The Vegan Society strongly support the inclusion of animal sentience, and other relevant EU animal welfare and environmental principles into Scottish law.

The Importance of Existing EU Principles

EU policy\(^1\) is to maintain high levels of environmental protection based in part on these key principles:

- **The Precautionary Principle**

“[D]etailed in Article 191 of the Treaty on the Functioning of the European Union whereby if there is the possibility that a given policy or action might cause harm to the public or the environment and if there is still no scientific consensus on the issue, the policy or action in question should not be pursued.”\(^2\)

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\(^1\) Consolidated version of the Treaty on the Functioning of the European Union

PART THREE - UNION POLICIES AND INTERNAL ACTIONS

TITLE XX - ENVIRONMENT


UNESCO uses the following working definition, “When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm.”

The precautionary principle is listed as Principle 15 of the Rio Declaration among the principles of general rights and obligations of national authorities: “In order to protect the environment, the precautionary approach should be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

The European Commission, in their Communication on the precautionary principle, reference the Rio Declaration of the UN.

The Vegan Society consider the precautionary principle to be a vital policy principle to protect the environment, animals and humans.

• **Preventive action**

Preventive action is a principle that is integral to the practical use of the precautionary principle.

The Rio Declaration (1992) sets out how preventative action is fully integral to the application of the precautionary principle “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

The EC also state in their 2000 Communication on the precautionary that precautionary (preventative) actions “need to reduce the risk of adverse effects to the environment, human, animal or plant health” and that such precautionary actions should be: “proportionate, non-discriminatory, transparent and coherent”.

The Vegan Society consider preventative action to be a vital policy principle to protect the environment, animals and humans.

• **Environmental damage should as a priority be rectified at source.**

This principle can help public authorities reduce harm to human, animal and plant health in a fair way, if it is applied in a fair way.

The Vegan Society suggest that serious consideration be given to how this principle can be broadened to forms of damage other than simply environmental damage. In particular, we as a society need to better identify who has the power to rectify the damage which is being done to animals.

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Ensuring environmental damage is rectified at source, as opposed to merely dealing with the resulting damage, should also be used to disincentivise, inherently environmentally-damaging ways of farming.

The Vegan Society therefore support this principle.

• **The polluter should pay.**

This principle can help public authorities reduce harm to human, animal and plant health in a fair way, if it is applied in a fair way.

The Vegan Society suggest that serious consideration be given to how this principle can be broadened to forms of harm other than simply environmental pollution. In particular, we as a society need to better identify who has the power to reduce the harm done to animals.

A broad interpretation of the polluter should pay principle could also be applied in a way that encompasses environmentally-damaging practices that are inherent in some farming systems.

The UK’s Committee on Climate Change projects that the agriculture sector will make the smallest contribution towards meeting the UK’s 2050 carbon emission target of all sectors.

The agricultural industry is still struggling to make any significant breakthroughs towards tackling climate change. In the last two years the UK power sector has already made the reduction in emissions (25%) that the agriculture sector is projected to make in next thirty-five. An example of how we could reduce emissions in the agriculture sector is by encouraging a move away from animal farming and towards growing environmentally-beneficial crops, like pulses, for human consumption.

The Vegan Society therefore support this principle.

• **Animal sentience.**

The Vegan Society consider animal sentience to be a vital principle of policy, which should be recognised in law. This is because sentience – the capacity to feel, perceive or experience subjectively – is clearly demonstrated by many non-human animals. Policy and law must therefore take animal sentience into proper account.

By the precautionary principle, policy must also allow for animal sentience in all individual animals of all animal species, and this is in line with the conclusion reached by an international group of scientists who, in 2012, agreed that "Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviours. Consequently, the weight of evidence
indicates that humans are not unique in possessing the neurological substrates that generate consciousness”\(^6\).

The recognition of animal sentience should be extended to include animals who are currently not protected by the animal welfare legislation, like decapod crustaceans.

The Vegan Society therefore support this principle with the aforementioned caveats.

**Examples of impact on environmental and animal welfare policy in Scotland**

The Vegan Society notes that robust use of the precautionary principle will be vital in ending the emergence of antibiotic resistant human diseases from the farming of animals.

The EU has also provided us with 80% of our animal welfare legislation, and of particular interest is article 13 of the Lisbon Treaty, which recognises animal sentience, and with it, correlative duties of protection from harm. The Vegan Society recognise that article 13 has resulted in many animal welfare policies that have been championed by animal welfare organisations, however exiting the EU enables Scotland to go further still in protecting animals. Scotland could improve on this legislation by extending article 13 to include all animals and to enshrine this in domestic law, which would be in-line with the latest scientific evidence of animal sentience.

**Adopting these EU principles in law in Scotland**

The Vegan Society feel that it is appropriate for Scotland to adopt these principles as a minimum.

The UK’s Sustainable Development Strategy uses the precautionary principle as one of the five guiding principles for ensuring sustainable development does not compromise the quality of life for future generations.

Scottish agriculture should use environmental principles to determine the kinds of farming that should be promoted. For example, it has been well-documented that animal farming is a contributor to climate change and environmental degradation, and efforts should be made to encourage farmers to move away from animal farming and towards more sustainable means of food production, like the growing of environmentally-beneficial protein crops like pulses.

Under a broad interpretation of the polluter should pay principle, there is scope to deduct farm subsidies to account for these environmental externalities in animal farming. For instance, we could levy a farmed animal tax on UK farmers that accounts for the environmental, health and intrinsic losses from animal farming. This tax could be deducted from subsidies under a new subsidy regime post-Brexit.

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\(^6\) The Cambridge Declaration on Consciousness
Environmental principles in law and enforcement

The Vegan Society see significant scope for Scotland to expand upon the EU principles, to increase the levels of protection in practice.

Examples from elsewhere

In Germany, the precautionary principle is one of the main principles of environmental law. “It is expressly regulated in article 34 (1) of the Unification Treaty as a self-imposed commitment of the legislator and is therefore part of applicable Federal law. The precautionary principle is also enshrined in article 20a of the Basic Law. This article commissions the state with the task of protecting the natural bases of existence, also with responsibility to future generations, the pursuit of which can entail both danger prevention and precautionary measures.”

END

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