

Written evidence submitted by the Conservative Animal Welfare Foundation (AAB0033)

EFRA Committee Inquiry: Animals Abroad Bill

The Conservative Animal Welfare Foundation was established in 2016 to raise awareness on the lives of billions of animals reared on intensive farms around the world and how this impacts upon animal welfare, the environment and people's health. We want to highlight the action people can take to help advance farm animal welfare.

We welcome the opportunity to respond to the EFRA Committee inquiry on the Animals Abroad Bill

Executive Summary

Conservative Animal Welfare Foundation supports the proposals made by Defra in the Action Plan For Animal Welfare. However, we support a total ban on trophy hunting imports and not just endangered species.

We support the Government's proposal to legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad and the intention that this will steer tourists towards visiting attractions that involve animals being cared for and treated properly. This will help set a global example on animal welfare.

1. Will the Government's proposals on the export and import of hunting trophies effectively support the conservation of endangered species?

Without having seen the scope of the Government's proposal, it is impossible to know the precise impact it will have on the conservation of endangered species. Within its consultation on the subject, it put forward the following proposals:

Option one: A ban on the import and export of hunting trophies from certain species.

Option two: Stricter requirements for clear benefits to conservation and local communities to be demonstrated before hunting trophies from certain species are permitted to enter or leave the UK.

Option three: A ban on all hunting trophies entering or leaving the UK.

Option four: Do nothing - continue to apply current controls based on internationally agreed rules.

Yet within its Action Plan for Animal Welfare, it stated:

We will deliver on our 2019 Manifesto Commitment to ban the import of hunting trophies from endangered animals abroad, by bringing forward legislation to ensure UK imports and exports of hunting trophies are not threatening the conservation status of species abroad

This suggests it is leaning towards option 1 or 2 from the consultation. Option 1 in summary is as follows:

A ban on the import into and the export from the UK of hunting trophies from species listed on Annex A or B, or another list of species which could be identified with the aid of IUCN Red List or other frameworks, would be prohibited.

Option 2 in summary is as follows:

[There is] evidence that the hunting trophy (i) is from a well-managed trophy hunting operation, (ii) has delivered significant and tangible conservation benefits for the species in question; and (iii) has benefitted, and been conducted in cooperation with, any local communities which share the area with the species concerned.

These options will not only not support the conservation of endangered species, they will also not deal with the main mischief, this being the public's outrage at the import and export of any hunting trophies. Only option 3, an absolute ban, can do that. A March 2021 poll found only 3% of UK voters support a ban limited to endangered animals only, versus 85% who believe the ban should apply to all species.

However, turning to conservation alone, without an absolute ban on the import of hunting trophies, there will always be a threat to endangered species and a further risk of endangering others.

What is being proposed by the Defra Action Plan is broadly the same as the current legal framework, where import permits for trophies from threatened species are only granted if the introduction would not have a harmful effect on the conservation status of the species.

However, the current framework has shown that this position is rife with risks. Under the current framework (of which this is broadly the same) wealthy hunters have been able to continue hunting critically endangered species, by simply making financial contributions towards its conservation, therefore undermining the intention of such rules. In addition, the current framework and the proposal would not deal with industries like "canned hunting", where apex predators like lions are being bred to be hunted. Whilst canned hunting is often cited as a solution to protecting wild animals, canned lion hunting led to a spurt of wild lion poaching both to meet the new demand for lion bones and to 'refresh' the genetic stocks of lions in their facilities (which are plagued with diseases associated with in-breeding).

Whilst South Africa is banning canned lion hunting, lions are not the only species that are hunted in this way, nor is South Africa the only place that has this industry, the United States has a thriving industry of wild pig and deer canned hunting. It is therefore entirely possible that canned hunting will continue to flourish and as such the United Kingdom needs to make sure it does not support this industry by allowing imports of this kind.

In addition, trophy hunting is not a static activity or industry, if it is made more difficult to hunt and import trophies from certain species, new species will just be targeted in their place. This will species that whilst not designated as endangered yet, are classed by CITES and/or IUCN as being at risk of extinction and where hunting has been listed as a threat. Species which could fall outside the scope include the plains or common zebra, reindeer, and the Cape Buffalo.

It is not enough to say that these species will be protected by the legislation at the point of becoming endangered, the point is that they should not be driven to that status.

2. Should there be different rules for the trade in animal trophies depending on the setting in which the animal was hunted?

The aim of any legislation of this kind should be to avoid any damage to the conservation of animals and ecosystems they live in and to meet the public's expectation, who are firmly in favour of an outright ban of supporting any hunting of this kind. Therefore, the setting for which an animal was hunted should make no difference.

Presumably, the point this question is trying to make is should there be a difference between the imports of trophies from wild hunting and canned hunting, this being where animals are specifically bred to be hunted. As mentioned above, canned hunting is not a solution to conservation efforts. As the biggest industry to date, it is worth looking at what canned hunting has meant for conservation of lions.

The position amongst many, including conservation NGOs, is that breeding lions for canned hunting (and the lion bone trade) has zero conservation value despite claims made by predator breeding facilities and hunters.

It is known that lions captive bred in this way develop genetic issues (inbreeding) and behavioural issues (lack the ability to hunt). Further - there are limited territories available preventing their release into the wild. The money generated almost always goes into private breeder pockets. It is not provided to communities or the local tourism Industry.

Canned lion hunting has also led to a spurt of wild lion poaching both to meet the new demand for lion bones and to 'refresh' the genetic stocks of lions in their facilities (which are plagued with diseases associated with in-breeding. "Williams et al noted that poaching of wild lions and the illegal lion trade 'seems to have escalated since 2008'." According to Pieter Kat "a lion ecologist and trustee with LionAid...: 'by stimulating an Asian market for lion products, increased demand will affect lions across the continent as they now have value for poachers and illegal traders'."

Traditional Chinese medical practitioners often insist that the bones of wild animals are more potent than those of captive bred ones," he said, which will inevitably increase the incentive to poach wild lions. "The whole animal bone industry is fraudulent," he said, "but what lion farming is doing is building up a massive demand and increasing the investment in Asia in this industry."

The biggest canned hunting industry in the world is in South Africa, with the majority of the animals being bred being lions. The South African Government has recently decided to ban canned lion hunting, in part due to the fact that the conservation claims are an illusion. Despite canned lion hunting in South Africa, the wild lion population has declined to only 2070 in 2019.

3.What are the possible unintended consequences of the proposals, for example in relation to animal trophies that pre-date the legislation?

In terms of any unintended consequences in relation to the imports and exports of trophies that pre-date the legislation, there are two possible solutions 1) an absolute ban on any imports and exports 2) an absolute ban on any imports or exports unless the relevant authority is satisfied that the trophy pre-dates the legislation. There is precedent for such a system under the Ivory Act, where a certification system exists for any pre 1918 ivory, which includes an institution assessing the item.

It is also sometimes claimed that without regulated hunting, the illegal trade will boom. The evidence suggests this is not the case. The illegal and legal trade are symbiotic with one feeding the other. Canned hunting for example, where permit requirements are lessened as a result of the animals being captive bred, is being propped up by wild caught, therefore calling into question the lawfulness of the permit.

Furthermore, legal does not mean better for animals of conservation. The current legal trade is a multibillion-dollar industry, which equates to a vast number of animals. A study in February 2021 found that the legal wildlife trade is worth around \$400 billion dollars, which is 17 times more than the illegal trade.

The main unintended consequences of the proposal would be the loopholes the current version would permit, these include:

1. A spike in other species being hunted that fall outside of the scope of the legislation, thus resulting in their decline.
2. A spike in canned hunting, which creates the illusion of conservation benefits, but has shown to be detrimental; and
3. A continuation of trophy hunting with payments being made to 'conservation' efforts, which may see species going extinct.

All of the above risks would be significantly lessened by an absolute ban on the trade in hunting trophies.

4. How effective are current measures on the trade in trophies of hunting, including how they support conservation?

The current measures are wholly inadequate. The current system is underpinned by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Different species are given different levels of protection under CITES depending on how endangered/at risk they are. These protections are implemented through a permit system on the import and export. Species in Appendix I are deemed to be the most endangered species. Species in Appendix II are deemed to be threatened by commercial trade. Appendix III lists some at risk species.

The EU (and the UK) has implemented CITES through Council Regulation (EC) No 338/9, which is broadly the same as CITES with a few species receiving increased protection.

As Appendix III species are not required to have permits, we will focus on the current framework for Appendix I and II.

Appendix I

Trade in Appendix 1 include gorillas, sea turtles and giant pandas.

Article III of the Convention governs the regulation of trade in specimens of species included in Appendix I. It requires the following:

The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved.

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

However, Article VII of the Convention provides the following exemption:

Specimens of an animal species included in Appendix I bred in captivity for commercial purposes ... shall be deemed to be specimens of species included in Appendix II.

This means that any endangered animal bred in captivity, for example canned hunting, would be down listed to Appendix II.

Appendix II

Trade in Appendix II species is regulated under Article IV of the CITES Convention. Trade in hunting trophies of Appendix II species is understood to be subject to slightly different conditions under CITES, depending on whether the species is wild or captive bred, as set out below. Appendix 2 includes lions, paddlefish and American alligators.

A permit will be issued if-

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

Under CITES there is an exemption from the above permit requirements, if the trade is in relation to personal or household effects, which includes hunting trophies if the animal is not taken from the wild. However, under the EU (and therefore the UK) there is no exemption from the permit requirements for:

the first introduction into the Union of hunting trophies of specimens of species or

populations listed in Annex B to Regulation (EC) No 338/97 and in Annex XIII to this

Regulation [essentially Appendix II species]

This means that essentially Appendix I and II species will both require that the import/export is not detrimental to the species and that the taking of the species was done lawfully in order to get the necessary permits. Both the legal acquisition finding, and the non-detriment finding are susceptible to corruption in certain countries. Furthermore, when it comes to non-detriment findings in jurisdictions across the world, it is clear that the assessment is not always based on the same information, which has led to inconsistent decision making and a lack of unanimity when it comes to the conservation effects of trade in hunting trophies.

The main difference between the trade of Appendix I and II species is that Appendix I cannot be traded for commercial purposes. This means that the hunting trophies from Appendix II species and Appendix I endangered species that were bred in captivity can be bought and sold and not just kept for personal use.

5.What will be the impact of the proposed domestic ban on advertising and offering for sale overseas attractions, activities or experiences that involve the unacceptable treatment of animals?

The impact of banning the advertising and selling of overseas activities that cause suffering to animals, will be beneficial and far reaching.

Currently the tourist industry is largely self-regulated, which has resulted in a glaring blind spot when it comes to promoting unethical practices overseas. It should be self-evident that something that would never be permitted in the UK should be allowed to be promoted to take place overseas, not least because such jurisdictions will most likely have less welfare protections than those that exist in the UK.

The law will not only lead to consistency in the UK's approach to animal welfare but will have the very important benefit of improving the situation for countless animals overseas, where outlets will need to improve their standards to market to a UK audience.

Conservative Animal Welfare Foundation support Save The Asian Elephant's (STAE) objective to prohibit the advertising and sale of visits to tourist attractions abroad that include practices that entail suffering to Asian elephants or where the animals are kept in conditions that cause suffering. Industry self- guidance has failed over many decades.

The specific impacts on the welfare of animals can be expected. Travel businesses will remodel and seek new venue providers, encouraging a market shift towards genuine sanctuaries and wildlife reserves.

Impact upon travel businesses will be negligible as few trade in elephant attractions. Businesses successfully transitioning to offering ethical attractions demonstrate the commercial and reputational benefits that can result.

We welcome a ban on the advertising of unacceptable experiences such as so called' trophy hunting safaris' as this will send out a strong message.

6.Who should be responsible for ensuring attractions, activities or experiences overseas do not cause the unacceptable treatment of animals?

The tourist industry is largely currently self-regulated, as such one option would be having travel companies fully responsible for anything they advertise and sell and if is found out that the packages they sell are cruel, then they will be committing a crime. However, this lacks the necessary mechanisms to ensure the appropriate oversight and lacks sufficient clarity. As such it is appropriate that a public body, such as Defra or the local authorities are responsible for regulating this legislation.

Whilst local authorities have some similar responsibilities, such as its role to enforce consumer protection law and its role to licence certain animal activities, under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

2018. As the relevant activity is taking place overseas it is more appropriate for a central authority like Defra, this will ensure uniformity. This authority will be responsible for determining unethical activities and/or venues and responsible for ensuring enforcement.

Defra is already the central authority for animal welfare issues and has the most powers when it comes to enforcing legislation. It also has powers under the Ivory Act to assess and certify, in this case a product, and determine it is acceptable. Under the ivory act, the Secretary of State can grant an exemption certificate for pre 1918 ivory of importance. The exemption process is summarised in the consultation document as follows:

1. An application for an exemption certificate is submitted
2. The application is checked by the Animal and Plant Health Agency (APHA)
3. APHA select a prescribed institution deemed to have the necessary knowledge and expertise and seek advice
4. The selected institution assess the item
5. The selected institution provide advice to APHA
6. APHA make a decision on the application
7. The applicant is notified of the decision
8. If the application is refused the applicant may appeal to the First Tier Tribunal

In addition, Defra can look to other schemes and include aspects of those in its own regulation of this legislation. For example:

Under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the local authority may charge the animal business such fees as it considers necessary for granting a licence and anticipated costs of consideration of a licence holder's compliance. Defra could run a similar scheme where licences are granted to tourist business or activities that it deems can be sold and marketed in the UK and charge the cost of doing so.

Under The Animals (Scientific Procedures) Act 1986, the Home Office uses a combination of tools to ensure compliance depending on the severity including: inspector's advice, compliance letters and notices, licence suspension and revocation and prosecution. Defra could have a series of penalties at its discretion to ensure compliance.

The Competition and Markets Authority has a helpline for members of the public to report cartels and other anti-competitive behaviour. This would be particularly useful to Defra to have, as it will be members of the public that are purchasing and experiencing the banned overseas activities.