



Animal Law Project

COLLOQUIUM

**Transforming Animal Protection
Legislation in South Africa**
A Constitutional Imperative



5th and 6th May 2025 @ 9h00 – 17h30

Hybrid Event: University of Johannesburg South Africa & Online

CONCEPT NOTE

High-Level Background

In 2016, the Constitutional Court, the highest court in South Africa, found animal welfare to be a deep principle of the South African Constitution and connected it to the human right to have the environment protected. The [Court](#) explicitly recognised the sentience of animals and stated that the rationale behind protecting “*animal welfare has shifted from merely safeguarding the moral status of humans to placing intrinsic value on animals as individuals*”. The Court further stated that, “*our courts now afford increasingly robust protection to animal welfare*”.

These sentiments have been echoed in several other court rulings since then, where our judiciary has reiterated the importance of considering animal interests in the context of the Constitution and Bill of Rights, further grounding the interconnection between human, animal and environmental protection. In addition to the environmental right, the right to freedom of [expression](#) and access to [information](#) have also been linked to protecting animals as sentient beings. Courts have even set aside executive decisions as [unlawful and constitutionally invalid](#) for their failure to consider animal welfare, emphasising government’s (and society’s) responsibilities towards animals.



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These important judicial pronouncements provide an impetus for considering the many possibilities for reforming the law relating to animals in South Africa. Yet nearly 10 years on from the Constitutional Court's ruling, there have been very few concrete developments in South African law that reflect the new constitutional ethos, values and obligations.

New Proposed Animal Welfare Bill & SEIAS Study

The South African Government, through the Department of Agriculture, Land Reform and Rural Development (DALRRD) is currently overhauling the current regulatory regime for animals through the drafting of a new "Animal Welfare Bill". A Working Group has been formed to draft the Bill which will bring together in a single statute, relevant animal welfare and protection laws. This new legislation offers the opportunity to entrench the revised approach envisaged by the Constitutional Court and other courts, in statute, to address problems in the current regime and develop a holistic and progressive regulatory framework that recognises the intrinsic value of human and nonhuman animals alike.

Unfortunately, the impetus for the creation of the bill by the government was traversed in a recent [Socio-Economic Impact Assessment System](#) Study (SEIAS - 2018). A reading of this Study indicates that the national strategic benefits expected to be derived from the modernised animal welfare legislation in the country include: (i) better animal productivity and health; (ii) better food safety and security; (iii) better ability to access international markets for animals and animal products, which are desired outcomes of the National Development Plan (NDP) and Agricultural Policy Action Plan (APAP).

Animal welfare is thus recognised in the 2018 SEIAS only insofar as it advances human economic interests, human health and economic development. While human interests are of course important, seeing animals in purely instrumental terms is inconsistent with the abovementioned jurisprudence, the moral status of animals and our obligations towards them.

Current Animal Regulatory Regime

At present, the regulatory regime governing animals in South Africa is outdated, deficient and problematic in various respects. The South African animal 'welfare' legislative framework consists of a fragmented body of statutes which are decades old, and enacted prior to the new constitutional regime. These are supplemented by softer

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guidelines which are only to be complied with voluntarily and are unenforceable. The failings of this inadequate legal framework are further exacerbated by very weak enforcement capacity.

The main act dealing with animal cruelty is the Animals Protection Act 71 of 1962. The Act creates a series of prohibitions and very limited penalties for violating them. It is flawed in various respects which include but are not limited to the following:

- It is centred around prohibiting a list of offences that seek to prevent ‘unnecessary’ suffering for animals – yet, there is no clear approach to what might constitute ‘necessary’ suffering;
- The definition of the ‘animal’ potentially excludes many animals who are sentient and feel pain;
- It creates a confusing mixture of bodies responsible for enforcement in terms of the Act without grappling with the complexities of constructing adequate bodies for enforcing such legislation for those who cannot express themselves in a human language;
- It articulates a criminal law framework only for addressing cruelty without creating more proactive and positive mechanisms for preventing cruelty and creating civil actions for harms caused to animals;
- It fails to recognise the intrinsic value of animals or their sentience; and
- It provides very minimal penalties for crimes that are committed.

Additional issues arise from who in the government is responsible for the legislation, overlapping mandates, enforcement of the law, and various other factors.

Animal Law Project: Introduction & Impetus

With the hope of developing a progressive Animal Welfare Bill, which is aligned with the new constitutional dispensation, SAIFAC (a centre of the University of Johannesburg), Animal Law Reform South Africa (ALRSA), and Humane World for Animals (formerly HSI-Africa), formed the Animal Law Project (ALP). Since its formation a few years ago, the ALP has undertaken extensive consultations with the animal protection sector, and other stakeholders including government, industry bodies, veterinarians, conservation organisations, academics and otherwise.

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The result of such consultations, “*[A Manifesto For Transforming Animal Protection In South Africa: A Constitutional Imperative](#)*” was published in July 2024. Since then, additional consultations and engagements have occurred, with dozens of [organisations](#) and hundreds of [individuals](#) having added their voice in support. The ALP has been working on more additional documents to give practical application to some of the proposals.

Colloquium: Transforming Animal Protection Legislation

In order to create a further platform for engagement, discussion and input ahead of the upcoming publication of the Draft Animal Welfare Bill, the ALP founding organisations are now co-hosting a, exciting and first-of-its-kind event. The colloquium will be held on **5 and 6 May 2025** at the University of Johannesburg (in-person) and online.

This two-day intensive multi-stakeholder colloquium aims to explore and address the following questions:

- What are the shortcomings of and inadequacies in the existing Animals Protection Act and animal-related governance from an animal protection perspective, and what elements should be retained in a modernised legal framework?
- What does the constitutional ethos of a democratic South Africa require of revised animal protection legislation? How can constitutional values (such as dignity, equality and freedom) and the transformative nature of South Africa’s Constitution be further fulfilled through the new animal welfare legislation?
- What does an approach rooted in African ethics and societal values, such as *ubuntu*, require of revised animal protection legislation?
- How can a new animal regulatory regime ensure constitutional alignment and understand the issue of animal welfare and protection in a Constitutional context (including but not limited to the right to have the environment protected for current and future generations and the rights to dignity and freedom from violence)?
- What is international best practice currently in developing new animal protection legislation and how can South Africa achieve at least welfare equivalency with international trade partners in light of key international developments and keep

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up to date with international best practice and ensure compliance with international commitments and policy, both now and in the future?

- How can the Constitutional Court's recognition of the scientific concept of animal sentience and other scientific and technological advancements be incorporated into the legal framework?
- How can human and animal Interests best be considered and balanced in a new framework?
- What are current challenges with enforcement and which mechanisms are needed for the practical administration of the welfare of all animals in South Africa, against the context of challenges such as institutional capacity and resources? What is and should be the respective roles of animal protection organisations, state enforcement and statutory bodies? What new innovative arrangements could be created?
- What are specific comments, critiques and support for the recommendations of the Animal Law Project's Manifesto released in July 2024?
- What concrete and practical proposals can be suggested to create a progressive animal protection legal framework for South Africa?

The Colloquium will bring together the animal protection community but also seek to engage other key stakeholders on the importance of adequately protecting animal interests in South Africa and the challenges associated with this. In pursuit of this, the Colloquium will connect and feature experts in the realms of government, academia, law, the courts, civil society, conservation, science and other disciplines. It will explore the local South African context and highlight critical developments which have occurred locally and internationally relating to humans, nonhuman animals and the environment.

The event will aim both to highlight ideas but also achieve as much consensus as possible on aspects to inform a “**Transformative Vision for Animal Law in South Africa**”, including through a Conference Report with key takeaways, that will hopefully feed into the law reform process, providing concrete proposals for enhancing animal protection in South Africa.

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Draft Program

[Note: To be finalised shortly. Exact times may differ. Speakers to be included in final version]

Time	Session Details
DAY 1: 5 May 2025 - Keynote, Panel Sessions & Workshop	
<i>08:00-09:00</i>	<i>Registration and Arrival of Delegates with Tea and Coffee</i>
09am – 09:30am	Welcome Address by Chairperson and Introduction to Keynote
09:30am – 10am	Keynote Address by Justice Kollapen of the Constitutional Court of South Africa
<i>10am – 10:15</i>	<i>Morning Tea Break with Poll for Attendees</i>
10:15am – 12pm	Panel 1: Laying the Contextual Foundations: Constitutional Groundings, Realities, Ubuntu, Science and Animals
<i>12am – 1pm</i>	<i>Lunch</i>
1pm – 2:30pm	Panel 2: Lived Realities: A Critical Look at the Animal Law Regime in South Africa
<i>2:30pm – 2:40pm</i>	<i>Afternoon Tea Break 1</i>
2:40pm – 4:10pm	Roundtable 3: Practical Matters: Key Role players and Enforcement, Powers, Government Mandates (Legislative, Executive, Judiciary) and the role of NPOs
<i>4:10pm – 4:20pm</i>	<i>Afternoon Tea Break 2</i>

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Time	Session Details
4:20pm - 5:30pm	Workshop Session 1: Initial Reflections from Attendees
5:30pm	Close
*Day 1: 5 May 2025: Potential Optional - Evening Event TBC [<i>Separate Venue</i>]	
7:00pm - 9:00pm	Selected Documentary Screenings & Commentary
DAY 2: 6 May 2025 - Panel Sessions & Workshop	
08:30am - 9am	<i>Delegates arrive</i>
9am - 09:10am	Brief Welcome by Chairperson
9:10am - 10:40am	Panel 4: Global Animal Law: Progressive Developments and Advancements
10:40am - 10:50am	<i>Morning Tea Break</i>
10:50am - 12:20pm	Panel 5: Intersections of Humans, Animals & Environment: Personal and Institutionalised Violence and Cruelty and Manifestations in SA Society
12:20pm - 1:20pm	<i>Lunch</i>
1:20pm - 2pm	ALP Presentation: Observations, Manifesto & Looking Ahead

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Time	Session Details
2pm - 3:15pm	Workshop Session 2
<i>3:15pm - 3:30pm</i>	<i>Afternoon Tea Break</i>
3:30pm - 4:45pm	Workshop Session 3
4:45pm - 5:15pm	Way Forward: Vision and Next Steps
5:15pm - 5:30pm	Close by Facilitator
<i>5:30pm</i>	<i>Close</i>

Further information will follow shortly. Please also check out our [Facebook Event Page](#) and the [Animal Law Project Website](#).

If you wish to participate in the Conference, or have specific questions, please email: contact@animallawproject.org.za