



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL ASSEMBLY
(For written reply)

QUESTION NO. 1692 {NW2082E}
INTERNAL QUESTION PAPER NO. 28 of 2020

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

- (1) With reference to her response to question 984, on 22 May 2020, what were the shortcomings identified in the Elephant Norms and Standards (ENS);
- (2) in view of the fact that the specified shortcomings require a much broader public consultation process, yet no further public participation process has taken place since the invitation for public comments in November 2018, which we understand has led to the drafting of the ENS 2019 which is before the Minister for signature and about to be submitted to the NCOP for review, why (a) has the required broader public consultation process not taken place and (b) was the 2019 ENS prepared without such public participation process;
- (3) whether she will furnish Ms H S Winkler with a copy of the 2019 ENS;
- (4) why did certain non-governmental organisations (details furnished) who submitted extensive comments to her Department regarding the 2018 draft ENS receive no acknowledgement of their submissions; and
- (5) whether she will furnish Ms H S Winkler with a copy of the composite document which was developed and referred to in her reply wherein each of the submissions received was interrogated; if not, why not; if so, what are the relevant details?

1692. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- (1) The Norms and Standards for the Management of Elephants in South Africa (ENS) were published in the *Gazette* on 29 February 2008 for implementation in terms of section 9(1)(a) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), and took effect on 01 May 2008. The ENS were informed by an extensive process of consultation workshops that had been conducted by various entities / organisations between 1996 and 2006.

Substantial amendments were proposed to the ENS, the first since its implementation, and published in the *Gazette* for public comment on 02 November 2018. The public consultation process was followed in terms of sections 99 and 100 of NEMBA.

During the assessment of the comments, the following gaps in the current ENS were highlighted:

- a) The need for a single management plan for multiple properties with a common perimeter fence;
- b) Management of elephant populations collectively as a metapopulation;
- c) Management of elephants roaming across borders, in particular between properties, as well as across national borders;
- d) Genetic considerations in respect of the introduction and management of small elephant populations; and
- e) Need for a broader research provision.

In addition, a number of proposals received on the draft amended ENS were of a substantial nature and would require further consultation. Some of these proposals, if accepted, would result in changing the policy positions agreed-upon and adopted in the current ENS. The areas requiring further consideration and consultation include the following:

- a) Revision of the purpose of the ENS (some of the provisions are guiding principles) and the guiding principles (a need for them to be simplified was expressed);
- b) Incorporating the "precautionary principle" in the definition for "adaptive management", and defining the concept;
- c) Inclusion of provisions relating to welfare and ethics in the individual provisions of the ENS;

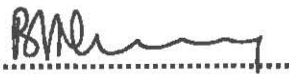
- d) Requirements for adequate fencing and a release camp;
- e) Need for a release plan or rehabilitation plan, for the release and rehabilitation of captive elephants into the wild, and the contents of such a plan;
- f) Age of calves that may be translocated;
- g) Complete prohibition of the:
 - (i) introduction of wild elephants in captivity (excluding for rehabilitation purposes);
 - (ii) importation of elephants that are part of circuses;
 - (iii) import or export of captive elephants to other captive facilities; and
 - (iv) export of captive elephants (to be re-considered);
- h) Compulsory re-wilding of captive elephants;
- i) Experience of veterinarians involved in performing veterinary procedures on elephants (i.e. sedation, immobilisation, vasectomies, etc.), as well as experience of handlers of elephants in captive facilities;
- j) With regards to culling:
 - (i) to be considered by a committee, and to be undertaken only after a public participation process;
 - (ii) to be included as a method for range manipulation; or
 - (iii) to be completely prohibited; and
- k) With regards to hunting:
 - (i) prohibition of hunting an elephant;
 - (ii) hunting of an elephant only in terms of a hunting plan; and
 - (iii) hunting experience of a hunting client (i.e. a foreign hunter) to be required in order to prevent an elephant being shot multiple times when it is hunted.

(2)(a) and (b) All the comments received during the November 2018 consultation process that was followed in terms of sections 99 and 100 of NEMBA were considered. Comments that would not result in substantial changes were incorporated into the draft amended ENS, and were then finalised and submitted to the National Council of Provinces (NCOP) for approval in terms of section 146 of the Constitution of the Republic of South Africa. The ENS 2019 referred to in Question 2, which is the same final draft amended ENS that currently awaits NCOP approval, is therefore the product of the November 2018 NEMBA public participation process.

Proposals received during the public participation process in November 2018 that would result in substantial changes, and therefore would require further public consultation, have not been incorporated into the final draft amended ENS, as it would be more important at this stage to address the implementation challenges that necessitated the amendments in the first place.

- (3) A copy of the draft amended ENS (2019) is attached as Annexure 1 for ease of reference.
- (4) The Department acknowledged receipt, by email, of the proposals received from the non-governmental organisations (details provided). Copies of the communication are available, if required.
- (5) The composite document is an internal working document and can be made available once the draft amended ENS is approved for implementation.

Regards


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MS BD CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE:.....6/5/2020.....