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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. 304

10 April 2012

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)****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 Water and Environmental Affairs, hereby withdraw Government Notice No. 756 published in *Gazette* No. 32426 of 20 July 2009, and in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) issue the norms and standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND 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—

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

“duly authorized person” means a person authorised by means of a permit issued in terms of the 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 white rhinoceros;

"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;

"micro-chip" 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;

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

"TRAFFIC database" means a database developed by the organisation 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.

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 with one micro-chip in front of the left shoulder and one micro-chip in each of the horns.
- (2) Rhinoceros mortalities must be reported to the issuing authority immediately 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 micro-chip 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.
- (7) The provincial issuing authorities must keep the above information on the TRAFFIC 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 national TRAFFIC database.

3. MANAGEMENT OF THE HUNTING OF RHINOCEROS

- (1) Trade 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 No. 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, 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. 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 rhinoceros received by the issuing authorities must be referred to 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 ensure that a hunting client does not hunt more than one rhinoceros in the country within a 12-month period.
- (5) When issuing the hunting permit, the issuing authority must consider 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 only one white rhinoceros for trophy purposes within a 12-month period.
- (7) The permit authorising the hunt must be signed by the hunting client before commencement of the hunt.
- (8) Rhinoceros hunts must take place 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 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.

- (9) If not already micro-chipped, the horns must be micro-chipped on the property where the hunt took place within 24 hours after completion of the hunt. Only an official from the issuing authority may micro-chip the horns of the hunting trophy.
- (10) The owner or the manager of the game farm, as well as the official or environmental management inspector who attended the hunt, must sign off the hunting permit 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 micro-chip 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).
- (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 must indicate the micro-chip 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 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 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 must upon receipt of the rhinoceros horns report the following information to the Department:
 - (a) date of receipt of the rhinoceros horns;
 - (b) weight of the rhinoceros horns;
 - (c) micro-chip numbers of the rhinoceros horns; and
 - (d) numbers of the hunting permit, transport permit and professional hunting register.
- (15) The taxidermist or owner of a similar facility 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.
- (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

- (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).
- (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.
- (3) Samples contemplated in subparagraphs (1) and (2) may be collected by the following persons:
 - (a) A registered 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
 - (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.
- (4) The samples contemplated in subparagraphs (1) and (2) must be sent to the Veterinary Genetics Laboratory of the Faculty of Veterinary Science of the University of Pretoria at Onderstepoort, as soon as possible after it has been collected, for analysis for the purpose of DNA profiling.

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.
- (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.

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, and which can be done in terms of these norms and standards, must be regarded as having been done under these norms and standards.
