

CHAPTER 7

ANIMAL PROTECTION LEGISLATION

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CHAPTER 7

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1 INTRODUCTION

THE ACHIEVEMENT OF COMPREHENSIVE AND WELL-ENFORCED ANIMAL PROTECTION LEGISLATION IS OF VITAL IMPORTANCE TO THE MOVEMENT. IT PROVIDES A FRAMEWORK FOR IMPLEMENTING AND MONITORING THE PROPER TREATMENT OF ANIMALS AND FOR BANNING THE WORST ABUSES.

It is WSPA's belief that every nation should have comprehensive animal protection legislation. Animals are sentient creatures, and therefore entitled to recognition, care and protection against avoidable suffering.



However legislation alone is insufficient to bring about a real change in attitudes and practical protection afforded to animals. To be really effective, legislation needs both the popular support of a humane and caring society, and proper enforcement. Education can bring about lasting improvements, but legislation will provide the safety net to prevent cruelty and abuse and should reflect the current consensus of society.

Legislation can be introduced to meet a number of aims, for example:

- Banning certain activities involving animals, for example by-laws to ban circuses on local council land
- Prohibiting certain production methods, for example a ban on battery cages or fur farming
- Protecting domestic animals and wildlife, for example laws against hunting in protected areas
- Promoting animal welfare, for example by introducing minimum standards and legal requirements
- Preventing animal cruelty or minimising animal suffering
- Protecting animal and public health, for example prohibiting the use of growth hormones
- Encouraging responsibility amongst animal owners.

Campaigning and lobbying can be used to achieve a number of legislative aims, including:

- Introducing new legislation
- Improving legislation
- Making more effective use of existing legislation
- Revoking legislation that is to the detriment of animal welfare
- Any combination of the above.

2 NATIONAL AND LOCAL LEGISLATION

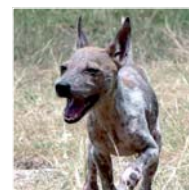
ONLY ABOUT 65 OUT OF THE 192 COUNTRIES IN THE WORLD HAVE NATIONAL ANIMAL PROTECTION LAWS, AND MANY OF THESE ARE NOT WELL ENFORCED. (2004 WSPA SURVEY)



To work effectively, animal protection organisations need to be familiar with the animal protection laws in their countries, if they exist. Organisations can also play a key role in influencing the introduction and enhancement of animal protection laws, including the vital area of enforcement.

The main sources of information about national animal protection laws are the relevant government departments and law libraries. National animal protection organisations and societies with law enforcement authority may also be able to advise. To find out about the laws of other countries, contact the diplomatic representation of the country concerned.

The legislative system will depend on the culture and history of the country. For example, legislation can be based on that of former colonial powers. Thus, laws in Commonwealth countries, former Commonwealth countries, and former British colonies are often laws based on old British laws. In Muslim countries, law may be based on religious principles. It is important to understand your country's legislative base, in order to use appropriate legislative models and lobbying tactics. The following is one example of a legislative structure:



a) Legislative Structure

Primary Legislation outlines general principles and provides powers for further regulation. A 'Bill' is a draft law that needs to pass through Parliament or Congress and be agreed at governmental level before it becomes law. An 'Act' is a law that has been passed by a legislative body.

Secondary Legislation consists of detailed provisions, which cover a specific subject area. The relevant government departments often formulate these.

By-Laws or State Laws are local laws, which are enforced locally. The precise level depends on the regional government structure.

For example, in the USA there are several tiers of legislation: federal laws apply throughout the country, state laws apply only in the relevant state and there may also be localised by-laws, city laws or district laws. Federal law may only be agreed in areas covered by the constitution. Thus, most animal protection laws are at state level.

Codes of practice are guidelines written specifically for those who need to comply with the legislation; they provide practical guidance in respect of provisions made by or under an Act. Generally, failure to comply with a code does not in itself render a person liable to legal proceedings. However, evidence of a failure to meet the standard set in a code of practice can be used to support a prosecution for an offense under the relevant Act. Equally, a person who is charged with an offense under an Act, can defend themselves by showing that they have met the standard set in the code of practice.

b) Government Structures

GOVERNMENT STRUCTURES SET UP TO DEAL WITH ANIMAL PROTECTION MATTERS ARE A GREAT INDICATOR OF THE POLITICAL IMPORTANCE OF ANIMAL PROTECTION IN THE COUNTRY IN QUESTION.

Government structures can also greatly influence the strength with which animal protection matters are pursued.

The government departments involved with animal protection can vary greatly. The best option is to have a separate Government Ministry dealing with animal protection matters. If this is not yet possible, a separate Department within a sympathetic Ministry is the next best option. An example of this is in India, where an animal welfare department was established within the former Ministry of Welfare.

If animal welfare is dealt with in a Ministry with conflicting objectives (such as Agriculture), then



animal protection objectives can take second place. Not having a separate department or unit dealing with animal protection matters is even worse, as this means there is no thorough or uniform approach to animal issues. In such a case, it would be preferable to have a sympathetic department, such as Environment, deal with animal welfare matters.

c) Committees and Councils

Government advisory committees can play a significant role in improving government feedback and expert advice in animal protection matters. The role and scope can vary greatly from being a committee dealing with all aspects of animal protection (every subject area and both ethical and practical enforcement issues, as in the Czech Republic) to a committee with more specific scope, such as an ethical committee concerned with biotechnology.

The best arrangement will depend on the country's legislative and enforcement structure. However, if a country does decide to have just one advisory committee covering all areas of animal protection, then it is important that it is broken down into small sub-groups, each containing a wide range of expertise in the relevant subject area.

The remit of such a committee could include:

- New issues of concern in or to the animal protection field
- Beneficial developments in or for the animal protection field
- New and relevant animal welfare scientific research
- Problems with existing laws and enforcement
- New legislation or amendments needed
- Further research needed
- Further educational initiatives needed
- Relevant questions of government transparency.

Advisory committees should not merely consist of representatives from the animal exploitation industries. A proper balance between animal protection, animal use, neutral government and scientific representation is important.

It is also important that the committee has access to all government information and statistics and is able to publish open reports, including minority reports. These are reports officially stating the position of members who are in the minority on a particular issue.

Consultation

Animal protection groups should press for full and open consultation on all matters affecting, or likely to affect, animal protection. In particular:

- Full consultation of animal protection groups on the same basis as industry
- Representation at all consultation meetings
- Written consultation with the results published for transparency.

In this way, impractical provisions and areas of conflict can be resolved before the law is introduced. This is vital, because any legislation is likely to be unenforceable unless it is deemed to be fair and practical. Technical assessment and specialist advice, for example, scientific or veterinary, should be obtained and used wherever appropriate. In areas where ongoing consultation is envisaged, a permanent advisory body can be constituted, and this could be provided for in the legislation itself.

d) Drafting Legislation

Animal protection organisations are sometimes asked to help draft national and local legislation or to comment on legislation already drafted by the relevant government body. Expert advice should be sought to ensure that any proposed animal protection legislation is clear, strong and enforceable. While legislation from other countries can be used as a model or reference, it is



essential to tailor legislation to your own country's particular legislative structure.

The WSPA document, 'Animal Protection Legislation: Guidance Notes and Suggested Provisions', outlines the key points that should be given consideration when formulating animal protection legislation.

A number of issues should be borne in mind when drafting animal protection legislation:

Legislation aims and objectives: It can be helpful to include the reasons why the legislation is being introduced; key reasons can include the sentience of animals, their capacity for suffering and the moral and spiritual decline caused by cruelty. The 'preamble' of the law (the introductory statement, which is usually found at the beginning) is the appropriate place to summarise the intention or purpose of that particular piece of animal protection legislation.

Definitions: Legal definitions are extremely important. They set down the limits and boundaries of the amount and scope of protection given. If terms are vague and not properly defined, they may limit the scope of the piece of legislation and may provide an opportunity to argue that specific situations are not covered by the Act. The clear definition of all key terms used in an Act is thus very important and will facilitate interpretation and enforcement.

For example, what is an **animal**? Does the definition exclude invertebrate species? Are wild animals included? There have been many different definitions of the word 'animal', and the consequences of the chosen definition should be given careful consideration.

Should terms such as 'unnecessary suffering' be used, and if they are, how should these be defined to avoid any ambiguity? What constitutes cruelty? If inspection is envisaged, who is an inspector?

You might want to leave definitions open to later widening, for example the definition of an animal could be extended to include certain invertebrates if there is scientific evidence that they are sentient.

Duty of care: When referring to cruelty to animals, many existing animal protection laws specify that an animal has to actually suffer before an offense is committed. Even though an animal is likely to suffer unless veterinary treatment is sought or the standard of care is raised, nothing can be done until suffering is evident. This makes it difficult for enforcement authorities to prevent suffering, particularly in cases of neglect, where the animal's condition may deteriorate gradually over a period of time. This can be resolved by introducing a statutory 'duty of care' on all animal keepers, to look after their animals properly and ensure they do not suffer.

A statutory 'duty of care' has been introduced in the new animal welfare bill for England and Wales. This in effect makes it as much of an offense to cause cruelty by neglect as it is to deliberately make an animal suffer. This makes it possible for enforcement authorities to act on the early warning signs of neglect, and if needed, to remove the animal before it starts to suffer.

Powers: Powers should be granted to enforcement authorities in the legislation and these powers should be clearly defined. Ideally, enforcement officers should be given powers to take remedial action (to provide veterinary treatment, or remove an animal from a situation which is likely to cause suffering, or when necessary, to euthanise an animal). The entire range of the powers given to enforcement officers should be given consideration; for instance, should they have the power to detain people and vehicles, and if so, on what grounds? Should they be given powers of entry, allowing them to enter upon any land or premises for the purpose of ascertaining whether an offense has been committed?





The relevant enforcement officers should be clearly identified in the Act; these can include, specific animal protection personnel, the police, environmental health officers, representatives from the ministry of agriculture etc.

Penalties: It is important to ensure that penalties are set high enough to act as a deterrent and are also fitting for the crime that is committed. Types of penalties can include custodial sentences, fines, banning orders and/or revocation of existing licences (for example for breeding establishments, riding establishments or pet shops). Banning orders can be sought not just for ownership of an animal, but also for custody of animals. They can also be for a specific animal or for all animals and can range from a couple of months to a lifetime. It is also important to have a provision for assuming custody and removing animals in danger of cruelty or suffering pending legal action. Levels of penalties should be set as high as possible, and will reflect how seriously a country takes animal protection. However it is pointless having higher penalties if they are not properly understood and used by the courts. It is therefore important for judicial personnel to gain an understanding of the severity of these types of offences.

3

THE CONSTITUTION

Not all countries have a written constitution. However, where there is a written constitution, a useful animal protection aim is the inclusion of animal protection in the constitution.

In addition to the European Union, only a handful of countries, including Germany, India and Austria, have an animal protection provision in their constitutions. This can be a groundbreaking change that can be used in all future legislative campaigning and lobbying. In the absence of animal protection in the constitution, animal protection objectives can be over-ridden by other constitutional principles, such as the freedom of science/research or the freedom of artistic expression.

David Martin MEP, Senior Vice President of the European Parliament, stated “I firmly believe that there is a direct connection between the way we treat the animals in our care and the type of society in which we live. As I have always believed in converting the European Economic Community into a true European Community I have been at the forefront of arguing that animal welfare should be recognised in the treaties which govern the European Union (EU). I am proud that the EU has taken a lead in this field and would like to see Member States and other nations follow this lead by including animal protection in their constitutions.”

India: Some animal protection objectives were included in the Indian constitution from its adoption in 1950. In particular, Article 48, which dealt with agriculture, included a prohibition on the slaughter of cows, calves and other milk and draught animals. In 1974, further provisions were introduced including Article 51A, which made it a duty of every citizen of India to “protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures”.

In the words of Maneka Gandhi:

“IT IS ONLY WHEN NATIONS RECOGNISE ANIMALS AND PROVIDE THEM CERTAIN CONSTITUTIONAL GUARANTEES THAT WE CAN EXPECT A MORE ENLIGHTENED AND EQUITABLE CODE OF CONDUCT TOWARDS OTHER LIVING BEINGS. ANIMAL PROTECTION IS ALREADY AN ISSUE OF PUBLIC CONCERN AND MORALITY. THIS MUST BE REFLECTED IN LEGISLATION.”



4

ANIMAL PROTECTION LEGISLATION ENFORCEMENT

“ENFORCEMENT IS OF FUNDAMENTAL IMPORTANCE, BECAUSE ANY MEASURES TO IMPROVE ANIMAL WELFARE CAN ONLY BE EFFECTIVE IF THEY ARE PROPERLY IMPLEMENTED AND ENFORCED.” ~ Professor Sir Colin R W Spedding KBE, former Chairman, UK Farm Animal Welfare Council

a) Functions of Enforcement

Mike Radford, a UK lawyer and leading authority on animal protection law, categorised

seven important functions of enforcement:

- Enforcement informs people about the legislation's existence
- Enforcement educates them as to their legal responsibilities towards animals
- Enforcement is instrumental in raising and maintaining standards
- Enforcement can prevent animal abuse
- When it fails in this, enforcement enables animals to be removed from the cause of that abuse
- Enforcement upholds the rule of law by demonstrating that the state, through the courts, will punish those who disregard it
- Enforcement identifies problems and weaknesses in the legislation and can therefore form the basis on which to campaign for further reform.



b) Responsibility for Enforcement

One key consideration is the allocation of enforcement duties and responsibilities. It is very important that legislation gives a clear duty to enforce and sets out the allocation of responsibilities.

The choice of enforcement agency is complex and requires consideration of the following factors: the expertise necessary, conflict of duties, accountability, level of coverage, control and coordination, the role of NGOs – if any, practical arrangements, the possibility of an animal ethics committee advising the government.

Possible enforcement bodies include:

- The police
- Other national or government bodies
- Federal authorities
- Regional or state authorities
- Local authorities
- Animal wardens: animal welfare officers in more advanced countries, dog catchers in the worst cases
- Animal protection organisations
- Veterinarians
- Individuals

The choice of enforcement authority and enforcement channels is a difficult, but vital, decision. Animal protection societies should lobby to ensure that the authorities chosen are sympathetic, knowledgeable and well resourced.



c) Role of Education in Enforcement

ENFORCEMENT IS SAID TO BE 90% EDUCATION AND ADVICE.



It is wrong to measure successful enforcement of animal protection legislation solely in terms of prosecutions. Effective education is more successful in the longer term and the preventative approach is always preferable to action after animals have suffered. An effective enforcement officer never misses an opportunity to educate and recognises the provision of expert guidance and advice as a central part of the role.

5

ANIMAL PROTECTION STRATEGIES

The animal protection movement has already used various strategies to improve the legal protection of animals. The following are just some examples of what has been, and could be done. Please also see the chapters on campaigning and lobbying which also relate to introducing, improving and using legislation.

a) Introduction of Legislation

- Press for strong national position in international negotiations
- OIE member countries to press for strong animal protection positions in negotiations on international standards
- Press for ratification of international agreements
- Press for inclusion of international agreements in national law
- Press for signature/ratification of Council of Europe animal welfare conventions, if not yet done so – in Europe only
- Press for text of Council of Europe conventions and recommendations to be included in national law – in Europe only
- Press for full implementation of EU animal welfare laws – for EU members or those seeking to join the EU
- Press for national measures that are higher than EU animal welfare laws when implementing this, for EU members or those seeking to join EU, such as banning enriched battery cages, as well as traditional cages
- Press for national animal protection laws, using good models
- Press for animal protection to be included in your constitution, if this exists
- Press for the status of animals as sentient beings to be recognised
- Press for good regional, state, or local animal protection provisions, using good models
- Press for separate animal welfare department
- Press for effective enforcement systems
- Press for effective enforcement guidance
- Press for training of officials, enforcement authorities and all others involved in animal trades
- Press for an effective animal protection committee, with strong animal protection, and sympathetic representation
- Press for effective codes of conduct, to explain the legislation in detail
- Press for full consultation and access to documents and records
- Campaign and lobby for a ban of specific cruel systems or practices.

b) Improvement of Legislation

- Press for a strong national position in international negotiations
- Press for national measures that are stricter than EU animal welfare laws – for EU members or those seeking to join EU, such as banning enriched battery cages, as well as traditional cages
- Press for improved national animal protection laws, using good models
- Press for improved regional, state, or local animal protection provisions, using good models
- Press for a separate animal welfare department or relocation of animal welfare to a sympathetic Ministry
- Press for a more effective enforcement system

- Press for more effective enforcement guidance
- Press for improved training of officials, enforcement authorities and all others involved in animal trades
- Press for a more effective animal protection committee, with strong animal protection and sympathetic representation
- Press for more effective, welfare-friendly codes of conduct, to explain legislation in detail
- Press for changes to the status of animals – to no longer be regarded as property or ‘goods’, but as sentient beings
- Press for fuller consultation and access to documents and records
- Carry out investigations into any areas that need improvement and publicise or expose
- Campaign and lobby for a ban of specific cruel systems or practices.

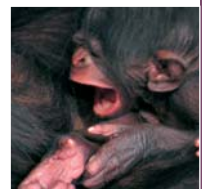
When seeking improvements, it is important to analyse existing provisions against relevant international, regional and national models. Action should be prioritised in areas where practical animal protection problems occur through lack of adequate legislation or enforcement provisions. Campaigns to improve legislative provisions can be either specific, involving a particular problem in isolation, or broad and general.

The importance of selecting appropriate, high-quality animal protection laws as models cannot be stressed enough. In Europe, for example, the Council of Europe (CoE) conventions and recommendations form a good base for general animal protection principles, but need to be adapted and amended. Also, the CoE conventions do not cover general ethical or protective concerns, or the use of animals in entertainment. As the animal welfare legislation of some countries such as the UK and the USA has been built up over a long period of time, in a piecemeal approach to specific problems, these animal welfare laws may not be the most practical or logical to use as models for other countries. Amongst the higher standard national animal protection laws in Europe are those for Sweden, the Netherlands and Switzerland. The WSPA resource ‘Animal Protection Legislation: Guidance Notes and Suggested Provisions’ is a useful aid, as it has already used best sources and extracted helpful provisions. However, any guidance has to be carefully analysed and related to the national situation and specific animal protection problems.

c) Using Existing Legislation

- Supplementing official enforcement and investigations.
- Taking part in official enforcement mechanisms – through contracts or tenders, for example being responsible for stray dog collection and related services.
- Carry out investigations and exposes or publicise any shortfalls in legislation or enforcement, adding pressure for change.
- Check compliance with existing international or European obligations and expose or publicise any breaches and follow up with your own government or lodge a complaint to the relevant international or European body, for example, an individual or organisation can lodge an official complaint in the case of non-compliance with EU law.
- Involvement in government committees on animal protection.
- Taking part in educational aspects.
- Taking part in training aspects.

Animal protection societies have also successfully used legislation not primarily concerned with animal protection to help their cause. For example, causing the closure of substandard zoos or other premises where animals are kept, using legislation designed to protect human health – such as environmental health protection from ‘dangerous wild animals’. Knowledge of the law can be a powerful tool.

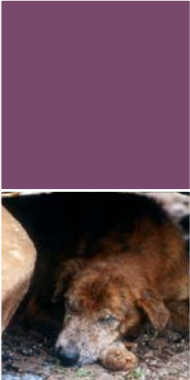


6

INTERNATIONAL ORGANISATIONS

The following organisations cover issues of relevance to animal protection work:

- World Organisation for Animal Health
- World Trade Organisation
- Organisation for Economic Co-operation and Development
- United Nations Organisations:
 - The Food and Agriculture Organisation of the United Nations
 - The World Health Organisation
 - The United Nations Educational, Scientific and Cultural Organisation
 - The World Bank Group
 - United Nations Environment Programme
 - United Nations Development Programme
 - International Fund for Agricultural Development
- The International Whaling Commission
- International Air Transport Association



Animal protection groups should keep informed of the activities of these organisations as they will impact on animal welfare issues across the world. It is also possible for animal protection groups to attend meetings of some of these organisations as observers.

Animal protection groups should also bear in mind that whilst involvement with these organisations is beneficial, they should be prepared for some frustration due to a number of factors; including the length of time it takes to reach decisions, the difficulty in reaching a decision, and the weaknesses of voting systems, which are inherent in many of these international organisations.

A brief summary of each organisation follows.

a) World Organisation for Animal Health (OIE)

www.oie.int/

The World Organisation for Animal Health (OIE), based in Paris, is leading the major international initiative in the field of animal health. It is a broad-based organisation with 167 member countries at the time of writing. The OIE was tasked by the World Trade Organisation to investigate and rule on matters of animal health related to trade.

The OIE has now also established animal welfare as a priority, and it organised an international conference on animal welfare in February 2004. The OIE was chosen as the body capable of producing science-based guidelines and standards on animal welfare, because of its strong veterinary and scientific base.

It will give **priority** to the welfare of animals used in agriculture and aquaculture, and has already written standards on the transport of animals on land, the transport of animals by sea, humane slaughter, and killing for disease-control purposes. These standards were adopted by the OIE in May 2005. All member countries should now implement these standards, but as yet there are no enforcement procedures to ensure this is the case. Therefore implementation will doubtless be uneven across member countries.

Other topics, such as research animals and wildlife, will be addressed subsequently, as resources permit. If the OIE progresses as expected, it appears likely that the OIE will become the major international body with competence for animal welfare.

RESOLUTION XXVI – ADOPTED BY THE INTERNATIONAL COMMITTEE OF THE OIE ON 25 MAY 2004

INCLUDES THE FOLLOWING, IN BRIEF:

CONSIDERATIONS:

- The Director General (DG) established a permanent working group on animal welfare, with a significant programme
- The February 2004 conference confirmed OIE's international leadership role in animal welfare
- Work on developing guidelines for priority topics is underway
- Active involvement of all member states will be essential to the success of this initiative.

COMMITTEE RECOMMENDATIONS:

- The Working Group is to advise DG and Animal Health Commission of work on animal welfare
- Working Groups for the 2004-2005 programme are to form the basis of OIE's work on animal welfare and appropriate resources are to be provided for priority areas
- Veterinary Services are to be actively involved in the preparation, review and implementation of animal welfare regulations and legislation in their countries
- All OIE countries are to play an active role in their regions in respect of this initiative.

IN ADDITION, THE OIE WILL WORK:

- To identify animal welfare research needs and encourage collaboration among research centres, to improve awareness of animal welfare in academia
- To provide expertise on specific animal welfare issues to OIE stakeholder groups, other international organisations, and animal production sectors, industry and consumer groups.

b) World Trade Organisation (WTO)

www.wto.org

MANY ANIMAL PROTECTION ORGANISATIONS BELIEVE THAT THE WTO IS THE GREATEST THREAT FACING ANIMAL PROTECTION TODAY.

The WTO enforces a worldwide Treaty, the General Agreement on Tariffs and Trade (GATT), which insists that **free trade** must take precedence over all other legitimate areas of public concern, including the need for sustainable development, environmental and animal protection.

THE ESSENCE OF THE PROBLEM IS THAT THE WTO REFUSES TO LET COUNTRIES DISTINGUISH BETWEEN PRODUCTS ON THE BASIS OF THEIR PRODUCTION METHOD, THUS MAKING IT IMPOSSIBLE TO DISTINGUISH THEM ON ANIMAL WELFARE CRITERIA.

This means that under WTO rules a country, or a group of countries, cannot:

- Ban imports on welfare grounds; or
- Insist that imports comply with its own laws to protect animals or the environment.





Taking the European Union (EU) as an example: if higher animal welfare standards exist in the EU, but animal products produced outside the EU to lower welfare standards cannot be banned or prohibited, then these 'poor-welfare' products will be imported and will compete unfairly with EU production, as they may be cheaper.

There is currently no provision for products to be banned on welfare grounds; as production methods are not an allowable barrier. This provides a disincentive to the introduction of higher welfare standards. The only way animal welfare could be considered in this context would be either if the WTO were reformed, or if legally accepted international standards of animal welfare were formulated.

This situation is unacceptable for animal protection organisations, who feel that the reform of WTO is vital and continue to lobby on this issue. Also, the wider NGO movement increasingly questions the predominance of the free trade concept, with all its detrimental environmental and social impacts.

c) Organisation for Economic Co-operation and Development (OECD)

www.oecd.org/

The OECD group has 30 member countries, which share a commitment to democratic government and the market economy. It has a global reach with active relationships with over 70 other countries, NGOs and civil societies. Best known for its publications and its statistics, its work covers economic and social issues including macroeconomics, trade, education, development, science and innovation. Areas of interest to animal protection organisations include:

- Chemical safety, including animal experimentation
- Development Co-operation Directorate (DAC) including sustainable development, environment etc.

d) United Nations Organisations

www.un.org/

The United Nations (UN) plays an important role in the international political arena. The following five animal protection organisations have **UN consultative status**:

- World Society for the Protection of Animals (1971)
- International Association Against Painful Experiments on Animals (1972)
- Humane Society of the United States (1996)
- World Animal Net (2001)
- International Fund for Animal Welfare (2002).



Within the UN system there are specialised agencies and other autonomous organisations.

Key ones of relevance to animal protection work include:

- The Food and Agriculture Organisation of the United Nations (FAO)
- The World Health Organisation (WHO)
- The United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- The World Bank Group
- United Nations Environment Programme (UNEP)
- United Nations Development Programme (UNDP)
- International Fund for Agricultural Development (IFAD).

A brief summary of each follows below.

The Food and Agriculture Organisation of the United Nations www.fao.org

The FAO was founded in 1945 as a specialised agency of the UN to lead international efforts to defeat hunger. The FAO serves both developed and developing countries and acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy. It helps developing countries and countries in transition to modernise and improve agriculture, forestry and fisheries practices and ensure good nutrition for all. FAO's activities comprise four main areas:

- Putting information within reach
- Sharing policy expertise
- Providing a meeting place for nations
- Bringing knowledge to the field.

THE FAO AMENDED ITS MISSION TO INCLUDE ANIMAL WELFARE, DRAFTED AN ANIMAL WELFARE POLICY AND HAS INCLUDED ANIMAL WELFARE IN ITS GOOD AGRICULTURAL PRACTICE GUIDELINES.

The World Health Organisation (WHO)

www.who.int/en

The WHO is the United Nations specialised agency for health, established in 1948. WHO's objective is the attainment by all peoples of the highest possible level of health. Health is defined in WHO's Constitution as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The WHO is governed by 192 Member States through the World Health Assembly. The Health Assembly is composed of representatives from WHO's Member States. The main tasks of the World Health Assembly are to approve the WHO programme and the budget for the following biennium and to decide major policy questions.

Areas of WHO activity of direct relevance to animal protection goals include:

- Diet and health, including non-communicable diseases
- Rabies and stray control: WSPA and WHO have cooperated to produce guidelines and training on stray control issues
- Health technology and pharmaceuticals

The United Nations Educational, Scientific and Cultural Organisation (UNESCO)

www.unesco.org

UNESCO was founded on 16 November 1945. This specialised UN agency believes that education, social and natural science, culture and communication are the means of achieving its ambitious goal of building peace in the minds of people. UNESCO promotes international cooperation among its 191 Member States and six Associate Members.

Two decades at UNESCO are of particular relevance to animal protection organisations:

- 2001-2010: International Decade for a Culture of Peace and Non-Violence for the Children of the World
- 2005-2014: Decade of Education for Sustainable Development

The World Bank Group

www.worldbank.org

The World Bank Group is a specialised agency of the UN. It consists of five closely associated institutions, all owned by member countries. Each institution plays a distinct role in the mission to fight poverty and improve living standards, by providing finance and technical assistance. They are:

- The International Bank for Reconstruction and Development
- The International Development Association
- The International Finance Corporation
- The Multilateral Investment Guarantee Agency
- The International Centre for Settlement of Investment Disputes.

The World Bank is run like a cooperative, with its member countries as shareholders. The number of shares a country has is based roughly on the size of its economy. The United States is the





largest single shareholder, with 16.41 percent of votes, followed by Japan, Germany, the United Kingdom and France. The rest of the shares are divided among the other member countries.

The World Bank has made a commitment to hold a conference on 'animal protection in development'.

United Nations Environment Programme (UNEP)

www.unep.org

UNEP, established in 1972, is a United Nations Programme. It is the voice for the environment within the United Nations system. UNEP acts as a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment. Its mission is to provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and peoples to improve their quality of life without compromising that of future generations.

UNEP has taken up some conservation-linked animal protection issues. Most groundbreaking is the Great Apes Survival Project (GRASP) initiative, a project whereby UNEP campaigns together with partner NGOs to lift the threat of imminent extinction faced by great apes.

United Nations Development Programme (UNDP)

www.undp.org

UNDP is a UN programme governed by an Executive Board. It is made up of representatives from 36 countries around the world, who serve on a rotating basis. Its focus is the achievement of development goals established at the United Nations Millennium Summit, which set clear targets for reducing poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women, by 2015. On the ground in 166 countries, UNDP uses its global network to help the UN system and its partners to raise awareness and track progress, while it connects countries to the knowledge and resources needed to achieve these goals.

UNDP implements the Small Grants Programme (SGP), which is a corporate programme of the Global Environment Facility. The SGP supports activities of NGOs and community-based organisations in developing countries. One project area that SGP funds is biodiversity: that is, projects that support or promote conservation and sustainable use and management of biodiversity in ecosystems. The repatriation of the mountain bongo (a rare antelope subspecies) to the Mount Kenya National Park is an example of one project funded by the SGP.



International Fund for Agricultural Development (IFAD)

www.ifad.org

The International Fund for Agricultural Development (IFAD) is a specialised agency of the United Nations and was established as an international financial institution in 1977. It is one of the major outcomes of the 1974 World Food Conference. The Fund has a very specific mandate: to combat hunger and rural poverty in developing countries.

The majority of IFAD's programmes involving animals focus on 'restocking', either as a form of immediate disaster relief, as part of the rehabilitation process or in a longer-term development effort.

e) The International Whaling Commission (IWC)

www.iwcoffice.org/

The International Whaling Commission (IWC) is the international body responsible for the regulation of whaling. The IWC was set up under the International Convention for the Regulation of Whaling, which was signed in Washington DC in 1946. The purpose of the Convention was to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. But the IWC's attitude toward whaling has changed over the years towards protection of whales, rather than exploitation.

f) International Air Transport Association (IATA)

www.iata.org/index.asp

The International Air Transport Association (IATA) is an association of airlines founded in 1945 by airline operators seeking to promote “safe, regular and economical air transport”. IATA publishes Live Animal Regulations in English, French, Spanish and Chinese. These regulations are the industry’s minimum standards for the international transport of animals.

The Convention on International Trade in Endangered Species (CITES) now recommends that its parties adopt the Live Animal Regulations as their official guidelines for the transportation of endangered species.

7

EUROPEAN INSTITUTIONS

a) The European Union (EU)

<http://europa.eu.int>

In political terms, the EU is increasing in international importance and stature, and not just due to its enlargement. It is a major negotiating partner in many international institutions. Even in forums where individual countries are still represented, the EU will hold coordination meetings.

The EU was established by the Treaty of Rome (EEC Treaty or TEC) signed in 1957, with the objective of safeguarding peace and promoting economic and social progress in Europe. The EU is essentially an area of economic activity and trade without internal borders.

There were no powers in the Treaty of Rome to introduce EU legislation for the specific purpose of protecting animals. However, after many years of campaigning, it was agreed in 1997 to include a special legally binding **Protocol on Animal Welfare** in the new European Union Treaty (The Amsterdam Treaty), which has now been included in the proposed European Constitution. The essence of the Protocol is that it obliges the European Institutions to take account of animal welfare when considering legislation in the areas of research, transport, agriculture and the internal market.

Within the EU, the major animal protection lobbies are:

- **Eurogroup for Animal Welfare:** based in Brussels, this organisation was formed especially to lobby the EU on all animal welfare issues. It is comprised of member organisations and observers from throughout the EU. www.eurogroupanimalwelfare.org
- **The European Coalition for Farm Animals:** this pan-European coalition of animal protection societies campaigns and lobbies together on key farm animal issues. It is coordinated by Compassion in World Farming. www.ciwf.org.uk/ecfa
- **The European Coalition to End Animal Experiments:** this pan-European coalition of animal protection societies campaigns and lobbies together on key animal experimentation issues. It is coordinated by the British Union for the Abolition of Vivisection. www.eceae.org
- **The International Fund for Animal Welfare:** this international organisation has an office in Brussels, which lobbies EU officials on certain animal protection issues. www.ifaw.org
- **The Humane Society International (HSI)** has a European lobbyist, who lobbies the EU on certain animal protection issues of interest to the Humane Society of the United States and HSI. www.hsus.org/ace/20225



b) The Council of Europe

www.coe.int

Founded in 1949, the Council of Europe is a political intergovernmental organisation. It is considered to be the defender of human rights in Europe. Its permanent headquarters are in Strasbourg, France.



Its **aims** are:

- To work for greater European unity
- To uphold the principle of parliamentary democracy and human rights
- To improve living conditions and promote human values.

The Council of Europe became concerned about animal welfare because it realised that:

“THE DIGNITY OF MANKIND COULD NOT BE DISASSOCIATED FROM THE RESPECT MAN OWED TO HIS ENVIRONMENT AND THE ANIMALS WHICH INHABITED IT.”

The Council of Europe has 46 European member states. WSPA and Eurogroup both have consultative status. The Council of Europe has a number of conventions on animal protection issues. It also has detailed recommendations under some of these conventions:

Council of Europe Conventions

Convention No.	Title	Opening of Treaty	Entry into Force
065	European Convention for the Protection of Animals during International Transport	13/12/1968	20/2/1971
087	European Convention for the Protection of Animals kept for Farming Purposes	10/3/1976	10/9/1978
102	European Convention for the Protection of Animals for Slaughter	10/5/1979	11/6/1982
103	Additional Protocol to the European Convention for the Protection of Animals during International Transport	10/5/1979	7/11/1989
104	Convention on the Conservation of European Wildlife and Natural Habitats	19/9/1979	1/6/1982
123	European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes	18/3/1986	1/1/1991
125	European Convention for the Protection of Pet Animals	13/11/1987	1/5/1992
145	Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes	6/2/1992	
170	Protocol of Amendment to the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes	22/6/1998	
193	European Convention for the Protection of Animals during International Transport (Revised)	6/11/2003	

These conventions are open for member countries to ratify and adopt.
<http://conventions.coe.int/Treaty/EN/cadreprincipal.htm>



c) Major Animal Protection Successes in Europe

There have been more animal welfare successes in the European Union than anywhere else. Summarised from Eurogroup for Animal Welfare, these successes include the following:



Cosmetics Testing: 1993 and 2003

In 1993, it was agreed that a marketing ban on cosmetic products and ingredients tested on animals would be introduced on 1 January 1998 provided that scientifically validated alternative non-animal tests were available for an adequate safety evaluation. This ban was postponed twice, firstly up to June 2000 and then up to June 2002. Then after 13 years of negotiations, a new measure was agreed in 2003, which will phase in a near-total ban on the sale of animal-tested cosmetic products throughout the EU from 2009 and put a stop to all animal testing for cosmetics.

Egg Labelling: 2001

New standards for compulsory egg labelling were adopted. From 2004 all eggs produced in the European Union and sold whole, have to be labelled according to their method of production (free range, barn or cages).

Revised Directive on Pigs: 2001

In June 2001, a new directive on the welfare of pigs was adopted, which will ban the use of individual sow stalls from 2012 and further limit the use of totally slatted floors in pig housing.

World Trade Organisation: 1999

The EU is leading the way with regards to animal welfare concerns in the WTO. Its negotiating paper, presented at Seattle, included animal welfare, which was included as a non-trade concern. The EU also presented a discussion paper on animal welfare to a Special Session of the Committee on Agriculture in Geneva.

Battery Cages: 1999

In June 1999, a new directive on the welfare of laying hens banned the use of the conventional battery cage from 2012.

Antibiotics: 1999

At the beginning of 1999, four antibiotics used as additives in animal feed were banned.

Bovine Somatotropin: 1999

A ban on the marketing and use of the milk hormone BST was introduced by the EU in 1990 and was extended indefinitely from 1999.

Zoos: 1999

In March 1999, a Directive on the Keeping of Wild Animals in Zoos was adopted by the Council of Ministers. This obliged Member States to introduce a system of licensing and inspection for zoos by 2002 and to ensure that zoos provide sufficient space for animals' natural behaviour.



Driftnets: 1992 and 1998

The use of driftnets over 2.5 km long was banned in Community waters in 1992; furthermore, all Community vessels were banned from using them, everywhere in the world. In June 1998, EU Fisheries Ministers agreed a ban of all driftnets regardless of size by the end of 2001.

EU Animal Welfare Protocol: 1997

A Protocol on Animal Welfare was agreed that recognised animals as sentient beings. It also obliged all Member States to pay full regard to the welfare of animals when formulating and implementing Community policies on agriculture, research, transport and the internal market. This has subsequently been included in the proposed EU Constitution.

Calves Directive: 1991 and 1997

Some improvements were brought to the veal calf rearing system in 1991. In January 1997, the Directive was amended and it was agreed to ban individual crates by 1 January 1998 for new farms and by 31 December 2006 for all other farms.

Transport: 1995

On 22 June 1995, new standards on the transport of farm animals were agreed. Special vehicles need to be used for journeys exceeding eight hours. Feeding, watering and resting periods for different animals were also introduced.

Revised Slaughter Directive: 1993

This Directive included detailed rules for lairage, restraint of animals, pre-stunning and slaughter.

Leghold Traps: 1991

In 1991, the Council agreed to prohibit the use of leghold traps in the Community, from 1995.

Pigs Directive: 1991

In 1991, tethering of pigs was banned and some minor improvements were brought to pig welfare.

Laboratory Animals: 1986

A Directive on the Protection of animals used for research purposes, which was based on the Council of Europe's Convention, was agreed by the Council in 1986.

Ban on Seal Products: 1983

The import into Member States of white-coated seal pup skins and products derived from them was first banned in 1983, renewed in 1985 and then permanently banned in 1989.

8

INTERNATIONAL CONVENTIONS AND AGREEMENTS

Whilst there is a multilateral convention covering endangered species (CITES), there is currently no international agreement covering animal welfare. International institutions think that an international agreement could be a potential solution to the World Trade Organisation problems. However, this would, at best, only be a partial solution as any international agreement would likely result in the adoption of extremely low standards – lowest common denominator. Then there is also the question of enforcement of any international agreement, due to the absence of any permanent international regulatory system for animal welfare.

Animal protection societies have pressed for an international agreement on animal welfare standards for many years. The leading initiative has been from WSPA, which believes that the first step is to secure a Universal Declaration on Animal Welfare at the Economic and Social Council (ECOSOC) of the United Nations.

a) Universal Declaration on Animal Welfare

In March 2003, the Government of the Philippines hosted an intergovernmental conference in Manila that agreed the principles of a Universal Declaration on Animal Welfare. The proposed Declaration was agreed by the 22 government delegations that attended the conference. It recognises that “animals are living, sentient beings and therefore deserve due consideration and respect.” Its principles declare that animal welfare “shall be a common objective for all nations” and that “all appropriate steps shall be taken by nations to prevent cruelty to animals and to reduce their suffering.”



To take this initiative forward, a 5-nation steering committee is now being formed. Governments serving on this committee aim to secure wide governmental participation. A Universal Declaration accepted by the UN, based on the Manila text, would:

- Establish a global governmental vision for animal welfare based on an agreed set of principles
- Demonstrate that animal welfare is recognised as an issue of importance by the United Nations family and the international community
- Act as a catalyst for better animal welfare provisions worldwide.

This initiative should not be confused with the **Universal Declaration of Animal Rights**, which was proclaimed in Paris on 15 October 1978 at the UNESCO headquarters. It is a popular misperception that the United Nations General Assembly ratified this Declaration. The Declaration was simply agreed, by animal rights groups, within the UN building. Please visit <http://league-animal-rights.org/en-duda.html> for further information.

b) CITES Convention

Convention on International Trade in Endangered Species of Wild Flora and Fauna www.cites.org/

CITES is an international treaty with 167 state parties, which came into force in July 1975. The overall aim of the convention is to ensure that international trade in specimens of wild flora and fauna does not threaten the survival of the species traded. Today, CITES accords varying degrees of protection to more than 30,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

The 167 countries that have joined CITES are known as Parties. Although CITES is legally binding on the Parties, that is they have to implement the Convention, it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that CITES is implemented at the national level. It is important to remember that CITES is restricted to international trade regulation only and cannot stop hunting and consumption within a country.

The convention classifies species into **three** categories, according to the degree of protection they need:

- **Appendix I:** species threatened with extinction. International trade in specimens of these species is prohibited.
- **Appendix II:** species that could become threatened if trade is not strictly regulated. International trade in specimens of Appendix II species may be authorised by the granting of an export permit or re-export certificate; no import permit is necessary. Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, above all that trade will not be detrimental to the survival of the species in the wild.
- **Appendix III:** Species protected by the state that nominates them and which is seeking assistance of other parties to control trade. International trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates.

c) The Ramsar Convention

www.ramsar.org/

The Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

There are presently 146 Contracting Parties to the Convention, with 1458 wetland sites, totalling 120.5 million hectares, designated for inclusion in the Ramsar List of Wetlands of International Importance.





d) World Heritage Convention

<http://whc.unesco.org/nwhc/pages/doc/main.htm>

The Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972 aims to protect natural and cultural properties of outstanding universal value against the threat of damage in a rapidly developing world.

e) The Bonn Convention

www.cms.int/

The Convention on the Conservation of Migratory Species of Wild Animals 1979, also known as CMS or the Bonn Convention, aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme. Since the Convention's entry into force on 1 November 1983, its membership has grown steadily to include 91 Parties as of 1 July 2005.

9

FURTHER RESOURCES

Websites

American Humane Association: legislative action

www.americanhumane.org/site/PageServer?pagename=ta_action_alerts

Animal Legal Defense Fund

www.aldf.org/

Animal Legal & Historical Center

www.animallaw.info/

ASPCA: legal information

www.asPCA.org/site/PageServer?pagename=about_legal

Doris Day Animal League: legislative update

www.ddal.org/legislation/

Eurogroup for Animal Welfare

www.eurogroupanimalwelfare.org/

The European Commission

http://europa.eu.int/comm/index_en.htm

HSUS: Legislation References

www.hsus.org/ace/11581

Federal legislation

www.hsus.org/ace/702

State legislation

www.hsus.org/ace/12543

International policy

www.hsus.org/ace/11589

Citizen lobbyist centre



Institute for Animal Rights Law (IARL)

www.instituteforanimalrightslaw.org/

www.instituteforanimalrightslaw.org/download_statutes.htm

Selection of model statutes

The International Institute for Animal Law

www.animallawintl.org/

Net Vet: Veterinary Government and Law Resources

<http://netvet.wustl.edu/law.htm>

New Zealand Legislation

www.maf.govt.nz/biosecurity/animal-welfare/index.htm

Rutgers University: Animal Rights Law Centre

www.animal-law.org/index.html

World Animal Net

<http://worldanimal.net/protect.html>

Animal protection law resources

<http://worldanimal.net/constitution.htm>

Constitution campaign

US lobbying resources

www.heartsandminds.org/links/lobbylinks.htm

Books**Animals and Their Legal Rights**

Emily S. Leavitt

Publisher: Animal Welfare Institute

ISBN: 0686278127

Animals, Property and the Law

Gary L. Francione

Publisher: Temple University Press

ISBN: 1566392845

Animal Welfare in Europe: European Legislations and Concerns

David B. Wilkins (Editor)

Publisher: Kluwer Law International

ISBN: 9041106634

Animal Welfare Law in Britain: Regulation and Responsibility

Mike Radford

Publisher: Oxford University Press

ISBN: 0198262450



Animal Welfare Legislation in Canada and Germany

Christiane Meyer
 Publisher: Peter Lang, Frankfurt, Germany
 ISBN: 363130733-0
 US ISBN: 0820432148

Animals, Politics and Morality

R. Garner
 Publisher: Manchester University Press
 ISBN: 0719035759

Basic Legal Documents on International Animal Welfare and Wildlife Conservation

Mark Austen (Editor), Tamara Richards (Editor)
 Publisher: Kluwer Law International
 ISBN: 904119780X

CITES: A Conservation Tool

A. Rosser, M. Haywood
 Publisher: IUCN Species Survival Commission

**Endangered Species, Threatened Convention: The Past, Present and Future of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

Jon Hutton (Editor), Barnabas Dickson (Editor)
 Publisher: Earthscan
 ISBN: 1853836672

International Legal Protection of Wild Fauna and Flora

P. van Heijnsbergen
 Publisher: IOS Press
 ISBN: 9051993137

An Introduction to Animal Law

M. E. Cooper
 Publisher: Academic Press
 ISBN: 0121880303

Law Relating to Animals

S. Brooman, D. Legge
 Publisher: Cavendish Publishing
 ISBN: 1859412386

Political Animals: Animal Protection Politics in Britain and the United States

R. Garner
 Publisher: Palgrave Macmillan
 ISBN: 0333730003

**Rattling the Cage: Breaking the Barriers to Legal Rights for Non-human Animals**

Steven Wise
 Publisher: Perseus Publishing
 ISBN: 0738200654

CIWF Resources

The WTO rules: a legal analysis of their adverse impact on animal welfare
Detailed report

WTO – the greatest threat facing animal protection today
Brochure

WSPA Resources

Animal Protection Legislation: Guidance Notes and Suggested Provisions
Updated 2005

Universal Declaration on Animal Welfare
2005

