred to in paragraph 7, in respect of the introduction of elephants into an extensive wildlife system;

(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, a management plan developed in terms of section 39 of the Protected Areas Act, or a management plan in relation to a transfrontier conservation area;

(e) identify the potential for conflict between people and elephants in or on the borders of the area of enclosure and provide for emergency plans in the event of the escape of an elephant, including measures to deal with such an emergency; and

(f) identify interventions likely to be made and management measures likely to be adopted, based on the principle of adaptive management.

(6) If the responsible person needs to carry out a restricted activity that is a required management intervention in respect of his or her elephants, but such restricted activity has not been provided for in the approved management plan, the issuing authority may nevertheless issue a permit for the carrying out of the restricted activity, provided that the intervention is necessary and appropriate for the achievement of the objectives of the controlled environment or extensive wildlife system to which the management plan relates.

(7) Notwithstanding subparagraph (6), the issuing authority may not issue a permit for culling, unless it has approved a culling plan.

(8) An approved management plan must be reviewed every 10 years, and if the review process results in an amendment of the management plan, the amended management plan must be submitted to the relevant issuing authority for approval.

(9) Subparagraph (8) does not prevent the responsible person from reviewing and updating the approved management plan more frequently, if the need arises.

(10) The issuing authority may appoint a panel of specialists, of whom at least one member must be a professional natural scientist who has adequate knowledge and experience in matters relating to elephant management, to assist with the evaluation of the management plan, or to make recommendations thereon to the relevant issuing authority.

Initial assessment

7. An assessment in [terms of paragraph 6(2) (e)] respect of the introduction of elephants into an extensive wildlife system 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 of adequate shelter;
 - (iii) the availability of adequate water for drinking and bathing; and

- (iv) the size of the land available to the population;
- (c) be based on the following population parameters—
 - (i) a **[cow-calf group] social unit**;
 - (ii) the possibility that two adult bulls may need to be introduced if juvenile males become troublesome; and
 - (iii) an indication of the initial **[stocking]** density for the elephant population, which may not exceed 50% of the **[future]** recommended maximum **[preferred elephant] population density [for the land], in respect of the habitat into which the population is to be introduced**;
- (d) determine if the responsible person can provide for the physical, physiological, social and natural behavioural needs of the elephant; and
- (e) determine if the responsible person will meet and be capable of meeting the long-term financial commitments of owning or managing elephants.

Duty of care

8. (1) The responsible person **[is obliged to] must—**
- (a) **[provide responsible] ensure that appropriate veterinary care is provided when necessary**;
 - (b) remain abreast with new monitoring and research information on the management of elephants, especially captive elephants;
 - [(c) submit to the Institute all information that may be relevant to the development of properly planned monitoring and research programmes, a national and international database on elephant management and the development of best practises;**
 - (d) share information and experiences with other responsible persons;]**
 - (e)] (c)** provide for the safety of people, including guests and staff, interacting with the elephants in accordance with the requirements of Annexure III; and
 - [(f)] (d)** not neglect or allow any neglect or abuse of the elephant.
- (2) The responsible person in respect of an extensive wildlife system, must—
- (a) provide for an ongoing assessment of the impact of the elephants on the habitat and ecological function of the area in which the elephants occur;
 - (b) report changes beyond acceptable limits to the habitat as a result of elephant impact, as soon as they occur, to the relevant issuing authority; and
 - (c) deploy the necessary management interventions when the elephants are altering the habitat beyond acceptable limits.

- (3) The responsible person must report the following information to the relevant issuing authority:
- (a) in respect of an ongoing assessment referred to in subparagraph (2) (a), at least every 5 years; and
 - (b) the number of elephants kept at the time of reporting, at least every 3 years.
- (4) The Department must develop a template and indicators for the purpose of reporting the information referred to in subparagraph (2) (a).
- (5) The Department must establish and maintain a national database of all elephants kept in a controlled environment or an extensive wildlife system.

Adequate enclosure

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

[(2)](1) [An area] A controlled environment or an extensive wildlife system will be deemed [to be] adequately enclosed [in terms of subparagraph (1) if it is—

- (a) a new protected area, newly registered game farm, private or communal land and a perimeter fence has been erected; or**
- (b) a limited or an extensive wildlife system around which a perimeter fence has been erected.] if a perimeter fence has been erected around it.**

[(3)] (2) The minimum standard for a perimeter fence is—

- (a) a [minimum] height of 1.8m; and**
- (b) electrified on the side occupied by the elephant in accordance with the requirements of Annexure V.**

[(4)] (3) The perimeter fence must be properly maintained.

[(5) The provisions of subparagraph (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.]**

Administering of scheduled substances and sedation

10. (1) The administering of scheduled substances to an elephant must be in accordance with the Medicines and Related Substances Act, 1965 (Act No.101 of 1965).

[(2) An elephant may—

- (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 research or for management purposes;
 - (ii) for treatment by a veterinarian; or
 - (iii) to translocate or transport the animal.]

(2) An elephant may be—

- (a) immobilised, only—
 - (i) to carry out a disease control procedure, for scientific research or for management purposes;
 - (ii) for treatment by a veterinarian; or
 - (iii) to translocate or transport the elephant; and
- (b) sedated, only—
 - (i) during transportation, or prior to release after transportation; or
 - (iii) if circumstances necessitate sedation of the elephant to ensure its well-being, subject to advice of a veterinarian.

(3) Sedation, [or any] the administration of scheduled substances or the application of veterinary procedures must be done in [terms of] accordance with the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982) [in terms of subparagraph (2) may only be carried out by a veterinarian and may be carried out from a motorised vehicle or aircraft.] and the provisions of the TOPS Regulations.

Capture of elephants

- [11. (1) A wild elephant may only be captured under the following conditions:
- (i) ~~[T]the capture is for the purposes of temporary captivity;~~
 - (i) ~~[T]the capture must comply with all relevant permitting requirements and conditions;~~

- (ii) [T]he capture must be effected in accordance with the provisions of the Biodiversity Act; and
 - (iv) [T]he capture must take place in compliance with the relevant provisions of the Animals Protection Act, 1962 (Act No. 71 of 1962), and the Translocation of Certain Wild Herbivore (SABS Protocol SABS 0331), as amended.
- (2) A wild elephant may be captured for introduction into a rehabilitation facility only if—
- (a) in the case of a sick or injured elephant, it is for treatment and recovery purposes and subsequent release into a limited or extensive wildlife system; or
 - (b) it is a genuine orphan calf captured or to be captured on private or communal land for the purposes of rearing and subsequent release into a limited or extensive wildlife system; and
 - (c) 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.
- [(3) A wild elephant may be captured to be kept in captivity with the approval of the Minister, only in exceptional circumstances, including but not limited to:
- (i) International agreements; or
 - (ii) Scientific or research purposes.]
11. (1) A wild elephant may be captured in the following circumstances:
- (a) for introduction into another extensive wildlife system;
 - (b) for introduction into a captive facility—
 - (i) only in exceptional circumstances with the approval of the Minister, including but not limited to scientific or research purposes or in terms of an international agreement; or
 - (ii) if the capture is necessary for the purposes of temporary captivity;
 - (b) for introduction into a rehabilitation facility, if—
 - (i) in the case of a sick or injured elephant, it is for treatment and recovery purposes and subsequent release into an extensive wildlife system; or
 - (ii) it is an orphan calf captured, for the purposes of rearing and subsequent release into an extensive wildlife system.
- (2) The capture must comply with—

- (a) all relevant permitting requirements and conditions;
- (b) the relevant provisions of the Biodiversity Act; and
- (c) the relevant provisions of the Animals Protection Act, 1962 (Act No. 71 of 1962), and the Translocation of Certain Wild Herbivore (SABS Protocol SABS 0331).

Translocation, import and export of elephants

12. (1) An elephant may not be translocated if it is—
- (a) a wild elephant that is intended to be kept **[in captivity]** in **[controlled environment]** a captive facility, other than in terms of paragraph 11;
 - (b) a wild 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
 - (c) a wild elephant that has been previously translocated, except under extraordinary conditions.;
or
 - (d) **a wild or captive elephant from another country that is intended to be kept in captivity in the Republic.]**
- (2) A[n] wild elephant may **[only]** be translocated, only if it is—
- (a) part of a **[cow-calf group]** social unit, and—
 - (i) the entire **[cow-calf group]** social unit is translocated; and
 - (ii) the calves are more than 2 months old;
 - (b) a bull to be introduced to an area where—
 - (i) there is **[a cow-calf group]** an existing social unit **[and the cow-calf group]** that has successfully established a **[natural]** home range for a period of three months; or
 - (ii) a social group is intended to be introduced together with the bull or subsequent to the successful establishment of the bull; or
 - (c) for purposes of temporary captivity.
- (3) An elephant may **[only]** be translocated on the following conditions only:
- (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) the translocation must comply with the relevant provisions of the Animals Protection Act, 1962 (Act No. 71 of 1962), and the Translocation of Certain Wild Herbivore (SABS Protocol SABS 0331), as amended;

- (d) if elephants are captured within a 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;
- (e) if the elephants are to be introduced into a 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;
- (f) if it is necessary to release an elephant into a release camp at the point of destination, the [elephant must initially be released into a] release camp must be constructed in accordance with the provisions of Annexure IV; and
- (g) immediately prior to offloading into a release camp, the matriarch, other adults and juveniles must, if necessary, be [tranquillized with short or long-acting tranquillisers] sedated. [; and
- (h) when there is an agreement or exchange programme[s] between state institutions for exhibition or scientific purposes.]

(4) No wild or captive elephant may be—

- (a) imported into the Republic; or
- (b) exported from the Republic,

for the purposes of keeping it in [captive in] a controlled environment, except in terms of paragraph 11 (3) or 12(5).

(5) Captive elephants which are part of a *bona fide* circus may be temporarily imported or exported for a limited, specified period, not exceeding the period of performance, for the sole purpose of use in the circus.

Release camps

13. (1) A release camp must conform to the requirements of Annexure IV.

(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 may not be kept in a release camp for a period exceeding 6 months [except for veterinary treatment].

(4) Elephants are highly social animals and, other than in extraordinary circumstances, should not be housed separately from all of the other members of their immediate family.

(5) Subparagraph (3) does not apply in the case of an elephant in quarantine, or for veterinary treatment as prescribed by a veterinarian.

Part 2

Management of Elephants in the Wild

Composition of wild elephant populations

14. (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]** hierarchical nature of elephant society;
 - (d) the **[division of a herd into cow-calf groups each under a matriarch]** division of a population into bond groups, and bond groups into different social units, each led by a matriarch;
 - (e) the existence of adult bulls in a **[herd]** bond group outside of the **[cow-calf groups]** social unit; and
 - (f) the role of adult bulls in dominating and controlling juvenile males.
- (2) Bull elephants **[, between]** of the age of twenty-five [and thirty-five years old] years or older must be introduced into areas where the only male elephants present are juvenile bulls.

[Control] Management of wild elephant populations [sizes and distribution]

15. (1) Should it become necessary, within the objectives of the **[management plan of the]** area concerned as indicated in the management plan, to manage the size, or the composition or the rate of growth of a wild elephant population, it must—
- (a) take place in terms of the approved management plan applicable to the area in which the population occurs and to the population;
 - (b) use one or a combination of the following management options—
 - (i) **[C]** contraception in terms of paragraph 17;
 - (ii) **[R]** range manipulation in terms of paragraph 18;

- (iii) ~~[T]~~translocation in terms of paragraph 12 ~~[(2) and (3)]~~;
- (iv) ~~[I]~~introduction of elephants in terms of paragraphs 5 and 16 ~~[or 12(1)]~~;
- (v) ~~[H]~~hunting in terms of paragraphs 20 and 21; or
- (vi) ~~[C]~~culling in terms of ~~[these Norms and Standards]~~ paragraph 19 as well as the ~~[Threatened or Protected Species]~~ TOPS Regulations.

(2) Should it become necessary, within the objectives of the ~~[management plan of the]~~ area concerned as provided for in the approved management plan, to manage the spatial distribution of a wild elephant population within the boundaries of the area, it must—

- (a) take place in terms of the approved management plan applicable to the area in which the population occurs and to the population;
- (b) use one or a combination of the following management options:
 - (i) ~~[C]~~contraception in terms of paragraph 17;
 - (ii) ~~[R]~~range manipulation in terms of paragraph 18;
 - (iii) ~~[T]~~translocation in terms of ~~[sub-]~~ paragraph~~s~~ 12 ~~[(2) and (3)]~~; or
 - (iv) ~~[I]~~introduction of elephants in terms of paragraph ~~[12(1)]~~ 5 ~~[or]~~ and paragraph 16 [(1) (b)].

(3) The flow diagram in Annexure VI ~~[may]~~ should be used as a guideline to determine the appropriate option.

Establishment of new populations of wild elephants

16. (1) A new population of wild elephants may be established by the—

- (a) translocation of ~~[elephants]~~ a social unit, from an existing population of wild elephants; or
- (b) introduction of captive elephants into ~~[a limited or]~~ an extensive wildlife system, only ~~[after]~~ if the issuing authority is satisfied that the ~~[elephants have been fully rehabilitated]~~ rehabilitation of the introduced elephants at the new destination will be done under expert supervision.

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

- (a) ~~[T]~~the prior approval of a management plan for the population;
- (b) ~~[T]~~the prior assessment of ~~[the suitability of the land to which the population is to be translocated in terms of paragraph 12]~~ the area where the new population is to be introduced

- to ensure that it meets the spatial requirement, and most of the other ecological requirements, of the population to be established;
- (c) **[A]adequate enclosure in terms of paragraph 9;**
- (d) **[S]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 suitable animals, and should consist of a cow-calf group] be a social unit;** and
 - (iii) that adult bulls may only be introduced—
 - (aa) once the **[cow-calf group] social unit** has successfully established a **[natural] home range [;];**
 - (bb) at the same time as introducing the social unit; or
 - (cc) if a social group is intended to be introduced subsequent to the successful establishment of the bull;
- (e) **[Identification of the long-term population structure in view of the management objectives of the population;] 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**
- (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] the issuing authority of a permit by the relevant issuing authority.**
- [(g) The issuing of a permit by the issuing authority.]**

Contraception

17. **[(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) **undesirable if it requires regular sedation of an elephant;**
 - (ii) **difficult to implement in a large population;**
 - (iii) **most appropriate 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; or**
 - (iv) **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; and
- (c) in publicly and privately 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; and
- (b) applied in accordance with the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965).

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

(4) Vasectomy procedures must be—

- (a) undertaken by a veterinarian; and
- (b) applied in accordance with the Veterinary and Para-Veterinary Professions Act, 19 of 1982 and the Medicines and Related Substances Act, 1965 (Act No.101 of 1965).]

(1) The responsible person undertaking a contraception programme to control the size of an elephant population by reducing the rate of reproduction, must take into account that the use of immunocontraceptive vaccines are not effective in providing immediate reduction in the size of the elephant population.

(2) Immunocontraception vaccines—

- (a) include the use of—
 - (i) PZP vaccines, which are suitable for the use in captive and wild elephant populations for the purpose of population control; and
 - (ii) GnRH vaccines, which should—
 - (aa) only be used in respect of captive adult elephant bulls to suppress testosterone-related aggressive behaviour;
 - (bb) should be used continuously, once introduced in respect of captive adult elephant bulls; and
 - (cc) not be used for the control of wild elephant populations; and

(b) must be administered by a veterinarian.

(3) The application of PZP immunocontraception—

- (a) does not require sedation or immobilization of target females;
- (b) can be implemented across a broad age and sex class of females; and
- (c) may be applied from the air or from the ground.

(4) The application of GnRH immunocontraception—

- (a) may be applied from the air or from the ground; and
- (b) does not require the immobilization of the target elephant.

(5) Until more scientific information becomes available, GnRH vaccines should not be used as a contraceptive in respect of captive or wild female elephants, or in respect of wild male elephants.

(6) The efficacy and effects of immunocontraception vaccines on individual elephants, breeding units and elephant populations must be monitored on an ongoing basis.

(7) The responsible person requiring vasectomy procedures to be undertaken in respect of elephant bulls must take into account that surgical and laparoscopic vasectomies are—

- (a) not effective in providing immediate reduction in the size of the elephant population; and
- (b) complex, highly invasive and irreversible, and require that all breeding bulls are treated to prevent unintended breeding.

(8) Vasectomies—

- (a) should be considered only—
 - (i) in small populations; and
 - (ii) where no alternative non-lethal option is feasible; and
- (b) must be performed by veterinarians.

(9) The side effects of vasectomies on male elephants, and the behavioural effects of immunocontraceptive vaccines on both male and female elephants, must be monitored on an ongoing basis.

Range manipulation

18. The movement of an elephant in the area in which it normally ranges may be altered by using one or a combination of the following methods, without compromising biodiversity objectives—

- (a) ~~[M]~~management of the water supply of the elephants;
- (b) ~~[Management of the feed supply of the elephants]~~ provision of artificial feed;
- (c) ~~[T]~~the controlled use of fire in appropriate situations;
- (d) ~~[P]~~preventing the elephants from entering or leaving a particular area of the land by—
 - (i) erecting ~~[of]~~ enclosure fences; or
 - (ii) ~~[erection of]~~ erecting enclosure fences;
- (e) ~~[T]~~the creation of corridors of movement between different areas;
[or]
- (f) ~~[T]~~the expansion of the range by acquisition of additional land [.,]; or
- (g) non-invasive disturbance such as disturbance by bees, plantation of chillies, creation of noise, or any other similar means of disturbance.

Culling

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

- (a) culling may be used only after all other population management options referred to in paragraph 15, have been appropriately considered, evaluated and rejected:

~~[(a)](b)~~ ~~[C]~~culling may be undertaken only in terms of a culling plan that—

- (i) is 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] a professional natural scientist who has adequate knowledge and experience in matters relating to elephant management;
- (ii) sets out the conditions under which culling will take place and the manner in which the cull will be implemented; and
- (iii) has been approved by the relevant issuing authority;

~~[(b)](c)~~ ~~[T]~~the culling plan must ~~[provide the issuing authority with]~~ contain the following information relating to the culling operation—

- (i) 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;
 - (ii) evidence that all other population management options[,] referred to in paragraph 15 have been rejected by the [ecologist] professional natural scientist referred to in **[19 (a)] subparagraph (b)(i)** after appropriate consideration and evaluation;
 - (iii) proposed number of elephants to be culled;
 - (iv) proposed method of animal selection;
 - (v) proposed time frames;
 - (vi) proposed culling methods; and
 - (vii) intended use of products;
- [(c)](d) [A]an elephant may not be culled if it is [—] part of a social unit unless the entire social unit, including the matriarch and juvenile bulls, is culled;**
- [(i) part of a cow-calf group unless the entire cow-calf group, including the matriarch and juvenile bulls, is culled; or**
 - (ii) part of a group comprising only juvenile elephants, unless the entire group is culled;]**
- [(d)](e) [C]culling must be done with—**
- (i) quick and humane methods; and
 - (ii) [if] in the case that a rifle is used—
 - (aa) the rifle must be [with] a minimum calibre of .375 H&H inches; and
 - [(III)](bb) [a]the bullet must be of a [full metal jacket monolithic] solid construction, with a minimum weight of [300] 286 grains [, and shall not include bullets of soft-nosed construction]; and**
- [(e)](f) [T]the use of suxamethonium (Scoline) [in culling] is prohibited.**

(2) The culling plan referred to in subparagraph (1) (b) must be submitted to the relevant issuing authority for approval—

- (a) as part of the management plan; or
- (b) as an annexure to the approved management plan.

Part 3 Hunting

Hunting of elephants

20. (1) Only the following elephants may be hunted—

- (a) ~~[S]~~solitary males; or
- (b) ~~[Females,]~~ damage-causing elephants, in ~~[terms of regulation 14(2) (b)]~~ accordance with the provisions of the [Threatened or Protected Species] TOPS Regulations pertaining to damage-causing animals, and paragraph 25 of these Norms and Standards;; and
- (c) Females on private or communal land according to the management plan.

(2) Subject to the exceptions in subparagraph (1), no elephant may be hunted in the immediate proximity of ~~[any female/calf group]~~ a social unit.

(3) A professional hunter registered with the issuing authority must be present for the full duration and supervise each hunt, ~~[when]~~ if the hunter is a ~~[non South African citizen]~~ hunting client.

(4) A hunt must be carried out in compliance with the provisions of the ~~[Threatened or Protected Species]~~ TOPS Regulations and paragraphs 20 and 21 of these Norms and Standards.

Hunting methods

21. In addition to ~~[those methods regulated in terms of Regulation 26 of Threatened or Protected Species]~~ prohibited hunting methods that are prohibited in terms of the TOPS Regulations; the following methods or manners 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) using a pitfall; or
- (d) hunting with—
 - (i) a rifle with a calibre of less than .375 H&H; and
 - (ii) a bullet ~~[with a full metal jacket or monolithic construction]~~ of a non-solid construction, or a bullet of a solid construction with a weight of [not] less than 286 grains [or heavier bullet of monolithic or full metal jacket construction].

Part 4

[Captive elephants] Elephants in controlled environments

Provisions for [captive] elephants in a controlled environment

22. (1) The provisions of the Animals Protection Act, 1962 (Act No. 71 of 1962), the Performing Animals Protection Act, 1935 (Act No. 24 of 1935) and these Norms and Standards [will] apply to the [general] management of [captive] elephants [as prescribed] in a controlled environment.

(2) The Minister [shall within 12 months of these Norms and Standards coming into effect,] may by notice in the *Gazette*, publish an [A]annexure [VII] to these norms and standards that provides for [M]minimum [S]standards for the management of [captive elephants, [and compliance with these Minimum Standards shall be a requirement of the Management Plan and a condition of permits for keeping of elephants in captivity] elephants in a controlled environment.

Keeping elephants in captivity

23. An elephant may [only] be kept in [captive] a captive facility, only if—
- (a) it was already permitted to be kept in [captive] a captive facility on the date that these [N]norms and [S]standards came into effect; or
 - (b) it was conceived naturally and born in [captive in] a [controlled environment] captive facility to captive elephants as per the approved management plan.

Registration of captive facilities for elephants

24. The owner of [captive] elephants in a captive facility is responsible to—
- (a) [apply to] register the facility, in the case that compulsory registration is required in terms of [regulation 27 of] the [Threatened and Protected Species] TOPS Regulations, [2007] and keep a register[*f*] or stud book of each captive elephant at the facility;
 - (b) submit to the issuing authority a management plan complying with the requirements as set out in Annexure II; and
 - (c) comply with any other relevant policy, procedure or framework that provides guidance for the management of elephants and that is approved by the Minister.

Part 5

Escaped or Roaming Elephants

Escaped [or roaming] elephants

25. (1) The obligation to **[control] manage** an elephant that has escaped from a protected area or an **[adequately enclosed area] area other than a protected area** lies with the responsible person and issuing authority.

(2) The issuing authority **[is responsible to act as facilitator between the responsible person and the owner of or manager or other person in control of the property onto which the elephant has escaped to]** **must** identify appropriate steps that may be taken to **[deal with] manage** the escaped elephant **[and the consequences of its escape]**.

(3) The responsible person **[is responsible to]** **must** apply to the **relevant** issuing authority for **[permission] authorisation** to—

- (a) capture the escaped elephant and return it to its normal range **or arrange for it to be captured;**
or
- (b) subject to the written approval of the owner, **[of or]** manager or other person in control of the property onto which the elephant has escaped—
 - (i) hunt **the escaped elephant** or arrange for **[the escaped elephant] it** to be hunted; or
 - (ii) destroy the escaped elephant or arrange for the escaped elephant to be destroyed.

(4) Should the responsible person fail to take steps **referred to** in **[terms of]** subparagraph **[(5)](3)**, the owner, **manager or other person in control** of the property onto which the elephant has escaped may—

- (a) apply for a permit in terms of the **[Threatened and Protected Species] TOPS Regulations[, 2007]** to—
 - (i) capture **the escaped elephant** and**[-]** **return it to its normal range;**
[(aa) return the elephant to its normal range; or]
[(bb)](ii) keep the elephant; [or]
[(ii)](iii) hunt or arrange for the escaped elephant to be hunted; or
[(iii)](iv) destroy or have the escaped elephant destroyed; and
- (b) recover the cost incurred in terms of sub**[-]**paragraph (a)(i) or **[(iii)](iv)** from the responsible person.

(5) An application [in terms of] referred to in subparagraph (4) must be accompanied with proof that the responsible person has been notified that the elephant has escaped from its normal range, and of the area in which it is currently ranging.

(6) The requirement of a management plan to manage an escaped elephant does not apply to the owner, manager or other person in control of the property onto which an elephant has escaped.

(7) The issuing authority is responsible to immediately take such steps as it deems appropriate to manage the escaped elephant if—

(a) notwithstanding the provisions of subparagraphs (3), (4) or (5), it is of the view that the elephant poses an immediate threat to people or may become a damage-causing animal;

(b) the responsible person fails to expeditiously take steps pursuant to an authorisation granted in terms of subparagraph **[(6)(a)] (3);** or

(c) the owner, manager or other person in control of the property onto which the elephant has escaped fails to expeditiously take steps pursuant to a permit granted in terms of subparagraph **[(6)(b)] (4).**

Roaming elephants

26. (1) The obligation to **[control] manage** a roaming elephant whose origin cannot readily be determined lies with the issuing authority or the owner, **[of or]** manager or other person in control of the property onto which the elephant has roamed, in consultation with the issuing authority.

[(7)](2) The **[responsible person, the] owner, [of or]** manager or other person in control of the property onto which the elephant has roamed, must report such an incident to the issuing authority within **[a period not exceeding] 24 hours [after the incident has occurred] of becoming aware of the roaming elephant.**

[(8)](3) In the case **[where the origin of the elephant cannot readily be determined] of a roaming elephant,** the owner, manager or other person in control of the property onto which the elephant has roamed may—

(a) in terms of the **[Threatened and Protected Species] TOPS Regulations[, 2007]** apply to the issuing authority for a permit to—

(i) capture the roaming elephant or arrange for it to be captured;

(iA) [and] keep the elephant;

- (ii) hunt or arrange for the roaming elephant to be hunted; or
 - (iii) have the roaming elephant destroyed at his own cost [and for his own account]; or
- (b) request that the issuing authority take responsibility for the roaming elephant.

~~[(9)]~~(4) The issuing authority is responsible to immediately take such steps as it deems appropriate to ~~[deal with]~~ manage the ~~[escaped or]~~ roaming elephant if—

- (a) notwithstanding the provisions of subparagraph[s] (3) ~~[(4) or (5)]~~, it is of the view that the elephant poses an immediate threat to people or may become a damage-causing animal; or
- ~~[(b) the responsible person fails to expeditiously take steps pursuant to a permission granted in terms of subparagraph [(6)(a)] ; or]~~
- ~~[(c)]~~(b) the owner of or manager or other person in control of the property onto which the elephant has ~~[escaped or]~~ roamed fails to expeditiously take steps pursuant to [a permission] a permit granted in terms of subparagraph ~~[(6)(b)]~~ (3).

(5) The issuing authority—

- (a) must take into account international agreements, and management plans that may apply to transfrontier conservation areas, when considering a permit for the hunting or culling of a roaming elephant; and
- (b) should consider to allow for a roaming elephant to become a research elephant, instead of killing the elephant or authorise it to be killed.

(6) The requirement of a management plan to manage a roaming elephant does not apply to the owner, manager or other person in control of the property onto which an elephant has roamed.

(7) If the owner of the property onto which an elephant has roamed, decides to keep the elephant in terms of subparagraph (3) (a) (IA), he or she must submit a management plan to the relevant issuing authority in accordance with paragraph 6(1).

Part 6

General

Research

27. A method that is not provided for, or that is not permissible in terms of these norms and standards, may nevertheless be performed, subject to the following conditions:

- (a) the performing of the method forms part of a scientific research project that has the aim of establishing the feasibility of including the method as a management intervention in these norms and standards, provided that—
 - (i) a project proposal in respect of the research project is approved by the relevant issuing authority;
 - (ii) the method is aligned with the management objectives provided in the management plan in respect of the elephant population to which the research project relates;
 - (iii) the progress of the research project is reported annually to the relevant issuing authority;
and
 - (iv) the results of the research project are published in a scientific journal; and
- (b) the carrying out of the method is subject to requirements of the Biodiversity Act and the TOPS Regulations.

Repeal of the National Norms and Standards for the Management of Elephants in South Africa, 2008

28. The National Norms and Standards for the Management of Elephants in South Africa, 2008, published under Government Notice No. 251 in Government Gazette No. 30833 of 29 February 2008 is hereby repealed.

Transitional provisions

29. Anything done in terms of the repealed National Norms and Standards for the Management of Elephants in South Africa, 2008 published in Government Notice No. 251, Gazette No. 30833 of 29 February 2008, and which can be done in terms of these norms and standards, must be regarded as having been done under these norms and standards.

Short title and commencement

[26] 30. These norms and standards are called the National Norms and Standards for the Management of Elephants in South Africa, [2008] 2018, and [will take effect] comes into operation on [1 May 2008] [the] a date [of publication] to be determined by the Minister by notice in the Gazette.

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 and experience in elephant management of an ecologist or compiler of the plan or person 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.
- 1.11 Financial plan indicating the ability of the owner of the elephants to continuously manage the elephants.

2. Ecological

- 2.1 General climatic and hydrological 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 management density of elephants.]** Game species and numbers present on property.
- 2.6 **[Game species and numbers present on property]** Sensitive habitats and species.
- 2.7 **[Sensitive habitats and species]** Disturbed or degraded areas such as bush encroachment and soil erosion.
- 2.8 **[Disturbed or degraded areas such as bush encroachment and soil erosion]** Description of all available water bodies and distribution thereof described.
- 2.9 **[Description of all available water bodies and distribution thereof described.]** Maps:
- (a) Location map.
- (b) Topographic map of property (boundary of farm(s) and camp(s), roads, water points, infrastructure, etc.).
- (c) Vegetation communities.
- 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 an 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.
- 3.6 **[Preferred management density]**
4. **Information pertaining to elephants**

- 4.1 Purpose of introduced elephant.
- 4.2 Number of elephants kept or to be introduced, and preferred population size to be maintained
- 4.3 Public participation reports, where there is contractual arrangements between the management authority of a protected area and a private land owner(s).
- 4.4 Specifications for the release camp.
- 4.5 [Control] Interventions to manage [of] elephant population size and elephant impact, and a culling plan if the management intervention involves culling.
- 4.6 If and how sex and age ratios will be manipulated.
- 4.7 Measures to prevent poaching.
- 4.8 Provision for adequate insurance.
- 4.9 Contingency plans [to deal with elephant problems] (including contact details of responsible manager, veterinary practitioner and capture operator/s) to deal with—
 - (a) elephant problems in the case of the fence being unable to contain the elephants [.] or
in the case of an escaped elephant;
 - (b) elephant problems in the case of the alteration of the habitat beyond acceptable limits[.];
or
 - (c) the fate of an elephant in the event of the death, insolvency or any other event that
impairs the ability of the responsible person to care for the elephant.
- 4.10 Feeding scheme in case of a natural food supply shortfall.
- 4.11 Threat analysis and security plan.
- 4.12 Identification of the long-term population structure in view of the management objectives of the population.

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); and
 - (b) The age of elephants and selection of elephants to be translocated (e.g. exposure to tourists, fences and boma).
- 5.2 Serial numbers of transponders (microchips) to be inserted where appropriate.
- 5.3 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]** submitted to the relevant issuing 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

MANAGEMENT PLANS FOR CAPTIVE ELEPHANTS

A management plan for captive elephants shall contain at least all of the following information:

Section A. General information and inventory

- 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 details 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 ecologist, should one have been consulted, 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 and / or adequate enclosure.
- 1.11 Financial plan to indicate the ability of the owner of the elephants to continuously manage the elephants.

Section B. Specific information relating to elephants

- 2.1 Purpose of keeping captive elephants and proposed uses of the elephant.
- 2.2 Number of elephants kept, or to be introduced
- 2.3 Projected elephant numbers for next 5, 10 and 20 years.
- 2.4 Control of elephant population sizes – management options to be used if required.
- 2.5 Proof of notification of neighbours.
- 2.6 Measures to prevent poaching, unnecessary and/or deliberate disturbances and harassing.
- 2.7 Provision for adequate insurance.
- 2.8 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.

- 2.8 Description of housing facilities.
- 2.9 Description of activities, training methods and tools used.
- 2.10 Identification characteristics of individual elephants to be provided to the issuing authority within 30 days after approval.
- 2.11 Serial numbers of transponders (microchips or any other current form of tracking for elephants more than two (2) years old) to be inserted, to be provided to the issuing authority within 30 days after approval.
- 2.12 Description of provisions to minimise stress and trauma to the elephants.
- 2.13 Description of provisions to cater for the social structure of the elephants.
- 2.14 Description of projected growth patterns and measures for population management.
- 2.15 Description of provisions relating to veterinary care.
- 2.16 The complete history of each individual:
 - (a) Origin of the elephants (e.g. location, habitat, fencing and size of reserve/farm).
 - (b) The age of elephants.
- 2.17 Emergency procedures describing the following:
 - (a) Reactive and preventative procedures for elephants out of control, injured or sick elephants;
 - (b) Personnel emergency procedures including reactive and preventative procedures aimed at stabilizing elephants out of control and managing injured staff, guests or elephants; and
 - (c) Guest emergency procedures.
- 2.18 Contingency plan that deals with the fate of the elephant in the event of the death, insolvency or any other event that impairs the ability of the responsible person to care for the elephant.

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

ANNEXURE III
SECURITY – WHEN DEALING WITH WILD ELEPHANTS

1. Elephants are wild animals and can be very dangerous if not treated with respect and caution.
2. The responsibility of safe encounters with elephant lies entirely in the hands of the field guides and land owners.
3. High standards of guest and staff safety should be maintained at all times.
4. Guides should be adequately qualified and experienced to protect the guests.
5. The following are recommended specifically:
 - 5.1 All tourist facilities and amenities should be ring fenced with an electric fence, so should staff villages;
 - 5.2 Where river frontage occurs an electrified cabled fence must be erected to keep elephant out of tourist camps; and
 - 5.3 Fencing of sewage ponds and rubbish pits with electrified fence.
6. Regarding vehicles, the following is recommended:
 - 6.1 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;
 - 6.2 All vehicles must be reliable and in a good running mechanical condition and be fitted with adequate spare wheels and repair kits;
 - 6.3 Functional radios are essential;
 - 6.4 Well-prepared emergency action plan;
 - 6.5 When guests drive on their own the following should be supplied:
 - 6.5.1 Information on the potential dangers of elephants (i.e. cows with calves);
 - 6.5.2 Information on how to identify, approach and behave near bulls in musth; and
 - 6.5.3 Strict regulations of how to behave near wild elephants:
 - (a) Not to drive off road;
 - (b) Not to follow the elephants;
 - (c) To respect the elephants at all times;
 - (d) To always allow them the right of way;
 - (e) To drive off slowly if they get too near;
 - (f) Not to cut off their path especially when more than one vehicle present;
 - (g) Not unnecessarily increase the noise emitted by the motor vehicle engine; and
 - (h) Not to leave the vehicle.

ANNEXURE IV
REQUIREMENTS FOR RELEASE CAMPS

[The purpose of the release camps is to teach the elephants to respect electricity; and to enable the group to re-bond following the disruption of translocation.]

1. The release camp must—
 - 1.1 be prepared well ahead of time;
 - 1.2 be inspected and approved beforehand by the issuing authority;
 - 1.3 be easily accessible by large, low-bed transport trucks with access roads able to adequately carry such vehicles, due consideration be given to all bridges and culverts and large trees;
 - 1.4 be located adjacent to the centre of the protected area or registered game farm, to the extent possible;
 - 1.5 have access and use of a water source;
 - 1.6 be a minimum width of 100 metres;
 - 1.7 be a minimum area of two hectares for every six elephants;
 - 1.8 have adequate clean drinking water;
 - 1.9 include a possibility for mud-wallowing with a solid cement or rock floor and supplied with water to prevent small calves from becoming trapped; and
 - 1.10 is sufficiently vegetated to provide security and shade for the elephants.

2. The fence of the release camp must—
 - 2.1 have a minimum height of 2,4 metres;
 - 2.2 be constructed using steel railway tracks lines or steel poles filled with concrete as uprights set in concrete ten metres apart;
 - 2.3 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;
 - 2.4 have a galvanised veldspan fence 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;
 - 2.5 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; and
 - (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.
- 2.6 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 reinforcement of the gate can be achieved by using horizontal steel poles; and
- 2.7 not be near large trees that the elephants may push onto the fence and cause a short.
3. The offloading ramp must—
- 3.1 be placed outside the fence;
 - 3.2 be at least 2, 4m wide and 1m high;
 - 3.3 have containing walls that are—
 - (i) three metres high;
 - (ii) reinforced;
 - (iii) constructed with steel poles that are concreted into the ramp; and
 - (iv) are sufficiently strong to prevent the elephants from pushing them over when off-loaded; and
 - 3.4 have a gate that—
 - (i) separates the offloading ramp from the release camp;
 - (ii) is constructed of heavy steel;
 - (iii) is electrified when closed;

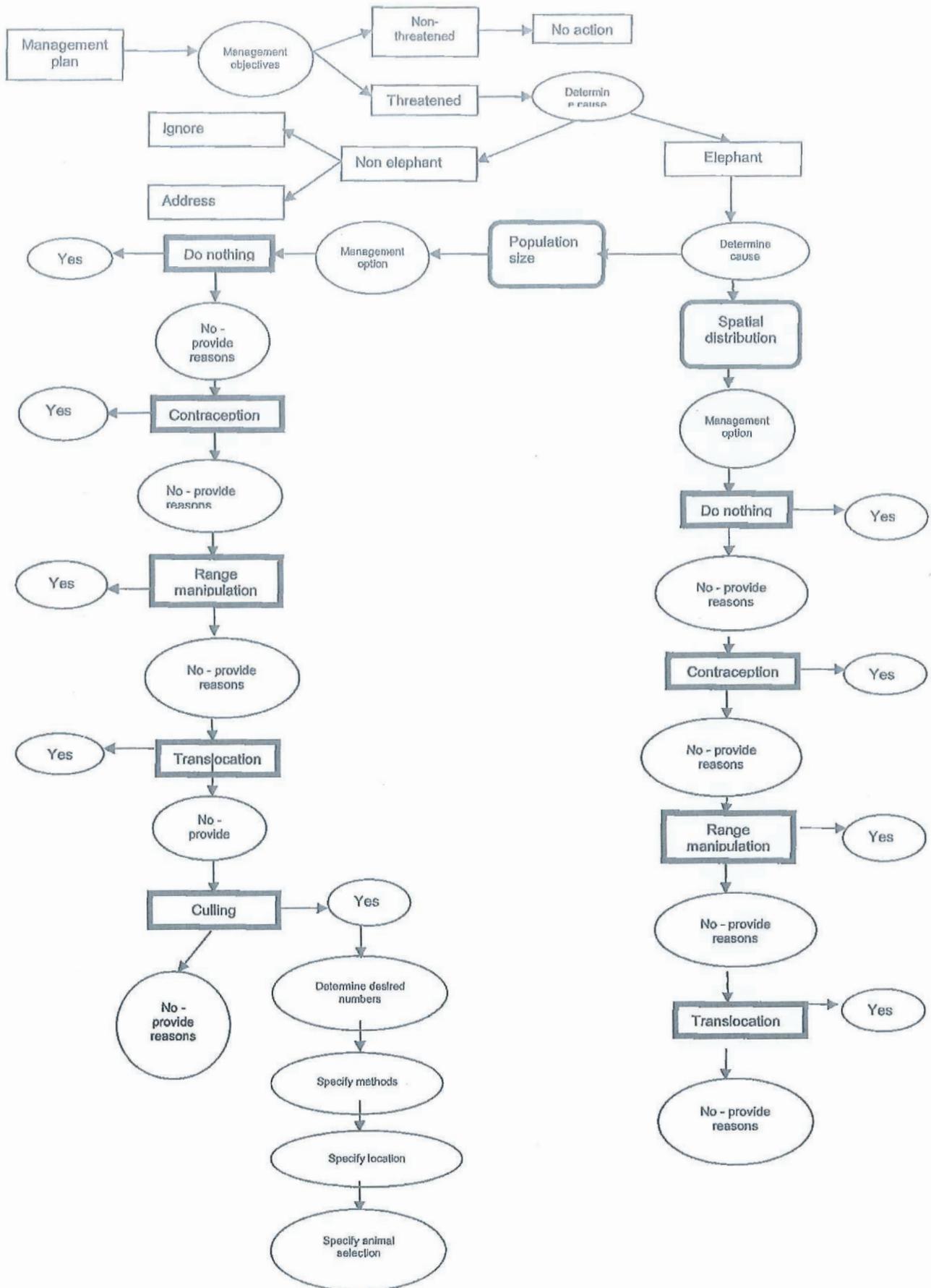
- (iv) is reinforced by thick horizontal poles pushed through steel brackets after the elephants have been offloaded;
- (v) is additionally reinforced if bulls are to be introduced; and
- (vi) is six metres wide;
- (vii) is of a sliding design; and
- (viii) can be opened remotely with a cable or rope,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

ANNEXURE V
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 a minimum of two electrified strands, one at 1.0 – 1.5 m and the other at the top. In situations where electrification cannot be relied on, the fence must be strong enough to contain elephants without electrification;
 - 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; ideally earth pegs should be every 100 to 200 metres apart to achieve minimum voltage.
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.
5. The fence should be kept clear of vegetation that could reduce the voltage along fence line.
6. The fence should be inspected on regular basis but preferably daily.

ANNEXURE VI - FLOW DIAGRAM RELATING TO MANAGEMENT OPTIONS



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