

ANIMAL RIGHTS AFRICA (ARA)

SUBMISSION RE: NATIONAL NORMS AND STANDARDS SCHEDULE FOR THE MANAGEMENT OF ELEPHANTS IN SOUTH AFRICA

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A. OPENING COMMENTS

1. The Minister issued draft national norms and standards for the management of elephant populations in South Africa for written comments by 4 May 2007.
2. Animal Rights Africa (ARA) is a newly formed not for profit Trust incorporating, amongst others, Xwe African Wild Life and Justice for Animals, dedicated to protecting and ensuring the ethical treatment of South African animals.
3. ARA welcomes the opportunity to comment on this important issue which has significant implications for elephants on the African continent and beyond. However, from the perspective of good public policy practice ARA is extremely concerned because the Draft Norms and Standards (DN&S) do not provide an adequate framework to address the management of elephants.
4. The DN&S is an unimaginative, weak, unclear, vague and a poorly and defectively crafted and conceptualised document. Clearly the drafters have not applied their minds properly to this matter.
5. The basic tenet of the DN&S is flawed. It is clearly trying to be all things to all people – with a strong emphasis on utilisation – by doing this it is ignoring scientific and ethical truths - the notion of trying to marry utilisation and support for ivory, hunting, elephant back safari industry with “respect” and science does not make any sense.
6. It is of concern that although the Minister in his speech said that the DN&S documents addresses the interests and welfare of elephants and need to be respected, nowhere in the document is effect given to these qualities – indeed quite the opposite.

7. Although elephants are considered by many to be the quintessential symbol of the African continent and ecotourism plays an important role in the South African ecotourism economy. The general tone of the DN&S reinforces the treatment of elephants as nuisances to be “controlled,” marketed, and profited from. These extremely intelligent and crucially keystone species are merely being viewed as commodities that can be ‘harvested’ for profit.
8. The DN&S is packed with negative and loaded language which blatantly (but falsely and without empirical evidence) implies that the elephant population in southern Africa is growing exponentially and running out of space – “too many elephants” - and that human-elephant conflict is also a result of too many elephants. Examples of this include, “controlling elephant populations”, “negative impacts of elephants on biodiversity”, “negative impacts on human livelihoods”. Such statements are not only highly contested but also totally inaccurate.
9. It is patently obvious that this document weighs disproportionately and heavily on the side of the hunting and culling proponents and that overwhelming scientific and ethical information gleaned from the limited consultation process has, to a large extent, been excluded from the DN&S.
10. The DN&S perpetuates the myth of need to cull and colonial conservation mindset and reinforces and encourages questionable management styles and strategies. Despite the overwhelming ecological and ethical evidence the DN&S continues to advocate killing elephants – by promoting ‘culling’ as a management option.
11. Overwhelmingly the DN&S presents a one-sided view: a view which is devoid of compassion and respect; is only wedded to conservation for profit; and provides the policy framework for the killing of elephants.
12. Whilst pretending to have a logical flow from the current “problematic” situation to one in which elephants are managed and controlled in

accordance with the stipulations of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003) and the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004), this document creates a maze of unenforceable and uncontrollable delegations to various parties in both public and private environmental management positions which would allow the legitimate killing of unlimited numbers of elephants by trophy hunters, wildlife managers and appointed state officials.

13. Definitions are central to the effective implementation of the law. But in the DN&S many are either unclear, value laden or not there. This makes it problematic to interpret and seriously undermines the policy and its implementation. The DN&S fails to include the many other concepts applicable to this issue.
14. Of concern is that the DN&S document fails to take into account the bigger picture. We need to look at the whole of Africa – cannot look at South Africa in isolation. African elephants (*Loxodonta africana*) and Asian elephants (*Elephas maximus*) are subjected to a variety of threats across their range: they are poached for their ivory and their meat, hunted, 'culled,' slaughtered after conflict with humans, and they have their habitats consistently fragmented. They are also captured live and sold internationally for captive display in zoos and entertainment in circuses.
15. The DN&S has failed to take the opportunity to provide a robust, coherent and strategic blueprint.
16. Workable, doable and practical alternatives exist to enable the protection and long-term viability of Africa's and Asia's remaining elephants. A long-term, integrated global strategy on elephant conservation is needed so as to produce a productive and enlightened way forward.
17. The end result is that the DN&S a deeply flawed document. There is a lack of clarity and core principles are not properly articulated or formulated.

The document also contains many inaccuracies, incoherencies and errors. Consequently it does little to address the real and practical issues at hand and will create a weak, contested and untenable outcome.

18. The DN&S must be publicly revisited and revised through a more consultative process.

B. CONSULTATION PROCESS

19. This document is not an effective mechanism to truly enable public input and consultation. As a matter of administrative justice and in a democratic and open society. The flawed nature of this document and the absence of a full consultative process are very problematic and are likely to impact negatively on the ability of the public to provide informed comment and for the Minister to put in place a respectable and implementable policy.
20. According to the South African Constitution government *must* facilitate (not merely tolerate) public involvement in their legislative and other processes and NEMA provides in section 2(4)(k) that "decisions must be taken in an open and transparent manner." Moreover, The policy formulation process in South Africa clearly provides for a process where departments should not only invite public comment and submissions but should also refine and revise the emerging policy by obtaining additional feedback thereafter and raising the level of public debate on the issue to achieve the intended goal of the policy and so as to formulate policy adequately. It can then be published for further comment.
21. Given the high profile of elephants on the African Continent and the international attention that is focussed on the issue of culling, the development of policy in relation to the elephant management issue is one which needs to be as consultative, open and accountable as possible. There is therefore need for further public input and debate after the submissions and responses have been received to the DN&S.

22. ARA is greatly concerned that there does not appear to be proper or adequate capacity and knowledge in DEAT, or a systematic process in place, whereby submissions will be properly reviewed, valid or reasonable recommendations extracted and then again publicly debated for consideration and inclusion or rejection.

C. CULLING

23. ARA is deeply disappointed and that the DN&S includes culling. ARA is extremely concerned about this decision, which not only has serious implications for South Africa's elephants and for the wider elephant population but is ignoring rational and sound scientific and ethical arguments against the inclusion of culling.
24. There is a need to re-imagine the issue of our relationship with elephants and move away from our historic culture of killing – where pulling out a gun is seen as a solution.
25. The DN&S has missed the opportunity to provide a balanced set of options for elephant management, and has instead promoted culling for poorly supported reasons.
26. Elephant killing must be culled from this policy and cannot be included in a list of options for elephant "management" as there is no scientific or ethical reason to justify its inclusion.
27. The inclusion of culling opposes present conservation science and is a simple continuation of applying the agricultural metaphor to conservation. Reducing the elephant population through culling is arbitrary and scientifically unsound, and it reflects outdated wildlife-management principles.

28. The DN&S continuously and disingenuously reinforces the notion of a perceived “elephant problem”.
29. We are deeply concerned that the inclusion of culling in the DN&S is purely motivated by ideological (sustainable use) and economic reasons.
30. Overwhelmingly scientists have condemned South Africa’s proposal to include the killing of elephants.
31. After the Science Round Table (SRT) on elephant held on 18 January 2006, DEAT stated, “there is no compelling evidence to suggest the need for immediate large scale reduction of elephant numbers in the Kruger National Park, even though elephant density is now roughly double of the 1960s-90s.”
32. Killing is not an option and there is no place for it in this policy document. The science is clear – there is no uncertainty – culling is not necessary or recommended. The paper by N. Owen-Smith, G.I.H. Kerley, B. Page, R. Slotow and R.J. van Aarde entitled “A scientific perspective on the management of elephants in the Kruger National Park and elsewhere.” (South African Journal of Science 102, September/October 2006) unmistakably shows this.
33. Culling elephants will not address the alleged scientific uncertainty.
34. There is a misconstrued assumption that without culling, elephants will increase to such high numbers that the structure and composition of the system will be changed drastically – there will be large reductions in biodiversity.
35. There is no evidence that elephants pose an imminent risk to biodiversity. There are no signs of irreversible damage and elephants are not destroying opportunities for other elements of biological diversity to thrive.

36. The belief that biodiversity is maximised by culling elephants is uncorroborated.
37. Culling is not effective in preventing change. Even with culling in KNP between 1970 and 1995 vegetation continued to change.
38. Culling does not hold populations “stable” and the contention that culling elephants prevents species loss and the maintenance of vegetation structure is false.
39. Elephant culling zones in protected areas should not be considered. It is more effective, less costly and less contentious to establish a spatial template. Management should be spatially differentiated, and may involve zoning some areas as ‘elephant sanctuaries’ and others as ‘tree sanctuaries’ with clearly specified objectives.
40. Elephant population growth rates are much more likely to decrease in the future.
41. There are no risk factors associated with more compassionate management tools, but there definitely risk factors in relation to culling.
42. Culling stimulates population growth and intra population migration and holding elephant densities at constant levels through “culling” is not only detrimental to ecosystem diversity but would maximize the rate of increase of an elephant population – this means that the practice of “culling” is essentially an ivory harvesting programme operating at maximum sustainable yield.
43. By reintroducing culling in this proposed policy South Africa could set a trend and lead to a rise in poaching in countries like Kenya, the DRC and Mali.

44. The reintroduction of culling may drive international tourism away from South Africa.
45. The DN&S does not deal with the very real issue of the traumatic effects of culling on elephants. Moreover, the SRT did not include any scientists or ethologists who would have drawn the minister's attention to the long-term, social, physiological and emotional impacts on elephants of culling and hunting.
46. The mass killing operations of culling tear apart elephant families and leave the survivors permanently scarred. Between 1967 and 1995, 14,562 elephants in South Africa's Kruger National Park were culled. Terrified elephants were herded into groups with helicopters while people on the ground and in the air opened fire with high-powered weapons. Elephants are capable of communicating over long distances, and their death screams were undoubtedly heard by other elephants miles away. Innumerable orphaned calves, who were regarded as valuable collateral, were sold to zoos and circuses, where many were beaten into submission, chained, and confined and had their precious freedom taken and their spirits broken. Scientists are now determining that these individuals were left with lifelong emotional trauma from witnessing the violent executions of their families.
47. The N&S should not include culling and IF in the future it is found that there may be a need to consider it as a management option, the Minister can again consult with regard to the inclusion of culling. But there is no reason for it to be in this document.
48. The "do-nothing option" is not an option. No one has proposed "doing nothing"; this is a straw man. In fact, a range of robust, sensible, humane and practically realisable options, for protected areas and smaller reserves exist in relation to elephants, these include: immunocontraception; artificial waterpoint restriction; range expansion; development of migration corridors to nearby Protected Areas and other conservation regions; non-

lethal deterrence methods; protection of vulnerable and valuable areas by erecting and maintaining fences and exclusion zones (including botanical reserves); and the restoration of metapopulation dynamics which will allow elephants of the seven principal clusters of populations to disperse and function as a single unit.

49. The DN&S unjustifiably rejects immunocontraception as an option and refers to it as “highly invasive”. This is not true: it is affordable, involves minimal intervention and can reduce the number of elephants even in a large population.
50. Nothing could be more invasive, cruel and socially traumatising than culling yet the authors of the DN&S persist in including it as an option and reject immunocontraception. This is illogical and unacceptable.
51. None of the scientists working on immunocontraception were included in the Minister’s SRT process. This is reflected in the stance taken in the DN&S.
52. ARA is also puzzled as to why only a small opening/gap (approximately 10%) in the elephant proof fence, which runs for 353 kilometers along the length of the Kruger National Park's eastern border with Mozambique has been made. The establishment of the Transfrontier Park was announced in 2002.
53. Despite the DN&S stating that elephants are sentient beings that experience trauma, it fails to translate this into the Guiding Principles, the spirit of the policy or the actual, management options.
54. Elephants are highly intelligent and emotional beings. They share a paralleled lifespan with humans and like us they have life-long loyalties, friendships and close-family ties. When an elephant is shot there is immediate distress on the part of the family. Elephants can act out of compassion. There are various documented accounts of elephants aiding

humans. Elephants live in a complex society bound together by different layers of social bonding and communication. They exhibit skills and qualities such as: good leadership, good communication, clear roles, co-operation, consensus building, respect for one another and reconciliation.

55. The effects of culling on the multi-tiered complex strata of an elephant clan and population as a whole have not been given appropriate consideration in the DN&S.
56. Elephant 'culling' is not a morally neutral act, inevitably involving fear, pain, stress and suffering, which will not be restricted to the immediate targets of the cull but reverberate throughout the population. The complex way in which elephants use sound to communicate over long distances demonstrates their intellectual and emotional complexity and understanding. Elephants understand very well what is happening and even relay this message throughout the population. Fear, panic and distress caused by culling, hunting and capture operations do not only affect those individuals immediately involved by also affect distant elephant clans.
57. The moral onus is therefore on us if we wish to take their lives or expose them to conditions which negatively affect their immediate and/or long-term welfare. Elephant management choices adopted in South Africa must address these issues. The DN&S fails dismally here.

D. "DAMAGE CAUSING"/ELEPHANT-HUMAN CONFLICT

58. The DN&S characterisation of elephants as "damage causing" i.e. marauders is extremely problematic as it legitimises and leaves the door wide open for their exploitation by those who wish to kill elephants for profit, recreation, or fun.

59. Just in the definition of “damage causing animal” lies the potential for mass killing of elephants accused of causing or threatening to cause losses to “other wild specimens” or “natural fauna and flora”. This is the very basis of the ongoing efforts by SANParks to restart its culling programme in, for example, the Kruger National Park.
60. Decisions to destroy or cause to be destroyed any elephant considered a threat to ‘stock’ property or human life are delegated to provinces in such a broad context that unscrupulous hunters and suspected corrupt conservation officials will have a field day justifying the destruction and hunting of any elephants they wish. This document fails to prescribe adequately the processes by which provinces and other wildlife managers must comply with the tenuous spirit of these norms and standards.
61. There is no peer-reviewed support that elephants are giving rise to increased threats to people’s livelihoods.
62. Hunting should be prohibited in this context. Particularly because many of these animals are lured/chased out of protected areas and reserves, conveniently labelled as “damage causing” and then ‘legally’ hunted.
63. Other non-lethal intervention methods and non-consumptive solutions need to be strongly promoted and encouraged. Compassionate human/elephant conflict resolution measures, which assist local communities in ways which bring real, lasting benefits to people without killing elephants must be pursued.
64. The DN&S does not deal with this at all and ignores the growing scientific movement and innovative and effective elephant aversion solutions to alleviate potential suffering by dissuading elephants from coming into conflict with farmlands.

65. Humane alternatives to conflict exist in abundance and can be implemented in widespread fashion. Unfortunately, in terms of the DN&S killing elephants is the knee-jerk reaction.

**E. CONCERN ABOUT IMPLEMENTATION AND OVERSIGHT FRAMEWORK:
CORRUPTION AND MANAGEMENT MINDSETS**

66. The view that elephants have an irreversible adverse effect on habitat and other species and that there are 'too many' has not only been scientifically and ethically challenged but it has proven to be entirely incorrect. Despite this government officials in the southern African range states continue to publicly make these assertions. In South Africa this creationist and interventionist view is strongly reflected in national and provincial conservation agencies and their staff members.
67. Ecologists, animal ethologists, ethicists and managers need effective dialogue. Government conservation structures who are responsible for monitoring and implementing policy need to take the new paradigm seriously and work imaginatively with natural processes, leaving "Command and Control" behind. ARA has not confidence that this will happen particularly because the DN&S facilitates misuse and manipulation.
68. The DN&S allows for management criteria to be subjective. Our concern is that 'managers' are still very much stuck in a culling mindset (there are countless recent examples of SANPARKS and provincial officials publicly advocating culling elephants as the only option – ARA can supply many examples of these) and will focus on symptomatic rather than systemic actions to manage elephant issues. They will not take a neutral stand.
69. ARA is deeply concerned that the DN&S creates spaces and loopholes for those officials and managers who are charged with protecting elephants but will largely not transform and adjust, either for ideological, economic or corrupt reasons. This is particularly true in the provinces.

70. It is very likely that it is in provinces culling will automatically be put forward as the “only option”. Given lack of accountability, transparency and adequate monitoring mechanisms in the provinces and on private land this is extremely worrying. The DN&S ignores this issue. Moreover, stakeholder consultation in the provinces and on private land in relation to elephant protection and management is not included in the DN&S.

F. OVERT ECONOMIC AND POLITICAL INTERESTS

71. The DN&S entrenches the commodification and abuse of elephants and as a result ignores the interests and welfare of elephants.
72. The DN&S is problematic in what it does NOT cover or say. For example it does not prohibit the capture and live trade of elephants to zoos, circuses, so-called safari parks and hunting destinations (nationally, regionally and internationally) and it does not prohibit the hunting of elephants. It does not mention the Ivory and Hide trade.
73. Given the huge profits involved in the sale of African elephants to overseas destinations, growing pressure is currently put on officials administering CITES in South Africa to allow such transactions by exploiting loopholes and unclear interpretations of CITES regulations. The DN&S fails to address this.
74. Southern Africa, far from supporting the other African elephant range states, is spearheading the lobby for the voracious and ruthless ivory trade. And South Africa is playing a kingpin role here by pushing for the sale of ivory stockpiles. Even though this will mean that an enormous burden will be put on the more than three quarters of the 50 elephant range countries who have much fewer resources for law enforcement and would not be able to control the increased poaching and smuggling which such sales provoke.

75. The Department of Environmental Affairs and Tourism (DEAT) and SANParks, particularly in the last few years has been creating – and continues to create - a skewed and negative view of elephants and are trying to get a mandate for the down-listing of elephants at CITES and the unbanning of the ivory trade.
76. It is within this context that the DN& should be seen. And this raises serious questions about its legitimacy, i.e. it is being driven by political and economic agendas rather than science and ethics.
77. South African conservation officials have been meeting with other SADC countries for the purpose of setting up a common elephant management plan which proposes culling and supports the ivory trade.
78. How can South Africa even think of setting common elephant management policy with other SADC countries when the elephant management policy for South Africa has yet to be finalised?
79. ARA is concerned that the process of allowing a period of time for public comment on the draft norms and standards is simply window dressing to fool the public into believing that they actually can comment and that their comment will be seriously considered by DEAT and the Ministry.
80. In view of the fact that the development of elephant management policy in South Africa is still in the early stages of consultation, South Africa must refrain from engaging with SADC on any elephant management policies until such time as the process has run its course in South Africa.
81. Any related proposals subsequently emerging from SADC meetings must be subjected to the democratic process in South Africa and not merely finalized by officials from DEAT.

82. South Africa must refrain from supporting any proposals submitted to CITES COP 14 if these proposals are potentially harmful to individual elephants in Africa and because the norms and standards for elephant management in South Africa cannot possibly be finalised before the upcoming CITES COP.
83. It is imperative that the final policy on elephant management in South Africa be seen not to have been influenced by outside pressures such as SADC or CITES. To this end the only fair route the Ministry can follow is to allow the process in South Africa to reach finality before South Africa takes a definitive stance at either CITES or in SADC.

G. CAPTURE OF ELEPHANTS FROM THE WILD FOR CAPTIVITY AND TRAINING

84. There is a rapidly growing 'elephant industry' in South Africa, with increasing numbers of elephants being captured, 'tamed' and 'trained'. These elephants are then supplied to local and international zoos, circuses and elephant back safari operators.
85. This industry has used the opportunity presented by the issue of 'culling' to jump on the bandwagon and promote the growing elephant industry as an alternative to culling. Essentially there are three basic reasons why this industry should not be supported: its outspoken and disingenuous defence of 'culling'; it is not acting in the interests of elephant communities or individual elephants and; importantly elephants do not have a choice in the matter.
86. The capture and training of elephants reveals what goes on behind the scenes in the name of "sustainable utilisation" in South Africa. It also points to an endemic problem where so-called 'conservation management practices' are clearly driven by economics rather than scientific evidence and ethical practices.

87. ARA is totally against the removal of elephants from wild herds and taking them into captivity for any purpose whatsoever. This practice is unacceptable, cruel and unethical, and has been condemned by elephant behavioural specialists and animal ethologists and is contrary to international norms.
88. The practice of taking wild young elephants out of their social environment for training must be stopped immediately and the DN&S must prohibit the training of wild-caught elephants.
89. ARA disagrees strongly with the provision in the DN&S which provides for removal of elephants from the wild for captivity on the basis of a permit being issued.
90. The DN&S does not even define the elephant back safari industry and does not even mention the Performing Animals Act under which permits to keep and train elephants is provided.
91. The case of genuine orphans should not be allowed to be used as a loophole for capture from the wild.
92. There are approximately 100-120 elephants already in captivity in South Africa.
93. Elephants that are already captive should be allowed to live in sanctuary situations and not be forced to perform unnaturally or be used for profit. They should not be subjected to ongoing training and discipline.
94. ARA strongly disagrees with allowing ongoing training of elephants for interaction with humans on elephant back safaris, in circus acts and in other work situations.
95. The "elephant training and keeping industry" have to date not proven that this can be done without cruelty.

96. The practice of training elephants should be prohibited in terms of the DN&S. This obviously includes training methods that involve chaining of elephants, cabling to tame and retrain, ankuses (spiked rods), use of sharp ear hooks, water fear (hobbling elephants ankles in deep water while trainers sit on them or repeated splashing/hosing the heads of elephants), sleep deprivation, etc.
97. The DN&S must be much more detailed with regards to existing conditions for captive elephants. The DN&S are not detailed or specific enough to safeguard the interests and welfare of elephants kept in captivity. The duty of care provisions for captive elephants, minimum enclosure sizes, requirements/responsibilities of elephant back safari operators are not adequately specified.
98. These aspects in the DN&S are very weak and have obviously not been prepared in sufficient detail or with proper consultation with elephant behavioural specialists and ethologists to ensure care of captive elephants and enforcement.
99. There is insufficient provision in the DN&S for monitoring and inspection of elephants currently in captivity. Owners and operators should not be allowed to operate and deal with elephants "out of sight", and there must be provision for removal (confiscation) of elephants where permits have been granted by an issuing authority without it having applied its mind sufficiently to the issues involved, where permit conditions are not met or where the welfare of the elephants is compromised.
100. It is a well-documented and widely accepted fact that elephant family units should not be separated or hunted and internationally renowned elephant experts view it as unethical and cruel to forcibly remove young elephants from their families.
101. Complex biological and emotional responses of calves (and their mothers) to separation have evolved for a reason. Every elephant calf is biologically

extremely important to its mother because she must invest so much time, energy and effort in producing and rearing a calf to adulthood: 22 months of gestation, four years of lactation, at least 12 years of rearing and protection. As a consequence elephants have evolved extraordinarily developed behaviours of caring and bonding with their calves. If a calf is to survive to adulthood it too must form intense close bonds with its mother and other family members. These bonds involve extreme emotional attachment, which if broken cause individuals extreme suffering.

102. Even the Kruger National Park has, since 1999, taken the decision that the translocation of juvenile animals is “inhumane and therefore undesirable” and that only intact family units will be transferred live out of the Park. The DN&S is clearly out of step with current conservation practices.
103. South Africa is currently faced with the challenges of trying to reign in the canned and trophy hunting industries. Is the Minister going to wait until the elephant industry does the same before questioning the validity and ethics of the ‘tamed and trained’ elephant industry?
104. The following facts, which make a compelling case against capturing and holding wild elephants in captivity, are well-established (ARA has affidavits from experts to substantiate this):
105. Elephants are renowned for their memories, intelligence, and sociality. Similar to humans, these traits also make them particularly vulnerable to stress and trauma and their long-term consequences.
106. From research studies it has been shown that calves/juveniles separated from their mothers and family groups endure immeasurable suffering. This has been demonstrated by *inter alia*: The fact that calves become listless and depressed; The fact that calves have a higher risk of mortality throughout life; The physiological and psychological vulnerability which results from such separation both for the calves and their family groups;

The incidence of aggressive episodes and behaviour both by the separated calves and by the remaining family group/s.

107. The trauma of social loss is also critically important to take account of in any such operation. Young elephants learn normal behaviour in a social context. If removed from their mothers and from a context where they have an older experienced individual, they are likely to engage in inappropriate responses to their physical environment, to take foraging risks or even to starve.
108. Young elephants rely on their social companions to learn appropriate behavioural responses to others. It is important in this regard to note the following: Young elephants are in continual olfactory and vocal contact with their mothers and other family group members; Young elephants remain within two metres of their mothers or another caretaker from the family group for most of the first five years of their lives; Young elephants follow their mothers' social responses and learn to identify their relatives and other family group members; Young elephants are taught by their mothers and other family group members to identify potential threats; The presence of mothers and/or older family members ensure normal, friendly social behaviour and reduced levels of aggression; The presence of mothers and older family members allow for observation of sexual behaviour between adults.
109. Interaction with the family group teaches young elephants the practice of appropriate actions during play and so providing a non-threatening context for learning about size, strength and the level of physical contact which is appropriate. Scientific data has demonstrated certain features of elephant family groups that show the importance of maintaining such groups intact. This is shown by *inter alia* the fact that: Juvenile females act as "allomothers", who care for younger calves; the presence of these older sisters and helpers is statistically significant in keeping calves alive.

110. The direct effect on survival is one aspect of the role that allomothers play. They also free the mother from infant care duties, so that the mother may spend more time feeding and improving the nutritional plane of herself and the milk that she produces.
111. Young elephants of both sexes act as play partners for their siblings, with the benefit of social development apparent.
112. Removal of juvenile elephants from a family group has significant impact on the social cohesion and behavioural well-being of the family group as a whole.
113. It is imperative to consider the additional problem of a potential increase in aggressive behaviour of both the captured elephants and their remaining families from which they have been removed.
114. The following factors must be taken into account when considering removal and translocation of elephants particularly when separation from family groups is to take place: Elephants removed and "broken" by trauma and trained by fear and/or force are exceedingly capable of retaliating much, much later on the humans who might be riding them; The family members remaining in the reserve after the removal of juveniles are likely to be deeply affected; The capture operation is traumatic in itself, involving chasing, noise and frightening human activity over a period of several hours. Due to an elephant's extraordinary ability to remember, such trauma will not be forgotten by them.
115. There is sound emerging evidence that the violent and sudden removal of calves/juveniles from their family groups has resulted in greater aggression towards humans by the mothers, other family members and the calves themselves.
116. This demonstrates that the bonds between juvenile and mother (as well as the rest of the herd) involve strong emotional attachment, which if broken,

cause individuals extreme suffering. The separation of juvenile elephants from their families is therefore cruel to the elephants involved and should not be performed.

117. The practice also constitutes an unwarranted interference with a family unit that can lead to irregular behaviour on the part of the juvenile elephants and is an environmentally unsound practice, significantly disturbing the herd that remains as well as interfering with ecological processes.
118. These practices further results in poorly adjusted elephant individuals who engage in inappropriate and aggressive behaviour towards their human 'keepers' and other human visitors, often causing severe injury or even death.
119. The removal of juvenile elephants constitutes a significant disruption to the elephants in an area and causes severe trauma both to the elephants that remain and the juveniles that were translocated. Such removal disrupts the natural procreative processes of elephants and in fact leads to them reproducing at an increased rate.
120. It has been accepted that good environmental practices generally would avoid the removal elephants from their environment but where this is to occur such removal would only be with intact family units. Never should the separation of individual members of family units take place.
121. Recent studies on neurological development show that human and animal cortico-limbic structures and mechanisms are highly conservative and all mammals share the same generalized "emotional brain" (including the prefrontal cortex, cingulate cortex, amygdala, insula, hypothalamus and brainstem) as well as associated physiological and behavioural traits (e.g. fear conditioning; attachment and social bonding, pain, aggression; anxiety, and facial recognition).

122. Elephants show a diversity of higher cognitive capacities including tool-use, exceptional long-term and episodic memory, intention, complex chemosensory and auditory communication, context learning, reasoning, problem-solving capabilities, and the ability to perform premeditated acts. Latest research has proved that elephants have a sense of self-awareness, placing them in a unique category together with great apes, dolphins and humans. These are the only mammals so far known to be able to recognise themselves in a mirror. Neurobiology shows that there is a critical relationship between social and brain development.
123. If a young animal experiences the break up of social bonding (such as between mother and calf) or suffers trauma and deprivation, then abilities to self-regulate and engage in typical friendly behaviour are diminished.
124. Disruption of the offspring-mother interactions can lead to impaired ability to regulate stress and brain dysfunction. Often this leads to uncharacteristic aggressive behaviour.
125. Developmental patterns tend to persist through adulthood.
126. Stress effects persist in the neurobiological substrate and its symptoms will likely surface when stress or deprivation levels increase beyond a certain point such as observed in post-traumatic stress disorder "flashbacks". These can manifest as aggressive behaviour.
127. Long term stress activates the cortico-adrenal system. Chronic stress, such as separation, loss of attachment, close confinement may result in chronic elevations of adrenal hormones or produce adrenal hypersensitivity to ACTH. Chronic stress has a wide range of negative effects, such as loss of bone calcium, inhibition of growth and reproduction, development of ulcers and inhibition of the immune system.

128. Elephant orphans are prone to being physically growth retarded and more prone to sickness, deprived of many social abilities which can result in apathy, prone to unnatural behaviour and less capable of learning.
129. The added trauma of being put through a training regime by humans, can only be detrimental to the animal and the result is a psychologically traumatized, broken animal, no longer an elephant.

H. RESEARCH

130. Reference is made to an Institute but no explanation or definition or detail is given about it. Neither is there any information on access to it.
131. Permission should not be given for any research that may involve killing elephants. There is much data on culling and its effects as it was practiced for decades.
132. The immediate research questions should, for example, focus on: the factors governing elephant movements and recruitment processes in savanna woodlands; how elephants distribute their effects over space; and the local conditions allowing tree regeneration to occur.

I. CONCLUDING REMARKS

133. With frequent references to culling, hunting, and destruction of so-called vagrant and problem elephants, this document tragically perpetuates the myth of an elephant overpopulation in South and Southern Africa.
134. Although ARA is not surprised by the elephant unfriendly content of this poorly constructed document that ignores the independent scientific voice of reason which finds no basis for culling elephants in South Africa, and is ethically barren, we are never-the-less disappointed that it is so blatantly a

sustainable use tool, primarily informed by the pro-hunting, pro-trade lobby and a kabal of mostly Kruger National Park-linked scientists who believe that their professional reputation is inextricably tied to culling as an indispensable tool for managing elephants in South Africa and who will defend culling in any way they can.

135. The Minister has repeatedly stated that the process to draft these norms and standards does not revolve around culling, yet the document is peppered throughout with references to culling and hunting. If the Minister is serious about his so-called aversion to the killing of elephants then it is imperative that culling and hunting of elephants in South Africa must be unconditionally discarded as a tool in the management bag of both public and private conservation managers. Only by doing this will the Minister show that he really does want to see elephants managed for their own good and not as a commodity that exists to line the pockets of hunters, retailers and corrupt officials.
136. The very tone of the document presumes that those scientists and wildlife managers, who assert that elephants exist in numbers that require drastic management intervention such as culling, are correct. And yet the recent scientific round tables convened by the Ministry as well as other workshops held by independent bodies could produce no information to support the notion that culling was necessary to prevent any loss of biodiversity or aesthetics in South African conservation areas.
137. And even though the scientific round tables took place the Ministry produced no follow-up report on the proceedings, presumably because it would have meant acknowledging that culling is not a tool required for elephant management in South Africa. Seeing no record of the SRT's to this affect, a number of independent scientists produced their own report which conspicuously makes no case for culling as a necessary tool for the management of those South African conservation areas inhabited by elephants.

138. Which raises the questions:

- Why is the Ministry fixated with culling as a management tool for elephants when no unequivocal evidence exists to support this and credible science opposes it?
- Why has the Ministry not produced a public record of the proceedings at the two scientific round tables referred to above?
- Why has the Ministry ignored repeated requests by ARA for a meeting with the Minister in order to discuss the ethical and ethological factors that should inform all decisions regarding the management of elephants in South Africa?

139. It is difficult, considering the scientific and ethical deficiencies of the document, not to believe that it has been hastily compiled in order to underpin South Africa's already stated support for those SADC countries, namely Botswana, Namibia and Zimbabwe, who intend to submit pro-trade proposals regarding elephants and their by-products at the up-coming CITES COP 14 to be held during the first half of June 2007 in the Netherlands. In spite of overwhelming evidence about the highly evolved social nature of elephant societies, their undisputed intelligence and the fact that killing them for any reason is ethically wrong and cruel, the document provides numerous loop-holes for the gratuitous killing of elephants individually and in large numbers, in tandem with the hysterical call from other SADC countries for elephants to be killed because of the alleged overpopulation of these animals in some of these countries, more specifically Botswana and Zimbabwe, that supposedly threaten human life and livelihood, and also threaten environmental carnage on an irreparable scale. South Africa, and the Ministry/Department of Environmental Affairs and Tourism in particular, have bought into the predictable pre-CITES "elephant overpopulation hype" in a manner that is almost embarrassingly amateurish.

140. And whilst the stated purpose of the norms and standards contained within this document is to ensure that elephants are seen as academic components of soundly managed natural systems and yet at the same time

can be manipulated to satisfy any one of numerous utilitarian needs, it fails dismally to recognise that elephants require special considerations akin to those accorded humans. And it can only do this by bowing to the god of “sustainable use”. In doing so these norms and standards are disingenuous in attempting to legislate away the right of South Africans to demand that South African elephants are managed in a manner which is ethically sound and respectful of the rights of elephants. This is done by capitulating to the demands of the consumptive-use coercion that resides within SADC, primarily from countries who have no animal welfare or animal rights ethic, and who see animals as a means to an end and not as an end in themselves.

141. In stating that these norms and standards are informed by the principles contained in paragraph 3 of the document, it would appear that the management of elephants in South Africa will be undertaken in a manner respectful of the unique character of elephants and calculated to be as considerate of them as possible. However, the reality is that elephants will be managed in accordance with the government commitment to sustainable use of natural resources, and elephants are according to this, a natural resource. This means that they will be managed to produce the maximum sustainable yield and this will only be done by killing large numbers of elephants and deriving income from their body parts, or by selling a limited number into captivity, both locally and abroad.
142. To justify the killing of elephants in such numbers requires that a management system be followed which identifies elephants as destructive agents within natural systems. And the overriding principle of “biodiversity conservation” is distorted and manipulated to accommodate the malleable concept of “adaptive management” to ensure that even though there is no sound scientific or ethical basis for culling to even be considered within a management plan for South Africa’s elephants, it is cemented as a “have to be considered” tool which can then be used by defining elephants as “damage causing animals” whenever it is convenient to do so.

143. ARA believes that these norms and standards fall far short of protecting elephants or ensuring that they are treated with the respect that is their due. They have inherent value which is being sacrificed on the alter of political expediency, scientific inflexibility and elitism and commercial opportunism.
144. ARA dismisses this document as being both scientifically and ethically flawed.
145. ARA regards the decision to produce this document with all its references to the killing of elephants for whatever reason as being misinformed, unprofessional and trivialising of the compelling scientific and ethical arguments against culling and hunting of elephants.
146. ARA questions the sincerity of the Ministry in producing these norms and standards without first giving the animal rights, welfare and protection organizations and animal ethologists the opportunity to engage with the Ministry, and the specifically the Minister, on the ethical aspects of sound and respectful elephant management in South Africa.
147. ARA demands to know why the compelling argument presented by those scientists who reject culling of elephants as an essential tool in biodiversity conservation and presented to the Minister very clearly at the SRT's, has been ignored, and why there was no public feedback from the Ministry after the SRT's?

J. THE WAY FORWARD

148. To its eternal discredit the DN&S is so flawed regarding both its practical and ethically informed content that it fails in its purpose - a humane, compassionate and scientifically robust national policy in relation to elephants.

149. The DN&S should at best be discarded in its entirety and at worst be subjected to public scrutiny and debate in the form of a public workshop.
150. There has been a general lack of meaningful key stakeholder and specialist consultation with regard to elephants. In addition the “round table” discussions and processes undertaken so far to inform the contents of the DN&S have totally ignored ethical and elephant behaviour issues. The outcomes of the roundtables have also not been made publicly available and thereby prejudicing informed input into the DN&S. A series of stakeholder consultations and public workshops, with inputs from respected elephant behaviour scientists and animal rights, protection and welfare organisations, should be held to discuss and debate inputs for a redrafted DN&S document.
151. ARA proposes that once the Ministry has received and collated all the feedback from the public and other IAP’s, a workshop be convened at which all IAP’s and members of the public who choose to attend can interrogate the comments and suggestions on this document, and that the Ministry refrain from finalizing these norms and standards until such a workshop indicates the way forward on elephant management in South Africa.
152. Relevant to this document and also other existing or proposed conservation management norms and standards within South Africa, ARA requests that the Ministry establish policy implementation processes at provincial level as well as within National Parks, which will ensure that norms and standards, once finalised, are implemented uniformly and with due consideration for transparency and public accountability.
153. The shortcomings referred to in Section B of this submission need to be addressed and rectified - this would automatically lead to this process being opened up for further participation and consideration. And of course, whilst this is all going on the moratorium on culling must remain firmly in place.

154. If the government's consultative process is truly consultative then it will have to take on board the issues we have briefly outlined in this submission.