

Workshop 3

Implications of sentience for policy makers and businesses: impact on law making/implementation, CSR policies and practices

Facilitator: Rebeca García, Animal Welfare Team, Department of Environment, Foods and Rural Affairs / Animal & Plant Health Agency¹

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 in practice for individual animals alongside the different real life situations legislation may apply to them and therefore how this could and should be addressed across society.

Included in this is the need to consider the implications of animals’ sentience for those who develop policies, whether that is in business or in wider society (e.g. law makers). Many laws either relate directly to animal welfare setting out minimum provisions to prevent unnecessary pain, distress or suffering and others have an impact on animals by setting provisions that result in animals being affected in some way as a result, such as compulsory microchipping of dogs or animal health controls. Examples of mechanisms with the potential to impact on animals’ welfare interests in such systems include:

- explicit provisions in legal texts protecting animals from various harmful treatments, such as the mutilation regulations
- government agencies with a dedicated animal protection remit, such as APHA or the FSA
- requirements to consider animal welfare in policy impact assessments prior to legislating
- requirements set out in the Corporate Social Responsibility documents of businesses to incorporate animal welfare considerations, including ways to avoid any harms to animals that may be caused by the company’s activities or outputs - directly (e.g. requiring higher welfare standards for rearing animals used to source food products sold by the business) or indirectly (e.g. negative impact of packaging on wild animals).

The real and potential impact of policy makers and businesses on the welfare of sentient animals raises important questions about how these sectors as a whole, and the individual companies and policy-making bodies within them, can/should ensure that they are giving proper regard to animal welfare.

In some areas, policy makers can and do implement binding legislation around how animals in different contexts should be treated, though businesses can choose to go above this and consider issues beyond protection of agreed minimum standards. Both groups will have many issues that need to be taken into account when considering how much they can - or should - pay proper regard to the welfare of sentient animals in their policies and practices. These could include economics, customer preferences (businesses)/societal views (policy makers), logistics, health and safety rules. Given their widespread impact on animals and their ability to define and implement rules and

¹ Note: the role of the facilitator is to help set the scene following this brief provided by RSPCA and then guide, encourage and keep everyone on track and on the subject in hand. This is part of ongoing discussions and engagement between officials and stakeholders, however it does not mean official endorsement of outcomes or discussions at the workshop.

guidelines on animal treatment - for society as a whole or at least for their own operations, please discuss the following questions:

Questions:

- 1. Which areas of business/individual businesses do you think are already paying regard to the needs of the sentient animals they use? How are they going about this (please provide examples)?**

The Recitals to the European Directive on animal use in regulated scientific procedures states that 'animals should always be treated as sentient creatures'; however is this concept implemented in practice? The Recitals are a list of justifications and the European Union can only cover what it is competent to do so. Those involved in animal research and testing would say that they are giving regard to sentience. National legislation then provides a framework.

Farming industry would also say they give regard to sentience. Slaughter may be viewed as 'necessary suffering', even if certain methods are inhumane. Although many farming practices pay regard to sentience, animal welfare harms are permitted by the law due to lack of alternatives, or for cultural or religious reasons. Is there a need for change in consumers?

- 2. Which areas of business and policy making do you think would find it difficult to pay greater regard to sentient animals' needs? Why? What are the specific challenges?**

How should the definition of sentience be used? What about the use of principles? A precautionary principle for sentience is a starting point – all animals are equal, but context is important. Another option proposed by some is considering the 'quality' of the sentience? Is there a difference between chickens and ruminants for example? There is a need to establish limitations within laws and articles. If a global approach were to be taken, the rights and cultural differences would need to be addressed.

Different legislation treats the same species differently, e.g. rat use is regulated in one area (research) but not others (in the wild). Policy makers may 'pay regard' – acknowledging that animals suffer – but the challenge is then making policy to cover this. Policy is generally drafted on the basis of preventing unnecessary suffering, and the 'necessary suffering' is different within different situations, despite being the same animal species. With sentience, there is no description as to how it should be implemented. How does it cover issues like farming, taking more wildlife habitat to improve farm animal welfare, with negative impacts on wildlife? This demonstrates policy dilemmas and need for trade offs.

There is a need to transfer knowledge to the public –but how can this be done successfully? With loss of communities, there is a disconnect between people and food production. The presentation by Dan Weary, on improving attitudes to rats, shows the benefits of positive interactions to reduce context differences, e.g. challenging perceptions of animals like rodents.

Many issues affect this – supermarkets, government, World Trade Organisation (WTO) 0 but how important is the impact of WTO? There is a synergy between climate and animal welfare, so does there need to be interaction between environmental and welfare issues in order to make an impact? Other questions could relate to numbers. For example, if numbers of animals 'used' are reduced, would this reduce impact on numbers of sentient animals and also impacts on climate change?

3. How could the businesses/policy making bodies listed in Question 2 go about overcoming the challenges to strengthening their approach to providing for the needs for sentient animals? How - and by whom - could they be helped in achieving this?

Proposals included:

- Agree a set of minimum principles that should apply
- Define sentience – possibly within the Animal Welfare Act?
- Awareness raising, education, messaging. Use of different market forces to exploit choices by consumers reflecting pragmatic welfare choices. Attention to welfare varies between supermarkets and producers. Create links between production processes and people.

The veterinary profession has a particular status in government (and with the public?), so could be important for key messaging.

4. How can success of individual companies/sectors/policy makers in providing for/protecting the needs of sentient animals and/or in avoiding negative impact on them be assessed? What sort of criteria should be used and how could benchmarking be undertaken and implemented?

There needs to be in place a formal process and/or accountability.

Issues to address:

1. Utilise scientific information
2. Consider: transition of principles, different treatment of animals re context, lack of a description of sentience, interactions between wildlife and farm animals, transfer of knowledge to public, different market issues
3. Minimum principles:
 - define sentience
 - raise awareness; ensure education
 - consider/address market forces
 - involve vets (have status with government – and maybe public) in messaging
 - analyse costs/welfare benefits

Key points:

- Sentience needs to be defined alongside a set of minimum principles that need to be applied taking into account global considerations.
- Sentience could be supported with a suite of tools, education, market forces, awareness raising, veterinary profession providing key messages.

Workshop held at:

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

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