

RACE TO CONTAIN A LIVESTOCK THREAT

LUCINDE RHOODIE, director – Dispute Resolution practice and Agriculture, Aquaculture & Fishing sector, and **LIËTTE VAN SCHALKWYK**, senior associate – Dispute Resolution practice, at Cliffe Dekker Hofmeyr, unpack the vaccination challenges, government obligations and legal consequences of Foot-and-Mouth Disease

Foot-and-Mouth Disease (FMD) is a highly contagious viral disease affecting cloven-hoofed animals such as cattle, goats, sheep and pigs. While not a food safety risk to humans, FMD significantly harms the economy through reduced productivity, livestock losses, export restrictions and broader agricultural disruptions.

The national livestock sector, valued at approximately R80-billion, faces heightened vulnerability during multiprovince outbreaks such as the current one.

FMD remains one of the most economically devastating livestock diseases globally, and a recurring threat to South Africa's agricultural sector. Classified as a controlled animal disease under the Animal Diseases Act 35 of 1984, FMD imposes extensive responsibilities on both the government and livestock owners. Recent outbreaks, which for the first time in South African history have spread over the demarcated FMD area across provinces, have intensified pressure on government systems responsible for disease control, vaccine procurement and regulatory enforcement.

South Africa has recently accelerated efforts to contain the outbreak through large-scale vaccination campaigns and renewed local vaccine production. However, these initiatives have not been without



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controversy, particularly regarding who may lawfully administer vaccines and the extent of state authority under the governing legislation.

CURRENT VACCINATION CHALLENGES IN SOUTH AFRICA

The Department of Agriculture, Land Reform and Rural Development has begun administering millions of vaccine doses, including two million doses sourced from the Botswana Vaccine Institute.

At the current stage, South Africa must administer 28 million vaccine doses over the next 12 months. High-potency vaccines, including trivalent doses for SAT 1, SAT 2, and SAT 3 strains, have been imported from Argentina and Turkey, while local production is being scaled up. Private veterinarians are authorised to administer vaccines under the act, and vaccination tracking uses ear-tag identification for efficiency. Provinces like KwaZulu-Natal, identified as the outbreak's epicentre, have intensified vaccination efforts, with teams capable of vaccinating up to 90 000 animals per day.

More than 2.5 million FMD vaccine doses have landed in South Africa since late February, with millions more scheduled. The government is responsible for the payment of the vaccines. Storage facilities are prepared, and the roll-out is underway to accommodate more vaccine doses. Yet on farms across the country, frustration is mounting because the distance between a dose in a warehouse and administration of the vaccine to an animal turns out to be longer and more complicated than most realised.

LEGAL DISPUTES AROUND VACCINE ADMINISTRATION

Agricultural organisations, including the South African Agri Initiative, Sakeliga, and Free State Agriculture, have issued an urgent application against the government, demanding that private livestock owners be permitted to administer vaccines independently. The Minister of Agriculture warned that litigation could divert veterinary resources, slow vaccine purchases and jeopardise South Africa's goal of regaining FMD-free status with vaccination from the World Organisation for Animal Health.

The government has emphasised that the act strictly governs the administration of

LEGAL DISPUTES AROUND VACCINE ADMINISTRATION HIGHLIGHT THE DELICATE BALANCE BETWEEN PRIVATE RIGHTS AND PUBLIC BIOSECURITY. MAINTAINING THIS BALANCE IS CRUCIAL TO SAFEGUARDING SOUTH AFRICA'S LIVESTOCK SECTOR, PRESERVING BIOSECURITY AND RESTORING THE COUNTRY'S FMD-FREE STATUS.