**PORTFOLIO COMMITTEE ON AGRICULTURE, FORESTRY AND FISHERIES**

 **PUBLIC HEARINGS ON [B 8, 9 & 11 – 2015]**

**TUESDAY, 12 MAY 2015**

**VENUE: COMMITTEE ROOM V475, FOURTH FLOOR OLD ASSEMBLY WING**

1. Good morning …….
2. With one qualification, we support the submissions by SAIFAC, EMS and the NSPCA that stricter controls be put in place to monitor the welfare of all animals in the entertainment industry.
3. The qualification is that Ban Animal Trading submits that any committee tasked with granting PAPA permits, should have at least one member representing the rights of animals.
4. Ban Animal Trading is a registered Not For Profit Company that educates and creates awareness about the plight of animals and focuses on animal protection issues in South Africa.
5. This organisation is, as its name implies, an animal rights organisation and it is particularly opposed to the commercialisation of animals.
6. In this submission, Ban Animal Trading focuses on animals used for commercial gain in circuses.
7. These public hearings on the Performing Animals Protection Amendment Bill provides Ban Animal Trading with the opportunity to propose the morally, ethically and ultimately, the next legislative step that should be taken to protect animals against the abuse of exploitation for commercial entertainment in South Africa ~ which is an unqualified ban on the use of all animals in circuses.
8. The most contentious issue relating to the issuing of PAPA permits, must indeed be the exploitation of animals in the circus for entertainment.
9. But these animals are not the only animals used in the entertainment industry.
10. The aquarium, the zoo and live animals exhibitions are also classified as entertainment.
11. For the purposes of this submission, and as mentioned, precisely because animal exploitation for entertainment is the most contentious present issue, this submission focuses only on animals used in the circus for entertainment.
12. The plight of circus animals is a worldwide problem.
13. Internationally, the following developments have recently occurred regarding the use of circus animals:
* Several countries in Europe, including Austria, Belgium and the Netherlands now prohibit the use of wild animals in the circus.
* Two countries, namely Greece and Malta, have prohibited the use of all animals in circuses.
* In Australia, several councils or areas, including Perth, have banned the use of wild animals in the circus.
* In Canada, more than 28 municipalities have banned the use of wild animals in circuses.
* The same trend continues in Central and South America.
1. Ban Animal Trading believes that South Africa, a country with one of the most advanced constitutions in the world, must not only be part of the international trend in which the inherent dignity of animals is recognised and respected, but that we should lead the way.
2. “When President Nelson Mandela signed the 1991 Constitution into law at Sharpeville on 10 December 1996, he brought to a close a long and bitter struggle to establish democracy in South Africa.
3. It was a statement of the country’s determination to turn its back on a past marked by racism and the gross violation of human rights.”
4. Our constitution protects the dignity of every human, and includes the dignity and rights of sentenced prisoners who have violated the very norms of our society, sometimes in the most egregious manner.
5. The constitution is a remarkable document, because it fuses the apex of African and Western intellectual achievement with African wisdom.
6. Underlying the constitution is the concept of Ubuntu, which refers to the state of human oneness.
7. Human oneness includes the unity of humans, animals and the natural world, and this means recognising and respecting the rights and dignity of animals.
8. “Respecting an animal’s rights does not mean subordinating one’s own interests to those of the animals, any more than respecting human rights means letting people take advantage on one.
9. It does mean looking for ways of resolving conflicts of interests that consider animals’ interests, especially the interests essential to their nature.” (Rollin, B: Animal Rights and Human Morality, 2006:115).
10. Animals used in the entertainment industry, are denied all opportunities to express their natural behaviour.
11. As a result, captive animals in the entertainment industry become frustrated and suffer extreme stress and boredom and can lash out at humans at any time.
12. There are many examples worldwide of humans being injured and killed when this happens.
13. In South Africa, we are aware of the following recent incidents:
* In 2001, a handler was killed by a circus elephant on a film set in Broederstroom;
* In August 2014, a circus worker sustained severe bite wounds and lacerations to his neck and chest when he was attacked by a circus tiger, and
* In 2013, an alligator escaped from his/her circus enclosure in Port Elizabeth.
1. Animals in the circus spend most of the day in confinement, and they are only taken out of their cages or exercise pens (which are significantly smaller than minimum zoo standards for outdoor enclosures) when they have to train or perform.
2. Training methods are questionable, and training of circus animals in South Africa happens behind closed doors.
3. However, footage is available of training methods used by circuses internationally.
4. This shows the beating of animals, shackling them with iron chains and using electric prods and whips to instil in them conduct that is against their nature.
5. We have no reason to believe that the animals in South Africa are trained any differently.
6. We have heard claims from the animal circuses in this country that only positive reinforcement is used as a training method.
7. If this were true, we have to ask why whips are carried by trainers while the animals are performing.
8. The tools of the trade must surely be an indication of the nature of the training of circus animals.
9. Positive reinforcement implies that the animals are rewarded for doing unnatural tricks, and therefore we would expect bags of treats, rather than whips, in the arena.
10. Alas, that is not so.
11. We are aware that a charge of animal cruelty has been laid against one of the animal circuses in South Africa, after video footage was made public showing an elephant being beaten by a staff member of the circus.
12. A 2009 scientific review, published in the international Animal Welfare Journal, concludes that “the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life."

1. The circus plays no role whatsoever in conservation, and it has no educational purpose either.
2. The circus only teaches children that magnificent creatures can be reduced to pathetic beings jumping through hoops and sitting on bar stools.
3. The animals are lumped together in the experience world of children with clowns and humans who can do tricks.
4. The circus does not promote the oneness and unity of humans with nature.
5. Research shows that animals are conscious, emotional sentient beings ~ to the same degree as humans.
6. In fact, an international group of prominent scientists in 2012 signed [The Cambridge Declaration on Consciousness](http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf), which recognizes the sentient nature of all animals.

1. Entertainment is a luxury, and the use of sentient beings to amuse small children, cannot be ethically or morally justified.
2. While we agree that the welfare of animals currently in the entertainment industry is of utmost importance, the simplistic notion that we, as humans, act ethically when animals are not treated cruelly, is flawed.
3. Our obligations to animals go much further.
4. The notion that the prohibition of overtly cruel conduct is all that the legislature is obliged to achieve ‘describes our obligations to animals solely in terms of what is prohibited, but is silent on our positive obligations to them.’
5. Secondly, the notion assumes that animal abuse is a matter of intentional cruelty.
6. Intentional cruelty must unquestionably be criminalised.
7. Most importantly, well-meaning exploitation of animals in circuses must at all costs be avoided, and this can only be achieved by a blanket ban on the use of all animals for entertainment in circuses.
8. Ban Animal Trading proposes that, in keeping with international changes and for the reasons set out above, a total ban be placed on the use of all animals for entertainment in the circus.
9. In closing, I quote Dr. Elisa Aaltola, a Research Fellow in Moral Philosophy, who said: “Taking all these considerations – welfare, value, and understandings of animals – into account forces us to acknowledge that animal circuses lack moral justification. They infringe on the welfare of animals, they do not take into account basic moral considerations, and they present a misleading understanding of animals. Legislation ought to reflect these considerations, and animal circuses ought to be banned.”
10. Thank you.

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