Wild Animals in Travelling Circuses (Scotland) Bill

We appreciate the opportunity to give evidence again after participating in the Scottish Government’s 2014 consultation. Once again, we would like to urge everyone concerned to base any decisions on facts and figures rather than emotions and gut feelings.

THE FACTS

The Scottish Government acknowledges that “There are currently no travelling circuses in Scotland” and “It is also very unlikely that any travelling circus that uses wild animals will visit Scotland” (Wild Animals in Travelling Circuses (Scotland) Bill – Policy Memorandum). Nevertheless, the Scottish Government seems to be determined to solve a problem that does not even exist.

The Scottish Government also acknowledges that the 2007 “Redford report” found, “despite the longstanding concerns of many, that there was insufficient evidence to support a ban on the use of wild animals in travelling circuses on welfare grounds.” Even more, “The Scottish Government has been advised that this welfare-based regulatory mechanism has proved satisfactory to the two existing English-based travelling circuses.” On a broader scale, we might add that the regulatory systems in countries like Germany, France and Switzerland have all proven to be successful in guaranteeing animal welfare and wellbeing at the same time as satisfying consumer demand for live entertainment including the presentation of (wild) animals. Everyday all across Europe, thousands of people, families with children of all ages, vote for the circus with (wild) animals by buying their tickets to attend the shows. Nevertheless, the Scottish Government seems to be determined to ban wild animals from circuses traveling in Scotland – if not for welfare reasons, then based on what it calls “ethical grounds”. In other words: Forget about all the scientific studies that have demonstrated that there are no problems with the welfare and wellbeing of animals in the circus – we will ban them anyway!

THE SOLUTION

As mentioned before, regulatory systems in countries like Germany, France and Switzerland as well as in England are working successfully. All these systems are based on a license needed by the animal owner or trainer (in England the circus) and a set of precise requirements for each species.

The Scottish Government acknowledges that such systems can work. Nevertheless, they are not considered appropriate for Scotland for three main reasons:

- The Scottish Government is concerned there is a “lack of scientific data on the welfare requirements of wild animals within the travelling circus environment”. This alone shows a dramatic neglect of the many scientific
studies that are publicly available and show that there are no problems, neither with the keeping nor the training or the transportation of wild animals in circuses. The European Circus Association would be more than happy to put the Scottish Government in contact with the appropriate behaviorists and veterinarians that have conducted such studies.

- The Scottish Government is afraid that “such mechanism would require a disproportionate resource to implement, monitor and enforce in Scotland.” Experience in other countries shows that these mechanisms are enforceable without additional resources. Given the rare occasion that circuses visit Scotland, the threat of additional workload for the state veterinarians etc. seems to be a rather limited one.

- The Scottish Government finally states that such regulatory systems “would completely fail to address the ethical concerns raised in response to the Scottish consultation in 2014.” Although the European Circus Association was among the respondents to that consultation, we feel that it would be ethically and morally wrong to base any lawmaking on the results of this consultation (see below).

SCOTLAND’s “ETHICAL GROUNDS”

It has been stated again and again by the Scottish Government that the Wild Animals in Travelling Circuses (Scotland) Bill is based solely on the responses to a 2014 public consultation “Should the use of wild animals in travelling circuses be banned in Scotland”? It was the answers to this consultation that raised the ethical and moral questions that the Scottish Governments is now using to justify its bill.

However, the analysis of the consultation itself seems to be completely arbitrarily and doubtful. Although publicly promoted within a period of 12 weeks, out of 5 million Scottish people only a minute number of 551 groups, organizations or individuals based in Scotland responded. That is a minority of 0,01% of the Scottish people! The remaining 1492 respondents were from other parts of the U.K. or the rest of the world. As much as we have doubts about the principle of lawmaking based on public consultation, we completely disagree with this analysis. The responses are neither representative of the Scottish people nor do they give any indicator about their will and wishes. It is ethically and morally unacceptable in a democracy like Scotland to base any lawmaking on such biased responses that in their majority are from outside Scotland and according the Government’s own analysis show the influence of organizations like PETA on many of the “individual” responses.

The Scottish Government criticizes that the presentation of wild animals in circuses “could inhibit the development of respectful and responsible attitudes towards animals”. We believe, the exact contrary is true! For many children, the circus provides the first and in many cases unforgettable encounters with wild animals. Nowhere else can they learn more about human care for animals than at the circus where animal trainers, many of them for several generations, devote their lives to living with animals 24/7 and 365 days per year. The European Circus Association thinks it is morally wrong to ban children from this experience of exemplary husbandry of wild animals. This could only lead to an increased estrangement between man and nature. The final step of this estrangement would be the complete
separation between man and animal species like some animal rights activists request it.

The Scottish Government believes that “the animals will generally be obstructed in the pursuit of those activities natural to them”. Yes, animals in the circus will not be able to walk for kilometers in search of food and water. However, scientific studies have shown that animals adapt to changing environment. They don’t miss the long walks, because they don’t have to search for food and water. They happily live their lives in the circus with their social partners, other animals or even man.

The Scottish Government argues that the benefit of eating them, may allow to breed and kill animals, while the benefit of public entertainment and education would not justify keeping animals in human care at the circus. This absurd comparison alone shows how thin the ice is that the Scottish Government is basing this bill on. The European Circus Association invites the Scottish politicians to take a look at modern circuses with wild animals in continental Europe and see for themselves how public entertainment can mean education at the same time. We believe that the experience of well cared for animals at the circus can mean a clear benefit for mankind – and the animals!

Finally, the Scottish Government defines “wild” animals as “an animal other than one which is of a kind that is commonly domesticated in the British Islands”. The contradictory definition of “wild” animals in the European countries that have some kind of ban alone shows that there is no scientific basis for such bans. The Scottish definition is the most narrow-minded of them all. Why should an animal that has been domesticated for generation elsewhere in the world, e.g. camels, not equally be regarded as being domesticated?

EUROPEAN LAW

The European Circus Association is convinced that the proposed Wild Animals in Travelling Circuses (Scotland) Bill would not stand up to a review by the European Court of Justice as it is arbitrarily and out of proportion. It bans animal trainers that are licensed to work with their animals elsewhere in the European Union to fulfill their job in Scotland. And it contradicts with the human rights of free movement and choice of job. More than anything else, however, this bill tries to dictate the ethical ideas of a minority onto the majority of Scottish people who probably would love to be entertained by circuses with (wild) animals like the thousands all across Europe who buy their tickets every day! If introduced, the European Circus Association will support any legal action to fight this bill and have it repealed.

The Scottish Ban would be a clear discrimination of the circus compared to other kinds of animals breeding and keeping in human care – public and private – that would still be perfectly allowed. Given the ethical arguments, however, such discrimination would not stand very long. Prohibition of other animals in human care would have to follow sooner or later and the estrangement between man and animal would increase more and more. Furthermore, the distinction between “wild” and “domesticated” animals is just a fictio iuris (a legal abstraction) and to base the ban on this distinction is part of this discrimination.

We kindly ask all of you concerned with this bill not to let it pass.