

CHAPTER 3

OVERVIEW OF THE POLICY PROCESS

Initiating policy review

Nearly 30 years of communicating the reasoning behind the first elephant management plan and the need for culling built general acceptance for KNP's elephant management policy over time, in a broad cross section of the South African public. However, the policy had always been controversial, especially beyond our borders. Towards the end of 1994 this controversy escalated when animal rights groups confronted SANParks about the ethics and morality of killing Kruger's elephants in the name of population control – a policy which they suggested also had no scientific foundation. SANParks responded to these criticisms by initiating a public debate on this issue. At the debate, held in Midrand on 4 May 1995, SANParks agreed to undertake a comprehensive review of its elephant management policies. SANParks imposed a moratorium on elephant culling in national parks to reduce conflict and draw a wide range of stakeholders into the review. A series of internal meetings, consultative workshops, public debates, stakeholder indabas and expert panels constituted the 'elephant management policy review process', undertaken at first by SANParks and in its later stages by DEAT.

Bounding the decision space - legislation, authorities, mandates and outputs

The policy review process that has unfolded over the next 12 years was not envisioned in its entirety in 1995, but became an evolutionary process which adapted to and followed both need and opportunity. The moratorium on culling occurred at a time of great political change in all aspects of government and governance in South Africa. In 1995, the responsibility for authorising park management actions, including elephant culling, was held by the National Parks Board, afforded to it by the National Parks Act (No. 57 of 1976). The passing of the National Environmental Management Act (NEMA) in 1998, and later its extensions, the Biodiversity and Protected Areas Acts, has recast and reassigned mandate and authority. In 1997 the National Parks Board became South African National Parks. SANParks now functions under the ambit of the National Environmental Management: Protected Areas Act (No. 57 of 2003). The core mandate of SANParks is the conservation of South Africa's biodiversity, landscapes and associated heritage assets, through its system of national parks.

NEMA, the Biodiversity and Protected Areas Acts are all framework Acts, which have been designed as enabling legislation – this allows for development of more specific policy through adaptive and consultative tools. The National Environmental Management: Biodiversity Act (No. 10 of 2004) authorises the Minister of Environmental Affairs and Tourism to issue norms and standards for the achievement of any of the objectives of the Act, including the management and conservation of biodiversity. Under the Protected Areas Act the Minister may also determine norms and standards for the performance by SANParks of its functions. SANParks is in turn required to advise the Minister at his request on any matter concerning biodiversity conservation and management.

Under the Protected Areas Act all parks must have management plans, developed in consultation with stakeholders, and approved by the Minister. Thus decisions about the management of specific elephant populations must ultimately take place at the level of individual parks. Elephant management plans form part of protected area management plans tailored to deliver desired states arrived at through stakeholder consultation. These plans are informed and constrained by national norms and standards published by the Minister. Protected area management plans must include a strategy of management options to achieve the desired state over time, a budgeted and resourced implementation plan, and a monitoring plan to measure progress and inform future policy review.

The overall policy planning and approval process for elephant management is shown in Figure 3, along with specific opportunities provided within the process for input and comment by the public, stakeholders and scientists.

The national Norms and Standards for Elephant Management and park management plans are all living documents subject to cyclic review. This allows for policies to be updated in response to new knowledge and technologies, and changing stakeholder needs, values and realities.

Under the new Acts, decisions about protected area and elephant management come with both process and outcome constraints. Governance is required to be cooperative and decision-making consultative. The decision-making process should be rational and reasonable, fair and inclusive (allowing all stakeholders equal opportunity to voice their concerns), informed (through scientific and other forms of knowledge) and transparent (providing access to information about both process and outcome).

Some of the values that conservation management decisions must uphold have already been set – these are laid out in the Constitution, Acts of Parliament, and in international agreements to which the SA government is a signatory, such as the International Convention on Biodiversity, CITES and RAMSAR. Both DEAT and SANParks have a priority mandate to conserve biodiversity – a regional, national and global asset which also has intergenerational value.

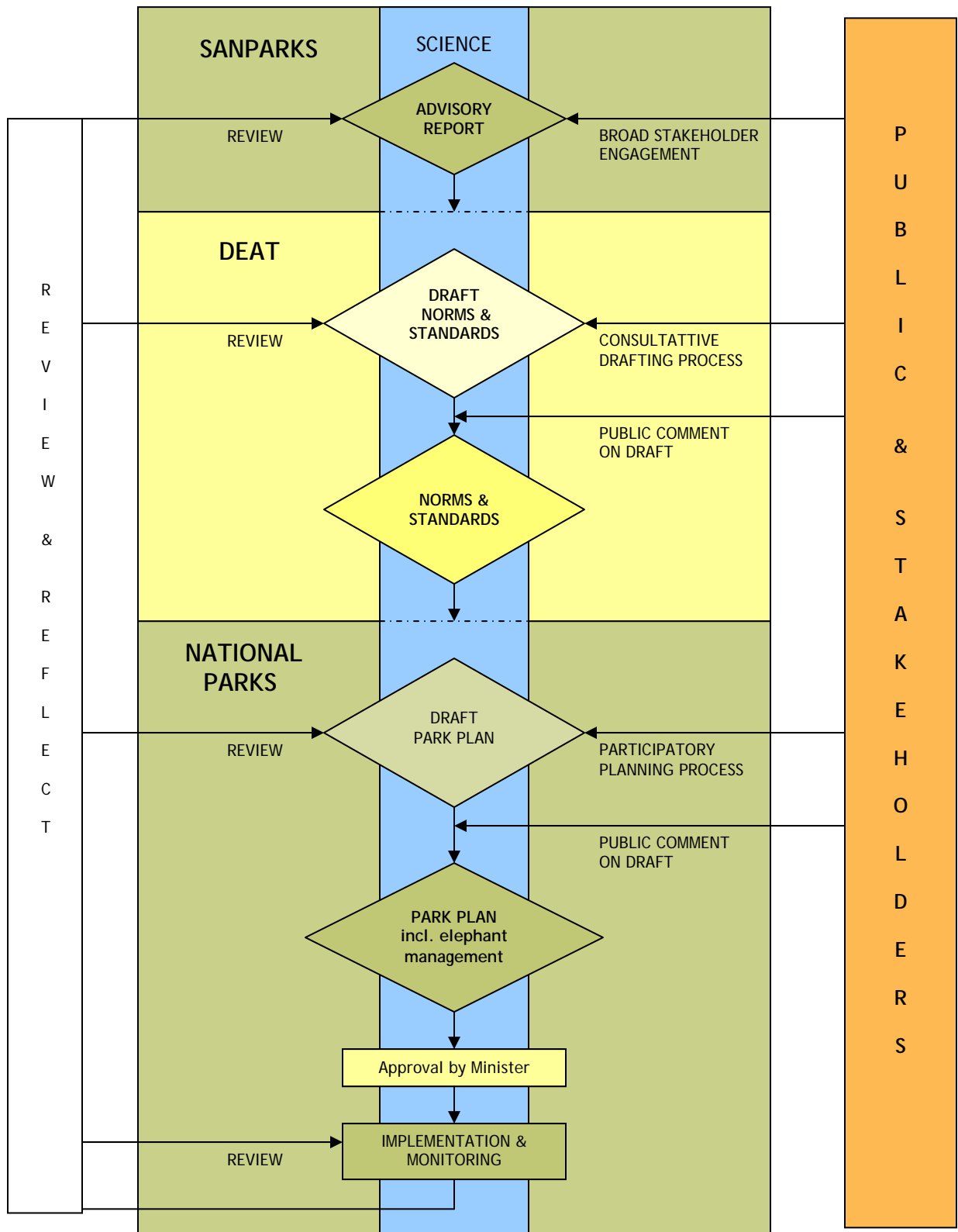


Figure 3: The elephant management policy drafting process

An overview of the policy review process: 1996 to 2008

As the idealised process of Figure 3 had not yet been mapped out by new legislation in 1995, the actual policy review process initiated by SANParks followed a slightly different path in its early stages. The majority of South Africa's elephant population is found in the KNP, the only national park where management has intervened in the past to limit elephant population growth. The debate and controversy about elephant management in South Africa has always centred on KNP. This time it was no different and, because KNP staff were already in the process of revising their management approach, attention first focussed on this individual protected area before expanding into a national initiative.

The process that followed can be divided into three distinct phases:

- PHASE 1: (1996 – 1999) KNP management planning process.
- PHASE 2: (2003 – 2005) SANParks indabas, concluding with SANParks' advisory report to the Minister of Environmental Affairs and Tourism in September 2005.
- PHASE 3: (2005 – 2008) Minister van Schalkwyk's forums and panels, culminating in the publication of National Norms and Standards for Elephant Management in February 2008.

All three phases have involved inputs from both scientists and stakeholders, the public and special interest groups, and have included a range of events, forums, media and opportunities for participation. A fourth phase will reach its conclusion in the approval and implementation of park management plans under the guidance of national norms and standards.

Documentation of the content of many of the most important events has been published elsewhere. This publication will focus on the purpose, participants and specific outcomes of the series of events during Phases 1 and 2 directed by SANParks. A synthesis of the potential impacts of growing elephant populations, and the options for managing elephants is followed by an account of Phase 3 – the Minister of Environmental Affairs and Tourism's consultation process and its outcomes.

TIMELINE: ELEPHANT MANAGEMENT POLICY REVIEW PROCESS

PHASE 1: KNP MANAGEMENT PLANNING PROCESS	
8 Feb 1996	Workshop with KNP scientists, AfESG
10 Feb 1996	Workshop with KNP scientists, AfESG, IFAW
30 Oct 1996	Internal KNP workshop
12 Nov 1996	Public debate, Midrand
11-13 Feb 1997	KNP TPC workshop
17 Mar 1997	Formulation of KNP elephant management policy
31 Oct 1998	Public meeting to present KNP elephant management zoning plan, Nelspruit
12 Mar 1999	SANParks Board approves KNP zoning plan

1999	KNP plan published in <i>Koedoe</i>
PHASE 2: SANPARKS BROADENS THE CONSULTATION PROCESS	
2000	CITES downlists SA elephant populations to Appendix II
2003	NEM: Protected Areas Act
2003–2004	Consultation with communities in Mozambique re Greater Limpopo Transfrontier Park
2004	NEM: Biodiversity Act
6 Aug 2004	WESSA's Great Elephant Debate, Nelspruit
17 Sept 2004	EMOA & North West Parks elephant symposium, Pilanesberg
19–21 Oct 2004	SANParks Great Elephant Indaba, Berg en Dal, KNP
15–17 Mar 2005	SANParks scientific workshop, Luiperdskloof
April 2005	Workshops with communities neighbouring KNP
25–27 May 2005	African range states consultation meeting held under auspices of SADC, Victoria Falls
18–20 July 2005	"Elephants Alive" convened by Care for the Wild International, Xwe African Wildlife, Justice for Animals at Wits University, Johannesburg
8 Sept 2005	SANParks advisory report on an Elephant Management Strategy submitted to Minister van Schalkwyk
13–15 Sept 2005	Elephant TPC workshop, Pretoria
PHASE 3: MINISTERIAL CONSULTATION AND DECISION-MAKING PROCESS	
Late 2005 – early 2006	Minister's international roadshow: UK, Holland, Switzerland, Italy, Germany, USA
28 Nov 2005	Minister hosts 17 local and international stakeholder groups, Cape Town
1 Dec 2005	7 environmental groups come out in support of SANParks proposal to manage elephant populations to protect biodiversity.
18 Jan 2006	Science Round Table 1, Cape Town
22 Aug 2006	Science Round Table 2, Cape Town
2 March 2007	DEAT publishes draft Norms and Standards for public review