Workshop 5

What should animals' sentience mean for their representation in governmental systems?

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The draft Sentience Bill requires Ministers to have 'regard to the welfare needs of animals as sentient beings in formulating and implementing government policy'. The RSPCA has suggested that the definition of sentience should be along the following lines: ***Sentience is the capacity to have positive or negative experiences such as pain, distress or pleasure***. Recognition of animal sentience and welfare needs at this level makes it essential to consider what 'being sentient' actually means for individual animals in real life situations and therefore how this could and should be addressed across society.

Included in this is the need to consider how animals' sentience should be represented in governmental systems. 'Governmental systems' are defined as systems at local, national and international governmental level involved in the formulation and implementation of public policy and laws. Examples of mechanisms with the potential to advance the representation of animals' welfare interests in such systems include: explicit provisions in legal texts protecting animals from various harmful treatments; adequate resource allocations for the development, monitoring and enforcement of animal protection policies; government agencies with a dedicated animal protection remit; mandatory requirements to consider animal welfare in policy impact assessments; government strategies and targets to improve animal welfare; requirements to incorporate animal protection advocacy groups and public opinion in animal-related policy processes; proxy representatives for animals in legislative bodies (e.g. parliaments, assemblies).

Animals are used in a huge variety of industries, including farming and food, developing pharmaceuticals (human and veterinary) and entertainment, and in many areas of the everyday lives of citizens. Many other human activities (such as construction and planning) do not use animals directly, but can have a significant impact on welfare if animals are displaced, or stressed, or their habitats are altered or removed. Governmental systems that influence all these areas therefore need to ensure that the needs of animals and any impacts on their lives and wellbeing are properly considered and animals are appropriately protected. How prepared are both central and local governmental systems to truly reflect what being sentient means to animals, and to oversee and guide how this should influence attitudes and behaviours towards them? The nature of these systems, including whether they are equipped to fully and fairly consider any harms to animals against human needs and pressing societal issues, is another consideration.

Policy makers already implement legislation around how animals in different contexts should be treated, but do governmental systems overall need to be more all-encompassing in their ability to influence the broader issues around attitude and behaviour towards animals in everyday life?

Given the widespread impact governmental systems can have on animals and on guiding society's approach to treatment of and attitudes towards animals, please discuss the following questions:

Questions:
1. What are the key challenges to achieving effective representation of animal sentience in relevant governmental systems? How could these challenges be addressed and overcome?
2. How might wider society benefit from appropriate representation of sentient animals in local and central governmental systems?
3. Representation of animal sentience in which local, national or international' governmental systems' would be of most benefit to animal welfare?
4. How far do people think representation in governmental systems should go with respect to different species and contexts? Should distinctions be made on this basis (between areas of animal 'use; between species e.g. invertebrates and animals regarded as 'pests' or 'vermin' vs others such as companion or working animals) and if so, is this justifiable?

Summary of the discussion:

A primary challenge identified by the group was understanding what is meant by *regard for animal welfare*. There has to be a limit to the 'regard paid' in the real world, because most (or all) human activities will have some direct or indirect impact on animal welfare. The wording of the Bill should not be divorced from the reality of implementing the law on the 'front line'. To address this, relevant policy makers could receive training from those whose activities would be further regulated as a consequence of the Sentience Bill becoming law. Properly informed and moderated input from the public(s) would also need to be considered.

Participants also discussed whether, if the UK does not ultimately leave the European Union, there would be any point in progressing the Sentience Bill. It was noted that get-out clauses to article 13 of the Lisbon Treaty (e.g. relating to cultural practices) permit activities that are clearly detrimental to animal welfare in some Member States. The Sentience Bill would therefore have to add value. The main area in which it might do this was with respect to human activities affecting the welfare of free-living wild animals, who are currently not protected by the Animal Welfare Act. For example, new developments are required to undergo an Environmental Impact Assessment, but not an Animal Welfare Impact Assessment.

There was no consensus as to whether current structures within national Government already include due representation of animal sentience. Some participants believed that All Party Parliamentary Groups and select committees, such as the Environment, Food and Rural Affairs Committee (EFRA) already fulfilled this function, whereas others felt that such bodies were primarily concerned with the environment and animal *health* (as opposed to welfare) and predominantly focused on farmed animals. UK Governments have no independent animal welfare committees, such as the Netherlands Council on Animal Affairs (https://english.rda.nl/), to advise them.

Such committees are resource-intensive, so any proposal for a new body along those lines would need to be very clear regarding what value it would add. This led the group to identify the second key challenge - resources. There was discussion as to whether current bodies such as the Farm Animal Welfare Committee and Animals in Science Committee were adequately resourced, noting that the level of funding can indicate the level of priority a government feels able to afford to an issue. Any government asked to define and implement a new law, or allocate more resource, is likely to ask **what is wrong** with the current situation. In this case, 'what is wrong' would be (i) animals being harmed and suffering in ways that are avoidable and/or unjustifiable and (ii) significant numbers of people being concerned about this and wanting action. Evidence for (i) would substantiate (ii). The benefits of additional legislation, e.g. with respect to financial and societal gain, would have to be very clear.

The group also discussed the reason for the rapid drafting of the Sentience Bill, feeling that this had resulted in a Bill that lacked clarity and needed further definition. With hindsight, it may have been preferable to review current legislation across different policy areas that could impact on the welfare of animals in different contexts (e.g. the welfare of wildlife). Might a piecewise expansion of current legislation be a less controversial, and more effective way, of reducing the impact of human activities on animals?

Another alternative approach could be for the Cabinet Office to draft a Code of Conduct for ministers whose portfolios include areas that directly or indirectly impact on animal welfare (there will be a lot of these). This could add an animal welfare filter to the current legal and economic filters that already inform ministerial decision-making. This 'soft accountability mechanism' could form part of the policy sketching/project management process, promoting good practice, and there may be more chance of achieving this than via primary legislation.

There was consensus that better resourcing for local governments would likely help to achieve gains for animal welfare in the short term, without having to wait for legislative change. For example, this would facilitate better enforcement of the Animal Welfare Act at a local level.

Key points:

- The major challenges to achieving representation of animal sentience are (i) lack of resource and (ii) current lack of consensus as to 'what is wrong' and what benefits the Bill would bring.
- Allocating more resources to local governments would enable quick animal welfare wins, including better implementation of the Animal Welfare Act.

Workshop held at:
Animal Sentience: science, policy and 'real world' application
2 May 2019, Friends House, Euston