



PO Box 4823 Sheffield S36 0BE 0114 2831155 office@casj.org.uk

Policy research to advance animal protection

The Centre for Animals and Social Justice (CASJ) is a new think tank, founded by leading academics and animal advocates, which heralds a unique and innovative approach to advancing animal protection. We are dedicated to research, education and policy engagement to establish animals' rightful status as recipients of social justice.

Towards joined-up animal welfare policy

Executive Summary

Although animal welfare is a matter of increasing concern for the public, animals' interests are routinely ignored in the policy-making process.

Historically, manifesto pledges and other popular proposals to protect animal welfare, particularly in the farming and experimentation industries where they are most vulnerable to pain and suffering, have been obstructed by powerful business and professional interest groups who have secured overwhelming dominance in these policy fields. It is therefore essential that the structures of government that sustain such elitist, undemocratic policy processes are reformed.

To achieve this, the CASJ proposes a strategy that moves beyond the traditional wish-list of discrete policy demands towards a new, complementary method that develops structural reforms to ensure representation of animals' interests. This 'joined-up' approach requires a suite of initiatives, such as:

1. Governmental Institution to Represent Animals. For example a Commissioner or Ombudsman to represent the interests of animals and concerned members of the public in government. Useful models can be found in other countries' efforts to represent marginalised or vulnerable groups.
2. Integrating Animal Protection Policies. This could involve: formal ministerial responsibility for animal welfare within relevant government departments, supported by an animal welfare unit where impacts are most significant; legal requirements to consider animal welfare in formal policy impact assessments; cross-governmental targets and strategies to reduce animal harm.
3. Legal Recognition of Animals' Status. A further element to promote policy integration is formal recognition by the British state of animals' status as sentient individuals with intrinsic value. Currently the EU and other individual European countries, such as Germany which in 2002 approved a constitutional amendment affirming that animals are to be afforded protection by the Government, are in the forefront of the constitutionalisation of animal welfare protection.

A significant number of animal welfare measures have been proposed in recent years by NGOs and political parties, but the broader institutional framework of government hinders these initiatives. The CASJ will be conducting high-level academic research – in collaboration with NGOs, political parties and other stakeholders - to further develop these proposals for joined-up animal welfare policy.

Introduction

In this report, the Centre for Animals and Social Justice (CASJ) – a think tank dedicated to high-quality academic research into the politics of animal protection - submits innovative proposals for the effective safeguarding of animal welfare. Animal welfare is still seen as a secondary issue at all levels of the policy process, despite high levels of public concern. As an essential element of social justice, animal protection needs to become a core goal of public policy.

An Ipsos MORI opinion poll on behalf of the RSPCA indicates that 78% of the public agrees that “in order for society to be truly civilised, animal welfare must be a key priority.”ⁱ However, whilst a significant number of popular animal welfare measures have been proposed in recent years by NGOs and political parties, the broader institutional framework of government hinders these initiatives because it neither recognises nor represents the welfare interests of animals. This creates a serious democratic deficit.

This report therefore looks at the challenges that animal protection faces, in particular it explains how and why animals’ interests are excluded from the public policy process. Most importantly, the CASJ proposes a new approach to animal protection policy, based on rigorous social-scientific analysis of the power dynamics in these policy fields. This approach goes beyond the traditional wish-list of specific policy proposals to address the underlying structural reforms that are necessary for those policies to be successful.

Animal Welfare: A Holistic Perspective

Animal protection touches on many aspects of society:

- **Ethics & Social Justice.** Our treatment of animals is an issue with many ethical implications, since their wellbeing can be profoundly affected by decisions of individuals, businesses and government that may cause them harm in the wild or during their use for food, clothing, experimentation, entertainment or as companions. For this reason, we have a moral responsibility to consider their interests when we make decisions relating to their existence or quality of life.
- **Human Health.** Animal welfare is linked to public health and wellbeing in myriad ways. For example, the dramatic rise in meat consumption over the past fifty years, driven by the intensification of animal agriculture, has contributed to increases in chronic diseases such as diabetes, coronary heart disease and some forms of cancer.ⁱⁱ
- **Sustainability.** The intensification of production also imposes dramatic costs on the environment. Intensive livestock husbandry plays a key role in climate change, water resource depletion, deforestation and the loss of agricultural biodiversity. Data indicates that livestock are responsible for a staggering 18% of global greenhouse gas emissions and more than 8% of global water use.ⁱⁱⁱ
- **Consumer Confidence.** The horsemeat scandal of March 2013 highlights how a lack of control and transparency not only undermines welfare regulations but, at the same time, denies the rights of consumers to know what they are eating and potentially harms their health. Adequate controls and labelling schemes are necessary to ensure transparency throughout the production process, safeguarding consumers and reducing animal harm.

Animal welfare is a truly holistic issue: it relates to our economy and trade, the environment, agriculture, health and our status as a civilised society. So far, the political approach to these issues has involved ad hoc, discrete laws and policies that attempt to regulate different areas of harmful animal use: from the amount of space in which they are kept to the way they are slaughtered. Yet because animals – and related public concern - lack any meaningful representation inside government, the interests of industries and other powerful lobbies almost always defeat welfare protection, leading to regulatory failure involving unnecessary and illegitimate animal suffering.

A fairer, more inclusive political structure is needed to create the conditions for successful animal protection policies. The structural changes that we propose aim to ensure that animal welfare becomes embedded, in a holistic manner, as a core value within government.

Animal Welfare Governance: Where are we now and where are we heading?

The 1997-2010 Labour Government introduced a number of animal protection initiatives: the 2004 Hunting Act, maintaining support for the 2012 ban on barren battery cages and the 2006 Animal Welfare Act, which provides improved protection to companion animals. However, Labour also encountered major resistance to its welfare proposals in the most serious areas of animal harm: food production and laboratory experimentation. These policy sectors have, historically, been captured by industry and are structured to resist attempts at reform by any government. For example, in relation to farm animals, in the face of concerted commercial opposition, Labour backed down on their pledge in *New Life for Animals*^{iv} ‘to outlaw de-beaking of poultry, except for veterinary reasons’, postponing the January 2011 implementation date while still in office.

However, more broadly, in 2009 the Farm Animal Welfare Council observed: ‘Implementation of some recommendations [of the 1965 Brambell report into animal welfare in intensive farming] has taken many years, and of others is still incomplete, primarily for economic reasons.’^v This encapsulates the structural obstacles to animal welfare improvements faced by all governments.

Policy change in the field of animal experimentation has proved to be even more difficult. Despite stated commitments to reducing the number of animals used in testing and to promote the 3R’s (refinement, reduction and replacement), the number of animal experiments rose from 2.64 million in 1997 to 3.72 million in 2010. Furthermore, repeated incidents of serious breaches of welfare regulations indicate that laws are often ignored, with regulation rendered a rubber-stamping exercise instead of the strict, balanced process that the public expects and the law implies.

Once again, in 2010 the Coalition’s Programme for Government pledged to work to reduce animal experimentation^{vi}, but no action has been taken to fulfil this pledge and in fact the number of experiments has continued its upward trajectory to over 4 million in 2012. For any governing party to honour popular promises to improve farm and laboratory animal welfare, it is essential that the underlying reasons for this consistent pattern of policy failures are addressed. Those reasons can be summarised thus: there is no meaningful representation of either animals’ interests or related public opinion in Britain’s system of government.

Giving Animals a Voice in Politics

If specific animal welfare proposals are to have a realistic chance of being implemented, it is necessary to start taking a strategic approach and address the deeper obstacles that impede effective animal protection policies. Otherwise, the most essential interests of animals in protection from cruelty will continue to be sacrificed.

The formulation of the current badger cull policy is a disturbing example of the interests of animals being brushed aside, despite scientific evidence strongly indicating the ineffectiveness of the cull^{vii} and a majority of public opinion being against the decision^{viii}. The welfare and lives of the badgers have counted for nothing in DEFRA's policy process, exemplifying the problem faced by animal protection: because animals have no institutional representation in British politics, their interests are routinely overlooked. When animals are put at risk by the actions of powerful interest groups with entrenched, privileged relations with government - e.g. agribusiness and the pharmaceutical industry - then their welfare interests are almost always traded away.

Representing Animals: Piecing the Puzzle Together

Representing animals' welfare interests will require a suite of initiatives, including lessons drawn from successful institutions in other countries designed to represent vulnerable and/or minority groups. Below, we outline three related proposals that, together, aim to institutionalise the protection of animals' welfare as a fundamental value across government policy. The current state of knowledge in animal protection political science indicates that such structural changes are essential to prevent the routine sacrifice of animal welfare when specific policy decisions are made. These three proposals are a starting point for discussion: the CASJ will be conducting high-level academic research - in collaboration with NGOs, political parties and other stakeholders - to further develop these proposals.

Proposal #1: A Governmental Institution to Represent Animals

When policy issues such as the badger cull or the creation of 'megadairies' are being considered, it is essential that a government authority can, as a minimum, give a voice to the interests of animals and concerned members of the public during policy formulation. Furthermore, in cases of implementation failure - for example, deficiencies on the part of the Home Office Inspectorate in their enforcement of severity limits in animal experimentation - this authority can provide an essential independent review mechanism.

One form that such a government body could take is a Commissioner or Ombudsman for Animal Protection.

Useful models for the representation of animals can be found in other countries' efforts to represent other marginalised or vulnerable groups, such as future generations or children. In 2007 the Hungarian Parliament created the Commissioner for Future Generations (now the Commissioner for Fundamental Rights). This figure has three main powers: investigating complaints relating to environmental issues, acting as a policy advocate and promoting research into environmental sustainability. The Commissioner's lack of executive power is a weakness, but it can still play a key role in drawing attention to critical issues and placing them on the political agenda.

In 1981 Norway was the first country to introduce an Ombudsman for Children. In 2011 the Ombudsman hit the headlines when a ban on the circumcision of male babies was proposed on the grounds that it violated children's welfare and right to self-determination^{ix}. The broader significance of this case is the Ombudsman's role in representing the interests of children when they conflict with those of (more powerful) adults who, in this case, assert that their right to religious freedom trumps the bodily integrity of children. Such conflicts involving religious traditions or powerful business interests are particularly difficult issues, therefore without an institution such as the Ombudsman such perceived threats to children's welfare would tend to be excluded from policy debates.

In a similar way, a Commissioner for Animal Protection could investigate and hence bring policy attention to instances of animal harm that might otherwise be neglected as they would appear to threaten the interests of businesses or other powerful actors. As explained in the next section, animal welfare policy integration is a desirable goal and a Commissioner's Office could be a candidate for the coordination role.

Proposal #2: Integrating Animal Protection Policies

While the establishment of a formal institutional basis for animal protection within government is an essential component of animal representation, it is necessary to understand how such a body would interact with the rest of government. Important lessons can be learnt by looking at environmental problems, which share many common elements with animal harm. As Professor Robert Garner observes,^x a separate department for the environment tends to have limited impact due not only to a relative lack of resources but also because most of the important decisions relating to the environment are made in departments focussed on issues such as such as transport, energy and finance, where countervailing economic interests are extremely influential. A separate department for animals may encounter similar problems if animal protection policy is not integrated across government.

Currently one of the only bodies that exists in this sense is the Associate Parliamentary Group for Animal Welfare (APGAW), a cross-party group dedicated to the promotion of animal welfare issues. However, APGAW has no formal legislative role or authority and therefore has limited scope for action. Animals need a voice in government and Parliament that truly reflects their interests.

The formal allocation of animal protection responsibilities to a Minister in each relevant government department, who was required to publish annual reports on departmental animal welfare impacts, would promote effective policy integration across the policy process. Depending on the intensity of their animal welfare impacts, it may be appropriate for some departments to establish Animal Welfare Units.

Complementary mechanisms to achieve successful animal welfare policy integration would involve legal requirements to consider animal welfare in policy impact assessments, combined with cross-governmental targets and strategies to reduce animal harm and improve animal welfare. The latter would benefit from animal welfare surveillance and audits in order to determine a baseline for current animal welfare standards in the UK, and has been recommended by the Liaison Group of UK Animal Welfare Advisory Bodies.^{xi}

Proposal #3: Legal Recognition of Animals' Status as Sentient Individuals

The third piece of the jigsaw – and a further measure to promote policy integration - is formal recognition by the UK Government of animals' status as sentient individuals with

intrinsic value. In contrast, the status of animals implied by the UK's 'unwritten' constitution is ambiguous, significantly reflecting the ancient common law notion of animals as mere property – as purely means to human ends – despite statutes that limit what 'owners' may do to such 'property'. Meanwhile, the EU and other individual European countries, such as Germany are in the forefront of the constitutionalisation of animal welfare protection.

In 1999 a new protocol was annexed to the Treaty of the European Union that acknowledged animals' status as sentient creatures and required Member States to pay full regard to animal welfare in the formulation and implementation of policies, thereby, in theory at least, putting animal welfare on equal footing with other key principles such as gender equality, social protection, the protection of human health, sustainable development and consumer protection. The new Directive 2010/63/EU on animal experimentation asserts the intrinsic value of animals. In 2002, Germany approved a constitutional amendment affirming that the environment and animals are to be afforded protection by the government.

This status has never been formally acknowledged in UK law. A new law setting out the legal and political status of animals as sentient individuals with intrinsic value would empower the government and judiciary to implement effective animal protection measures. For example, the constitutional provision in Germany has meant that the protection of animals has become a value and goal of the state, and it "mandates the state to exercise this value in all its official capacities".^{xii} It commits the state to fulfil its duty to protect animals.

Conclusion

While the above proposals should be seen as a starting point for discussion, there can be no doubt regarding the general need for measures to institutionalise animal protection within public policy. The CASJ is now embarking on a research project to investigate the best mechanisms for achieving this and looks forward to liaising with stakeholders and policy-makers to advance this new agenda for joined-up animal welfare policy.

End Notes

- i RSPCA (2008) The Welfare State, Measuring Animal Welfare in the UK 2008. <http://bit.ly/16Knzww>
- ii University of Cambridge (2012) Reducing consumption of red and processed meat could make a major contribution to cutting greenhouse gas emissions. <http://www.cam.ac.uk/research/news/reducing-consumption-of-red-and-processed-meat-could-make-a-major-contribution-to-cutting-greenhouse-gas-emissions>
- iii Food and Agriculture Organization of the United Nations (2006) Livestock Impacts on the Environment <http://www.fao.org/ag/magazine/0612sp1.htm>
- iv Policy document published before the 1997 General Election.
- v Farm Animal Welfare Council (2009) Farm Animal Welfare in Great Britain: Past, Present and Future: p6, para 20. <http://www.fawc.org.uk/pdf/ppf-report091012.pdf>
- vi HM Government (2010) The Coalition: our programme for government: p 18. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf
- vii Letter against the Badger cull signed by senior experts on animal diseases, The Guardian, October 14 2012 <http://www.guardian.co.uk/theobserver/2012/oct/14/letters-observer>
- viii BBC News, June 8 2011 <http://www.bbc.co.uk/news/science-environment-13684482>
- ix Child Rights International Network (2011) Norway: Ombudsman proposes setting minimum age for male circumcision. <http://www.crin.org/resources/infodetail.asp?id=25991>
- x Robert Garner, Animal Welfare in Government, June 2012
- xi <http://www.fawc.org.uk/pdf/animal-welfare-surveillance.pdf>
- xii Kate M. Natrass, Journal of Animal Law 2004 http://www.animallaw.info/journals/jo_pdf/vol10_p283.pdf

This report was researched and written by Anne Marie Matarrese, a PhD Student at the Department of Politics and International Relations at the University of Leicester part-funded by the CASJ. With input and editing from Dr Dan Lyons (CASJ; Sheffield), Angela Roberts (CASJ) and Prof Rob Garner (Leicester).

Anne Marie's poster on the following page was initially presented at the University of Leicester Festival of Postgraduate Research on 27 June 2013, where it was awarded the prize for best social science poster.

September 2013


© Centre for Animals and Social Justice

CASJ
PO Box 4823
Sheffield
S36 0BE


0114 2831155
office@casj.org.uk
www.casj.org.uk

THE POLITICAL REPRESENTATION OF ANIMALS

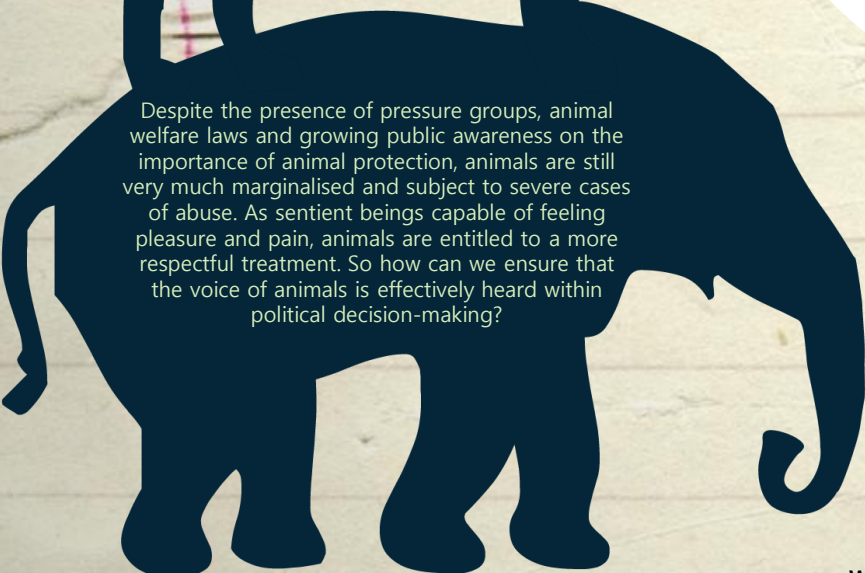
GIVING ANIMALS A VOICE IN POLITICS



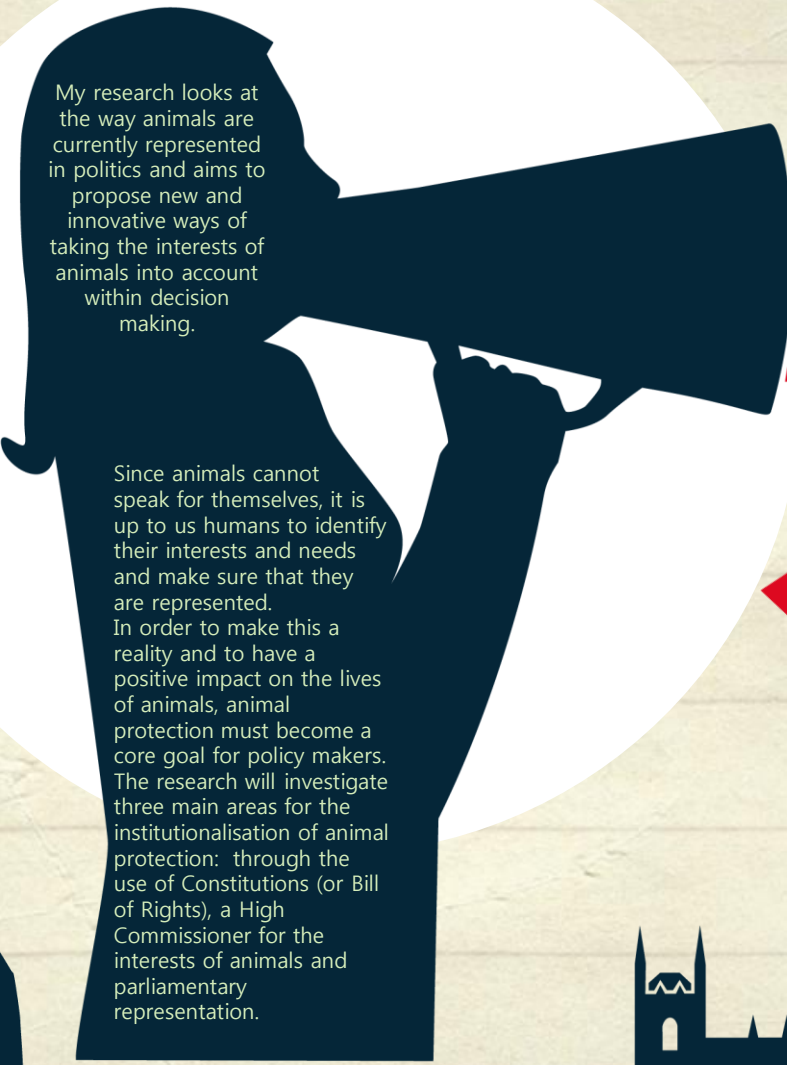
Democracy is the rule of the people, for the people and by the people...But who exactly are 'the people'? And what does it mean to be part of the political community?



Recent debates within academia, civil society and in politics have suggested that since animals, like the environment and future generations, are affected by the actions and choices of humans, they should be able to have their say and therefore be included within the political community.

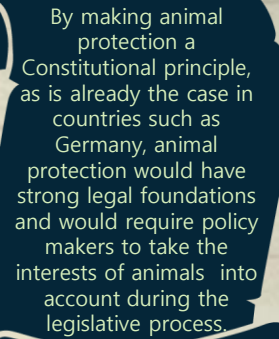


Despite the presence of pressure groups, animal welfare laws and growing public awareness on the importance of animal protection, animals are still very much marginalised and subject to severe cases of abuse. As sentient beings capable of feeling pleasure and pain, animals are entitled to a more respectful treatment. So how can we ensure that the voice of animals is effectively heard within political decision-making?




My research looks at the way animals are currently represented in politics and aims to propose new and innovative ways of taking the interests of animals into account within decision making.


Since animals cannot speak for themselves, it is up to us humans to identify their interests and needs and make sure that they are represented. In order to make this a reality and to have a positive impact on the lives of animals, animal protection must become a core goal for policy makers. The research will investigate three main areas for the institutionalisation of animal protection: through the use of Constitutions (or Bill of Rights), a High Commissioner for the interests of animals and parliamentary representation.



By making animal protection a Constitutional principle, as is already the case in countries such as Germany, animal protection would have strong legal foundations and would require policy makers to take the interests of animals into account during the legislative process.



A High Commissioner for the interests of animals would have the power of investigating cases of animal abuse and would play an important role in putting animal protection on the political agenda



Some academics have suggested reserving seats in parliaments for representatives elected exclusively for the representation of the interests of animals. This would have the benefit of ensuring the voice of animals is heard when decisions that directly or indirectly affect them are being made.

Anne Marie Matarrese - amm69@le.ac.uk
Department of Politics and International Relations
Supervisor: Prof. Robert Garner

With the support of the Centre for Animals and Social Justice