

# **“DON’T TREAT THEM LIKE ANIMALS”: ANIMAL WELFARE IN UGANDAN AND NIGERIAN REGULATORY PARADIGMS**

*By*

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## **Abstract**

*In countries where certain human rights are considered privileged luxuries, it is considered a given in official circles that animal rights should take backstage. In Uganda and Nigeria, animal welfare laws dating back to colonial period are essentially about prevention of cruelty to animals viewed in a restricted way and are not couched in terms of a comprehensive set of animal rights. Prevention of cruelty against animals, in its restricted sense, is only an aspect of several rights animals should enjoy particularly under the relevant international instruments to which both countries are parties. The provisions of Ugandan Animals (Prevention of Cruelty) Act, cap 220, 1957 and Part 7 of Nigerian Criminal Code dealing with cruelty against animals are phrased in almost identical terms and do not reflect animal rights in a comprehensive manner. It is within this limited matrix that the regulatory authorities operate. Even at that, the institutional framework provided by Ugandan Animals (Prevention of Cruelty) Act, for example, does not form an organized paradigm that is well constituted to deal with cruelty against animals. The Act refers to ‘authorised officers’ and defines that to include, among others, any administrative officer, a term that can refer to officials in any ministry or government agencies. The Act also refers to the position of minister but does not define which minister is in charge of cruelty against animal. The minister of Environment, by law in Uganda as in Nigeria, is the supervisory minister for animals in ecological context particularly wild animals. The minister of Agriculture, also by law in both countries, deals with animal related issues. So who of these two ministers is obliged to act in roles provided by the Act? The convulated institutional and regulatory paradigms is one of the reasons there is problem of enforcement of relevant animal laws in both countries. The more serious reason is that poor animal welfare governance as reflected in law and practice in many countries is down to a more serious issue of poor official attitude to animals which seems to suggest that animals may not really have rights. This paper will discuss these regulatory paradigms and make relevant suggestions not only on the regulatory paradigms but also on the need for a more comprehensive animal rights system in both countries.*

## Introduction

Animals are important members of the ecosystem and cases concerning them are the subject of screaming headlines globally. From the fella who kills the neighbour's cat to the cowboy whose starving cow is tied up outside in the scorching sun. Cruelty to animal comes in different forms: it may be one of Simple Neglect, Gross Neglect, Intentional Abuse, Animal Hoarding, Organized Abuse, or Animal Sexual Assault. A number of international principles, codes, and laws focusing on animal welfare have been established, and a growing number of countries like Uganda and Nigeria have animal welfare legislations covering unwholesome practices, for example the internationally recognised 'three Rs' and 'five freedoms'. Animals (Protection against Cruelty) Act and the Criminal Code Act are dwell on animal welfare for Uganda and Nigeria respectively. Conspicuous provisions on animal welfare and rights are not reflected anywhere in the respective countries' constitutions.

Animals, particularly sentient ones, deserve justice being entitled to a treatment in accordance with their dignity. Mistreatment of animals is unjust, not only that it is wrong of us to treat them in unjust way, but also that they have a right, a moral entitlement, not to be treated in that way. It is unfair to them, to use the wordings of a scholar.<sup>1</sup>

In many developing countries, poverty, resource scarcity, and education all factor into the way animals are treated. In some cultures, certain animals may be accorded holy status, while other species are subject to extreme indifference and neglect. Economic systems and human values that place efficiency and profit above animal welfare lead to the in humane practices found in factory farming;<sup>2</sup> thus, animal welfare issues cannot be viewed in isolation from culture, values, and economic conditions all of which affect how animals are perceived and treated. Developing countries like

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<sup>1</sup> Nussbaum, M. (2006). *Frontiers of Justice*. MA: Belknap Press

<sup>2</sup> Rahman, S. A., Walker, L., and Ricketts, W. (2005). *Global perspectives on animal welfare: Asia, the Far East, and Oceania*. *Rev. Sci. Tech.* 24, 597-612.

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Uganda and Nigeria are increasingly coming under pressure to harmonize international standards set by developed countries, such as to improve their delivery of veterinary services as a prerequisite for entering the competitive arena of international trade in animals and animal products.<sup>3</sup>Animal welfare issues go beyond trade, it is more about the God-given dignity of the animals. It is against above, that this paper discusses animal welfare law in Uganda and Nigeria.

### **So, what is Animal Welfare?**

Animal welfare is about stewardship of animals to their best use and humane practices, while setting the value of the animal relative to its benefit for mankind,<sup>4</sup>and to itself *The American Veterinary Medical Association* describes animal welfare as “a human responsibility that encompasses all animal well-being, including proper housing, management, nutrition, responsible care, humane handling, and when necessary humane euthanasia.” Animal welfare reflects the belief that animals have the right to be handled humanely and to live a life free of pain; however, animal welfare advocates do not believe that animals should have rights equal to those of humans.

Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.<sup>5</sup>

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<sup>3</sup>Brückner, G. K. (2004). Working towards compliance with international standards. *Rev. Sci. Tech.* 23, 95-107.

<sup>4</sup>Jill Montgomery; Animal Welfare and Animal Rights: A War of Words with Casualties Mounting

<sup>5</sup> OIE (The World Animal Health Organisation) Definition of Animal Welfare. Available at: [http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_1.7.1.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.1.htm).

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**International Accepted Guiding Principles for Animal Care and Use**

In 2002, the World Organisation for Animal Health (OIE) created a permanent Working Group on Animal Welfare, whose first task was to develop a set of guiding principles to serve as the philosophical foundations of all OIE work on animal welfare. These principles were adopted by the International Committee of OIE member countries during the 72nd General Session in May 2004 and are now included in the OIE Terrestrial Animal Health Code.<sup>6</sup> The guiding principles are the following;

- That there is a critical relationship between animal health and animal welfare.
- That the internationally recognized ‘five freedoms’ (freedom from hunger, thirst, and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behavior) provide valuable guidance in animal welfare.
- That the internationally recognized ‘three Rs’ (reduction in numbers of animals, refinement of experimental methods and replacement of animals with non-animal techniques) provide valuable guidance for the use of animals in science.
- That the scientific assessment of animal welfare involves diverse elements which need to be considered together, and that selecting and weighing these elements often involves value based assumptions which should be made as explicit as possible.
- That the use of animals in agriculture and science, and for companionship, recreation, and entertainment, makes a major contribution to the wellbeing of people.

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<sup>6</sup>Sec. 7 of the code

- That the use of animals carries with it a duty to ensure the welfare of such animals to the greatest extent practicable.
- That improvements in farm animal care can often improve productivity and hence lead to economic benefits.

### **The Role of the Animal Welfare System in Dealing with Animal Abuse**

In addition to the many programs and policies developed to improve standards of care and wellbeing for animals, animal welfare proponents also work to end animal abuse as was in the Case of *Noah v. The Attorney General*.<sup>7</sup> In this Case Court of Israel reviewed the practice of force-feeding geese to produce the fatty liver used in the production of foie gras. Foie gras is a French delicacy usually served as an appetizer on toast and is controversial because of the treatment of the geese and ducks from which it is obtained. The birds' livers are enlarged to ten times their normal size by pumping food into their stomachs through a metal tube inserted down their throats. After a few weeks of this treatment the birds can be slaughtered and the liver served as foie gras.

The case was an appeal by "Noah", a coalition of animal protection organizations. Noah wanted the court to annul the regulation that permitted force-feeding, on the grounds that the regulation contravened legislation prohibiting cruel treatment or abuse of animals. The court agreed that the entire practice, not just the method, was cruel and obnoxious. Force-feeding led to cuts and lesions in the birds' throats and ruptured their digestive systems and made many of the birds not to be able to walk and stand. The learned judges acknowledged that humans may use animals and, in particular, use them for food, but they split on how to define the purpose of force-feeding geese.

Animal abuse takes different forms. It can be divided into two major categories: abuse that occurs as a result of negligence (failure to act properly) or harm that results from deliberate acts. The lines are sometimes blurred between what is intentional

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<sup>7</sup>HCI 9232/01, 215 (Israeli Supreme Court Aug. 11, 2003), available in English at [http://elyon1.court.gov.il/files\\_eng/01/320/092/S14/01092320.s14.pdf](http://elyon1.court.gov.il/files_eng/01/320/092/S14/01092320.s14.pdf)

and what is not, and cases are decided case by case basis. In *R. v Higgins*<sup>8</sup> a man was angry because a cat knocked over a trashcan. The man grabbed a broom and chased the cat around the house, ultimately hitting the cat with enough force to break the animal's leg. The court found that the man did not know that hitting a cat with a broom could result in the injury, and he was acquitted on the basis that the element of wilfulness was not met.

In *R. v Heynan*<sup>9</sup>, the defendant was a hunting guide who left two dozen horses in a pasture in Alberta claiming to have checked on them a few times, but a nearby farmer became sufficiently alarmed at their condition to call the SPCA. An investigator found three horses had died of starvation and others were severely emaciated. Snow and ice on the ground had prevented the horses from obtaining enough to eat and no supplemental feed had been provided for them. The court found that the defendant was incredibly naïve to think that horses would have adequate food in an unattended pasture over the winter, but since he genuinely and honestly held this belief the element of wilfulness had not been met. Every State now has felony laws against animal cruelty, but they vary tremendously from state to state in the acts they designate as felonies, and in the punishment, they impose for those crimes.

In the case of neglect, abuse can be the result of ignorance, such as when a pet owner didn't recognize that a pet needed veterinary treatment; or when it is the result of behaviour that a person should have known would cause harm to animals but allowed to continue. Abuse can also be a product of overt cruelty to animals. Deliberate acts of cruelty include torture, beating or maiming animals as well as activities such as dog or ram fighting, which result in severe pain, injury and death to the animals involved. Deliberate acts of abuse warrant the most severe penalties, not only because of their shocking nature and the immediate harm they inflict, but also because there are well established connections between abuse to animals and violence against people.

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<sup>8</sup>[1996] 144 APR 295 (NfldProv Ct).

<sup>9</sup>[1992] 136 AR 397 (Alta Prov.Ct.)

## **Types of Animal Cruelty**

The types of animal cruelty recognized across the globe today are as follows:

### ***Simple Neglect***

This involves failure to provide adequate food, shelter, water, or veterinary care to one or few animals, usually due to ignorance. This form of animal cruelty is the most common around the world today.<sup>10</sup> The most common example of simple neglect found everywhere today is the case of dog owners chaining their dogs around the neck without a dog belt and most times the dog is kept stagnant at the backyard for hours if not days without proper shelter.

### ***Gross Neglect***

It can also be called wilful, malicious or cruel neglect. It is important to make a distinction between simply failing to take adequate care of animals and intentionally or knowingly withholding food or water needed to prevent dehydration or starvation. Gross neglect is therefore the intentional act of withholding food or water from an animal or group of animals.<sup>11</sup> A typical example of this type of cruelty is the case of people throwing away their sick dogs callously, some leaving their dogs out in the cold or rain.

### ***Intentional Abuse***

Cases of intentional cruelty are the ones of greatest concern to the general public and the ones more likely to involve juvenile offenders. There is legitimate fear that the individuals involved in violent acts against animals present a danger to the public. Intentional animal abuse is often seen in association with other serious crimes including drug offenses, gang activity,

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<sup>10</sup>Randour, M. I. (2004). "Including Animal Cruelty as a Factor in Assessing Risk and Designing Interventions" Conference Proceedings, Persistently Safe Schools, *The National Conference of the Hamilton Fish Institute on School and Community Violence*, Washington DC.

<sup>11</sup> Lockwood, R. (2006). Animal Cruelty Prosecution: Opportunities for early response to crime and interpersonal violence. *American Prosecutor Research Institute*; Alexandria. Va. 39; 110-121.

weapons violations, sexual assault, and domestic violence and can be one of the most visible parts of an entire history of aggressive or antisocial behaviour. Such cases are often easier to prosecute than neglect or hoarding cases since the effects of the crime on the victim may be easier to document and the intentionality of the offense is more clearly recognized.<sup>12</sup>

### ***Animal Hoarding***

This is the accumulation of a large number of animals and failing to provide minimal standards of nutrition, sanitation and veterinary care; to act on the deteriorating condition of the animals; and to recognize or correct the negative impact on the health and well-being of the people in the household.<sup>13</sup> Examples of animal hoarding cases are: the transportation of large numbers of animals in an in-humane way, the keeping of birds and other animals in a very poor and uncondusive environment, pigs and other animals kept to starve to death at livestock farms etc.

### ***Animal Fighting and Cockfighting***

“Blood sports” such as dog fighting and cockfighting have been singled out for special attention in the anticruelty laws of the United States and the United Kingdom since their inception in the 19<sup>th</sup> century.<sup>14</sup> A glance at the Constitution of the Federal Republic of Nigeria also reveals this act as a crime. This act involves the setting of two or more dogs, cocks or any other animal in a fight circle and allowing them to brutally kill each other for the sole purpose of entertaining the spectators.

### ***Animal Sexual Assault (Bestiality)***

Bestiality is defined as an affinity, attraction, or sexual attraction by a human to non-human animals. This act of using an animal for the purpose of sex is as awful and nasty as it sounds and despite the fact that most people believe this to be a sin committed against nature, the issue of bestiality has been raising alarm across the globe including Uganda and Nigeria. For example, in Uganda, “any person who has carnal knowledge of an animal commits an

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<sup>12</sup> Ibid @4

<sup>13</sup> Arluke, A., and Lockwood, R. (Eds) (1997). Society and Animals, Special Theme Issue: Animal Cruelty, *Washington Grove*, 54; 112-134.

<sup>14</sup> ibid@4



offence and is liable for imprisonment for life”.<sup>15</sup> In 2011 San Francisco Chronicle one of the largest news outlets in California had the picture of a man making love to a dog on its headline. There have been screaming headline in some African countries of similar practice

## **The Law Relating to Animal Welfare in Uganda and Nigeria**

### ***The Animals Prevention of Cruelty Act***

This is, in the main, a regulatory law that seeks to control who may possess or sell certain animals and the living conditions under which animals must be kept. The law provides for criminal penalties, civil penalties, and revocation of permits for violations of the Act.

**Offences of cruelty** - Any person who cruelly beats, kicks, ill-treats, overrides, overdrives, overloads, tortures or infuriates any animal, or causes or procures, or being the owner, permits any animal to be so used, or by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or being the owner, permits any unnecessary suffering to be so caused to any animal; kills any animal in an unnecessarily cruel manner, commits an offence of cruelty within the meaning of this Act and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.<sup>16</sup>

The Act further provides a penalty for any person who permits any animal of which he or she is the owner or which is in his or her possession or under his or her control to be at large in any public place while the animal is suffering from any contagious or infectious disease<sup>17</sup>; sells, or offers or exposes for sale, or gives away or causes or procures any person to sell or offer or expose for sale or give away, or knowingly is a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bona fide use in agriculture commits an offence and is liable on conviction to a fine not

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<sup>15</sup>Penal Code Act, Uganda, S. 145(b)

<sup>16</sup>Animals (Prevention of Cruelty) Act, Cap 220, S. 3

<sup>17</sup>Ibid, S. 5.

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exceeding one thousand shillings.<sup>18</sup> *However the penalties levied at a person who contravenes animal welfare is low. These penalties serve as a deterrent but One thousand shillings and imprisonment of the term not exceeding three months is so light for a person or an incorporated company to feel the punishment taken. This will be useful because any person participating in the welfare of animals' operations will take rules serious for the fear of such harsh penalties.*

**Experiments on living animal;** the experiment shall be performed only with a view to the advancement by new discovery or physiological knowledge or of knowledge that will be useful in saving or prolonging life or alleviating suffering; shall be performed by or under the direction of a licensed person; the animal shall during the whole of the experiment be under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain;<sup>19</sup> experiments may be performed as to the use of anaesthetics by a licensed person giving illustrations to lectures in medical schools, hospitals, colleges or elsewhere, if the experiments are in his or her opinion necessary for the due instruction of the persons to whom the lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering.<sup>20</sup> *There are no requirements for protocol review by an ethics committee. The absence of legal and ethical framework and committee to review protocols that involve animals in research and education leaves major gaps in the protection of the animals involved. The lack of institutional animal ethics committee promotes the outsourcing of animal research to unregulated institutions.*

**Powers of Minister to grant and revoke licenses.** The Minister, who is not defined as a specific minister, may license any person whom he or she thinks qualified to hold a license to perform and to direct the performance of experiments under this Act. A license granted by the Minister may be for such time as he or she may think fit and shall be revoked by the Minister on his or her

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<sup>18</sup>Ibid, S. 8

<sup>19</sup>Ibid, S. 13

<sup>20</sup>Ibid, S. 13(2)

being satisfied that the licensed person has caused pain to any animal in contravention of this Act or that for any other reason the license ought to be revoked.<sup>21</sup>*The Act vests too much power in hands of the minister. The power of the minister is hardly checked giving him or her absolute control over the granting of permits and licenses. The Act giving arbitrary powers to the minister poses a risk of corruption in matters concerning animal welfare. There is a need to lessen powers of the minister by putting in place inter-ministerial committee such that the minister should have only powers to introduce regulations prescribing threshold for state participation. The powers of the minister need to be curtailed or adequate checks provided to avoid the occupier of that position being corrupted. The Act further does not stipulate the time frame in which licenses shall be held. This poses a major risk to animal welfare as the licensee is likely to take advantage of the uncertain permit to endanger animal welfare principles.*

The Act grants some powers to a so called ‘authorised officer’ and defines same in a way too open to accommodate every Tom, Dick and Harry in government

### ***Penal Code Act, CAP 120***

**Injuring animals** - Any person who willfully and unlawfully kills, maims, or wounds any animal capable of being stolen commits an offence. If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, wether, or ostrich, or the young of any such animal, the offender commits a felony and is liable to imprisonment for seven years; and in any other case the offender commits a misdemeanour.<sup>22</sup> The law do not make specific reference to poultry. Yet it is now widely accepted that all vertebrates (mammals, birds, reptiles, amphibians, and fish) are sentient in that they have the capacity to feel pain, to experience distress and suffering, to experience both positive and negative feelings.<sup>23</sup> The European Union officially recognised animals to be ‘Sentient Beings’ in 1997.

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<sup>21</sup>Ibid, S. 14

<sup>22</sup>Penal Code Act, S. 334(1)and (2)

<sup>23</sup> Dr. Barry Bousfield and Dr. Richard Brown; Animal Welfare; Volume No.1, Issue No.14, Nov.2010; Veterinary Bulletin-Agriculture, Fisheries and Conservation Department Newsletter

**Communicating infectious diseases to animals** - Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen commits a felony and is liable to imprisonment for seven years.<sup>24</sup>

**Unnatural offences** - Any person who has carnal knowledge of an animal; or permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.<sup>25</sup>

### **Animal Welfare in Nigeria - Legal Framework**

Nigeria has a number of laws concerning the wellbeing of animals as discussed below:

#### ***Penal Code Act Chapter 53 LFN (Abuja)***

The law stipulates that, whoever has carnal intercourse against the order of nature with an animal, shall be punished with imprisonment for a term of which may extend to fourteen years and shall also be liable to fine.<sup>26</sup> It further provides that, whoever commits mischief by killing, poisoning, maiming or rendering useless an animal or animals shall be punished with imprisonment for a term which may extend to three years or with fine or with both.<sup>27</sup>

#### ***Nigerian Criminal Code Act***

Any person who cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates, or terrifies any animal, or causes or procures, or, being the owner, permits any animal to be so used; or by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or, being the owner,

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<sup>24</sup> Penal Code Act, S. 337, CAP 53 Laws of the Federation of Nigeria (Abuja)

<sup>25</sup> Ibid, S. 145

<sup>26</sup> Ibid, S. 284

<sup>27</sup> Ibid, S. 329

permits any unnecessary suffering to be caused to any animal; or conveys or carries, or being the owner, permits to be conveyed or carried any animal in such manner or position as to cause such animal unnecessary suffering; or willfully without any reasonable cause or excuse administers, or causes or procures, or, being the owner, permits such administration of, any poisonous or injurious drug or substance to any animal, or willfully without any reasonable cause or excuse causes any such substance to be taken by any animal; or subjects, or causes or procures, or, being the owner, permits, to be subjected, any animal to any operation which is performed without due care and humanity; or causes, or procures, or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or permits any place to be so kept, managed or used, or receives or causes or procures any person to receive money for the admission of any person to such premises or place, is guilty of an offence of cruelty and is liable to imprisonment for six months or to a fine of fifty naira, or to both such imprisonment and fine.<sup>28</sup>

An owner shall be deemed to have committed cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom: such a person is not liable to imprisonment without the option of a fine. *However, to avoid doubt, the Act need to stipulate the punishment eligible to such persons upon conviction because when its left open, the levy institution is likely to give a lesser punishment that may not be deterrent for further offences.*

When the owner of any animal is convicted of an offence of cruelty under the last preceding section, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to a suitable person for that purpose. Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and thereupon shall be recoverable in like manner as a fine.<sup>29</sup>

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<sup>28</sup>Criminal Code Act, S. 495

<sup>29</sup>Ibid, S. 496

When a person in charge of an animal or vehicle is arrested it shall be lawful for any police officer to take charge of such animal or vehicle and to deposit the same in a place of safe custody until the termination of the proceedings or until the court shall direct such animal or vehicle to be delivered to the person charged or to the owner, and the reasonable costs of such detention, including the reasonable costs of any veterinary treatment shall, in the event of a conviction in respect of the animal, be paid by the owner, and such costs may be recovered in like manner as a fine.<sup>30</sup>

### **Institutional Framework in Uganda**

#### ***Department of Animal Resources***

The department is under the auspices of ministry of agriculture, animal industry and fisheries. It is entrusted with responsibilities in all areas of animal health, including national animal disease prevention and eradication programmes. Key objective of the department is; to investigate and control animal diseases, protect humans against communicable diseases from animals to humans, control vectors such as tsetse flies, ticks among others, certify and enforce compliance of veterinary regulations, promote the development of apiculture and sericulture.

#### **Key functions:**

1. Formulate and review policies on animal control diseases; disease communicable from animal to man.
2. Formulate strategies for controlling new and emerging animal diseases in the country.
3. Formulate and enforce laws/ regulations on animal health.
4. Formulating strategies for controlling the spread of animal epidemic; sporadic and epidemic diseases in the country.

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<sup>30</sup>Ibid, S. 498

5. Monitor the outbreak and prevalence of animal diseases communicable from animals to man in the country as well as in the neighbouring countries.
6. Examining laboratory samples from the districts as a technical support for animal disease surveillance and control.
7. Ensuring availability of technical infrastructure such as laboratories, animal quarantine stations, animal holding grounds, stock routes, cattle dips, animal crushes among others.
8. Collect, collate, retrieve- process and disseminate veterinary epidemiology data.
9. To advise the district authorities and decision makers on effective and efficient animal disease control strategies.
10. To collaborate with research and international organization on animal disease

### **Institutional Framework in Nigeria**

#### ***Department of Agriculture (Tress and Crops) Fisheries, Livestock, Land Resources, Fertilizer, Food Reserve and Storage and Rural Development***

The Department is currently the sole institution responsible for handling, management, and control of animal abuse under livestock sector. The Department is under the auspices of Federal Ministry of Agriculture and Rural Development of Nigeria whose functions are to execute an agricultural transformation agenda, focus on agriculture as a business, utilise the transformation of the agricultural sector to ensure food security. Although institutions have been established, nowhere in the Acts does the introduction and interpretation of these institutions appear.

### **Gaps Requiring Attention**

#### ***Inappropriate Sanctions for Offences:***

In the legal instruments, there is a mismatch between the gravity of an offence and the severity of the sanction. The penalties for unprofessional behaviour and breaches of law are often paltry compared with the negative outcomes associated with the offence. For example, a farmer who knowingly moves an animal during quarantine is subject to a maximum penalty of only 2 currency units (equivalent to US\$20), even if the animal in question is an HPAI-infected bird, the movement of which could have dire consequences. Fines should be revised and made commensurate to the gravity of offences to help deter potential offenders.

### ***Lack of Specific Attention to Poultry:***

Most policies and laws do not make specific reference to poultry issues, and poultry farmers' needs are not disaggregated from those of farmers in other subsectors. For example, the meat policy does not differentiate poultry meat from beef, the local government meat ordinance elaborates slaughter and meat conveyance processes for cattle but not for poultry, and there are no specifications for the slaughter of poultry. Although poultry is implicitly referred to in the definitions of "animal" and "livestock", there is a lack of specific reference to poultry as a form of livestock. This reduces the visibility of the subsector, especially during planning and prioritization for resource allocation.

### ***Unclear Definitions and Concepts:***

Definitions of terminology such as "bird", "migratory birds" and "caged/ornamental birds" are currently unclear; it is important to clarify all terms and concepts so that policy-makers, implementers and key stakeholders have a common understanding of what they mean. A list of definitions should be appended to all policy and legal documents for the livestock sector.

### ***The Officers are not Defined in the Act:***

The Uganda's Animal (Protection against Cruelty) Act provides for an "authorised officer" to mean any administrative officer, any police officer, any veterinary officer, and any officer of the game and fisheries departments, any chief of or above the rank of sub county chief or any other person appointed by the



Minister to be an authorised officer.<sup>31</sup> The section does not provide roles and responsibilities of such officers and un defined officers are associated with bureaucratic practices, delay in decision making as well as overlapping and in some cases conflicting mandates. Therefore, one can argue that undefined officers mean no body.

### ***No Animal Protection Ranked in the Constitutions of Uganda and Nigeria:***

The constitutions of these two countries are silent about animal protection moreover the recognition of animal protection in the constitution reflects a level of socio-political engagement with animal welfare issues at national level.

### ***No Designated Committee to Review or Monitor Protocols using Animals in Research.***

The absence of legal and ethical framework and committee to review protocols that involve animals in research and education leaves major gaps in the protection of the animals involved. Uganda and Nigeria have adopted initiatives that support research and development work; however, unlike developed countries, there are no policies and legal frameworks in place to support the initiatives. The lack of institutional animal ethics committee promotes the outsourcing of animal research to unregulated institutions

## **Recommendations**

1. Increment of years and fines to deter further commission and omission of animal abuse; If offenders are detected with sufficient frequency and punished with appropriate severity, then they will be less likely to commit a particular offence as they will perceive that the costs of violation outweigh the perceived benefits. Importantly, the issue of infringement fines is likely to create a steady flow of revenue for the Directorate of Animal Resources. This may in turn facilitate greater detection of animal abuse by providing more resources for inspection. In other words,

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<sup>31</sup> Section 1 of the Act

infringement fines for animal welfare offending, much like speeding fines, can serve a dual purpose of discouraging non-compliance and financially sustaining enforcement and detection operations.

2. Specific punitive laws should be provided for corporate bodies that deal in the breeding and animal business at large. Like in Uganda, there is Uganda Society for the Protection and Care of Animals (USPCA). These entities have a strong financial base that makes it easy for them to indemnify the general deterrence fines in the laws without recognising any impact in the punishment. Higher infringement fines are highly likely to devolve animal abuse upon commission and omission by the corporate entities.
3. Recognition of animal protection in the constitution. Nigeria and Uganda should adopt constitutional provisions that provide a basis for the protection of animals, so that animal welfare principles are explicitly established. Incorporating animal protection into the constitutions has both ethical and practical reasons;
  - i. Firstly, there must be recognition of the status of animals and the importance of animal protection objectives. These are already internationally recognised by consensus and morality, and should be reflected in the fundamental governing principles of nations.
  - ii. Secondly, practical problems arise when other constitutional objectives take precedence over animal ethics and protection because these are not included in the constitution. For example, Germany has traditionally been a strong supporter of animal protection. However, in the case of animal experimentation, particular problems arose in the past because freedom of research was included in the German constitution, whereas animal protection was not. In 1994, a researcher filed a suit after he was denied permission to perform a particularly cruel research on

primates and court ruled in his favour. Furthermore, German constitutional court ruling in 1999 stated that the principle of welfare balance in the area of animal protection (e.g. when in conflict with fundamental laws such as scientific and educational freedom, artistic) could only function when animal protection had constitutional ranking.

4. There is a need to establish strict policies and guidelines regarding the use of animals in research and education in Uganda and Nigeria. Animals in laboratories are failed by the regulatory bodies set in place to protect them. Millions of animals are tested on without any relief from pain or basic care. Many medical schools are eliminating animal testing because of the inadequacy of the law yet good science and good animal welfare go hand in hand. If an animal is suffering stress and pain it could affect the results of the research. So, it makes good scientific sense to house animals in the best possible conditions and make sure they get the possible care from experienced and skilled carers. A designed committee to review and monitor protocols using animals need to be established and rendered powers in the law to promote sourcing of animal research to regulated institutions licensed. It is important that Uganda and Nigeria develop systems to inspect animal facilities and review research practices to ensure that animal welfare issues are addressed in all institutions and facilities dealing with animals. Provision should also be made in the statutes for regular monitoring and evaluation of the current systems. The institution should have capacity and/or authority to perform self-inspections or enforce regulations on animal welfare.
  
5. The specific minister responsible for animal welfare in general should be specified by amendments of the relevant laws of the two countries.

## **Conclusion**

Animal welfare as highlighted above is an issue that demands urgent attention. Animals are supposed to be respectable members of the ecological race<sup>32</sup>Practises that inflict great pain on these animals can thus not be overlooked simply because they have nobody to speak for them. Combating the menace of Animal Cruelty is a Journey that must be undertaken and everybody including the Government, NGOs and even Culture has a major role to play in this. Animal welfare issues, domestic and wildlife related, need to be urgently addressed through policy and legal frameworks and supported by community awareness of, education about, and participation in, animal welfare issues. A very widespread consensus, among philosophers and many other people, is that we should do more for animal welfare. As **Mahatma Gandhi** said; *“the greatness of a nation and its moral progress can be judged by the way its animal is treated”*<sup>33</sup> It is therefore recommended that governments of countries like Uganda and Nigeria should review their animal cruelty laws and see to their proper implementation. That way, phrases like, “Don’t treat me like animals will have no place in society” because even animals do not deserve to be badly treated.

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<sup>32</sup> Ecological, Ethological and Ethically Sound Environments for Animals: Towards Symbiosis. Journal of Agricultural Ethics,2,323-47

<sup>33</sup> Michael C. Appleby; What Should We Do About Animal Welfare?

