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Key animal law in South Africa

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A brief history of animals in South Africa

While there are some legal protections offered to non-human animals (henceforth, “animals”) in South Africa, the country lacks an effective and holistic animal welfare regulatory regime. For the vast majority of animal uses and abuses, the government has failed to promulgate legally binding standards, paving the way for either self-regulation or no regulation at all. The law that exists has often been inadequate to address current abuses of animals and lacks adequate enforcement. Before delving into the country’s specific animal regulatory regime, it is important to look back briefly at the history of human engagement and attitudes towards animals in South Africa.

South Africa is often known as the cradle of humankind and, since the emergence of the species *Homo sapiens*, the fate of animals has been intertwined with that of human beings. Traditional African communities developed a moral philosophy focused on the notion of “ubuntu”, generally expressed by the aphorism that mandates a relational ethic: “a person is a person through other people” (for further information on this concept, see: Mnyaka and Motlhabi, 2005), which involves developing harmonious relationships between humans themselves as well as between humans and other facets of the environment. Whilst there was no doubt conflict between humans and animals and some exploitation, ultimately, the two coexisted relatively harmoniously and sustainably.

With the advent of colonialism, a different ethos took root: people arrived whose attitude was one of domination over other people, as well as other species. Hunting parties would go out and shoot every creature in sight, ultimately leading to a serious drop in the numbers of iconic animals such as elephants. The Roman-Dutch law that was applied (being the system of the colonisers) provided for two classifications: persons – who could have rights and duties – and things that could have neither (Njotini, 2017). Animals were classified as things, paving the way for their domination by humans.

Following similar laws passed in Britain, the first nation-wide animal welfare law (The Prevention of Cruelty to Animals Act, 8 of 1914) was passed when South Africa became a Union in 1910, highlighting the contradictory attitude to non-human animals. This approach of domination over other animals with some welfare protection (contained in The Animals Protection Act, 71 of 1962) continued to be applied throughout the tenure of the apartheid government – which imposed a harsh regime of racial discrimination and segregation – that
came to power in 1948. That government also established legislation allowing for the ownership and fencing-off of wild areas, thus promoting the notion of private rights over wildlife (Game Theft Act, 105 of 1991).

In 1994 however, South Africa fundamentally changed. Its Interim Constitution and later, its Final Constitution (Constitution of the Republic of South Africa, 1996), which came into force in 1997, sought to transform South Africa from a society based on division, exploitation, and oppression to one founded on human dignity, equality, and freedom. The focus of this transformation was on addressing the serious legacy of racial discrimination in the country; yet, in establishing the foundations of a new society, all forms of injustice needed to be considered. In a poetic speech when the Final Constitution was adopted, the Deputy President at the time (Thabo Mbeki) stated the following (emphasis added):

> at times, and in fear, I have wondered whether I should concede *equal citizenship* of our country to the leopard and the lion, the elephant and the springbok, the hyena, the black mamba and the pestilential mosquito. A human presence amongst all these, a feature on the face of our native land thus defined, I know that none dare challenge me when I say – I am an African.

*(SA People, 2016)*

In this quote, Mbeki suggests that a defining feature of African-ness is sharing the land with other creatures. He suggests an ethos not of domination but of mutual respect and cohabitation with other animals. In fact, there was a concerted campaign to include the protection of animals in the new Constitution; unfortunately, however, it was unsuccessful. There is very little direct mention of animals, other than in the schedules which designate which level of government has regulatory authority over certain animal-related issues. Nevertheless, the Constitution ushered in a new era where all facets of the legal system could be re-evaluated. The question thus arose as to what implications would this fundamental constitutional change have for non-human animals (Bilchitz, 2009). In this chapter, we seek to engage broadly with this question, briefly set out the framework of how non-human animals are governed in certain contexts in South Africa, and highlight opportunities for reform.

The Constitution is the foundation of the society and as such affects all other areas of the law. The second part of this chapter charts significant developments in the last few years that promise potentially ground-breaking changes for how animals are considered and treated. At the same time however, very few particular statutory laws have changed. The third part of this chapter will outline the main animal protection and related laws that exist in South Africa as well as some of the environmental laws that are relevant to wild animals. We will also briefly engage with other elements of the legal framework which provide the scaffolding for animal protection and use in South Africa. In this we do not aim to be comprehensive but to provide an outline of the main sources of law in this regard. There are many pressing practical challenges facing animals in the country, whether they are in the domestic agriculture setting or free roaming in the wild. Accordingly, we will also draw on a few key examples of how the regulatory regime interacts with animals and highlight some of the failures and opportunities in this regard.

### The Constitution and animals: Changes and possibilities

The Constitution of South Africa is the supreme law, and all other law must be consistent with it. There are many facets of the Constitution which have implications for animals – we will elaborate on three of them.
The protection of animals and their intrinsic value

As was mentioned earlier, the Constitution itself does not include provisions directly protecting non-human animals. It is thus necessary to engage in constitutional interpretation in order to understand what protections animals are granted by the Constitution. Bilchitz has argued in a prior article that the constitutional rights in the Bill of Rights may be interpreted to apply to non-human animals (Bilchitz, 2010). This argument remains viable but, as yet, it has not been adjudicated on by courts. We thus turn to focus now on the actual concrete holdings of the courts.

The most important of these is a case decided in 2016 by the Constitutional Court (the highest court in South Africa) that had to consider whether the National Council of Societies for the Prevention of Cruelty to Animals ("NSPCA") a statutory body constituted in terms of the Societies for the Prevention of Cruelty to Animals, 169 of 1993 ("SPCA Act") was entitled to bring a private prosecution against individuals who had committed acts of cruelty against two camels when performing a religious sacrificial slaughter (National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another [2016] ZACC 46 ("2016 NSPCA Case")). As will be described below, unnecessary cruelty to animals is criminalised in terms of the Animals Protection Act ("APA"). However, public prosecutors often decline or fail to prosecute cases of animal cruelty. This was a seminal case as, through a reading of the relevant legislation, the Constitutional Court reached the conclusion that the NSPCA was statutorily empowered to bring private prosecutions. In the course of arriving at its decision, the court examined the history of the protection of animals in South African law and how the Constitution had changed their position. It started off by recognising that early court decisions had seen cruelty laws not as protecting animals themselves but protecting the "finer feelings and sensibilities" of humans who were offended by animal cruelty (R v Moato 1947(1) SA 490 (0)). The court acknowledged the insufficiency of this rationale and referenced statements made by judges in other cases including one which stated that animals "are sentient beings that are capable of suffering and of experiencing pain" (National Council of Societies for the Prevention of Cruelty to Animals v Openshaw [2008] ZASCA 78). Another statement from the Supreme Court of Appeal when dealing with rhino poaching was also quoted, namely that "constitutional values dictate a more caring attitude towards fellow humans, animals and the environment more generally" (S v Lemthongthai [2014] ZASCA 131 para 20). Having examined this history, the court reached a ground-breaking conclusion: "therefore, the rationale behind protecting animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals" (2016 NSPCA Case, para 57).

This is one of the most far-reaching statements globally recognising a change in the way animals are conceived. Their status as "things" in the common law is challenged by the court’s finding. If non-human animals have intrinsic value (which is similar to the notion of dignity that underlies human rights), it is possible then for them also to be protected directly by fundamental rights. The meaning and implications of this statement are far-reaching and still to be worked out in South African law – nevertheless, it opens the door for more extensive protection of animals as well as a deeper respect to be developed for their lives and welfare. It is hard to see how practices such as the live export of animals or hunting them simply for entertainment, both of which are currently occurring in South Africa, are consistent with the recognition of their intrinsic value.

The environmental right and animal welfare

The Constitutional Court statement about “intrinsic value” is a general broad claim that appears initially to lack grounding in the constitutional text itself. The Constitutional Court in this same
case identified section 24 of the Constitution, the environmental right, as the relevant basis for such protection. The environmental right specifically mentions the importance of conservation – the court highlighted the importance of adopting an integrative approach which “links the suffering of individual animals to conservation” (2016 NSPCA Case, para 58) and held that “showing respect and concern for individual animals reinforces broader environmental protection efforts. Animal welfare and animal conservation together reflect two intertwined values”.

These statements require some background to understand their full import. Conservation had been approached in South Africa through an “aggregative approach” which sees animals as resources to be used and that, as individuals, they do not matter. This approach seeks to ensure that animals as a “resource” are collectively not depleted for future uses – and so the focus is usually on the survival of a species. The Constitutional Court effectively rejects this approach and understands conservation to involve protection for animals as individuals which, in turn, entails treating them with respect for their welfare and intrinsic value. It recognises that protection of a species depends upon respect for individuals (for a more in-depth discussion of these two approaches, see Bilchitz, 2017).

The contrast between the two approaches can be illustrated by the example of trophy hunting. Some tourists travelling to South Africa wish to go on hunting expeditions and to bring back dead trophies of large animals such as lions, elephants, and rhinos. A large industry has developed surrounding hunting. Trophy hunting is defended often on the grounds that it can contribute to conservation through bringing significant funds into the coffers of local communities. That in turn, it is argued, gives people an incentive to conserve animals. Defenders of this view would accept restrictions on the numbers of animals that can be hunted for purposes of preserving the species for future generations to hunt. As long as current uses do not jeopardise future uses, the “aggregative approach” regards hunting as being justifiable. The integrative approach rejects the idea that killing an animal for entertainment – no matter how much money it brings in – can ever be a viable approach to conservation. It argues that instrumentalising the lives of animals in this way will contribute ultimately to the destruction of animal species – for instance, when hunting revenues are limited (as during COVID-19), individuals will have very little incentive to conserve animals.

At the time of writing, the South African government had released a Draft Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard, and Rhinoceros (“Draft Policy Position”) in respect of wild animals. There are several promising sentiments and statements expressed in the Draft Policy Position including the phasing out of the captive lion industry. Nevertheless, as it stands, the Draft Policy Position enshrines a central contradiction: on the one hand, it has been forced by the Constitutional Court to recognise that government policy relating to wild animals must be extended to include animal welfare and that it has a duty to encourage respect for individual animals; and, on the other hand, it seeks to build a large industry based on trophy hunting for economic purposes which is incompatible with these prior recognitions. The manner in which this debate is resolved will indicate the degree to which the protection of animals in South Africa will be enhanced in the new constitutional era.

**Governance and administrative law**

Given the wanton abuse of power and authority in the past, the Constitution provides that any exercise of government authority must take place according to set principles of administrative justice (in particular, section 33 of the Bill of Rights). These principles are outlined in a piece of legislation known as the Promotion of Administrative Justice Act (“PAJA”). Many activities relating to animals, including the hunting of certain species, involve the issuing of permits by
various governmental authorities. In deciding whether to grant these permits, authorities are duty-bound to follow the rules of administrative justice. These rules at times have the potential to advance the interests of animals. An instance where this occurred is the case that dealt with the trade in lion bones, and the quota of lion skeletons which could legally be exported to satisfy this trade in terms of the international treaty, the Convention on International Trade of Endangered Species of Fauna and Flora (“CITES”). The relevant minister had in this case increased the export quota of lion skeletons to 800 skeletons in 2017 and to 1,500 skeletons in 2018 respectively. The decision of the minister was challenged by the NSPCA on the grounds that she had failed to consider the deleterious effects of her decision on the welfare of the animals. Drawing on the statements of the Constitutional Court which have already been referred to, Justice Kollapen found that the minister’s decision was not justifiable given that animal welfare and conservation were deeply intertwined. He concluded: “it is inconceivable that State Respondents could have ignored welfare considerations of lions in captivity in setting the annual export quota” (National Society for the Prevention of Cruelty to Animals v Minister of Environmental Affairs [2019] ZAGPPHC 337 para 74) and deemed the quotas to be unlawful and constitutionally invalid. The case illustrates the way in which the duties of good governance included in administrative law can help advance the interests of animals. Accordingly, when a matter pertains to the environmental right and conservation, all officials will now have to take animal welfare into account in their decision-making. Administrative law is, however, a double-edged sword: it has also in the past, been successfully utilised by animal use industries in South Africa to reduce animal protections, in the context of the domestic rhino horn trade and canned lion hunting.

The question of governance surrounding animals raises important issues about which structures are created to protect them and their efficacy. In South Africa, the APA recognises that there exist societies for the prevention of cruelty to animals whose remit is to investigate and address potential cases of cruelty against animals. The SPCA Act creates the NSPCA, a national society that can develop policy and engages with all levels of government concerning animals. The Constitutional Court in the aforementioned 2016 NSPCA Case found that the NSPCA was ultimately the “special guardian” of animal welfare in South African law (2016 NSPCA Case, para 59). It is nevertheless a body that is not provided with government funding to fulfil its mandate. The manner in which it is constituted and functions also raises questions as to whether it is truly able to ensure animal interests are optimally protected. The live export of animals by sea – discussed later in this chapter – is an instance where the NSPCA has tried to stop that trade on grounds of severe cruelty caused to the animals. It has, however, been limited in what it can do by, for instance, a lack of funding and very limited legal powers which has meant it has thus far failed in several instances to be able to stop the shipments.

The statutory framework governing animals

Domesticated and captive animals

The Constitution and the cases discussed earlier, as we saw, have created a number of exciting possibilities for developing protections for animals. However, in general, there is no substitute for particular statutory protections for animals. We now elaborate upon selected contexts of animal use and the main regulatory regime that address the protection of animals in South African law (for a more detailed analysis of South African Animal Law, see: Wilson, 2019a).

As a general observation, the animal legal framework is fragmented at different levels – including international, national, provincial, and local, and contains a plethora of legislation, policy, regulations, norms and standards, and soft codes.
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The Animals Protection Act

Despite various efforts by advocates, animal sentience is not explicitly recognised in legislation. The exception here is elephants, whose sentience has been acknowledged in the National Norms and Standards for the Management of Elephants in South Africa, 2008. The predominant animal legislation in South Africa is the Animals Protection Act of 1962. Unlike certain other jurisdictions, the APA includes all animals in all contexts provided they are subject to human captivity or control. The definition of “animal” in the APA is: “any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat, or other domestic animal or bird, or any wild animal, wild animal, wild bird or reptile which is in captivity or under control of any person”. The NSPCA has opted to interpret this definition utilising a wide approach indicating that fish are included in the “other … animal” catch all, and that wild animals interacting with persons fall under the final element of the definition. The APA is a criminal statute which sets out various detailed offences and prohibits generally any unnecessary cruelty to animals. It therefore could be applied to farmed animals, animals in all captive situations (from zoos to laboratories), working animals, and companion animals; however, the use of this law in these contexts is extremely rare. The statute also provides for powers of enforcement by the police, societies for the prevention of cruelty to animals and for criminal penalties for cruelty ranging from fines to imprisonment.

The APA has been criticised on several grounds, several of which are raised below. Firstly, the requirement that an animal must be subject to human control has led to uncertainty concerning the application of the APA to fish, other aquatic species, and free-roaming wild animals, and accordingly the extent to which the APA can be successfully used to protect them. Secondly, the APA’s list of offences is vast, but the crimes are often qualified by terms such as “unnecessarily”, or “cruelly”. These vague terms cause uncertainty as to their meaning and application. Thirdly, the statute is a criminal statute requiring a high evidentiary burden of proof beyond a reasonable doubt. The statute is not well suited to proactively protecting animals from prospective cruelty. Fourthly, the penalties are relatively minor for committing animal cruelty acts, thus suggesting that the law does not consider such actions to be very serious. Fifthly, prosecutions rarely occur, and it is largely left up to the NSPCA to enforce the APA, with its limited resources and without government funding. This situation leads to countless abuses going uncharged, unprosecuted, and unenforced. Lastly, the APA is a general statute. Despite the APA empowering the minister to make regulations, to date no standards have been promulgated for animal uses in any context including particular farming practices. To date, no bans (other than for animal fighting) have been put in place even for egregious practices such as sow stalls and battery cages that other jurisdictions have taken steps to prohibit, restrict, or phase out. In fact, such practices are increasing, and generally animal use in all contexts is actively supported and promoted by government.

Despite these criticisms of the APA, the NSPCA maintains that, overall, it is a useful piece of legislation (CER & EWT Report; Fair Game, 2018). There have been proposals to further amend the Act, including two attempts in terms of private members’ bills to have cosmetic testing on animals criminalised. The government is considering a complete overhaul of the APA and shortly seeks to release a “Draft Animal Welfare Bill”. It is hoped that the new Act will address the shortcomings in the APA and current framework and not represent a back-tracking on animal welfare, though there is cause for concern given increasing animal exploitation being seen by some as a means to advance other economic and societal goals.

Other laws

Another piece of relevant legislation, particularly in the context of farmed animals, is the Meat Safety Act of 2000. While the Act predominantly relates to food safety for meat and animal
products, certain regulations promulgated in respect thereof provide for the humane treatment of live animals including in relation to how they are transported to abattoirs and slaughtered. It thus provides untapped opportunities to tackle certain aspects of animals used for food production and problematic practices.

Apart from farmed animals, animals are also exploited for other purposes such as for entertainment – whether in circuses, zoos, aquaria, or in direct wildlife interactions such as lion cub-petting, walking with lions, or riding on elephants. Animals used in entertainment are generally regulated by the Performing Animals Protection Act. Despite its name, the Act in its initial form was predominantly a licensing statute requiring certain paperwork to use animals for these purposes, with no specific standards set for their welfare. It was only in 2016 that an amendment was introduced to require prospective licensees to include in their application an indication of how they would address certain animal welfare requirements.

**Softer standards**

Other than the laws mentioned (and others that cannot be dealt with within the constraints of this chapter), the failure by the relevant government departments to promulgate specific standards for different animal uses has meant that these issues have largely been addressed through non-binding standards set by exploitative industries themselves (self-regulation) or standards set by the South African Bureau of Standard (“SABS”). The SABS is a statutorily constituted body that sets national standards for products known as South African National Standards (“SANS”). A number of national standards have been produced with regard to animals – ranging from farmed animals (such as pigs, chickens, cows, crocodiles, ostriches and others) to captive wild animals, including those used in zoos, to those used in scientific research and laboratories.

These standards have been produced largely in consultation with the animal exploitation industries, and thus those with a vested interest in maintaining certain practices. Although the NSPCA is included as a stakeholder on the relevant drafting committees, and recently more animal welfare groups have been invited to participate, the SANS do little to protect animal interests or their welfare. These national standards are only binding if they are subsequently incorporated into legislation, and notably, very few, if any, SANS have been relating to animal welfare. Thus, on the whole, the standards relating to animals are voluntary, largely enforceable, and also inaccessible to most people as they need to be purchased and have strict copyright provisions. It is deeply troubling that the SABS has had to step into the role of standard-setting for animal welfare and this fact demonstrates a failure of the government. In addition, the processes followed are different from those required by law-making or in governmental bodies, nor are they subject to the same scrutiny. At the time of drafting, SABS is currently drafting standards for poultry (allowing for battery cages until 2039) and aquaculture.

Apart from the SABS, industry bodies have also developed their own standards and codes, which are also non-binding and voluntary. These range from animals used in farming (with standards set by bodies such as the Livestock Welfare Coordinating Committee (“LWCC”)) and wildlife including big cats (with standards set by the South African Predator Association (“SAPA”)). As can be expected, they contain minimal animal “protections” and are not enforceable.

**Wildlife and free-roaming animals**

In contrast to legislation for domestic and captive animals, another distinct set of laws relate to wild animals who form part of the environment. As was suggested above, the main purpose of
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these laws relates to the conservation of species and biodiversity. Adding a layer of complexity, the environment is regulated at both a national and provincial level, with both having concurrent authority over this sphere in terms of the Constitution. South Africa has nine different provinces, and, problematically, each has different and inconsistent regulations in relation to wildlife and the environment (for a detailed summary of some of the issues with the current environmental framework in South Africa, particularly as it pertains to animal welfare, see CER & EWT Report, Fair Game, 2018).

At a national level, the National Environmental Management Act (“NEMA”) is the umbrella piece of environmental legislation which is implemented through specific environmental management Acts or “SEMAs”. Examples of SEMAs include those that relate to the management of biodiversity (National Environmental Management: Biodiversity Act (“NEMBA”)) and terrestrial and aquatic protected areas (“National Environmental Management: Protected Areas Act”). Certain regulations can then be promulgated in terms of these Acts or SEMAs. For example, under NEMBA, regulations have been promulgated for invasive and alien species as well as threatened or protected terrestrial and aquatic species – referred to as the “TOPS Regulations”. The latter regulations provide for certain restricted activities with regard to the relevant species in their ambit, set out offences and their penalties, as well as the required processes to obtain permits and licenses. The restricted activities range from hunting and breeding in the terrestrial context, and shark cage diving and dolphin watching in the aquatic context. There are additional levels of regulation in the form of Policy Documents, Norms and Standards, Biodiversity Management Plans, and others. As aforementioned, this national regulation operates in addition to the provincial legislation, making the regulatory landscape for wild animals extremely confusing, unclear, and problematic.

One relatively unique situation in South Africa is the intensive confinement and farming of traditionally wild animals. As a result, the country has some of the highest populations of species such as lions, ostriches, crocodiles, and rhinos in the world. While the international trade of rhino horn is essentially banned in terms of CITES, domestic trade is allowed within the country’s borders. The intensive breeding of wildlife presents multiple unique problems and challenges (for further reading on some of the failures pertaining to captive wildlife, particularly lions, see: Wilson, 2019b). These include, but are not limited to, harmful ecological consequences and animal welfare violations. Due to increasing pressure from the public and civil society as well as increased awareness around the harms of these practices, there have recently been tangible efforts to regulate and enforce the welfare of wild animals kept in captivity – including in the recent Draft Policy Position highlighted above.

**Lateral regulation impacting on animals**

Several other laws indirectly impact on animal use and exploitation, such as in the realms of food safety (such as the Animal Diseases Act), consumer protection (such as the Consumer Protection Act), and property law (such as by-laws at a local level that deal with licensing and the number of animals one can have on a property), amongst others. These areas present opportunities to bring about reform to improve animal welfare and protection both in terms of legislation as well as in the courts, but cannot be dealt with in depth in this chapter.

**International law**

At an international level, South Africa is a party to a number of international treaties and bodies regulating animals and related matters. The country was one of the first to ratify CITES in 1975,
although it has since found the treaty overly restrictive in its ambitions to profit from the wildlife trade. South Africa also ratified the Convention on Biological Diversity in 1996 and participates fully in the activities of the International Whaling Commission, being a non-whaling nation since 1975.

The country is also a member of the World Organisation for Animal Health ("OIE"), although it has not incorporated all the relevant animal welfare codes into its domestic law. This has become particularly relevant in the context of the live export of farm animals by sea. In recent years, an industry has grown to export tens of thousands of live animals over thousands of kilometres on ships across the oceans simply to be slaughtered in other countries. Among various other harms (including to the workers and the environment), this trade results in serious violations of animal welfare: such harms include tremendous heat build-up in the interiors of the ships leading some animals to overheat and die (particularly during the summer months); not having access to food given the high density of animals on board the ship (often surpassing 50,000 at one time); the disposal of waste leading to high ammonia concentration in the air and pollution of the seas; and many others (Animals Australia, 2018).

South Africa does not have appropriate domestic regulations to address this practice. Whilst the NSPCA has argued that the APA applies to this practice, a recent court judgment in August 2020 (National Council of Societies for the Prevention of Cruelty to Animals v Al Mawashi (Pty) Ltd and Others [995/2020] [2020] ZAECGHC 118), directed that the OIE standards be applied to live export, despite the OIE not being incorporated into domestic legislation. Unfortunately, this judgment was essentially ineffective due to weak enforcement by the relevant government departments. The government has since released “Draft Guidelines for the Transportation of Live Animals by Sea”; however, such guidelines are deficient in their content, have yet to be promulgated, and they are not binding in the same way regulations would be.

Conclusions

Recently, South Africa scored an “E” on the World Animal Protection Index, indicating that there is much to be desired in terms of its protection for animal welfare. On the whole, South Africa is a mixed bag in terms of animal law: as we sought to show, there are a series of laws that regulate animal welfare, but because of major flaws, vested interests, and governmental failure, the regulatory framework is largely inefficient at providing animals with any real protection. There exist a number of promising possibilities derived from the Constitution (for further information on the interaction and intersection between human rights and animal rights, see: Wilson, 2020); however, the constitutional developments thus far have taken place at a relatively abstract level. Animal protection work is also not a priority given the country’s unique history and challenges in addressing the legacy of past discrimination and economic inequality.

Positively, there is a growing advocacy movement for animals in South Africa as well as increasing education on animal use and exploitation. There is also a rise in the availability of alternatives to the exploitation of animals. In the last few years, more than two companies were established in South Africa working towards cultured meats – including for beef and seafood (Mzansi Meat Co. and Sea-stematic respectively). These initiatives, together with the growth of plant- and fungi-based alternatives present opportunities to reform the food system, where so many animals are treated abysmally. In addition, the recently released Draft Policy Position presents a new direction in the management of wildlife that is promising. The document notes the interconnectedness of human beings and other animals and calls for recognition of animal welfare, and respect for individual animals and recognises the need to change the status quo.
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In May 2022, animal law was taught for the first time in South African universities, meaning a new generation of lawyers will be empowered with knowledge to drive efforts for greater protection. Increasingly, organisations are collaborating on efforts, including across social justice and scientific realms, to improve the protection for animals, humans, and the environment. At an African level, in 2019 the African Union explicitly recognised the sentience of animals in its Animal Welfare Strategy for Africa (African Platform for Animal Welfare). With increased awareness, advocacy, and the growth of alternatives, there are undoubtedly positive actions happening in the animal law and policy space and South Africa will unquestionably be a country to watch in this regard in the future.

References


