
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS**NOTICE 5 OF 2016****NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)****DRAFT AMENDMENT OF THE NORMS AND STANDARDS FOR THE MARKING OF RHINOCEROS
AND RHINOCEROS HORN, AND FOR THE HUNTING OF RHINOCEROS FOR TROPHY HUNTING
PURPOSES**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to amend the Norms and Standards for the marking of rhinoceros and rhinoceros horn, and for the hunting of rhinoceros for trophy hunting purposes, under section 9(1)(c) read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), set out in the Schedule hereto.

To assist the reader, the full text of the current text and the amendments are indicated. Bold text in square brackets indicates deleted text, whereas underlined text indicates inserted text.

Members of the public are invited to submit to the Minister, within 30 days after the publication of the notice in the *Gazette*, written representations or objections to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr Khuthadzo Mahamba
 Private Bag X447
 PRETORIA
 0001

By hand at: Environmental House, 473 Steve Biko Street, Arcadia, Pretoria, 0083.

By e-mail: kmahamba@environment.gov.za

Any enquiries in connection with the notice can be directed to Mr Khuthadzo Mahamba at 012 399 8845.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

1. DEFINITIONS:

In this Schedule, unless the context indicates otherwise, a word or expression defined in the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) has the same meaning, and—

“applicable provincial legislation” means legislation in terms of which biodiversity matters are regulated in a province;

“Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), including any amendment thereof;

“CAS number” means the number allocated to a case docket when a criminal investigation is registered in terms of the Case Administration System of the South African Police Service;

[“conservation legislation” means national or provincial legislation that regulates the conservation and sustainable utilization of biodiversity;]

“duly authorized person” means a person authorized by means of a permit issued in terms of the Biodiversity Act, but excludes the hunting client;

[“hunting client” means a natural person who—

- (a) is not resident in the Republic; and**
- (b) pays or rewards a hunting outfitter, or a professional hunter or any other person, whether directly or indirectly for, or in connection with, the hunting of a rhinoceros;]**

“hunting client” has the meaning as defined by Regulations for the registration of professional hunters, hunting outfitters and trainers;

“hunting trophy” means any horn, tooth, hide, skin, hair, or readily recognizable part or derivative of a rhinoceros, whether processed or not, and which is kept as a memento of the hunt;

“microchip” means the marking of a rhinoceros or rhinoceros horn with or by means of a device that assigns a unique identification code to the rhinoceros or rhinoceros horn;

“national database” means a database developed by the Department and used by an issuing authority for the recording of information relating to rhinoceros horn stock piles;

[“similar facility” means any facility that is authorised in terms of conservation legislation to prepare or process rhinoceros horn for export purposes;]

“SABS” means the South African Bureau of Standards;

“taxidermy” means a facility where a skin, horn or any other derivative of a rhinoceros is treated, prepared or mounted, or where such skin, horn or other derivative is transformed or processed into a curio;

["TRAFFIC database" means a database developed by the organization responsible for trade record analysis for fauna and flora in commerce, and used by an issuing authority for the recording of information relating to rhinoceros horn stock piles.]

"TOPS Regulations" mean the regulations pertaining to listed threatened or protected species and promulgated in terms of section 97 of the Biodiversity Act;

"veterinarian" means a person registered with the South African Veterinary Council to operate as such.

2. MARKING OF LIVE RHINOCEROS AND ANY RHINOCEROS HORN

- (1) All live rhinoceros sold and transported after the commencement of these norms and standards that have not been micro-chipped before, or where an inserted micro-chip is no longer detectable, must be micro-chipped by the relevant issuing authority, with one micro-chip to the left of the spine between the scapula [in front of the left shoulder] and one micro-chip in each of the horns.
- (2) All [R]rhinoceros mortalities, due to both natural and unnatural causes, must be reported to the issuing authority [immediately] as soon as practicable after the death of the animal has been discovered.
- (3) The owner of a live rhinoceros, who acquires rhinoceros horn from a legal dehorning procedure, or the natural mortality of the rhinoceros, or where the rhinoceros has lost its horn in any other natural manner, where the rhinoceros horn has not been micro-chipped before or where an inserted micro-chip is no longer detectable, must apply to the issuing authority to have the rhinoceros horn micro-chipped, within 5 working days of acquiring such rhinoceros horn.
- (4) When an application for the possession and/ or marking of any detached rhinoceros horn is submitted to the issuing authority, information on the base circumference, inner length (anterior) and outer length (posterior) of each individual horn, as well as the weight thereof, must be provided by the applicant. In addition to this information the applicant must submit a photograph of good quality, for easy identification, of each horn.
- (5) Before a possession permit is issued by the issuing authority, an official of the issuing authority must conduct an inspection of the horn and verify the information supplied by the applicant.
- (6) An official of the issuing authority must microchip the rhinoceros horn contemplated in subparagraphs (3) or (4). **[The official must also mark the rhinoceros horn with indelible ink or by means of punch die, using the formula: ZA/serial number/year/weight, if the rhinoceros horn or part thereof is 5cm or more in length. The owner of the rhinoceros horn is responsible for the costs incurred by the issuing authority to purchase the micro-chips.]**
- (6A) In addition to the marking of the rhinoceros horn by means of a microchip as contemplated in subparagraph (6) above, the official must also mark the rhinoceros horn—

- (a) with indelible ink or by means of punch die, using the formula ZA/serial number/year/weight/RH, if the rhinoceros horn or part thereof is 5cm or more in length. The year referred to in the ZA number must reflect the year of recovery or acquisition, from the wild, of the rhinoceros horn; and
 - (b) by means of indelible ink, indicating the CAS number in the case of a confiscated rhinoceros horn that has been obtained unlawfully.
- (6B) The owner of the rhinoceros or rhinoceros horn is responsible for the costs incurred by the issuing authority to purchase the microchips.
- (6C) Due to complications with tracking individual specimens in databases, microchips may not be re-used and must be destroyed when they are no longer in use for identification of the original recipient.
- (6D) All microchip numbers with which rhinoceros or rhinoceros horns have been marked, must be recorded on possession permits issued in terms of the Biodiversity Act or applicable provincial legislation.
- (6E) In the case of marking a rhinoceros or rhinoceros horn by means of a microchip, only a 10-digit microchip approved by the SABS or the International Organization for Standardization may be used.
- (6F) Unless otherwise specified, the owner of a rhinoceros horn must ensure that such horn is kept in a safe manner to prevent or minimize the risk of theft of such horn.
- (6G) Rhinoceros horns must be kept in an unmovable safe as approved by the SABS in terms of Standard 953-1 or 953-2.
- (7) The provincial issuing authorities must keep the [above] information relating to the marking of the rhinoceros horns referred to above on the [TRAFFIC] national database and any changes resulting from, among others, translocation, export from a province, natural mortalities, or hunting must be reflected on such database. [The Department must consolidate the information kept by the provincial issuing authorities, on the [TRAFFIC] national database.]
- (8) The provincial issuing authorities must keep and maintain record of all restricted activities involving rhinoceros.

3. MANAGEMENT OF THE HUNTING OF RHINOCEROS

- (1) Until further notice, [T]rade in individual rhinoceros horns and any derivatives or products of the horns are prohibited in terms of a national moratorium which has been published under Government Notice 148 in Gazette No. 31899 of 13 February 2009. If horns are exported as a personal hunting trophy, they may only be exported if accompanied by the necessary export permits relating to threatened or protected species and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), issued in terms of Chapter 7 of the Act.
- (2) All rhinoceros hunts must be strictly controlled by means of an individual hunting permit issued by the issuing authority in terms of the Act, in the name of the hunting client, to ensure that all

rhinoceros horns can be traced to the property where the hunt took place. The hunting of rhinoceros may therefore not be authorized in terms of a game farm hunting permit.

- (3) In addition to the application for a hunting permit, the following supporting information with regards to the hunting client must be submitted to the issuing authority:
 - (a) proof of membership of a hunting association in the country of usual residence of the hunting client (if applicable). The hunting association must be recognised by the government of the country of residence of the hunting client; [or]
 - (b) a *Curriculum vitae*, indicating his/ her hunting experience in his / her country of usual residence; [or]
 - (c) proof of previous experience in the hunting of any African species; and
 - (d) a copy of the hunting client's passport.
- (4) All applications for the hunting of white rhinoceros received by the issuing authorities must be referred to the Department for recommendation. [within the time frame as prescribed in the Threatened or Protected Species Regulations, 2007, published under Government Notice No. R.152 in Gazette No. 29657 of 23 February 2007.] This will enable the Department to compile a database for hunting clients [and] to ensure [that a hunting client does not hunt more than one rhinoceros in the country within a 12-month period.] compliance with the provision of subparagraph (6) below.
- (4A) All applications for the hunting of black rhinoceros must be dealt with in accordance with the provisions of the Biodiversity Management Plan for the black rhinoceros in South Africa 2011 – 2020, as published under Government Notice 49 in Gazette No. 36096 on 25 January 2013.
- (4B) The Department must verify the information contemplated in subparagraph (3) with the Management Authority of the country of usual residence of the hunting client, and make a recommendation on the application within 15 working days after receipt of the information from the relevant issuing authority.
- (5) When considering an application for a hunting permit, the issuing authority must take into account whether the country of usual residence of the hunting client, where the rhinoceros horns and the rest of the hunting trophy will be imported to, has adequate legislation to ensure that the rhinoceros horns and the rest of the hunting trophy will be used for the purpose as indicated on the CITES export permit.
- (6) A hunting client may hunt one white rhinoceros for trophy purposes within a 12-month period.
- (7) The permit authorizing the hunt must be signed by the hunting client before commencement of the hunt.
- (8) Rhinoceros hunts must take place, as a minimum, in the presence of an [official of the issuing authority who is authorised in terms of conservation legislation to conduct compliance inspections, but preferably an] environmental management inspector from the issuing authority of the province concerned, and at the cost of the issuing authority. [Such official or environmental management inspector, whose contact details must be provided by the issuing authority, must be informed by the hunting outfitter, who organized the hunt, of the date and place of the hunt, at least 48 hours before it takes place.]

- (8A) If a rhinoceros hunt takes place in a protected area of a local authority or municipality, the environmental management inspector contemplated in subparagraph (8) may be accompanied by an environmental management inspector of such local authority or municipality.
- (8B) The environmental management inspector contemplated in subparagraph (8), whose contact details must be provided by the issuing authority, must be informed in writing by the hunting outfitter, who organized the hunt, of the date and place of the hunt, at least 48 hours before it takes place.
- (9) If not already microchipped, the horns must be micro-chipped by the environmental management inspector contemplated in subparagraph (8), on the property where the hunt took place [within 24 hours] directly after completion of the hunt. Only an official from the issuing authority may microchip the horns of the hunting trophy. The environmental management inspector must also mark the horns of the hunting trophy with indelible ink or by means of punch die, using the formula: ZA/serial number/year/weight/RH, if the rhinoceros horn or part thereof is 5cm or more in length. The year referred to in the ZA number must reflect the year in which the rhinoceros was hunted.
- (10) The owner or the manager of the game farm, as well as the [official or] environmental management inspector [who attended the hunt] contemplated in subparagraph (8), must sign off the hunting permit immediately after completion of the hunt, to confirm the success of the hunt[.The official or environmental management inspector must immediately after completion of the hunt provide the Department with information relating to the hunt, the relevant microchip numbers, as well as proof that the sample(s) contemplated in paragraph 4(2) have been sent to the Veterinary Genetics Laboratory contemplated in paragraph 4(4).], and the microchip numbers must be recorded on the hunting permit by the environmental management inspector.
- (10A) The environmental management inspector contemplated in subparagraph (8) must immediately after completion of the hunt report to the Department, on the template provided by the Department, information relating to the hunt, the relevant microchip numbers, as well as proof that the sample(s) contemplated in paragraph 4(1) have been sent to the facility contemplated in paragraph 4(4).
- (11) The professional hunting register must be completed by the professional hunter who accompanied the hunting client during the hunt, immediately after completion of the hunt. The [official or] environmental management inspector [who attended the hunt] contemplated in subparagraph (8) must indicate the microchip numbers with which the horns have been marked, on the professional hunting register.
- (12) The horns, together with the rest of the trophy, must be transported by a duly authorized person from the address where the hunt took place, directly to the taxidermy or similar facility to be processed and prepared for exportation. The transport of the horns as part of the hunting trophy may only be authorised in terms of an individual transport permit issued by the issuing authority, and may not be authorised in terms of a standing permit or in combination with the hunting permit.
- (13) The permit authorizing the hunt and transport, and a copy of the professional hunting register must accompany the rhinoceros products (including the horns), which form part of the hunting trophy, when being transported between destinations.

- (14) The ~~[taxidermist or owner of a similar facility]~~ owner of a taxidermy must upon receipt of the rhinoceros horns report the following information to the Department:
- date of receipt of the rhinoceros horns;
 - weight of the rhinoceros horns;
 - micro-chip numbers of the rhinoceros horns; and
 - numbers of the hunting permit, transport permit and professional hunting register.
- (15) The ~~[taxidermist or owner of a similar facility]~~ owner of a taxidermy must keep a register that contains as a minimum the information contemplated in subparagraph (14). The register must be made available to the issuing authority for inspection, upon request by the issuing authority.
- (16) The horns of a rhinoceros that was hunted as a trophy, may not be exported in hand or personal baggage.
- (16A) The issuing authority must refer an application for the export of a rhinoceros trophy to the Department in terms of General Notice No. 431, published on 13 June 2014 in the Gazette, No. 37736, in order for the Department to verify whether a recommendation on the application for a hunting permit has been made.
- (16B) In support of an application contemplated in subparagraph (16A) above, the issuing authority must submit a copy of the signed-off hunting permit contemplated in subparagraph (10) above, and a copy of the report contemplated in subparagraph (10A) above, to the Department.
- (17) The CITES export permit for the rhinoceros hunting trophy ~~[and a copy of both pages of the signed-off hunting permit]~~ must be presented to an environmental management inspector, for inspection prior to the export of the trophy. The CITES export permit must be endorsed by the environmental management inspector.
4. [COLLECTION OF SAMPLES FOR DNA PROFILING] PROCEDURE FOR THE COLLECTION OF DNA SAMPLES
- (1) [When live rhinoceros are darted for translocation, treatment or any other management purpose, samples of the horns and blood must be collected by using the DNA kits as provided by the Veterinary Genetics Laboratory contemplated in subparagraph (4).] DNA samples must be collected in any of the following circumstances—
- treatment, translocation or any other management purpose, in which case horn and blood samples must be collected;
 - of detached horns contemplated in paragraphs 2(3), 2(4) or 3(9), when microchipped by an environmental management inspector; or
 - an unlawfully killed rhinoceros, in which case, to the extent possible, tissue and horn samples must be collected.
- (2) [When detached horns contemplated in paragraphs 2(3), 2(4) or 3(9) are micro-chipped, samples of the horns must also be collected at the same time.] When DNA samples are collected, the DNA kits as approved by the Department must be used.
- (3) [Samples] DNA samples contemplated in [subparagraphs] subparagraph (1) above [and (2)] may be collected by the following persons—

- (a) [A registered veterinarian] in the case of subparagraph (1)(a), a veterinarian responsible for the darting of a live rhinoceros;
 - (b) [An official from the issuing authority contemplated in paragraph 2(7), who has been adequately trained in the collection of samples; or] in the case of subparagraph (1)(b), the relevant environmental management inspector, who has been adequately trained in the collection of DNA samples; or
 - (c) [The official or environmental management inspector who attended the hunt contemplated in paragraph 3(8), and who has been adequately trained in the collection of samples] in the case of subparagraph (1)(c), the relevant environmental management inspector or a member of the South African Police Service, who has been adequately trained in the collection of DNA samples.
- (4) The DNA samples contemplated in [subparagraphs (1) and (2)] subparagraph (1) above must be sent to [the Veterinary Genetics Laboratory of the Faculty of Veterinary Science of the University of Pretoria at Onderstepoort] a facility registered as a scientific institution in terms of the TOPS Regulations and approved by the Director-General, as soon as possible after it has been collected, for analysis for the purpose of DNA profiling.
- (5) The facility contemplated in subparagraph (4) above must record the information on the analysis of the DNA samples and make such information available to the Department.
- (6) The cost for the analysis of the samples contemplated in subparagraph (1) above is the responsibility of the Department.

5. APPLICATION OF THESE NORMS AND STANDARDS

- (1) The provisions of these norms and standards must be read in conjunction with the provisions of the [Threatened or Protected Species Regulations, 2007, published in Government Notice No. R. 152 in Gazette No. 29657 of 23 February 2007, as amended, or any subsequent regulations amending or repealing the said regulations] TOPS Regulations.
- (2) The provisions of these norms and standards as far as it relates to the marking of live rhinoceros and rhinoceros horn, apply to all live rhinoceros contemplated in paragraph 2 (1), and all individual detached rhinoceros horns, whether in private or state possession.
- (3) The provisions of these norms and standards as far as it relates to the hunting of rhinoceros, apply whether the hunt takes place on privately owned land or state land.

5A. DISPOSAL OF RHINOCEROS HORN

If a rhinoceros horn is destroyed, it must be done in the following manner—

- (a) subject to the issuance of a permit in terms of the Biodiversity Act by the relevant issuing authority; and
- (b) in the presence of, as a minimum, an environmental management inspector from both the Department and the relevant issuing authority, who must video-record the event.

6. TRANSITIONAL PROVISION

Anything done in terms of the withdrawn norms and standards for the marking of rhinoceros horn and hunting of white rhinoceros for trophy hunting purpose published in Government Notice No. 756, Gazette No. 32426 of 20 July 2009, or in terms of the withdrawn norms and standards for the marking of rhinoceros horn and hunting of rhinoceros for trophy hunting purpose published in Government Notice No. 304, Gazette No. 35248 of 10 April 2012 and which can be done in terms of these norms and standards, must be regarded as having been done under these norms and standards.