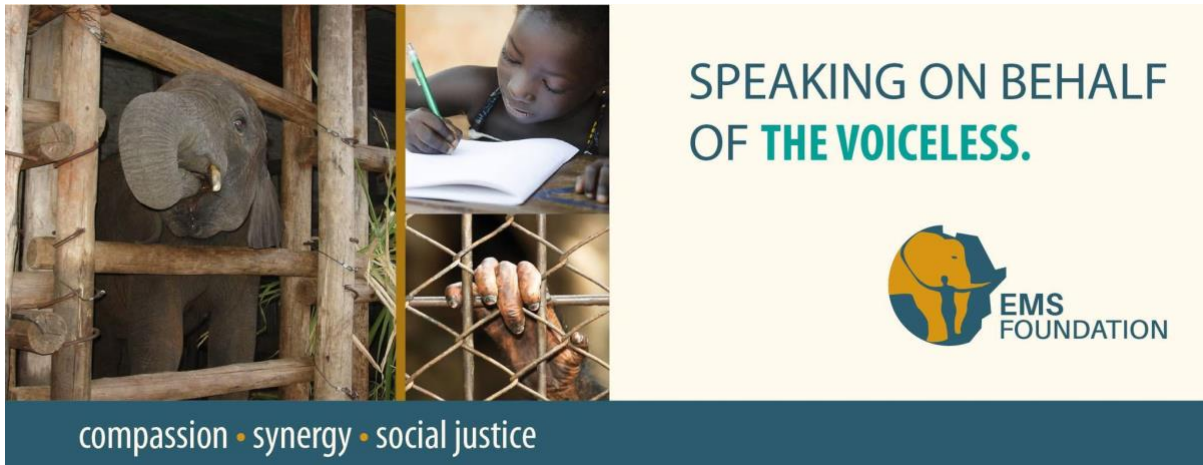




MEDIA STATEMENT

For Immediate Release

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EMS Foundation to Defend Wildlife Well-Being in the Constitutional Court on 26 May 2026

The EMS Foundation will appear before the Constitutional Court of South Africa on 26 May 2026 in a landmark matter that could significantly shape the future of wildlife protection, animal well-being, and environmental governance in South Africa.

The matter, *South African Hunters and Game Conservation Association v Speaker of the National Assembly and Others (CCT 270/24)*, concerns an attempt by hunting and commercial wildlife industry interests to strike down the “well-being” provisions contained in the National Environmental Management: Biodiversity Act (NEMBA).

The EMS Foundation, together with the National Council of Societies for the Prevention of Cruelty to Animals (NSPCA), is opposing this challenge because it believes that removing these provisions would amount to a major regression in South African constitutional and environmental law, stripping wild animals of critical legal recognition and protection.

The Constitutional Court matter goes to the heart of a profound question facing South Africa:

Do wild animals matter only as economic commodities, or are they sentient living beings whose well-being must be considered in decisions about conservation, hunting, captivity, trade, and human use?

The EMS Foundation maintains that South Africa’s Constitution, jurisprudence, and evolving environmental ethics clearly support the latter.

A Constitutional Issue of National Importance

This case follows the landmark 2016 Constitutional Court judgment recognising that animal welfare and environmental protection are interconnected constitutional concerns. The Court affirmed that animals are sentient beings with intrinsic value and that their suffering matters in law and ethics.

Following that precedent, Parliament incorporated “well-being” protections into NEMBA, requiring that the management, conservation, and use of indigenous wildlife take animal well-being into account.

The South African Hunters and Game Conservation Association (SAHGCA), representing sectors of the trophy hunting and wildlife breeding industries, now seeks to have these provisions declared unconstitutional. They argue that the concept of “well-being” is vague, impractical, and economically disruptive.

The EMS Foundation rejects this position.

The Foundation’s Heads of Argument before the Constitutional Court make clear that the challenge is fundamentally flawed and that Parliament conducted extensive public participation processes over several years before the legislation was adopted.

The EMS Foundation further argues that the inclusion of wildlife well-being within biodiversity law is entirely consistent with Section 24 of the Constitution, which obliges the state to protect the environment through reasonable legislative measures that promote conservation and prevent ecological degradation.

Wildlife Are Not Mere Economic Units

At stake in this litigation is more than technical wording.

The case represents a broader societal struggle over how South Africa understands and treats wild animals.

For too long, wild animals in South Africa have often been viewed primarily through the lens of commercial utility - as hunting targets, breeding stock, tourism assets, entertainment objects, or trade commodities. The EMS Foundation argues that this narrow economic framing ignores growing scientific evidence about animal sentience, cognition, trauma, social bonds, and emotional complexity.

Modern wildlife governance cannot ignore the lived experiences and suffering of animals themselves.

The Foundation believes that “well-being” protections are essential because older animal welfare legislation in South Africa does not adequately protect free-ranging or captive wild animals. Removing these provisions would create dangerous legal gaps in relation to trophy hunting, captive breeding, confinement, intensive wildlife production systems, transport, and other wildlife exploitation practices.

A Defining Moment for South Africa

The EMS Foundation views this Constitutional Court hearing as a defining moment in South Africa’s environmental and constitutional history.

The outcome could have major implications for:

- the future interpretation of wildlife law;
- trophy hunting and captive wildlife industries;
- the legal recognition of animal well-being;

- biodiversity governance;
- and South Africa's international standing on ethical conservation and environmental justice.

The Foundation also believes the case raises deeper questions about violence, domination, and how society normalises the treatment of vulnerable beings, including non-human animals.

A society that ignores suffering and reduces living beings to commodities ultimately erodes compassion, ethical accountability, and ecological responsibility.

Statement from the EMS Foundation

"The Constitutional Court now has an opportunity to affirm that wildlife governance in South Africa must evolve beyond outdated notions that wild animals exist solely for human use and profit. Wild animals are sentient beings with intrinsic value. Their well-being matters constitutionally, ethically, ecologically, and socially.

This case is not simply about legal definitions. It is about what kind of society South Africa wishes to be, one grounded in compassion, justice, ecological responsibility, and constitutional values, or one that continues to prioritise commercial exploitation over the protection of vulnerable living beings."

Court Details

Case: *South African Hunters and Game Conservation Association v Speaker of the National Assembly and Others*

Case Number: CCT 270/24

Court: Constitutional Court of South Africa

Date: 26 May 2026

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