



Animal Rights Africa

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SEEKING THE PATH OF LEAST DISCLOSURE: Hunting for Official Answers on Wildlife in South Africa

An Animal Rights Africa Special Report



TABLE OF CONTENTS

1. INTRODUCTION	2
2. ATTEMPTING TO GATHER INFORMATION	4
2.1 RHINOS	6
2.2 ELEPHANTS	10
2.2.1 <i>Elephants in Captivity</i>	11
2.3 HUNTING	12
2.3.1 <i>Hunting in reserves which share unfenced boundaries with National Parks</i>	13
2.3.2 <i>Hunting of CITES listed species</i>	14
3. CENTRALIZED DATA KEEPING	16
4. CONCLUSION	17
5. OTHER ALLIED ARA REPORTS	19

1. INTRODUCTION

Information and access to information are the lifeblood of our society and of any democracy. The South African Constitution provides that everyone has the right, with certain limitations, of access to information, held by the State including that held by provincial governments. In addition, according to the Department of Environmental Affairs Strategic Plan (2008-2011) it is guided by the following values:

- To achieve the highest levels of Integrity premised on professionalism, quality, service excellence, honesty, transparency, trust.
- To enhance organisational performance through productivity, efficiency, effectiveness, innovation and continuous improvements.

Despite the constitutional guarantee and the Department's stated values, Animal Rights Africa (ARA) and other NGO researchers, environmental lawyers and journalists regularly struggle to source accurate and up to date information on wildlife issues from the provinces, the Department of Environmental Affairs, the South African National Parks (SANParks) and other related government agencies.

National government, provincial environmental departments, SANParks and other official conservation bodies usually distribute information to the public in a variety of ways.

- A press release may be issued by the relevant body to announce important news or in an attempt to explain specific issues;
- A press release may be issued after requests for specific information from the media.
- The media may be granted interviews with senior or other relevant officials. These may be conducted face to face or by telephone.
- Occasionally, when an interview is not possible officials request that questions be submitted in writing. These are usually answered in writing, a process which limits proper debate and explanation of issues.

- Specialist documentation drafted by scientists or other specialists may be published by departments.
- Departments also run their own websites and publish magazines, pamphlets or other material promoting their views.
- Annual reports are published.
- Information is provided by senior officials addressing Parliamentary portfolio committees.
- Political parties

Government information made public through press releases, in written response to questions submitted to Parliament, on official websites and in direct response to researchers and others interested in the subject is often unclear and contradictory or inaccurate and regularly contains omissions.

Compounding the problem is that officials sometimes say the information requested is simply not available, other officials, particularly those from provincial conservation bodies, fail to respond to queries at all, others take up to six weeks to respond.

Information distributed by official sources is also sometimes inconsistent with information released by other government agencies. Statement from official sources at times even contradicts information placed on record by the relevant Minister in written responses to Parliamentary questions.

These inconsistencies, inaccuracies and omissions Produce confusion and inefficiency and make it difficult for the public, or indeed even members of Parliament, to gather a clear understanding of, for example, the number of hunting permits issued, the number lions in captivity or the number of elephants shot as “problem” animals. Often the “facts”, all provided from official sources, will show a discrepancy and vary according to where they are published.

There are also unfair and unjustifiable delays in processing legitimate public interest requests for government information in which civil society has a right in our democracy.

It is unclear how balanced decisions can be made at a national level when statistics vary so considerably or are not available. These failings also call into question some of the information given to international bodies such as CITES (the Convention on International Trade in Endangered in Wild Species of Flora and Fauna).

This document highlights several examples of contradictory or incomplete information published in press releases, written responses to Parliamentary questions and in official response to researchers and journalists.

2. ATTEMPTING TO GATHER INFORMATION

Civil society, including registered NGOs, the media, environmental lawyers, environmental pressure groups, members of various other groups and the general public all, from time to time, approach official conservation and environmental agencies with requests for information.

This could take the form of a simple request for documentation relating to licenses or other bureaucratic processes or involve more complex requests for data or explanations of policy.

Media questions are often channelled through spokespeople who either handle the request themselves, refer the journalist to a specialist within the organization or act as intermediaries by speaking to relevant people themselves and then conveying the information to the journalist.

The general public are usually confined to speaking to relatively junior officials unless the person seeking the information is particularly persistent.

NGOs, lawyers and other usually try and speak directly with relevant officials, either by phone, through e-mail or in person. This process is lengthy and often inconclusive with requests for information being ignored.

In some instances, usually out of frustration at the lack of co-operation from officials, NGOs and other resort to filing formal requests under the Promotion of Access to Information Act (PAIA) in an attempt to gather accurate information. Over the past two years ARA has filed at least 20 applications to various provincial and governmental departments yet has received only two formal responses. In order to force the departments to provide the information ARA would have to initiate lengthy and costly court proceedings to force the departments to provide the information, information which should be in the public domain.

Officials also sometimes decline to release information about wildlife populations, hunting and other issues on private land claiming “third party confidentiality”. This argument is based on the assumption that government departments cannot reveal details of “contracts” between themselves and private individuals.

The net result is a considerable scarcity of information regarding the wildlife on the large area of land managed by of the private game ranching industry. This lack of information limits proper examination of South Africa’s wildlife management practices.

Occasionally, in an attempt to gain clarity some members of Parliament, usually from the opposition benches, submit written questions to specific Ministers with the intention of establishing the most accurate and up to date information available on a

various matters within the relevant Department. The questions, formally known as Internal Questions, are answered in writing under the name of the Minister but the details are usually researched by officials within the department

2.1 RHINOS

Although rhino poaching is at its highest level in decades and even though there is widespread international and local interest in the species figures relating to both the population and poaching are confusing.

In Parliamentary Question 634 of 2009 Mr G R Kumbrock (Democratic Alliance [D.]) asked, amongst other questions: “1(a) what is the current estimated population of (a) (i) white and (ii) black rhino in the Kruger National Park?” The Department responded on 10 July 2009 that the white rhino population of the Kruger National Park is 10 800 and the black rhino population is 300.

This bears further examination in the light of previous figures, which vary quite considerably, provided by SANParks and Environmental Affairs and the IUCNs African Rhino Specialist Group (AfRSG).

- In July 2009 SANParks issued a press release stating that the white rhino population in the Kruger National Park was “between 9000 – 12 000 animals”.
- The SANParks 2008 annual report estimated that the white rhino population of the Kruger National Park was about 7000. Despite this SANParks provided information to ARA in February 2008 in which it said the combined white rhino population of the KNP, Mapungubwe, Marakele and Mokala National Parks was 8 716 in 2007.
- The Department of Environmental Affairs told ARA in November 2008 in writing that South Africa had about 9 000 white rhinos (in total and including KNP) and 1 350 black rhinos.

- The IUCN SSC African Rhino Specialist Group (AfRSG) estimated that South Africa's white rhino population was about 16 300 in 2007. The black rhino population was about 1 500.

Anyone consulting the written response submitted to Parliament would be confused by the figures in the public domain. If the SANParks 2008 annual report is accurate and the white rhino population was 7000 in 2007 and if the Parliamentary reply is also accurate the Kruger National Park white rhino population has increased by some 3 800 animals in two years – a growth of some 54%. This is highly unlikely.

If either figure is wrong it reflects poorly on those responsible for informing the public and Parliament but no-one in authority seems to have noticed these discrepancies or offered to explain them. The confusion is further heightened by the figures SANParks provided to ARA and published in an ARA Special Report.¹

If the 2008 annual report is accurate and the figures supplied by SANParks to ARA are also accurate the Mapungubwe, Marakele and Mokala National parks would have had a combined population of about 1 716 rhinos in 2007. Given that the SANParks website states that white rhino are “rare” in Mapungubwe and that the Mokala NP was only declared in 2006 and five white rhino were moved there in March of that year and Marakele is a relatively small and mountainous park, a combined population of 1 716 white rhinos for the three parks is impossible. This further underlines discrepancy in the figures provided for the white rhino population of the KNP.

It is also unclear why SANParks would claim a figure of between 9000 – 12000 animals, a very vague statistic, when Parliament was told in July 2009 (also in response to Question 634) that a white rhino census had been undertaken in 2008. A SANParks rhino census would hopefully provide more specific data?

¹ http://www.animalrightsafrika.org/Archive/Consuming_Wild_Life_290307_final.pdf

Further confusion exists with regard to information released on rhino poaching. Sometime information is only released by officials after it has been requested, at other times information is published in press releases or on websites but often without explanation or clarification. South Africa has experienced a marked increase in rhino poaching over the past 20 months with figures this year reaching the highest level in many decades.

SANParks published the following data on 27 July 2009 relating to poaching of rhinos in 2009 (Figures of rhino poached in national parks and provincial Protected Areas).

Kruger National Park	26
KZN	16
Gauteng	1
North West	3
Limpopo	2
Eastern Cape	1
Mpumalanga	3
Total	52

Six weeks later, on the 10th September, the Department of Environmental Affairs published the following list of rhino poaching statistics.

Kruger National Park	33
Ezemvelo KZN Wildlife	19
Gauteng	3
North West	5
Limpopo	7
Eastern Cape	1
Mpumalanga	16
Total	84

As can be seen the latter list records the death of a further 32 animals over a period of just six week.

Although the SANParks list specifies “Figures of rhino poached in national parks and provincial Protected Areas” the Environmental Affairs list does make this disclaimer. It is not clear if this list includes animals killed on private land too.

Is the public to assume that there has been a phenomenal spike in poaching over the six week period between the end of July and September 10 – the figure for Kruger National Park shows six more rhinos poached from the Kruger National Park alone and Mpumalanga shows a dramatic increase from three to sixteen rhinos.

If Environmental Affairs and SANParks had consulted before publishing these figures, a matter of national and international conservation significance, surely officials would have asked themselves these questions and offered some explanation for the difference in numbers. As they stand the tables only create confusion. This is extremely worrying bearing in mind Environmental Affairs will be supplying statistics relating to rhinos to Cites which will be used to justify hunting quotas. South Africa is the world’s top rhino hunting destination.

It is quite clear that officials have a responsibility, which appears to have been neglected, of explaining these figures. If a true understanding of the rhino poaching situation in South Africa is to be conveyed to the public more information must be supplied about rhino populations and poaching on private land.

2.2 ELEPHANTS

The debate over elephant populations in the Kruger National Park has been intensely debated and has received considerable international attention for a number of years. Despite this information in the public domain is inconsistent.

In Internal Question 267 of 2009 Ms A T Lovemore (DA) asked, amongst other questions: “2 (a) what is the current estimated size of the elephant population of the Kruger National Park? On 26 June Parliament was told in writing that the figure is **17 300**.”

This figure requires further explanation because as it stands it is misleading:

- An authoritative document entitled The Assessment of South African Elephant Management compiled by more than 60 scientists and other specialists including those employed by SANParks estimated the Kruger National Park elephant population at the end of 2006 to be **12 427**. The figure of 17 300 given to Parliament in June 2009 implies a 39% increase in under three years. SANParks are on record as saying that they believe the elephant population is growing at the rate of 6-7% per annum. Some scientists believe the growth rate figure to be lower
- The IUCN Elephant specialist group estimated South Africa’s’ total elephant population to be about 17 847 in 2006.

The response to Parliament does not make clear whether the figure of 17 300 includes elephant populations in the private game reserves that share unfenced boundaries with the KRUGER NATIONAL PARK– these include the Associated Private Nature Reserves (Timbavati, Klaserie, Umbabat and Balule) and the Sabi Sands complex.

Any Member of Parliament or the public reading the figure published in Parliament might mistakenly believe that the Kruger National Park elephant population is growing

at a rate far in excess of that predicted by scientists. If the figure does include elephants from the private game reserves it should be made clear in the answer.

2.2.1 *Elephants in Captivity*

In Question 307 of 2009 Mr G A Krumbock, DA asked: “With reference to the Threatened or Protected Species Regulations that were promulgated in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), how many animals each of the species listed in the regulations are being held in captive in each province as at the latest specified date for which information is available?”

Responding on 3 July 2009 the Department submitted a list of mammals, reptiles and birds but the answer relating to elephants is both interesting and astonishingly inaccurate.

The Department began their answer stating: “Information was gathered from provinces during the last two weeks of July 2009 and the information is thus current” but pointed out that “Gauteng and Limpopo provinces did not provide information in time for this question.”

The figures provided claimed there were a total of 45 elephants in captivity in South Africa (excluding Gauteng and Limpopo). These included 18 in the Eastern Cape, 20 in the Western Cape, six in Kwa-Zulu Natal and one in Free State. No figures, or explanations, were published for the lack of information from Mpumalanga and North West.

This is approximately one third of the real figure. Environmental Affairs and the former Minister, Marthinus van Schalkwyk, have consistently said over the past few years that there are at least 120 elephants in captivity in South Africa. It is also well know that

there are elephants in captivity in both North West and Mpumalanga which, although they provided information on other species did not give any figures for elephants.

It is unclear why the Department saw fit to tell Parliament that there are only 45 elephants in captivity when the Department has for several years been intimately involved in public meetings and extensive work in drawing up Norms and Standards for the management of elephants in captivity.

That such a serious mistake is made with one of the most intensely examined animal species in the country draws into question the data supplied on lesser known species.

The fact that Gauteng and Limpopo did not reply to requests for information from their own department is also of concern but not surprising. As ARA and other NGOs have pointed out on a number of occasions several provinces regularly fail to provide accurate or up to date information on wildlife issues.

Any Member of Parliament, or the public, trusting the formal official written response provided, about the number of elephants in captivity in South Africa, would have been be grossly misled.

2.3 HUNTING

It is extremely difficult to gather accurate hunting figures from Government. This is in part due to the fact that there is no centralized data bank and should the national Department of Environmental Affairs require information they have to contact each province individually and request the information. Some provinces have particularly poor record keeping systems and fail to provide accurate information on time or at all.

This is compounded by the fact that exemption permits are sometimes granted to private landowners which means that they do not have to declare how many head of non-TOPS listed game is hunted.

Information given to Parliament does not always correspond with other published information or require further explanation to be of value. In some cases, as in the following, the information directly contradicts information from other Government bodies, in this instance, SANParks.

In question 571 of 2009 Mr G R Morgan (DA) asked, amongst other questions: “ (1) Whether white rhinos from the Kruger National Park [captured] by SANParks will be sold to entities for hunting; if not, what is the position in this regard; if so what are the relevant details;”

The written response on 10 July 2009 the Department stated: “ (1) No, white rhinos are sold to a variety of stakeholders who may have legitimate conservation business interests.”

This answer is inaccurate as it is well known that some rhinos captured in the Kruger National Park are indeed sold to hunting operations, a fact confirmed by SANParks.

Asked in July 2009 about a recent sale of rhinos captured in the Kruger National Park the Managing Executive: Conservation Services at SANParks Dr Hector Magome told a freelance journalist in writing: “Yes it is likely that animals bought will be hunted, after the stipulated cool off period.”

2.3.1 Hunting in reserves which share unfenced boundaries with National Parks

Another example of contradictory or inaccurate information being supplied to Parliament is that of hunting in parks or game reserves which share unfenced boundaries with the KNP.

In question 63 of 2009 Ms H Webber (DA) asked for the names of both provincial and private parks that share boundaries with national parks and whether hunting is permitted for any of these (a) provincial parks and (b) private reserves where there is no boundary fence between these areas and the national park; if not what is the position in this regard; if so, for which (i) provincial parks and/or (ii) private reserves?

On 6 February the Department provided Parliament with a list of reserves that share boundaries with National parks and added in answer to section (2) No, except for the Associate Private Nature Reserves adjoining the Kruger National park where a hunting quota is determined and allowed.

This statement is wrong as in March the Sunday Independent in Johannesburg revealed that elephants, buffalo, nyala and other species had been hunted in the Makuya and Mthimkulu Provincial Parks, both of which are open to the KNP, for at least five months before the answer was given in Parliament and SANParks had in fact allocated a hunting quota for these areas in 2008.

Asked in writing about this discrepancy the then Department said that it was possible that hunting had been taking place without the department's knowledge commenting in writing that "It is possible and note that applications for hunting permits are considered and issued in provinces and provinces are currently not obliged to provide DEAT with such information."

2.3.2 *Hunting of CITES listed species*

Authorities are required to issue permits for the hunting of all Cites listed species. These are required to be submitted to the CITES authorities annually. Here again published information is sometime contradictory and confusing.

In Question 1442 of 2008 M G R Morgan (DA) asked "What was the actually number of species hunted according to the CITES permit system for each province in 2007?"

On 22 August 2008 the department published a list of species stating “The table indicates the actual numbers of animals listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Flora and Fauna. (CITES) hunted by foreign clients in each province in 2007. Data for the Eastern Cape was not available at the time of compilation.

Included in the list were twenty-two sitatunga (two from the Northern Cape and twenty in the Free State). sitatunga do not occur naturally in South Africa and live in very specialized and restricted habitat.

A senior Environmental Affairs official explained to an ARA researcher at the time that in this instance the animals were not necessarily shot in South Africa, although the question states the animals listed were hunted in the country. The official said that the animals in question were trophies being processed by local taxidermists and their origin was not South Africa.

In some instances the animals listed on CITES hunting lists in South Africa were not actually hunted in that calendar year but in fact in the process of being treated by taxidermists and could have been killed the previous year. Some trophies, as in the case of the sitatunga, were in fact hunted elsewhere.

This issue requires further examination but it means that the casual reader of the list published in Parliament could well be misinformed because no explanation of the data was offered.

3. CENTRALIZED DATA KEEPING

The following response to a Parliamentary question perhaps helps explain why information provided by government on hunting statistics (and also the killing of so called damage causing animals and those called in terms of “ecological management” – effectively culling under a different name) is poor, dated and sometimes unavailable:

In question 305 of 2009 Mr M J Ellis(DA) asked the Minister of Water and Environmental Affairs: (1) whether her department has a system for tracking hunting permits awarded to individuals by provincial authorities; if not why not; if so, what are the relevant details; (2) whether the information of a hunter who transgresses the terms of a hunting permit in one province is readily available to the authorities in another province; if not why not; if so what are the relevant details; (3) whether her department has information on the number of permits granted to hunt a particular species across the country; if not, why not; if so what are the relevant details?

The following response was published on 3 July 2009:

“The Department of Environmental Affairs currently does not have an operational electronic permit system that is linked to the provincial authorities. Previously such an electronic permit system was not required, as all permits had been issued only by provincial conservation authorities in terms of provincial legislation.

(2) Information on transgressions of hunting permits in one province can be provided to the conservation authorities of other provinces only if the information is requested. Since provincial conservation authorities are not electronically linked to one another, the information is not automatically available.

(3) The Department does not have the information of hunting permits issued for a particular species across the country. If the information is required, it has to be requested from the relevant issuing authorities.”

To address the current problem the department is in the process of developing an interim reporting system for provincial issuing authorities to report relevant information in terms of the Threatened or Protected Species (TOPS) regulations on a regular basis. As has been confirmed in other ARA reports Environmental Affairs also does not keep a centralized data-base of poaching incidents in protected areas or on private land.

4. CONCLUSION

In South Africa, particularly in relation to Environmental Affairs, we are rapidly shifting from a society based on the public's *right to know* to one premised on the *need to know*, where the government determines the need. This represents a fundamental shift in the precepts of our democratic institutions and policies.

The examples quoted above are but a few of the many instances where information provided by officials with regard to wildlife and the environment is incomplete, unavailable, poorly explained and sometimes simply inaccurate.

It is very difficult to understand how the Ministry and the Department of Environmental Affairs can make informed decisions about the management of South Africa's wildlife when the information they use, and provide to the public, is frequently inadequate. It also raises doubts, of the accuracy of information provided to international bodies such as CITES and is exemplified by the information demands on international treaties, such as CITES and the Convention on Biological Diversity, to which South Africa is signatory.

All too often doors are closed in the face of researchers wishing to get clarity on a wide range of issues. Officials in some provinces are particularly poor in this regard. Even officials from the Department of Environmental Affairs sometimes struggle to get access to accurate and up to date information from some provincial officials.

The Department told Parliament on 3 July that they are improving their system of gathering information on Threatened or Protected Species (TOPS) but efficient information gathering, the dissemination of such information, needs to be extended to all wildlife.

In addition it is disappointing that the Department of Environmental Affairs and the Ministry have never responded to any of the ARA reports that highlight problems in relation to wildlife in South Africa and access to information issues.

The solution is multi-dimensional: it requires changing the mindset and climate within government to emphasize transparency, as well as establishing the proper policy framework and building the technology capacity of government to seize the potential of the Internet.

There is an urgent need for officials tasked with policy development and management of South Africa's wildlife to make it easier for civil society (and themselves) to gather accurate and up to date information. Given the current poor state of information gathering and delivery of information, the inadequate operational mechanisms and the deficient systems to monitor the state of wildlife in South Africa, ARA calls on the Minister and her Department to:

- a. Make itself more open in order to build trust and accountability.
- b. Strive for effective and efficient solutions to the provision of information relating to wildlife.
- c. Foster the necessary structures and systems so as to move its methods for serving the public's right to know into the 21st century by adopting Web 2.0 thinking and strategies.
- d. Establish an independent monitoring body to help ensure that all relevant information is updated regularly and made easily accessible. This system should be extended to the "game" ranching industry which manages a significant

portion of the country's wildlife population and, by and large, operates with very limited public or governmental scrutiny.

5. OTHER ALLIED ARA REPORTS

1. *Under Siege: rhinos in South Africa*. 31 August 2009.
http://www.animalrightsafrika.org/Archive/Consuming_Wild_Life_290307_final.pdf
2. *Silences and Spin-doctoring: Access to information on elephants in South Africa*. 22 October 2008.
http://www.animalrightsafrika.org/Archive/Elephants/Silences_and_Spin_Doctoring_an_ARA_Report_Oct_2008_final.pdf
3. *Consuming Wildlife: The Illegal Exploitation of Wild Animals In South Africa, Zimbabwe and Zambia*. March 2007.
http://www.animalrightsafrika.org/Archive/Consuming_Wild_Life_290307_final.pdf