Tanzania Animal Welfare Policy and Legal Framework Review: an Analysis Zeroing on Donkey Slaughter and Hides Trade

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Abstract

The study centered on the review and gap analysis of the legal framework of animal welfare with a focus on donkey slaughter and its hide's trade. It revealed that Tanzania has a comprehensive animal welfare legal framework that is commendably encored on the 5 Universal Freedoms for Animal Welfare supported by an aura of auxiliary Acts and regulations. However, their compliance and enforcement are far below attributed by low awareness and lack of enforcement mechanisms. As for the donkey's welfare matters, the findings revealed a worst situation accelerated by commercial donkey slaughter for their meat and hides trade. A venture endorsed in 2012 by the Tanzania Investment Centre (TIC) allowed two Chinese companies to invest in donkey slaughter and export of donkey meat and hide to China (Zephania, 2021) for the extraction of Ejiao, a herbal product for their home market. Such donkey welfare abuses transected all along the value chain from their sourcing, marketing, transportation, handling and slaughter. The Sector Ministry through advocacy cries from local, regional and international animal welfare organizations had to intervene by banning donkey slaughter in 2017, temporally re-opening in 2019 and banning again in 2022 this time augmented by a Continental African Union Moratorium on the same in 2022. The study recommends elimination of the identified discrepancies and inconsistencies within and in between the principal legislation, that is, the Animal Welfare Act, (2008), its regulations of 2010 and other related pieces of legislation by updating, amending and reconciling the relevant statutes. Keywords: Animal welfare, Five Freedoms, Five Domain Approach, Ejiao, Donkey Slaughter and Donkey Hides Trade (DHT), African Unity Moratorium on Donkey Slaughter

Introduction

Tanzania is reckoned to have a very exhaustive animal welfare policy and legal framework dating back to before and after Independence (Njisane et al., 2020). Its current Animal Welfare Act No 19 of 2008 Chaptered Cap 154 is preceded by two Ordinances—Animal Protection Ordinance (Cap 153) and Animal Pound Ordinance (Cap 154)—is based on the five Universal Freedoms for Animals that were originally stated in Universal Declaration for Animal Welfare (Mellor, 2016; Tanzania Veterinary Association, 2008). However, its observance and enforcement are poorly done far behind making it look like a mere piece of paper

and calling for reviewing of conducts on animal welfare issues in the country its re-examining as to why it is so (Mellor & Webster, 2014).

On donkeys the Animal Welfare Act, 2008 mentions them as "Ass" under Interpretation (Section 2) as such their welfare concerns ought to be addressed by the Act. Scientifically donkeys are included among the Equid species with the horses (equines) and mules (Madure, 2014; Tanzania Veterinary Association, 2008). They have mostly been domesticated as working/draft/draught animals and sometimes as sports/entertainment animals but rarely as food animals (Madure, 2014). In most cases donkeys have been the least cared for, neglected

and unattended animals despite their usefulness (Madure, 2014). Farmers have regarded them as hard animals (Gebresenbet *et al.*, 2016).

Animal welfare standards for donkeys have been poor for a very long time before the advent of Animal Welfare Advocacy Entities like Donkey Sanctuary, Society for the Protection of Animals Abroad (SPANA), Animal Welfare Institute (AWI), International Fund for Animal Welfare (IFAW), Humane Society of the United States, People for the Ethical Treatment of Animals (PETA), and Brooke International at the international scene (Masiga & Munyua, 2005). At the national level, NGOs like Inades-Formation have launched campaigns to address this fallacy by commemorating World Donkey Day on the 8th of May each year (Masiga & Munyua, 2005).

This assignment commissioned by Inades-Formation Tanzania supported by Brooke East Africa review work is geared towards looking into the gaps, discrepancies and deficiencies in the policy, legal framework, enforcement and prosecution on the general tenancy of animal welfare and specifically reflecting on donkey welfare, donkey slaughter and donkey hides trade in Tanzania.

Material and Methods

The study involved field visit observations to selected regions based on their envisaged donkey population and involvement in the commercial donkey slaughter business. Dodoma, Shinyanga and Singida Regions were selected and visited for this study. Livestock markets and abattoirs were visited to observe animal welfare concerns, compliance, enforcement, level of awareness of livestock keepers, livestock extension staff and the police force. The field visits were conducted from July 3rd to 24th in Dodoma, Iringa Mvumi Livestock Market, Shinyanga Municipality and Singida to discuss on the awareness and enforcement of the Animal Welfare Act, 2008, observe donkey welfare conditions, use and treatments and if donkey slaughter for their meat and hide trade was continuing despite the 2022 ban. The later work on donkey slaughter post-ban status was zeroed only into policy and legal framework governing donkey welfare, donkey slaughter

and hides trade.

Concurrently, a questionnaire was prepared and administered to stakeholders—government ministries, departments and agencies using Google Forms to gather information on their awareness of animal welfare policy and legal framework and how they are being upheld, enforced and offences prosecuted. Other stakeholders were from the National Prosecution Office, the Judiciary, donkey owners and users and traders. One-on-one interviews, telephone conversations and administration of an anonymous questionnaire were also used. Furthermore, an online literature review aided the comparison and verification of information received through other data collection tools. Website pages of international, regional and national level institutions of stakes in animal welfare provided most of the information presented here.

Results and Discussion Policy Review and Analysis Principal/Pinnacle Policy-(NLP 2006)

The Tanzania National Livestock Policy (2006) is almost two decades old, as such lots of changes and thrusts have occurred prompting its revision to embrace new thrusts such as climate resilience, climate-smart and sustainable livestock production (FAO, 2006c).

The Ministry of Livestock and Fisheries (MLF) supported by the World-Wide Fund for Nature (WWF) through the Southern Kenya-Northern Tanzania (SOKNOT) Project is in the final process of the review process and expected to accomplish by 2025 (WWF, 2024). From the documents availed and discussion held with the Ministry Technical Staff, it was not apparent as to whether gaps and shortcomings in the context of enhancing animal welfare to all animals both domestic and wild being taken as sentient (can feel pain, suffering and distressed) have been addressed.

The current National Livestock Policy (2006) was examined through the eyes of the Five Universal Freedoms for Animals and noted to have adequately covered animal welfare dimensions except for few issues negative to animal welfare concerns (FAO, 2006c; Mellor, 2016).

The negative concerns include: -

- (i) The NLP 2006 is silent on donkeys as food animals even as non-conventional meat animals despite of the fact of the existence of some ethnic groups in the country who take donkey meat as a delicacy. It was not clear under what livestock sectoral legal grounds the Chinese were allowed by the Tanzania Investment Centre (TIC) under Export Processing Zones Authority to establish donkey slaughter facilities in Dodoma and Shinyanga (Zephania ,2021). No policy or any principal legislation Animal Disease Act (FAO, 2006a), Meat Industry Act (FAO, 2006b) and Public Health Act (FAO, 2009) and their subsidiary legislation provided allowance for donkeys to be regarded as meat sources. The Ministry of Livestock and Fisheries cleverly inserted fees for product movement and meat inspection fees but fell short in prescribing standard operating procedures for donkey humane slaughter, ante- and post-mortem meat inspection.
- (ii) On draught animal power, the NLP 2006 mentions on donkeys as among the draught animal power but emphasis is given to the oxen (FAO 2006c). Thus, provisions for the care and use of this class of animals do not address the donkeys resulting in their being neglected and used cruelly.

Auxiliary Policies implicitly touch on Animal Welfare and Donkey Slaughter The National Agriculture Policy 2013

Like the NLP 2006, the National Agriculture Policy (2013) is silent about draught animal power (Section 3.7) in all aspects from issues, objectives and policy statements. Draught animal power is an important input in agriculture from land clearance, planting, weeding and transportation of farm produce (United Republic of Tanzania, 2013). Not mentioning draught animal power in the National Agriculture Policy 2013 and therein putting areas of improvement is an oversight that poses a danger to donkey welfare in that as draught animals they might continue to not be accorded their animal welfare requirements.

The National Investment Policy (NIP) 1996

The National Investment Policy (1996) whose objectives, aims and strategies touch on the livestock sector and are likely to positively or negatively impact animal welfare is a strong push towards promoting export-led commercial production (UNCTAD, 1996). Section 3.4 (iii) of the NIP 1996 states: "encouraging livestock production in the smallholder and commercial farming sector including processing and marketing of livestock products" (UNCTAD, 1996). Implementation of this objective has resulted in Chinese Companies setting up donkey abattoirs in Dodoma and Shinyanga. The establishment caused obnoxious welfare abuses to the donkeys leading to the closure of business, court wrangles and international and regional outcries (Zephania, 2021). The African Union at its meeting and STC Conference came out with a Moratorium resolution calling for member states to ban donkey slaughter & donkey hides trade for 15 years.

Principal Legal Framework Review & Analysis

The Animal Welfare Act No: 19 of 2008 (Cap 154) and its Subsidiary Legislation

This has been extensively and exhaustively studied locally and regionally. Notable contextual reviews that are published and available for citation include that of the Animal Protection Index in 2014 and 2022 (API2014 & API2022) ranked Tanzania Animal Welfare Act Status a D rate (World Animal Protection, (2020); World Society for the Protection of Animals (WSPA), 2007).

The government and non-governmental organizations ever since 2008 records reveal has been carrying out awareness building on animal welfare principles, practices and legal frameworks amongst stakeholders through various means including agriculture shows, radio and television programs. This reached a pinnacle when the country started to commemorate the October 4th World Animal Day. The later was even enshrined in the MLF Annual Calendar of National Commemoration Days but of recent has been down played. Despite of all these efforts, the level of awareness amongst livestock producers, consumers and personnel supposed

to oversee the implementation and enforcement of the Animal Welfare Act in the country is dismally very low.

Good animal welfare practices are not accorded to the farm animals throughout their life cycle from conception to slaughter in abattoirs ranking in severity on a scale of 1-10 for each Universal Freedom.

This portrays the Government is not strict in overseeing the application of the animal welfare legal framework and there is little pressure from consumers and major destined markets to ensure even minimum compliance to the appropriate standards. The prognosis to improve animal welfare standards compliance in Tanzania is thereof bleak.

Transportation of donkeys in Tanzania violates the Animal Welfare Act 2008 Section on Transport of Animals (Tanzania Veterinary Association, 2008). Surprisingly, there are very few cases if any that have been brought to court and prosecuted. Forgetting that Section 7(3) of Animal Welfare Act 2008 says all police officers above the level of Inspectors by default are Animal Welfare Inspectors, the police argue that no case is brought to court because there are no complainants (Tanzania Veterinary Association, 2008). There is an aural of publications on completeness, effectiveness, compliance, implementation and enforcement but little on prosecution.

Review and Analysis of the Animal Welfare Contextual Framework

Animal Protection Index 2020 (API2020) reviewed the Animal Welfare Act 2008 implementation and enforcement status along their scale and gave Tanzania a D Rate based on its four (4) goals and 11 parameters (World Animal Protection, 2022) of which goal 1 with 2 parameters was ranked C to each (World Society for the Protection of Animals (WSPA), 2007) Goal 2 with 6 parameters had ranks D, G, C, E, C & C; goal 3 had 1 parameter that had ranked highest score of B and lastly, goal 4 had 2 parameters and one was ranked E (World Society for the Protection of Animals (WSPA), 2007).

Auxiliary Legislation under the Sectorial Ministry

Animal Disease Act (2003)

The Animal Disease Act No. 17 of 2003 Cap 156 and its revised editions is a robust legal framework for preventing, controlling, and eradicating animal diseases, through proactive measures, stakeholder engagement, enforcement mechanisms, regulatory flexibility and conformity to international and regional standards (FAO, 2006a). The Act is very comprehensive and well-structured but its effectiveness and enforcement are bogged down by an interplay of factors. These factors range from conflicting provisions with different statutes within the same custodian Ministry the MLF and or other statutes custodians like the Ministries of Health & Social Welfare -Public Health Act on Meat Inspection Services (Abattoir certification, appointment of Meat Inspectors). Other legal pieces custodians include the President's Office Regional Administration and Local Government -on Local Government (District) Authorities Act; Local Government (Urban) Authorities Act and Administration Act (Bunge la Tanzania, 1982) whereas appointments, lines of command, logistic support to enforcement officers set more confusion with misinterpretation or nonadherence to the pinnacles of Decentralization by Devolution (D by D).

Concerning donkey welfare, donkey slaughter and hides trade the Animal Disease Act 2003 under Section 2 (FAO, 2006a) is commendable for its inclusion of the following:

- (i) Interpretation of an animal to mean all vertebrates and invertebrates that is inclusive of all domesticated and nondomesticated ones -donkeys thus inclusive.
- (ii) Mentioning donkeys in the interpretation of livestock.
- (iii) Interpreting animal sanctuary and animal welfare facility as an area/place where animals could be kept for refuge or safety just like in the Animal Welfare Act.

As for negative aspects of the Animal Disease Act (2003) on donkey welfare and the ongoing saga of donkey slaughter & donkey hides trade, the Act and its regulation's inclusiveness encompass donkeys as food

animals by its definition of meat as all edible parts of an animal be it livestock or game. In this regard individuals and communities who partake donkey meat are not violating any legal statute. So, per the Animal Disease Act (2003) the establishment of donkey slaughter and donkey hides trade with the associated supply chain infrastructures and operations was legally right. This however has to be taken with due diligence of the peculiarity and special socioeconomic value of the donkey.

It was not clear from the discussions with stakeholders as to whether the donkey slaughter plants in Dodoma and Shinyanga were registered and obtained certificates of operations from the Director of Veterinary Services (DVS) as per Section 53 of Animal Disease Act 2003. Also it was not apparent that the DVS furnished the Standard Operating Procedures for proper handling of the donkeys from the farm to the abattoir, antemortem inspection, their humane slaughtering, dressing and post-mortem meat inspection other than applying the same protocols applicable to cattle, sheep, goats and pigs. The consequences of the absence of donkey slaughter standard operation procedures to donkey abattoir operators to follow for their continuance of business were very devastating. The donkey population decreased sharply from between 600,000-900,000 in 2002 (National Bureau of Statistics, 2003) to 546,996 (2017) (Brooke, 2022) posing a danger of extinction of the donkey population. Fearing this evolved the resultant ban of the donkey slaughter and it's hides trade business in line with global and international outcries to stop this business for at least 15 years.

The slaughter of donkeys for their meat and hide in the world is reported to involve around five million donkeys every year where in most of the countries undertaking this business the donkeys are savagely butchered, dragged by their ears or tails and their heads bashed in by sledgehammers with some donkeys being skinned alive. Such ill practices grossly abuse their animal welfare status. The situation got out of control in Kenya and Tanzania where half of the donkey population is thought to have perished in just three years (Brooke, 2022). The business went underground upon imposition

of bans on official slaughter resulting in bush slaughters, donkey thefts and illegal cross-border trade. In recognition of this, the African Union (AU) has recently agreed to a continent-wide ban on the killing of donkeys for their skin (BBC News, 2024).

Auxiliary Legislation Outside the sectoral Ministry touching on Animal Welfare

As stated above, Tanzania has a cloud of legal instruments that are well composed and structured but are beset by being more theoretical, existing only in paper with little or no enforcement and sometimes overlapping or in conflict with other legislation residing under different custodians. Of relevance to animal welfare and thus for this paper, the following three out of many auxiliary legislations were selected and assessed to show their discrepancies to the principal Act—the Animal Welfare Act (2008). They are the Public Health Act No. 851 (2012), The Wildlife Conservation Act No. 283 (2009) and The Penal Code (Cap 16) R.E 2022.

Public Health Act No 851 (2012)

This Act has addressed meat in the aspects of food safety assurance protocols, slaughter, slaughter infrastructures and meat inspection. Though the Act has mentioned the Meat Industry Act should apply in these areas its silence on the Animal Disease Act (2003) that came before the two is an anomaly and has brought operational snags in the field about the appointment and assignment of Meat Inspectors (FAO, 2009).

Also, in its definition of meat, it is silent on donkeys as a source of meat throwing question marks on how come donkey abattoirs were established in the country and commercial donkey meat business sanctioned.

Under the One-Health (OH) Approach, it is strongly recommended the concerned parties investigate these Acts and vest a needed function to the most Technical Ministry that is competent on the matter and its Principal Act be the reference point.

Penal Code Cap 16 R.E 2022

The Penal Code Cap 16 R.E 2022 under Sections 268, 279 and 325 specifies offences relevant and of interest to animal welfare.

Under these Sections, it's an offence to (i) steal and kill certain animals (268), (ii) kill animals with intent to steal (279) and (iii) injure animals (325) (Attorney General, 2022). Implementation arrangements are well laid out for Sections 268 and 279 by the Police Organization Structure having a special dedicated unit famously known as the Stock Theft Prevention Unit (STPU). For specific animal welfare provisions, Section 325 of the Penal Code is the most relevant one, however, hardly any or very few apprehensions and prosecutions have been recorded even when the offences are carried out openly under the Police Officers observations. Miscarriage of the Law (Animal Welfare Act) and its Regulations like that of Transportation of Animals is very common and can easily be booked at checkpoints, roadblocks or along the road. These are left to pass and the Animal Welfare Inspectors that by default include Police Officers with rank above the level of Inspectors are just watching. The existence of good laws as discussed in this review in itself is not a deterrent instead there ought to be willingness and aptitude to enforce the law by those entrusted; that to a great extent has been lacking.

Questionnaire Responses Personal Information and General Awareness of Respondents

A total of 112 responses were received. The majority of the respondents were of the Veterinary Profession (85.2%) while other professions were very few but across the board inclusive of Lawyers, State Attorneys and Magistrates that were highly sought to get their opinion on the enforcement and prosecutions under the Animal Welfare Act.

Animal Welfare Policy and Legal Framework Awareness, Enforcement and Prosecution

Out of 112 respondents, 102 of them had mentioned being aware of the Animal Welfare Act No 19 of 2008 Cap 154 and regulations made under it like Transportation of Animals Regulation, Appointment of Animal Welfare Inspectors and Animal Pound Regulation with its Amendment. Many, however, had stated the Act is poorly enforced for the period from 2022 to date with 80.9 % of 110 responding that they

have never seen, heard and or read anyone who had been apprehended and brought to court for infringing the Animal Welfare Act 2008. Very few (39.3%) had ever worked on an issue dealing with animal welfare.

The cases ever brought to book were on: wrong transportation, humane donkey handling, slaughter of pregnant animals and overworking of animals. In some of these incidences, the culprit apprehended upon apologizing was pardoned and ordered to provide appropriate transport to the animals.

Concerning the challenges that hindered in reaching the outcome of the cases, 40 out of 41 responses (97.6%) pointed out that the leading ones include political interference, ignorance of the public on animal welfare issues and the law, lack of interest of the Actors-Animal Welfare Inspectors, police and other government entities not cooperating, lack of support from law enforcement agencies and little scouting to apprehend offenders. Only one response noted that solid evidence and timely apprehension helped in reaching the verdict of the cases.

Animal Welfare Inspectors: Appointment, Performance and Challenges

On the appointment of Animal Welfare Inspectors 30 out of 112 respondents reported to have been appointed in 2023, 19 in 2018, 18 in 2020, 16 in 2022 and 2024 with 1-4 in 2010, 2012, and 2017, an indication that either the Ministry of Livestock and Fisheries lags behind in the appointments of these Animal Welfare Inspectors or many of the respondents didn't fall into the category of being appointed as such. However, as most of the respondents were Veterinarians one would expect the majority would have reported to have been appointed.

Under Section 7 of the Act, registered Veterinarians qualify for the appointment regardless of whether they are in the public or private service. Of the appointed Animal Welfare Inspectors, only 25.8% reported to have been given and run through the Duties and Powers of the Animal Welfare Inspectors while that ought to have been stated in their appointment letters. Based on this scenario, no wonder in the last 12 months only a few cases had been apprehended, compounded and/or brought to court under the

Animal Welfare Act. As to why this dismal performance on enforcement and prosecution, the following came out: lack of transport and operation funds, lack of collaboration with law enforcement agencies, political and public interference.

Donkey Welfare, Slaughter and Donkey Hides Trade

The results show that 42.7% of the 103 respondents said donkey meat is being consumed in Dodoma, Manyara and Singida regions. The responses reported once or twice Shinyanga, Iringa, Arusha, Tabora, Morogoro, Mwanza and Rukwa regions. Slaughtering of the donkeys is reported to take place at livestock markets (8.3%), in villages (15.5 %), and in the bushes (76.2%) of which only 3.4 % is formally inspected as per Meat Inspection and Food Safety Regulations provisions in the Animal Disease Act 2003, Meat Industry Act 2010 and Public Health Act 2012. The donkey meat obtainable above is sold where it is slaughtered (97.6%) and 2.4% in butcheries where it is alleged to be mixed with beef posing problems of falsification. The latter is reported to have been noticed in Morogoro Municipality with donkey carcasses brought from Mvomero district bush slaughtering.

Conclusion and recommendation

This study has undoubtedly exposed that Tanzania has exhaustive and comprehensive policy and legal frameworks on Animal Welfare that if fully adhered to and enforced their intended purposes and objectives would be achieved. Although the National Livestock Policy is old, it has covered animal welfare concerns well by addressing most of the tenants of either the five Freedoms of Universal Declaration Animal Welfare or of the five Domain Approach. The study identified gaps and inconsistencies in the policy and legal frameworks through the approach of identifying first principal policies, legislation and then secondly their auxiliary policies and legislation. These were then examined in the eyes of Animal Welfare Fundamental Principals/or Approaches. The five Animal Freedoms enshrined in the Animal Welfare Act 2008 have been commended by

Animal Welfare International on compliance and adequacy from the World Organization for Animal Health (WOAH) Performance of Veterinary Services (PVS) Tool. Animal welfare performance goals and indicators/or parameters constituting Animal Protection Index (World Animal Protection 2020) parameters have been used to identify gaps and discrepancies and suggest which remedial measures should be taken.

It is recommended donkeys be regarded primarily as working animals and the legislation under review should provide provisions for discouraging donkeys being included food animals but if not so under peculiar circumstances (respect of certain ethnic groups culture) provide strict control of their slaughter, humane handling and welfare along their entire value chain. In addition, Local Government Authorities should impose strict regulations that will control unethical and welfare issues during long-distance transportation of animals, especially donkeys. Furthermore, it is prudent to improve consistency and technical between accountability relationships District Assistant Registrars, District Veterinary Officers and Regional Veterinary Officers. The ongoing legislation reviews should be geared toward the harmonization of all legislation and regulations in order to improve effective performance, accountability and enforcement at all governance structures.

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