Purpose
This paper has been prepared to assist the OIE Central Bureau, the Administrative Commission and the International Committee, determine an appropriate role for the OIE in relation to the current debate regarding animal welfare and international trade. The paper puts the issue in both an historical and a contemporary context and indicates options for OIE involvement in the short, medium and long term.

The paper is in three parts. Part one provides relevant background contextual information, part two considers options for OIE involvement and part three makes initial recommendations to progress this issue, as part of the Director General's implementation programme for the 2001 – 2005 OIE strategic plan.

Part one
Introduction
Over the last 50 years, there have been dramatic increases in agricultural productivity, due to general advances in agricultural and veterinary science, specific improvements in genetics, nutrition and disease control and prophylaxis, plus the impact of agriculture support programmes. There has also been an inexorable and substantial move to more intensive systems of production, especially in the more densely populated nations of Europe, Asia and North America and particularly with pigs, poultry and beef cattle. More extensive systems of production continue to be practised in New Zealand, Australia, South America and Africa, for grazing species, and there is a strong public perception that more extensive management systems are synonymous with better welfare.

Seminal texts by authors including Harrison, Singer, Regan, Rollin, Webster, et al, plus the UK Brambell report, the concept of the “five freedoms” and the influence of behavioural science, have all had a significant impact, particularly in Europe and North America, on the attitudes to animal welfare of scientists, the public at large and, through them, politicians. Welfare aspects of animal agriculture, and associated consumer preference behaviour, have also attracted increasing attention from some agricultural economists and agricultural ethicists.

In their paper “Animal Welfare and Product Quality”, Jago et al emphasise the importance of science-based animal welfare standards and the value of the five freedoms by stating,

“Most concepts of animal welfare include avoidance of undue suffering, optimising animal health and vigour and are aimed at achieving practices and environmental conditions which are fair and reasonable for the animal. Although the concept of animal welfare is widely regarded as being important, currently there is no single definition of animal welfare that has met with universal approval. People’s beliefs and understanding of what is meant by “welfare” and what is optimal or sub optimal welfare will vary, depending on such factors as their cultural, scientific, religious and political backgrounds.

According to Kellert, the attitudes people have towards animals can be classified into nine categories including naturalistic, ecologistic, humanistic, moralistic, scientific, aesthetic, utilitarian, dominionistic and negative and that differences exist between countries in the predominant attitude. Despite these differing attitudes towards animals, there is a biological basis for evaluating animal health and welfare, and widespread acceptance that decisions about animal welfare should be based on good scientific evidence.
It is helpful to have basic guidelines or rules to refer to when making decisions that may impact on an animal’s welfare. Probably the most widely utilised set of guidelines is the five freedoms (Farm Animal Welfare Council 1993). These state that for an animal’s welfare not to be compromised it must have: freedom from thirst, hunger and malnutrition; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviour; and, finally, freedom from fear and distress. Sometimes slight modifications are made to these basic freedoms (e.g. fear is sometimes omitted from the final freedom), however, they generally serve as a set of goals towards which animal owners and handlers should strive. The five freedoms have been used by many legislators and frequently appear as the basis upon which animal welfare codes and practices have been established.

As guidelines, the five freedoms provide a most useful paradigm. They should, however, not be taken as absolute requirements and, increasingly, they are seen to have important limitations by forward-looking animal welfare science thinkers.

There is an unfortunate tendency to underestimate the importance of animal health in relation to animal welfare. The prevention and control of disease in all species makes a major contribution to animal welfare and veterinarians, in general, and the OIE, in particular, play a vital role in this regard.

Adams (1992) in reviewing the publication “Livestock in 2020: The New Food Revolution” emphasises the opportunity for veterinarians “to act locally but think globally” about animal welfare. This joint publication of the International Food Policy Research Institute in Washington, the FAO and the International Livestock Research Institute in Nairobi provides detailed information on the dramatic increase in the world’s consumption of food, derived from animals, over the last 30 years.

Expanding human populations, urbanisation and income growth are expected to continue, and even accelerate, the trend and Adams asks “is it time to rejuvenate the science of animal husbandry to ensure that animals are better protected?” The importance of knowledgeable and caring animal husbandry has been emphasised by Hemsworth, Barnett, Rollin and Webster in a variety of publications over the last decade.

Fraser (1992) has emphasised the importance of the linkage between animal ethics and animal welfare and the vital relationship, in terms of public and societal opinion, between historical cultural attitudes to animals and their use in modern agricultural systems. He argues that there is an urgent need to create a new consensus regarding the use of animals in agriculture. The veterinary profession, at large, and the OIE, in particular, are well positioned to make an important contribution to this debate.

The appearance of BSE and recent outbreaks of CSF and FMD in Europe have led to the slaughter of millions of animals and intense political and professional debate on the ethics and scientific basis of certain production systems. This, in turn, has led to major Government reviews in, for example, the UK and the Netherlands.

**WTO Considerations**

The conclusion of the GATT Uruguay Round, in 1994, and the establishment of the WTO, with its associated Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) agreements plus the Agreement on Agriculture, were seen to set the stage, and create a framework, for all member nations to reap the benefits of agricultural trade liberalisation. There has, however, been a growing concern, particularly amongst some non-governmental organisations (NGOs), that the WTO rules-based trading system does not adequately address consumer interests and that the credibility of, and public support for, the WTO is thus at risk. The NGOs involved believe that the outcome of the tuna/dolphin, shrimp/turtle and leghold trap issues support their views.
The WTO legal framework refrains from passing judgement on animal welfare and other non-trade concerns but growing concern for animal welfare among some members has highlighted the animal welfare and international trade issue. This is part of a broader debate regarding linkages between morality and trade and the flexibility of the multilateral trading system to accommodate non-trade issues. The key to the WTO debate is whether trade measures based on animal welfare objectives, but which are not animal health related, are consistent with WTO rules. The prevailing view is that non-health measures involving animal welfare are not permitted, although this has not as yet been tested under WTO dispute settlement procedures. Article 1 (non-discrimination) and Article 3 (identical treatment for “like product”, irrespective of processing or production method (PPM)) of the GATT agreement, plus the TBT provisions regarding “like product,” are critical in this regard.

The significance of international trade considerations is also reflected by the inclusion of specific WTO-related provisions in two EU Directives. Article 8, of Council Directive 98/58, requires that the European Commission prepare a report on the comparison between EC and third country animal welfare provisions, the scope for widening international acceptance of the welfare principles outlined in the Directive and the extent to which Community animal welfare objectives might be undermined by competition from non-member countries. Article 10, of Council Directive 99/74, requires that no later than 1 January 2005 the Scientific Veterinary Committee submits proposals in respect of management systems for layer hens, which take into account the outcome of WTO negotiations.

Although a number of European countries were unsuccessful in having animal welfare included in the SPS agreement, in the Uruguay Round negotiations, the EU clearly signalled that it saw animal welfare as a key issue in the lead up to the Seattle meeting and, in late 2000, submitted a formal paper to the WTO Committee on Agriculture. This EU paper argued that animal welfare should be addressed primarily within Article 20 of the Agreement on Agriculture but emphasised that this was not a basis for new types of non-tariff trade barriers or sovereignty infringements. Measures proposed included the development of multilateral animal welfare agreements and appropriate labelling and compensation payments, which it was argued would have minimal effects on trade and production.

The agriculture negotiations received further consideration at the November, 2001 WTO ministerial meeting in Doha, where it was agreed that non-trade concerns, will be taken into account in the negotiations. This includes these elements of the animal welfare debate relevant to the Agreement on Agriculture, such as payments for higher costs resulting from animal welfare requirements.

NGOs have proposed a package of similar measures including non-trade distorting “green box” payments, phasing out of export subsidies (which encourage intensive production methods and live animal transport), and differentiation of “high welfare” products via appropriate labelling.

In response to the EU and NGO proposals to have animal welfare included in the WTO agreement, there is an alternative view that the various suggestions being made to address animal welfare concerns are much more likely to receive broad-based international support, and to achieve the same objectives, if they remain outside the WTO agreement. This view argues that animal welfare concerns, including those that might have implications for trade, would be best addressed in specific, well-targeted agreements, rather than by seeking to treat animal welfare concerns as generic. If specific concerns are pursued in this way, it is believed these are likely to be more successful than a generalised animal welfare initiative in the WTO.

It has also been proposed that the OIE may well be an appropriate, established, inter-governmental organisation to address animal welfare issues and seek agreement on international standards.

Another important regulatory concept relevant to this issue is that of equivalence, where one country accepts the standards and regulations of another as equivalent to their own provided they adequately fulfil the objectives of their own regulations. This can give assurance that good animal welfare standards are being observed, while reducing regulatory barriers to trade.
“Market Place” Trends

In parallel with the policy debate on animal welfare and international trade, important initiatives have been taken by some producers and retailers.

On-farm quality assurance programmes have become well established over the last decade and their UK impact is reviewed, in detail, in the Farm Animal Welfare Council (FAWC) interim report entitled “Animal Welfare Implications of Farm Assurance Schemes” 8.

The FAWC interest in this area is directly linked to its “food quality” approach to farm animal welfare and the recognition that the standards of welfare under which animals are produced are effectively a quality characteristic of the products consumed.

FAWC argues that,

“The food industry plays an essential part in the implementation of welfare standards by virtue of the influence it exerts in the sourcing of livestock products. The application of welfare standards to the ‘food we eat’ rather than the ‘food we produce’ has great relevance in this context. A logical consequence is that the animal welfare standards relevant to society should relate equally to imported livestock products as well as those produced domestically. Increasing recognition of consumers’ concern about the welfare provenance of the food they eat should ultimately result in the establishment and acceptance of baseline welfare standards. By adopting baseline standards for animal welfare for all livestock products consumed, the Council believes that individual countries can play a leading role in raising animal welfare awareness internationally”.

A number of OIE member countries, including some European countries, Australia, New Zealand, the USA and Canada have gained valuable experience in the role of Industry-led QA programmes, in promoting animal welfare standards. This approach, underpinned by science-based national standards, provides an opportunity to benchmark animal welfare outcomes. It is preferred to, and seen to be a much more cost-effective option than, a prescriptive regulatory approach. These schemes have, undoubtedly, had a positive impact on animal welfare and have helped to directly address consumer concerns.

Retailers have also moved positively to address consumer concerns and Spedding emphasises the importance of their role by stating,

“Retailers are becoming the most potent force in setting animal welfare standards and will be the major engine for influencing animal welfare change. They can move faster than Governments, can cut off a supplier’s livelihood by stopping contracts and can ignore international trade agreements. While Europe as a whole has to adhere to the World Trade Organisation and cannot bar imports on animal welfare grounds, retailers are free to do so”.

Such retailer influence, initially exerted in Europe, has now been followed in the USA by McDonalds, Burger King, Wendy’s and Wal-Mart. Both of these initiatives can involve voluntary labelling.

Animal Welfare Standards

Defining and assessing animal welfare has become the subject of a significant body of literature over the last two decades. The most commonly accepted definition is that, “the welfare of an individual animal is its state as regard its attempt to cope with its environment, with attempts to cope including the functioning of body repair systems, immunological defences, the physiological stress response and a variety of behavioural responses.”
The 1998 and 2001 European Directives on layer hens and pigs are both based on extensive scientific reviews conducted by the European Commission Scientific Committee on Animal Health and Welfare. These Directives support the view that public perception does not necessarily equate to optimum animal welfare standards and, thus, both Directives continue to permit the use of (enriched and larger) cages for layer hens and confinement of sows one week pre- and four weeks post-partum.

It is envisaged that standards developed by the OIE would follow the same science-based approach and draw on contemporary scientific consensus. To address the public perception issue, it is recommended, as advocated by Fraser, that animal welfare policy and standards should also be complemented by robust ethical analysis.

Fraser emphasises the importance of both scientific and ethical inputs by stating:

“As it has unfolded to date, the debate has been disappointing intellectually, ethically, and politically: intellectually, because the debate has not resulted in a genuine understanding of how animal agriculture affects animals, the environment, and the good of the public; ethically, because the polemical nature of many of the accounts of animal agriculture has tended to polarise the debate and to prevent real ethical analysis of important issues; and politically, because this polarised debate has failed to create a climate of dialogue and consensus building. As a first step towards rectifying these problems, there is an urgent need for scientists and ethicists to avoid simply aligning themselves with advocacy positions and instead to provide knowledgeable research and analysis of the issues”.

It is suggested that these sentiments, and this strategic approach, are highly relevant if the OIE is to be both politically and publicly credible in the area of animal welfare.

“Political” Initiatives

Two specific initiatives indicate the burgeoning significance of animal welfare as an international public policy issue. The World Society for the Protection of Animals (WSPA) has prepared a draft “Universal Declaration for the Welfare of Animals”, which it proposes should be adopted by the United Nations. It is envisaged that such a declaration, if adopted, could have similar political significance to the 1995 amendment to the Treaty of Rome, which recognised animals as sentient beings, within the EU.

In 1999, the Indian Government proposed that it host an international ministerial meeting to discuss multilateral agreements on animal welfare. This proposal has now been taken over by the Philippines Government, with a meeting tentatively planned for October 2002. It is intended that the WSPA draft United Nations declaration will be discussed at this meeting.

Stakeholder Organisations

There is no single international organisation with a standard setting role or a responsibility for the provision of expert advice on animal welfare, although a number of organisations and agencies have a significant interest in the area.

Part Two

OIE

Since its establishment in 1924, the three principal aims of the OIE have been:

• The provision of information on infectious animal diseases worldwide;

• International promotion and co-ordination of studies on the surveillance and control of infectious diseases of animals;

• The harmonisation of international agreements and regulations for disease control including the facilitation of trade in animals and animal products.
The work of the organisation assumed a new prominence, in the 1990s, through recognition of its role in providing standards, guidelines and recommendations for animal health and zoonoses through the SPS agreement of the WTO.

The OIE has historically made a major indirect contribution to animal welfare globally, via the organisation’s involvement in epizootic disease control and has included a chapter in the animal health code on minimum animal welfare standards for trade. It has also played a standard setting role in respect of animal transportation and, in 1994, published “Animal Welfare and Veterinary Services” in the Scientific and Technical Review Series.

In recognition of the increasing scientific, political and public attention being given to animal welfare, in general, and its role in international trade, in particular, animal welfare was identified as an important emerging issue during the preparation of the 2001 – 2005 OIE third strategic plan. At the 69th session of the OIE International Committee, approval was given to the Director General’s work programme to implement the recommendations of the strategic plan. In this programme, it was agreed to establish a new department specifically responsible for international trade in animals and animal products, which would provide extra resources to address new topics including food safety, zoonoses and animal welfare. It was agreed that initial scoping documents would be commissioned to assist in defining the degree and scope of OIE involvement with these new topics.

The potential scope of OIE involvement in animal welfare issues is extremely wide and could include some, or all, of the following:

• Animals used in agriculture
• Transport issues
• Humane slaughter issues (including slaughter during stamping out)
• Animals used in research, testing and teaching
• Animals used for recreation and in entertainment
• Animals used in zoos and circuses
• Conservation issues (including protection of endangered species)
• Vertebrate pest control issues
• Fish welfare issues
• Companion animal issues

Likewise, the options for the role and functions which the OIE could assume in relation to animal welfare could include:

• Provision of expert advice to member countries
• Provision of expert advice to support established OIE commissions
• Provision of expert advice to other international organisations
• Provision of detailed reports on specific issues
• Advice on formulation of standards (national or international)

• Maintaining an international database of animal welfare information, including differing national legislation and policies

• Maintaining a database of internationally recognised animal welfare experts

• Promoting and advising on standards for quality assurance schemes

• Preparation of a draft chapter for the OIE animal health code on the essential elements of an effective national infrastructure for animal welfare

• Development of a check list that could be used for self-assessment or to evaluate national animal welfare infrastructures

• Development of a set of criteria or essential elements that should apply to national codes of practice for animal welfare

- 16 -

In terms of OIE organisation structure and modus operandi, a number of options could be considered:

• The establishment of an ad hoc animal welfare group to support the animal health code commission

• The establishment of an ad hoc animal welfare group, to support the four established OIE commissions

• The establishment of an animal welfare group which would be available, on request, to provide OIE expert comment on issues referred to it by other international organisations or which could undertake specific assignments or projects on behalf of other organisations. The updating and completion of the review of international animal welfare legislation and standards, commenced by the EC in 1999, has been suggested as one such project.

In terms of non-OIE member involvement, options could include:

• Co-opting appropriate industry and NGO representatives to deal with specific issues, as required

• Agreeing to industry and NGO observer attendance at OIE animal welfare working group meetings.

The precise nature of such involvement would be consistent with arrangements made in other areas of OIE activity.

In terms of non-veterinary expert involvement, options could include:

• Establishing an international reference list of available experts in relevant disciplines (including animal welfare sciences, ethics, law, economics, public policy) to be used, as required, by the OIE

• Including a non-veterinary expert on the ad hoc group, as either a full participating member or as an observer.

Part Three

Discussion

Animal welfare is a complex, multi-faceted public policy issue which includes important ethical, economic and political dimensions. There is a real concern, in some quarters, that its recognition as an international trade policy issue is sought for “trade protectionism”, rather than “animal protection” reasons. A strategic
approach underpinned by science-based policy and standards and an incremental approach to animal welfare change management (Mellor and Stafford) helps, however, to directly address such concerns.

Implementation of the agreed OIE strategic initiative on animal welfare presents significant challenges to ensure identification of priorities, an appropriate focus and effective use of resources. The approach adopted must recognise the intense interest of non-governmental organisations, the public and politicians and the significant scientific contribution, which can be made by non-veterinary scientists.

In addition to full ownership of, and “buy-in” to, OIE’s animal welfare role by its 158 member countries, it is considered strategically and politically important that other stakeholder groups, including industry groups, NGOs and the WTO, are also fully supportive of this role. It is noted that some initial discussions have taken place, in this regard, with both the Eurogroup for Animal Welfare and the WTO Director-General.

In its third strategic plan the OIE has given increased priority, and allocated additional resources, to increasing its public profile and communication effectiveness. This initiative is particularly relevant to any future enhanced animal welfare role, as all forms of media take an active, ongoing interest in animal welfare issues.

Conclusions

The role which the OIE assumes in animal welfare could attempt to cover the whole range of contemporary animal welfare issues or could focus, at least in the short to medium term, more narrowly on those issues which impact on international trade in animals and animal products.

With its 75 year history of achievement, as a science-based international animal health organisation with an established infrastructure and international recognition, the OIE is well placed to play an international role in animal welfare. To ensure full OIE member country ownership of the animal welfare role, which is finally recommended, the proposal that an ad hoc animal welfare group, representing both developing and developed country members, should review and make recommendations regarding the options outlined in this paper is fully supported. It is possible that, in the longer term, the OIE could consider a “vision” of becoming the World Animal Health and Welfare Organisation.

In parallel with these working group deliberations, and to ensure external support, the Central Bureau should continue dialogue with the WTO, leading international NGOs and key Government bodies.

The final recommendations made to the May 2002 OIE General Assembly would, thus, reflect both internal OIE opinion, and the views of key external organisations. It is envisaged that these recommendations would include proposals for short, medium and long-term involvement, a communication plan and estimates of associated resourcing requirements.

Action Plan

To ensure that this issue is progressed, with appropriate urgency, it is recommended that the Director General consider the following action plan:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>First draft of animal welfare scoping paper to be considered by the OIE Central Bureau and feedback provided to author.</td>
<td>by 17.12.01</td>
</tr>
<tr>
<td>2.</td>
<td>Revised draft of paper to be submitted by author.</td>
<td>by 21.12.01</td>
</tr>
<tr>
<td></td>
<td><strong>Action</strong></td>
<td><strong>Due Date</strong></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>3.</td>
<td>Central Bureau to agree membership of ad hoc animal welfare group with five OIE regional commissions, to foreshadow the intention for the group to meet in early April and for a background, issues and options paper to be circulated in early March.</td>
<td>by 21.12.01</td>
</tr>
<tr>
<td>4.</td>
<td>Central Bureau to continue dialogue with WTO and NGOs and feedback to be provided to author.</td>
<td>by 22.02.02</td>
</tr>
<tr>
<td>5.</td>
<td>Revised draft of paper to be considered by AHCC and AC and feedback to be provided to author.</td>
<td>by 22.02.02</td>
</tr>
<tr>
<td>6.</td>
<td>Revised draft of paper to be submitted by author.</td>
<td>by 1.03.02</td>
</tr>
<tr>
<td>7.</td>
<td>Revised draft of paper to be submitted to members of Ad hoc group by Central Bureau.</td>
<td>by 1.03.02</td>
</tr>
<tr>
<td>8.</td>
<td><strong>Ad hoc</strong> group to meet to discuss paper and make recommendations regarding preferred short, medium and long-term options, including operational and communication plans for next 12 months and associated resourcing requirements.</td>
<td>by 4.04.02</td>
</tr>
<tr>
<td>9.</td>
<td><strong>Ad hoc</strong> group recommendations to be included in final version of scoping document and submitted to Central Bureau.</td>
<td>by 15.04.02</td>
</tr>
<tr>
<td>10.</td>
<td>Director General to update International Committee and seek endorsement of 2002/03 operational plan for animal welfare topic. This would include specific recommendations on thematic priorities and indicative support for further consideration of medium and long term options.</td>
<td>by 15.05.02</td>
</tr>
</tbody>
</table>
Notes and References


Further Reading (Selected)


8. Ethics, Trade and the WTO A Swinbank, University of Reading Agricultural Economics Society, Annual Conference, University of Manchester, April 2000


