

**EXECUTIVE SUMMARY**  
**SUBMISSION RE: NATIONAL NORMS AND STANDARDS SCHEDULE**  
**FOR THE MANAGEMENT OF ELEPHANTS IN SOUTH AFRICA**  
**MAY 2007**



## **1. BACKGROUND**

- 1.1 The Minister issued draft national norms and standards for the management of elephant populations in South Africa for written comments by 4 May 2007. Comment was submitted from, inter alia, Animal Rights Africa (ARA), 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 animals in Southern Africa.
- 1.2 The Draft Norms and Standards (DN&S) do not provide an adequate framework to address the management of elephants. The basic tenets of the DN&S are flawed. It has a strong emphasis on utilisation but ignores scientific and ethical truths.
- 1.3 Definitions are central to the effective implementation of the law. Definitions contained in the DN&S are often unclear, value-laden or absent. This makes it difficult to interpret and undermines both the policy and its implementation.
- 1.4 African and Asian elephants 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 have their habitats fragmented. They are also captured live and sold internationally for captive display in zoos and entertainment in circuses. Workable, practical alternatives exist to ensure 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 for a productive and enlightened way forward. It is therefore ineffectual to focus only on the South African aspect of such conservation.
- 1.5 The South African Constitution requires government to facilitate (not merely tolerate) public involvement in their legislative and other processes, and that "decisions must be taken in an open and transparent manner." The policy formulation process in South Africa clearly provides for public comment and submissions. It is the responsibility of the government department to then 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 to then formulate policy adequately, which is then published for further comment. ARA is greatly concerned that there does not appear to be proper or adequate capacity and knowledge in the Department of Environmental Affairs & Tourism (DEAT), or a systematic process in place, whereby submissions will be properly reviewed, valid or reasonable recommendations extracted and then publicly debated for consideration and inclusion or rejection.

## **2. CULLING**

- 2.1 The DN&S continuously and disingenuously reinforces the notion of a perceived "elephant problem". ARA is deeply concerned that the inclusion of culling in the DN&S is motivated only by ideological (sustainable use) and economic reasons. Scientists have overwhelmingly condemned South Africa's proposal to include the killing of elephants.
- 2.2 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 reflects outdated wildlife-management principles.
- 2.3 Culling in fact 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.

- 2.4 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.
- 2.5 The DN&S fails to address the very real issue of the traumatic effects of culling on elephants. No scientists or ethologists were consulted who would have drawn the Minister's attention to the long-term, social, physiological and emotional impacts on elephants of culling and hunting.
- 2.6 It is generally accepted that a range of robust, sensible, humane and practically realisable options exist for protected areas and smaller reserves, such as immuno-contraception; artificial water point 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 meta-population dynamics which will allow elephants of the seven principal clusters of populations to disperse and function as a single unit.
- 2.7 The DN&S unjustifiably rejects immuno-contraception 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. In fact, 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 immuno-contraception; this is an approach which is both illogical and unacceptable. No scientist presently working on immuno-contraception was consulted in the Minister's SRT process, and this is reflected in the stance taken in the DN&S.

**3. "DAMAGE CAUSING"/ELEPHANT-HUMAN CONFLICT**

- 3.1 The ultimate decision to destroy, or cause to be destroyed, any elephant considered a threat to 'stock' property or human life lies at provincial level, and is so broadly defined that unscrupulous hunters and corrupt conservation officials will have an easy time 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. Other non-lethal intervention methods and non-consumptive solutions need to be strongly promoted and encouraged, and are compassionate human/elephant conflict resolution measures, which assist local communities in ways which bring real, lasting benefits to people without killing elephants. Humane alternatives to conflict exist in abundance and can be widely and easily implemented.

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

- 4.1 The view that elephants have an irreversible adverse effect on habitat and other species and that there are 'too many' of them has been scientifically and ethically challenged; and has also been proved entirely incorrect. Nonetheless, government officials in the southern African range states continue to publicly make these assertions. In South Africa this incorrect view is strongly voiced by national and provincial conservation agencies and their staff members.
- 4.2 Ecologists, animal ethologists, ethicists and managers need opportunities for effective dialogue with government conservation structures who are responsible for monitoring and implementing policy, who need to take the new paradigm seriously and work imaginatively with natural processes, leaving "Command and Control" behind. ARA does

not believe that this will happen in the present context of misuse and manipulation by the DN&S.

- 4.3 It is very likely that at a provincial level, culling will automatically be put forward as the “only option”. Given the lack of accountability, transparency and adequate monitoring mechanisms in the provinces and on private land, this is cause for concern, but is an issue ignored by the DN&S. Moreover, stakeholder consultation in the provinces and on private land in relation to elephant protection and management is not included in the DN&S, even though this is a clear legal requirement.

## **5. OVERT ECONOMIC AND POLITICAL INTERESTS**

- 5.1 The DN&S is equally problematic in what it does NOT cover or say. For example, it does not specifically 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. Neither does it mention the Ivory and Hide trade.

- 5.2 Given the huge profits involved in the sale of African elephants to overseas destinations, growing pressure is being placed 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.

- 5.3 Southern Africa, instead of supporting the other African elephant range states, is spearheading the lobby for the voracious and ruthless ivory trade, in which South Africa plays a central role by pushing for the sale of ivory stockpiles, even though this will place an enormous burden on the more than three-quarters of the 50 elephant range countries which have fewer resources for law enforcement and would not be able to control the increased poaching and smuggling which such sales will inevitably provoke.

- 5.4 The Department of Environmental Affairs and Tourism (DEAT) and SANParks, particularly in the last few years, has been creating, and continues to create an unbalanced and negative view of elephants. They are also trying to get a mandate for the down-listing of elephants at CITES and the unbanning of the ivory trade. Furthermore, 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. It cannot be acceptable that South Africa is at this point even discussing a common elephant management policy with other SADC countries when the elephant management policy for South Africa has yet to be finalised. Given 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 such policies until such time as the process has run its course in South Africa.

- 5.5 Any related proposals subsequently emerging from SADC meetings must be subjected to the democratic process in South Africa and not merely finalised unilaterally by officials from DEAT.

## **6. CAPTURE OF ELEPHANTS FROM THE WILD FOR CAPTIVITY AND TRAINING**

- 6.1 There is a rapidly growing ‘elephant industry’ in South Africa, with increasing numbers of elephants being captured, ‘tamed’ and ‘trained’, and then supplied to local and international zoos; circuses and elephant-back safari operators. This industry has used the opportunity presented by the issue of ‘culling’ to promote the growing elephant industry as an alternative to culling. 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. It has been condemned by elephant behavioural specialists and animal ethologists and is contrary to international norms. The training of

elephants caught in the wild is also considered unethical and unacceptable. ARA disagrees strongly with the provision in the DN&S which allows for removal of elephants from the wild for captivity on the basis of a permit being issued.

- 6.2 Furthermore, the DN&S does not even define the elephant back safari industry, nor does it mention the Performing Animals Act under which permits to keep and train elephants are provided. 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. The “elephant training and keeping industry” has not shown that any kind of training can be done without cruelty, and the practice of training elephants should be prohibited.
- 6.3 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. Elephants that are already captive should be allowed to live in sanctuary situations and should not be forced to perform unnaturally or be used for profit. They should not be subjected to ongoing training and discipline.
- 6.4 From research studies it has been shown that calves/juveniles separated from their mothers and family groups endure immeasurable suffering. 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. It is also important 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.
- 6.5 It is important to keep in mind that elephants removed and “broken” by trauma and trained by fear and/or force are highly capable of retaliation against people. Family members remaining in the reserve after the removal of juveniles are likely to be deeply affected. Due to an elephant’s extraordinary ability to remember, such trauma will not be forgotten by them. 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. Furthermore, removal of juveniles from the families disrupt the natural procreative processes of elephants and in fact leads to them reproducing at an increased rate.
- 6.6 It is widely accepted that good environmental practices avoid the removal of elephants from their environment, but where this cannot be avoided such removal can only take place with intact family units. 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 shows 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 critical relationship between social and brain development.

## **7. RESEARCH**

- 7.1 Reference is made in the DN&S to an “Institute” but no explanation, definition or detail is provided, and means of access is unclear. Immediate research questions should, for example, focus on: the factors governing elephant movements and recruitment processes

in savannah woodlands; how elephants distribute their effects over space; and the local conditions allowing tree regeneration to occur.

## **8. CONCLUSION**

- 8.1 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. The document is poorly constructed, and ignores the independent scientific voice of reason which finds no basis for culling elephants in South Africa. While ethically lacking, it blatantly proposes a sustainable use approach, primarily informed by the pro-hunting, pro-trade lobby and a cabal of scientists linked to the Kruger National Park, who apparently 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.
- 8.2 The Minister claims an aversion to the killing of elephants but then fails to support his claim in the DN&S proposals. If the Minister is indeed to be believed, it is imperative that culling and hunting of elephants in South Africa must be unconditionally discarded as a tool in both public and private conservation management. Failure to do so will expose the Minister to the perception that he views elephants only as a commodity that exists to line the pockets of hunters, retailers and corrupt officials.
- 8.3 Furthermore, 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. The reports of such round tables have, for unknown reasons, not yet been provided by the Ministry. In the absence of such reports, a number of independent scientists have 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.
- 8.4 In spite of overwhelming evidence on 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 DN&S 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, specifically Botswana and Zimbabwe, where claims are made that elephants threaten human life and livelihood, and also threaten environmental carnage on an irreparable scale. It is of grave concern that 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. It would appear that South Africa may well capitulate 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.
- 8.5 The reality of such an approach is that elephants will then be managed in accordance with the government commitment to sustainable use of natural resources, and elephants are according to this, a natural resource. This implies that they will be managed to produce the maximum sustainable yield which can only be done by killing large numbers of elephants and deriving income from their body parts, or by selling them into captivity, both locally and abroad.
- 8.6 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. The overriding principle of “biodiversity conservation” is therefore being 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.

- 8.7 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 an inherent value which is being sacrificed on the alter of political expediency; scientific inflexibility and elitism; and commercial opportunism. ARA therefore 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 SRTs, has deliberately been overlooked and ignored, and why there was no public feedback from the Ministry after the SRTs?

## **9. THE WAY FORWARD**

- 9.1 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 chosen to completely ignore ethical and elephant behaviour issues. The outcomes of the round-tables have also not been made publicly available and therefore prejudice 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.
- 9.2 ARA proposes that once the Ministry has received and collated all the feedback from the public and other IAPs, a workshop be convened at which all IAPs and members of the public who choose to attend are given the opportunity, as required in law, to interrogate the comments and suggestions on this document, and that the Ministry refrain from finalizing these norms and standards until such a workshop indicates a more appropriate and acceptable way forward on elephant management in South Africa.
- 9.3 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, and that in the course of such processes, an immediate and full moratorium on elephant culling be instituted.