



## MEDIA STATEMENT: CONCERN OVER COURT FINDINGS PLACING BRUNT OF RESPONSIBILITY FOR MCF EXPOSURE ON GAME RANCHES

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01 March 2023 – Wildlife Ranching South Africa (WRSA) has noted, with concern, certain judgements granted by High Court across the country concerning the management of ranched blue and black wildebeest populations.

These judgements have arisen from applications brought by cattle farmers against game ranches in recent months due to the spread of Malignant Catarrhal Fever (MCF), commonly known as *snotsiekte*.

The most recent judgment handed down by the Gauteng High Court in Johannesburg on 21 February 2024 held neighbouring game ranchers with a herd of black wildebeest accountable for the financial losses suffered by a cattle farmer due to an outbreak of MCF in his

commercial cattle herd. The court further ordered the game ranchers to move the black wildebeest at least one kilometre away from the cattle farm and to maintain a one-kilometer buffer zone between the black wildebeest herd and the cattle farm.

WRSA considers this judgement, and similar ones in the recent past, as a serious infringement upon both the game ranching industry's right and ability to operate a sustainable business with particular respect to the game species local to South Africa. In addition, the requirement of a one-kilometer buffer zone poses a serious and undue targeted infringement upon the property utilisation rights of game ranchers and constitutes an overextension of the court's powers to regulate disputes between neighbouring farms.

Such orders effectively sterilises a significant portion of a productive game farm and compels game ranchers to incur unreasonable costs to erect additional fencing to conduct what the

Supreme Court of Appeal has already ruled to be a reasonable activity that is not responsible for the creation of unreasonable risks towards neighbouring farming activities.

However, the game ranching industry understands and is not unsympathetic to the plight of cattle farmers combating MCF's devastating effect on their livestock. Our ire is raised and directed at the fact that a viable vaccine is technically available as it has already passed the clinical testing of European regulators and of which the license to manufacture was granted to Onderstepoort Biological Products Ltd (OBP) in 2018 already.

Notwithstanding this breakthrough, it seems as if institutional challenges faced by OBP, such as aging equipment, insufficient infrastructure, lack of planned maintenance on major equipment, and

a lack of skilled staff, is standing in the way of a real solution to the MCF issue that would benefit both cattle farmers and game ranchers.

“The inability of OBP to manufacture its current product line, and more specifically, to commence production of the extant vaccine against MCF, is a matter of grave concern.” says WRSA CEO, Richard York. “Such deficiencies in infrastructure and technical expertise at OBP have prompted conflict between game ranchers and cattle farmers, where the availability of these vaccines could have forestalled litigation between agricultural stakeholders integral to the South African economy.”

“OBP’s noncompliance with its public mandate to supply animal vaccines for the prevention and control of diseases affecting food security and the livelihoods of both game ranchers and cattle farmers has resulted in complex and impractical judgments by South African courts. These courts now bear the burden of resolving issues for which solutions already in the possession of the state are more effective”.

WRSA has instructed its legal representatives to liaise with the parties involved in the current High Court litigation, having ascertained that respondents intend to appeal the judgment of 21 February 2024. WRSA is examining potential avenues for assisting the court in comprehending the proper legal position concerning game ranching and the cattle industry’s plight vis-à-vis MCF-related challenges.

Furthermore, WRSA and its legal team shall now direct their attention towards the Minister of Agriculture, and OBP specifically, to find mechanisms to enforce production of the extant MCF vaccines, whether by OBP or, if necessary, through private sector involvement.

Click here to download [WRSA’s Media Statement in PDF format](#).

Click here to download the [High Court judgement of 21 February 2024](#)