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**Director: Veterinary Public Health,**  
**Department of Agriculture, Land Reform and Rural**  
**Development**

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**Submitted by: EMS Foundation**

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**Our ref: SD Kvalsvig /E040-009**

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**Expertise grounded in experience**

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Dear Sir

**SUBMISSION OF COMMENT ON DRAFT AMENDMENTS TO THE MEAT SAFETY ACT, 40 of 2000 (MSA)** (GN 2533 in *Government Gazette* 46959 of 23 September 2022)

**INTRODUCTION**

1. We act for the registered non-profit organisation EMS Foundation (EMS), which is a civil society organisation concerned among other things with the protection of wild animals.
2. We have previously<sup>1</sup> submitted comments on the proposed amendment to Schedule 1 of the MSA, published in 201 in *Government Gazette* 43050 of 28 February 2020 ("the 2020 draft amendment"). A copy of those comments is attached as Annex A.
3. Your Department is now proposing to exempt "game animals" from the provisions of section 11(1)(i) of the MSA in terms of the exemption provision in section 11(3).

**Effect of proposed amendments**

4. In terms of the long title to the Act, the purpose of the MSA is to: "provide for measures to promote meat safety and the safety of animal products; to establish and maintain essential national standards in respect of abattoirs; to regulate the importation and exportation of meat; to establish meat safety schemes and related matters.
5. The proposed amendment, if it comes into force, is an exemption from the essential standards provided for in the Act and will make it lawful for dead "game animals" to be presented at an abattoir for slaughter.
6. This document constitutes the EMS Foundation's comments on the proposed exemption.

**SPECIFIC COMMENTS**

**Status of proposed 2020 draft amendment is unclear**

7. It does not appear to us that the proposed 2020 draft amendment mentioned above has come into force. Please clarify what the intention of the Department is with regard to that proposed amendment.

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<sup>1</sup> On 27 April 2020.

### **No definition of “game animal”**

8. Notwithstanding that the term “game” is used in the Act, the Red Meat Regulations<sup>2</sup> and the Establishment of a Meat Inspection Scheme Notice,<sup>3</sup> neither the term “game” nor the term “game animal” is defined anywhere within the Act or its regulations.
9. It is therefore unclear to which species this amendment will apply, especially in the light of uncertainty about the 2020 draft amendment. This needs to be clarified and until it has been, this amendment cannot take effect as it creates uncertainty.

### **GENERAL COMMENT**

10. Our client **does not support the development of the game meat industry**, which we assume this amendment seeks to facilitate.
11. Our client has recently submitted to the Department of the Environment, Forestry and Fisheries (DFFE) a comprehensive comment on DFFE’s *Draft Game Meat Strategy for South Africa, 2022*.<sup>4</sup> The essence of our client’s objection to the Draft Strategy is that **development of a game meat industry has serious risks and direct negative ramifications for public health, biodiversity, ecological restoration and animal well-being. The intensive breeding for commercial purposes of any wild fauna should be prohibited, not promoted.** The Draft Strategy is in total opposition to prevailing climate and societal conditions and stands in stark contradiction to South African governmental policies aimed at trying to address the dire challenges of the sixth extinction caused by anthropocentric activities.
12. A copy of the comment is attached available to read [here](#) ease of reference, but in summary our client’s concerns, which are also relevant to the proposed amendment of the MSA, are the following:
  - 12.1. Under the Draft Strategy wildlife is treated merely as a resource to be ruthlessly, systematically exploited, and the industry will be ramped-up in scale (with a target of doubling wildlife meat production over the next 8 years). This is inconsistent with the direction that current biodiversity policy is taking, for example, it is inconsistent with:
    - 12.1.1. the on-going DFFE policy review process (intended to lay down the overarching policy guidelines on South Africa’s conservation of biodiversity);
    - 12.1.2. the progressive concepts incorporated into the Biodiversity White Paper;

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<sup>2</sup> GN 1072 of 2004.

<sup>3</sup> GN 634 of 7 July 2017.

<sup>4</sup> GN 2293 in *Government Gazette* 47024 of 18 July 2022.

12.1.3. South Africa's climate change and ecosystem restoration and preservation goals;  
and

12.1.4. the "One Health" approach.

12.2. Wild animals are sentient beings with individual interests and intrinsic value. The Strategy completely ignores legal obligations in this regard, including those contained in the Animals Protection Act which applies equally to wild and domestic animals and outlaws the causing of unnecessary suffering. It our client's strong submission that it is impossible to farm wild animals for meat without causing them unnecessary suffering.

12.3. Where commercial farming of wild animals takes place for meat a number of concerns have been raised, including the problems of fragmented legislation and regulatory oversight, lack of transparency for the consumer, false labelling of products, an increase in the rise of illegal killing of wild animals and disease transfer.

12.4. Globally, and locally, humanity is in the midst of an extinction crisis that could unravel life as we know it. Wildlife exploitation is the leading driver of marine species loss and the secondary driver of terrestrial species loss. South Africa must develop more caring, ethical, just and resilient multispecies societies. Promoting the commercial exploitation of wild animals for meat is unsustainable in that context.

12.5. As a society we must mitigate the environmental impacts of food systems - and animal agriculture in particular. It is therefore compulsory for governments, on a national and international level, to urgently shift their policy base away from consumptive utilisation and extractivism and to redefine our relationship with wildlife to bring about transformative change, harmonious co-existence, respect, one health and welfare, justice and ubuntu.

12.6. The Draft Strategy includes several of the main drivers of zoonotic disease emergence. This makes the Strategy weak, flawed, indefensible and unsustainable.

13. Aside from the Draft Strategy, our client's comments on the DALRRD 2020 draft amendment are also applicable to the proposed exemption. They are set out in the paragraphs following for ease of reference.

### **Serious public health of promoting trade in wild animals**

14. As with the amendment to the Animal Improvement Act (AIA) in 2020, and the draft 2020 amendment to the MSA, the current proposed exemption will have the effect of legitimising and

facilitating the slaughter and consumption of wild animals, and therefore the development of captive breeding/wildlife farming industries.

15. This proposed amendment also comes at a time when other governments worldwide are moving to ban the consumption of wild animals because there is increasing evidence that this practice is not justified from a health point of view and is likely to cause future pandemics. Given the global impact of pandemics such as COVID-19, the immediate priority now should be to protect people from this virus and prevent the development of new variants.
16. The legitimising and facilitating of a trade in wild animal products will inevitably increase the number of wild animals in captive breeding facilities of one kind or another.
17. While much is unknown, there is consensus among infectious disease experts that increased contact between wild animals and humans has increased the risk of dangerous viruses spilling over from animals to human. According to the World Health Organization, almost three-quarters of all epidemics in recent decades have spilled over from animals. Zoonotic diseases are particularly dangerous to humans because humans lack immunity to them. According to an infectious disease expert and member of the EU Animal Welfare Intergroup, Professor Thijs Kuiken,<sup>5</sup> the most likely cause of the increase in zoonotic disease outbreaks over the last 30 years is the increase in farmed animals (including wild animals), increased trade and transport of wild and domestic animals and increased movement into uninhabited areas. (<https://www.animalwelfareintergroup.eu/news/we-can-no-longer-consider-health-humans-separately-health-planet>)
18. We are instructed further that on the 24th of April 2020 there was a meeting between the EU Animal Welfare Intergroup and the Eurogroup for Animals which are the two advisory bodies for the European Parliament in terms of animal management. (A record of the meeting can be found here: <https://www.facebook.com/eurogroupforanimals/videos/520920118513207/>) The President of the Animal Welfare Intergroup, Anja Hazekamp, concluded in her final recommendations that the conversation had "clearly indicated that the currently regulated trade in wildlife may have serious consequences we can no longer ignore. Between 600.000 and 800.000 unknown diseases are estimated to lurk in wildlife and to being potentially affecting humans and the environment. We need new legislation to regulate the relationship we have with animals. The Biodiversity Strategy 2030 presently under preparation offers the perfect opportunity to take immediate action".
19. Proposals to further develop the industry in South Africa based on products deriving from wild animals constitute a serious public health risk. The risk includes not only the danger to consumers

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<sup>5</sup> Professor of Comparative Pathology at the Department of Viroscience of the Erasmus University Medical Centre in Rotterdam, The Netherlands.

of wildlife products in South Africa and globally but the danger to abattoir workers in South Africa who will come into close contact with wild animals alive and dead. For example, the legal trade in lion bones for consumption in Asian traditional medicines potentially exposes abattoir workers to the risk of contracting TB. While much is unknown about risk from lion bones, the current evidence is clear that the wildlife trade poses huge risks to public health.

20. The rise in transmission of zoonotic infections has not necessarily happened because people are consuming any particular species. The fundamental cause is the whole 'commercialization process', from the transfer of the animal from its natural habitat to the point of commercialization: transportation (land, aerial, inland or maritime); the arrival to sale points in urban areas (animal markets); the conditions of confinement, generally in unhealthy places (small cages); the coexistence of different wildlife species with different domestic animals; among others. All of these factors cause wildlife species to become stressed and immunosuppressed, a situation that allows viruses and coronaviruses to be transmitted to other species.
21. We are instructed that it is not only wild animals in captive breeding facilities but even wild animals in more extensive systems such as game farms can pose a threat to domestic animals and potentially humans. Our clients have, for example, been informed that wildebeest on game farms are known to infect cattle with fatal malignant catarrhal fever.
22. A precautionary approach therefore requires that, instead of promoting this industry, South Africa must take urgent steps to restrict it.

### **Wild animal well-being**

23. Your Department also has a mandate in terms of the Animals Protection Act (APA) to protect the welfare of all animals. Our client and its associate animal protection organisations have amassed ample evidence that the captive breeding of wild animals can never be achieved humanely and that grossly cruel practices are common in the lion breeding industry in particular.
24. The amendments to the MSA further entrench and legitimise the idea that wild animals are merely commodities with no inherent right to live in the ecosystems and social systems in which they belong and in which they play an essential role. This is a misunderstanding of the constitutional imperative that the environment must be protected through reasonable legislative and other measures that secure ecologically sustainable use of natural resources.
25. The animal welfare implications of the proposed amendments are deeply concerning. The amendments completely fail to take into account the fact that the welfare implications of keeping wild animals in captivity for intensive breeding purposes are vastly different from the welfare implications of intensive breeding of domesticated animals.

26. The welfare of wild animals has historically been very inadequately protected. This is because environmental authorities within all spheres of government have consistently denied that they have a mandate to deal with welfare. On the other hand, agricultural authorities continue to devote few or no resources to wild animal welfare. The APA is seriously outdated and is entirely inadequate to deal with the welfare consequences of expanding and promoting the wildlife breeding and trading industry.
27. As far as we know, no standards have been put in place to regulate the welfare of wild animals in commercial breeding operations, nor does DALRRD have any animal welfare inspectorate.
28. As you know, in the landmark 2016 Constitutional Court case brought by the NSPCA,<sup>6</sup> the Constitutional Court referred with approval to the earlier statements of the Supreme Court of appeal in the *Lemthongthai* case<sup>7</sup> that “[c]onstitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general”. It held that “[a]nimal welfare and animal conservation together reflect two intertwined values.” This case was referred to with approval in a subsequent case brought by the NSPCA in the North Gauteng High Court in which the Court, referring to captive lions stated that “[e]ven if they are ultimately bred for trophy hunting and for commercial purposes, their suffering, the conditions under which they are kept and the like **remain a matter of public concern** and are inextricably linked to how we instil respect for animals and the environment of which lions in captivity are an integral part of.<sup>8</sup> [emphasis added]

### **Effect on South Africa’s biodiversity**

29. The breeding of wild animals as if they were domestic animals can and will affect the survival of these species as a whole including wild populations. There is significant potential for wild animals illegally obtained to be “laundered” through the captive breeding industry as well as potential for the genetic integrity of wild populations to be compromised by intensive breeding practices and hybridisation.
30. The amendments are likely to endanger the genetic health of wild populations since weak enforcement of laws means that there is high possibility of genetically manipulated specimens coming into contact with wild populations.

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<sup>6</sup> *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another (CCT1/2017)*.

<sup>7</sup> *S v Lemthongthai [2014] ZASCA 131; 2015 (1) SACR 353 (SCA)*.

<sup>8</sup> *National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others, 2020 (1) SA 249 (GP)*.

## CONCLUSION

31. Please clarify the status of the 2020 draft amendments.
  32. As matters stand the term "game animal" is not defined in the Act or its regulations leading to uncertainty about the applicability of the Act to the various species of wild animals in South Africa. We submit that the amendment should not be effected until this uncertainty has been addressed.
  33. Our client's position remains that, at a time when human and animal health is increasingly threatened by pandemics caused by zoonotic diseases, it is irrational and entirely unjustified for your Department to be taking legislative steps aimed at facilitating the development of the trade in wildlife products, including the amendments to the AIA and the proposed amendments to the MSA, both of which will increase human exposure to wild animals. New information regarding the dangers of human consumption of wild animals is emerging rapidly and a precautionary approach to the risks requires that these legislative steps should be reversed. Instead, urgent new steps should be taken to restrict trade in wildlife products.
  34. For the reasons set out above, our client also remains of the view that promoting or supporting intensive breeding of wild animals for non-conservation purposes is fundamentally inconsistent with the requirement in the Constitution that the use of wild animals must be ecologically sustainable.
  35. Legislation and policy that promotes the development of a game meat industry is in total opposition to prevailing climate and societal conditions and stands in stark contradiction to South African governmental policies aimed at trying to address the dire challenges of the sixth extinction caused by anthropocentric activities.
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