

MEDIA STATEMENT - 16 October 2026

Johannesburg Zoo elephants: devastating court outcome underscores the need for systemic change

The EMS Foundation expresses its profound disappointment at today's judgment dismissing the application concerning the continued confinement of Lammie, Mopane and Ramadiba at Johannesburg Zoo.

The application, brought alongside Animal Law Reform South Africa and Chief Stephen Fritz, sought the elephants' release to a suitable facility for rehabilitation and rewilding. The High Court in Pretoria dismissed the application, with no order as to costs.

The dismissal rests on the Court's findings concerning the legal basis of the application and the availability of administrative review. It should not be represented as a finding that the applicants' welfare concerns were disproved. The Court did not resolve the contested expert evidence about the elephants' well-being or determine that they are thriving in captivity.

The immediate consequence is that Lammie, Mopane and Ramadiba remain at the Zoo. The concerns that prompted this litigation - including the effects of confinement on their psychological well-being and their ability to live in ways appropriate to their species - remain unresolved.

Animal well-being must translate into meaningful protection

Today's judgment comes one week after the Constitutional Court's unanimous decision in *South African Hunters and Game Conservation Association v Speaker of the National Assembly and Others*, in which the EMS Foundation and the NSPCA successfully opposed a challenge to the animal well-being provisions introduced into the National Environmental Management: Biodiversity Act.

Those protections remain in place. The Constitutional Court recognised the connection between animal sentience, suffering, biodiversity and the constitutional protection of the environment. The statutory definition of well-being encompasses animals' physical, physiological and mental health and quality of life, including their ability to cope with their environment.

The EMS Foundation maintains that recognition of animal well-being must produce demonstrable changes in how animals are treated. Its value must be evident in permitting, institutional accountability and decisions affecting individual animals' lives.

A different future remains possible

Elephants are highly intelligent, socially complex and sentient beings. Their opportunities for movement, choice and social interaction are fundamental considerations in assessing their well-being. These interests must carry meaningful weight when authorities evaluate whether continued captivity is appropriate.

The dismissal of this application does not require the City of Johannesburg or Johannesburg City Parks and Zoo to retain these elephants indefinitely. It remains open to them to reconsider their position and engage constructively with a suitable alternative.

The EMS Foundation calls for a transparent process to assess a properly resourced relocation proposal, informed by independent expertise and centred on the needs of each elephant. Any transition must address their health, safety, social relationships and lifelong care.

“The outcome is deeply disappointing, but our responsibility to these elephants remains,” said Michele Pickover, Executive Director of the EMS Foundation. “Public institutions must be willing to reconsider established practices when animals’ well-being is at stake. Lammie, Mopane and Ramadiba deserve a serious, evidence-based assessment of the possibility of a better life.”

The Foundation will consider the judgment with its legal team, including the implications of the Constitutional Court’s recent decision, before determining its next steps.

We thank our fellow applicants, legal representatives, experts and supporters for their commitment.

The EMS Foundation remains committed to securing a better future for Lammie, Mopane and Ramadiba, and to systemic change that gives practical effect to the intrinsic value, sentience and well-being of wild animals.

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ENDS



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