

**World Association for Transport Animal Welfare and Studies (TAWS)  
The challenge of improving transport animal welfare in the world:  
ways forward**

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**Transport animal welfare legislation and inspection:  
how to progress and succeed.**

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**1. Introduction.**

During SPANA's daily work in the souks and villages of North and West Africa and the Middle East we are frequently coming across situations where we feel frustrated at being unable to prevent suffering. Daily we treat wounds, rasp teeth, trim feet, treat for parasites and attempt to cure sick animals. We also offer advice to owners on how to care for the animal and how to prevent injuries occurring, we show how to pad harnessing, how to treat wounds and we talk about feeding and work loads. SPANA is also targeting the next generation of animal owners through its education programmes within schools. However, sometimes, just occasionally, we would like to be able to call on some legal backup to prevent cruelty or neglect from occurring, to remove an animal from abusive or neglectful surroundings or stop it from working. In the countries where SPANA has an operation, the animal protection legislation that we take for granted in this country is non-existent, or, if it does exist, it is not enforced.

This paper gives a short summary of the history behind animal welfare legislation in Britain and mentions some of the laws pertinent to working animals. The existing situation in some of the "SPANA countries" and an example of draft legislation worked on by SPANA for use in Morocco is shown. A successful licensing and inspection scheme currently operating for the caleche (tourist carriage) horses in Marrakech, Morocco is explained, along with other examples of legislation working or proposed in other countries. Some suggestions are given how to proceed with legislative change, taken from SPANA's experience and talking with other colleagues, although the working groups will, hopefully, elaborate further.

**2. A Brief Look at Animal Welfare Legislation in the UK.**

The present law (current consultation excepting) defining cruelty to animals has been in force since 1911, and its origins go back to animal protection legislation enacted in 1822. Its longevity must owe something to its effectiveness.

Between 1671 and 1831 any law concerning animals had its focus on protecting the property interests of the owner, such as anti-poaching laws. The law might occasionally have intervened if a domestic animal was treated in such a way as to cause a public nuisance, or be harmed by a third party without the consent of the owner! This status of animals as property, in the absence of protective legislation, allowed the owner of a captive or domestic animal complete autonomy to decide for himself how it was to be treated, including whether it should be killed.

Property status colours attitudes towards animals, particularly with regard to those kept for commercial purposes, which are too readily considered to be just another commodity. In the absence of a conviction for cruelty, it imposes a barrier to empowering a third party to remove and dispose of animals which are being kept in conditions that compromise their welfare. It can place considerable onus on those who wish to secure greater legislative protection to justify further interference by the state with property rights.

The first attempts at legislation were closely bound up with wider social issues. (note that the SPCA was instrumental in bringing about the formation of the NSPCC.) By the end of the 18th century the basic principles of the modern animal welfare position were established. Although still a minority view, there was a recognition that animals, like humans, could suffer pain and that pain entitled them to legal as well as moral right.

The first third of the 19th century saw a big impetus for the introduction of animal protection legislation, as well as the establishment of the SPCA. This was not simply a result of increased sentimentality. Science was causing a greater understanding of animal physiology and a reassessment of man's place in the world. There was also a development of a secular morality, the increasing influence of middle-class values and a concern for social discipline and stability. A political and legislative system was responsive, individual campaigners were present to carry the cause forward and higher ranks of society were prepared to endorse it. (The Patronage of Queen Victoria made a big difference to the status of the SPCA in society). All these factors contributed to environmental and animal protection laws becoming a reality.

### **UK Legislation.**

#### *Protection of Animals Act 1911-1988*

These acts are concerned with whether or not cruelty has resulted from a person's actions or omissions. (Unnecessary abuse). The principle act of 1911 contains the general provisions relating to domestic animals and captive wild animals and is the act under which the majority of RSPCA prosecutions are brought.

The following constitutes punishable cruelty under British law:

- A) To cruelly beat, kick, over-ride, torture, infuriate or terrify an animal.
- B) To cause unnecessary suffering by doing or omitting to do any act.
- C) To convey or carry an animal in such a manner as to cause it unnecessary suffering.
- D) To perform any operation without due care and humanity (in relation to which the provisions of the *Anaesthetics Acts 1954 and 1964* are particularly relevant)
- E) The fighting or baiting of any animal or the use of any premises for such a purpose. (Amended in 1988 to include the advertising or attendance of such an event without reasonable excuse)
- F) Abandoning an animal in circumstances likely to cause unnecessary suffering.
- G) The administration of any poison or injurious drug or substance to any animal.
- H) The tethering of any horse, mule or ass under such conditions or in such a manner as to cause that animal unnecessary suffering.

These acts also give powers to the enforcement agency (police) to authorise the destruction of a mortally injured animal without the owner's consent, on the written statement of necessity by a qualified veterinarian. They also give powers of removal of an animal by a police constable from a person charged under the act until the end of proceedings. *1954 and 1988 Amendments* give courts power to disqualify persons convicted under the act from keeping animals, and also sets punishments terms and fines.

#### Liability for cruelty.

Those who may be prosecuted include:

The person who is directly responsible for the cruelty.

A person who causes or procures the cruelty.

The owner of the animal, (if not already one of the above), if he has permitted the cruelty to occur.

Criminal liability is therefore comprehensive, extending to all those who may be either directly or indirectly responsible. Penalties, may involve fines or/and imprisonment, costs must often be paid. Powers are significant in that they are intended to prevent further cruelty being inflicted upon the victim.

*Docking and Nicking of Horses Act 1949.*

Prohibits docking and nicking of tails except where a vet has made a written statement that it is necessary for the health of the animals, after having examined the animal. It is also an offence to import a docked horse, unless being immediately re exported.

*The Agriculture Miscellaneous provisions) Act 1968.*

It is an offence to allow livestock on agricultural land to suffer unnecessary pain or distress. Ministers are empowered to make mandatory regulations on welfare matters and issue codes of recommendations. It is an offence to cause or knowingly allow livestock to suffer unnecessary pain or distress while on agricultural land. Livestock defined as animals kept for the production of food, wool, skin or fur on agricultural land. Ministers may, by order, extend definition. Applies to horses kept for meat. Also to horses or dogs used in farming of the land. Agricultural land is that used for agricultural trade or business. Allows powers of entry for persons authorised by Ministry.

*Animals (cruel poisons) act 1962.*

Prohibits killing of any mammal by means of cruel poisons.

*Protection against Cruel Tethering Act 1988.*

Makes it an offence to cause unnecessary suffering to a horse, ass or mule by the manner or condition of tethering. This act was originally introduced to deal with travellers horses left by the roadside or on waste ground or childrens ponies bought without appropriate arrangements made for adequate grazing.

**European Union Legislation.**

EU subsidiarity convention defines which laws should be applied at a member state level rather than EU level. Much general animal protection legislation comes under these rules, thus each member state draws up its own laws and standards relating to general cruelty to animals, especially companion animals. The Treaty of Rome in 1997 stated that all legislation regarding transport, research, internal markets and agriculture should pay full regard to animal welfare. Exceptions are made for areas classified as national customs, religious and cultural rites. This treaty was a step forward in recognising for the first time that animals are sentient beings, and not just agricultural goods.

**What are the objectives of legal regulation ?**

Preventing cruelty and reducing animal suffering.  
Improving animal and human health.  
Protecting or conserving some wildlife.  
Securing public safety.  
Safeguarding commercial interests.  
Encouraging responsible ownership.  
Reflecting a moral consensus.

Sometimes these objectives may conflict, eg muzzling pit bull terriers in public is considered necessary to safeguard public safety, but may not be thought of as in the best interests of the dog. Battery cages are currently allowed in commercial enterprises, but if in someone's back yard would probably contravene the 1911 Protection of Animals Act !

Human responsibilities vs animal rights. The protection of animals can best be promoted by a greater appreciation of their nature and capacities and the consequences for them of human activity, underpinned by increased and more effective legal regulation of their use and treatment, including the imposition of detailed and binding positive duties on those who assume responsibility for them. Welfarists seek the regulation of animal exploitation, the rightists seek its abolition. ( M. Radford 2001)

### **3. Animal Welfare Legislation historically in countries where SPANA has operations.**

The Society for the Protection of Animals Abroad started work in North Africa 80 years ago, and now works in 8 countries across North and West Africa and the Middle East. Lack of animal protection legislation in the countries where we operate is often seen as a major constraint to advancing the treatment of working equines. However, in some countries, existing and long standing legislation is present. Many countries of francophone North Africa have detailed animal welfare laws dating back to French colonial times, and based on the French laws of the time. An example of a “Loi gramont”, found in SPANA's archives, mentions the use of an mid 19<sup>th</sup> century French Law being used in present day Algeria in the 1930s to bring to account perpetrators of animal cruelty..

There are also examples from British Mandated Palestine. Many of the laws have never been officially removed from statute books, although general knowledge of their existence seems poor, even amongst law enforcement agencies of the countries. They are sometimes, of course, inappropriate to the times and current socio-economic climates, but it is always worth looking for what already may be present and useable.

In 1997 SPANA looked into putting together a framework for draft legislation that could be used in Morocco. Working with our staff, Moroccan Ministry of Agriculture and using WSPA guidelines, the following notes and a basic structure were prepared. Although the Moroccan Ministry was keen, so far, no legislation has come of it !

#### **Draft of Animal Protection Legislation Morocco, SPANA 1997**

##### **Enhancing Animal Protection**

To improve the status of animal protection in any country, it is suggested that:

- A) Legal provisions be developed to ensure that humane treatment of animals by humans in each area in which humans have the potential to abuse, exploit or otherwise cause unnecessary suffering or injury to animals.
- B) Humane education programmes be established to teach respect for animals and their intrinsic value, and to nurture responsible stewardship.
- C) Encouragement and assistance be given to voluntary animal and environmental protection societies and natural history clubs as one way of promoting the humane ethic, and a feeling and understanding for animals, complemented by appropriate education in schools, colleges and universities.

Legislation alone is insufficient to bring about a real change in attitudes and practical protection afforded to animals. To be really effective, it needs both the popular support of a humane, caring society and proper enforcement.

In drafting protective legislation, it can be helpful to include the reasons why the legislation is being introduced. Key reasons, such as the sentience of animals, their capacity for suffering, the moral and spiritual decline caused by cruelty, the development of society's degree of cultural maturity etc, could be incorporated.

Legal definitions are the core, eg what is an animal, does the definition include invertebrates, vermin? Consequences of a chosen definition should be given careful consideration.

What constitutes cruelty ? Should terms such as unnecessary suffering be used ? Should they be defined for avoidance of doubt.

### **Level of legislation**

Individual countries legislative structure will need to be taken into account.

*Constitution*, many countries don't have a written one. If there is one it is a good idea to include the principle of animal protection in it. May be more acceptable politically if linked to environmental protection, a move which would be supported by a powerful lobby of animal protection and environmental groups.

*Primary legislation*, outlines general principles, defines areas to be covered and provides powers for the introduction of regulations, identifies department responsible for secondary legislation.

*Secondary legislation*, detailed regulations covering specific area. To be formulated by relevant government department on basis of expert advice and consultation with interested parties.

### **Working instructions**

May be helpful to form working instructions( for police ?), for those enforcing (inspectors ?) and codes of conducts for eg owners. Reference to codes can be part of legislative and enforcement process.

Note that ignorance is often used as an excuse, and literacy levels within the animal owning population must be taken into account.

### **Formulation of provisions/consultations.**

Must be done in consultation with all interested parties, ie including industry, inspectors, animal welfarists, consumers ? Can help avoid impractical legislation and point to areas of conflict. Any legislation is likely to be unenforceable unless seen to be fair.

### **Enforcement**

Who ? Central government, regional government, animal protection society ? Will the same body take prosecutions on ? Must all be clearly stated, extent of powers, costs, expenses of enforcement, duty to enforce.

A dedicated welfare inspectorate is considered the best option, to allow for specialisation and expertise, but often considered impractical in the countries SPANA works in at this time. It may be more realistic to use police acting in conjunct with SPCA or Ministry of Agriculture. Expecting the police to be proactive in enforcement, without training, is also impractical.

Legislation must be well publicised and necessary educational visits and programmes instituted, should be positive not negative connotations of legislation.

### **Ethical/advisory committee for animal protection.**

Essential to take things forward, should include representatives from main interest groups and experts, should be an independent body, and can advise ministers.

### **General Provisions (only ones relevant to transport animals included)**

- 1 Any person owning or keeping an animal shall be responsible for its health and welfare.
- 2 Any person owning or keeping an animal shall provide accommodation, care and attention which takes account of its physiological and behavioural needs including appropriate food and water, shelter, exercise and companionship.
- 3 No person shall cause an animal any avoidable suffering, pain or distress.
- 4 No person shall overwork, overload or overdrive an animal or beat it excessively.

5 The freedom of movement of an animal shall not be continuously or unnecessarily restricted if this entails suffering, pain or distress.

6 Any person keeping an animal shall ensure that the animal is attended to at least once a day.

7 Sick or injured animals shall be provided with care without delay (when decided by a vet or a policeman). Where necessary veterinary advice shall be sought. Where euthanasia is necessary to relieve suffering, this shall be done immediately by a qualified or competent person (a vet/and or policeman) and with the minimum suffering, pain or distress.

8 Any surgical operation which may inflict suffering on an animal, except insignificant pain of a transient nature, shall be performed only by a licensed/registered veterinarian. Suffering and pain shall be reduced to the greatest possible extent.

9 Surgical and similar operations and painful procedures intended to change the appearance of an animal shall not be performed; nor shall such operations or procedures which alter or interfere with the regular gait or stance of an animal. (This includes nostril slitting). No one shall use a red hot iron to fire an animal. (?branding.)

10 Other surgical operations on animals by which part or parts of the animals body is or are removed or damaged shall not be carried out unless:  
the operation is necessary for medical reasons;  
the operation is permitted or prescribed by or in pursuance of any legislative provisions;  
the operation is permitted and controlled by an order issued by the competent authority.

11 Any person who wishes to destroy an animal shall ensure that it is destroyed as quickly and painlessly as possible.

12 Veterinarians shall always put the welfare of animals first, regardless of any other commercial or professional interest. A veterinarian shall do his utmost at all times to safeguard the health and welfare of animals.

#### **4. Licensing and Inspection System in Marrakech, Morocco.**

Horses and carts have been used as means of transport in Marrakech for hundreds of years, for local people and, increasingly, tourists. In most of the major cities in Morocco, working equines have been banned from city centres as cars have become more prevalent. This was mainly to reduce accidents and danger to human life. Caleches have been retained in Marrakech as they are a considerable draw for tourists, and they have been licensed as taxis for many years. In this way, the local authority takes a fee from caleche owners and makes money from the tourist trade. Occasional accidents involving tourists in caleches were always a worry for the local authority and, keen to keep up tourist numbers, they instituted MOT type caleche inspections by the police in the early 1990s. Routine inspection points were present in all Moroccan cities as the motorised town taxis were already regulated and inspected by the police; thus it was straightforward to use the same points and police to inspect the caleche vehicles. They were more interested in the roadworthiness of the cart itself, but, since ordered by the Wali, as head of the local authority, the police did carry out their duties of inspecting carts. SPANA was already well known in the town, treating sick and injured caleche horses, and, in consultation with the local authority, SPANA's care of the caleche horses was formalised. SPANA personnel joined with the police in carrying out inspections of the animals.

The important thing was to be seen by the caleche horse owners and drivers as being on their side. Unlike the police who were seen as the enforcers, we tried to be seen as assisting the owners to keep

their animals fit and well and, therefore keep their licence to work.. We were given ultimate authority to determine if a horse was fit to work or not, we could also enforce hospitalisation in our clinic until a horse was fit again. We still had no power to prosecute offenders as abuse itself was not against the law. A major initial problem was how to identify the animals, and various methods were tried. In the end hoof branding was decided on, since it also had the advantage of the brand growing with the hoof, thus giving some idea of how recently the animal had been seen.

There are two types of inspection now carried out. Once a week a SPANA Technician with a mobile clinic joins the police at the permanent inspection point that caleches must report to. This check is mainly to make sure that only horses with hoof brands (therefore already examined) are being used. Minor injuries and illnesses will also be treated. If a driver is seen with an unbranded animal, then his licence is revoked for 2 weeks. No money changes hands in the street for this and after two weeks the driver must report to the police station, pay his fine and regain his licence. The second inspection occurs every 4 months ( timing has changed over the years) and is carried out outside the SPANA Marrakech clinic. The road is cordoned off to allow the vast numbers of caleche horses and carts to enter. The inspection takes 3 or 4 days to examine all 400-500 horses. A commission has been set up to attend the inspections. Apart from 2 SPANA vets, there are 1 or 2 policemen, a representative from the Ministry of Public Health, someone from the National Guard, and representatives from the caleche association. Full examinations of the horses are made and the hooves are branded.

Along with the “stick”, there is also a “carrot” approach to the scheme. Apart from regular licensing inspections, SPANA has also instigated annual prize giving for the caleches, including best looking horse, most improved horse, as well as best cart etc. These have now been going several years, and are hotly contested, local dignitaries as well as British Embassy and SPANA people have been involved in the prize giving ceremonies. Prizes usually consist of animal feed or similar.

Apart from the tourist (caleche) horses, plenty of other horses and donkeys are used to transport goods in Marrakech, often overworked. The Wali and the local authority in general liked the licensing scheme and wanted to extend it to cover all the horses in the area. He was moved to do this by his dislike of seeing horse dung in the streets, which is not a tourist draw ! SPANA was also very keen to extend the scheme, since we had been noticing a few of the animals who had been refused a licence as a caleche due to sickness or weakness, then turning up as ordinary cart horses in the town ! Thus, all traction animals entering the town had to be licensed, and it became obligatory for dung carriers to be used on the carts. Poor looking, thin, overloaded animals do not look good for tourists, so SPANA was asked to inspect all the cart animals on a regular basis. In consultation with SPANA, the Wali has now introduced minimum and maximum age limits on the animals used as cart horses in the town and is working on legal limits for weights pulled.

Licensing and inspection has meant expenditure for owners, such as investing in dung carriers. Thus, SPANA is careful not to introduce too much at once, being conscious of being seen to be on the side of the owners and understanding their problems too. We are currently looking at improving harnessing systems, and will probably introduce sets as prizes, before looking at enforcing the use of breeching straps and swingle trees for example.

The licensing and inspection scheme of caleche horses in Marrakech is one of which SPANA is proud. It has been a long time coming, but appears to be working smoothly and successfully now. The wider cart horse scheme is still new, and the owners and animals are different from those involved in the tourists industry, but earlier indications are positive. The support, indeed the impetus from the local Wali has played a major role in this.

## **5. Other SPANA schemes and possibilities.**

Imlil, Morocco.

This is an area also frequented by tourists, trekking by foot and by mule in the Atlas mountains. SPANA has instigated an annual prize giving ceremony for the trekking mules, has given out humane bits and hopes to be involved in local licensing.

#### Bamako, Mali.

Urban household refuse in Bamako is collected by donkey cart and taken to municipal tips. These donkeys are owned by local co-operatives (GIEs) paid by householders. The co-operatives pay wages to the employed cart drivers, who are mainly young, poorly educated men from the rural areas. The pitiful state of these donkeys was the reason SPANA was originally invited to go to Mali. Every GIE site is now visited weekly by SPANA and preventative and curative treatments given free to the donkeys. Along with improved harnessing systems (saddle pads, well made girth, chest and crupper straps) the condition of these animals has improved dramatically. Again, SPANA instigated annual prize givings, each GIE site asked to nominate their best driver ( emphasis being on care of his donkey charge) and the GIE sites themselves competing with each other for cleanliness of the donkey housing, feeding regimes, lack of wounds on their animals, etc. There are no laws that we have been able to find that allow us to stop individuals donkeys from working, and there is no official licensing scheme; however, the good relationship we have built up with the GIE organisation results in them taking our advice seriously. If we say a donkey is unfit for work, they will generally rest it, or more likely allow it to come to the SPANA clinic for hospitalisation. If we have seen a driver repeatedly beating a donkey, despite warnings, a word to the relevant GIE head will usually result in that drivers dismissal.

#### Ethiopia

SPANNA recently had it's official opening in Debre Zeit, Ethiopia where it will be working with the taxi horses (gharry) of the towns. These horses are used as the main method of transporting people and goods about the towns, and are often in an appalling state of health due to illness, bad foot care and harnessing, being overworked and undernourished. Many of them are old, having been sold down from the highlands after years of work there. The taxis have traditionally been licensed by local town authorities, all carts have a licence plate and there are local Cart Horse Associations who administer the system. Thus, SPANA is hoping that we will be able to work with the Cart Horse Associations to implement inspections in a similar way to Marrakech. Representatives of the Cart Horse Associations, as well as cart horse owners and drivers were invited to the opening of the SPANA project and we will need to build up trust and relationships before going further.

#### Tunisia

The tourist industry, particularly on the coast of Tunisia has also resulted in caleche horses and camels giving tourists rides. Complaints from tourists to SPANA about the poor condition of many of these animals are frequent and SPANA has been trying to persuade the local authorities to allow us to help by putting in a system similar to the one which works in Marrakech. However, despite several years of talking to the authorities, cajoling them, forwarding letters from tourists to them and the Tourist Association in Tunisia, Tunisian Embassy etc, and asking tourists to complain to their holiday reps, we seem to be no further with this one. We treat particular animals as we are made aware of them, and try to encourage the good caleche operators, but the local authority is reluctant to make itself unpopular with local caleche operators. The decline in tourism over the past couple of years and a chronic drought means they refuse to impose anything that penalises financially a chunk of the local electorate. Various theories have been proposed as to why tourism complaints and the power of the tourist dollar have been a suitable motivating force in Marrakech but not Tunisia, but a simple answer eludes us !

#### Cart Horse protection Association, South Africa.

Although nothing directly to do with SPANA (SPANNA gave some funding to the Association under its Outreach programme), the head of the association recently informed us of some new legislation: "One of the major benefits of the Cape Town Unicity and Subcouncils was that all the previous local legislation, including regulations and bylaws, were repealed and replaced. CHPA has been involved



in the long process of developing new legislation from the outset. Under the Environmental Health bylaw horses, ponies, mules and donkeys are specifically referred to, and permits are now required to keep equines in the subcouncil area. There are very strict requirements for housing, disposal of waste etc, therefore the previously poorly looked after animals will not be allowed to be kept in confined back yards as they were before. Council approved community stables will probably be necessary, and other animals may be moved out to small holdings. Having this meaningful legislation in place is a major move in the right direction.”

## **6.The Way Forward.**

To get animal welfare legislation on the agenda, it is important to increase awareness generally. The contribution of vets is central to the effectiveness of animal protection legislation, therefore the idea of a course for veterinary students is sensible. One such example suggested for vet students in Morocco (drawn up by Dr Jenny Renfry) is as follows:

### **Course in animal Welfare for Vet Students. ( JR 1991)**

Legislation: (2 hrs, 1 in preclinical, 1 in clinical yrs)

Aim: to consider the purposes of animal protection legislation, what legislation is existing or needed?

Content:

- 1)A) How legislation should reflect the ethics and culture of the nation.
  - B) Why animals need legal protection.
  - C) Who enforces the law.
  - D) The law as a way of punishing offenders.
  - E) The law as a way of promoting better standards.
  - F) Examples of local, national, international laws, conventions, regulations etc. European directives.
- 
- 2)A) Basic laws to protect animals against obvious cruelty.
  - B) Special laws to protect animals in intensive husbandry, transport, slaughter, laboratories.
  - C) Laws to protect wild animals, game and endangered species.

This adds to courses on ethics, animal behaviour, lab animals and working equines (demonstrating the importance of working equines in rural and urban economies and the sometime dilemma of the vet.

**The Five Freedoms** can form the thinking behind protection legislation, particularly if codes of recommendation are being drawn up. Legislation should impose a duty of care on owners to ensure that their animals enjoy the Five Freedoms. All animals should have:

- A) Freedom from thirst, hunger and malnutrition by ready access to fresh water and a diet to maintain full health and vigour.
- B) Freedom from discomfort by providing a suitable environment including shelter and a comfortable resting area.
- C) Freedom from pain, injury and disease by prevention or rapid diagnosis and treatment.
- D) Freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animal's own kind.
- E) Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.

### **Licensing.**

To require an activity to be licensed, certified, or registered is not only of practical importance, it is also of great symbolic significance. The consequence is that there is no longer an unfettered freedom to engage in it. In effect, it may only be carried on lawfully with the consent of the state. In relation to animals, this not only represents a major qualification to the traditional common law right of an owner to do as he wishes with his property, but it may also permit the regulating authority to impose specific conditions, monitor standards and performance, insist on necessary improvements, and

ultimately, to revoke the authorisation or refuse an application for its renewal. The advantage of a well drafted statutory licensing scheme is that it provides for routine mandatory inspections by those with the relevant knowledge and expertise.

### **Enforcement.**

If legislation to protect animals is to be effective, it must be adequately enforced. This means more than merely bringing alleged offenders before the courts. Prosecution is an integral part of the process, but represents the option of last resort. Apart from other concerns, it is costly. Statutory improvement notices could be used, these would serve notice on an offender, or more likely a potential offender.

Securing legislative change is never to be regarded as an end in itself. Without effective enforcement any system of control will inevitably fail. The system of enforcement in various countries will, most probably, differ; the police are most likely to be involved at some point in the chain. As has been mentioned earlier, it is likely that they will need thorough instruction. An SPCA, if active and well thought of, will be involved, often acting as a private prosecutor as the RSPCA does here.

### **Keeping legislation current.**

Although well thought out, practicable legislation, such as the British 1911 Act, will function perfectly well for many years, it is important to ensure legislation can be updated as necessary. The new Animal Welfare Bill in Britain will aim to consolidate and simplify current legislation on the welfare of animals kept by humans. It will maintain the present ban on cruelty, but a statutory duty will be added to promote the welfare of animals kept by humans. The government wants to “stop cruelty, encourage good welfare and yet avoid the trap of excessive legislation.” It recognises that few people are intentionally cruel to animals but rather more neglect welfare by failing to understand animals needs. As animal welfare science progresses, our understanding of the requirements that ensure adequate or high standards of welfare is likely to change. It is recommended that any new legislation should have the flexibility to enable it to be kept in line with advances in knowledge of animal needs.

New Zealand has recently updated its animal protection legislation. The Animal Welfare Act 1999, consolidates previous legislation, but leaves room for future changes. The New Zealand legislation can be used as a useful model for producing a framework act which is supported by a whole range of regulations dealing with different situations. It may work well in developing countries where it is often difficult to change the main legislation via Parliament, but subsidiary legislation can be changed via the Minister responsible. Grassroots knowledge of the country is required to judge what would be effective and enforceable there. Imposing ideas and philosophies from outside are unlikely to work in the long term. Draft laws from outside are often too detailed and comprehensive. Practical guidance notes are also a useful adjunct to the legislation. It is important that these notes are in a useable form, ie hard copies rather than CDROMs in many places, and in an appropriate language.

It is also important to note that many vets in developing countries equate animal welfare with animal activism and do not appreciate the nature of the middle way; although on a personal basis some may have awareness of kindness to their own animals, or the merits of good husbandry, in an unsentimental way.

## **7. Conclusions.**

Animal Protection legislation in Britain developed slowly within the changing cultural and socio-economic setting of the country. Imposing a detailed and specific set of guidelines and laws into a different set of cultural norms is unlikely to be successful. However, basic frameworks might be transposed successfully, and it would be remiss to ignore the wealth of knowledge and understanding of the way in which legislation developed here. A political will, whether local or national, is necessary for successful legislation to be written and implemented, and legislation without effective

enforcement is no legislation at all. Legislation should be there, primarily to raise standards and awareness, in this it is vital that it moves alongside education. As a punitive tool, it is of course useful, but hopefully, needed rarely. Legislation is unlikely to be universally popular, at least initially, but if there is a reasonably strong support base, and it is not seen as unfair to certain groups, then success is more likely.

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