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FOR
ANIMALS

The background of the lower half of the page is a solid green color. Overlaid on this background are three large, semi-transparent silhouettes of animals: a monkey on the left, an elephant in the center, and a badger at the bottom left. The text is positioned in the lower right area of the green field.

The UK Government's badger cull infringes the Bern Convention

September 2021

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Table of content

<u>Summary</u>	3
<u>Background</u>	3
<u>The ground for complaints</u>	4
<u>Additional evidence</u>	5
<u>Conclusion</u>	8

The UK Government's badger cull infringes the Bern Convention

Summary

- The UK is home to over half of the European Badger (*Meles meles*) population. A [2017 survey](#) estimated the population in England and Wales to be 485,000.
- Since 2013, more than 140,000 badgers, a species listed on Annex III of the Bern Convention, have been killed under licence in England as part of the UK Government's attempts to control bovine TB in cattle.
- In 2019, The Born Free Foundation, Badger Trust, and Eurogroup for Animals ('the Complainants') jointly submitted a Complaint to the Bern Convention, citing clear breaches of Articles 7, 8 and 9 of the Convention in relation to UK Government policy on badger culling in England. Details of the grounds for complaint can be found below.
- The Complainants have since provided additional evidence in support of the Complaint, in 2020 and 2021, including recent evidence demonstrating that the culling of badgers is not adequately monitored to ensure the continuing viability of badger populations, and that culling has not resulted in significant and predictable disease control benefits in cattle.
- The Complainants hereby urge Members of the Bern Bureau and Standing Committee to uphold the Complaint, and take the necessary measures to ensure the UK Government abides by its commitments to the Convention.

Background

Bovine TB is a major problem for the UK dairy and beef livestock industries. Since 2010, more than 314,000 test-positive cattle and their direct contacts have been removed in England under the statutory test-and-slaughter scheme introduced in 1950. The cost to the taxpayer was estimated at £44 million for 2017-18, and the financial and emotional impacts on affected farmers are very significant.

In December 2011, the UK Government published its [policy on Bovine TB and Badger Control in England](#).

The policy laid out conditions under which farmer-led culling of badgers would take place under licence, as part of the UK Government's strategy for controlling bovine TB in cattle.

Culling began in the first two zones to be licenced in September 2013. By the end of 2020, more than 140,000 badgers were reported by the UK Government to have been killed across 54 licenced zones in England.

Despite a [Government commitment to phase out badger culling](#) published earlier this year, up to 10 new cull licences could be issued in both 2021 and 2022, with the prospect of these licences running for another 4 years. This is in addition to further culling in areas currently part-way through their four year licences, and alongside those that have completed their four year licences and are now undertaking 'supplementary culls'. Thereafter, the Government is keeping the door open to further licenced culling in areas of the country where there are persistent outbreaks of bovine TB. Wildlife groups have estimated that the total number of badgers culled could double before the policy is finally phased out, taking the final figure to a possible 280,000 from an estimated national population of 485,000.

Badgers are a protected species under UK law, and are listed on Appendix III of the Bern Convention. Under Article 7, Parties to the Convention are therefore committed to taking appropriate and necessary legislative and administrative measures to ensure their protection, and to regulate any exploitation in order to keep badger populations out of danger. Article 9 permits contracting parties to make exceptions to the requirements in Article 7 to, inter alia, "prevent serious damage to livestock", albeit only when there is no other satisfactory solution and where the action will not be detrimental to the survival of the population.

The UK Government has thus far relied on this exception in Article 9 to justify its policy of badger culling.

The grounds for complaint

In August 2019, The Born Free Foundation, Badger Trust, and Eurogroup for Animals jointly submitted a [complaint](#) to the Convention against the UK government, on the following grounds:

Breach of Article 7:

- There is clear evidence to show that the measures undertaken by the UK Government for the exploitation of badgers jeopardises the population concerned;
- There is clear evidence to show that the exploitation is not adequately monitored by the UK Government;
- The exploitation of badgers has a negative impact on other species that are protected by the Convention;

Breach of Article 8:

- The exploitation of badgers is indiscriminate, and capable of causing local disappearance of the population;

Breach of Article 9:

- The UK Government has failed to choose the most appropriate alternative, amongst possible alternatives, and has failed to be objective and verifiable in its reasoning for this decision;
- The UK Government has failed to base the policy on current data on the state of the population, including its size, distribution, state of habitat and future prospects;
- The UK Government has failed to demonstrate that the measures undertaken involving the exploitation of badgers are in place to prevent serious damage to livestock;

- The UK Government has failed to submit biennial reports to the Secretariat in connection with the exceptions.

Additional evidence

The Born Free Foundation, Badger Trust, and Eurogroup for Animals provided additional evidence in support of the complaint in March and July 2020, and again in July 2021. This included:

- Evidence refuting the UK Government's consistent claim that badger culling is resulting in significant disease control benefits (<https://veterinaryrecord.bmj.com/content/185/22/699>);
- Evidence demonstrating the likely scale of undetected infection among cattle, resulting from the poor sensitivity of the current testing regime and the impact of increased cattle testing intensity on reported bovine TB incidence and prevalence in cattle, which is currently being blamed on wildlife (<https://veterinaryrecord.bmj.com/content/185/16/492.1.full>; <https://drive.google.com/file/d/1QEB-Anwed5QdYWBVEEW4wtpalOAlFGft/view>);
- Evidence for concerns over badger population viability resulting from the continued use of 'controlled shooting' as the primary method of culling (https://drive.google.com/file/d/1av8pvlWonn_asvUMwrTv4VYOoUYnBfhP/view);
- Strong evidence that the current system of risk pathway identification and reporting, which identifies badgers as the default likely source of infection for cattle herd breakdowns in the absence of other evidence, is deeply flawed and biased towards justifying the current policy (<https://drive.google.com/file/d/1gJ3n5ayh1RokGzSAdQkl4QSnIP6HO/view>);
- Evidence of serious biosecurity breaches on cattle farms and Approved Finishing Units, which could be exacerbating the spread of bovine TB among cattle, and could place some farms in breach of badger cull licencing criteria (<https://drive.google.com/file/d/1pHbdHpdSQTdz0QZhXXedVyZmwGUZdhT8/view>);
- The failure of Government to promote badger vaccination as a viable, non-lethal, and effective alternative to badger culling, in spite of its promises to phase out badger culling in favour of vaccination in its response to the Godfray Review published in March 2020 (<https://drive.google.com/file/d/1lhG07kEPZYSSulyXe1M9JSpDUfJu4ZdF/view>);
- Further evidence to demonstrate that the culls are not adequately monitored by the UK Government; that no adequate reassessment of populations post intensive cull is carried out before supplementary culling takes place; and that there are no significant differences in either incidence or prevalence of bovine TB between herds within and outside badger culling areas (<https://drive.google.com/file/d/10a5wG2RtGp3rUsdZlziGWEPocUVm-aQo/view?usp=sharing>).

The UK Government has also:

- Failed to conduct accurate assessments of badger populations in cull zones in order to ensure the survival of populations within those zones;
- Failed to conduct adequate ecological risk assessments to ascertain the potential impacts of the removal of badgers on other protected species; and

- Failed to account for the cumulative risk to local badger populations from the various threats they face.

Conclusion

The continuation of a policy that targets such large numbers of native, and usually protected wild animals, purportedly to prevent disease in livestock, must surely be contingent on clear and unequivocal evidence for a substantial and predictable disease control benefit, as well as actions to ensure the policy does not threaten the survival of native populations of a protected species. The failure of the UK Government to provide such evidence, or even attempt to conduct the analyses necessary on an ongoing basis to evaluate the impact of the policy on livestock disease and release the results into the public domain, represents a clear breach of Article 9 of the Convention on which the UK Government's policy relies.

The Born Free Foundation, Badger Trust, and Eurogroup for Animals urge Parties to the Convention to uphold this complaint, and take the necessary measures to ensure the UK Government abides by its commitments to the Convention.

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