



MEDIA RELEASE

MEDIA RELEASE: SUMMARY OF THE CONSTITUTIONAL COURT JUDGMENT AND ITS IMPLICATIONS

PRETORIA – The South African Hunters and Game Conservation Association (SA Hunters) notes the Constitutional Court judgment of 9 October 2026 in *South African Hunters and Game Conservation Association v Speaker of the National Assembly and Others* (CCT 270/24). The Court dismissed the Association's application challenging the process followed to include animal wellbeing provisions in the National Environmental Management: Biodiversity Act (NEMBA)

Summary of the Constitutional Court Judgment

SA Hunters' main argument was that the definition of animal "wellbeing" in the National Environmental Management Laws Amendment Act 2 of 2022 had been altered and expanded by Parliament without further public participation. The earlier definition in the draft Bill focused on living conditions conducive to an animal's health. However, the final definition included physical, physiological, and mental health, quality of life, and an animal's ability to adapt to its environment.

The Court dismissed the case on the grounds of the delay in bringing the matter to the Constitutional court. Furthermore, the Court ruled that not every amendment to a bill necessarily requires a new public participation process, and that the nature and scope of the change must be assessed on a case-by-case basis. The Court found that the amendments were not substantive.

This dispute the fact that Parliament's legal representative indicated that public participation was insufficient, in their view. Legal representatives for both Parliament and the Department of Forestry, Fisheries and the Environment maintained that the changes were significant enough to overlook the application. The Court also noted that other court judgments have already referred to "wellbeing".

The Court pointed out that the provisions of the Act and the definition of "wellbeing" are not self-executing, and decisions made under this definition can still be challenged in terms of administrative law. Future disputes and litigation will likely focus on how wellbeing, and specifically animals' mental health of animals should be interpreted in practice.

Implications of the Court Judgment

In summary:

- The provisions regarding animal wellbeing remain in force.
- The Court did not make a final ruling on whether the expanded definition is scientifically and practically applicable to all aspects of free-roaming wildlife management.
- The provisions and the administrative decisions arising from the application of the definition can still be challenged in future regulatory processes and legal proceedings.



The practical implications of dismissing SA Hunters' case extend far beyond hunting. Wildlife managers and regulators may have to consider the mental health, quality of life, and adaptability of individual animals when making decisions about wildlife management, population control, translocation, veterinary interventions, and sustainable utilisation through hunting and fishing. Future hunting regulations, hunting quotas, and hunting practices may be evaluated against the definition of "wellbeing". Similar considerations also affect tourism, fisheries, agricultural management practices, and communities that rely on natural resources for food and livelihoods. Permit conditions for wildlife management and utilisation may increasingly incorporate animal wellbeing requirements.

Presently, there is no clarity on how the mental health of wild animals, ranging from fish to elephants, will be factored into conservation and the wildlife economy without measurable, practical benchmarks. Furthermore, there is no clarity regarding the distinction between "welfare" and "wellbeing", or where the responsibilities for "welfare" under the Department of Agriculture begin and end in relation to the "wellbeing" mandate of the Department of Forestry, Fisheries and the Environment.

Consequently, responsible managers and regulators may face uncertainty regarding what constitutes legal compliance. This creates a risk of administrative red tape, protracted legal disputes, and delays in critical conservation actions. Regulatory uncertainty could discourage investments in private and community conservation, where sustainable wildlife utilisation plays a vital role in protecting natural habitats, supporting rural economies, and funding conservation efforts.

Why SA Hunters Initiated the Case

For SA Hunters, this case was never about questioning the importance of animal welfare. The Association recognises its importance, and explicitly supports it in its policies. SA Hunters brought this case because the Association's responsibility to its members and nature includes promoting sensible, practically executable legislation.

SA Hunters sought to have the impractical definition of "wellbeing" reconsidered through proper public consultation and amended to effectively promote animal welfare while fostering sound environmental management.

What Happens Next?

The judgment makes constructive engagement on implementing these provisions more critical than ever. SA Hunters believes future regulations and guidelines on animal wellbeing should prioritise:

- Clear, measurable, and science-based criteria tailored to different species and ecological conditions.
- Recognition of conservation realities, including the need for active wildlife management and sustainable utilisation.
- Clear institutional responsibilities and effective cooperation between environmental and agricultural authorities.
- Meaningful stakeholder consultation to identify practical challenges before new requirements are introduced.

SA Hunters respects the Court's ruling and acknowledges the importance of bringing legal proceedings within a reasonable timeframe. However, the Constitutional Court's judgment is not a victory for animal rights and anti-hunting groups. The case focused on the legislative process and public participation, not a final determination of the scientific validity or the practical feasibility of the amended definition of "wellbeing".

The Court was clear: the provisions and the administrative decisions resulting from applying the definition can still be contested or raised in future regulatory processes and legal actions.

SA Hunters remains committed to constructive engagement and science-based conservation. Its responsibility is not merely to comply with the law, but also to contribute to legislation that effectively serves conservation. The Association will continue to advocate for its members, responsible wildlife management, and legislation that is clear, fair, and practically viable, thereby helping to protect South Africa's natural heritage.

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