



ISSUED: 12 DEC 2010

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LEOPARD & PREDATOR PROJECT

ADD YOUR VOICE TO STOPPING LEGISLATION THAT WILL LEAD TO THE SLAUGHTER OF OUR BIODIVERSITY

"All that is necessary for the triumph of evil is that good men do nothing."

Edmund Burke



This leopard died on 8 June 2010 on the farm of Mr Gerrie Nortje near Willowmore as the result of a gin trap. These gin traps (exactly these as pictured) are now defined by the Department of Environmental Affairs as a soft trap. This is utterly outrageous!

Do you care enough to stop this?

***IF YOU DO NOTHING ELSE FOR CONSERVATION, *
ACT ON THIS NOW!**

PLEASE Object to the Norms and Standards for the Management of Damage Causing Animals by 31 January 2011

Submit the **attached drafted objections**. You are welcome to edit it and to distribute it.

Please take the time to read this email. This newsletter gives you the full context of the issue and a practical way in which you can help to address it. In this detailed newsletter, we let you into a glimpse of our work and experience in this field, and the politics, crimes and realities of the on-going slaughter of our biodiversity in South Africa in the name of the "management of damage causing animals". The newsletter highlights a few case studies from our work, mostly in the last 6 months or others that are still unfolding from this last year. We stress that this reflects a very small region of the eastern part of the Western Cape and the western part of the Eastern Cape, but many similar such activities happen across our country, every day!

The South African Government's Department of Economic Affairs recently published Norms and Standards for the Management of Damage Causing Animals (N&S) on the 26th November 2010. This document is fundamentally flawed and you will see that the decimation of our faunal diversity will be legitimized and legally entrenched for generations. It is a disgrace that such a piece of statute should guide the management of our biodiversity. In it, the government proposes to rename GIN TRAPS as SOFT TRAPS; this is an oxymoron if ever one existed. Watch this YouTube video to see the impact of these newly named "soft traps".

<http://www.youtube.com/watch?v=9374mQJNWPg>

The power is within the hands of us as citizens to object to this fatally flawed guideline document that will impact on all relevant legislation and regulations to follow. More than 80% of land in South Africa lies outside of protected areas, and as such, it would have a devastating impact on our biodiversity. Please read the details of the Norms and Standards and object formally to it. Attached is a draft **objections** letter to use in your objection: feel free to edit and change it.

The Norms and Standards for Management of Damage Causing Animals can be viewed at:

<http://www.environment.gov.za/HotIssues/2010/animalstandard.pdf>

Objections should be sent by no later than 31 January 2011, to:

The Director General: Environmental Affairs
Attention: Mr Thomas Mbedzi
Private Bag X447
Pretoria
0001

OR

The Director General: Environmental Affairs
Attention: Mr Thomas Mbedzi

North Tower (Room 1320)
315 Pretorius Street
Pretoria

OR

Fax: +27 (0)12 320 7026

OR

Email: NMbedzi@environment.gov.za

Title the correspondence: Objections and Comments on the Published Norms and Standards for the Management of Damage-Causing Animals (Government Gazette Vol 545, Pretoria, 26 November 2010, No 33806) - General Notice (1084 of 2010)

Please copy us on the correspondence as this way we can ensure that we have a record of the comments and follow it up.

CASE STUDIES OF INNOCENT WILDLIFE DESTROYED AND PUT AT RISK



Most of the methods used in "damage-causing animal management" are indiscriminate and ecologically damaging, killing many tens of thousands of innocent animals each year, as in these two examples: Bush pigs (Dec 2009), often at the brunt of the management practices - these animals were killed in the Baviaanskloof in a sports hunt. The innocent little Cape Foxes are wiped out in their thousands, as in this gin trap/soft trap, caught as by-catch.

These Norms and Standards for the Management of Damage-Causing Animals are fatally flawed. By its very definition of damage causing animals in the Norms and Standards, all wild animals are defined as damage causing by virtue of their natural feeding habits. Together with the modus operandi of the Norms and Standards, and the methods being legalized, the assault against our wildlife heritage will legally be allowed to continue and escalate.

Ecologically and ethically acceptable alternatives that have proven to be successful are available to landowners, inclusive of shepherds (that creates jobs), guardian animals, protection collars, and advanced technology and animal husbandry

methods.

By way of trying to convince you of the impact of these methods, let us illustrate the atrocities that we have had to witness against our wildlife over the last few months and updates on unfolding cases we reported on previously.

We are not exaggerating the impact of the onslaught on our wildlife in the practice of predator control. The cases we present are merely the "few" cases we have been dealing with in our small region of influence in the last few months, never mind the vast majority of cases that go undetected. It seems the Norms and Standards will enable these events to become more commonplace, and lawful.

This email contains details of case studies illustrating the pitfalls that the Norms and Standards will entrench in law in South Africa:

1. Ewald Gerber killing of leopards in the Langkloof, Eastern Cape
2. Illegal hunting by Eastern Cape officials for leopards
3. Mr Arthur Rudman being charged for the possession of a falsified permit on which 2 leopards appeared on the counterfoil of the official permit
4. Eastern Cape department allows damage-causing animal to be hunted and:
 1. Sold onto safari hunts, and to
 2. Issue retrospective permits for killed damage-causing animal
5. Gin trapped leopard dies on the Baviaanskloof reserve edge in the Willowmore flats
6. Mr Marius Kleyn kills 3 leopards in 2 months on his farm in Hankey with packs of hunting dogs
7. Leopard dies in snare in the Garden Route
8. Serval caught in gin trap in Western Cape
9. Use of snares and the promotion of soft traps by academic and conservation agencies undermine the ecologically and ethically acceptable management strategies being promoted. The Cape Leopard Trust captures 3 leopards in snares.
10. Dawid Smith shoots monitored leopard in Baviaanskloof

1. Ewald Gerber's killing of a leopard in the Langkloof, Eastern Cape



We reported previously that Ewald Gerber (a farmer in the Langkloof near Joubertina, Tel 042 273 1739) is reported to have illegally killed this female leopard on 10 October 2009. He was reportedly accompanied on this illegal hunt by Quinton and Marlene Horak (Tel 076 734 3946, email: qhorak@gmail.com), Herman Ferreira (a policeman from Paterson police station). Also accompanying them was Ewald Schreiber, Mackie Schreiber (both of Joubertina), a farm labourer of Ewald Gerber and another off-duty policemen (also from Paterson Police station whose name is not known to us) as well as a child of one of the policemen.

The leopard was reportedly hunted with dogs and shot once the dogs chased the cat into a tree. We have been led to believe that no prosecution has been undertaken in this matter. This was an illegal hunt as this protected species was hunted with dogs and without a permit.

Such methods of hunting are now supported by the Norms and Standards!

2. Illegal hunting by Eastern Cape officials for leopards

We reported previously that in December 2009, two Eastern Cape conservation officials, Mr Gerrie Ferreira (Tel: 042 292 0339; 0836546273, email: gerrie.ferreira@deaet.ecape.gov.za) and Mr Hennie Swanevelder (Tel: 042 292 0339; 083 406 3159, email: hennie.swanevelder@deaet.ecape.gov.za) participated in an illegal leopard hunt in the Baviaanskloof region with Mr Ewald Gerber (who is reported to have illegally killed a leopard on 10 October 2009), with an illegal pack of hunting dogs. This occurred by their own admission and that of their seniors. It is clear that these actions are contrary to the law and the very regulations that the officers are implementing and asking all of the public to abide by. Thus they were allegedly guilty of conducting a restricted activity without a permit, and claimed in their defence the prescripts of an internal departmental guideline, which is contrary to the law allowing such practices. (This guideline document also allows the sale of damage causing animal hunts - inclusive of leopards, to be sold to commercial hunters and to issue permits retrospectively, both being illegal in terms of the law.) Furthermore, this activity occurred in a World Heritage Site area.

The public prosecutor elected not to prosecute these officials based on the alleged absence of mens rea (a guilty mind).

As lay people we find it extraordinary that state officials tasked with implementing certain state regulations claim ignorance of such regulations, and abides by some clearly unlawful internal management guidelines. We are also perplexed that the prosecuting authorities believe that this is ample reason not to prosecute illegal activities. We did not know that ignorance of the law was ever a defence, not least when it is done by the very officials that are implementing such regulations.

The Norms and Standards are ambiguous on the need for permits (thus allowing practices as in this case) and will undermine other already fraught legislation, like the Threatened or Protected Species (TOPS) regulations, never mind undermining our environmental rights as depicted in the Bill of Rights in our Constitution.



3. Mr Arthur Rudman is being charged for the possession of a falsified permit on which 2 leopards appeared on the counterfoil of the official permit



Mr Arthur Rudman of Blaauwkrantz Safaris

Mr Arthur Rudman (Tel: +27 41 966 1441, Fax: +27 41 991 0456, Cell: +27 83 280 1334) owns Blaauwkrantz Safaris near Uitenhage and is a Director of Wildlife Ranching South Africa. He is currently being prosecuted for allegedly being in possession of a falsified permit containing two leopard trophies that was not on the original permit. It is not clear where these trophies originated from. Mr Rudman owns and runs one of the largest and oldest commercial hunting operations in the Eastern Cape.

This falsified permit was discovered at a Graaff Reiniet taxidermist in September 2009.

We can now confirm that charges are being laid against Mr Rudman.

Mr Rudman is a prominent figure in the game industry. He and his sons are very vocal proponents for hunting leopards in the region, and have often alleged that our data about the perilous state of the leopard population numbers in the area is somehow compromised or misrepresented.

Watch the following: http://www.blaauwkrantz.com/news_article.asp?NewsID=65&cache=12/8/2010%2010:00:16%20PM

There is intense pressure to allow permitted hunts of leopards using dogs of commercial hunting operators, and it appears that the Eastern Cape provincial department are willing to issue such permits for classified damage causing leopards - all leopards in the region will now become damage-causing leopards. We predict that at the current rate of persecution, the species will disappear from the region. Commercial hunts on damage causing leopards are unlawful.

The Eastern Cape conservation department granted Mr Rudman a destruction permit in July 2010 for a leopard that was classified as a damage causing animal. We understand this permit would allow the hunt to be for profit through a commercially sold hunt.

The Norms and Standards allows the use of dog hunting, even though this is against several statutes, and the Norms and Standards are silent on this profit motif relating to damage-causing permits. Thus allowing the commercial hunts on species like leopard as seems to be the case in the Eastern Cape, the Norms and Standards will further incentivize all (commercially profitable) wildlife to be classified as damage-causing, and to be destroyed.

4. Eastern Cape department allows damage-causing animal to be hunted and: Sold onto safari hunts, and to Issue retrospective permits for killed damage-causing animals.

Currently Eastern Cape farmers are currently being offered R250 000 to participate in leopard hunts with commercial hunting safaris. This happens at the same time as a sudden and intense increase of demand for damage-causing destruction permits for leopards.

In the Eastern Cape, the provincial department condones the commercial sale of hunts of damage-causing animals, and issues permits retrospectively when such animals are killed. Both these actions are seen as perverse incentives to classify all high value wildlife as damage causing animals.

It is precisely this scenario that will proliferate across the country due to the Norms and Standards definition of all wildlife as damage-causing animals. The Norms and Standards lacks clarity on permitting procedures and conditions, it allows dog hunting, and is silent on for-profit-hunts.

5. Gin trapped leopard dies on the Baviaanskloof reserve edge in the Willowmore flats



This exact gin trap (June 2010) is newly renamed a "soft trap" by the minimum standards listed in the Norms and Standards. These devices are inhumane, ecologically damaging, indiscriminate killers, and there is no evidence that they are actually effective for their supposed purpose in the management of damage-causing animals. The specialist task teams that helped draft the Norms and Standards had recommended their prohibition. In the published Norms and Standards they are not even restricted, never mind prohibited.

Re-branding gin traps as "soft traps" is illogical and sinister (and the ultimate oxymoron). It is illogical as in law there cannot be a distinction in the two, and cynical, as it thus run contrary to the constitution, and other statutes, like the Animal Protection Act, and the National Environmental and Biodiversity Act and its TOPS regulations. If their rebranding is accepted, it will make those statutes unworkable.

Calling gin traps "soft traps" is an insult to our logic, and the conservation and ethical care principles we adhere to.

6. Mr Marius Kleyn kills 3 leopards in 2 months on his farm in Hankey with packs of hunting dogs



Mr Elton Grobbelaar, the farm worker mauled by the third leopard hunted with dogs on Mr Kleyn's farm.

Marius Kleyn, Kleinrivier Boerdery, PO Box 98, Hankey, 6350, Tel: (042) 284 0700, Cell: 082 490 0912 Fax: (042) 284 0205, E-mail: kleinriv@lantic.net

Mr Kleyn had killed 3 leopards in two months on his farm near Hankey, Eastern Cape. All these cats were killed with hunting dogs and shooting. The first leopard killed was 59kg male leopard, the largest leopard ever recorded in the Eastern Cape. With the last hunt, a staff member of his was mauled by the leopard as he and the dogs cornered and wounded the leopard.

All three hunts were illegal and without permits.

(The Landmark Foundation research indicates that merely 35 territorial leopards remain in and around 300 000 ha of the Baviaanskloof Reserve complex.)

Mr Kleyn claims he was hunting caracal with his dogs as the caracals were damage-causing animals, something the Norms and Standards would permit. He claims it was not his intention to kill the 3 leopards.

3 leopards killed like this by accident in exactly the same fashion in 2 months on the same farm is a very implausible scenario!

7. Leopard dies in snare in the Garden Route

This leopard died in a snare in the Garden Route near Plettenberg Bay in late August 2010. The Norms and Standards are silent on prohibited methods, or for that matter which methods should be prohibited.

Snares, gin traps, poison baits, denning, helicopter hunting, "Killer" walk-through snap traps, and dog hunting ought to be prohibited activities in the Norms and Standards, that is, in all and every circumstance.



Garden Route Snare Incident, August 2010. Research indicated that the Garden Route has about 25 territorial leopards remaining. There is no mention in the norms and standards about the prohibition of this method, and others, in the management of damage causing animals.



Walk-through "Killer" snap trap: there is no mention in the Norms and Standard on the prohibition of this commonly used method in "managing damage causing animals" in which many thousands of innocent animals succumb, like this porcupine.

8. Serval caught in gin trap in Western Cape

Serval has been extinct from the Western Cape for decades. Last month we rescued one out of a gin trap, only to have to euthanize him 4 days later. Serval is now again extinct from the Western Cape.



The Western Cape's CapeNature, in a stricter policy than that of the National Legislation, has restricted the use of gin traps in all circumstances, meaning a permit is required for their use. In this case the law was evidently broken as no permit was in place, but no prosecution will follow as CapeNature elected to rather try to educate the person breaking the law than enforcing the law. We call on the guilty to be prosecuted to show some commitment to enforce the regulations.



**These injuries illustrated the impact of gin traps.
This was an innocent animal.**

The N&S not only call these traps "soft traps", but make their continued use lawful and unregulated.

9. Use of snares and the promotion of soft traps by academic and conservation agencies undermine the ecologically and ethically acceptable management strategies being promoted. The Cape Leopard Trust captures 3 leopards in snares

As if the challenge is not great enough to advocate ridding our land of all forms of gin traps, snares and other unethical means of capturing wildlife, we are faced with conservation organizations using such methods.

We have received reports that in the last few months three leopards have been captured by the Cape Leopard Trust in snares for research purposes in the Gouritz region. Not only do we believe the use of snares to be unlawful in terms of the TOPS regulations, it also undermines efforts to have these devices outlawed. These devices are inhumane, unselective, and represent a risk to the captured animal and the people managing it. This has been confirmed by concerned parties who have witnessed the injuries to these animals and the risks.

Permits to use snares have been granted in this matter by CapeNature; we believe unlawfully in terms of the TOPS regulations. This undermines efforts to have these devices outlawed. It is notable that the Cape Leopard Trust only a few years ago promoted the use of soft traps.

It is thus of little surprise that these terms and oxymorons find themselves into the Norms and Standards and that it is silent on the use of snares.



A cable snare around the neck of a leopard from 2009. It was never established who set this snare on the outskirts of Port Elizabeth, and it was probably set as means to capture wild animals for bush meat.

10. Dawid Smith shoots a monitored leopard in Baviaanskloof

Two days after the publication of the N&S a farmer shoots a leopard that we have been monitoring for 3 years, and this while this farmer is on a paid retainer to help us manage the wildlife human conflict in the region. This leopard had a territorial range of 60 000 ha, the largest recorded to date in the region.

Dawid Smith is a farmer at Kleinpoort farm in the Baviaanskloof (Tel 049 839 1010, Email: bavkleinpoort@tiscali.co.za). He killed this very dominant leopard in the Baviaanskloof on the 29th of November. He called it in and shot it with a hunting



rifle. It was a leopard we had been monitoring for 3 years, and formed part of the current research study in the region. The impact on the social dynamics of the already depleted leopards is unknown, but probably devastating. Any juvenile offspring in the area will likely be killed by the new male who will take over his range. We know of at least one juvenile male in this leopard's range.

Mr Dawid Smith has probably been the largest beneficiary of our leopard conservation efforts in the region, dating back to June 2007. He was offered compensation for any damage the leopard might have caused provided he practiced ecologically acceptable and ethical production practices and used the preventative measures we provided. He failed to meet his side of the bargain and chose to kill the leopard.

In 2007 it was Mr Smith who captured a leopard in a gin trap, which broke free from its anchors and ran through the mountains with the gin trap still attached to its leg for three days with a pack of dogs chasing it - only to be torn apart by the dogs in the end. For a few years it seems thereafter the shame of that event, and the money that changed hands, enabled us to get him to work with us in an ecologically and ethically acceptable manner.

This leopard was shot without a permit, but the method used (call and shoot hunting) is supported by the Norms and Standards, as will be the method of the death of the leopard in 2007!



The leopard shot by Dawid Smith.

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