



Honourable Minister Barbara Creecy

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Honourable Minister Barbara Creecy,

Concerns re Elephant Hunting Incident in Balule Nature Reserve

The Wildlife Animal Protection Forum South Africa ([WAPFSA](#)), consists of a community of diverse South African-based organisations who share similar values, knowledge and objectives. WAPFSA collectively offers a formidable body of expertise and advocacy drawn from different sectors, including but not limited to, scientific, environmental, legal, welfare, rights, social justice and indigenous knowledge.

The Balule Nature Reserve forms part of the Associated Private Nature Reserves, (APNR), an association of privately owned nature reserves bordering the Kruger National Park (KNP). The fences were dropped in 1993 – before the end of apartheid – on the premise of creating ‘ecological unity’ between the APNR and the KNP itself. Commercial hunting, in the 1996 agreement, was not mentioned at all. Animals under public custodianship (KNP) now move freely between the APNR and the KNP. Far from creating ecological unity, however, they are treated as *res nullius* (nobody’s property) in the APNR and are hunted. South African National Parks (SANParks) has never addressed this problem.

The elephant bulls that are commercially trophy hunted in the Balule Nature Reserve form part of South Africa’s national heritage but they are being killed for the benefit of a small number of wealthy white landowners as the amount of money actually accruing to local communities remains unknown.

On Sunday the 3rd of September 2023, a bull elephant was shot and wounded by a trophy hunter in the Maseke area of the Balule Nature Reserve. Obviously, the traumatised and injured elephant attempted to get away. He left the Maseke area and went into the neighbouring Grietjie Private Nature Reserve. The deputy head warden of Maseke initiated a search for the elephant with a helicopter. The elephant was located and driven back to Maseke using the helicopter where he was killed.

[According](#) to Mr Ian Novak the General Manager of Balule Nature Reserve, the elephant hunt was legal and no Greater Limpopo Transfrontier Conservation Area Reserve Protocol violations were committed.

Maseke is a region located within the Balule Nature Reserve. Maseke Game Reserve, Balule Nature Reserve and Grietjie Nature Reserve all form part of the Greater Limpopo Transfrontier Conservation Area Reserve.

The Greater Kruger Hunting Protocol was developed and endorsed by signatories which included representatives from South African National Parks, Limpopo Economic Development, Environment and Tourism and Mpumalanga Tourism and Parks Agencies. The number of elephants that are allowed to be hunted annually is determined by the Associated Private Nature Reserves ecological panel and reviewed and then endorsed by SANParks and the Limpopo Economic Development, Environment and Tourism Biodiversity.

Many international visitors to South Africa, and to the Kruger National Park, are unaware that the hunting of elephants is permissible. The Kruger National Park was named as one of the World Wonders on the new list which was published on the 14th of September 2023. [“A listing that reveals global landmarks and natural marvels that the world is most curious about.”](#) The Kruger National Park forms part of the UNESCO Kruger to Canyon Biosphere Reserve.

The fences separating all the Associated Private Nature Reserves and the Kruger National Park were dropped to reduce fragmentation, facilitate migration and increase space for wildlife and access to resources, in other words, to increase the well-being of animals. The perennial Olifants River flows for approximately 20 km through the centre of the Balule reserve and, for example, elephants cross Maseke into Grietjie to access the river.

The killing of this particular elephant was [described](#) as being *upsetting to some and not an ideal situation*. Of major concern is that this is not the first time that there has been a controversial elephant hunt on Maseke. On the 23rd of November 2018, Sharon Haussmann, the then chairperson of Balule, [initiated](#) a full investigation after an elephant was shot thirteen times in front of guests. Sharon Haussman described that incident as [completely unethical](#), *inconsiderate and a huge embarrassment for Balule*.

In the APNR, current and historical mismanagement, breaches of the Greater Kruger Hunting Protocols, and sometimes even negligence during trophy hunts, reflect not only badly on the hunting fraternity but also on the photographic safari or eco-tourism sector in the Greater Kruger National Park and South Africa as a whole. Some examples include:

- a. Early 2005, an elephant hunted in the Klaserie was shot 21 times before it succumbed.
- b. In June 2005, an American hunter wounded an elephant in Balule, but only killed it 24 hours later.
- c. In March 2006, a lion, one of a well-known pair known as the "Sohebele brothers" was shot and wounded in the Umbabat, but the hunter was unable to kill the animal, as its brother refused to leave the scene. The hunter later repeatedly drove a tractor at the lions in an attempt to separate them but failed. The lion was killed by rangers only the following morning.

- d. Later that month, a large, one-tusked male elephant was shot and wounded by a Spanish hunter in the Umbabat, believed to have fled into the KNP and was not found since.
- e. March 2013, an elephant was shot in the very close proximity to Ingwelala's eastern boundary. The wounded elephant ran directly south towards Motswari Lodge and was followed by the hunting party, who continued to fire 20+ shots before it was finally killed in the close proximity to the lodge with many guests. Motswari Lodge was never informed that this hunt was to take place and was caught completely off-guard. The effect on their guests and staff was devastating.
- f. In August 2018, a scheduled elephant hunt conducted in Balule led to the illegal killing of a collared male elephant. Mpumalanga Tourism and Parks Authority (MTPA) laid criminal charges and the warden was subsequently convicted.
- g. In December 2018, a young elephant was shot multiple times in Balule in front of photographic safari tourists staying at a neighbouring property.

After the latest unfortunate hunting incident, the General Manager of Balule [stated that](#) :

“Hunting is never an exact science and no matter how many targets a client shoots at before the hunt, there is never any guarantee that he will make the perfect shot when faced with the real thing. The nature of a hunt is unpredictable and this is not a reflection on the capabilities of the Maseke Reserve Representative.”

WAPFSA is ethically opposed to the hunting and killing of any animal for sport or pleasure. WAPFSA has openly challenged claims made by proponents of trophy hunting that it delivers significant conservation and community benefits or that it positively contributes to the sustainable use of wildlife in South Africa.

WAPFSA has previously highlighted how [trophy hunting is rooted in colonial modes of extraction](#) which continues to perpetuate notions of abuse, subjugation, control and inequality. Dr Muchazondida Mkono's research¹ has found that trophy hunting is an objectionable consequence of a complex historical and postcolonial association. Africans have a deep resentment towards what is viewed as the neo-colonial character of trophy hunting, in the way it privileges Western elites in accessing Africa's wildlife.

WAPFSA also opposes trophy hunting based on scientific evidence. In relation to elephants, [research challenges the assumptions by trophy hunters](#) that selectively killing older male elephants has no negative consequences because they are “redundant” in the population. Elephants are sentient beings who live socially complex lives through relationships which radiate out from a mother-offspring bond through families, clans, and sub populations. Independent males form long-term friendships. Elephants communicate through more than 300 gestures, complex speech and glandular secretions. They contemplate, negotiate, collaborate, plan and are aware of death. They care about their lives. The killing of older males has a detrimental effect on the wider elephant society through the loss of leaders crucial to younger male navigation. In addition, when trophy hunters eliminate these older bulls, they destroy elephant family integrity (through trauma and removal of the discipline and knowledge transfer functions executed by patriarchs) and force matriarchs to mate with younger bulls they would otherwise not have selected, thereby skewing reproduction patterns.

¹ Mucha Mkono (2019) Neo-colonialism and greed: Africans' views on trophy hunting in social media, Journal of Sustainable Tourism, 27:5, 689-704, DOI: [10.1080/09669582.2019.1604719](https://doi.org/10.1080/09669582.2019.1604719)

[According](#) to the General Manager of the Balule Nature Reserve, Maseke is permitted to kill twelve elephants per year, a practise which he states will continue, and one which is, in their opinion, in line with the constitution of South Africa.

However, in terms of NEM:BA, the South African government is entitled to make policy decisions in relation to contentious and damaging practices, decisions that are in the public interest, prioritising public opinion and the economic benefits of the public.

NEM:BA includes the notion of “well-being”, which is defined as the “holistic circumstances and conditions of an animal, which are conducive to its physical, physiological and mental health and quality of life, including the ability to cope with its environment.” The consideration of the well-being of animals must be included in the management, conservation and sustainable use thereof”.

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”; S101, then, refers to accountability of “person who contravenes or fails to comply [...]”

It is our considered view that *well-being* falls within DFFE and the Minister’s legal mandate. The amendment to section 2 makes it necessary for well-being to be specifically considered, including when permits are granted, including those for hunting and all decisions that constitute “management, conservation and sustainable use” of animals.

S9A is widely drafted and applies to any activity, including hunting, as well as any other activities not so defined, provided there was reasonable evidence of a potential negative impact on wellbeing. S9A also uses the wording “that may have a negative impact” which means that the Minister is not required to provide absolute proof of a negative impact before making a prohibition.

Given the above amendments to NEM:BA, it is competent for the Honourable Minister to:

- a. Prohibit specific activities involving animals under s9A on the basis that there is already evidence that the activities impact negatively on wellbeing; and/or
- b. Publish a notice under section 9A prohibiting specific activities if there is reasonable evidence to support the view that this may have a negative effect on well-being;
- c. Make regulations relating to the well-being of animals under s97; and/or
- d. Challenge decisions of conservation officials which constitute administrative action (such as permitting decisions or the setting of quotas) on the basis that well-being is a relevant factor and has not been considered or on the basis that the decision would have a negative impact on the well-being of an animal or animals.

The aforementioned letter from the General Manager of Balule concluded that the hunt was conducted in accordance with the requirements and approved protocols. Have the representatives from South African National Parks, Limpopo Economic Development, Environment and Tourism and Mpumalanga Tourism and Parks Agencies taken the amendments to NEM:BA into consideration, are their approved protocols compliant with the national legislation and particularly with the duty of taking into account the well-being of animals in any hunt?

WAPFSA is aware that there is an [ongoing court case](#), which seeks to [challenge](#) hunting and export quotas permitted by the government, in the Western Cape High Court. In light of this legal challenge, the undesigning members of WAPFSA are requesting Minister Creecy to:

1. Investigate if permits to hunt twelve elephants were issued, as specified in the letter from the Balule administration, despite the interim interdict.
2. Revoke permits and halt any further hunt of elephants as well as rhinos, leopards and lions as per interdict,
3. AS this is not the first incident, withhold hunting permits to the Maseke-based hunting entity involved; and
4. Finally address the complex issue of trophy hunting as it is allowed in certain unfenced reserves of the APNR and elsewhere, and is incompatible with individual animal and species' well-being considerations.

SIGNING MEMBERS OF THE WILDLIFE ANIMAL PROTECTION FORUM SOUTH AFRICA

AllRise	CEO -Director	Attorney Kirsten Youens
Animal Talk Africa	Founder	Wynter Worsthorne
Ban Animal Trading	Director	Smaragda Louw
Beauty Without Cruelty -South Africa	Chairperson	Toni Brockhoven
Betty's Bay Baboon Action Group	Co- Founders	Renee Bish and Peter Oxford
Community Led Animal Welfare	Founder	Cora Bailey
Co-Operative and Policy Alternative Center	Co-Founder and Board Chair	Prof Vish Satgar
Dzomo La Mupo	Founder-Director	Mphatheleni Makaulule
EMS Foundation	Executive Director	Michele Pickover
Four Paws - South Africa	Director	Fiona Miles
Future 4 Wildlife	Co – Founder	Stefania Falcon
Gifted for Good	Env. Education	Jabu Myeni
Global White Lion Protection Trust	CEO Founder	Linda Tucker
Institute for Critical Animal Studies (Africa)	Director	Les Mitchell
Kogelberg Villages Environmental Trustees	Chairperson	Liezl Smith
Monkey Helpline	Co-Founder	Steve Smit
Panthera Africa Big Cat Sanctuary	Co-Founders	Liz Cornwall - Cath Nyquist
Parliament for the People	Founder	Vivien Law
Rhinos in Africa	Founder	Megan Carr
South Peninsula Khoi Council	Senior Chief	Stephen Fritz
Southern African Fight for Rhinos	Director	Lex Abnett
Vervet Monkey Foundation	Founder	Dave Du Toit
Wild Africa Fund	Director	Guy Jennings
Wild Law Institute	Director	Cormac Cullinan