

AFTER THE 2015 ELECTION

*PROSPECTS FOR ANIMAL
PROTECTION IN THE UK*



CASJ
Centre for Animals and
Social Justice

CONFERENCE REPORT

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Executive Summary

The Centre for Animals and Social Justice (CASJ) hosted a landmark conference in London, England, on September 10th 2015 to examine the future of animal protection in the UK following the General Election in May. We convened approximately 50 scholars and leading British animal advocates to explore how to achieve positive animal protection impacts based on an understanding of the essential role of politics in achieving and securing change.

The conference saw the 'soft' launch of a new report presenting the current research findings of the CASJ, centred on a summary of a CASJ-funded research project to address democratic failures in UK animal welfare governance that was carried out by Professor Rob Garner (University of Leicester) during 2014-5¹. Continuing this theme, a key topic addressed at the conference was the relationship between democracy and animal protection, including the progressive potential of deliberative democracy, the benefits of electoral reform proposals, the relative political influence of different discourses on hunting with hounds and developments in efforts to improve public engagement with Parliament through a reformed e-petition system.

Related topics covered by the conference were:

- Lesson-drawing from policy changes in other sectors such as the environment and climate change
- The effectiveness of animal welfare laws and the threat of a trend towards the narrowing of legal education
- Analysis of the Conservative party's election manifesto pledges on animal welfare and how they might be used to improve animal protection

The presentations and lively audience discussions throughout the day allowed for a thorough examination of the critical questions facing UK animal welfare – the barriers to and routes towards effective animal protection.

From the CASJ's reflections on the day, a major theme to emerge is that a prominent barrier to protecting animal welfare is the highly dubious perception that the UK 'has the highest standards of animal welfare in the world' – a line promulgated by government to induce complacency and dampen down pressure for change. Despite the lack of empirical evidence to support this claim and data indicating other countries have higher standards, the claim has unhelpfully been internalised by some sections of the animal protection movement. We hypothesise three reasons for this:

- Some animal welfare advocates involved in lobbying the government have failed to keep sufficient distance and have thus absorbed Westminster's culture and worldview.
- Organisations have decided that giving an optimistic impression of animal welfare standards will help them cultivate an image of success that in turn will facilitate successful fund-raising.
- A lack of political science knowledge and flawed research methodologies that take formal statements and legal texts at face value without taking into account the possibility of bias in implementation processes.

In what is an emotionally-draining field of work, the temptation to talk up animals' predicament is understandable, but counter-productive. The first step towards making a significant difference for animals is for their social movement to get a clear view of the huge burden of suffering they endure and the democratic deficits that cause such levels of harm.

1. A draft copy of the report was distributed to delegates with a request for feedback and comments. The report is currently being finalised and due for publication in November.

Angela Roberts (CASJ):

'The prospects for animal protection'

Angela Roberts, co-founder of the CASJ, introduced the event by setting out the rationale for the Centre's research and advocacy towards the political representation of non-human animals.

Drawing on her 25 years' experience as an animal advocate, Angela noted how the dominant tool of public education has failed to deliver meaningful animal protection. Despite the animal protection movement deploying a wide range of lobbying techniques, public concern for animals continues to be ignored and obstructed by government. For example, three recent government e-petitions on animal welfare problems –the badger cull, non-stun slaughter and puppy and kitten sales - have broken the 100k signature barrier to be debated in the House of Commons., only for the government to reject all of the proposals.

The peripheral political status of animal welfare points to the acute need to ensure animals and related public concern are securely represented in government. The CASJ has been researching various options to meet this critical democratic challenge:

- constitutional measures
- deliberative democratic approaches
- inclusion in policy impact assessments
- binding targets to reduce animal harm caused by human activities
- and, critically, a dedicate government institution, such as an Animal Protection Commission, to oversee and implement this agenda

Angela concluded that without these reforms, pleas on behalf of animals will continue to fall on deaf ears and progress will tend to be piecemeal, ineffective and at risk of reversal.

Prof Rob Garner (University of Leicester):

'Should animal advocates be democrats?'

In the day's keynote presentation, Rob Garner presented his CASJ-funded research into the relationship between animal protection and democratic politics. He argued that animal advocates have not adequately considered questions around democracy and politics, or, in other words, how their moral imperatives are to be achieved.

Rob's work tested the following proposition:

Those concerned about the protection of animals ought to advocate a democratic form of rule because it will ensure, or increase the possibility, that the interests of animals will be taken into account when relevant decisions are made, and that, as a result, animals will receive better protection at the hands of humans.

Democracy protects individuals as it allows governments to be held to account: if a government oppresses citizens then, in theory, they can be thrown out of power. Conventional democratic practice is anthropocentric – it is for and by humans - leaving the protection of nonhuman animals dependent on human preferences.

A radical option would be to develop a non-anthropocentric democracy. This can be justified on the basis of the 'all-affected principle,' a key position in democratic theory that says those affected by decisions ought to have a say in the making of those decisions. Thus nonhuman animals have a democratic right to have their interests represented in the political process, regardless of human desires. However, given current political reality, Rob suggested that a non-anthropocentric democracy is probably utopian. Instead he focussed upon reforms of anthropocentric democratic systems to overcome the unfair political exclusion of animal welfare interests and associated public concern.

One option to explore would be electoral reform. The UK Parliament's 'First Past the Post' system discourages attention for animal welfare, resulting in meaningless, weak proposals. A shift to a proportional representation system would benefit smaller parties who can more clearly represent currently marginal causes, such as animal protection. Now might be a window of opportunity to promote electoral reform as British politics is fracturing, making it harder for one party to win an overall majority. Rob argued that the success of the Dutch 'Party for the Animals' shows how representation can be achieved for animals under PR, pointing to research indicating that the presence of the animals' party in Parliament has persuaded other parties to support animal protection initiatives.

However Rob's main focus has been on another reform option, deliberative democracy, the benefits of which include:

- Inclusivity - all points of view and social groups are represented, and an equal chance to participate is offered to all present.
- Mutual respect of, and empathy for, the arguments and interests of others. The aim is to formulate decisions that are based on evidence and which serve the general or public interest.

Deliberative democracy could act as an antidote to traditional politics that is dominated by money and produces poor, illegitimate decisions. Thus deliberate democracy could provide a more level political playing field for animal protection and hence more conducive outcomes, a prediction backed up by the results of deliberative democratic exercises on questions such as xenotransplantation and farm animal welfare.

The subsequent audience discussion raised a key political obstacle to the implementation of deliberative democracy: the need for politicians to share their decision-making power and force privileged insider groups – typically big business – to relinquish their dominance over policy decisions.

Lucy Parry (CASJ PhD Researcher, University of Sheffield): *'In pursuit of the speakable: four hunting discourses'*

Lucy's paper presented four discourses from the UK hunting debate that she has identified based on analysis of interviews she has conducted:

1. A pro-animal welfare stance focussed on animal sentience, objecting to hunting as cruel, unnecessary for population control and with no place in a modern civilised society.
2. A 'sporting libertarian' position which dismisses the notion of hunting as a means of

fox population control, instead justifying it as a natural behaviour in the context of a perception of humans as essentially greedy, self-interested and destructive.

3. A 'countryside management' position which closely follows the public arguments of the Countryside Alliance. This discourse expresses the view that the countryside is a 'man'-made [sic] environment that must be managed, including through hunting as a means of controlling the population of foxes.
4. A more politically and ethically radical animal protection discourse that shares some features with discourse 1 but with greater emphasis on the intrinsic value of animals, combined broader ideas about how society and politics work which focus significantly on the exercise of power. Thus the persistence of hunting is explained by factors including class structures and regulatory capture by the farming industry.

Lucy's work uncovers deeper and more nuanced belief systems than the usual dichotomies applied to hunting and animal issues of pro/anti, animal welfare/rights and rural/urban.

Jess Garland (Electoral Reform Society and University of Sussex PhD Researcher):

'Electoral reform, democratisation and interest representation'

Jess's presentation examined how the structure of electoral systems affects the pattern of policy outcomes. The UK's 'first-past-the-post' electoral system promotes a 'majoritarian' mind-set where the 'winner takes all', with the aim being to win debates and policy battles outright rather than develop a consensus position. This structure leads to undemocratic and ineffective decision-making. Undemocratic insofar as it excludes many citizens' views², and ineffective insofar as it promotes poor decision-making due to the valuable knowledge and expertise of excluded groups being disregarded.

Over time, many citizens – particularly those from marginalised groups such as the young and the poor – are becoming disengaged from the political process, with worrying implications for the future of our democracy. Reform of the electoral system towards more proportionate representation in Parliament of citizens' views is a necessary step towards better democracy where the views of all sections of society – included hitherto excluded animal protection values – are given meaningful consideration.

Prof Neil Carter (University of York):

'Mainstreaming animal protection policy – lessons from environmental policy'

Neil's talk focussed on a rare example of major political change – the Climate Change Act 2008 – to draw lessons that the animal protection movement might usefully apply. The legislation was a historic victory for Friends of the Earth (FoE) and their 'Big Ask' campaign. Critically, *'it was a positive, pro-active campaign that delivered a fundamental transformation in the approach to climate change policy - a major piece of legislation, creation of new institutions, designed to hold the government accountable'*, according to Neil.

2. CASJ note: Especially when the same social groups – usually powerful business lobbies and other high social status interests - win consistently at the expense of vulnerable groups.

Neil explained this achievement in the context of theories of policy change³. The possibility of significant policy changes relies on the right conditions emerging to provide a window of opportunity. FoE seized their chance – they acted as ‘policy entrepreneurs’.

The auspicious conditions included rising awareness of the problem of climate change and support from David Cameron at a time when he was using ‘green’ issues to detoxify the Conservatives’ image. The latter created a ‘competitive consensus’ between the two parties, jolting the Labour Government to be open to policy change, to avoid being outflanked by the Conservatives on the issue of environmental protection.

FoE grabbed their chance by proposing what was perceived at the time as a ‘radical’ policy solution – a climate bill. One of the crucial features of the eventual Act was that it enshrined emission reduction targets in law and established an independent climate change committee. In other words, it institutionalised the fight against climate change instead of leading to mere surface-level, ad hoc measures. This meant that future governments are held to account over their performance on greenhouse gas emissions rather than being able to straightforwardly reverse the policy.

Dr Angus Nurse (Middlesex University):

‘Integrating the Animal Welfare principles into Government Policy: A Criminological Perspective’

Angus set the scene for his paper by observing that the UK has some relatively good animal welfare laws on paper, but they don’t function in practice. To address this problem, he explored how animal welfare principles might be integrated effectively, particularly in the field of criminal justice.

On the face of it, it could be argued that the Animal Welfare Act 2006’s new, positive duty to ensure the protection of certain animals’ welfare is pretty close in practice to animal rights. However, weak enforcement of the specific Codes of Practice for various domestic species is undermining the impact of the Act. Other problems include a lack of adequate resources for enforcement and the underlying status of animals as property or things, meaning they can’t be considered direct victims, contrary to the logic of the Act. Furthermore, the law is limited in its scope, applying mainly to companion animals, only minimally to animals used by industries and with wild animals particularly unprotected.

Angus proposed a number of reforms to legal structures to overcome these weaknesses, including treating animal crime as related to other forms of offending and ending its peripheral status which currently forces charities such as the RSPCA to step in due to the lack of police resources dedicated to this area.

Simon Brooman (Liverpool John Moores University):

‘Political Change, Animal Law and Legal Education: Why We Should All Be Concerned’

Significant developments in legal education formed the focus of Simon Brooman’s contribution to the conference. Simon talked about his ground-breaking animal law course which was established in 1994 and book ‘Law Relating to Animals’ (1997),

3. eg. Downs’ ‘issue-attention cycle’, Baumgartner and Jones’ ‘punctuated equilibrium’ model and Kingdon’s ‘multiple streams framework’

co-authored with Dr Debbie Legge. The course and book go beyond a narrow, doctrinal view of law which focusses on technical, formal operation of the law, to look at law in its wider historical and social context. Such a broader, critical stance is essential for law to progress and take account of evolving social values, such as those relating to animals.

However, Simon warned about a Legal Education Training Review, which threatens to narrow legal education to 'black-letter' issues strictly required for professional training purposes. This is critical to animal protection because so many political decision-makers have a background in law. The new approach to training could therefore leave government even less receptive to animal welfare considerations, making effective animal protection more difficult to achieve.

Simon concluded his talk by reflecting on Darwin's prediction in *The Descent of Man* (1871) that it would take 200 years for humankind to develop a complete 'moral sense'. However, if the mooted changes in the legal curriculum take place, then we may not make it in time to meet the 2071 deadline.

Dr Ruth Fox (Director and Head of Research, Hansard Society): *'Public engagement with Parliament – Whither E-petitions, EDMs and Private Members Bills?'*

Ruth's discussion focussed mainly on changes to the system for government E-petitions that aim to improve public engagement. Parliament has a problem: in their annual audit of public engagement, only 25% think Parliament encourages public involvement. With petitions being the second most popular form of political activity (after voting), developing a more effective E-petition system is a sensible place to start in engaging citizens with their Parliament. The Government⁴ and the House of Commons have agreed to work collaboratively in the new system, with more control in Parliament's hands rather than civil servants.

E-petitions now need five signatories to be valid and Parliament will check more thoroughly whether they adhere to eligibility rules, such as relevance to government policy-making. The previous signature thresholds remain, though the Commons Petitions Committee might act on a petition before it reaches the 100k mark that makes it eligible for being considered for a Parliamentary debate. So far the Petition Committee looks like it will be quite brave in terms of arranging debates that might put the government under pressure. The system has also been strengthened by allowing the Committee to ask a Commons Select Committee (each one is charged with scrutinising various ministries and departments) to conduct an inquiry if appropriate.

The first 24 hours is also crucial and generally seals the fate of a petition: they need to achieve 3,000 signatures in the first ten hours to gain enough momentum to reach the 100k mark. Other crucial factors are a large social network, together with prominent celebrity and media support. Finally, a cause needs MPs to show up for the debate and engage with the topic. Even then, successful campaigns for policy change need additional activities to complement an E-petition.

Another new feature is that the Petitions Committee has the discretion to look at large petitions on other sites such as change.org and 38 Degrees, though it should be noted that

4. i.e. the 'executive' branch of government, particularly Number 10, the Cabinet Office.

some Parliamentarians – particularly older MPs - are taking a dim view of 38 Degrees as they are being deluged with emails.

Ruth finished her discussion of public engagement with Parliament by looking at two other mechanisms sometimes deployed. Early Day Motions (EDMs) are now considered mere ‘parliamentary graffiti’. However, as they have a formal role in opposing ‘statutory instruments’ (i.e. secondary legislation on what are supposed to be less controversial, more technical issues that don’t get a full debate) they are likely to remain in place - but EDMs are a shallow form of engagement. Meanwhile it is extremely hard for a Private Members Bill to reach the statute book due to the very limited time devoted to them and the ease with which they can be killed off through procedural shenanigans: if just one MP expressly opposes a PMB then it fails to pass to the next stage of the legislative process. The failure of Jim Fitzpatrick MP’s PMB to ban wild animals in circuses during the 2014-5 session exemplified these obstacles.

Peter Stevenson (Chief Policy Advisor, Compassion in World Farming):

‘Building on the Government’s Manifesto commitments on farm animal welfare’

Given the title of the conference, Peter’s talk was a very apt one to finish off the day. Peter explained that the Conservative government’s pre-election manifesto commitments appeared to be quite useful, especially as they say they will implement their manifesto line-by-line.

He began by examining the pledge to ‘uphold the highest standards of animal welfare’, focusing first on policy regarding the cloning of farm animals, which causes a significant proportion of them severe and fatal adverse effects. Peter noted that the UK government has led the opposition in the EU to any effort to restrict cloning and the trade of their products. This, Peter asserted, was inconsistent with their manifesto commitments.

Similarly, laws on pig welfare are being ignored, and the UK government is refusing to act to deal with the suffering of dairy cows who are being genetically selected for high yields and may be confined indoors for their entire lives - practices that would effectively breach legislation on farm animal welfare. One underlying cause of such harmful policy-making is the failure of the EU and the UK to honour Article 13 of the basic EU treaty which requires them to ‘pay full regard to the welfare requirements of animals’. Peter recommended that the animal welfare movement should push for better implementation of this potentially useful law.

Another relevant manifesto commitment was to ‘press for all EU member states to ensure that animals are only sent to slaughterhouses that meet high welfare standards’. However, once again nothing is being done to tackle egregious suffering caused by, for example, inadequate stunning of a billion chickens a year and horrific practices in slaughterhouses in the Middle East, Turkey and North Africa where many animals raised in the EU end up.

The Conservative Party also promised to ‘push for high animal welfare standards to be incorporated into international trade agreements’. To achieve this, the government needs to press for provisions that require collaboration to improve animal welfare and require

imports to meet the same standards as within the EU or UK. The emerging Transatlantic Trade and Investment Partnership (TTIP) is potentially disastrous for animal welfare, as any new proposals for the EU will require discussions and harmonisation with US regulators, where standards are extremely weak compared with the EU. While Peter's primary worry was that it would prevent any much-needed progress, it could even result in existing laws being weakened if EU farmers find it difficult to compete with substandard US producers.

A further pledge was to 'push for high animal welfare standards to be incorporated into reform of the Common Agricultural Policy'. This is much needed as just 0.1% of the CAP budget is spent on animal welfare improvements while some CAP payments damage animal welfare.

However, the 25 year plan being currently developed by Defra does not bode well as it excludes any animal welfare goals. Indeed, when this was raised with Defra Ministers, the concern was dismissed on the false basis that the UK already has 'the highest animal welfare standards in the world'. For progress to be made, this oft-recited mantra needs to be challenged by the animal protection movement.

In response to audience questions, Peter suggested that the disconnect between manifesto pledges and real policy was down to a very restrictive form of groupthink in Westminster, rendering civil servants and Ministers incapable of thinking beyond the status quo of very intensive farming. However, Peter argued that further intensification is not inevitable, but to tackle it the animal welfare movement needs to go beyond specific animal welfare battles to tackle a broader problem – the overall food system is rotten.

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The CASJ's research report "**Current Trends in Democratic Processes and Animal Protection Standards**" will be published in November 2015.

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