

ELEPHANT CAPTIVITY HAS NO PLACE IN A DEMOCRATIC SOUTH AFRICA

Media Statement

The EMS Foundation has described the recent Gauteng High Court hearing concerning the continued captivity of Lammie, Mopane and Ramadiba at the Johannesburg Zoo as a defining moment for animal justice, constitutional values and the future moral direction of South Africa.

At the heart of the case lies a profound ethical and constitutional question: can a democratic society founded on dignity, compassion, equality and justice continue to justify the confinement of highly intelligent, emotionally complex and socially sophisticated beings for public display and entertainment?

Over three days, the Gauteng High Court in Pretoria has heard extensive legal, scientific and welfare arguments concerning the lives and wellbeing of the three elephants currently confined at the Johannesburg Zoo. The application was brought by Animal Law Reform South Africa, the EMS Foundation and Chief Stephen Fritz, Senior Chief of the South Peninsula Khoi Council.

The EMS Foundation argues that elephant captivity is fundamentally incompatible with both modern scientific understanding and the values South Africa claims to uphold as a constitutional democracy.

Elephants are not objects, exhibits or entertainment assets. They are autonomous, sentient beings with deep family bonds, advanced cognition, emotional intelligence, grief responses, social learning systems and extensive spatial and ecological needs. Scientific evidence before the Court highlighted that no urban zoo environment can adequately meet these needs. Captivity deprives elephants of agency, natural social structures, movement, stimulation and meaningful choice.

South Africa as a country confronting profound violence, inequality, trauma and social fragmentation should not normalise the domination, confinement and psychological suffering of sentient beings as acceptable forms of public education or recreation.

“In a society struggling with violence and systemic injustice, we must critically examine the messages we send about power, domination and the treatment of the vulnerable,” said Michele Pickover, Executive Director of the EMS Foundation. “The continued confinement of elephants for human spectacle reinforces a culture in which the suffering and deprivation of others can be normalised and ignored.”

Social justice cannot be separated from how society treats non-human animals and the natural world. A culture of compassion, empathy and respect for life is indivisible.

“A society that teaches children that it is acceptable to imprison deeply sentient wild animals for entertainment while millions of South Africans themselves continue to experience overcrowding, deprivation, violence and inequality must ask difficult moral questions about what kind of society we are building.”

The Foundation also raises concerns regarding the appropriateness of maintaining elephants in expensive urban zoo infrastructure in a country facing severe social and economic crises, including collapsing municipal services, inadequate public healthcare, energy insecurity, food insecurity and widespread poverty.

“At a time when South Africa faces immense human and ecological challenges, the continued investment in keeping elephants in artificial zoo environments represents an outdated model rooted in colonial attitudes toward nature, wildlife ownership and domination”.

The High Court case forms part of a growing global movement recognising animal sentience and the intrinsic value of wild animals. Internationally, there is increasing recognition that elephants do not belong in captivity and that modern conservation and education no longer require the display of wild animals in confined urban spaces.

As applicants we are seeking an order facilitating the relocation and rehabilitation of Lammie, Mopane and Ramadiba to a protected natural environment where they can live with greater autonomy and dignity under expert care and support. The EMS Foundation will financially support this and it is already supporting the successful and continuing rehabilitation of African elephant Duma (formerly Charlie). After four decades of confinement at the National Zoological Gardens in Pretoria, Duma was relocated in 2024 and he has already demonstrated that rehabilitation and transition away from captivity is possible.

In closing the EMS Foundation thanks the elephant specialists from around the world who have officially provided their expertise to the court in support of this important legal matter. The Foundation is very appreciative of the public support offered by civil society partners and members of the public over many years.

Environmental law firm Cullinan & Associates and Group 621 advocates served as legal counsel for the EMS Foundation and their co-applicants.

The Court has reserved judgment; however, the applicants remain resolute in their pursuit of justice for Lammie, Ramadiba and Mopane.

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