INTRODUCTION

To South Africans, the 24\textsuperscript{th} of September represents a national day to celebrate the diversity in culture, beliefs, and traditions of our “Rainbow Nation”. Heritage Day in South Africa marks as a celebration of everything that makes our country truly unique. Living heritage in the form of indigenous knowledge, vibrant communities and expression of various traditions and beliefs have been highlighted annually. We also celebrate our valuable environment: our beautiful landscapes, the natural wonder that is Table Mountain, our unique and indigenous Fynbos biodiversity, and the world famous ‘Big Five’. It is a time for South Africans to come together and truly embody the principle of the Constitutional value of “Ubuntu”. Ubuntu is an African philosophy which has several rough translations such as “humanity to others”, “I am what I am because of who we all are”, and “I am because you are”\textsuperscript{2}. It is based on the idea that community is one of the building blocks of society.\textsuperscript{3}

Heritage Day has, over time, become known as “National Braai Day” which sees South Africans lighting fires, starting braais, and consuming a massive amount of meat and animal products. This means that while we simultaneously aim to bring together our people and recognise and celebrate our diversity, our shared heritage in the form of living animals, are slaughtered in the thousands for our consumption.

This blog will discuss Heritage Day in South Africa, considering our shared living heritage, our understanding of Ubuntu and questions how animals should be included in our celebrations of National Braai Day.

\textsuperscript{3} Ibid.
ORIGIN OF HERITAGE DAY IN SOUTH AFRICA

The history of Heritage Day, much like the day itself, comes with significance and is closely tied to our country’s path toward equality and acceptance of cultural diversity. In Kwa-Zulu Natal, the day was first known as ‘Shaka’s Day’ in remembrance of the legendary Zulu King Shaka Zulu. In 1995, upon South Africa transitioning into its constitutional dispensation, Shaka’s Day was omitted from the Public Holidays Bill by the New South African Parliament and rejected as an official holiday. The Inkatha Freedom Party, which contained a large Zulu membership, opposed this omission. To compromise with the party, Heritage Day was created. This public holiday, according to former President Nelson Mandela, was made due to the recognition that our unique and abundant cultural heritage could have a profound power in building our new nation.

Heritage Day, however, was not without complication. In a country like South Africa, with a history of segregation, state-sanctioned racism and discrimination and violence, while the celebration of a unified national heritage seemed like a good idea, its implementation left many questioning as to how to meaningfully celebrate this diversity together.

THE ADVENT OF ‘NATIONAL BRAAI DAY’

With such a diverse country, with many unique cultural differences, the celebration of individual heritage could further divide people into their respective groups and not foster the unified goal envisioned by the State when creating the public day. In 2005, Jan Scannel, or Jan Braai, initiated the Braai4Heritage initiative. This initiative encouraged South Africans to celebrate their

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5 Ibid.
7 Heritage day, Braai Day or Shaka Day: Whose Heritage is it Anyway? South African History Online available at https://www.sahistory.org.za/article/heritage-day-braai-day-or-shaka-day-whose-heritage-it-anyway (accessed on 13 September 2022).
10 Available at https://braai.com/about/ (accessed on 13 September 2022).
common roots by having a braai, South Africa’s version of a barbeque, on Heritage Day. In 2008, the National Heritage Council endorsed this campaign with high profile political supporters following suit. One of the most notable supporters was the late Archbishop Emeritus Desmond Tutu who stated:

“We’re going to have this wonderful thing on the 24th of this month… when we all gather around one fire… It’s a fantastic thing, a very simple idea. Irrespective of your politics, of your culture, of your race, of your whatever, hierdie ding doen ons saam… just South Africans doing one thing together and recognising that we are a fantastic nation.”

This sentiment still holds true today, with South Africans unanimously acknowledging every 24th of September as the ‘Day of the Braai’ – and in celebration of everything that makes South Africa the unique, beautiful, and diverse place it is, irrespective of individual belief, cultural or traditional differences.

UBUNTU AND HERITAGE DAY

In 2020, South Africa, much like the rest of the world, was in the midst of the global COVID-19 pandemic. In response to the isolation and separateness plaguing South Africa, Bonginkosi Dhlamini, member of the Gauteng Provincial Legislature and Chairperson of Inkatha Freedom Party Gauteng, stated that the spirit of Ubuntu should be the basis of our heritage and the years Heritage Day celebrations. He further stated that: “the shared spirit of Ubuntu which saw everyone realising that we are all affected by what happens around us and that we need to be keepers of each other’s well-being.”

The concept of Ubuntu, much like Heritage Day, is tied to the history of our country as well as the efforts to unify all within our borders. The concept of Ubuntu was first included in the 1993 Interim Constitution. The Interim Constitution states:

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11 Ibid.
14 s15(1) of the Constitution guarantees everyone the right to freedom of conscience, religion, thought, belief, and opinion. s31(1) further provides that persons belonging to a cultural, religious, or linguistic community may not be denied the right, with other members of that community. It further specifically states that this right extends (a) to enjoy their culture, practise their religion, and use their language; and (b) to form, join and maintain cultural, religious, and linguistic associations and other organs of civil society.
15 The Spirit of Ubuntu should be the basis of our heritage (2020) IOL available at https://www.iol.co.za/news/opinion/the-spirit-of-ubuntu-should-be-the-basis-of-our-heritage-7e0c58e6-cff5-4a9c-a225-f802dc598b28 (accessed on 13 September 2022).
“The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt, and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation.”

Although the Interim Constitution did not provide a definition of Ubuntu, the Constitutional Court case, *S v Makwanyane and Another* provided further elaboration on the concept. In the case, the majority court stated that:

“An outstanding feature of ubuntu in a community sense is the value it puts on life and human dignity. The dominant theme of the culture is that the life of another person is at least as valuable as one’s own. Respect for the dignity of every person is integral to this concept. During violent conflicts and times when violent crime is rife, distraught members of society decry the loss of ubuntu. Thus, heinous crimes are the antithesis of ubuntu. Treatment that is cruel, inhuman, or degrading is bereft of ubuntu.”

In his separate concurring judgment, Mahomed J stated that:

“‘The need for ubuntu’ expresses the ethos of an instinctive capacity for and enjoyment of love towards our fellow men and women; the joy and the fulfilment involved in recognizing their innate humanity; the reciprocity this generates in interaction within the collective community; the richness of the creative emotions which it engenders and the moral energies which it releases both in the givers and the society which they serve and are served by.”

The term ‘Ukama’ is linked to Ubuntu, however this is not always the case in current understanding and interpretation of the concept by South Africa. Ukama is a broader understanding of Ubuntu and is connected to relatedness - that everything in the universe is connected, including nonhuman animals. Ubuntu has been argued to be the concrete form Ukama in the sense that human interrelationship within society is a microcosm of the relationality within the universe. In short, the concept Ukama embodies an inseparable oneness between past, present, and future.
generations. But Ukama further encompasses humanity’s relatedness to the natural (biophysical) world, which is advanced through totemic ancestorhood.\(^{23}\)

Ubuntu (through the notion of Ukama) could then see nature and nonhuman animals as having their own heritage to be celebrated in and of itself. Accordingly, Ubuntu means that a person only gains full personhood if they maintain harmonious relationships with everything around them, nature, non-human animals, and people. It also means we have a responsibility towards our ancestors and future generations to maintain and take care of everything around us, inclusive of the environment and all our animals.

Bearing this in mind, the concept of “Ubuntu” should be the basis of our heritage and how we celebrate that heritage. The celebration of our connectedness to our land, our people and all those who inhabit it, irrespective of individual cultural, traditional, belief or even species differences.

Ubuntu has most recently been mentioned in the Draft White Paper on Sustainable Use and Conservation of Biodiversity in South Africa,\(^{24}\) and continues to be a guiding value throughout national policy.

When looking at the significance of Ubuntu in South Africa regarding our shared history and heritage, the case of King N.O. and Others v De Jager and Others (2021)\(^{25}\), provides the most appropriate quote:

“At the heart of ubuntu is the idea that a society based on human dignity must take care of its most vulnerable members and leave no one behind. It emphasizes the adage that none of us are free until all of us are free.”

**HERITAGE DAY AND ANIMALS**

According to the recent Draft White Paper on Sustainable Use and Conservation of Biodiversity in South Africa,\(^{26}\) South Africa’s biodiversity is regarded as a living heritage. The Draft White Paper provides that:

“The natural heritage is the basis of a vibrant tourism industry and offers natural spaces and a valued sense of place, for recreational, cultural, and traditional practices and activities.”\(^{27}\)

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\(^{25}\) King N.O. and Others v De Jager and Others (CCT 315/18) [2021] ZACC 4; 2021 (5) BCLR 449 (CC); 2021 (4) SA 1 (CC) (19 February 2021) at para 237.


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In relation to animals, the Draft White Paper further provides:

“Animals shall be treated with respect and dignity throughout their lives, and, when necessary, provided a humane death. In line with our custodial responsibilities in guarding the interest of animals, interventions should be humane, prevent unnecessary suffering, and ensure quality of life within its environment.”

Nationally, South Africa is a large consumer of animal products. Globally, we are ranked 16th in terms of beef consumption per capita and 18th in terms of poultry consumption per capita.29 Approximately 1 billion chickens, 3.55 million cattle, 3 million pigs and collectively 5 million sheep and lamb are bred and slaughtered annually in South Africa for meat products such as chicken, sausage, chops, steak, etc.30 This is further exacerbated on a day such as Heritage Day in which we are encouraged to braai and consume these animal products. 2022 is no different with various stores running promotions on braai meat and supplies and restaurants having various braai specials and buffets and extensive media coverage in anticipation of the day.

Not only are these traditionally domesticated animals slaughtered at an alarming rate, but the Government is increasingly making efforts to have further animals bred and slaughtered for consumption – including through initiatives such as the “Master Poultry Plan”, the “Aquaculture Development Bill” and most recently, the state has also made efforts to expand its reach to what it labels ‘Game Meat’ with the development of the “Game Meat Strategy”, released for comment earlier this year.31 This Game Meat Strategy would see the formalised use and massive increase of various wild animals such as springbok, kudu, impala, blesbok, gemsbok and blue wildebeest and various others as meat for consumption.32

The use of and promotion of the use of these animals in this manner, would seem to contradict the above notions of Ubuntu and Ukama, fails to recognise the intrinsic value of animals, and does

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28 See 10.4.3 Placing animal well-being in context of the Draft White Paper.
32 Ibid at Executive Summary.
not celebrate animals as the living heritage they are. Instead, they promote seeing and using animals merely as tools for human consumption or pleasure.

Aside from the animal welfare issues, research has shown that the consumption of meat by fire has tremendously negative effects on human health. According to the Cancer Association of South Africa (Cansa), various chemicals are formed during the cooking of muscle meats such as beef, and pork.\(^33\) Cansa further found that these harmful chemicals were also found when meat products were cooked in a braai and stated that high consumption of well-done, fried or barbequed meat was associated with an increased risk of colorectal cancer, pancreatic cancer and prostate cancer.\(^34\) Colorectal cancer was the seventh most prevalent newly histologically diagnosed cancer amongst South African males.\(^35\) This is in addition to the various health risks associated with meat and animal products and processed products, as well as the risk of zoonotic diseases.

This doesn’t even start getting into how the consumption of animal products and meat impacts on our environment and beautiful natural wonders – but I will save that one for another day.

Surely, if Ubuntu is the basis of the celebration of our shared heritage, the national public holiday celebrating this should not be one in which we fail to acknowledge all members of our society, nor our shared heritage, nor one where we infringe on each other’s well-being? The question then becomes ‘how do we celebrate National Braai Day without meat?’ or ‘how can we do it in a more respectful and compassionate way towards animals and the environment?’

**ALTERNATIVES TO MEAT**

In their recommendations of the health impacts of braai meat consumption, Cansa advised a reduction of meat consumption resulting in fewer cancer promoters. It also advised that a diet that is more focused on more colourful fruits and vegetables reduces oxidative stress that leads to DNA damage, lower levels of inflammation and inhibits cancer rather than promoting it.\(^36\) Although colourful fruits and vegetables are normally occupying the salad table at these braais, the focus has always been on meat products at these occasions.

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\(^34\) Page 3 and 4 of the Cansa Factsheet.

\(^35\) Kassier SM Colon cancer and the consumption of red and processed meat: an association that is medium, rare or well done? South African Journal of Clinical Nutrition (2016) 29(4); 145-149 at 145. Retrieved from [Colon cancer and the consumption of red and processed meat: an association that is medium, rare or well done?](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5049400/) (accessed on 27 June 2021).

\(^36\) Page 6 of the Cansa Factsheet.

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Fortunately, alternatives to meat and animal products have become increasingly available to the public and increasingly better at providing the flavours, taste, and other sensations that people enjoy from meat. According to the recent Working Paper: Barriers to the Transformation of South Africa’s Food System by Animal Law Reform South Africa, alternatives can include everything from vegetables, fungi and legumes to re-engineered plant-based legumes, a variety of meat substitutes, cell-based meats, plant-based meat, single-cell proteins from yeast or algae. These are sometimes called “plant-based meats” or “vegan” or “vegetarian” meats, or for those more sceptical – “fake meats”.

The term “meat analogue” is used in legislation, which, according to the Agricultural Product Standards Act Regulations Regarding Classification, Packing and Marking of Processed Meat Products Intended for Sale in the Republic of South Africa, is defined as products that:

(a) approximates the aesthetic qualities (primary texture, flavour and appearance) and/or chemical characteristics of specific type of meat; and
(b) are made from non-meat ingredients, sometimes without dairy products and are available in different forms (coarse ground-meat analogues, emulsified meat analogues and loose fill, etc.)

Plant-based meats have become available in almost all the major grocery retailers of South Africa including Pick ’n Pay, Shoprite Checkers, SPAR and Woolworths, among others. In addition to this, local producers in the country have been producing and promoting its own plant-based meat and companies. Local suppliers of alternative meat products in South Africa include Frys Family Foods, On the Green Side, Herbivore, Urban Vegan, Veggiewors, Earthshine, Vegan Butcherie, ProVeg and VeganProtein.

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38 Ibid at p58.
39 Act No. 119 of 1990
41 [https://fryfamilyfood.com/za/](https://fryfamilyfood.com/za/)
42 [https://onthegreenside.com/our-story-1](https://onthegreenside.com/our-story-1)
43 [https://www.herbivore.co.za/](https://www.herbivore.co.za/)
44 [https://www.urbanvegan.co.za/](https://www.urbanvegan.co.za/)
45 [https://veggiewors.co.za/](https://veggiewors.co.za/)
46 [https://earthshine.co.za/](https://earthshine.co.za/)
47 [https://veganbutchery.weebly.com/](https://veganbutchery.weebly.com/)
49 Vegan Proteins: [https://www.veganprotein.co.za/](https://www.veganprotein.co.za/)
The Kind Kitchen,\(^{50}\) became Africa’s first vegan butchery in 2018. Currently, the company offers two plant-based ranges: *KindaMeat* and *KindaDeli* products, “with the goal to continuously innovate & ethically produce, healthy and deliciously affordable plant-based 'Meat' Alternatives and food products for the good of all.” Johannesburg-based Infinite Foods have brought popular international animal-free brands such as Oatly and Beyond Meat to South Africa. The distributor supplies plant-based meat alternatives to more than 800 outlets in South Africa, Mauritius, and Botswana.\(^{51}\) These alternatives are widely available, produced by locals and can be braaied on Heritage Day, without many of the detrimental health and environmental impacts or negative impact on animals.

These meat alternatives are sold at a wide price range in South Africa, to cater for all types of budgets. For example, Beyond Burger plant-based patties sells for 40 Patties x 113g, at ZAR1,499.00\(^{52}\), while soya mince/chunks are priced at around ZAR24.99/400g at any major South African retailer.\(^{53}\) Other easily accessible South African plant-based ranges include: Fry’s Family Food Company,\(^{54}\) Future Foods,\(^{55}\) Checkers’ Simply Truth, and Woolworths’ Plant Powered range.\(^{56}\)

Unfortunately, the Department of Agriculture Land Reform and Rural Development (DALRRD) issued a Communique\(^{57}\) regarding the “illicit use” of product names in respect of names exclusively prescribed for processed meat products, such as “vegan or veggie biltong”, “mushroom biltong”, “plant-based meatballs”, “vegan nuggets”, “vegan BBQ ribs”, “plant-based bratwurst”, “chorizo & red pepper vegetarian sausages” and “plant-based chicken-style strips”, etc. It further provided that it is an offence to use product names prescribed or reserved for processed meat in the sale of analogues. Lastly, the document states that the Food Safety Agency (Pry) Ltd (the FSA) will seize any meat analogue products using the product names prescribed for processed meat products at respective retailers. A recent court case brought forth by The Consumer Goods Council of South Africa (CGCSA) against DALRRD and the FSA placed a hold on this when the court granted an

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\(^{50}\) https://thekindkitchen.co.za/pages/about


\(^{53}\) https://www.checkers.co.za/c-54006/All-Departments/Food/Food-Cupboard/Cooking-Ingredients/Soya-Mince

\(^{54}\) https://fryfamilyfood.com/za/

\(^{55}\) https://futurefoodco.co.za/

\(^{56}\) https://www.woolworths.co.za/cat?Ntt=plant%20powered&Dr=1

\(^{57}\)https://www.foodfocus.co.za/assets/documents/Communique%20to%20the%20stakeholders%20of%20meat%20analogues%20-%2022%20June%202022.pdf

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interdict halting seizure of meat analogues countrywide.\textsuperscript{58} This is an evolving situation and one which is important for those seeking to move away from the consumption of animals towards ones which are better for people, planet, and animals.

This year, ProVeg will be hosting a plant-based Heritage Day Braai in Cape Town.\textsuperscript{59} This, the organisation coined ‘SA’s most rebellious braai’, is a celebration of our shared heritage with an animal-based product free twist. This event seeks to hold true to the spirit of Heritage Day with people of diverse cultures, traditions and beliefs coming together (including animals such as dogs on leashes) in celebration with food, drink, music and family entertainment, while taking a stand against DALRDoS communiqué by deciding ‘to go ahead and braai hundreds, or possibly thousands, of burgers and boerie rolls even if we’re not allowed to call them that legally.’ This is an indicator of what Heritage Day could be, and serve as an answer to ‘how do we celebrate National Braai Day without meat?’ and ‘how can we do it in a more respectful and compassionate way towards animals and the environment?’

\textbf{CONCLUSION}

I am a proud South African and find significance in the celebration of Heritage Day. National Heritage Day stands as a beacon of how collectively South Africans can come together to celebrate everything that makes our country truly unique while honouring our diversity and respecting EVERYONE we share our country with. Our land’s legacy, its forefathers and struggle icons, its common battle towards equality and freedom for all inhabiting it. This day highlights everything that makes us South Africans, our diversity, our differing cultures, traditions, and beliefs. Heritage Day in South Africa further has the potential to not only continue building of our nation but highlight what makes us a caring and compassionate nation – one which can learn from our mistakes and move forward together. Heritage Day has the potential to create a nation understanding that we are connected to everything in South Africa, including our amazing people, our beautiful environment, our rich biodiversity and most importantly, the living heritage that is our animals.

\textsuperscript{59} For more information on the event, see \textit{The Plant-Based Heritage Day Braai} available at \url{https://m.facebook.com/events/1658489247867920/?_se_imp=0EP3r12Yw4Mvd7hg}.

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