



TAKING ELEPHANTS OUT OF THE ROOM INDABA. ELEPHANTS IN CAPTIVITY: AFRICA'S ROLE

Chairperson's Summary Report and Recommendations

06 SEPTEMBER 2019

**OVERSTRAND MUNICIPAL AUDITORIUM, HERMANUS, WESTERN CAPE,
SOUTH AFRICA**

1. On 6 September 2019, the EMS Foundation, convened an [international Indaba and Panel Discussion](#) with national and international elephant behavioural specialists in Hermanus, Western Cape, South Africa, to discuss the issue of elephants in captivity and to develop a framework as well as policy guidelines for dealing with elephants in captivity.
2. The Indaba was the first consultative gathering of elephant specialists and elephant interest groups in Africa specifically dealing with elephants in captivity, the role Africa has in sending elephants into captivity and what we need to do to get them out of the metaphorical room.
3. In order to enable frank exploration of the issues and practical proposals, the Indaba was conducted under the Chatham House Rule and with a number of “ground rules” which aimed to ensure open, respectful dialogue, and maximum participation.

4. The overwhelming message was that elephants belong in the wild and must be returned to the wild in all cases where this is a legitimate possibility. Given what we know about who elephants are and the conditions under which they thrive, there is no reason to keep them in captivity.
5. This Summary Report, which has been prepared by the overall Chairperson (Dr Don Pinnock) of the Indaba together with the Rapporteur (Dr Ross Harvey), provides a brief overview of the themes discussed and its outcomes, and is in no way reflective of all views articulated during the meeting.

Participants and Presenters

6. The Indaba and Panel discussion brought together a number of key international and local elephant experts, specifically on elephants who find themselves in captivity or who are captured for captivity. These experts were from diverse disciplines, including natural scientists, ethologists, ecologists, lawyers, researchers, NGOs and practitioners and comprising a body of expertise from scientific, conservation, legal, welfare, protection, rights, social justice, economic and advocacy communities. It brought together a total of some 120 participants including elephant specialists from South Africa, Kenya, Zimbabwe, the USA, Britain and Europe; animal protection organisations, practitioners, management consultants, researchers, students, lawyers, representatives of the captive elephant industry and members of the public.
7. The Indaba was also live streamed and can be viewed at:
<https://youtu.be/eKvD7DOPx2U>
<https://youtu.be/yvvHYzXOsMs>
<https://youtu.be/Wpq8J3glSv4>
<https://youtu.be/u7L-9BliyVM>
8. The conference was opened by Chief Steven Fritz of the Khoi Council. 'Elephants are sacred to the Khoisan First Nation people,' he told delegates. 'What you do to them you do to us. If you enslave elephants you enslave the Khoisan nation. Like

us they are First Nations. They're our rainmakers and have been with us from before memory. For this reason, my people have resolved to unite to protect them from cruelty and killing.'

9. Panellists included: Professor David Bilchitz (University of Johannesburg, Director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law, Secretary-General of the International Association of Constitutional Law until 2018 and a Director of Animal Law Reform SA); Dr Gay Bradshaw (Executive Director of the Kerulos Center for Non-Violence); Lenin Tinashe Chisaira Director of the People and Earth Solidarity Law Network, Zimbabwe); Audrey Delsink Kettles (Wildlife Director, Humane Society International/Africa and Field Director of the African Elephant Immuno-contraception Program); Dr Marion Garai (Chairperson of the Elephant Specialist Advisory Group); Lynne James (Zimbabwe elephant activist); Advocate Jim Karani (Legal Affairs Manager, Wildlife Direct); Kahindi Lekalhaile (Chief Operations Director at the Africa Network for Anima Welfare); Dr Keith Lindsay (Conservation Biologist and elephant specialist); Brett Mitchell (Director, Elephant Reintegration Trust); Dr Joyce Poole (Co-Director of Elephant Voices); Dr Yolanda Pretorius (Lecturer and vice-chairperson of Elephant Specialist Advisory Group); Antoinette van de Water (Director, Bring the Elephant Home).

10. South African government representatives of the province of the Western Cape, CapeNature, SANParks and the Department of Environment, Forestry and Fisheries, although invited to attend and participate as Panelists, did not send any representatives. This highlights the dismissive position that state environmental agencies take towards ethical and welfare concerns for the wild animals they have oversight and responsibility for, despite key constitutional and high court judgments which demand that they act differently.

Aims and Objectives

11. The aim of the Indaba was to:

- Lend urgency to the issue of elephants in captivity.
- Reflect and take cognizance of the shift in public sentiment about elephants in captivity.
- Highlight *Who* elephants are.
- Place the plight of captive elephants, including the methods of ‘training’ into the public consciousness.
- Share the findings of an updated review/audit of captive elephant facilities in South Africa.
- Discuss the need to rehabilitate and re-wild and the framework and protocol developed in South Africa for this.
- Probe the capture and sale of young elephants from Zimbabwe and Namibia to zoos and circuses in China, Pakistan, the USA and others.
- Investigate the policy and legislative contexts, including the interpretation of the concept of ‘sustainable use’.
- Interrogate the convergence of issues coalescing around Africa, elephants in captivity, legislation, CITES regulations and resolutions, including the question of ‘appropriate destinations’, and loopholes within CITES in relation to the international trade in elephants into captivity.¹

¹ On 27 August 2019, the 18th Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) voted - by 87 to 29 (with 25 abstentions) - to impose a ‘near-total ban’ on sending African elephants captured from the wild to zoos and other captive facilities elsewhere in the world. The original proposal aimed to limit trade in live wild African elephants to their natural habitats, essentially to end the practice of capturing elephants from the wild. The European Union planned to vote against the proposal but was eventually convinced otherwise. It did, however, amend the text of the original proposal to state that elephants could not be extracted from their “natural and historical range in Africa, except in exceptional circumstances.” Elephants already in captivity outside of Africa may also still be transferred to other destinations, despite the evident trauma imposed on the elephants. The loophole would nonetheless require that the transfer of the elephants provides conservation benefit to the species. The International Union for the Conservation of Nature (IUCN) African Elephant Specialist Group is of the view that placing wild elephants in captivity can demonstrate no conservation benefit because of the poor life expectancy and breeding success of captive African elephants. They will be the ultimate arbiters of the decision, along with the CITES Animals Committee. This resolution now applies to all Appendix II elephants, trade in which was already governed by a lengthy annotation. Countries such as Eswatini, whose elephant population is at risk of extinction, and is therefore classified under Appendix I, is not covered by the new resolution. It could therefore still make the case, technically, to exports its live elephants to zoos (as it has recently done). While it is clearly progressive that elephants can no longer be separated from their families and exported to captive facilities, Appendix II elephants now, in some important ways, are offered greater protections from

- Examine potential legal interventions in relation to captive elephants.
- Connect all these dots into a coherent strategic response and recommendations that can be used to lobby governments and the relevant international bodies.

Themes Discussed

12. Topics presented were discussed and debated under the following themes:

- *Who* elephants are and why they are not suited to live in a captive environment.
- New scientific paradigms, epigenetics and neuroscience which dictate the transformation of conservation into self-determination and compel the reframing of how elephants are approached including within the social justice movement.
- Ecosystems need elephants and elephants need ecosystems: keeping elephants in the wild, not captivity.
- Stress experienced by elephants in captivity, including in reserves and where elephants have been rehabilitated and re-integrated.
- The value of elephants: rands and sense.
- The value of elephants for society and conservation strategies that reconcile conservation and human wellbeing goals.
- Latest data on elephants in zoos worldwide.
- Policy contexts including trade, 'sustainable use' and the CITES 'acceptable destinations' issue.
- An analysis of legal interventions in relation to captive elephants.
- The policy framework of sustainable use in relation to animal welfare and elephants and legal challenges to it.

trade than their Appendix I counterparts. This points to the persistent split-listing problem, especially given that 76% of Africa's elephant populations are shared across borders.

- Challenges and opportunities for animal welfare in Zimbabwe's legal and policy frameworks with regard to the capture and sale of Zimbabwe's young elephants.
- Zimbabwe's live elephant captures for export to Dubai, Pakistan and China.
- Animal welfare considerations that decision makers need to bear in mind in relation to keeping elephants in captivity.
- Current status of captive elephants and the captive elephant industry in South Africa.
- Reintegration and rewilding of elephants from captivity
- The way forward.

Summary Conclusions and Recommendations

13. Elephants are a keystone species and are an essential component of ecosystems. If one takes the keystone out of an arch it collapses. They are ecological engineers upon which many other species depend. Without elephants, the integrity of a dynamic ecosystem disintegrates. Elephants engineer proper functionality in the wild. Elephants also help to mitigate climate change, so the protection of their wild spaces is ever more urgent.
14. 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.
15. Elephants are big eaters and need an eclectic diet. In nature they roam across long distances and different habitats and spend almost three-quarters of their lives acquiring necessary and different nutrients. The physical activity and mental stimulation involved in the search for food items across large landscapes constitutes the very core of an elephant's interest and survival.

16. Elephants share with humans the same brain, same consciousness and the same vulnerability to trauma. They can experience psychological and social breakdown. Trauma spreads from parent to child, neighbour to neighbour. Symptoms include depression, fear, panic, flashbacks, nightmares, aggression, infanticide and violence against others and self. Trauma also profoundly undermines their immune system and physiological functions.
17. Human activity, from fencing, noise, to capture, confinement and cruel training is having an increasingly negative effect on the welfare of elephants.
18. In confinement, captive elephants lack the very foundation of elephant life.
19. Holding elephants in captivity causes them enormous stress and constitutes cruelty.
20. The capture of baby and young elephants causes post-traumatic stress (PTSD) that can last decades.
21. Capturing wild elephants and removing them from their families is totally unacceptable.
22. Elephants suffer when confined.
23. In captivity elephants are less aware, move slowly and droop. Those who have worked with elephants have noted depression and sadness.
24. There is an epidemic of PTSD among elephants in captivity.
25. Confinement even in the best facilities constitutes extreme cruelty.
26. Captivity is simply unsuitable for elephants.

27. There are currently 1 770 elephants worldwide in captive facilities, of which 84% are in zoos. Most of these are in the United States, followed by China, Germany and Japan. Just under 100 facilities hold a single elephant.
28. There is no conservation-education value to the use of elephants in zoos.
29. The law has a duty to protect elephants in zoos and in captivity because there are serious welfare concerns.
30. The way 'sustainable use' of wildlife is used in the SADC region is to focus on the species as a whole and allow for the sacrifice of many individuals. This allows individuals to be objectified and exploited rather than respected and well stewarded.
31. Conservation decisions cannot be divorced from welfare considerations.
32. An integrative approach needs to be employed in policies and legislation to properly interpret ecological sustainability and the use of natural 'resources.' This kind of approach will integrate respect for individuals and the whole species thereby advancing their conservation.
33. Respect for elephants will ensure their long-term survival.
34. Policies and legislation must be developed that are good for both humans and elephants.
35. There are already several projects in Africa that are rehabilitating and reintegrating elephants, including captive elephants, back into the wild. Effective and verified protocols and procedures have been developed. These programmes need to be urgently supported and expanded.
36. Keeping elephants in captivity and reducing them to mere objects is eroding our own humanity.

37. At the close of the Indaba, each delegate was asked to write down the one closing thought or policy recommendation given the science that had been presented. The overwhelming consensus from panellists and delegates was that:

- There is a critical mass of indisputable scientific data and research on *who* elephants are.
- Since humans now know so much about them it can no longer be acceptable to allow elephants to be kept in captivity.
- No new elephants should be placed in captivity.
- Elephants currently in captivity should be reintegrated into the wild wherever possible or, if not, be placed in as free and natural environment as possible.

38. At the close of the Indaba it was resolved that an alliance of diverse researchers, workers, and organisations which embody values, knowledge and objectives comprising a body of expertise from scientific, conservation, legal, welfare, protection, rights, social justice, economic and advocacy communities should be established.

39. This alliance of elephant experts and elephant protection organisations should form a framework for cooperation and networking on elephants in captivity.

40. Such an alliance should focus on interactions with local and international authorities, industry, corporations, communities, NGOs, and others to provide updated information, promote new policies and strategies with the aim to free captive elephants through rehabilitation and reintroduction to the wild.

41. The overarching goal of such an alliance should be to facilitate a strong social movement that advocates and litigates locally within Africa and globally, to reverse the culture of imprisonment, captive breeding, capture, abuse, exhibition, management, handling, forced interaction, trading and hunting and any exploitation of African elephants.