

THE USE OF ANIMALS BY AFRICAN PEOPLE (BLACKS) : AN ETHICAL PERSPECTIVE

By

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DECLARATION

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature

Date

ABSTRACT

This ethical case study of public slaughter has indicated that there is an urgent need to address the issue of public slaughter, because it has resulted in animosity and polarisation between black and white people living in the Goldfields. Black people feel that their rights are violated, and they are not protected by the government because they encounter problems when practising their rituals. White people feel that the government is not protecting them from the health hazards caused by black people.

The ultimate aim of the study is to contribute to and amplify the existing body of knowledge with regard to the extent of the problem experienced by people in the Goldfields, its impact in their every day lives and to propose guidelines that will help when regulations governing environmental issues are drawn.

In order to accomplish these aims the following objectives should be realised by this study:

- South Africa is a multi-racial country so a uniting policy is needed.
- Each culture is unique and it has a special value, so no culture must be marginalised.
- The old policy needs to be revised and amendments made.
- Identify the actual causes of these problems. Are they racist driven or are they driven by genuine health concerns?

This ethical study also indicates that the following are central values that should inform decision-making:

- Health.
- Respect and tolerance.
- Communication.

- Participation.
- Transparency.
- Commitment.

Based on the findings from the research conducted it is clear that both clashing parties (black and white people) need to live in peace at the ultimate end although their description of peaceful life differs, so the following recommendations are made as to how to address and alleviate problems caused by public slaughter.

- A formal meeting must be convened to discuss this critical issue.
- Drafted proposals must be produced.
- The proposals must be debated.
- The proposal must be adopted.
- The existing bylaws must be changed.

ABSTRAK

In hierdie gevallestudie in etiek oor slagtery in die openbaar is bevind dat daar 'n dringende behoefte bestaan om die probleem van slagtery in die openbaar aan te spreek, veral omdat dit in die verlede reeds tot spanning en polarisasie tussen swart en wit groepe in die Goudveld aanleiding gegee het. Swartmense voel dat hulle regte aangetas word en dat hulle nie genoegsaam deur die owerheid beskerm word om hulle rituele uit te voer nie. Witmense voel weer dat die owerheid hulle nie beskerm teen gesondheidsgevaare wat geskep word deur swartmense nie.

Die uiteindelijke doel van hierdie ondersoek is om 'n bydrae te lewer tot die uitbouing van bestaande kennis oor die omvang van die probleem wat mense in die Goudveld ondervind met slagtery in die openbaar, wat die impak daarvan is op die alledaagse lewens van mense, en om voorstelle aan die hand te doen wat gebruik kan word wanneer regulasies opgestel word oor omgewingskwessies soos hierdie.

Om hierdie oogmerke te bereik sal die volgende punte in hierdie studie aandag ontvang:

- Suid-Afrika is 'n veelrassige land, so 'n beleid word benodig wat mense verenig.
- Elke kultuur is uniek en het 'n besondere waarde, dus geen kultuur mag gemarginaliseer word nie.
- Die bestaande beleid moet hersien en aangepas word.
- Die werklike oorsake van die probleme moet geïdentifiseer word. Is hulle rassisties van aard, of gebaseer op werklike gesondheidsoorweginge?

In hierdie etiese studie is ook vasgestel dat die volgende kern-waardes die proses van besluitneming behoort te beïnvloed:

- Gesondheid.
- Respek en verdraagsaamheid.
- Kommunikasie.

- Deelname.
- Deursigtigheid.
- Verbintenis ("commitment").

Vanuit die bevindinge van die navorsing is dit duidelik dat albei die botsende partye (swart- en witmense) uiteindelik in vrede met mekaar moet saamleef, alhoewel hulle omskrywings van 'n vreedsame lewe verskil van mekaar.

Gevolgtrek is die volgende aanbevelings gemaak om die probleem van slagtery in die openbaar aan te spreek:

- 'n Formele byeenkoms moet saamgeroep word om die kritiese probleem te bespreek.
- Skriftelike voorstelle moet vir so 'n byeenkoms opgestel word.
- Die voorstelle moet bespreek word.
- 'n Voorstel moet aanvaar word.
- Die bestaande regulasies moet verander word.

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My supervisor, Prof J Hattingh for his support and advice.

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The intention of this kind of investigation is not aimed at catching out people, institutions or authorities and apportioning blame or praise but it is aimed at educating people about different cultures and values and what can possibly be done in case of a value-conflict.

DEDICATION

This assignment is dedicated to my:

- late grandmother, Notest Annie Khewu.
- my grandfather, Bonakele John Khewu.
- my mother, Nombulelo.
- my sisters, Ncedisa and Zanele.
- my partner, Sylvester.
- my lovely daughter, Lerato.

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CHAPTER 1

INTRODUCTION

1.1 THE NATURE, THE SCOPE AND THE IMPORTANCE OF THE STUDY

Public slaughter has caused an outrage since black people started migrating from the areas which were historically reserved for blacks (townships) to towns. Public slaughter is defined as killing of an animal for food or religious reasons in a place that the act can be seen or known by everyone. This act was prohibited by the previous government's environmental laws and as a result it was deemed illegal. Accordingly anyone caught slaughtering an animal in his or her premises was arrested (Abattoir Hygiene Act 1991, Act 121 of 1992). After the government of National Unity came to power some amendments were made to the act, for example, people were permitted to slaughter in their premises but they had to inform the local council about the slaughter and the Environmental Health Officer is supposed to be present to monitor the whole procedure. The Environmental Health Officer is supposed to check that everything is done in order (waste and blood covered), to avoid environmental hazards like smoke, smell, flies and noise. Black people are not satisfied about these bylaws and regulations because they feel that their tradition is undermined because the constitution which was adopted on 8 May 1996 was made to recognise the injustices of the past and to remedy the situation by forming the Republic of South Africa founded on the values like:

- Human dignity, the achievement of equality and the environment of human rights and freedom; and
- Non-racialism and non-sexism.

Blacks also argue the fact that the South African constitution acknowledges that South Africa is a multi-racial country but seemingly the fact that South Africa is also a multi-cultural country was not given serious consideration when the above-

mentioned environmental laws were drafted. Thus there are still raging conflicts between black and white people living in South African towns and cities. These conflicts are marked by racial intolerance that can produce very negative results if not given immediate attention. The policy makers did not consider the fact that black and white people have different perceptions about how animals are supposed to be treated. To mention two examples in which black people differ from white people about how animals are supposed to be treated:

EXAMPLE 1

The use of animal skin : a number of white people are against the use of animal skin for beauty or as cultural symbols, they perceive that as immoral. Black people do not share the idea because it is part of their culture to use the hides as mats and robes for royalists.

EXAMPLE 2

Mutilation and extraction of blood from live animals. Black sangomas do not see the act as immoral because they say for some concoctions and remedies to be effective the blood or a limb must be extracted or removed when the animal is alive.

The police and the Environmental Health Officers are bombarded with calls from concerned white citizens and from black people who feel that their rights are violated by their white neighbours who complain when they slaughter in their yards. Some of the white callers ask for anonymity because they do not want to be branded as racists.

South Africa is a complex country and it is going through a very complicated process of social change and through a very painful and long-drawn out period of

conflict. The local government is essentially a political instruction which reflects the allocation of political rights and values in any society. In South Africa by the late 1970s the relationship between individual political rights and access to local government had been shaped into fair separate and differential structures serving different race groups. These structures were developed to correspond with the terms of the Group Areas Act, as it shaped the spatial development of South African cities into distinct racial zones (Policy options for a new South Africa 1991:166). The Government of National Unity has replaced this kind of government so it is imperative for the country to have laws that are justified for all the racial groups living in South Africa. Several Environmental Health Officers also feel that there is a need for a policy that accommodates every citizen because officers cannot always preach the spirit of tolerance although there are no laws regulating that.

Accordingly this study will provide information about why certain values are so important to blacks and why it is difficult to change them to suit a certain standard of living. The key to improved dominant-minority relations lie in changing the way people think rather than in passing legislation regarding the way people act (Sociology: First South African Edition 1998:199). This study will also provide information about the concern of the white people, why do they see public slaughter as immoral? The ultimate aim of the study is to contribute to and amplify the existing body of knowledge with regard to the extent of the problem experienced by South African citizens both black and white, its impact in their everyday lives and to propose ideas that will help when regulations governing environmental issues are drawn.

In order to accomplish these aims this research is guided by the following assumptions, norms and objectives:

- South Africa is a multi-racial country so a uniting policy is needed.
- Each culture is unique and it has a special value, so no culture must be

marginalised.

- The old policy needs to be revised and amendments made.
- The actual causes of tensions about public slaughter should be identified.
.Are they racist driven or are they driven by genuine health concerns?

It is crucial that the local governments must come up with bylaws that will accommodate all the South African citizens and for that to be effective a deep knowledge about different cultures is necessary, thus the topic of this study: "The use of animals by African people (blacks) An ethical perspective.". From this study people will learn why black people feel that the way they use animals is ethical, and why the smell and the smoke and the noise form part of this ethical practice.

1.2 BACKGROUND

Prolonged exposure to problems related to public slaughter has already produced very negative results as a result for a majority of South Africans the value of good neighbourliness and racial tolerance is totally destroyed. Cases of assault, defamation of character and racism are reported to the police each and every day. Mr Louw and Mr Madikizela (names have been changed to protect their involvement) both from Virginia (situated within the jurisdiction of the Goldfields TLC in the Free State Province) once had a heated argument over a beast which was to be slaughtered in Mr Madikizela's home. Mr Madikizela was informing his ancestors about his new home as it is customary for black people to inform their ancestors if they move to a new place. The argument was so serious that the police were involved and the local council received a report of a complaint. Mr Madikizela was prohibited to slaughter the beast before he was prepared to follow the required procedure. Mr Louw believed that it was immoral, unethical and illegal to slaughter a beast in a residential area. He quoted a right from Article 24 of the constitution under the Environmental clause "Everyone has a right to an environment that is not

harmful to the health and well-being of other citizens". He complained about:

- The blood (slaughtering done in public view).
- The smell (after the animal has been slaughtered).
- The flies (that will be attracted by the carcass hanged outside).
- The noise (that was made by the visitors and the animal).

He felt that the abattoir was a proper place for slaughtering, according to him Mr Madikizela did not know the code of conduct that is supposed to be respected and honoured by people living in suburbs. Mr Madikizela felt that Mr Louw was an intruder, he had nothing to do with what he was doing in his yard. According to him he had a "right of freedom of conscience, religion, thought, belief and opinion" (Article 15 : South African Constitution).

Mr Madikizela argued the following:

- (1) No one has a right to prescribe to him about how he was supposed to perform his ritual.
- (2) The ritual was a family affair so it was supposed to be a family secret, so he was not prepared to inform the local council.
- (3) His neighbour had nothing to do with the ritual, so he was not going to inform nor ask for his permission so the letter signed by a neighbour allowing him to slaughter in his yard, was unnecessary.
- (4) For his ritual to be successful the beast must be slaughtered inside his premises not in the abattoir and the shedding of blood inside the premises is the most significant part of the ritual.

- (5) The laws governing the Department of Environment are apartheid laws made to suit white people who used to live there alone.
- (6) Mr Louw was violating his right to privacy by preventing him to practise his customs whilst he never complained about the humus in Mr Louw's garden.

What added salt to the wound was the visit from the local Environmental Health Officer who told Mr Madikizela that he can only be permitted to perform the ritual if :

- (1) He informs his neighbour about the ceremony and gets approval.
- (2) He informs the Environmental Health Officer and get a special permission.
- (3) The Environmental Health Officer is supposed to be present and monitor the procedure.
- (4) After the slaughter the beast's dung and the blood must be put in a hole and covered.
- (5) No meat must be hanged or exposed to the sun.
- (6) People are supposed to be quiet at a particular time (no noise) and singing must be done inside the house.

Mr Madikizela was dissatisfied about the whole arrangement because:

- According to his custom the ritual is a family issue so strangers are not welcomed, that is the Environmental Health Officer.

- The rules pertaining to the covering of the blood and the beasts dung contravenes with his culture, while health regulations require that the blood and the beast dung are to be put in a hole, cultural requirements dictate that the blood is left to dry or cooked and the beast dung is sprinkled around the yard.
- Time restriction is a problem because during such a ritual people are supposed to sing and in most cases the singing is done outdoors.

Mr Louw also phoned the SPCA and complained about the way the animal was kept before slaughtering. A representative from the SPCA came and complained about the following issues:

- The beast was not supposed to be tied on both legs.
- The fodder was supposed to be provided for the beast while awaiting slaughter.
- Water was supposed to be provided too.

Mr Madikizela responded by telling the representative that if he was not prevented to slaughter the beast at the time it arrived, those things would not be necessary, because according to his plan the beast was supposed to be slaughtered as soon as it was delivered. Mr Madikizela eventually cancelled his ritual and the beast was returned to the farm where it was bought.

In a resident's meeting which was held a few days after the incident, Mr Madikizela raised his concern about the way black people were treated in the suburbs by mentioning his experience when he wanted to perform a ritual for his ancestors. The hall was divided into two groups, black residents on Mr Madikizela's side and white residents on Mr Louw's side.

The black people who were there said:

- (a) The fact that white people are usually the majority in suburbs and blacks the minority makes white people to remain dominators and blacks the dominated.
- (b) According to some customs only family members are invited and in some cases women are not allowed to participate in the ritual so what if the Environmental Health Officer is a woman?
- (c) White people are intolerant and their habits of dictation will die hard. Black people are prevented from practising their customs and white people are still conquerors and physical, cultural and spiritual humiliation of the Africans was total and seemingly endless. They feel that the white culture is always presented as a norm.
- (d) Black people are oppressed and robbed of their identity, property and rights. The dominator defines black culture according to his feelings, reducing it to a difference that is then labelled inferior.
- (e) Changes are introduced drastically and extensively. They believe a culture changes slowly and in parts, allowing its members time to absorb and adjust to changes and reconstitute its identity on a new basis. It is only when the changes are extensive, rapid and introduced by factors over which the community has no control that its members are unable to rely on their cultural resources.
- (f) Another black traditionalist mentioned that he was impressed about the way the issue of circumcision was handled in the Eastern Cape (Port Elizabeth).

He said black people were consulted and they gave their suggestions and recommendations and a consensus was reached and since then not a single case of death has been reported. The changes were not drastic and extensive, black people said. However, here in Virginia they were never consulted when the Goldfields Environmental Policy was drafted.

- (g) Black people believe that they are deeply shaped by their culture and find themselves too much morally and emotionally dependent on it to give it up or to radically revise it or even introduce to it the beliefs and practices of another, while other mainstream cultures are rarely options for them. Furthermore, they feel that this argument gives no reason to cherish cultural diversity to those who are perfectly happy with their culture and have no wish to add to the options provided by it.
- (h) The black people felt that white people have no respect for blacks because respect means respecting the other's right to his or her culture and for the content and character of that culture.
- (i) Blacks also mentioned that they are not happy about the fines that they are forced to pay because they do not honour the Abattoir Hygiene Act. They threatened that they are still going to defy all those laws till the day a policy that accommodates everyone is drafted (Goldfields TLC Agenda:26 January 1999).

The most critical question is, what can be done to solve this problem because it is not a national problem. In places where blacks are a larger group this problem is very rare, if it exists at all. This problem is rife in places that were historically white. Black people see this problem as perpetuated by racism, but white people say they are concerned about the welfare of the people and animals.

1.3 INITIAL STATEMENT OF THE ETHICAL PROBLEM

Black South Africans feel that their rights are violated and they are not protected by the government because they always encounter problems when practising their rituals. They are repeatedly accused of animal abuse. According to the South African Constitution, "Everyone has a right to freedom of conscience, religion, thought, belief and opinion" (The Constitution of the Republic of South Africa 1996:8). Black people feel that this right is violated.

White South Africans feel that the government is not protecting them from these barbaric acts because the constitution says, "Everyone has a right to the environment that is not harmful to his/her health or well-being" (The Constitution of the Republic of South Africa 1996:11). White people feel that they are exposed to environmental hazards because of black people practising certain cultural rituals.

Unless a solution is found, South Africa will continue to experience these problems. The amendments made to the old policy about public slaughter are not acceptable to black people because the Environmental Health Officers that come and monitor health when blacks are performing their rituals are seen as intruders.

The research questions that emanate from the research problem are:

- What is the main cause of these conflicts: prejudice, discrimination or ignorance?
- Why do black people perform the rituals the way they do?
- How important are these rituals to them?
- What do black and white people understand under animal abuse and animal rights?
- What is their definition of animal abuse?

- Now that there is a problem about the Environmental laws governing slaughtering, what can possibly be done by the Goldfields Local Council to remedy the problem?

1.4 METHODOLOGY

In order to answer these questions, the methodology of a case study in environmental ethics will be followed. The methodology of a case study in environmental ethics should be seen against the background of the general aims and phases of such a study. These aims and phases include the following:

- Identifying, analysing and evaluating the relevant values, principles and arguments that should be taken seriously in making a decision about the proposal. During this phase of the case study the interest of the various stakeholders are also considered, as well as alternative course of action, if relevant. Furthermore attention is given to identifying gaps in the picture that are to be considered.
- Weighing the different values, principles and arguments so as to determine an ethical level of what should take precedence or how a compromise can be found if they clash.
- Identifying and elaborating a course of action (or courses of action) that can be shown to be the best implementation of the value position reached in the process of weighing.
- Identifying outstanding issues (if any) for further investigation that have not been resolved by the case study.

Within the general case study approach, certain empirical fieldwork was also done

to solicit the views of various interested and affected parties on the issue of the use of animals and the issue of public slaughter in particular. Participants in the study consist of black and white citizens of Virginia and Welkom area the Free State Province. Respondents were drawn from the group of witchdoctors, religious leaders from different religious sectors, Environmental Health Officers, Society for the Prevention of Cruelty to Animals, students and ordinary citizens. In total forty five people participated in this part of this research.

As a starting point to identify the value positions of different affected parties that are involved in the controversy about public slaughter, the following methods were used:

1.4.1 INTERVIEWS.

One black person and one white person with first hand experience about the issue of public slaughter were interviewed. Three witchdoctors, four Environmental Health Officers, one representative from the SPCA, six students and three religious leaders were also interviewed. The interviews were used as a clarity seeking operation in order to achieve a level of common understanding with the informants. The feelings, thoughts and intentions of the interviewees were probed, their recollection of past experiences, as well as the meaning that they attach to things that happen in the world. The data was recorded in four ways:

- Taking down full written notes during the interview.
- Making notes after the interview in cases of informal conversation format.
- Coding the responses on a prepared printed schedule.
- Audio taping.

Qualitative analysis approach was considered to be more appropriate because to some extent the quantitative approach ignores the informants perspectives. The interviews responses were analysed in this manner:

- Reflective thinking: the researcher read and re-read data notes and reflected on what was read and made comparisons based on logic and judgement. This method was done to juggle the data until a pattern, a set of factors or a detailed formula was formed to get a truly objective reality to be identified or multiple realities to be examined.
- Coding and writing of analytic memos: both are complex efforts by the researcher to read over data carefully and think about it seriously.
- Scrutinizing transcripts of interview recordings: this was done over a period of time in order to gain familiarity for categorising purposes.

1.4.2 QUESTIONNAIRES

Twenty open-ended questionnaires were distributed to different departments like the courts, schools, prisons and police stations. Ordinary citizens were also given questionnaires. Seventeen questionnaires were received back. The above-mentioned institutions were chosen because they are broad enough to describe a range of differences, experiences and influences, deep enough to provide rich description, because these departments have a large number of black and white workers and the cases are usually reported to them. Sampling the students was meant to investigate the view of the younger generation concerning living in a multicultural society. The main focus was to identify the similarities and the differences. The questionnaires were used to evaluate the extent and the credibility of the facts and opinions gathered by interviews. This enabled the researcher to

enter into other persons (black and white) perceptual sphere.

Content analysis was employed to analyse research data and it entailed identifying, coding (the process of dividing data into parts by a classification system) and categorising the primary pattern in the recorded data.

1.4.3 DOCUMENTATION

A wide spectrum of relevant documentation and literature with regards to the issue was consulted. These readings were used as a guide to frame the initial focus of the study. It also helped to frame data analysis. When the data was analysed and theories emerged the documents and literature were used for deeper understanding of the themes and clues to refine focus, questions and methods. The literature also helped to better understand the roles and the duties of the professionals forming part of this study.

1.4.4 OBSERVATION

The researcher also attended a ritual where the local councils' rules and regulations were followed to get a glimpse of how the ritual is supposed to be conducted.

1.4.5 GATHERING OF INFORMATION

Information derived from the black and white people was gathered and analysed in terms of clashing value principles and arguments. In the process various ethical dilemmas, conceptual quandaries and contradictory claims were captured. This led to a second more nuanced statement of the problem addressed in this research project. This is a critical step because it guides the process of weighing and the

identification of appropriate courses of action that follow. In this process of weighing, the central methodology is that of ethical deliberation, conceptual analysis, critical evaluation and creative thinking. The usual criteria of academic integrity namely cogent reasoning, coherence, consistency, clarity, depth, relevance, reasonable grounds, justification, consideration of alternatives and economy in formulation also apply here. Furthermore, the meaning of each value under discussion is given as it relates to the particular context, and those values are identified that are supposed to be given overriding priorities. In each case the reasons why those values are given precedence are also clarified.

Different ways of weighing have been used, relating to a distinction that was made between a narrower and a much wider process of weighing. In this regard, two kinds of framework were used:

Firstly, a narrower technical framework was used within which decisions require a reliable factual basis and a clear vision of the cost and benefits (or risks and benefits) related to that particular proposal.

Secondly, three approaches within a broader social and policy framework was used:

- (i) A strong transformational approach which seeks to transform existing socio-economic structure to create a desired outcome.
- (ii) A moderate reformist approach which focuses on the impact of public slaughter in residential areas; and
- (iii) A pragmatist approach, which looks at the concrete experiences of people confronted with a problematic situation, considering the ways and means, procedures and structures available to them to overcome the problem. It acknowledges the fact that every problematic situation is embedded in a broader context, which in its turn is located within a broader sphere.

The narrower approach line of argumentation gives direct relevance to those involved in the practical task of making concrete decisions about the regulations governing public slaughter, but when the different lines of argumentation are explored in a wider approach they yield insight into broader policy issues. The value of demonstrating these different possibilities of weighing will be found in the observation that different lines of argumentation can converge with one another in terms of the kinds of issues or practical proposals they highlight (Hattingh and Landman 2000:7).

1.5 CONCLUSION

As such, this study will hopefully make a contribution towards the imperative of finding a solution for the problem of cultural intolerance so that all South Africans can live in harmony. However, it falls outside the scope of this study to extend its findings to this level of generalisation. The aim here is rather to understand the intricate details and the complexity of the phenomenon of public slaughter as it has manifested itself within one town (Virginia) within one province of South Africa.

CHAPTER 2

ANALYSIS

2.1 INTRODUCTION

Various value positions have been identified in the debate about public slaughter in Virginia, and it is possible to link these value positions to various interests and obligations of the stakeholders. Analysing the value positions will help us to understand the value positions clearly. The stakeholders includes:

- Goldfields Transitional Local Council.
- Environmental Health Officer.
- Mr Madikizela.
- Mr Louw (the complainant).
- Conservative black people.
- Moderate black people.
- Conservative white people.
- Moderate white people.
- The Society for Prevention of Cruelty to Animals.
- The witchdoctors.

2.2 POSITIONS OF STAKEHOLDERS

The following sub-paragraphs will discuss the various stakeholders and their positions.

2.2.1 GOLDFIELDS TRANSITIONAL LOCAL COUNCIL

This council is responsible for enforcing the bylaws that govern the slaughter of animals and burial of unused portions on residential areas. The Abattoir Hygiene Act of 1991 (Act 121 of 1992) has certain amendments that were meant to accommodate black people living in towns in the sense that slaughter was permitted under certain conditions. These changes, however, are still unacceptable to black people because some clauses are contradicting with the way these rituals are supposed to be performed. Permission for the slaughter of animals are subject to the following conditions:

- The slaughtering for religious use is restricted to 3 sheep or goats only for an event or occasion.
- No killing or slaughtering of cattle or pigs is allowed on the premises except on an approved place like an abattoir, farm or outside the view of the community, and in case that cannot be effective, special permission must be received from the Local Council. An Environmental Health Officer must then be present as a monitor to see no laws are violated.
- Before slaughtering an animal, one must inform his or her neighbours and he must also bring to the attention of the Local Council a letter signed by the neighbour giving permission to perform the ritual.
- The driving or conveying of an animal to a place where it is to be rendered insensible prior to slaughter by any method, shall be done with a minimum of discomfort and injury to, or excitement of such an animal.

- No person shall use any instrument for slaughter or stunning of an animal unless his ability and physical condition at the time qualify him to use it without inflicting unnecessary pain on the animal in such a manner or in such circumstances or in such need or repair as to give rise to the risk of causing unnecessary suffering.
- Such person shall thoroughly wash his hands with soap and running water, without drying them.
- Slaughtering should not be done in public view.
- A minimal noise will be allowed during slaughter.
- Stomach manure of animal should be buried deep in the ground and covered with soil and a thin layer of chlorine or lime to avoid smell and fly breeding.
- Smoke emission should be at a minimum as the area is declared a smoke free zone, with preference given to wood above coal in making fire.
- During a night vigil, noise should be controlled and the night vigil conducted indoors.
- Setting of tables to any adjacent open space is strictly prohibited. All proceedings must be conducted within the premises.

Both black and white people are looking to the council to solve their problem and black people feel that the policy is unfair to them. Blacks are calling for a new policy that acknowledges cultural diversity. The value that the council is striving for is Public Health, but black people feel that even if this value is important, it is unfair

on their side because they do believe that if their rituals are performed in a proper way they do not pose a health risk.

2.2.2 ENVIRONMENTAL HEALTH OFFICER

The Environmental Health Officer has a duty to see that the environmental bylaws are respected by all citizens. He/she is caught between the environmental policy and the black people who see him as an intruder. If the applicant (the performer) does not comply with the rules, he can lodge a complaint and the applicant can be fined. A majority of the black people interviewed do not welcome the presence of an Environmental Health Officer when they are performing their rituals because:

- Family rituals are a private affair only invited people are welcomed.
- In some cases women are not allowed to participate in some rituals and they are also not supposed to enter or walk in some areas reserved for ritual purposes. What if the Environmental Health Officer is a woman?
- Some bylaws in the policy contravenes the way in which the ritual is supposed to be done. The Environmental Health Officer also experience resistance which sometimes results to verbal abuse and assault when she/he is trying to enforce these rules. Several Environmental Health Officers feel there is a need for a policy that accommodates every citizen because environmental officers cannot always preach the spirit of tolerance although there is no whip regulating. They feel that a fair policy that is accepted by both black and white people is necessary, and that this will strengthen their hand in the enforcement of health regulations.

The values that emerge from the argument above are:

- Respect for the law: the Environmental Health Officer has a duty to reinforce existing bylaws.
- Respect for privacy: black people feel that things that are confidential must be respected. The presence of the Environmental Health Officer's is unacceptable.
- Safety: the safety of the Environmental Health Officers is at stake because of the verbal and physical attacks they get from black people.
- Justice, fairness and accountability: the Environmental Health Officer's feel that correcting the wrongs of the past will make it easy for them to enforce the bylaws acceptable to everybody.

2.2.3 MR MADIKIZELA

He is the house owner who is not satisfied about the way he was treated when he wanted to slaughter a beast in his premises. He feels that the policy is biased and black people are marginalised. He believes:

- The Environmental Health Officer and his neighbour, Mr Louw have no right to say anything about his affairs, because he has a democratic right to practice his culture freely. He feels the bylaws are unjustified, to him justice would be to be permitted to practise his culture freely as he respects other people's culture and never complain about how they do their own things. He feels that if he can perform his ritual following the procedure of the Abattoir Hygiene Act his ritual can never been successful because it is sacred and

he must follow a certain procedure.

- Other things that are very important is that the beast must be stabbed by a spear in its neck so that it can make a sound (bellow). The bellowing of an beast is sacred because after the sound people have to say a chant "Camagu" meaning "The God's have accepted our prayers", so if it is slaughtered in an abattoir it would be impossible for the beast to bellow.
- The blood must be shed in the premises, so taking a beast to the abattoir would make this very impossible. In some cases the blood has to be poured over the body of the person making the sacrifice, so it is not supposed to be put in a hole.
- The stomach manure cannot also be put in a hole because for some rituals people have to smear themselves with the manure and they are not supposed to wash up until a certain time. In some cases the manure is supposed to be sprinkled around the yard. The manure is also used for heat because it is also put around the African cellar to make the beer to brew immediately.
- He believes that customs are supposed to be performed in a certain order that can never be compromised by the bylaws restraining him. He feels that the time frame and the number of people attending the ritual is not supposed to be decided by the Environmental Policy. Some rituals are shorter e.g. a ritual made for a newborn and some are longer, like when a new witchdoctor is ordained, this can take days of singing and slaughtering. He feels that the policy is prejudiced because it was adopted not in consultation with the black people so they thought or believed that blacks had to adapt to the new policy.

Mr Madikizela calls for equal treatment, respect for privacy, respect for the constitution and respect for culture.

- Equal treatment: He feels that black people must be treated equally, the local council must listen to their concerns and do something about the existing bylaws. White people's concerns must not be prioritised over black people's concerns.
- Respect for privacy: He believes that Mr Louw and the Environmental Health Officer are intruders and ritual slaughter is a private matter.
- Respect for the constitution: Mr Madikizela believes that everybody must respect the other persons constitutional rights.
- Respect for culture: He strongly believes that the ritual procedure must never be changed because it is not done to honour people but the ancestors.

2.2.4 MR LOUW

He is Mr Madikizela's neighbour who complained about the beast which was to be slaughtered in Mr Madikizela's yard. He feels that the act permitting public slaughter is inhuman and illegal and public health is threatened. During the interview he said his concern was not racist but he was genuinely concerned about public health. He mentioned things like:

- The noise. The singing of the people, the sounds made by animals and drunk people attending the ritual.

- The smell. The smell of rotting blood, exposed hides and the stomach manure. The smell of the African beer that always form part of the ritual.
- Flies. They are a result of the meat that is usually cooked or hanged outside, the uncovered blood and the stomach manure.
- Children exposed to violence like watching people chasing a running beast and stabbing it in full view of the children.
- Harm by animals fleeing from the attackers.
- Exposure to blood, which he believes is not a good sight.
- Diseases from unexamined animals.

He feels a responsible neighbour or citizen would never expose people to such a health hazards and he believes that the abattoir is the best place for the slaughter.

He calls for civility, respect for public health and respect for the constitution.

- Civility: He defines civility as changing primitive acts that are detrimental to the health of the public. He believes the rituals are primitive.
- Respect for public health: Any action that poses a health risk must not be permitted.
- Respect for the constitution: He feels that Mr Madikizela has a duty to respect his right to a healthy environment.

2.2.5 CONSERVATIVE BLACK PEOPLE

These were the people who were part of the residents meeting. These people felt that they will never compromise their customs, no changes will be made and white people must learn to accept black people as they are. They see white people as racists that are not prepared to change. The conservative black people feel that the policy about public slaughter is morally wrong and prejudiced because it has an element of discrimination, and decisions were taken in the absence of blacks, their rituals were believed to be wrong without asking blacks why they practice their customs and what value do the rituals have. They claim to be staunch Africans who will die for the restoration of the black culture. They believe in fairness, equality and justice. One man claimed that it is not only the issue of public slaughter that causes the problem, some white people, for example say:

- Black people stink and they always open windows when they are amongst black people.
- White people call black people heathens and then regard themselves as the chosen ones (Christians).
- They always complain when black people make noise (playing music) and the police are usually called to reprimand black people.

The values articulated from the above argument are:

- Respect for culture: Conservative black people believe that black people's culture must be conserved and no changes must be made.
- Adaptation and acceptance: White people must accept black people and adapt to the new living conditions.

- Fairness, equality and justice: They demand that the policy must be changed to suit all South Africans, black and white.
- Martyrdom: They are prepared to suffer because of their beliefs. They are not going to change the way the rituals are performed.
- Positive attitude and politeness: They believe that if white people can change their attitude towards black people and be polite there would be no problems.

2.2.6 MODERATE BLACK PEOPLE

These are the people who believe that some practices that are made when a ritual takes place are really a health hazard. One woman mentioned that she was concerned about the health of the people and she suggested that:

- An animal to be slaughtered must be examined for diseases.
- Hands and utensils must be thoroughly washed to avoid contamination.
- A forum must be established to address the racial differences with regards to cultural norms and values.

She believes that communication can be the best remedy because these problems are a result of ignorance and prejudice because people just decide that a certain act is wrong and it must be abolished. She also mentioned that her interest is to see South Africa as a country with racial tolerance and as South Africans they have a duty to see it happening.

Moderate black people believe that the following values can bring a solution to the problem of public slaughter. These values are:

- Flexibility: Both black and white South Africans must be able to change and adapt when there is a need to do so.
- Hygiene: When black people are performing their rituals they must keep things clean in order to remain healthy and prevent disease.
- Communication and racial tolerance: Black and white people must talk about their differences and similarities and they must find a solution. South Africans must also acknowledge the fact that people are different.

2.2.7 CONSERVATIVE WHITE PEOPLE

This group feel that blacks must never be allowed to slaughter animals in residential areas. From the questionnaires distributed their responses were:

- Slaughtering an animal in your yard is immoral and blacks must never be allowed to slaughter on their premises.
- They will be violating existing environmental health laws.
- The act contributes to unhygienic circumstances because of the smell and the flies.
- The slaughter causes distress to animals.
- Children are exposed to violence: stabbing an animal with a spear in full view of the children.
- Public slaughter is disgusting and indecent.
- Animals usually break away and people get hurt.
- Normal life is threatened, the public slaughter can result to so many abnormal situations like the cries mentioned above.

They claim to be concerned about animal welfare, safety of the children, safety of all citizens, respect for the existing laws and upholding sound moral standards.

Conservative white people believe that there can be normal life if the citizens can uphold these values:

- Animal welfare: Animals must be protected from abusive treatment.
- Safety of the children: Children must not be exposed to harm and violence.
- Safety of all citizens: All citizens have a right to live in a safe environment free from danger.
- Respect for existing laws: Everyone caught violating the existing laws must be punished.
- Upholding sound moral standards: Black and white people living in suburbs must have good morals and respect the laws that govern people living in suburbs.

2.2.8 MODERATE WHITE PEOPLE

In the meeting this group believed that ignorance is the root of all these problems and in the questionnaires and the interviews conducted their suggestions were:

- Respect, tolerate and learn more about other cultures.
- Communication: inform the neighbours about what the ritual entails and how long is it going to take place. They believe that one does not have to reveal everything about the ritual but the basics.

- They also believe that time will heal the wounds (as time goes on people will get used to the changes).

The believe that tolerance, respect and communication are the best solutions whenever differences that are perpetuated by cultural diversity arise.

To interpret the above-mentioned values according to the way that the moderate white people perceive them, these people believe:

- Tolerance is acknowledging that South Africa is a multiracial country with clashing different cultures, so people must learn to accept and tolerate each other.
- People must understand that all the people have a right to be who they are so everybody deserve respect.
- Communication: People must talk about their differences because ignorance is also the root of cultural intolerance.

2.2.9 THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

During the interview with the manager of the local office (Virginia SPCA), Mr Cavannaugh said they have nothing against who does what in his/her backyard, but they are only concerned about the safety of animals and it is their duty to prosecute all the people who are caught ill-treating animals. He said that his policy states that:

- There must be food and water where the animal is kept.
- There must be a space for movement even if the animal is tied.
- The animal must not be killed in an inhuman way.

He also mentioned that when he went to Mr Madikizela's house, the animal was tied down (all four legs) and it could not move and there was no food nor water for the animal.

Mr Cavannagh said as the SPCA they have a duty to uphold the value of animal welfare, that is to ensure that animals' health, happiness and comfort is not under threat.

2.2.10 THE WITCHDOCTORS (BLACK)

Witchdoctors were interviewed because they are believed to be trustees of black culture. Three witchdoctors felt that abiding with the present environmental laws would be wrong because of the following reasons:

- The blood must be shed inside the premises because in some cases the blood is mixed with some herbs and when communicating with the ancestors the bull must be present. The abattoir is totally not a proper place for this because the ancestors are not in the abattoir and mixing of blood with herbs must be done in private.
- Bones must be burnt inside the premises, so the bylaw that says the residential areas are a smoke free zone is really problematic.
- One witchdoctor argued that the Captive Bolt Pistol (used in the abattoir) does not kill the animal but makes it unconscious and it is slaughtered afterwards so there is no guarantee that the animal does not feel the pain. Accordingly, there is no difference between slaughter in an abattoir or at home using the traditional way of killing the animal (stabbing it with a spear). His question is: "Is the pain greater or lesser when the animal is

unconscious?" He also argued that when an animal is unconscious its soul is trapped so it struggles to die but stabbing it at the right place makes it to die quicker.

- They also believe that putting blood or the beast dung in a hole is like imprisoning the sacred spirits because both the blood and the stomach waste are symbols for a sacrifice conducted, so these things are not supposed to be hidden away. A hole to them symbolises entrapment, the example given is that if you want to stop a certain thing from happening (e.g. a successful businessman) you take whatever belongs to that person, follow a certain procedure (mixing some concoctions) and you put all those items in a hole, that person will never be progressive. So a hole to the witchdoctors represents destruction or imprisonment of spirits.
- Some internal organs are used for special purposes so they are not supposed to be seen or touched by strangers e.g. a gall bladder that is usually attached on a witchdoctors head when he or she is ordained.

They believe that the procedure in which black people's rituals are conducted must never be changed and white people must learn to live with black people's culture.

The values that emerge from the witchdoctors argument are:

- Respect for culture: Black people must respect and honour their culture and must refrain from adopting foreign cultures.
- Adaptation: White people must learn to live with black people and accept them.

From the analysis of the stakeholders' value positions various similar and differing values emerged. Although black and white people are at loggerheads in this case, they share some values but in most cases the interpretation differs. The moderate white people and the moderate black people are the only groups that share a common value, for example, the value of communication.

2.3 WHICH NORMS ARE STAKE?

2.3.1 WHICH MORAL PRINCIPLES ARE AT STAKE?

2.3.1.1 A right to a healthy environment

When some people feel that their health is at risk because of other people, they feel threatened or wronged. This situation can produce negative results like strained relationships between neighbours which are characterised by physical or verbal fights. White people are badly exposed to the smell, smoke and flies and this can also result to sicknesses that can also be fatal. The possibility of an animal fleeing can have very negative results.

Black people define a healthy environment as one that is free from illnesses and injury in the place you live in, this illnesses can be mental or physical. They believe that the presence of the ancestors is fundamental in their lives, there is no survival without them. Neglect to perform rituals can therefore result in punishment inflicted by the ancestors one can be very sick or be mentally disturbed. So a healthy environment to them means honouring the ancestors and performing the rituals the way they are supposed to be, or living in a place that has been blessed by ancestors.

To both parties a healthy environment then means two different things. Both these

stakeholders are calling for respect and tolerance, black people want to be allowed to practise their rituals freely and white people want to be protected from health hazards. However, the respect that black people are calling for is different from the respect the white people demands.

2.3.1.2 Freedom of conscience, religion and belief

Black people feel that white people are violating their right by hindering them to practice their culture and they are undermining their moral sense of what is right and what is wrong. White people say they have nothing against blacks practising their culture but their culture must not put their (whites) lives in danger and blacks must know that there are rules governing each and every residential area. Blacks feel that they owe no respect for the policy that has a history of discrimination and the bylaws that were adopted without the consultation with black people. The right of each individual group is limited by the rights and freedom of the other group for example, the right of the black people to practise their customs is limited by the right of the white people not to be exposed to danger. Their definition of the concept "conscience" (a person moral sense of right and wrong) differs. Rightness to black people is honouring ancestors wherever you are and not submitting to any rules that will make the ritual to be unsuccessful and wrongness is to be hindered to freely perform your ritual. To white people rightness is to respect the laws and regulations of the country and wrongness is to expose people to health hazards. Perceptions of right and wrong differ between these two groups.

2.3.1.3 Animal safety

If animals are used in an abusive way like being tied or starved, this may cause distress to an animal and it is morally unacceptable. Black people believe that slaughtering an animal in a traditional way (stabbing it in the neck) is not immoral

and the idea that it causes distress to a dying animal cannot be proven because even if a Captive Bolt Pistol is used (abattoir) it makes the animal unconscious and their argument is: "Does unconsciousness minimize the pain felt by an animal when it is slaughtered?". Can that be proven? The blacks believe that the spear and a Captive Bolt Pistol have the same effect because the animal feels the pain and it dies at the end. The argument is about decent and dignified and indecent and undignified ways of killing an animal. Safety is a condition of being safe, designed to prevent injury or damage. Black people are asking if there is anything called decent injury and damage. They believe injury is injury and damage is damage. By killing an animal one causes harm, injury or damage. If the animal ends up dead for human consumption or for ritual purposes the animal is injured or harmed whether it has been done decently or indecently; at the end it has caused death. One black man argued that if harming an animal is wrong, so slaughtering of animals for any purpose must be abolished; those who cry for animal safety must not eat meat.

2.3.1.4 Right to privacy

Privacy means belonging to a particular person or group, confidential, or where only particular people can see or hear. Black people complain that their right to privacy is violated when :

- The neighbours interfere with what they are doing in their backyards by telling them where to do those rituals.
- They have to inform the neighbours about their rituals and seek approval in a form of a letter.
- The Environmental Health Officer is supposed to be present and monitor the procedure.
- The slaughtering is done in an abattoir where strangers who are not

supposed to be part of the ritual see and touch things that they are not supposed to see or touch.

White people also feel that their private properties (houses) are affected by the rituals done by their neighbours like the smoke, the smell and the flies. They insist that if these rituals are private they must be practically private, no one must be affected negatively. Whites say that is why they feel the procedure by the municipality is justified: slaughtering in the abattoir, covering the blood and the stomach waste and doing the singing indoors. Whites feel that the procedures will minimise pollution. Black people argue that white people are calling for privacy that they do not practice; they mentioned the smoke caused by the coal for braais. Can they privatise the smoke? Is there a way of controlling the smoke not to move to different directions? Is there anything called total privacy?

2.3.1.5 Children's rights

One of the complaints by white people is that children are exposed to violence like watching a fleeing animal, standing a risk of being harmed, or watching an animal slaughtered. They argue that children have a right to worth and dignity. Children deserve to be treated in a good, calm and serious manner. To black people for children to grow up to be dignified and worthwhile people entails knowing, observing and relating to culture. Culture is supposed to be passed from one generation to the other and this informal education is done in a way of :

- observing
- active participation; and
- story telling.

So black children have a right to their culture and to see how these rituals are

conducted. The problem of white people is that not only black children witness the killings but their children too. Black people respond by saying if the white people can respect their right to privacy these occurrences would not happen; that is keeping what is private, private and teaching their children to respect other peoples private things.

2.3.2 WHAT IS THE MORAL DILEMMA? ARE THERE ANY CLASHING PRINCIPLES?

The dilemma that we deal with here in the issue of public slaughter, is public and animal safety versus culture.

White people are concerned about the way their black neighbours expose them and animals to abuses and health hazards like:

- air pollution - smoke and the smell;
- flies;
- children witnessing violence - they way animals are killed;
- harm by animals fleeing from attackers;
- exposure to uncovered blood;
- noise;
- diseases form unexamined animals;
- unfavourable ways in which animals are kept before slaughter; and
- brutal ways in which animals are killed.

Black people feel that practising their culture is their life and no outsider is supposed to interfere. The traditional procedure is not supposed to be changed. To whites these rituals represent death, because of the health risks. This dilemma is the most critical because both stakeholders have points to justify their standpoints and they both believe their points are morally justified. Black and white

people differ in the way they define and prioritise values. The way they see the world and the way they react to it is different. African spirituality is different from whites, the life experience of the African is greatly around matters of the mind and soul. The life experience of a white person centres mainly on more concrete physical matters; that is why they do not understand the existence of the ancestors, because they cannot be seen or touched. The way they define good or bad is different, what is good for one group is bad for the other. What is respectable in one culture is not respectable in another culture. What is private in one culture is not private in another, so is dignity, worthiness and justice.

There are three traditional dichotomies to these problems namely, choice versus welfare, positive versus negative and individual versus community.

A CHOICE VERSUS WELFARE

The right of ability to choose that is demanded by black people clashes with the right to health, happiness and fortunes of the white people. Blacks cannot freely perform their rituals because they pose a health risk to white people. The SPCA also recommends that animals must be killed in abattoirs and black people are against it.

B POSITIVE VERSUS NEGATIVE

What is positive for blacks is negative for whites. What is negative for Mr Louw is positive for Mr Madikizela. In this case, one man's meat is another man's poison. There is a clash between the positive (rituals) and the negative (health hazard).

C INDIVIDUAL VERSUS COMMUNITY

Mr Madikizela's needs clashes with the expectations of the white community (suburbs) and vice versa. What is good for the individual is not good for the community. In the white persons world-view the individual has a life and identity of his own, the community is a conglomeration of individuals. In contrast with this, the African world view sees humanity as an entity and individuals identity is subject to his membership of the human race as a whole. White people think deciding not to slaughter anymore or slaughtering in an abattoir is a personal choice made by an individual but it is very difficult for a black man to diverge from something spiritual and accepted by the majority of people living in black communities.

2.3.3 WHICH OTHER NORMS ARE AT STAKE?

2.3.3.1 Peace and unity

Raging conflicts between black and white people are a threat to the value of good neighbourliness. Constant fights can lead to strained relationships. These fights may also be caused by racial intolerance, ignorance or prejudice. If these fights are left unattended they can result in hatred, and children can also be exposed to these occurrences which may lead to confusion and hatred. It is imperative for black and white people to unite and be good civilians so that normal life can be possible (harmony).

2.3.3.2 Trust

Conservative black and conservative white people do not trust each other. Blacks see whites as racists, oppressors and whites see blacks as inhuman and barbaric

people. Each side see the other negatively. This can have detrimental results because in this democratic government black and white people share things like schools, churches and workplaces and things cannot be normal if there is a spirit of mistrust.

2.3.3.3 Respect for autonomy and individualisation

South Africans (black and white) have to acknowledge the fact that people are different and every person is unique and has a right to self determination and freedom of action. The right to decide for yourself depends on your unique needs but it is not good to make decisions that are harmful to other people. The fact that people are individuals and each group has its individual culture does not permit people to do things their own way even if those things contradicts or pose a threat to other people.

2.3.3.4 Justice and fairness

If the bylaws and policies of the Goldfields TLC favours one group those bylaws or policies are not morally right and fair. The behaviour or treatment is not fair to the marginalised group. If the policies were drafted with only the interests of white people in mind, that is unfair and unjustified. The complaints by blacks about the credibility of the bylaws or policies means that the bylaws need to be revisited.

2.3.3.5 Transparency

Black people complain that they were never consulted when the bylaws were passed. They were not part of the agreement and do not know how it was reached. They are calling for a policy that will be known and discussed openly and it must also accommodate both black and white people.

2.3.3.6 Causing no harm

This value is at stake because people are continually harming each other, both physically and emotionally. Animals are also believed to be harmed in the process.

2.3.3.7 Accountability

The duty of professionals to be accountable for everything happening in their workplaces is at stake. The Environmental Health Officers are continuously harassed when they perform their duties that is to enforce the environmental bylaws and they can be charged if they fail to perform their duties. Their lives are at stake physically and emotionally but they have no choice but to perform their duties.

2.4 MISSING FACTUAL INFORMATION NEEDED IN ORDER TO COMPLETE THE PICTURE

The following questions are factual information needed in order to complete the picture.

- Are these problems caused by ignorance, attitude, prejudice or racism?
- How true is the fact that the ritual can never be effective if the environmental policy is followed?
- Are the black not just resisting because of the history of the country (apartheid)?
- Do black and white people know enough about their cultural differences?
- Are the rituals really more important than public health to black people?
- What could be the long term results if the problem is left unattended?
- How do white people deal with noise and air pollution not caused by rituals?
- Do whites have problems with rituals or any health hazard?

- What can be done to reach a moral consensus that will accommodate both black and white citizens and still be certain that both cultures are respected?

In the discussion that follows, these questions will be kept in mind, and answered at the relevant places.

2.5 DISCUSSION AND SECOND FORMULATION OF THE MORAL PROBLEM

It is clear that there are common values that are shared by black and white citizens. The core of these common values includes the following.

- Health : protection of health stand as the most important value.
- Respect : both groups are calling for respect for each groups uniqueness.
- Privacy : boundaries must not be crossed, they are against the interference on things that they regard as private.
- Justice : they believe that both their concerns are justified and something must be done to make sure that justice is done: that good things are done.

However, serious differences seem to exist about the way they interpret these core values and they have different estimations as to whether and to what extent these core values are supposed to be adhered to by those who propose that the policy must be revisited and those who say it must not be changed. These serious differences may also be a culmination of their different ways of looking at the world that is derived from the way that they were or are socialised as Africans (blacks) and Westerners (whites).

To black people health means having spiritual contact with the ancestors who are ambassadors between people and God, because they are responsible for a total well-being of the black people. They rule your mental and physical health. Health

also means interaction with God, the ancestors and the community. The community makes you who you are, thus the popular Zulu saying, "Umuntu ngumuntu ngabantu" which means: "You become a person because of other people". Your God, ancestors and the community affect your physical, mental, spiritual and material growth. Killing an animal is therefore not a sign of abuse if it is done for spiritual reasons and it is not believed to pose a health risk. To black people the noise, smell e.g. of burning bones and the smoke are sacred. There was one chief who slaughtered two sacred beasts because people were about to die of famine. He said: "The ancestral spirits will not be angry with us for we are nearly dead with hunger and so the sacred beasts must die so that we may live. But please preserve the ears of both the cow and the bull and hang them to dry in the Ancestral Shrine" (Mutwa 1986:145). Animals have a spiritual value to black people so if somebody is sick they slaughter an animal and they believe that God and the ancestors will heal the sick person.

White people believe that health is living in a healthy place where there are no health hazards like smoke, smell or harm. Health is also good nutrition and white people concentrate more on concrete physical matters. Their world view is expressed in the words "either" and "or", "good" or "bad" they tend to attach value to one aspect, to value one of the opposites more than the other. Blacks see the co-existence of all worldly things expressed in the words, "both" or "and", the central theme is the union (Du Preez 1997:22). It is difficult for whites to understand the "ancestors" because the belief is not concrete and their existence cannot be proven. To whites if something goes wrong they believe that sometimes it is a result of a bad decision.

Black people perceive respect as respecting God, the ancestors, the people and you. Honouring the ancestors is respectful even if it can affect other people negatively. Ancestors are supernatural beings more important than ordinary man.

Respect to whites means taking other people's feelings into consideration before you can do anything. "Respect others so that you may be respected". The white people's perception of respect connects with the value of privacy, know your boundaries, do not intrude my space. Black people believe everything is communal and if there is a ceremony people are not formally invited but they come willingly, so what is happening in your neighbour's house is also your business. They believe that to implement respect one must refrain for judging and respect means accepting the values and differences.

Justice to white people means being protected by the law, living in a healthy and risk free environment and respecting existing laws but to blacks justice means readdressing and rectifying mistakes or injustices of the past, treating everybody equally and letting other people be themselves.

2.6 CONCLUSION

From the discussion in this chapter it is evident that the issue of public slaughter is far more complex and involved than one would have thought at first sight. What is at stake in this issue are fundamentally different and apparently irreconcilable ways of perceiving the world and living in it. What has also emerged from this discussion thus far, is that the dignity, welfare, peace of mind and mutual respect of everyone involved in these differences will be ruined in the long run if these differences are not somehow overcome. In the next chapter devoted to the process of weighing the different values that have emerged in this context, it will be shown if such a resolution is at all possible, as well as how it is possible.

CHAPTER 3

WEIGHING

3.1 INTRODUCTION

The process of weighing form a crucial part of any case study in environmental ethics. The scope and the meaning of the values identified in the analysis are determined and related to another in a discursive process where arguments and counter arguments are posed and rigorously examined in terms of their relevance and cogency.

The process of weighing will take place within two frameworks that are:

- the narrower technical management framework; and
- a broader social and policy framework.

Within the narrower technical management framework urgent decision-making centres around time and cost frames. It also requires a reliable factual basis and a clear vision of the cost and benefits related to a particular proposal.

A broader social and policy framework has three different lines of argumentation. The first one is a strong transformational position and its arguments are formulated to radically change the values, systems and the structures of the society. The second one is the reformist position, this position is taken by those who whilst staying within the broad parameters of society, would argue for a drastic reformation of current practices.

The third one is a pragmatic line of argumentation. This position seek to find an appropriate administrative, management or policy response to problems as we experience them within particular contexts (Hattingh and Landman 2000:19-20).

The above-mentioned ways of weighing are used because different lines of argumentation can converge with one another in terms of the kinds of issues or practical proposals they highlight. These approaches will also lead to better understanding of the norms, values and principles involved in making a decision about the issue of public slaughter.

3.2 WEIGHING WITHIN A NARROWER TECHNICAL MANAGEMENT FRAMEWORK

In this case there are two proposals which I would call Proposal I and Proposal II.

Proposal I - blacks feel that the existing environmental bylaws are unjust and they need to be revised and changes made where necessary. Proposal II - whites feels that the policy must not be changed because it is morally correct because it serves the interest of the people and animals as it was drafted to ensure public and animal health.

Looking at the results of changing or not changing the environmental bylaws in terms of time and cost frames, decision-making will be led by questions like:

- Would the changing of the environmental policy be in the public interest?
- What would be the benefits to the community if the environmental policy is changed or not changed?
- What are the risks and costs of changing or not changing the policy?
- Would it be possible to initiate the risks involved in changing or not changing the policy?

- Would the benefits outweigh the risks (both when the policy is changed or not changed)?
- What would be the best option in terms of benefits over costs and risks?
- Which proposal can have more benefits and less risks?
- Do we have enough information on the table to make an informed decision about approval or disapproval of Proposal I and Proposal II?

A PROPOSAL I - THE ENVIRONMENTAL POLICY BE CHANGED (BLACKS)

The advantage in monetary terms that can be gained from changing the policy would be:

- (a) Decrease in cases lodged by black people opposing the environmental policy and the fines that they are forced to pay if they violate the bylaws. If the policy has been something that has been discussed and decided upon by all the affected stakeholders then that will mean that the policy is binding so it must be respected.
- (b) The change can also make more black people to move to towns because many of them are against the idea of staying in towns because of these restrictive bylaws. There could be growth or improvements in house sales.
- (c) This can also restore trust between the Local Council and the black home owners and that can result in good cooperation between the council and the black people and black people can willingly support all the initiatives made by Local Council. Cooperation can lead to productivity. This restoration is from the fact that the Local Council has acknowledged the fact that cultures are diverse and there is a

need to rectify the injustices of the past.

The risks of changing the environmental policy would be:

- (a) The process of making the changes like cost money, for example to pay for conferences and the materials that would be used.
- (b) The possibility that the white people can retaliate against the new policy by maybe, appealing to the Constitutional Court demanding respect for their right to a healthy environment according to how they define it.
- (c) Possible health risks due to health hazards like polluted air (smoke), smell, the flies and possible physical harm. Court cases can also stem from this if one white person can decide to sue the Local Council for failing to protect him/her from health risks.
- (d) Migration of white people to areas that are relatively white because they can not stand the bad exposure to such health risks like the smoke and the flies. Moving of people in large groups can affect the economy of the country and even the prices of the houses. This can also give rise to segregation where certain areas will be used by blacks and certain areas by whites.

B PROPOSAL II - THE POLICY MUST NOT BE CHANGED (WHITES)

Benefits when the policy is not changed would be:

- (a) Money and time that could be used for the transformation is saved.

- (b) If the health conditions of the people are really threatened by public slaughter and not by other health hazards health conditions of the people will really improve.

The risks of not changing the environmental laws would be:

- (a) Continuous retaliation done by black people opposing the existing bylaws, this resistance is usually done in a form of court cases that are really expensive.
- (b) Continuous fights with the SPCA and the Environmental Health Officers that can have very negative results in terms of money because if the environmental bylaws are violated a qualified SPCA inspector has the power to arrest and the Environmental Health Officer can even impose a fine.
- (c) Blacks can also decide to move to places that are relatively black and this movement can give rise to segregation that the Government of National Unity abolished.
- (d) Blacks can also lose faith in the Local Council and they can defy all the laws set by the council and this can spoil the relationship between the council and the black citizens.

The possibility of risks and benefits can also be affected by decisions taken during the process of transformation. If white people feel that the policy benefits the black people in a positive way, then this can cause dissatisfaction on their side. The other burning issue is the claim made by white people that the existing policy

represents the interests of the people.

- Who are these people?
- Is everybody benefiting positively from this policy?
- If no, why were the interests of the other groups not considered?
- If the citizens were consulted when the bylaws were made how many black people were living in towns by then?
- Were they not outnumbered by whites, considering the history of the country?
- Is the majority always right if the decision was reached in terms of numbers?
- Is it not ethical to revisit the existing laws to check if they are still relevant to all the people living in towns now that black people have moved to towns in large numbers?

The question about the changing of the environmental bylaws being of public interest can be determined by the number of black and white people who are seriously concerned about the issue of public slaughter. But looking at it only in terms of numbers, it would also be unrealistic because there are those who are quiet about the issue (both black and white) and the quietness does not guarantee that they are satisfied or dissatisfied about the issue of public slaughter.

South African communities are mostly multi-cultural (more especially in cities) so changing or not changing the environmental policy, it is impossible to predict or even to insinuate the fact that the benefits can be the same for both parties because their values differ and the way they define these values is different. So there is a high possibility that the decision to change or not to change can be beneficial to the one and be a loss to the other. The risks and cost differs from one group to the other. And further, the issue of cost can also be affected by the position (poorness or richness) of the complainant and the defendant. The nature

of the risk will also determine whether it is possible to make the risk less severe, serious or painful. If the risk is defined in monetary terms will the Local Council be able to compensate those who feel that they have been wronged. The risk can also cause emotional damage like losing faith in or doubting the integrity of the Local Council. It is very difficult to decide whether mitigating risks can have negative or positive results to black or white people. Possible reactions of people whether the policy is changed or not changed can never be predicted or estimated, the reaction or risks can only manifest when the policy is changed or not changed.

If the policy is changed to favour black people's demands in terms of numbers, the risks outnumber the benefits because there are three possible benefits and four possible risks (refer to Proposal I) but in terms of moral value (the good and the bad) the benefits deserve to get first priority because if trust can be restored, people will live together in harmony and there will be less court battles.

If the environmental policy is not changed the benefits are outnumbered by the risks because there are two possible benefits and four possible risks (refer to Proposal II). Although the benefits are outnumbered by the risks, the benefits, following from improved health conditions is supposed from a moral point of view, to be given overriding priority, because the purpose or results will promote general welfare in a democratic society.

Both Proposal I and Proposal II have more cost and risks than the benefits, but both sets of benefits are very important when you compare them to risks. In Proposal I (change) benefits are about harmonious living where there are less fights and a spirit of trust between the citizens and the Local Council; and in Proposal II (not changing) the benefit is saving money and better living conditions (less health risks). The benefit of not changing the policy (Proposal II) can result in better and healthier living conditions in terms of pollution and it deserves to be given higher

priority because even if the people can live harmoniously, if they are exposed to high health risks harmony is impossible. So the benefit of not changing the policy is that it will enhance and protect the general welfare of the people, and people will live in healthier environments. But how was the policy founded? Does it really have the public interest at heart? Who is the public?

Black people say it does not, it is biased and unjustified because they were never consulted when the bylaws were drafted and adopted. The standard procedure that is supposed to be followed in a democratic country was not followed. According to black people the existing environmental policy is not supposed to be used because it is undemocratic.

It is very difficult to make a decision about whether Proposal I and Proposal II must be approved or not approved, because both parties (black and white) demands that things must be done their own ways. Blacks are not prepared to make any changes to their cultural practices, and whites are demanding that no changes must be made on the policy. Black people must accept the policy as it is and this problem takes us back to whether this arrogance on both sides is caused by ignorance, negative attitude, prejudice or racism.

When a decision is taken in terms of the narrower technical management framework the question of time is also supposed to be taken into consideration. The International Covenant on Civil and Political Rights (CPR) 1966, distinguish between derogable and non-derogable rights and this distinction marks the differences between rights that are more immediately implementable (derogable) and those requiring a programme of progressive realisation over time (non derogable). Derogable rights are also rights that have reasonably clear cores and boundaries. For non-derogable the core is surrounded by a broad grey area that permits a degree of leeway before they are intolerably violated (non-

derogable)(Freedon 1991:103).

Although it is difficult to rank basic rights, the right that can easily be addressed with urgency is the right to a healthy environment. Neglect of this right is life threatening and this right can be easily implementable (derogable) because it has clear cores and its results are concrete: they can be seen or experienced by everyone (black and white). Freedom of conscience, religion, and belief which mainly entails culture and beliefs requires a progressive realisation over time and its core is surrounded by many unclear areas that can result in misunderstanding. Different cultures with different ways in which they look at or perceive the world can have confusing results. A child that has been socialised to believe that he is superior to other people would not understand why he/she should respect other people's beliefs, or other people's moral sense of right and wrong, because he/she was brought up to believe that his beliefs and judgements are superior. The kind of generalisation associated with prejudice or racism is often called a stereotype. A stereotype is defined as an exaggerated belief associated with a category. Examples of such stereotypes are:

- Black people are lazy, smelly, wild dressers, oversexed and have low morals and oversized genitalia.
- Jewish people are sly, money grubbers, radical, self-centered and shysters.
- White people are arrogant, devils, bigots and have a superiority complex (Du Preez 1997:11).

To change as person who grew up with such an attitude is not something that can take place overnight because if one does not have a positive attitude towards certain people successful communication will be impossible. To change such a

person demands time for education, so that a person can reach an understanding that people are different, cultures are diverse and one must acknowledge and respect cultural diversity.

From the moral clashes mentioned it is clear that taking a decision in terms of the cost and benefits would never work as a solution to his problem. There are just too many problems to determine with any measure of reasonable certainty whether the costs of both options are really outweighed by their alleged benefits. It is therefore necessary to turn to a wider framework of social and political considerations.

3.3 WEIGHING WITHIN A BROADER SOCIAL AND POLICY FRAMEWORK

3.3.1 A STRONG TRANSFORMATIONAL APPROACH

This position aims to radically change the values, systems and structures of the society, and it is often dismissed as propaganda for an extremist politics. It does not confine itself to the structures or legal frameworks of our present society but seeks to transform existing socio-economic structures to create a desired outcome. It challenges the values of our present society, pointing out the contradictions within policy formulation and praxis and calling for new value systems, institutions and policies. This line of argument also permit people to decide or propose the kind of society they ultimately would like to live in. The problem with this approach is that it requires an extended period of political re-orientation (Hattingh and Landman 2000:20-21).

Questions to be asked from this kind of approach is :

- What kind of society would expose people to health hazards, like smoke, smell and flies that are life threatening and unjustifiable?

- What is its reward or how does it contribute to sustainable development?
- Why does the benefits of public slaughter (spiritual value) outweigh the cost to the environment and people?
- Is it justified to put the lives of people at risk because of cultural beliefs that cannot be proven whether they are authentic or not?
- How can the government that is supposed to ensure that people are protected expose people to such a risk although the constitution states clearly that everyone has a right to a healthy environment?
- How does the government draw contradicting laws like the right to a healthy environment and the freedom of religion, conscience and belief?

Taking this argument to its extreme would put pressure on the government to ban or nullify one of these bylaws, which would preferably be the right to freedom of religion, conscience and beliefs, because it does not have clear life-destructive or threatening results. The spiritual value of animals slaughtered in residential areas by black people would be weighed against the right to life, the right not to be exposed to health hazards. The balance will be judged by weighing satisfaction over dissatisfaction caused by the policy and the policy which will have the best total, the greatest balance of satisfaction or the least balance of dissatisfaction will be adopted. The white people are already at an advantage because the right to a healthy environment is already given overriding priority because it promotes public health. Black people living in towns are usually outnumbered by white people and this fact also put the white people at an advantage. It is known that most of the white people do not want the bylaws to be changed and from the interviews conducted and the questionnaires given to white people in the Goldfields area only one person wrote "close your door and let other people practice their cultures".

In an effort to make incisive immediate changes the radical, utopian approach would be to try to make things perfect by:

- Demanding that black people stick to the policy or to make sure that there is totally no risk of pollution.
- Demand that the policy that permit black people to slaughter at residential areas but follow a certain procedure be nullified and a new policy that abolishes public slaughter be drafted and adopted and anyone found slaughtering in public be prosecuted.
- Demand that those who want to practice public slaughter be put in separate places so that their practices would not put other peoples lives in danger.

This approach can actually put an end or minimise health hazards if they are only caused by black people who slaughter their animals in residential areas but it can also have very negative results because:

- (1) Judging things according to the balance of satisfaction over dissatisfaction does not guarantee that the final decision taken is just and fair. Making decisions in terms of the number (majority) may cause distress or inequality. It may be that the greatest balance of satisfaction can be secured only by way of victimising minorities and historically disadvantaged people or individuals, which in this case are black people, because to them the existing policy is also not just to them because a democratic procedure was not followed. The argument of this approach would be the seriousness of the long term exposure to health hazards and the various side-effects of possible courses of action. The principle of equality or fairness is to be given overriding priority because it always protect the minorities and individuals. If all people can be treated in a fair way and be put on equal footing these injustices can be stopped, although there is no absolute equality because people have different cultural and moral values. The

sensible thinking about equality begins from the observable facts that humans, are different or unequal in some respects and perhaps the same or equal in other respects.

- (2) Demanding that the policy be nullified and black people prosecuted can lead to strained relationships between the ruling government, white people and black people, because such a radical approach would mean that rights of black people are undermined.
- (3) The other recommendation that people who wants to perform public slaughter must live in different areas can lead to segregation which represents one of the injustices of the past. This approach can lead to bias because radical and immediate changes overlook the needs of the minority and individuals.

By adopting a strong transformational approach would be to violate these universally recognised fundamental principle like:

- the equal dignity and worth of all South Africans;
- freedom of conscience and the right to practice one's religious faith; and
- the requirement of due process of law in relation to any deprivation of liberty or imposition of penalties (Sachs 1990:41).

3.3.2 A MODERATE REFORMIST APPROACH

This approach is taken by those who, whilst staying within the broad parameters of society, would argue for a drastic reformation of current policies. They call for a much stronger emphasis on certain values already adopted by society or a stronger, more consistent implementation of legislation already on the statute books

(Hattingh and Landman 2000:20).

The primary moral question from this approach would be investigation and policing of the impact of the pollutant activities on the health and well-being of residents. Other moral questions would be: "What is the Local Council doing about the impact of the pollutant activities and the negative results stemming from the practices? Was the policy that is questioned by one of the parties involved (blacks) drafted and adopted in a procedurally correct manner?"

The moderate reformist positions is valuable in that it questions whether the present legal framework protects the constitutional rights of citizens to health and well-being, and focus on the correlation between people's constitutional rights with regards to the practices that are performed by residents.

Looking at the impact of the irregularities caused by public slaughter the results are as follows:

- White people claim that their lives are in danger.
- Black people claim their right to freedom of religion, conscience and belief is violated.
- Certain possibilities that can result from the exposure are mentioned by white people:
 - diseases, aggravated by pollution and flies;
 - exposure to harm by adults and children;
 - violation of existing bylaws (environmental); and
 - people exposed to violence.

Black people claim that their health and well-being depends on the performance of the ritual and a culturally correct or standard procedure must be followed. These contradicting values and beliefs have caused animosity between neighbours which has produced mistrust, disrespect, fights (verbal and physical) confirming that the conditions in the suburbs are not harmonious. Black and white people are polarised.

To answer the question: "What is the local government doing about the problem?" Black people are being forced to abide by the rules, failing which they are prosecuted. Court cases have been opened by both black and white people because of public slaughter.

Was the policy that is undermined by black people drafted and adopted democratically? Black people claim that they were never consulted when the policies were made and it is unfair that they are expected to respect it. Because of the fact that the moderate reformist position is valuable in that it questions whether the present legal framework adequately protects the constitutional right of citizens to health and well-being, it is imperative that the right of citizens to health and well-being is given precedence.

However, the lack of evidence to prove that public slaughter has a spiritual value while it puts other people's lives in danger, cannot be given first priority here. One can just as well argue that those who emphasize the value of public health (whites) also didn't produce evidence to prove the life-threatening results of public slaughter. In fact, black people claim that they are also exposed to health risk when whites do their braais and use humus in their gardens.

Because the emphasis in the moderate reformist approach is on public health and

well-being, and on ensuring implementation of the legislation already on the statute books, black people would be expected to:

- abide by the rules or stop public slaughter altogether; and
- an extensive health survey in the surrounding communities would be called for.

Self-defeating contradictions, however, emerge if reformists take on board concerns about whether the bylaws on public slaughtering were drafted in a legally and acceptable manner. If they are serious about this concern, they will have to conclude that these bylaws are undemocratic. And if this is true, then they have no grounds on which to appeal to maintain the existing bylaws on public slaughter. If they do appeal to maintain it, then they are not only violating democratic principles, but also argue for measures with strong and violent effect on the side of black people. Maintaining or protecting people's rights to a healthy environment in this manner then clearly clashes with the need for peace and harmony in society.

So, calling for reformation whilst you already have a favoured or prioritised value is unjustified, and also emphasising a value already accepted by a certain society (whites) is unfair because the society is divided into many cultures that can possibly share the same values but their interpretations differ. Which brings us to realise that the South African context (multi-culturalism) should also be taken into consideration whenever decisions are made about the welfare of all South Africans.

3.3.3 A PRAGMATIC APPROACH

The pragmatic approach to weighing the values relevant to decision-making about the issue of public slaughter will concentrate on the following:

- (1) The concrete experiences of people confronted with a problematic situation.
- (2) It would look into the ways and means, procedures and structures available to solve the problem.
- (3) It would acknowledge that all problematic situations are embedded in a broader context located within a broader sphere of considerations.
- (4) It would aim towards the practical resolution of an environmental problem within realistic time frames.
- (5) It does not try to establish an absolutely correct theoretical position but focusses on values as they emerge in the ongoing transactions between humans and the environment.
- (6) Values are used as platforms from which new situations can be approached.
- (7) Already fixed principles are not applied mechanically, but a combination of values and principles, choice, procedures that would result in an adequate and workable resolution of a concrete problem as it is embedded within a particular context is sought after.
- (8) The approach believes and promotes the ethic of a "process of continual mediation of conflict in an ever changing world".
- (9) The rightness or the wrongness of an action or a decision is largely context dependent (Hatting and Landman 2000:27-28).

From a pragmatic point of view, decision-making in this case of public slaughter will be influenced by the following questions:

- What are the concrete experience of South Africans (black and white) towards public slaughter?
- What could be the means, ways, procedures and structures available to overcome the problem?
- What can we do to ensure that people think rationally and creatively and their thoughts are not bound by stifling methods, theories and dogmas?
- What could be the things that are indirectly contributing or perpetuating the problem?
- Which common values can be used as a platform to resolve the problem?
- Which other values can be used as a platform to resolve our problems?
- Which values must be promoted to try and overcome the problem?
- What is most desirable in our concrete experiences?
- What is less desirable in our concrete experiences?
- Which skills would people need to have or which values would people need to uphold in order to adapt in this ever changing world?

Although the decision-makers are confronted with a variety of problems, the most crucial is the polarisation that has opened up between black and white people living in the Goldfields: Blacks are calling for change (environmental policy) and whites demanding that the policy must not be changed. Pragmatists would look at negative experiences characterising this polarisation like:

- lack of trust (amongst blacks) with regards to the Local Council which is expected to be the protector of their Human Rights;
- suspicion about the interests of the people who were responsible for drawing

up the existing environmental policies;

- damaged relationships between neighbours;
- doubts about the integrity of the white people who claim that they are genuinely concerned about public health;
- disbelief about the validity of the black people's claim that their rituals have a spiritual meaning in their lives;
- anger about what is perceived as racism and intrusion by black people;
- resentment about what is perceived as the apparent unwillingness of the Goldfields Local Council to listen to the concerns of black people;
- verbal and physical conflict between black and white people;
- cultural intolerance between black and white people in the Goldfields; and
- anger because black people feel that their rights are undermined.

Polarisation is also fuelled by the long standing and deep seated feelings of anger and frustration stemming from experiences of the past discrimination and injustice that have uprooted people or marginalised them socially, politically and economically. Ignorance is also another problem that is indirectly encouraging these conflicts because perceptions of other groups are based on prejudice and lack of knowledge.

Looking at experiences as its point of departure, a pragmatic line of argumentation would conclude that a context has emerged in which it would be very difficult to arrive at a decision and a course of action that would be adequate and workable to address at the same time all of the feelings listed above. Polarisation cannot be addressed in a way that will favour one side or in a way that one value be given a priority over the other, although the value is perceived in different ways. Polarisation cannot be solved by weighing satisfaction over dissatisfaction, nor by looking at it in terms of benefit and cost, because the case is not about the economy, but its about perceptions of health and spirituality between people who are totally different. Taking a decision that will favour one side and discriminate against the other will intensify and develop very serious and unmanageable problems. Postponement of this case can also result in serious problems, because this is not a problem that can be ignored with the hope that it will solve itself, it needs immediate attention. Although this case needs immediate attention it is not a case that can be addressed and be solved overnight because from a pragmatic point of view, practical means to mediate the polarisation will need to be investigated to bring about long standing changes in the experiences characterising this conflict. It will entail a process of continual mediation of conflict in an ever-changing world.

From a pragmatic point of view, the first step that can be taken to try to address the process would be to change the conditions under which the experiences (polarisation and the results) occurred before public participation is exercised. Polarising experiences, like anger, mistrust, doubt, conflicts, suspicion, hatred, resentment and intolerance would be addressed by removing the ground for them. The first step in this regard would be to call the proposers (representatives from the black and from a white group) and the Goldfields Transitional Local Council representatives) to engage in an extra-ordinary effort to demonstrate openly and publicly their willingness and ability to make sure that:

- Both proposers will present their genuine concerns about the issue of public slaughter.
- The Local Council has the best interest of both parties in mind and will ensure that whatever decisions are taken would be fair on both sides.
- There will be checks and balances in the procedures and structures of decision-making to ensure an adequate level of independent decision-making.
- Transparency is guaranteed.

For the Goldfields case channels of achieving the above-mentioned objectives would be:

A THE PRODUCTION OF DRAFTED PROPOSALS

Each proposer (both black and white concerned people) is supposed to produce a draft that will reflect the culture of the society it seeks to shape. The proposer can also compare or draw on the experiences of others by critically comparing the problem to other societies or countries. The authority of the draft must also reflect the key parties to the conflict. The drafters must seek to rise above their own or sectional interests.

B DEBATING PROPOSALS

A second stage would be the debate of alternative proposals and a number of important conditions should be stipulated for this debate to be clear and meaningful. These conditions could include the following:

Conditions

- (i) The debate must include all groups e.g. black representatives, white representatives and the representatives from the Local Council.
- (ii) These groups must enter the debate, ready to compromise on at least some important issues.
- (iii) The process of debate must allow for references or concession issues to their supporters because a proposal or recommendation agreed to by the leaders without the step-by-step knowledge and support of their followers or supporters is unlikely to be effective. For reference purposes a notice can be put in a local newspaper or radio station and comments or suggestions from the public be invited. People must be encouraged to use any language they wish to use.

C ADOPTING PROPOSALS

This stage is the ratification and adoption of agreed compromises by the broadest and most inclusive process of popular participation possible. The recommendations and suggestions must also be given serious consideration. The decisions taken need to have not only the support of numerical majorities but also the minorities on whose cooperation the welfare of the Goldfields depends. The policy must also be evaluated by all parties involved to check the legality, legitimacy, clarity, effectiveness and efficiency.

In a slightly longer time frame an investigation can also be conducted to check whether the adopted policy is effective and what are the discrepancies, their causes and how they can be remedied.

3.4 CONCLUSION

All three of the approaches discussed have valuable contributions to make towards a better understanding of the norms, values and principles involved in making a decision about the conflict stemming from public slaughter. Within the narrower technical management approach attention was drawn to the effect of time and cost frames when making decisions. Within the broader social and policy framework, the radical utopian vision challenged the values of our present societies and the moderate reformist approach argues for a drastic reformation of current policies and calls for a much stronger emphasis on certain values already adopted by the society. It also put emphasis on the urgent need for action in the face of immediate threats to the health and well-being of people and it challenges us to make use of instruments we already have to address the problem of public slaughter. The pragmatist approach drew our attention to structures, procedures and frameworks of decision-making and challenged us to use those that will yield an adequate and workable resolution of problem, i.e. resolutions that will prevail in the long run.

In the last section of this case study the findings and recommendations that reasonably follow from this process of weighing are discussed.

CHAPTER 4

FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

Against the background of the discussion the previous three chapters, certain findings and recommendations can now be formulated. These findings and recommendations will be based on the following questions:

- Which course of action shows the most respect for the normative decision arrived at in the process of weighing?
- Which course of action should receive precedence?
- Who has which obligations and why?
- Is the moral issue now resolved or do we still have conflicting values?
- Is it possible to reach a consensus about the conflict of duties, and if not, how should we proceed?

4.2 QUESTIONS

To make recommendations or to supply the findings from the weighing some questions will be treated independently and some will be answered as the debate progresses.

4.2.1 WHICH COURSE OF ACTION SHOWS THE MOST RESPECT FOR THE NORMATIVE DECISION ARRIVED AT IN THE PROCESS OF WEIGHING?

A pragmatic approach is the one that must be given overriding priority, or the one that must be used to solve the problem of public slaughter in the Goldfields,

because it concentrates on the concrete experiences of the people confronted with the problem. The decision supported by a pragmatic approach is not based on information that cannot be seen or experienced, like the claim that animals have spiritual value and that public slaughter is a health hazard, although there is also no concrete evidence that people were really harmed by the slaughter.

The claim of the “harm” of public slaughter can also not be verified, since it cannot be proved that it was caused by the slaughter alone. There are other agents responsible for polluting the air like the nearby mines in the Goldfields, or the coal used by most of the residents. It can also not be proven that a ritual that is done once after a long time can really have such bad results unless an animal has practically jumped out of the yard and harmed a person.

The statement about public slaughter as a health risk is therefore based on possibilities. In this specific case Mr Louw does not have any evidence to prove that he really was going to be hurt. A pragmatic approach concentrate on concrete experiences that can be seen or monitored, like the polarisation between the black and white people. A strong transformational approach has a positive trait of permitting people to decide or propose as to the kind of society they ultimately would like to live in, just like the pragmatic approach that acknowledges the fact that every problematic situation is embedded in a broader context and located within a broader sphere, and that the rightness and the wrongness of an action is largely context dependent and people living on those conditions are supposed to make decisions according to how they want to live.

The disadvantages of the strong transformational approach is that it radically changes the value system and structures of the society and that can lead to retaliation, because culture is that complex whole which includes knowledge, belief, art, morals, laws, customs and other capabilities and habits acquired by a man as

a member of the society and it is acquired through a process. So to radically change this process would not have positive results (Sardar and Van Loon 1997:4).

Taking decisions by weighing benefits against risk (the narrower technical management framework) will also not be effective because of the nature of the problem. The crucial problem is polarisation, this division cannot be solved in terms of how much do we lose or how much do we stand to gain. It is not a problem of the rich versus the poor but its public health versus culture (spiritual). For this problem to be solved the experiences perpetuating polarisation must be addressed.

A pragmatic approach therefore aims towards the practical resolution of an environmental problem within a realistic time frame. One of the things that will receive serious attention from this point of view, is the enforcement of laws that stems from the era of apartheid, or perpetuates its letter or spirit. From a pragmatic point of view, it is acknowledged that South Africa has a history of segregation and laws regulating the white people living in towns were justified in that context because there were not black people in towns. But things have changed in South Africa and black people have moved to towns, thus the conflict. A pragmatic approach also does not try to establish an absolutely correct theoretical position, but rather focuses on values as they emerge in the ongoing transaction between humans and the environment and how they affect the environment. What are the values that both black and white people share and how can they be used to overcome the problems? The values that both parties demands although they interpret or perceive them differently are values like health and respect for privacy and human dignity. If people can reach an understanding that it is healthy to acknowledge that people are different and to respect their right to be different and not only to concentrate on our differences, but rather on things that will make us unified (peace) as South African citizens, this attitude can produce positive results. Values of this kind can therefore be used as platforms from which new situations

can be approached.

From a pragmatic point of view already fixed principles are not applied mechanically but a combination of values and principles, choices and procedures that would result in an adequate and workable resolution of a concrete problem are considered. One of the far reaching implications of this point of departure is that it is wrong to expect certain other people to perform certain duties because you have a right to something (fixed principles). For example: "I have a right to freedom of conscience, thought and belief so white people have a duty to let me expose them to dangers", or: "I have a right to a healthy environment so black people have a duty not to do their rituals that are not approved by me". It is clear that rights based moralities can only be moralities in a narrow sense. Rights do exactly what narrow morality is supposed to do, they set limits to the individual's pursuit of his own goals and interests. At the same time it must be clear to people that some rights are limited by the rights and freedoms of others, as well as values like national security, public health, morals and public order.

In a pragmatic point of view, even if an absolutely correct theoretical position is identified, it is weighed against its practicality, and it is not enforced but a combination of values that would result in a adequate and workable resolution are found and used to that advantage. The history of a country is also considered to try to ascertain whether these conflicts are genuine or whether they are perpetuated by racism or ignorance, because the past can also affect the present. Such appeals to history can also help people to decide which values are most desirable and which values are less desirable. In a pragmatic perspective people are also supposed to look into the ways and means, procedures available to solve their problems, and one value that is readily available in this regard is, for example, communication.

South Africans are therefore expected to look at this case in a South African context. How is South Africa and how does it differ from other countries? Why should some values be given precedence over others and why are some skills very important for South Africans to acquire. From a pragmatic point of view these can be some of the questions that should be considered in this regard:

- Why are we having problems in South Africa? Is it because of the history of the country (apartheid)?
- Are other countries that do not have such a history not having problems?
- What can we do to try to solve our problems?

Looking at the question of racism some of the problems of polarization between racial groups are caused by it, but what causes racism? It is because we are different, we do things differently, we think differently, thus we think we are different and better than other people. Ignorance produces racism and racism can result from ignorance. Being different can affect your level of knowledge, you don't know what is going on. On the other hand, you only know and understand what is going on in your sphere and you believe and can relate to it, then you perceive it as the one that is absolutely right, good, moral or justified. All these problems may be the result of ignorance or racism but they stem from one fact, being different: the way we are, the way we look, the way we think, the way we do things and the way we are socialised. South African people are different but we share certain values as humans. A pragmatist will use those values as platforms from which new situations can be approached. New situations in practical terms would be black people (new and different) going to live in residential areas that are new to them and living with people who are new and different (whites). So how can the negative be changed to a positive? What are the good things we have from being different that can make us work towards the same goals? Such things are:

- genuine concern for health;
- respect for privacy; and human dignity; and
- communicating your dissatisfaction (black and white people voicing out their concerns).

How can the above-mentioned values be used positively? Trying to change a different person to believe what you believe won't help. The answer would be to use their common values together and to make some compromises because forcing people to accept your beliefs as theirs has failed. Both parties are supposed to compromise some of their demands, because if only one party does the compromising there will be dissatisfaction from another party. An example is: white people can compromise that smoke will be tolerated but not flies, so that means everything that can encourage the presence of flies will be avoided. If black people want to be cooperative they must respect this point of view. The above-mentioned proposal can also be made by a black person; that we will not do anything that is going to invite flies, like hanging the hide or leaving the blood uncovered and white people must also accept that proposal in a spirit of compromise, while accepting that the ritual of slaughter, which is only done occasionally, also entails emotive and singing.

The Local Environmental Department must also make some changes in the policy like removing the clause about the presence of the Environmental Health Officer in rituals. He/she can only be called if the rule is being violated. I cannot prescribe what would be an ideal environmental policy, because I am also different and part of the community, so a debate or a discussion table would be an ideal place for a possible resolution.

Following a pragmatic approach, the moral issue (public slaughter) cannot be solved overnight, or soon, or in a few years to come, because it involves changing

the perceptions that have been internalised for a very long time. People will need to be given time to adapt to the new policy as people are still learning to adapt to the new country, South Africa.

4.2.2 WHO HAS WHICH OBLIGATIONS AND WHY?

A GOLDFIELD TRANSITIONAL LOCAL COUNCIL

The Local Council has a duty to see that people in the Goldfields are living peacefully. As it is acknowledging the fact that something must be done to make some amendments in the policy it has a duty to take the first step towards that. It has a duty to call a meeting, inform the people about a need for change, monitor and be part of the process of policy-making, implement it if it is approved, and also enforce it.

B BLACK AND WHITE CITIZENS OF THE GOLDFIELDS

Both these groups must acknowledge cultural diversity which is manifested by cultural differences. They must be committed to restoring harmony in the Goldfields by working together with the Goldfields Transitional Local Council to solve the problem.

C POLICY-MAKERS

The committee must be committed in performing duties assigned to it, must respect the recommendations made by the citizens of Goldfields, and make sure that the proposed policy do not contradict with the constitution of the country.

D ENVIRONMENTAL HEALTH OFFICERS

These people are supposed to see that the policy that is adopted is adhered to and the Environmental Officers personal feelings or views must not interfere with his or her duties.

4.3 CONCLUDING REMARKS

If the Environmental Policy with regards to public slaughter in the Goldfields area is debated within the parameters outlined above, the issue of conflicting duties would be addressed and in some cases the conflict will be resolved in a form of a compromise. A policy that has been approved by the entire public would make it easy for the Goldfields Transitional Local Council to enforce it because it is legitimate. The Goldfields Transitional Local Council has a duty to attend to the problem with immediate effect before it leads to very destructive results.

Cultures are not stagnant or fixed entities. Cultural change is a permanent feature of all societies. No human group has from time immemorial been hermetically sealed, culturally or otherwise. Diffusion, inter-penetration and mixing is the real substance of the historical process, but at every given historical conjuncture, people are formed by the existent culture they produce and reproduce.

I hope that this case study has made a contribution towards a better understanding of the particular ethical considerations that should be seriously considered when making a decision about the issue of public slaughter.

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TLC AGENDA, Welkom. 26 January 1999

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ANNEXURE A

INTERVIEW QUESTIONS - WITCHDOCTORS

- 1 What value do animals and plants have in your life? Are they equal to humans?
- 2 What do you understand about "cruelty to animals"?
- 3 What can be a problem if an animal can be slaughtered in an abattoir? Would that (cause) affect the blessing given by the ancestors?
- 4 What do you feel about shooting an animal? Do you think its cruel to stab a beast with a spear?
- 5 What do you think can be the solution for these conflicts which are caused by these differences between blacks and whites?

ANNEXURE B

INTERVIEW QUESTIONS - SPCA

- 1 Do you think there is any difference in the way that black and white people relate to animals?
- 2 Cases reported on animal abuse, which groups are more abusive and which groups are less abusive?
- 3 How do you solve the clashes between the SPCA versus indigenous cultures?
- 4 Animal mutilation. Have you come across such cases? Did you take those people to court? How did they justify their actions? What was the court's judgement?
- 5 Looking at these problems, what kind of advice would you give?
- 6 Do you think that animals have the same value as humans? Do you think animals deserve to be treated better, or are they just means to an end?
- 7 What can be done to protect the welfare of animals?
- 8 How do courts rule on such issues?
- 9 What do you think an environmental policy must entail?

ANNEXURE C

INTERVIEW QUESTIONS - ORDINARY CITIZENS

INTERVIEW

1. Do you think public slaughter is moral?

Answer: _____

2. What are the problems caused by public slaughter?

Answer _____

3. Which rights are violated when one slaughters an animal in his/her own premises?

Answer: _____

4. Which values are upheld or undermined when one performs the act or when one is hindered to perform this Act?

Answer: _____

5. What can be done to solve this problem?

Answer: _____

6. What can you do if you can experience a problem concerning public slaughter?

Answer: _____

7. Do you think the local authorities are doing enough to solve the problem?

Answer: _____

ANNEXURE D
QUESTIONNAIRES

QUESTIONNAIRE

1. AGE: _____

2. GENDER: _____

3. RACE: Black: _____
White: _____
Colored: _____
Indian: _____
Other: _____

4. Do you have a problem with public slaughter?

YES : _____

NO : _____

5. Do you think Public Slaughter causes problems?

YES: _____

NO: _____

5.1 Give your reason/s: _____

6. Which rights are violated by slaughtering an animal in one's premises?

Answer: _____

7. Which values are upheld when one slaughters an animal in his/her premises.

Answer: _____

8. What can you do if you can be hindered to perform a certain ritual inside your premises?

Answer: _____

9. What can you do if your neighbour can commit such an act? (Slaughtering in Public)

Answer: _____

ANNEXURE E

GOLDFIELDS TLC AGENDA

25.

(TLC-Agenda: 26.01.1999)

SLAUGHTER OF ANIMALS AND BURIAL OF UNUSED PORTIONS ON RESIDENTIAL ERVEN

(Department of the Town Secretary)
(Item 2.319 of the EC-Minutes)

Purpose

*** In a letter, dated 11 January 1999, councillor JP Myburgh requested that the above-mentioned matter be considered as a matter of urgency. A copy of the letter appears in the annexures on pages 179 to 181.

Reasoning

The contents of the letter is self-explanatory.

*** The slaughter of animals by persons that belong to indigenous denominations is governed by the Abattoir Hygiene Act, 1991 (Act 121 of 1992). A copy of this Act appears in the annexures on pages 192 to 184.

The resident of 6 Hans van Rensburg Street applied in a letter, dated 6 December 1998, for permission to slaughter three sheep which permission was granted in terms of the said Act. The applicant did, however, not comply with this permission and was fined to the amount of R300,00.

Financial implication

None.

Staff implications

None.

Legal implications

As set out under reasoning.

Policy

Permission for the slaughter of animals is granted subject to the following conditions:

1. The slaughtering for religious use is restricted to 3 (three) sheep or goats only for an occasion or event.
2. No killing and/or slaughtering of cattle or pigs is allowed on the premises, except on an approved place like an Abattoir, farm or outside the view of the community.
3. The driving or conveying of an animal to a place where it is to be rendered insensible prior to slaughter by any method, shall be done with a minimum of discomfort and injury to, or excitement of such animal.
4. No person shall use any instrument for slaughter or stunning of an animal unless his ability and physical condition at the time qualify him to use it without inflicting unnecessary pain on the animal, in such a manner or in such circumstances or in such need or repair as to give rise to the risk of causing unnecessary suffering.
5. Such person shall thoroughly wash his hands and arms with soap and running water, without drying them.
6. Slaughtering should not be done in public view.
7. A minimal noise will be allowed during slaughter.
8. Stomach manure of an animal should be buried deep in the ground and covered with soil and a thin layer of chlorine or lime to avoid smell and fly breeding.
9. Smoke emission should be at a minimum as the area is declared a smoke free zone, this office would prefer wood to coal in making fire.
10. During night vigil, noise should be controlled and night vigil conducted indoors.

Setting of tables to any adjacent open space is strictly prohibited. All proceedings must be conducted within the premises.

Delegation

As this matter may concern policy and/or a request for the amendment of a law it must be referred to Council.

The Executive Committee recommends

- (a) that a draft policy regarding the conditions for the slaughter of animals on residential erven in terms of the Abattoir Hygiene Act, 1992 (Act 121 of 1992) be submitted to Council for consideration; and
- (b) that the conditions (1 to 10) as set out under policy in the agenda, be included in the draft policy and that it be expected from applicants to obtain prior permission from Council, should they wish to slaughter animals in Council's jurisdiction area.

RESOLVED:

- (a) that a draft policy regarding the conditions for the slaughter of animals on residential erven in terms of the Abattoir Hygiene Act, 1992 (Act 121 of 1992) be submitted to Council for considerations.
- (b) that the conditions (1 to 10) as set out under policy in the agenda, be included in the draft policy and that it be expected from applicants to obtain prior permission from the Council, should they wish to slaughter animals in Council's jurisdiction area; and
- (c) that the public be informed of the draft policy and that their comments/inputs be requested.

ANNEXURE F

GOVERNMENT GAZETTE - 1969

that belief and shall cause it to be slaughtered in such manner and at such time and place as he may direct.

5. (1) Where an animal, not being poultry or an equine animal, has a body temperature of 41°C or more, or, being an equine animal, has a temperature of 39°C or more, or where that animal, in the opinion of the Veterinary Meat Inspector, is suffering from any disease or defect that will cause the carcass of the animal to be condemned when subjected to post-mortem inspection in terms of Part VII, the Veterinary Meat Inspector shall either condemn the animal and temporarily mark it to indicate clearly that it is condemned, or slaughter the animal in terms of Schedule 5, or he may require the animal to be held in effective isolation for re-examination.

(2) Where, in terms of subregulation (1), an animal is condemned by the Veterinary Meat Inspector, it shall be destroyed and dealt with in accordance with Part VIII.

(3) Where an animal is destroyed in terms of subregulation (2), the Veterinary Meat Inspector may authorize the salvage of the hide or skin.

(4) No portion of an animal that has been destroyed in terms of subregulation (2) shall be brought into or conveyed through any edible product department of the abattoir.

(5) It shall be the duty of the Superintendent to ascertain, and record, without delay from the owner or person in charge of a diseased animal the name and address of the person from whom it was obtained, or such other information as will enable the place of origin of the diseased animal to be traced.

(6) In the event of an abattoir being declared a prohibited or restricted area under the Animal Diseases and Parasites Act (Act No. 13 of 1956), the Chief Meat Hygiene Officer may instruct the Superintendent to slaughter an animal forthwith.

PART VI

HUMANE SLAUGHTER OF ANIMALS

1. No animal shall be slaughtered in an approved abattoir except in accordance with the following methods and procedures.

2. (1) The driving or conveying of an animal to a place where it is to be rendered insensible prior to slaughter by any method shall be done with a minimum of discomfort and injury to, or excitement of, such animal.

(2) Electric prodders shall be battery-operated, and shall be only momentarily applied when necessary.

3. No person shall use any instrument for slaughter or stunning an animal unless his ability and physical condition at the time qualify him to use it without inflicting unnecessary pain on the animal, nor shall he use a mechanically-operated instrument in such manner or in such circumstances or in such need of repair as to give rise to the risk of causing unnecessary suffering.

4. The Superintendent of the abattoir shall at all times be responsible for the observance of the regulations in this Part in order to ensure the humane slaughter of animals.

5. *Carbon Dioxide Gas Method.*—The anaesthetizing of animals by the use of carbon dioxide gas is approved only in respect of sheep and pigs, and if carried out in

tydelik gemerk word om aan te dui dat hy so glo en moet hy sorg dat dit op so 'n wyse en op so 'n tyd en plek geslag word soos deur hom aangewys.

5. (1) Indien 'n dier wat nie pluimvee of 'n dier van die perderas is nie, 'n liggaamstemperatuur van 41°C of meer het, of 'n dier van die perderas 'n temperatuur van 39°C of meer het, of waar genoemde dier volgens die Veeartsenykundige Vleisinspekteur aan enige siekte of gebrek ly wat mag veroorsaak dat die karkas van die dier afgekeur sal word nadat nadoodse ondersoek ooreenkomstig Deel VII uitgevoer is, moet die Veeartsenykundige Vleisinspekteur of die dier geheel en al afkeur en dit tydelik merk om aan te dui dat dit afgekeur is, of die dier ooreenkomstig Skedule 5 laat slag, of hy mag vereis dat die dier in doeltreffende afsondering vir herondersoek gehou moet word.

(2) Indien 'n dier ooreenkomstig subregulasie (1) deur die Veeartsenykundige Vleisinspekteur afgekeur is, moet dit vernietig en mee gehandel word soos in Deel VIII voorgeskryf.

(3) Indien 'n dier ooreenkomstig subregulasie (2) vernietig is, mag die Veeartsenykundige Vleisinspekteur die red en gebruik van die huid of vel magtig.

(4) Geen deel van 'n dier wat ooreenkomstig subregulasie (2) vernietig is, mag in of deur enige afdeling vir eetbare produkte in die abattoir geneem word nie.

(5) Dit is die plig van die Superintendent om sonder versuim van die eenaar of persoon in bevel van die siek dier die naam en adres van die persoon van wie die dier verkry is, of sodanige ander inligting as wat dit moontlik maak om die plek van herkoms van die siek dier op te spoor, te verneem en op te teken.

(6) Ingeval 'n abattoir ooreenkomstig die Wet op Diersiektes en -parasiete (Wet No. 13 van 1956) verklaar is 'n verbode of beperkte area te wees, mag die Hoofvleishigiënebeampte die Superintendent opdrag gee om 'n dier onverwyld te slag.

DEEL VI

HUMANE SLAGTING VAN DIERE

1. Geen dier mag in 'n goedgekeurde abattoir geslag word behalwe in ooreenstemming met die volgende metodes en prosedures.

2. (1) Die aanjaag of vervoer van 'n dier na 'n plek waar dit op enige wyse voor slagting verdoof sal word, moet met die minste ongerief aan en besering of opgewondenheid van die dier uitgevoer word.

(2) Elektriese aanportoerusting moet van batterye werk en wanneer nodig, slegs kortstondig aangewend word.

3. Geen persoon mag enige instrument vir die slag of bedwelming van 'n dier gebruik nie, tensy sy bekwaamheid en liggaamlike toestand op daardie tydstip hom in staat stel om dit te gebruik sonder om aan die dier enige onnodige pyn te besorg, nog mag hy enige meganiesgeaktiveerde instrument op so 'n wyse of onder sodanige omstandighede of in sodanige defektiewe toestand gebruik dat dit aanleiding kan gee tot die moontlike veroorsaking van onnodige lyding nie.

4. Die Superintendent van die abattoir is te alle tye verantwoordelik vir die nakoming van die regulasies in hierdie Deel ten einde die humane slagting van diere te verseker.

5. *Koolstofdioxiedgas-metode.*—Die gebruik van koolstofdioxiedgas by die verdoving van diere word slegs ten opsigte van skape en varke goedgekeur, en dan slegs indien ooreenkomstig die volgende metodes en prosedures.

- (i) The carbon dioxide gas shall be administered in a chamber so as to produce anaesthesia in the animal before it is shackled, hoisted, thrown, cast or cut. The animal shall be exposed to the carbon dioxide gas in a manner that will accomplish the anaesthesia quickly and calmly, with a minimum of excitement, discomfort and injury to the animal.
- (ii) Shackling, sticking and bleeding of the animal shall be undertaken before such animal regains consciousness.
- (iii) The operator of the carbon dioxide chamber shall ensure that every animal is adequately anaesthetized, and shall take every possible precaution to avoid overdosage and death of the animal in the chamber.
- (iv) Carbon dioxide gas shall be derived from the controlled evaporation of solid or liquid carbon dioxide, and shall be free from noxious or irritant contaminants. The gas concentration in the chamber shall be uniformly maintained, to ensure that a constant degree of anaesthesia is produced. Sampling of gas for analysis shall be continuously effected from a representative place or places within the chamber, and gas concentrations and exposure times shall be continuously graphically recorded throughout operations.

6. *Captive Bolt Method.*—The stunning of cattle, calves, sheep, goats, pigs, ostriches and equine animals by using a captive bolt stunner as a mechanical method is approved if carried out in accordance with the following methods and procedures:

- (i) The captive bolt stunner shall be applied so as to produce immediate insensibility in the animal before it is shackled, hoisted, thrown, cast or cut, in such a manner that it is rendered insensible with a minimum of excitement, injury and discomfort.
- (ii) Shackling, sticking and bleeding of the animal shall be undertaken immediately after such animal has been stunned.
- (iii) Captive bolt stunning instruments shall be skull penetrating and effective.
- (iv) A stunning area or box shall be so designed and constructed as to limit the free movement of the animal sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanism between and including holding pens and the stunning area or box shall be free from injury or pain producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where the feet or legs of an animal may be injured. The gate shall be suitably padded to prevent injury on contact with the animal. Non-slip flooring shall be provided in chutes leading to the stunning area or box. The chute, alley, stunning area or box shall be so designed that it will comfortably accommodate the kind of animal to be stunned.

7. *Free Projectile Method.*—The stunning of cattle, calves, sheep, goats, pigs, ostriches and equine animals by shooting with a firearm of a type and design specified by the Chief Meat Hygiene Officer is permitted if carried out in accordance with the following procedures:

- (i) A firearm shall be employed in the delivery of a bullet or projectile into the animal so as to produce

- (i) Die koolstofdioxiedgas moet in 'n kamer toegedien word ten einde die dier te verdoof totdat dit geboei, opgehys, neergegooi, neergestrek of gesny word. Die dier moet op so 'n wyse aan die koolstofdioxiedgas blootgestel word dat die verdowing spoedig en op 'n kalm wyse met 'n minimum van ongemak aan en besering van die dier sal plaasvind.
- (ii) Die dier moet geboei, gesteek en gebloeï word alvorens die dier sy bewussyn herwin het.
- (iii) Die operateur van die koolstofdioxiedkamer moet verseker dat elke dier voldoende verdoof is, en moet alle moontlike voorsorgsmaatreëls neem om te verhoed dat 'n oormaat gas aan 'n dier toegedien word en die dier in die kamer doodgaan.
- (iv) Koolstofdioxiedgas moet verkry word van die gekontroleerde verdamping van vaste of vloeibare koolstofdioxied, en moet vry wees van aanstootlike of irriterende kontaminante. Die konsentrasie van gas in die kamer moet eenvormig in stand gehou word ten einde te verseker dat 'n konstante graad van verdowing verkry word. Die monsterring van gas vir ontleding moet aaneenlopend geskied vanaf 'n verteenwoordigende plek of plekke in die kamer, en die konsentrasies van gas en die periodes van blootstelling moet gedurende operasies aaneenlopend grafies aangeteken word.

6. *Skietpen-metode.*—Die bedwelmings van beeste, skape, bokke, varke, volstruise en diere van die perderas deur gebruik van 'n skietpenbedwelmer as 'n meganiese metode word goedgekeur indien dit ooreenkomstig die volgende metodes en prosedures uitgevoer word:

- (i) Die skietpen moet aangebring en gebruik word sodat onmiddellike bewusteloosheid van die dier met die minste opgewondenheid, besering of ongemak tot stand gebring word voordat die dier geboei, opgehys, neergegooi, neergestrek of gesny word.
- (ii) Die dier moet geboei, gesteek en gebloeï word onmiddellik nadat die dier bedwelmd gemaak is.
- (iii) Die pen van die skietpen-toerusting moet die kop-been indring en die toerusting moet effektief wees.
- (iv) Die hok of area waarin bedwelmings plaasvind, moet so ontwerp en vervaardig wees om vrye beweging van die dier voldoende te beperk sodat die operateur die bedwelmende skoot met 'n hoë mate van akkuraatheid kan plaas. Alle drukgange, gange, hekke en ander toerusting waarmee diere bedwing word en wat tussen die krale en die bedwelmhok of -area geleë is, moet vry wees van strukture soos blootgestelde boutpunte, los, versplinterde of gebreekte planke, en enige metaaluitsteeksels wat besering en pyn kan veroorsaak. Daar moet geen onnodige gate of ander openinge waarin die pote of ledemate van 'n dier beseer mag word, wees nie. Hekke moet op geskikte wyse bedek en opgestop wees ten einde besering deur aanraking met die dier te vermy. In drukgange wat na die bedwelmhok of -area lei moet vloere wat nie glyerig is nie, voorsien word. Die drukgang, gang, bedwelmaree of -hok moet so ontwerp wees dat hulle gemaklik die soort dier wat bedwelmd moet word, kan akkommodeer.

7. *Vryeprojektiel-metode.*—Indien ooreenkomstig die volgende prosedures uitgevoer, word die bedwelmings van beeste, kalwers, skape, bokke, varke, volstruise en diere van die perderas deur gebruik van 'n vuurwapen, van 'n tipe en ontwerp deur die Hoofvleishigiënebeampte gespesifiseer, toegelaat:

- (i) Die vuurwapen moet so gebruik word dat 'n koeël of projektil op 'n sekere punt in die dier se kop of

ANNEXURE G

GOVERNMENT GAZETTE - 1993

No. R. 677

23 April 1993

ABATTOIR HYGIENE ACT, 1992
(ACT No. 121 OF 1992)

EXEMPTION OF CERTAIN CATEGORIES OF PERSONS FROM SECTION 3 (1) OF THE ACT

The Minister of Agriculture has, under the powers vested in him by section 24, read with section 3, of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and—

“the Standing Regulations” means the Standing Regulations under the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), published by Government Notice No. R. 3505 of 9 October 1969, as amended, and

“the Act” means the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).

Exemption in respect of slaughter for own consumption

2. (1) Subject to the provisions of subregulations (2), (3), (4), (5) and (6) any person who slaughters for own consumption, is exempted from the provisions of section 3 (1) of the Act in respect of the slaughter of animals for obtaining meat—

- (a) for consumption by such a person, his household and non-paying guests; and
- (b) for consumption by the employees of such a person and the households and non-paying guests of such employees.

(2) The slaughter of animals by a person referred to in subregulation (1), shall occur on land in respect of which that person—

- (a) is the owner by virtue of a deed of grant or title deed registered under the Deeds Registries Act, 1937 (Act No. 47 of 1937), in respect of that land;
- (b) is the lawful tenant or occupier; or
- (c) otherwise has the right of control, management, use or supervision.

(3) (a) A person referred to in subregulation (1) shall not slaughter more than one bovine, one equine animal, three pigs, two calves, four sheep, four goats, 50 rabbits or 50 head of poultry per week.

(b) A person referred to in subregulation (1) may, in addition to any animals slaughtered in accordance with paragraph (a), slaughter one ostrich per week.

(4) The portions of animals slaughtered for own consumption that are not utilized, shall be disposed of in accordance with the health requirements of the relevant local authority.

(5) Any other legal provisions regulating the keep and slaughter of animals on land referred to in subregulation (2), shall be complied with in addition to the provisions of the Act and these regulations.

No. R. 677

23 April 1993

WET OP ABATTOIRHIGIËNE, 1992
(WET No. 121 VAN 1992)

VRYSTELLING VAN BEPAALDE KATEGORIEË PERSONE VAN ARTIKEL 3 (1) VAN DIE WET

Die Minister van Landbou het kragtens die bevoegdheid aan hom verleen by artikel 24, saamgelees met artikel 3, van die Wet op Abattoirhigiëne, 1992 (Wet No. 121 van 1992), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en beteken—

“die Staande Regulasies” die Staande Regulasies kragtens die Wet op Abattoirhigiëne, 1992 (Wet No. 121 van 1992) gepubliseer by Goewermentskennisgewing No. R. 3505 van 9 Oktober 1969, soos gewysig; en

“die Wet” die Wet op Abattoirhigiëne, 1992 (Wet No. 121 van 1992).

Yrystelling ten aansien van slag vir eie gebruik

2. (1) Behoudens die bepalings van subregulasies (2), (3), (4), (5) en (6) word iemand wat vir eie gebruik slag, vrygestel van die bepalings van artikel 3 (1) van die Wet ten aansien van die slag van diere vir die verkryging van vleis—

- (a) vir verbruik deur so 'n persoon, sy huishouding en nie-betalende gaste; en
- (b) vir verbruik deur die werknemers van so 'n persoon en die huishoudings en nie-betalende gaste van sodanige werknemers.

(2) Die slag van diere deur 'n persoon in subregulasie (1) bedoel, moet plaasvind op grond ten opsigte waarvan daardie persoon—

- (a) die eienaar is uit hoofde van 'n grondbrief of titelbewys wat kragtens die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937) ten opsigte van daardie grond geregistreer is;
- (b) die wettige huurder of bewoner is; of
- (c) andersins die reg van beheer, bestuur, gebruik of toesig het.

(3) (a) 'n Persoon in subregulasie (1) bedoel, mag hoogstens een bees, een lid van die perdefamilie, drie varke, twee kalwers, vier skape, vier bokke, 50 konyne of 50 stuks pluimvee per week slag.

(b) 'n Persoon in subartikel (1) bedoel mag, benevens enige diere geslag in ooreenstemming met paragraaf (a), een volstruis per week slag.

(4) Die gedeeltes van diere geslag vir eie gebruik wat nie benut word nie, moet oor beskik word ooreenkomstig die gesondheidsvereistes van die betrokke plaaslike owerheid.

(5) Enige ander wetlike voorskrifte wat die aanhou en slag van diere reël op grond soos in subregulasie (2) bedoel, moet benewens die bepalings van die Wet en hierdie regulasies nagekom word.

(6) Meat derived from animals slaughtered for own consumption in terms of this exemption, shall not be sold or disposed of in any way for a consideration.

Exemption of persons belonging to the Muslim Faith

3. (1) Subject to the provisions of subregulations (2), (3), (4) and (5), any person who belongs to the Muslim Faith is exempted from the provisions of section 3 (1) of the Act in respect of the slaughter of animals—

- (a) as "Qurbani" on the occasion of the commemoration of "Eid-ul-Adha" in the month of "Zil-Haj";
- (b) as an offering on the occasion of "Ahkika" to commemorate the birth of a child; or
- (c) as "Sadqua" in the form of an offering.

(2) The slaughter of animals as referred to in subregulation (1), shall only be performed by persons—

- (a) authorized thereto under Islamic Laws; and
- (b) who has the necessary knowledge and physical ability to perform such a slaughtering without inflicting unnecessary pain on the animal.

(3) A person who slaughters animals under this exemption shall—

- (a) obtain prior written permission thereto from the local health authority of the area where such a slaughtering occurs; and
- (b) obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

(4) The portions of a sacrificial animal that are not utilized, shall be disposed of in accordance with the health requirements of the relevant local authority.

(5) Meat obtained from an animal slaughtered as an offering—

- (a) shall be handled in a hygienic manner at all times; and
- (b) may only be distributed as ordained by Islamic Law.

Exemption of persons that belong to indigenous religions

4. (1) Subject to the provisions of subregulations (2), (3) and (4) any person that belongs to an indigenous religion is exempted from the provisions of section 3 (1) of the Act in respect of the slaughter of animals in accordance with the ritual customs of a certain tribe or population group.

(2) A person who slaughters animals under this exemption shall—

- (a) obtain prior written permission thereto from the local health authority of the area where such a slaughtering occurs; and
- (b) obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

(6) Vleis afkomstig van diere geslag vir eie gebruik ingevolge hierdie vrystelling, mag nie verkoop of op enige wyse vir teenwaarde van die hand gesit word nie.

Vrystelling van persone wat aan die Moslemgeloof behoort

3. (1) Behoudens die bepalings van subregulasies (2), (3), (4) en (5) word iemand wat aan die Moslemgeloof behoort vrygestel van die bepalings van artikel 3 (1) van die Wet ten aansien van die slag van diere—

- (a) as "Qurbani" by geleentheid van die viering van "Eid-ul-Adha" in die maand van "Zil-Haj";
- (b) as 'n offerande by geleentheid van "Ahkika" om die geboorte van 'n kind te vier; of
- (c) as "Sadqua" in die vorm van 'n offerande.

(2) Die slag van diere soos in subregulasie (1) bedoel, mag alleenlik verrig word deur persone—

- (a) bevoeg daartoe kragtens die Islamitiese Wette; en
- (b) wat oor die nodige kundigheid en fisiese vermoëns beskik om sodanige slagting uit te voer sonder om 'n dier onnodige pyn te veroorsaak.

(3) Iemand wat diere ingevolge hierdie vrystelling slag, moet—

- (a) vooraf skriftelike toestemming daartoe verkry van die plaaslike gesondheidsowerheid van die gebied waar sodanige slagting plaasvind; en
- (b) vooraf toestemming daartoe verkry van die eienaar, huurder of persoon in beheer van die grond waar sodanige slagting plaasvind indien die persoon wat die slagting uitvoer, nie die eienaar, huurder of persoon in beheer van die betrokke grond is nie.

(4) Die gedeeltes van 'n offerdier wat nie benut word nie, moet oor beskik word ooreenkomstig die gesondheidsvereistes van die betrokke plaaslike owerheid.

(5) Vleis verkry van 'n dier as 'n offerande geslag—

- (a) moet te alle tye op 'n higiëniese wyse hanteer word; en
- (b) mag slegs versprei word soos bepaal deur Islamitiese Wette.

Vrystelling van persone wat aan inheemse gelowe behoort

4. (1) Behoudens die bepalings van subregulasies (2), (3) en (4) word iemand wat aan 'n inheemse geloof behoort, vrygestel van die bepalings van artikel 3 (1) van die Wet ten aansien van die slag van diere volgens die rituele gebruike van 'n bepaalde stam of bevolkingsgroep.

(2) Iemand wat diere ingevolge hierdie vrystelling slag moet—

- (a) vooraf skriftelike toestemming daartoe verkry van die plaaslike gesondheidsowerheid van die gebied waar sodanige slagting plaasvind; en
- (b) vooraf toestemming daartoe verkry van die eienaar, huurder of persoon in beheer van die grond waar sodanige slagting plaasvind indien die persoon wat die slagting uitvoer, nie die eienaar, huurder of persoon in beheer van die betrokke grond is nie.

(3) The portions of an animal slaughtered in accordance with ritual customs that are not utilized, shall be disposed of in accordance with the health requirements of the relevant local authority.

(4) The meat and edible offal obtained from ritual slaughtering—

- (a) shall be handled in a hygienic manner at all times; and
- (b) may only be distributed as stipulated in the written permission from the local health authority.

Exemption of persons that slaughter for acquisition of skins

5. Any person who slaughters an animal for the acquisition of the skin thereof, is exempted from the provisions of section 3 (1) of the Act provided that the meat, offal and animal products of such an animal is disposed of in accordance with the provisions of Part VIII of the Standing Regulations.

(3) Die gedeeltes van 'n dier volgens rituele gebruik geslag wat nie benut word nie, moet oor beskik word ooreenkomstig die gesondheidsvereistes van die betrokke plaaslike owerheid.

(4) Die vleis en eetbare afval verkry van rituele slagting—

- (a) moet te alle tye op 'n higiëniese wyse hanteer word; en
- (b) mag slegs versprei word soos bepaal in die skriftelike toestemming vanaf die plaaslike gesondheidsowerheid.

Vrystelling van persone wat slag vir verkryging van velle

5. Iemand wat 'n dier slag vir die verkryging van die vel daarvan, word vrygestel van die bepalings van artikel 3 (1) van die Wet, op voorwaarde dat die vleis, afval en dierlike produkte van so 'n dier oor beskik word ooreenkomstig die bepalings van Deel VIII van die Staande Regulasies.

DEPARTMENT OF MANPOWER

No. R. 632

23 April 1993

LABOUR RELATIONS ACT, 1956

**BUILDING INDUSTRY, WESTERN PROVINCE:
AMENDMENT OF THE AGREEMENT FOR THE
CAPE PENINSULA**

I, Leon Wessels, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1993, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a) and 2, shall be binding, with effect from the second Monday after the date of publication of his notice and for the period ending 31 October 1993, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

L. WESSELS,

Minister of Manpower.

DEPARTEMENT VAN MANNEKRAG

No. R. 632

23 April 1993

WET OP ARBEIDSVERHOUDINGE, 1956

BOUNYWERHEID, WESTELIKE PROVINSIE: WYSIGING VAN DIE OOREENKOMS VIR DIE KAAPSE SKIEREILAND

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en.
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 2 (1) (a) en 2 met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebied in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

L. WESSELS,

Minister van Mannekrag.