



**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 1691 {NW2081E}

INTERNAL QUESTION PAPER NO. 28 of 2020

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1691. Ms H S Winkler (DA) to ask the Minister of Forestry, Fisheries and the Environment:

- (1) Whether she will furnish Ms H S Winkler with a list of elephants destroyed under the Damage-Causing Animals (DCA) permits in (a) 2017, (b) 2018 and (c) 2019, detailing for each the (i)(aa) location and (bb) evidence evaluated by the issuing authority as contemplated in Threatened or Protected Species (TOPS) Chapter 9, section 85(4) and (5) and (ii) management measures taken in mitigation as contemplated in TOPS chapter 9, section 86(1)(a) that were applied prior to the destruction in an attempt to avoid such action;**
- (2) what are the relevant details of the regulations, alternate actions and/or management measures required to be complied with, before a DCA permit is issued;**
- (3) whether provision has been made in 2019 Elephant Norms and Standards requiring specific or general management and mitigation measures to be undertaken prior to the issue of a DCA permit; if not, why not; if so, what are the relevant details?**

1691. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- 1) The information requested falls within the control of provincial departments responsible for the conservation of biodiversity in a province as they are the designated issuing authorities in terms of the law.

(i)(aa)(bb)

The current provisions of the Threatened or Protected Species (TOPS) Regulations relating to the management of damage-causing animals are contained in Regulation 14. Regulation 14(1) requires that the provincial department responsible for the conservation of biodiversity in a province must determine whether an individual of a listed threatened or protected species can be deemed to be a damage causing animal. Regulation 14(2) - 14(7) provides for the management interventions, the methods that may be used in the management of damage-causing animals, and the responsibility of the landowner when killing a damage-causing animal in an emergency situation.

Regulation 85(4) and (5), as well as Regulation 86(1)(a) as referred to, are provisions contained in the draft revised TOPS Regulations that are currently subject to approval by the National Council of Provinces. The provision of Regulation 85(4) is based on Regulation 14(1), but it places a stricter obligation on issuing authorities to determine whether an individual animal or group of animals of a listed threatened or protected species is responsible for the damage reported by a person in terms of Regulation 85(3). The provision of Regulation 85(5), namely the factors to be considered by issuing authorities when determining whether an animal, or a group of animals, of a listed threatened or protected species is responsible for the damage, is a new provision and is not contained in the current TOPS Regulations.

(ii)

The information requested falls within the control of provincial departments responsible for the conservation of biodiversity in a province (refer to response provided to (1)(i)(aa)(bb) above).

- 2) Refer to the response provided to Question (1)(i)(aa)(bb).
- 3) Paragraph 2 of the draft revised Norms and Standards for the Management of Elephants in South Africa (Elephant Norms and Standards) requires a person to comply with the provisions of any other applicable legislation, which includes the TOPS Regulations. Paragraph 2 further requires

that the provisions of the Elephant Norms and Standards must be interpreted alongside the provisions of the TOPS Regulations. This means that the duty of care as contained in Regulation 85 of the draft revised TOPS Regulations also applies in respect of elephants, namely, that any person whose activities may result in conflict with elephants, has a general duty of care to take reasonable measures, as provided in any applicable norms and standards or guidelines, to limit or prevent damage being caused by elephants.

The draft revised Elephant Norms and Standards do not contain a specific list of preventative measures; however, Paragraph 18(g) refers to some non-invasive disturbance methods, albeit in respect of range manipulation. In addition to the provisions of the TOPS Regulations, the final draft revised Elephant Norms and Standards prohibit the hunting of a damage-causing elephant in the immediate proximity of a social unit (defined in the Elephant Norms and Standards), or the hunting of a damage-causing elephant with a rifle of a calibre of less than .375 H&H and a bullet of a non-solid construction, or a bullet of a solid construction with a weight of less than 286 grains. The draft amended Elephant Norms and Standards also set out the specific responsibilities in the case of managing a roaming elephant (in the case where the origin of the elephant cannot be readily determined).

Regards



MS BD CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 7/8/2020