

**THE DRAFT POLICY POSITION
ON THE SUSTAINABLE USE OF
ELEPHANT, LION, LEOPARD AND RHINOCEROS**



Charlie the elephant - SANBI National Zoological Garden

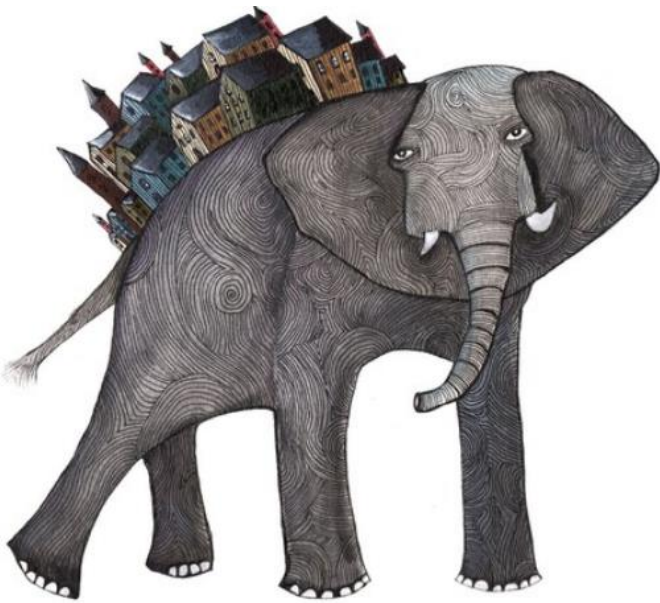
**SUBMISSION OF COMMENTS TO THE SOUTH
AFRICAN DEPARTMENT OF FORESTRY,
FISHERIES AND THE ENVIRONMENT**

20 November 2023

The Director-General: Department of Forestry Fisheries and the Environment
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*The elephant walks with the world on his back
He is tired and weary and worn
He thinks of the things that he has tried to change
And everything that has gone wrong.
He remembers the seas and the land and the hope
Back at the beginning of time
The air and the sun and the first signs of life
And the loud arrival of man.
Now all he has is the weight of the world
And a heart that is full of regrets
And the knowledge that through to the end of time
The elephant never forgets*

Author – Unknown



Credit: Etsy



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INTRODUCTION

The [Pro Elephant Network](#) (PREN) consists of a significant international community of diverse individuals and organizations, comprising of specific expertise, related to wild and captive African and Asian elephants, including but not limited to the fields of science, health, conservation, welfare and well-being, economics, community leadership, indigenous knowledge, social justice and the law.

PREN previously submitted [comments to the Draft Policy Position in 2021](#).

PREN members are of the strong opinion that in keeping with the vision of a *secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector*, the policies related to elephants in captivity in South Africa should be closely examined. The aforementioned vision was determined following two years of work carried out by the Ministerial appointed High Level Panel of Experts, [Minister Barbara Creecy](#) released the HLP Report on the 2nd of May 2021.

In order to prevent further exploitation of elephants currently held captive in South Africa an entire section should be included in the Draft Policy Position on the Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. Facilities in South Africa in which elephants are held in controlled environments for profit must be persuaded to provide the government with verifiable updated data on each elephant held in captivity including the purpose of the facilities. Facilities advertised as sanctuaries or rehabilitation facilities for elephants must provide details of such.

The United Kingdom remains the top European [source market of tourists](#) visiting South Africa. [The Animals Low-Welfare Activities Abroad Act of 2023](#) is a new law which aims to protect animals used in tourism, the legislation which applies in England and Northern Ireland will also allow the British government to bring forward a ban on selling or advertising specific types of wildlife tourism. This is likely to include unethical activities where elephants are forced to take [selfies with tourists](#), where elephants have been subjected to [brutal training methods](#), and where elephants are [ridden](#) or drugged for human interaction. In South Africa, facilities offer elephant back riding, [feeding, walking, touching](#), riding, partying, getting married and even [sleeping over, with the elephants](#).

PREN is currently supporting a number of initiatives to release elephants from unsuitable captive facilities in South Africa, including providing scientific evidence, [highlighting issues of concern](#) and suggesting best solutions for the release of Charlie the elephant, held at the SANBI National Zoological Garden (NZG) and recently [showcasing distressed and stereotypical behaviour](#); PREN has also supported the [relocation of Tswale](#) the elephant, who is used for close human interaction on private property in the Mpumalanga province.

PREN is of the strong opinion that all tourist attractions that keep or breed elephants for commercial purposes and promote direct contact with elephants, including rides, shows or tricks, should be phased out. PREN elephant specialists would be happy to work with the South African authorities to identify the most appropriate solutions for these elephants.



Credit: Christopher Scott documented [weddings with elephants](#); this image shows a very young elephant being ridden

Elephants are [sentient](#) and display [complex cognitive capabilities](#). They are [self-aware](#) and require access to large, complex, stimulating ecological and [social environments](#), and they must therefore be given the freedom to exercise choice over their foraging options and companions.

[PREN has previously submitted](#) an overwhelming body of evidence that elephants suffer significantly in captive situations. Elephants express well-documented symptoms of Post-Traumatic Stress Disorder (PTSD)¹ which is testimony to the damage caused by capture, separation and agency deprivation. Stereotypes such as head bobbing and rocking have never been observed in elephants the wild. The lack of sufficient movement and stimulation may cause elephants chronic loss of muscle tone and physical damage to bones and joints, as well as psychological damage due to the lack of continuous and diverse foraging challenges, social deprivation, and the frustration of being unable to make their own decisions². Elephants possess distinct histories, personalities and interests, exhibit compassion for others and are capable of communicating complex emotions and of suffering intensely, both physically and mentally. Elephants have strong family bonds and operate within highly socialised groups and unnecessary disruption of these groups by human intervention should be avoided.

In 2022, Dr Rob Atkinson and Dr Keith Lindsay described the minimum required standards for the welfare and well-being of elephants held captive, in their [Report](#) for the Conservative Animal Welfare Foundation, titled, *Expansive, diverse habitats are vital for the welfare of elephants in captivity*. The Report, endorsed by twenty-five elephant experts and scientists, was then submitted to the Department for Environment, Food and Rural Affairs, Government of the United Kingdom, in July 2022.

¹ G. A. Bradshaw et al., "Elephant Breakdown," Nature 433, no. 7028 (2005): 807–807, <https://doi.org/10.1038/433807a>

² Keith Lindsay Meeting between PREN and SANBI over Charlie the Elephant, 31st March 21

The report highlighted that:

- a. The practice of elephant-keeping is under increasing critical scrutiny;
- b. Elephants held captive spend their lives confined in spaces thousands of times smaller than wild ranges. Directly or indirectly, this likely results in poor welfare;
- c. A large quantity of quality space is critical for good welfare;

“Space should be viewed from an elephant’s perspective. Nothing less than areas equivalent to wild ranges of 100km² (10,000ha) and upwards truly enable elephants to breed and flourish, and to carry out the complex social interactions of their species. [...] Elephants in such facilities will be a dynamic part of their environment, able to exercise more of their natural behavioural repertoire”.³

Elephants are particularly ill-suited to captivity and extremely vulnerable to suffering in a captive setting. As a result, captive elephants are vulnerable to sudden outbursts of aggression, normally towards the handlers, which has led to injuries and fatalities to humans in South Africa and leads to the risk of euthanasia of the elephant.

Recent tragic incidents involving elephant trainers at a single captive elephant tourist facility include:

1. In 2005, Tobias Ndlovu, an elephant handler was killed at Knysna Elephant Park, by the dominant bull. The owner said the elephant was trying to pick Tobias Ndlovu up after he had fallen and killed him by accident. Reports instead indicated that Ndlovu was trampled to death.
2. In 2011, Melikhaya Ndzwanana, a guide and elephant handler was seriously injured and maimed by an elephant at the Knysna Elephant Park. The park manager attempted to lessen the seriousness of the incident. The elephant had attacked the handler, flinging him in the air and trampling him in front of visitors. The attack lasted about 10 minutes and resulted in Ndzwanana suffering numerous fractures, blood loss and the amputation of his shattered left leg.
3. In 2021, an experienced elephant handler named Shepherd Chuma was trampled and killed; family members also testified that this was not the first incident where an elephant at the Knysna Elephant Park charged Shepherd.

Elephants can live with the impact of trauma for decades. More incidents might occur. The training methods of elephants continue to be unregulated and elephant handlers do not require any formal training. Owners of these businesses insure themselves by making sure that tourists sign indemnity forms absolving them of any responsibility or possibility of legal action.

WELL-BEING CONCERNS

The entirely new section 9A in NEM:BA empowers the DFFE Minister to prohibit certain activities “that may negatively impact on the well-being of an animal [...]” and create new offences “relating to non-compliance with s9A”.

³ Dr Rob Atkinson & Dr Keith Lindsay, 2022. Expansive, diverse habitats are vital for the welfare of elephants in captivity – REPORT available at [the link](#)



PREN members remain concerned about the well-being of captive elephants in South Africa, as well as the safety and security of the elephant handlers who are interacting with elephants.

The use of elephants in various activities, such as elephant riding, touching, feeding, walking with elephants, and performing in public, has been a topic of ethical and security concern. Training methods, particularly those involving free contact with humans and the use of tools like bullhooks, [can be inhumane](#), are associated with continuous dominance and control and have raised questions about the well-being of the elephants and the safety of the people involved.

In terms of NEM:BA, PREN members suggest prohibiting the following practices, at any facility

The following practices should specifically be prohibited in any facility:

1. the use of guides and tools to intentionally puncture, lacerate or inflict harm upon an elephant;
2. restricting an elephant's movement for a period of time longer than required to perform a necessary husbandry or veterinary procedure, to restrain elephants in transit or to deal with an emergency;
3. withholding or restricting food or water;
4. depriving an elephant of sleep;
5. inserting any implement into any bodily orifice, unless directed by a veterinarian;
6. sedating an elephant unnecessarily or repeatedly;
7. striking any part of the elephant's body with any object with the intention to cause distress, pain or injury;
8. withholding of veterinary care for any reason;
9. isolating an elephant from other elephants in its accustomed social group;
10. hunting of elephants in captivity;
11. culling of elephants;
12. trading of elephants between captive facilities;
13. using elephants in a free contact setting in the film industry.

PUBLIC OPINION

TripAdvisor implemented an Animal [Welfare Policy](#) in 2016 which was [updated in 2018](#). [Included in this policy was a guideline not to sell tickets for shows and performances in which animals are forced to perform demeaning tricks or unnatural behaviours.](#)

- *“Tripadvisor will not sell tickets to, or generate revenue from, specific experiences where captive wild or endangered animals are forced to perform demeaning tricks or other unnatural behaviours in front of the general public, or where they are featured as part of a live circus or stage entertainment act in a demeaning manner (including imitating humans, such as dressing up in costume). Demeaning acts are defined as those where an animal may be either drugged or forcibly trained to behave or comply in an unnatural way, and which do not provide either necessary stimulation, exercise or veterinary care to that animal”*
- *“Tripadvisor will not sell tickets to, or generate booking revenue from, specific experiences where tourists come into physical contact with captive wild animals unless certain exceptional circumstances apply.”*



Public opinion has turned against the unnecessary keeping of animals in captivity and against the training of elephants for display and performance. In addition, the educational value of elephants kept in captivity is minimal and is outweighed by the negative effects on elephant well-being. In addition, there is no conservation value in keeping elephants in captivity.

PHASING OUT ELEPHANTS KEPT IN CAPTIVITY

- a. The national department responsible for the environment must immediately conduct an audit of the captive elephant population in South Africa and compile a complete national register and database of every captive elephant per facility; this should include ID of any distinctive physical traits, markings and microchipping;
- b. national government must keep the national register continuously updated;
- c. no wild-caught elephants may be introduced into captivity, other than temporary captivity, in South Africa, regardless of where they have been captured;
- d. no elephants may be exported from South Africa for the purposes of being held in captivity elsewhere;
- e. where an elephant is an orphaned calf and/or in need of veterinary care, it must be cared for in a registered rehabilitation facility with the specific aim of reintegrating it into a limited or extensive wildlife system or, where that is not in the best interests of the elephant's well-being, in a registered sanctuary;
- f. no elephants may be trained for commercial exhibition;
- g. rehabilitation facilities and sanctuaries, if such exist, may not allow the commercial exhibition of elephants or any free contact between elephants and the public;
- h. no new elephants may be introduced into existing captive facilities unless they are either a registered sanctuary or a registered rehabilitation facility;
- i. no new captive facilities, apart from sanctuaries and rehabilitation facilities, may be authorised and existing facilities must be phased out in a way that best protects the well-being of the elephants concerned;
- j. elephants should no longer be part of any exhibition or have any contact with the public;
- k. all breeding of elephants in captive facilities is prohibited;
- l. the owner of every captive facility must as part of the elephant management plan for the facility compile a long-term well-being plan for each of the elephants in the facility including contingency plans for such circumstances as:
 - i. the death or insolvency of the owner or any other circumstances in which the owner is no longer able to care for the elephant;
 - ii. the closure of the facility for any reason; or
 - iii. the goal of any long-term well-being plan must be:
 - iv. the reintegration of the elephant into a limited or extensive wildlife system, either directly or via an accredited and registered rehabilitation facility.

ELEPHANTS WHO ARE CURRENTLY KEPT IN CAPTIVITY



Credit: Botlierskop in Mossel Bay – A venue in South Africa is pictured offering elephant rides. Elephants used in close human interaction are normally working for long hours and in this case, they walk with a **very young calf** whose lactation patterns might be negatively impacted

Elephants currently held in captivity in South Africa should be managed in such a way that their suffering is minimised. This means that their management must be informed by the best available scientific information and must prioritise the elephant's wellbeing. This includes that:

1. any additional stress and disturbance to these elephants must be avoided, this must include exposure to [human-caused vibrations](#) and [construction noise](#). Several [different studies](#) in Africa show how human-generated noises from drums, tins and iron sheets are used as an effective deterrent in human-elephant conflict and crop damage mitigation, confirming that such noises disturb elephants;
2. existing social groupings must not be disrupted, unless for the well-being of individual elephants;
3. lactating mother elephants particularly shouldn't be used in any exhibitions or performances;
4. the individual characteristics and requirements of elephants must be considered;
5. elephants held captive must be provided with the best available daily care including the provision of a high standard of internationally acceptable veterinary care with regular (at least bi-annual) check-ups and treatment as and when it is needed; and

- 6. enclosures must be upgraded to minimum required standards for the well-being of elephants held captive, in compliance with findings from [scientific research](#);
- 7. threats to the safety of people are minimised.

REHABILITATION FACILITIES AND SANCTUARIES

PREN members stress the necessity to properly define the *sanctuary* and *rehabilitation facilities*. To avoid continuous confusion these definitions should be urgently debated and included in policy. Furthermore, such facilities should be licenced through an accreditation system.

As proposed in the Draft TOPS Regulations currently open for public comments:

Current Definition	Comment
<p>“Rehabilitation facility” -means a facility equipped for the temporary keeping of a live –</p> <ul style="list-style-type: none"> a. Sick, injured or specimen, for the purpose of providing treatment of and care to such specimen, or b. Young orphan specimen for rearing purposes, with the overall intent to release such specimens, but excludes a veterinarian's practice or a veterinary academic hospital. 	<ul style="list-style-type: none"> a. This should also include captive elephants when they are suitable for release; the overall intent must be to release the elephant; b. The intent should be to rehabilitate and release into an appropriate environment and social group, adhering to relevant internationally accepted standards and guidelines.

In terms of sanctuaries, PREN members are cognisant of the proliferation of exploitative facilities in South Africa, which mislead unaware tourists by calling themselves a *sanctuary, orphanage or rescue centre* and then offering commercial and poor-well-being-related activities instead. PREN cannot support the generic definition of *Sanctuary* as proposed in the Draft TOPS Regulations unless some elements are included, see below.

Current Definition	Comment
<p>“Sanctuary” -a facility that -</p> <ul style="list-style-type: none"> a. provides permanent care to a specimen of a listed threatened or protected species, that would be unable to sustain itself if released in an environment other than a control environment, irrespective of the reason for such inability; 	<p>Sanctuaries should be accredited non-commercial facilities. Provisions should be added to make sure the facility:</p> <ul style="list-style-type: none"> 1. provides a safe environment where an animal can express his or her natural physical, social and cognitive behaviour to the maximum extent possible while benefiting from the best possible care. 2. Prevents and excludes breeding, trading, public performances and activities that involve contact with the public

	PREN members suggest referring to the Global Federation of Animal Sanctuaries' Standards For Elephant Sanctuaries for best standards.
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NO SPECIFIC REGULATIONS ON THE TRANSPORTATION OF WILDLIFE HAVE BEEN INCLUDED

PREN members note that, despite the mention of trade and exports of live wildlife, this Draft Policy Position did not mention any regulation regarding the transportation of the concerned species - and in particular elephants - for the sake of the well-being and safety of animal and humans. Elephants – and many other species as well - are continuously moved between provinces, mostly for commercial or conservation purposes. Elephants – and other species - are sentient animals who can suffer tremendously and even die during transport; any transportation should be avoided unless strictly regulated with protocols and implemented only for the sake and interest of the elephant or group of elephants. Furthermore, despite the volume of trade in many wild species in South Africa, the transportation of wildlife is currently self-regulated; the DFFE should develop Norms and Standards specifically for the transportation of wildlife to cover all species or groups of species, taking into account and develop internationally agreed guidelines and standards such as those developed by the World Organisation for Animal Health, and the Convention On International Trade in Endangered Species. In addition, the implementation of such norms should be properly monitored and enforced.

RECOMMENDATIONS

- a. A section on elephants held in captivity should be added to the Draft Policy Position;
- b. The South African government, in line with the outcome of the HLP, the provisions of the White Paper and NEM:BA provisions relating to the well-being of wild animals, should commit to phasing out the commercial keeping of and trading in elephants.
- c. Species-specific Norms & Standards for the transportation of wildlife should be developed and properly implemented/enforced.

Yours sincerely,



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