

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 961

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**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 Edna Edith Molewa, Minister of Environmental Affairs, hereby withdraw Government Notice No. 304 published in *Gazette* No. 35248 on 10 April 2012, and hereby issue norms and standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes, in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), set out in the Schedule hereto.



**BOMO EDNA EDITH MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

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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 biodiversity legislation" means legislation in terms of which biodiversity matters are regulated, either at a provincial level in a province or at a national level;

"Biodiversity Act" means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"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;

"dart" means the chemical immobilization of a live rhinoceros by any means, method or device, using a tranquillizing, narcotic, immobilizing, or similar agent, for the purpose of restraining or anaesthetizing such live rhinoceros;

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

"genetic profiling" means the use of biotechnology to identify the unique characteristics of a live rhinoceros or rhinoceros horn for forensic or diagnostic purposes;

"hunting client" means a person who is not a citizen of the Republic or a permanent resident within the Republic, and who pays or rewards any other person for, or in connection with, the hunting of a rhinoceros;

"hunting outfitter" means a person who is authorized in terms of applicable biodiversity legislation to operate as a hunting outfitter, and assigns a similar meaning to a hunting contractor referred to in terms of provincial biodiversity legislation;

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

"local hunter" means a hunter who is a citizen of the Republic or a permanent resident within the Republic;

"management purposes" means the carrying out of a restricted activity directed towards the management of a rhinoceros, and includes, but is not limited to, the—

- (a) conveyance, movement or otherwise translocation of a rhinoceros;
- (b) marking of a rhinoceros or rhinoceros horn;
- (c) collection of a DNA sample; or
- (d) dehorning of a rhinoceros;

"microchip" means 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;

"professional hunter" means a person who is authorized in terms of applicable biodiversity legislation to operate as a professional hunter;

"Republic" means the Republic of South Africa;

"rhinoceros horn" means the whole horn, or any part or cut piece of the horn of a rhinoceros, whether polished or unpolished, in any form whatsoever or howsoever changed from its original form, and includes rhinoceros horn in its powdered form or shavings of rhinoceros horn;

"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;

"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. APPLICATION OF THESE NORMS AND STANDARDS

- (1) These norms and standards apply to species of rhinoceros that are listed as threatened or protected in terms of section 56 of the Biodiversity Act.
- (2) The provisions of these norms and standards must be read alongside the provisions of the TOPS Regulations.
- (3) 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 3(1), and all individual detached rhinoceros horns, whether in private or state possession.
- (4) The provisions of these norms and standards as far as it relates to the hunting of rhinoceros, apply whether a hunt takes place on privately owned land or state land.

3. MARKING OF LIVE RHINOCEROS AND ANY RHINOCEROS HORN

- (1) When a live rhinoceros is required to be darted after the commencement of these norms and standards, irrespective of the purpose of the darting, and such rhinoceros has not been marked by means of a microchip before, or where an inserted microchip is no longer detectable, such darted rhinoceros must be marked by means of a microchip by the relevant issuing authority or

- a veterinarian, with one microchip behind the ear, close to the base of the ear, and one microchip in each of the horns that is 5cm or more in length, or by any other means of identification as approved by the Director-General.
- (2) Any rhinoceros mortality, irrespective of the cause of such mortality, or theft of a rhinoceros horn, must be reported to the issuing authority within 5 working days of discovering the death of such rhinoceros or the theft of such rhinoceros horn.
 - (3) If a person obtains a rhinoceros horn from a rhinoceros of which he or she is the owner, in any of the manners contemplated below, such owner must apply to the relevant issuing authority, within 5 working days of acquiring such rhinoceros horn, to have such rhinoceros horn marked if it is 5cm or more in length—
 - (a) mortality of such rhinoceros, irrespective of the cause of such mortality;
 - (b) dehorning of such rhinoceros; or
 - (c) where such rhinoceros has lost its horn in any other manner.
 - (4) A person, other than a person contemplated in subparagraph (3), who is in possession of rhinoceros horn that is 5cm or more in length, irrespective of the weight of such rhinoceros horn, must apply to the relevant issuing authority to have such horn marked in accordance with subparagraph (8).
 - (5) When an application for the possession and marking of a detached rhinoceros horn, or for the marking of a detached rhinoceros horn, as the case may be, contemplated in subparagraph (3) or (4), is submitted to the relevant issuing authority, the measurements contemplated below, of each of the rhinoceros horn, must be provided by the applicant—
 - (a) base circumference;
 - (b) length, measured along the inner curve;
 - (c) length, measured along the outer curve; and
 - (d) weight.
 - (6) In addition to information on the measurements contemplated in subparagraph (5), the applicant must also submit photographs of suitable quality that allows for easy identification, of each rhinoceros horn.
 - (7) Prior to the issuance of a possession permit by the relevant issuing authority, an official of such issuing authority must conduct an inspection of the rhinoceros horn contemplated in subparagraph (3) or (4), and verify the measurements contemplated in subparagraph (5), as supplied by the applicant.
 - (8) An official of the relevant issuing authority must mark the rhinoceros horn contemplated in subparagraph (3) or (4)—
 - (a) by means of a microchip, or by any other means of identification as approved by the Director-General; and
 - (b) 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 of the rhinoceros horn from the wild).

- (9) The rhinoceros horn contemplated in subparagraph (3) or (4) does not need to be marked by means of a microchip, if such rhinoceros horn has been marked before by means of a microchip and such microchip is still detectable.
- (10) In the case of a rhinoceros horn that has been seized from a person who obtained such rhinoceros horn unlawfully, or is reasonably suspected to have been obtained unlawfully, such rhinoceros horn must, in addition to the means contemplated in subparagraph (8), also be marked in indelible ink to indicate the CAS number.
- (11) The owner of a rhinoceros or rhinoceros horn is responsible for the actual costs incurred by the issuing authority to purchase microchips for the purpose of marking such rhinoceros or rhinoceros horn.
- (12) A microchip may not be re-used and must be destroyed when it is no longer in use for identification of the original recipient.
- (13) The microchip numbers with which a rhinoceros or rhinoceros horn have been marked must be recorded on the possession permit, if such possession permit is required in terms of applicable biodiversity legislation.
- (14) In the case of the marking of a rhinoceros or rhinoceros horn by means of a microchip, only a 10-digit microchip may be used.
- (15) Unless specified otherwise by the Minister, the owner of a rhinoceros horn must keep such rhinoceros horn in an unmovable safe that is compliant to SANS 953-1 and 953-2 to prevent or minimize the risk of theft of such horn.
- (16) Issuing authorities must ensure that the information relating to the marking of all rhinoceros horn contemplated in subparagraph (9), as well as any changes in respect of such markings, is recorded on the national database.

4. MANAGEMENT OF THE HUNTING OF RHINOCEROS

- (1) Any application in connection with the hunting of a rhinoceros by a hunting client must be referred to the Department by the relevant issuing authority, in order for the Department to make a recommendation in respect of the requirement contemplated in subparagraph (8) below, and for the Department to verify the information contemplated in subparagraph (3) below.
- (2) Any application for the hunting of black rhinoceros must be considered in accordance with the provisions of the Biodiversity Management Plan for black rhinoceros, published in terms of section 43 of the Biodiversity Act.
- (3) In addition to the application for a rhinoceros hunting permit, the following supporting information in respect of the hunting client to which the application relates, 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;

- (b) a *Curriculum vitae*, indicating his or her hunting experience in his or her country of usual residence; and proof of previous experience in the hunting of any mammalian game species indigenous to Africa;
 - (c) a certified copy of the hunting client's passport; and
 - (d) any additional relevant information that may be required by such issuing authority.
- (4) 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) In the event that the Department has not received a response from the Management Authority of the country of usual residence of the hunting client, within the time frame contemplated in subparagraph (4), it is the responsibility of the hunting client to obtain such response and to submit it to the Department, prior to the Department making a recommendation on the application to the relevant issuing authority.
- (6) When considering an application for the hunting of rhinoceros, the issuing authority must take into account whether the country of usual residence of the hunting client, where the rhinoceros horn and the rest of the hunting trophy will be imported to, has adequate legislation to ensure that such rhinoceros horn and the rest of the hunting trophy will be used for the purpose as indicated on the CITES export permit.
- (7) The hunting of rhinoceros must be strictly regulated by means of an individual hunting permit and may not be authorized in terms of a game farm hunting permit, to the extent applicable, or a provincial exemption permit. The relevant issuing authority may issue the hunting permit as an integrated hunting permit, the content of which must include the name of the hunting client and a clear description of the property where the hunt will take place.
- (8) A hunting client may hunt only one white rhinoceros for trophy purposes within a 12-month period.
- (9) The permit authorizing the hunt must be signed by the hunter, whether such hunter is a hunting client or a local hunter, before commencement of the hunt.
- (10) A rhinoceros hunt must take place in the presence of an environmental management inspector from the issuing authority of the province concerned. All reasonable expenses incurred by such environmental management inspector to enable him or her to attend the hunt are at the cost of the issuing authority.
- (11) The environmental management inspector contemplated in subparagraph (10), whose contact details must be provided by the issuing authority, must be informed in writing by the hunting outfitter who organized the hunt, or the local hunter, as the case may be, of the date and place of the hunt, at least 48 hours before it takes place.
- (12) If the horns of the hunted rhinoceros have not already been marked by means of a microchip, the environmental management inspector contemplated in subparagraph (10) must mark the rhinoceros horns in accordance with the provisions of Paragraph 3(8).

- (13) The owner or the manager of the game farm where the hunt has taken place, as well as the environmental management inspector contemplated in subparagraph (10), must sign off the hunting permit immediately after completion of the hunt, to confirm the success of the hunt.
- (14) The environmental management inspector contemplated in subparagraph (10) must record the markings with which he or she has marked the horns of the hunted rhinoceros, on the hunting permit.
- (15) The environmental management inspector contemplated in subparagraph (10) must within 5 working days after completion of the hunt, report to the Department, on the template provided by the Department, information relating to the hunt, the relevant markings contemplated in subparagraph (12), as well as proof that the sample(s) contemplated in Paragraph 5(1) have been sent to the facility contemplated in Paragraph 5(5).
- (16) 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 environmental management inspector contemplated in subparagraph (10) must indicate the markings contemplated in subparagraph (12) on the professional hunting register.
- (17) The horns of the hunted rhinoceros, together with the rest of the hunting 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 relevant issuing authority, and may not be authorised in terms of—
 - (a) a standing permit; or
 - (b) in combination with the hunting permit, except in the case of a local hunter.
- (18) The permit authorizing the hunt of the rhinoceros, the permit authorizing the transport of the horns and the rest of the trophy, and a copy of the professional hunting register must accompany the rhinoceros hunting trophy, including the horns, when being transported between destinations.
- (19) The owner of a taxidermy must, within 24 hours of 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) markings contemplated in Paragraph 3(8), of the rhinoceros horns; and
 - (d) numbers of the hunting permit, transport permit and professional hunting register.
- (20) The owner of a taxidermy must keep a register that contains as a minimum the information contemplated in subparagraph (19). The register must be kept on site and must, upon request, be made available to the issuing authority or an environmental management inspector for inspection.
- (21) The relevant provincial issuing authority must record information in respect of the hunting of a rhinoceros on a database developed by the Department for this purpose.
- (22) The horns of a rhinoceros that was hunted as a trophy may not be exported in hand or personal baggage.

- (23) The relevant provincial issuing authority must refer an application for the export of a rhinoceros hunting 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 consider the application and make a recommendation in respect thereof.
- (24) In support of an application contemplated in subparagraph (23) above, the relevant issuing authority must submit a copy of the signed-off hunting permit contemplated in subparagraph (13) above, and a copy of the report contemplated in subparagraph (15) above, to the Department.
- (25) If rhinoceros horns are exported as a hunting trophy, such horns may only be exported if accompanied by the necessary export permits, or an integrated export permit, as the case may be, 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 Biodiversity Act.
- (26) The CITES export permit, or the integrated export permit, as the case may be, for the rhinoceros hunting trophy must be presented to an environmental management inspector, for inspection prior to the export of the trophy. The export permit must be endorsed by the environmental management inspector, or by an official from any other border law enforcement agency mandated to perform this function.

5. PROCEDURE FOR THE COLLECTION OF DNA SAMPLES

- (1) Samples for the purpose of genetic profiling must be collected in any of the following circumstances—
 - (a) for treatment, translocation or any other management purpose, in which case a horn and a cellular sample, such as a blood or a skin sample, must be collected;
 - (b) of detached horns contemplated in paragraphs 3(3) or 3(4), or obtained through the hunting of a rhinoceros; or
 - (c) an unlawfully killed rhinoceros, in which case, to the extent possible, a horn and a cellular sample must be collected.
- (2) Subparagraph (1) does not apply if the genetic profiling in respect of a particular rhinoceros or rhinoceros horn has already been performed.
- (3) The samples contemplated in subparagraph (1) must be collected by using the DNA kits as approved by the Forensic Services Division of the South African Police Service.
- (4) The samples contemplated in subparagraph (1) above must be collected by the following persons—
 - (a) in the case of samples contemplated in subparagraph (1)(a), a—
 - (i) cellular sample by a veterinarian; and
 - (ii) horn sample by a veterinarian, or an environmental management inspector who has been adequately trained and certified in the collection of DNA samples;
 - (b) in the case of horn samples contemplated in subparagraph (1)(b), by the relevant environmental management inspector, who has been adequately trained and certified in the collection of DNA samples; or

- (c) in the case of samples contemplated in subparagraph (1)(c), the relevant environmental management inspector or a member of the South African Police Service, who has been adequately trained and certified in the collection of DNA samples.
- (5) The samples contemplated in subparagraph (1) must be sent for genetic profiling, to—
 - (a) a facility registered as a scientific institution in terms of the TOPS Regulations and approved by the Director-General, in the case that such genetic profiling relates to diagnostic purposes; or
 - (b) the Forensic Science Laboratory of the South African Police Service, in the case that such genetic profiling relates to forensic purposes;
as soon as possible after it has been collected.
- (6) The facility contemplated in subparagraph (5) must record the information relating to the genetic profiling and make such information available to the Department.
- (7) The costs for the genetic profiling contemplated in subparagraphs (1)(a) and (b) are the responsibility of the Department.
- (8) The facility contemplated in subparagraph (5) must provide the Department with a copy of the genetic profiling report.

6. DISPOSAL OF RHINOCEROS HORN

If a rhinoceros horn is destroyed, it may not be destroyed unless—

- (a) a permit has been issued in terms of the Biodiversity Act by the relevant issuing authority, for its destruction; and
- (b) it is done in the presence of an environmental management inspector from both the Department and the relevant issuing authority, who must video-record the event, the recording of which must be of good quality.

7. 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.