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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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Complaint on stand-by: 2019/04

Badger Culling Policy in England, United Kingdom

- REPORT BY THE COMPLAINANT -

*Document prepared by
The Born Free Foundation UK, The Badger Trust UK, and Eurogroup For Animals, Brussels*

**Convention on the Conservation of European
Wildlife and Natural Habitats**



COMPLAINT FORM – ADDITIONAL MATERIALS

This form contains additional materials relevant to the original Complaint submitted by the complainants on 24th July 2019, in relation to the UK government's badger culling policy.

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Electronic Signature

A handwritten signature in black ink, appearing to read 'Mark Jones', enclosed within a large, loopy oval shape.

Additional materials

This document is provided in relation to the complaint submitted on 24 July 2019 proposing that the UK government's badger culling policy is in breach of Articles 7, 8 and 9 of the Bern Convention, and is further to the additional materials provided in March 2020, July 2020, July 2021, July 2022, and July 2023.

At its meeting on September 2023, the Convention's Bureau determined that "in order to assess the impact of the Strategy finishing in 2025 in relation to the phase out of the badger culling policy, the complaint was kept on stand-by and both parties were requested to report again in three years' time, and especially to provide updated information on population estimates, the proportion of population culled and on monitoring results of the strategy."

However, since that time significant new information has come to light which is summarised below, and which the Complainants would urge the Convention to consider as a matter of urgency.

Summary

- On 14th March 2024, the UK government published a public consultation document, detailing proposals to introduce *“a more targeted badger control strategy focused on areas where badgers are a part of the problem in the spread of disease to cattle”*. The proposal, if adopted, would extend badger culling for an indefinite period through the issuing of culling licences in response to poorly defined ‘clusters’ of cattle infection, of unlimited number and size, within which badgers could be exterminated. The government provided no evidence to support the introduction of such a policy from a disease control perspective. These proposals undermine the UK government’s assurance in its report to the Bureau in September 2023 that *“The UK Government’s current badger culling policy continues to be phased out as part of the latest changes to our adaptive bTB strategy.”*
- On 16 May 2024, Natural England re-authorised 17 existing Supplementary Badger Disease Control licences and granted nine new ones. According to data provided by DEFRA, the licences authorise the killing of between 4,651 and 27,509 additional badgers across the 26 zones during 2024. These licences were authorised in spite of advice provided to Natural England by its own Director of Science, Dr Peter Brotherton, in April 2024 (obtained under Freedom of Information) who stated that: *“Based on the evidence, I can find no justification for authorising further supplementary badger culls in 2024 for the purpose of preventing the spread of disease and recommend against doing so.”*
- In its 2024 General Election manifesto, the Labour party stated that: *“... we will work with farmers and scientists on measures to eradicate Bovine TB, protecting livelihoods, so that we can end the ineffective badger cull.”* However, since taking office senior figures in the Labour administration have indicated that existing badger culling licences would be ‘honoured’, which could potentially result in tens of thousands more badgers being killed under licence by the end of 2025.
- In July 2024, an independent study was published in the prestigious Nature journal Scientific Reports. Led by eminent veterinary epidemiologist Professor Paul Torgerson at the University of Zurich, the study re-analysed the data from the Randomised Badger Culling Trial, and concluded that the methodology in the publish paper was misdescribed. When using more suitable statistical methods and also by accounting for all cattle herds in which bovine TB was detected during the trial, there is no evidence to support any beneficial effect of badger culling on bovine TB in cattle. This new analysis undermines the UK government’s central policy evidence and its claim, made in its response to the Bureau in September 2020, that: *“The Randomised Badger Culling Trial provides the scientific evidence that proactive, wide-scale, sustained badger removal in areas with a high incidence of TB in cattle has a net beneficial effect in terms of reducing the level of TB in cattle relative to similar areas where badgers are not removed.”*

This new information explains the lack of benefit found in 2022 from current culls and completely undermines the justification for any further licenced culling of badgers, an Appendix III protected species under the Convention, under the exemption in article 9 of the Convention which allows interventions ‘to prevent serious damage to livestock.’ Any further licenced badger culling clearly places the UK government in breach of Articles 7, 8 and 9 of the Convention. We urge the Convention to advise the UK government accordingly, and that it should cancel all badger culling licences with immediate effect and desist from issuing further licences.

Introduction

In England, more than 230,000 native badgers (*Meles meles*), a protected species under UK law and through its listing in Appendix 3 of the Bern Convention, have been killed under intensive and supplementary culling licences since 2013, as part of the government's approach to controlling the spread of bovine TB in cattle.¹

That bovine tuberculosis (bTB), or at least the way government goes about trying to control it, is a serious problem for cattle, farmers, and the taxpayer, is not in question. In 2023, over 68,000 herd tests comprising almost 10 million individual cattle tests were performed across Great Britain, with the result that some 31,135 reactor cattle and their direct contacts were slaughtered under the compulsory test-and-slaughter programme. There were over 3,100 new herd incidents of bovine TB in 2023, and the cost to the taxpayer of testing, compensating farmers, operating of the programme, and lost productivity approaches 100 million pounds per year.²

The UK government has attempted to justify the continued licencing of badger culls on the grounds that it is designed 'to prevent serious damage to livestock', and therefore qualifies as an exemption to the protection from over-exploitation of badgers as an Appendix III listed species, as set out under Article 9 of the Convention.

The Complainants argue that the UK government has failed to provide sufficient evidence to justify the culls on the grounds of preventing serious damage to livestock and has failed to adequately consider other solutions to the problem of bovine TB in cattle. We also argue that the UK Government has failed to adequately monitor the exploitation, the indiscriminate nature of which jeopardises the population concerned and has potential negative impacts on other species that are protected by the Convention. As such, we believe that the UK Government is in breach of Articles 7, 8 and 9 of the Convention and is acting unlawfully.

We refer to our original submission in July 2019, and subsequent additional materials, for detailed evidence of our concerns and relevant reference materials.

Targeted badger control proposals

In May 2021, the UK government announced its intention to cease the licensing of new intensive badger culls (which normally run for four years) after 2022, as part of the next phase of its strategy to combat bovine tuberculosis in England.³ The government stated in its response to the Bureau in September 2003 that "*The UK Government's current badger culling policy continues to be phased out as part of the latest changes to our adaptive bTB strategy.*"⁴

However, in March 2024, the government published proposals for public consultation, in a document entitled 'Bovine TB: future badger control policy and cattle measure proposals'.⁵ The document includes proposals to introduce 'targeted badger interventions' in 'cluster areas' in which cattle herds become infected with bovine TB, and where badgers are deemed to be part of the problem."

¹ Official government statistics available at gov.co.uk

² <https://www.gov.uk/government/statistical-data-sets/tuberculosis-tb-in-cattle-in-great-britain>

³ <https://www.gov.uk/government/news/government-sets-out-next-phase-of-strategy-to-combat-bovine-tuberculosis-in-england>

⁴ <https://rm.coe.int/files33e-2023-uk-badger-culling-policy-gov-report/1680ac6517>

⁵ <https://www.gov.uk/government/consultations/bovine-tb-future-badger-control-policy-and-cattle-measure-proposals>

The proposals are based on a deeply flawed interpretation of a recently published government-sponsored scientific paper by Birch *et al.* (2024) highlighting significant reductions in bovine TB across existing badger cull areas, the authors of which admitted that it was not possible to determine the absolute impact of badger culling which has taken place alongside the introduction of cattle-based disease control measures.⁶ A paper published by Langton *et al.* in the Veterinary Record in 2022, which directly compared bovine TB incidence and prevalence in cattle herds in badger cull areas with areas that had not culled but had been subject to the introduction of similar cattle testing and biosecurity measures, found no significant impact on bovine TB in cattle.⁷

The new proposals also lack detail on how ‘cluster areas’ will be identified, how large they might be, and how the role of badgers in the spread of bovine TB in such areas will be determined, relying heavily on the opinion of the government’s Chief Veterinary Officer. They are also unclear on how long culling will be allowed to continue within such areas, or whether culling operations will be required to ensure populations persist. Culling licenses will be issued directly by the Secretary of State at DEFRA, rather than by Natural England as has been the case until now, removing an additional layer of oversight and scrutiny.

Under the new proposals, so-called ‘controlled shooting’, the targeting of free roaming badgers with high-powered rifles at night, which was shown to cause significant suffering by the government’s own Independent Expert Panel⁸ and has been opposed on welfare grounds by the British Veterinary Association, will continue to be permitted as a method of killing badgers, alongside trapping and shooting.

In proposing the new measures, the UK government has failed to demonstrate that they will prevent serious damage to livestock, and the methodology described would clearly jeopardise the population concerned since all badgers could be removed from within ‘cluster areas’. The proposals would constitute a form of ‘reactive culling’, which was trialled during the Randomised Badger Culling Trial but abandoned when bovine TB herd incidence in cattle increased in reactively culled areas – the Independent Scientific Group responsible for the trial “...advised that reactive culling could not be used to control bovine TB”.⁹

A Judicial Review application (Case AC-2024-LON-002292) has been made in relation to misrepresentation of science, lack of investigation of ecological impact (to potentially Appendix I and II Bern species) and economic case deficiencies, and is awaiting the Acknowledgement of Service by DEFRA in the High Court. If successful this might move to trial over the next few months. Nevertheless, thousands of badgers will be shot between now and November before this can come forward, should current licences be honoured.

Supplementary culling licences 2024

In May 2024, Oliver Harmar, the Chief Operating Officer at Natural England, wrote to Sally Randall, Director General of Food, Biosecurity and Trade for Department for Environment, Food and Rural Affairs (Defra), confirming that Natural England had issued supplementary licences for badgers to be killed across 17 existing and 9 new zones.¹⁰ According to information subsequently obtained under

⁶ <https://www.nature.com/articles/s41598-024-54062-4>

⁷ <https://bvajournals.onlinelibrary.wiley.com/doi/10.1002/vetr.1384>

⁸ <https://assets.publishing.service.gov.uk/media/5a7ebd49ed915d74e33f21d5/independent-expert-panel-report.pdf>

⁹ <https://researchbriefings.files.parliament.uk/documents/SN03751/SN03751.pdf>

¹⁰ https://drive.google.com/file/d/1yXUuQah2uxqOZMGzS7CN0FWRO8HQIASf/view?usp=drive_link

Freedom of Information legislation, this could result in the deaths of between 4,651 and 27,509 additional badgers across the 26 zones during 2024.¹¹

The decision flies in the face of internal written advice from Natural England's Director of Science Dr Peter Brotherton in April 2024, also obtained through Freedom of Information requests, stating that "*...based on the evidence, I can find no justification for authorising further supplementary badger culls in 2024 for the purpose of preventing the spread of disease and recommend against doing so.*"¹²

Dr Brotherton's advice also detailed his concerns about the misinterpretation of the paper by Birch *et al.* (2024) referenced previously, which government sources have cited as evidence that badger culling had resulted in substantial reductions in bovine TB among cattle. As Dr Brotherton emphasises, the authors of the paper were careful to point out that a range of cattle-based and other measures introduced over recent years could have resulted in the reductions, and further research is needed to establish their relative impacts.

It is unclear why Natural England has chosen to issue these licences, in contradiction to the clear advice from its own Director of Science.

Labour government position

In its 2024 general election manifesto, the Labour Party described its policy on bovine TB control as follows:

*"...we will work with farmers and scientists on measures to eradicate Bovine TB, protecting livelihoods, so that we can end the **ineffective** badger cull."*¹³ (emphasis added).

The incoming Labour administration has clearly and publicly described the culling of badgers as *ineffective* as a livestock disease control measure. The UK government therefore has no reason to continue to issue licences for the culling of badgers, the only purpose of which is as a livestock disease control measure, and the issuing of any new licences, or the renewal of any existing licences, would fail to meet the exemption in Article 9 which permits interventions involving protected species 'to prevent serious damage to livestock', and would represent a serious breach of the Convention.

Randomised Badger Culling Trial re-analysis

As previously indicated, the UK government has historically attempted to justify its claim that its policy of culling badgers is necessary to prevent damage to livestock, and therefore meets the exemption in Article 9, by referring to the outcome of the Randomised Badger Culling Trial (RBCT). In its response to the Bureau in September 2020, the UK government stated: "*The Randomised Badger Culling Trial provides the scientific evidence that proactive, wide-scale, sustained badger removal in areas with a high incidence of TB in cattle has a net beneficial effect in terms of reducing the level of TB in cattle relative to similar areas where badgers are not removed.*"¹⁴

The RBCT, considered the largest field experiment of its kind in history, was established to test whether killing badgers would result in a reduction of bovine TB in cattle, and followed many years of badger persecution in the name of disease control without evidence to justify it. The trial compared the incidents of cattle TB in areas where badgers were killed, with those where they weren't. In total, some 11,000 badgers were shot during the trial. The report on the results of the RBCT, published in 2007, claimed that the proactive killing of enough badgers over a wide enough area could significantly reduce incidents

¹¹ https://drive.google.com/file/d/1tacUKvN_S5AvhHsJ66m-aPkyGrVc6CjU/view?usp=drive_link

¹² https://drive.google.com/file/d/1VCJzCnFVqLpyjejOCk5zXXTUNb8uO0E0/view?usp=drive_link

¹³ <https://labour.org.uk/wp-content/uploads/2024/06/Labour-Party-manifesto-2024.pdf>

¹⁴ <https://rm.coe.int/files34e-2020-uk-badger-culling-govt-report/16809e7b7b>

of cattle TB, albeit the authors of the report advised against such a policy on the grounds that it would not be cost-effective.¹⁵ In spite of this, the incoming coalition government announced in 2010 that licenced badger culling would be introduced in England.

However, a study led by eminent veterinary epidemiologist Professor Paul Torgerson at the University of Zurich, published in July 2024 in the Nature journal Scientific Reports, re-analysed the data from the RBCT, and concluded that, when using more suitable statistical methods, and accounting for all cattle herds in which bovine TB was detected during the trial, there was no evidence to support an effect of badger culling.¹⁶

This latest robust peer-reviewed study confirms that there is no good evidence to suggest that badgers are a significant source of bovine TB in cattle, and undermines the very basis on which the licenced culls have been carried out over the past 11 years.

Conclusion

Bovine TB is devastating for cattle farmers, their herds and their businesses. However, culling badgers as a means of preventing it is ineffective as a means of preventing damage to livestock, according to the latest scientific evidence and advice, and by the admission of the new administration in the UK.

The additional information provided herein undermines the justification for any further licenced culling of badgers, an Appendix III protected species under the Convention, under the exemption in article 9 of the Convention which allows interventions ‘to prevent serious damage to livestock.’

Any further licenced badger culling clearly places the UK government in breach of Articles 7, 8 and 9 of the Convention.

We urge the Convention to advise the UK government that it should cancel all badger culling licences with immediate effect and desist from issuing further licences forthwith.

¹⁵https://drive.google.com/file/d/1IDmzlhs1UoVWfthZbi4bXNfWT_4zuyle/view?usp=drive_link

¹⁶<https://www.nature.com/articles/s41598-024-67160-0>