



## Animal Protection Commission – A Policy Proposal

### **Background: an ethical and democratic deficit**

According to the Liaison Group of UK Animal Welfare Advisory Bodies<sup>i</sup>, approximately one billion land vertebrates are ‘used’ by humans in the UK every year. Most of these animals experience at least some degree of pain and/or are killed as a result of that use. In addition, many millions of marine vertebrates such as trawled fish and wild animals such as rodents, rabbits, deer, badgers and birds are adversely affected by human activity.

At the moment there is no government body with responsibility for all animal welfare matters. Much of the responsibility currently lies within DEFRA, with other departments regulating specific areas of animal use such as the Home Office which grants licences for animal experimentation. However, none of these bodies are explicitly tasked with protecting or improving animal welfare. Unlike ‘industry competitiveness’, animal welfare is not a policy goal and impacts on animal welfare are not factored into policy decisions.<sup>ii</sup> Furthermore, decision-making bodies in these fields are subject to historically-entrenched domination by industry representatives and interests.<sup>iii</sup> The logic of these policy processes is, generally, one of indifference to animal cruelty. This institutional indifference is also reflected in the fact that enforcement of anti-cruelty legislation such as the Hunting Act relies significantly on NGOs such as the RSPCA. Not only is the RSPCA’s ongoing ability to fund such work questionable, but the more fundamental issue here is that in a civilised society the rule of law should not be reliant on NGOs – it must be a matter for the state.

This insulation from democratic accountability results in serious implementation failures, breaches of welfare regulations, as well as broken manifesto pledges affecting all governing parties in recent history. Specific examples include the current badger cull, increases in animal experimentation going back to the 1990s, long-term failures to tackle harmful intensive farming practices, and even a neglect of companion animal welfare, in the area of dog breeding and sales for example. Animal welfare policy strongly exemplifies the deep-seated problems in British politics related to the public’s sense of powerlessness and exclusion, and the tendency for policy to be driven by the abuse of power rather than principles and a commitment to fairness and due process. 87% of the public believe that the way we treat animals is an important indicator of the state of society and 41% state that it is an important factor in deciding how they vote.<sup>iv</sup> Yet such visceral moral considerations do not register with the culture and practices of Whitehall.

### **The proposal**

To overcome this situation, major institutional reform is essential to establish animal welfare as a significant goal of government policy and thus help to restore public confidence and ethical/democratic legitimacy. Our proposal to achieve this is the creation of a new overarching **Animal Protection Commission (APC)**. We do not wish to be overly prescriptive about the powers and remit of such a body because, firstly, those details should be subject to a deliberative democratic decision-making process and,

secondly, any significant voice for animal welfare within government would be a major improvement on the current situation. Therefore, our initial priority is to gather political commitment to the broad concept.

Possible UK models in policy areas with similarities to animal protection from where lessons could be drawn include:

- Equalities and Human Rights Commission
- The Children’s Commissioner
- The Committee on Climate Change

Internationally, other nations with similarly high levels of public concern for animal protection are also now grappling with the challenge of how the vital interests of such powerless, vulnerable groups and related public ethical values can be adequately represented in political systems. For example, the Netherlands has a governmental Council on Animal Affairs who are recommending a more ‘joined-up’, deliberative democratic approach: “In the interest of transparency and consistency of its policies, the government should make use of a public, transparent and comprehensive model, i.e., an *Assessment Model for Policy on Animals*.” In Australia, the previous Labor Government had proposed to create an Office for Animal Welfare to overcome controversial enforcement failures in farm animal welfare regulation.

Our ideal proposal is for an APC which would assume regulatory and advisory responsibility for all animal welfare-related matters. The APC would be established by new legislation<sup>v</sup> which would, among other things, give it a mandate to challenge harmful treatment of animals and protect and promote animal welfare. The APC would be the UK-wide body leading on animal welfare, working closely with animal welfare-related bodies in the devolved authorities of Scotland, Wales and Northern Ireland.

### **Membership & structure**

We propose that the APC should comprise of 16 Commissioners representing a mixture of experts (in fields such as veterinary & animal welfare science, ethics, public policy), stakeholders from animal protection NGOs and industry, and members of the public. The APC will be supported by statutory committees for specific areas of animal welfare policy: animal experimentation, farmed animals, companion animals, zoos and other captive animals, and (for the first time) wild animals.<sup>vi</sup> Independence would be safeguarded by ensuring that those with interests in activities involving potential/actual harm to animals do not form a majority on the Commission or supporting committees. This independent composition would be established by statute.

The Commissioners and committees would oversee newly-formed inspectorates charged with day-to-day assessment and enforcement. It is critical that these inspectorates contain sufficient expertise, are independent of those they regulate and have sufficient resources to discharge their duties thoroughly.

### **Remit**

The core principle governing the APC’s work would be the use of ‘deliberative democratic’ methods in order to achieve authentic public participation and improve the quality and legitimacy of policy decisions through more complete and thorough consideration of relevant evidence.<sup>vii</sup>

The APC’s powers and responsibilities could include:

- Taking over existing regulatory and enforcement responsibilities for animal use from DEFRA, Home Office etc., pending...

- Conducting a systematic review of the various legislative regimes governing animal use.
- Working with other regulators and departments whose decisions affect animal welfare (e.g. HM Treasury on factoring animal welfare into Impact Assessments, Foreign Office and BIS over trade agreements & EU policy), thus helping to integrate UK animal welfare public policy.
- Initiation of systematic surveillance of animal welfare in the UK to create benchmarks and allow future monitoring – or ‘animal welfare audits’ - of progress in protecting animal welfare.<sup>viii</sup>
- Developing a cross-government strategy, targets and plan for animal protection.
- Liaison with international bodies such as the EU and Council of Europe to enable compliance with existing international requirements, for example, to treat animals as ‘sentient beings’ and ‘pay full regard to their welfare’.
- Potentially leading international efforts to protect animal welfare at UN-level, G8, WTO etc.
- Supporting and overseeing local government and police enforcement of animal protection laws.
- Conducting investigations and inquiries into welfare impacts of current practices and regulatory regimes, including their ethical and legislative implications, and reporting to government, Parliament and the public.
- Improving public understanding of and support for animal welfare protection.
- Providing support and advice to improve organisations’ and individuals’ compliance with animal protection duties.

### **Accountability**

The independence of the APC will be promoted in legislation<sup>ix</sup>. However, accountability to Parliament and a close relationship with Government could be retained through a new Minister for Animal Protection within the Department of Justice. Relationships with Parliament may be further enhanced through the creation of a House of Commons Animal Protection Select Committee which would work in conjunction with the new APC.

### **Funding issues**

When considering the issue of funding the APC and related implementation and enforcement activity, it is important to bear in mind that we are starting from a very low base indeed, as exemplified by the reliance on NGOs in some areas of law enforcement. Therefore this area of policy would particularly benefit from the Zero-Based Review of public spending. Public dialogue regarding the appropriate allocation of public spending to animal welfare matters is crucial. Some efficiency savings would be gained through the consolidation of current disparate policy processes in DEFRA, Home Office etc. Funding approaches to consider could include the use of licence fees in activities damaging to animal welfare.

### **Animal welfare group support**

The majority of national UK animal welfare organisations support the APC concept:

- Animal Aid
- Animal Protection Agency
- Born Free Foundation
- Captive Animal Protection Society
- Care for the Wild
- Compassion in World Farming
- Humane Society International/UK
- League Against Cruel Sports
- PETA

- Quaker Concern for Animals
- RSPCA
- Brian May's Save Me
- VIVA!
- Animal Interfaith Alliance

Centre for Animals and Social Justice, October 2014

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### **About the Centre for Animals and Social Justice**

We are an animal protection think tank dedicated to high-level academic research in the field of animal protection public policy. We are particularly focussed on investigating the governance of animal welfare and the extent to which the interests of animals are, and ought to be, represented. Our current activities include: co-funding two PhD studentships (Universities of Sheffield and Leicester), a year-long project conducted by Professor Rob Garner (University of Leicester) into the application of deliberative democracy to animal protection, and Dr Dan Lyons' ongoing research into the relationship between institutional and regulatory structures and the character of animal welfare outputs.

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<sup>i</sup> Liaison Group of UK Animal Welfare Advisory Bodies, 'UK Law Relating to Animal Welfare', paragraph 1 (January 2013). (<http://www.defra.gov.uk/fawc/files/UK-law-relating-to-animal-welfare.pdf>)

<sup>ii</sup> See for example this Impact Assessment:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/307831/Section24IA.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307831/Section24IA.pdf)

<sup>iii</sup> Garner, R. (1998) *Political Animals*. Basingstoke: Macmillan. Lyons, D. (2013) *The Politics of Animal Experimentation*. Basingstoke: Palgrave Macmillan.

<sup>iv</sup> YouGov (2010) Please contact CASJ for data.

<sup>v</sup> One way of achieving this would be by updating the Animal Welfare Act 2006.

<sup>vi</sup> The establishment of a committee to advise on wild animal welfare reflects observations made regarding the absence of such a committee by the Liaison Group of UK Animal Welfare Advisory Bodies in their Discussion Papers 'Animal Welfare Surveillance' and 'UK Law Relating to Animal Welfare'.

<sup>vii</sup> See this document for more details and examples: <http://www.scotland.gov.uk/Resource/Doc/175356/0091392.pdf>

<sup>viii</sup> As recommended by the Liaison Group of UK Animal Welfare Advisory Bodies in their discussion paper 'Animal Welfare Surveillance' (December 2010).

<sup>ix</sup> This could be achieved through a clause along these lines: "*The Secretary of State shall have regard to the desirability of ensuring that the Commission is under as few constraints as reasonably possible in determining — (a) its activities, (b) its timetables, and (c) its priorities.*"