[Insert Your Organisation’s Letterhead if Applicable]

ANIMALS PROTECTION ACT, 1962

(Act No. 71 of 1962)

REGULATIONS FOR THE EXPORTATION OF LIVE ANIMALS BY SEA

**Written Comments on proposed Regulations**

Attention: Director-General

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This submission is in terms of the invitation for the public to comment on the Regulations for the Export of Live Animals by Sea to be published under the Animals Protection Act, 1962 (Act No. 71 of 1962)

[Name]

[Designation]

[Organisation]

[Contact information]

**SUGGESTED WORDING IF YOU DO NOT WISH TO SUBMIT DETAILED COMMENTS**

**AND SIMPLY WISH TO CALL FOR A BAN**

You may pick some of the comments from pages 3 – 11 and list them, then use any combination of the below as closing comments calling for an outright ban (you may also use an AI tool to come up with your own closing comments).

Option 1:

“*I have reviewed the draft regulations issued by the Minister of Agriculture on 11 July 2025. Live animal export by sea causes unavoidable suffering—heat stress, overcrowding, injury, and prolonged deprivation of food, water, and rest. Conditions on ships cannot replicate welfare standards required on land. Mechanical failures, rough seas, and delays are inevitable risks that regulations cannot prevent. Animals endure weeks in confined spaces, exposed to extreme temperatures and ammonia buildup from waste, leading to illness and death. These harms are inherent to the process, not the result of poor compliance. Therefore, attempting to regulate live export only legitimizes cruelty; the only way to protect animal welfare is through a complete ban. I therefore strongly oppose the draft regulations and* ***call on the Minister of Agriculture to ban live animal exports by sea*.**”

Option 2:

“I reviewed the 11 July 2025 draft regulations. Live animal export by sea causes unavoidable suffering—heat stress, overcrowding, injury, and deprivation. Ship conditions cannot meet land-based welfare standards, and risks like rough seas, delays, and waste buildup are inherent, causing illness and death. Regulation only legitimizes cruelty. I strongly oppose these regulations and **urge the Minister to ban live animal exports by sea entirely**.”

Option 3:

“I have reviewed the 11 July 2025 draft regulations and am deeply concerned. Live animal export by sea inflicts inevitable suffering—heat stress, extreme overcrowding, injuries, and prolonged deprivation of basic needs. Ships can never provide the welfare standards animals require, and unavoidable risks—rough seas, delays, and toxic waste buildup—lead to severe illness and death. No amount of regulation can make this practice humane. I strongly oppose these regulations and **urge the Minister to end live animal exports by sea completely.**”

1. **WHY WE SHOULD NOT ENGAGE IN LIVE EXPORT**

**Legal framework**

* Animals Protection Act stated that any person who …
  + (2)(1)(m) conveys, carries, confines, secures, restrains or tethers any animal
  + (i) under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering; or
  + (ii) in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes; or
  + (iii) without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary;
  + Is guilty of an offence in terms of section 2(1) of the APA.
* The greater part of the live export trade takes place out of South African jurisdiction (as soon as vessel enters international waters), therefore the APA and the protections afforded to the animals under these Regulations would only apply within South Africa.
* There are no proper enforcement mechanisms to address instances of non-compliance.
* There are no binding international laws governing the welfare of animals in long-distance transport by sea and no international enforcement or sanction for non-compliance.
* By introducing these Regulations and normalising this practice, DALRRD, the department responsible for animal welfare, is introducing new harms.
* It is an irrational decision to introduce new harms by promoting live export and the minister responsible for the administration of the Animals Protection Act. Is acting outside his mandate and against the scientific consensus of harms in his decision to support live export.

**Low Animal Welfare Standards of Importing Countries**

* WAPI - South Africa scores an E.
* Many of the Middle Eastern Countries score an F or a G.
* Look at previous expose’s e.g. Egypt market and Indonesian slaughterhouse workers kicking and beating cattle, breaking their tails, throats of fully conscious cattle were cut.

**Live Export Disasters at Sea**

There is a long history of disasters at Sea, with ships sinking or partially sinking, resulting in most of the livestock being trampled or drowning.

* 1996, MV Uniceb caught fire and sank in Indian Ocean, killing 67,000 sheep (Ship was abandoned by crew)
* 1999, Temberong generator failed on a trip from Australia to Indonesia - 829 Cattle suffocated.
* 2003, Saudi Arabia rejected a shipment due to scabby mouth infection. The ship was stranded at sea for 8 weeks – 6,000 (9.82%) sheep died at Sea and surviving sheep were sent to Eritrea
* 2009, MV Danny FII (A converted car carrier) sank – 10,224 sheep and 17,932 cattle drowned
* 2015, the Haidar overturned while docked – 4,400 (88%) of the 5,000 cattle onboard drowned
* 2019, Queen Hind – Only 254 (1.8%) of 14,500 sheep survived. Later inspections revealed secret compartments containing dead animals.
* 2020, Gulf Livestock 1sank during a Typhoon – 5,800 cattle drowned. This disaster led to New Zealand suspending live cattle export applications and raised concerns about the safety of the Live Export Trade.

**Disease outbreaks**

* The thorough inspection of that many animals before loading is difficult to achieve.
* The Food and Agriculture Organization of the United Nations (FAO) describes live animal transport as “ideally suited for spreading disease”(FAO, 2022)
* World Health Organisation epidemiologist, Professor May-Louise McLaws has warned of the danger of live animal exports, saying the trade poses the risk of a “ghastly” disease outbreak.
* Examples for Live Export diseases include pustular dermatitis, Enteric Infections, Respiratory diseases
* Diseases could quickly jump from livestock to humans

**Economy and Food Security**

* Food security in the Middle East is not an issue as chilled or frozen meat is currently shipped there.
* Muslim Judicial Council Halaal Trust, Shaykh Achmat Sedick said “*our concern is for the welfare of the animals*”. From an Islamic perspective, the condition of the animals should be ‘tayyib’, which means that when the animals are transported, it must be done with utmost care in order not to harm the animal in any way physically or to cause the animal any unnecessary stress, which is not the case. *Therefore, it violates the requirements and standards needed for the animal to be considered ‘tayyib’, a requirement for halal certification*.
* Live Export is being pursued out of socio-economic interests and the Department and Ministry previously confirmed this does not constitute a sustainable form of economic development.
* There has been some evidence from the agricultural sector that live export introduces distortions in the local meat markets, for example when South Africa geared up for Live Export and then Al Mawashi stopped acquiring animals from South Africa.
* This also results in reduced local slaughter and packaging functions as the secondary processing is performed overseas.

**Environmental Concerns**

* Waste is dumped into sea as decks are washed.
* Dead animals are put through eviscerators and thrown into the sea.
* South Africa bears the water cost of raising cattle and sheep for foreign countries.

**Alternative Solutions exist**

* Humane alternatives are both possible and profitable
* Export chilled and packaged meat
* Export crops and feed

1. **KEY ISSUES TO CONSIDER WITH THE DRAFT REGULATIONS (The Regulations) - IF YOU WISH TO COMMENT ON THEM.**

* These can either be inserted into the table below or commented on generally.
* Delete that which you are not using.

General

* The Regulations have not recognised Animal Sentience, and in doing so have failed to take into account the Constitutional Court finding that animals are sentient and have intrinsic value.
* The Regulations fail to reference any recognised animal welfare science
* The Regulations have not substantially taken into account or recognised the 5 Freedoms (removed from the Draft Guidelines) or the OIE standards (World Organisation for Animal Health), the generally accepted approach to establish minimum welfare standards.
* Any use of the word “may” should potentially be amended to “must” to make the clause compelling.
* All travel within South Africa must subject to the APA and should be in line with SANS1488:2014 The Humane Transport of Livestock by Road
* DALRRD has no jurisdiction over any vessel once it has left South African waters and for these Regulations to have any effect, a system such as ESCAS (Exporter Supply Chain Assurance System) must be put in place and the transport of livestock be subject to these Regulations until after slaughter.
* There is a lack of enforcement mechanisms
* There is no budget for enforcement
* Mortality rates on vessels are high, and are used as an indicator of animal welfare - but in truth all animals suffer and suffer considerable and prolonged distress long before they succumb to death or without dying on the vessel – mortality statistics therefore do not indicate good welfare.
* No acceptable mortality thresholds have been specified (Australia has specified 1% Cattle and 2% Sheep).
* No mention of noise reduction which is a significant welfare harm.
* Motion of the ship will lead to travel sickness and increased stress and increase the likelihood of physical injury.
* No mention of the likely poor welfare standards at the destination countries or during slaughter. If slaughter were carried out in South Africa, our APA and relevant slaughter standards would apply.
* Our SANS1488:2014 Transport of Livestock by Road limits the maximum time for livestock in transit by road to 18 hours due to the welfare of the animals. **Why should this be changed for Transport by sea when the conditions are worse?**
* Lack of independent oversight.

PART 1

1. DEFINITIONS
   1. “Animal” must be defined
   2. “Animal handler”, means a person who looks after animals – no mention of competent, trained or experienced and no reference to any training standard or qualification.
   3. “Humane” must be defined
   4. “Sentience” must be acknowledged (as recognised by the Constitutional Court), defined and written into Regulations
   5. “Stunning” must be defined
   6. “Temperature-Humidity Index” must be defined
   7. “Welfare” must be defined
   8. “Wet-bulb temperature” must be defined
   9. Other definitions to be inserted or amended as required
2. Accountability for the assurance of animal welfare
3. ANIMAL WELFARE REQUIREMENTS FOR ALL ANIMALS

The removal of the 5 freedoms/ 5 domains model, the basic framework for animal welfare, from the Guidelines to the Draft Regulations represents a downgrade in the welfare framework.

The 5 Freedoms are:

1. Freedom from thirst, hunger and malnutrition (by providing ready access to fresh water and a diet to maintain full health and vigour)
2. Freedom from discomfort (by providing a suitable environment including shelter and a comfortable resting place.)
3. Freedom from pain, injury and disease (by prevention or rapid diagnosis and treatment)
4. Freedom to express normal behaviour (by providing sufficient space, proper facilities and company of the animal’s own kind.)
5. Freedom from fear and distress (by ensuring conditions that avoid mental/ emotional/ psychological suffering).

Routine harms are unavoidable in Live Export.

3.(1) Nutrition: Animals must have access to sufficient clean water and food.

\*Food and water provisions to be based on the number and species of animal. It is not clear how they will ensure that the younger or weaker animals gain access to food and water.

3.(2) – 3.(4) These provisions are not achievable under Live Export conditions, and it is misleading to include it without appropriate oversight and enforcement mechanisms

Psychological wellbeing is important and has been omitted from the Regulations

PART 2

1. REQUIREMENTS FOR FACILITIES
   1. Transport to holding facility/ harbour to be in terms of the APA and SANS 1488:2014 Humane transportation of livestock by road.
2. Vehicle used for the transport of animals
3. Vessel used for the transportation of animals

6. (2) Vessels must be purpose built/ designed (Al Messilah is a converted car carrier) to carry livestock

6. (2) Vessels must comply with international welfare certification schemes such as EU Reg. 1/2005 and ASEL Appendix 4.

6. (12) Lairages must be designed to allow for a physical environment as contemplated under S3. (2) and to allow for behaviour as contemplated under S3. (4)

6. (13) Lights to be adjusted at night to allow animals to rest for 6-8 hours

6. (14 & 15) The **parameters for cooling and ventilation** should be specified i.e.

* Temperature Humidity Index (THI) must be maintained below 78 for cattle; and
* THI below 80 for Sheep and Goats
* Wet bulb temperature (WBT) to be maintained below 28°C
* To avoid significant welfare harms, sheep should not be transported when there is 98% chance that the WBT would exceed 28°C on the deck of the ship at any point during the voyage.
* Ammonia levels maintained below 25ppm

6. (17)Thermometers, Hygrometers and Electronic Ammonia loggers must be spaced out at several representative locations, on each deck; and must be automatic, continuous and tamper-proof.

6. (19) No animals should be housed in close proximity to the engine room etc. due to noise levels which cause stress to the animals

6. (20) This gives insufficient clarity and no metrics or detail on how this is to be achieved

6. (21) Troughs to be checked daily and clean water and food given daily

6. (28) There is a lack of independent oversight. Insert clause for Independent Observer approved by the NSPCA/ Other Animal Welfare organisation, at the NSPCA/ other welfare organisation’s discretion.

1. Holding facilities for the animals before loading onto the vessel

7.(1)(a) This is too vague - Insert specific parameters for space for cattle, sheep and goats.

1. Loading and offloading passageways

PART 3

1. PRE-JOURNEY PLANNING AND OPERATIONS

9. (14) NB: No live Export to be permitted during the period mid-May to end of August (Northern Hemisphere summer) when entering or crossing the Tropics and/ or the Equator.

There should be no more than 2 ports of discharge for 2 weeks on either side of the period mid-May to end of August when temperatures remain high.

Similarly, no live Export should be permitted during the period December to Mid- March (Southern Hemisphere summer) when entering or crossing the Tropics and/ or the Equator.

1. Minimum requirements for equipment and medication inventory
2. Feed and water stocking

Specify the minimum feed and water provisions for the number of cattle, goats and sheep.

1. Selection of animals at feedlot of origin and during loading

Animals should be uniquely identified to trace them back to origin in case of any health or welfare issues

12. (4) Wool length of sheep must not exceed 25mm

Horn length must be specified: Sheep should be de-horned/ have horns no longer than 1-curl length and cattle horn length must be limited to 12cm (ASEL)

12. (9) Include species-specific indicators for fitness to travel

1. Loading and transportation between farm or feedlot of origin, holding facilities and the vessel.

PART 4

1. DAILY CARE AND MANAGEMENT OF ANIMALS ON BOARD

14. (1) It is impossible on shipments of tens of thousands of animals to conduct routine inspections.

14. (7) Specify how animals are to be euthanised, by stunning followed by captive bolt or medical euthanasia.

14.(8) Water provision for drinking to be increased by 25% when the temperature exceeds 35°C.

14. (11) Does not specify the frequency of cleaning or the amount of allowable excrement build-up. This does not deal adequately with the fact that animals become caked in faecal matter.

14. (14) No metrics have been stipulated as to the number of Animal Handlers to heads of cattle or sheep. The numbers of animals to handlers is often insufficient and the stocking densities often make it impossible for handlers to monitor or intervene.

14. (15) Stocking density and close confinement is a major issue and this has not been adequately addressed in the Regulations. Close confinement causes welfare harms and aggravates other harms such as heat stress, respiratory problems, anxiety, and thirst and starvation.

No parameters as to the number of animals of any species per m2 have been stipulated.

PART 5

1. VETERINARY AND ASSOCIATED PROCEDURES

Veterinary care of animals

1. Contingency planning for emergencies

PART 6

1. ACTIONS IN THE EVENT OF A REFUSAL TO ALLOW THE DISEMBARKATION OF ANIMALS AT THE FINAL DESTINATION

PART 7

RESPONSIBILITIES AND COMPETENCIES

1. Exporter
2. Competent Authority of South Africa
3. Functions of the Official Veterinarian
4. Master of the Ship
5. On-board veterinarians
6. Animal handlers

PART 9

1. DOCUMENTATION REQUIRED

(1) Post-journey records and reports must be made available to the NSPCA/ other animal welfare organisation that expresses interest

Records to include a post-journey review of the effectiveness of the Regulations, by the inclusion of the following mandatory reports:

* Actual route followed by ship including all stops
* Data from temperature, humidity and ammonia loggers
* Reconciliation of animals loaded at disembarkation and offloaded at destination (based on proper counts and records)
* Calculation of mortality (cannot just throw carcasses overboard)
* Reasons for mortality
* Records of any births on board the vessel
* Water quality monitoring records
* Report of medicines used along with reasons for administration to assess animal health during the voyage
* Report of any disease outbreaks on board the vessel
* Report of waste disposal during the voyage

Enforcement

A budget must be made available for Enforcement

There are insufficient mechanisms for enforcement

**Fines, Penalties and Sanction**

* There must be mechanism for fines for minor deviations from the submitted plans or minor failures
* Material deviations or failures should result in a temporary suspension of export permit until the failure is checked and certified by the Competent Authority of South Africa
* Ongoing material deviations or failures must result in the permanent sanction of the Exporter

**Commenting Template**

(can also do this as a letter and discuss general concepts)

| **Clause Ref** | **Type of comment** | **Comment** | **Suggested Wording** |
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