

3 Purpose, Scope and Applicability

Purpose

From a biodiversity point of view, the WCP is a very special place. It contains more than 70% of the Cape Floristic Kingdom, one of the world's six floral kingdoms - the smallest, yet most biologically diverse in the world - and the only one to be contained within a single country. The province also contains and encompasses three of the world's 34 biodiversity "hotspots", that is, places or regions with exceptionally high levels of biodiversity, but where environmental pressure on biodiversity is very high. The three top pressures on terrestrial biodiversity in the WCP are habitat transformation, invasive species, and excessively frequent fires. The WCP contains nearly 11 400 species of plants, almost 1 300 of which are considered threatened with extinction, 23 indigenous freshwater fish species, at least 50 frog species, at least 148 reptile species, 510 bird species and 168 mammal species, while occupying only approximately 11% of South Africa's land surface.

These exceptional levels of biodiversity place a significant responsibility on CapeNature to implement reserve networks and conservation management processes and systems to protect, control and maintain this high level of biodiversity. Among other requirements, research and monitoring are required to keep track of threatened and other priority species, permit systems are required to control the movement and utilisation of wild animals and plants, and the management of fire and invasive alien species to reduce or remove the threats facing the natural environment. The WCP has already lost a significant proportion of its natural ecosystems, habitats, and species through various threatening processes, and in order to prevent further biodiversity losses it is essential that the appropriate policies, guidelines, principles and procedures be established to guide the conservation and utilisation of biodiversity in general.

With regard to the management and utilisation of raptors, including managing the movement of raptor species into, from and within the WCP, the taking of raptors from the wild and the keeping of raptors in captivity in sport hunting, abatement, exhibition or rehabilitation activities, it stands to reason that CapeNature requires a policy and a set of guidelines and procedures to manage and control this, in order to prevent damage to the biodiversity of the region. This is the statutory responsibility of CapeNature as custodian of the natural biodiversity of the region, and a responsibility that cannot be ignored or delegated.

The fundamental purpose of this policy is to consolidate and replace all existing policy documents and guidelines insofar as they apply to raptors, to provide clear policy statements on the translocation and utilisation of raptors in sport hunting, abatement, exhibition, or rehabilitation activities in the WCP. This policy will be implemented to assist decision-making and authorisation by CapeNature regarding the translocation and utilisation of raptors in sport hunting, abatement, exhibition, or rehabilitation activities in the WCP. Permit applications for activities as described in this policy will follow the standard CapeNature internal permit application and review process.

While recognising that in some cases the movement, taking from the wild and keeping in captivity of raptors for sport hunting, abatement, exhibition or rehabilitation activities may yield conservation benefits, and recognising the role of environmental education and research through the keeping of wild animals in temporary or permanent captivity, and supporting the captive keeping of wild animals for conservation and conservation benefits, research and rehabilitation purposes – the purpose of this policy is to guide the translocation and utilisation of raptors in sport hunting, abatement, exhibition or rehabilitation activities in the WCP.

This policy is drafted in terms of section 16(1)(e) of the Nature Conservation Ordinance, No. 19 of 1974 (the Ordinance) and section 11(2)(p) of the Western Cape Biodiversity Act, Act 6 of 2021 (the WCBA) and seeks to achieve the objectives and purposes of the Ordinance and WCBA.

Scope

This policy applies to all activities involved in the translocation and/or utilisation of raptors in sport hunting, abatement, exhibition, or rehabilitation activities in the WCP. Where applicable, this policy must be read in congruence with all relevant local, provincial, and national legislation and all published national Norms and Standards relating to the scope and/or activities regulated under this policy.

Applicability

1. This policy applies to any person in their private or professional capacity, as well as any association or institution who/which wishes to translocate or utilise any raptor in sport hunting, abatement, exhibition, or rehabilitation activities in the WCP.
2. This policy has no effect on any existing restrictions on the translocation or utilisation of raptors imposed in terms of national legislation or required by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973 (CITES).

3. The policy must be read concurrently and requires compliance with any relevant international and national legislation, policies, international conventions, norms and standards and best practice guidelines applicable to the import, export, transport, possession, keeping in captivity or any other action or activity related to raptors.
4. All relevant proposals/permit applications regarding the translocation or utilisation of any raptor for sport hunting, abatement, exhibition, or rehabilitation activities will be assessed via the CapeNature permit application process.
5. Any deviation/exemption from the contents of this policy may only occur if there is written motivation for such an action and the action is recommended by CapeNature's relevant Conservation Operations Off-Reserve office and approved by the Executive Director: Conservation Operations.
6. CapeNature as the mandated conservation agency of the WCP, recognises and allows the non-consumptive and sustainable use of raptors, however, the conservation principles endorsed in this policy and associated documents will not be compromised by socio-economic, cultural heritage or recreational considerations including over-harvesting, high-risk translocation, or unsustainable utilization.
7. The following persons or entities, under the following conditions, are exempt from this policy and its permit requirements:
 - (a) Employees of CapeNature: nature conservation officials, may without a permit, take or otherwise acquire, hold in custody, transport, and dispose of raptors or their parts, nests, or eggs as necessary in performing their official duties.
 - (b) Employees of the National and Provincial Department of Agriculture and the National and Provincial Department of Health; and laboratories under contract to such agencies may during official business collect, possess, transport, and dispose of sick or dead raptors or their parts for analysis to confirm the presence of infectious disease. Nothing in this paragraph authorises the taking of uninjured or healthy raptors without prior authorisation from CapeNature. Additionally, nothing in this paragraph authorises the taking, collection, or possession of raptors when circumstances indicate reasonable probability that death, injury, or disability was caused by factors other than infectious disease and/or natural toxins. These factors may include, but are not limited to, oil or chemical contamination, electrocution, shooting, or pesticides. If the cause of death of a bird is determined to be other than natural causes or disease, CapeNature compliance and enforcement officials must be contacted without delay.
 - (c) Registered veterinarians are not required to obtain permits to temporarily possess, stabilise, or euthanize sick, injured, or orphaned raptors. However, a registered veterinarian without a rehabilitation permit must transfer any such bird to a CapeNature permitted raptor

rehabilitator within 24 hours after the bird's condition is stabilized, unless the bird is euthanized. If a registered veterinarian is unable to locate a permitted rehabilitator within that time, the registered veterinarian must contact his or her regional CapeNature office for assistance in locating a permitted raptor rehabilitator and/or to obtain authorisation to continue to hold the bird. In addition, registered veterinarians must:

- i. Notify the relevant CapeNature Off-Reserve official immediately upon receiving a raptor.
- ii. Euthanize any raptor that cannot feed itself, perch upright, or ambulate without inflicting additional injuries to itself where medical and/or rehabilitative care will not reverse such conditions. A registered veterinarian must euthanize any raptor that is blind (unilateral or bilateral), and any raptor that has sustained injuries that would require amputation of a leg, a foot, or a wing at the elbow or above (humero-ulnar joint) rather than performing such surgery, unless:
 - A registered veterinarian submits a written recommendation to CapeNature that the raptor should be kept alive, including an analysis of why the bird is not expected to experience the injuries and/or ailments that typically occur in birds with these injuries and a commitment (from the registered veterinarian) to provide medical care for the bird for the duration of its life, including complete examinations of which a complete written report is to be submitted to CapeNature at least once a year; and
 - A placement is available for the bird with a person or facility authorised by CapeNature to possess it, where it will receive the veterinary care described in the paragraph above; and
 - CapeNature specifically authorises continued possession, medical treatment, and rehabilitative care of the bird.
- iii. Obtain authorisation from CapeNature before euthanizing a specimen of a threatened raptor species or a specimen of a raptor species that is a species of conservation concern. In rare cases, CapeNature may designate a disposition other than euthanasia for those birds. If CapeNature nature conservation officials are not available, a registered veterinarian may euthanize a specimen of a threatened raptor species or a specimen of a raptor species that is a species of conservation concern without CapeNature authorisation when prompt euthanasia is warranted by humane consideration for the welfare of the raptor.
- iv. Dispose of dead raptors by:
 - Donating dead raptors and parts thereof, except threatened species and species of conservation concern, to persons authorized by permit to possess raptors or exempted from policy and permit requirements under paragraphs 3.3(7)(a) and 3.3(7)(b).

- Obtaining approval from CapeNature before disposing of or transferring any dead raptors, its parts, or feathers if it is a threatened species or a species of conservation concern; and
 - Unless specifically required to do otherwise by CapeNature, registered veterinarians must promptly destroy all other dead specimens by such means as are necessary to prevent any exposure of the specimens to animals in the wild and in accordance with the prescriptions of the National Waste Act and any applicable local authority by-laws.
- v. Keep records for five years of all raptors that die while in their care, including those they euthanize. The records must include: the origin of the raptor (wild raptor/captive-bred raptor), the details and contact details of the person who presented the raptor (i.e. the person who brought the raptor to the veterinary practice), the species of raptor, the type of injury, the date of acquisition, the date of death, and whether the bird was euthanized.
- (d) General public: Any person who finds a sick, injured, or orphaned raptor may take possession of the raptor to immediately transport it to the nearest CapeNature permitted raptor rehabilitator. Any person may remove a raptor from the interior of a building or structure if the raptor is attacking humans, or poses a threat to human safety because of its activities or the raptor may injure itself because it is trapped (cannot readily exit the building or structure by itself) under the following conditions:
- i. The person must use a humane method to capture the raptor. Adhesive traps to which birds may adhere (such as birdlime 'glue traps') or any other method of capture likely to harm the bird may not be used.
 - ii. A captured raptor must immediately be released to the wild in habitat suitable for the species, unless it is exhausted, ill, injured, or orphaned.
 - iii. If a bird is exhausted or ill, or is injured or orphaned during the removal, the person who captured the raptor is responsible for immediately transferring it to a CapeNature permitted raptor rehabilitator.
 - iv. Raptors may not be killed for the purposes referred to in 3.3(7)(d). If a person's actions to remove the trapped (cannot readily exit the building or structure by itself) raptor are likely to result in its death, they must possess a CapeNature permit. However, if a raptor that a person is trying to remove dies, the person must contact CapeNature immediately for instructions on the disposal of the carcass.
 - v. A person must have authorisation from CapeNature prior to the removal of a specimen of a threatened raptor species or a specimen of a raptor species that is a species of conservation concern; and

- vi. If an active nest with eggs or nestlings is present, the person must seek the assistance of a CapeNature permitted raptor rehabilitator in removing the eggs or nestlings. The rehabilitator is then responsible for handling them properly.
8. This policy will be administered in accordance with the provisions of the PAJA.

4 Policy Objectives

This policy is drafted in terms of Section 16(1)(e) of the Nature Conservation Ordinance, No. 19 of 1974 ("the Ordinance") and section 11(2)(p) of the Western Cape Biodiversity Act, Act 6 of 2021 (the WCBA) and seeks to achieve the objectives and purposes of the Ordinance. This policy has the following objectives, namely to:

1. conserve indigenous raptors.
2. ensure the responsible, sustainable, and equitable use of raptors.
3. provide for best practice management and utilisation of raptors.
4. where relevant, provide for the conservation breeding of indigenous raptors and conservation translocation as part of conservation breeding projects/programmes.
5. ensure that the reintroduction and other conservation translocations of indigenous raptors does not pose a risk to any wild raptor, any other species or the receiving environment or ecosystem.
6. consolidate and replace all existing policy documents and guidelines relating to raptors and to clarify the various related processes and other responsibilities regarding the translocation and utilisation of raptors in sport hunting, abatement, exhibition, or rehabilitation activities in the WCP.
7. confirm CapeNature's legal mandate to administer the subject matter of the policy.
8. formulate guidelines against which permit applications must be considered.
9. protect the biodiversity of the WCP against the unforeseen and foreseen impacts which may result from the import, translocation, keeping in captivity and utilisation of alien and extra-limital raptor species.
10. ensure that extra-limital and alien raptor species pose no, or as little risk as possible, to the biodiversity of the WCP.
11. mitigate and reduce any impact posed by extra-limital and alien raptor species to the biodiversity of the WCP.
12. collate information relating to the implementation of this policy and utilise this information to improve this policy and decision-making.