



POSITION STATEMENT RHINO VITA-DARTING EXPERIENCE

Version: 1: October 2023

Custodians believes that vita-darting enables rhino owners to raise funds to aid their rhino conservation efforts. Therefore, until such time as Custodians identified another method to raise these necessary funds whilst providing hunting clients with an opportunity to partake in a rhino darting experience, Custodians supports the vita-darting (as described below) of a rhino, when an authorised veterinarian need to immobilise a rhino for the following purposes and provided that all Nature Conservation Authorities' legislation and permits are being adhered to:

- (a) carrying out a disease control procedure or a scientific experiment of for management purposes;*
- (b) veterinary treatment of the animal; or*
- (c) translocating or transporting the animal*

BACKGROUND INFORMATION:

1. RHINO GREEN HUNTING vs RHINO VITA-DARTING:

a. Green Hunting (Dart Hunting in terms of TOPS Regulations)

- i. Previously*, hunting clients were allowed to undertake green (dart) hunts, whereby the hunter would fire a "barbed" dart containing M99 in the presence of a veterinarian present on the hunt and when. "Barbed" darts remain in place at the time of darting to ensure the required drug/s enter the animal's system, to achieve the Veterinarian's desired results of immobilizing the animal.

Green hunts would have taken place when a veterinarian had to perform certain procedures in terms of the landowner's Rhino Owners Management Plan as approved by Nature Conservation. These processes include amongst others pregnancy tests, microchipping, DNA sampling, general health checks, horn removal, Anti-poaching tracking/monitoring devices being fitted/removed/replaced, etc.

- ii. In terms of the TOPS definition for "Hunt", a Green (darted) hunt of a TOPS animal did not qualify as hunting, as there was no intent to kill:*

TOPS Definition of Hunt:

- (a) to intentionally kill such species by any means, method or device whatsoever;
- (b) to capture such species by any means method or device whatsoever with the intent to kill;
- (c) to search for, lie in wait for, pursue, shoot at, tranquilise or immobilise such a species with the intent to kill; or
- (d) to lure by any means, method or device whatsoever, such species with the intent to kill

iii. TOPS: Regulation 26: Prohibited methods of hunting:

(1) An issuing authority considering an application for the hunting of a listed TOP Species may not authorise the following methods of hunting

.... (a)(v) darting, except as provided for in subregulation (4)....

Subregulation 26(4): Subregulation (1)(a)(v) and (c) does not prevent the darting of an animal by a veterinarian or any other person authorised by the South African Veterinary Council in writing and in possession of a valid permit, whether on foot or from a motorised vehicle or aircraft, to immobilise or tranquilise the animal for the purpose of -

- (a) carrying out a disease control procedure or a scientific experiment of for management purposes;
- (b) veterinary treatment of the animal; or
- (c) translocating or transporting the animal.

- iv.* SA Veterinary Council Rule 10 stipulates that that M99 may only be administered by a qualified veterinarian and therefore hunting clients are no longer allowed to dart a rhino, or any other animal, with a dart containing M99.
- Therefore, green hunting, whereby the hunting client administers M99 by means of a dart gun, is an illegal activity.

b. Vita-Darting:

- i.* Vita-darting can be described as an “experience” rather than a hunt, whereby the hunting client fires a “barbless” vitamin dart at the animal. “Barbless” darts can fall out naturally without being “stuck” in the animal’s skin.
- ii.* Once the vita-dart hit the animal, the hunter will step aside for the veterinarian to immobilise the animal, often being done professionally from a helicopter, as the team does everything within their power to ensure that the animal is tranquilised for the least time possible.
- iii.* Only when the rhino is immobilized and “down”, does the hunter become involved in this “experience”, assisting the veterinarian on the procedures to be carried out as described in 1(a)(i) above.

2. PROVINCES' POSITION ON VITA-DARTING (JULY 2023):

At the IPPHC meeting held during July 2023, Custodians requested provinces present, to indicate whether they support vita-darting or not.

The following provinces were present:

Mpumalanga: View it as a green hunt. Allows it. Client must have a hunting licence; **only for dehorning** and veterinarian purposes;

Limpopo: Not allowing vitamin darting. Only issue for dehorning as such.

Free State: Do not allow vitamin darting at all

Western Cape: Haven't had applications yet. If doing, would need a permit to do so'

KZN: Not covered in Ordinance. Had no applications yet; Would review applications to be linked to management purposes

Gauteng: Had no applications yet. Only issuing permits for dehorning. If receiving a request, will be considered in terms of legislation.

ANNEXURE A:

TRANSCRIPT OF:

NOTICE BY EASTERN CAPE DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM

DATE: 13 December 2010

TO WHOM IT MAY CONCERN;

Darting of rhino Background Darting of TOPS listed Species 1.

1. BACKGROUND;

Green hunting was halted by the Veterinary Council of South Africa. Rhino owners who in the past used this system to pay for their management of rhino in terms of darting are experiencing difficulty in darting animals for animal health reasons by using barbless darts to inject rhinos with e.g. Vitamin supplements, as it is a known fact that in certain areas of the Eastern Cape rhinos are experiencing vitamin or mineral deficiencies.

2. LEGAL IMPLICATIONS; In order to comply with the relevant legislation, the current applicable Environmental legislation is studied and the following conclusions are made; The following definitions is found in the Provincial Legislation and also contained in the National Environmental Management: Biodiversity Act including the TOPS Regulations;

2.1 "darting", in relation to a live specimen of a listed threatened or protected species, means to shoot the specimen with a projectile loaded with a tranquillizing, narcotic, immobilizing, or similar agent;

2.2 The definition of hunting in the provincial legislation makes it illegal to shoot at an animal, to disturb, to search for, to kill etc.

2.3 It is also illegal, according to the same provincial legislation, to immobilize an animal with an intoxicating drug etc.

2.4 In terms of the National Biodiversity Act, TOPS Regulations;

2.4.1 “hunt” in relation to a specimen of a listed threatened or protected species, includes –

- (a) to intentionally kill such species by any means, method or device whatsoever;
- (b) to capture such species by any means, method or device whatsoever with the intent to kill;
- (c) to search for, lie in wait for, pursue, shoot at, tranquillize or immobilize such species with the intent to kill; or
- (d) to lure by any means, method or device whatsoever, such species with the intent to kill, but excludes the culling of a listed threatened or protected species in a protected area or on a registered game farm or the culling of a listed threatened or protected species that has escaped from a protected area and has become a damage causing animal;

3. In terms of the National Biodiversity Act, TOPS Regulations;

3.1 “Restricted Activity” Hunting is defined as In relation to specimen of a listed threatened or protected species, means-

- (i) Hunting, catching, capturing or killing any living specimen of a listed threatened or protected species, by any means, method or device whatsoever, including searching, pursuing, driving..., discharging a missile or injuring with the intent to hunt, catch or kill any such specimen.

4. CONCLUSION

4.1 The supplementing of vitamins or anything similar is not constituting hunting, as no animal is immobilized or intoxicated with the intent to kill or to immobilize.

4.2 The supplementation of these products also doesn't require any Veterinary supervision, according to any of The Environmental legislation or policies.

4.3 The only part of this action which may require a TOPS permit, is the launching of a missile at a TOPS listed species, as it conforms to the definition of “hunting” therefore a permit is required only for the act of launching a missile at a TOPS listed species. As the use of a barbless dart to apply any Vitamin or any non-immobilizing or non-intoxicating substance into any TOPS listed species is not prohibited by any current Environmental Legislation, it would only be required from the landowner to obtain a permit for “launching of a missile” at a TOPS listed species. This legal opinion was tested with the national Department of Environment in Pretoria and they agree with the opinion as expressed above. I trust that the above-mentioned opinion is clear and should there be any questions, please do not hesitate to contact me.

Jaap Pienaar