

**A WORLDVIEW OF  
ANIMAL LAW**



# A WORLDVIEW OF ANIMAL LAW

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# PREFACE

There is much diversity of opinion and even angry disagreement over how we should treat the animals with whom we share the planet. At the same time, is there some level at which we all—worldwide—agree? Are there acts of cruelty to animals that almost every human thinks are unacceptable? What thread of human kindness to nonhumans touches all cultures and countries? In 2007, that notion of a universal foundation of cruelty got me thinking, as I struggled with the daily reality of brutality to which most animals on the planet are subjected. If we can identify that basic level of agreement, perhaps we can use it to move forward to a world in which animal interests are given greater weight in the decisions of individuals, states, countries, and international congregations. The concept gestated in conversations with colleagues from around the world. Four years later, this monumental project completed in early 2011. It was probably just denial, but I did not appreciate the magnitude of the undertaking until I was a few years into it—and even then, it just seemed too big to ever fully conquer. A large team of partners and participants contributed ideas, research, editing and structural advice.

Like some of the best aspects of animal law itself, the text is unconventional in a few notable ways. First, it is intentionally directed at a wider range of readers than most books about the law. We hope to satisfy the intellect of interested citizens of the world with no legal background, as well as practicing lawyers and official decision-makers. The desire to serve that broad readership means that the descriptions of legal doctrine may be too simplistic for some, and that parts of the book may be too specialized for others. We have done our best to tread the information level median on those issues so that everyone can benefit from and enjoy reading and considering what is here.

Second, this book does not, and was never intended to be, an exhaustive or detailed coverage of international law as it pertains to animals. There is already excellent and extensive scholarly discussion of the multitude of international agreements and their effects on animals worldwide. We wanted this project to be a supplement to that, but it is not a substitute, because its focus is decidedly different. Our approach is to look, from a bird's-eye view (or chimpanzee's,

pig's, or dog's eye views) at popular issues and some legal constructs, and then at the manner in which the law and animals' interests correspond or clash, in different countries, around the world. We provide what we think are interesting and illustrative examples of the manner in which nations address the difficult intersections of animals and people through the use of the law. We do this to satisfy those first questions in this Preface, and to provide food for further thought. This is why our international animal law chapter is last; for this work, international treaties and agreements and organizations are not the leading reason for this book, nor the central theme. They are simply another set of examples of how things work in the world.

While there are some significant differences in the current legal protection for animals, our conclusions are that there is much similarity in the way animals are treated—and great room for improvement. Some countries may be lagging in developing particular protections in certain areas; others may have developed an intricate set of laws in a given area, but in the end still provide little in the way of meaningful standards that will have any value to individual animals. We are still at the beginning. For each animal has a beating heart and an active mind that must be considered in any evaluation of the laws governing their treatment. Certainly our deepest desire is that what we have written will stimulate positive change for them.

We hope that you, and the animals, are happy with the results.

BAW April 2011

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## LIST OF TERMS

# A “WORDVIEW” OF ANIMAL LAW

Acronym	Definition
A(SP)A	Animals (Scientific Procedures) Act [UK]
AEC	Animal ethics committees [Australia]
ALDF	Animal Legal Defense Fund
APA	Animals Protection Act [South Africa]
APAC	Animal Protection Act of Croatia
APAS	Sammarinese Association for the Protection of Animals
APHIS	Animal and Plant Health Inspection Service [US]
APO	Swiss Animal Protection Ordinance
ASEAN	Association of Southeast Asian Nations
ASEAN-WEN	Association of Southeast Asian Nations Wildlife Enforcement Network
ATS	Antarctic Treaty System
AWA	Animal Welfare Act [US]
AWBI	Animal Welfare Board of India
AWMA	Act on Welfare and Management of Animals [Japan]
BCTF	Bushmeat Crisis Task Force
BSE	Bovine Spongiform Encephalopathy, commonly known as “Mad Cow Disease”
BUAV	British Union for the Abolition of Vivisection
CAFO	Concentrated Animal Feeding Operations
CHRB	Council of Europe’s Convention on Human Rights and Biomedicine
CIOMS	Council for International Organizations of Medical Sciences
CITES	Convention on International Trade in Endangered Species
CRW	Convention for the Regulation of Whaling

EC	European Community
ECJ	European Court of Justice
EEC	European Economic Community (EEC)
EPBC Act	Environment Protection and Biodiversity Conservation Act [Australia]
EPBCA	Environment Protection and Biodiversity Conservation Act 1999 [Australia]
ESA	United States' Endangered Species Act
ETIS	Elephant Trade Information System [CITES]
EU	European Union
FAAP	Federal Act of Animal Protection [Switzerland]
FAO	United Nations' Food and Agriculture Organization
FCI	Fédération Cynologique Internationale
GAPNZ	Great Ape Project New Zealand
GATT	General Agreement on Tariffs and Trade
HMSA	Humane Methods of Slaughter Act [US]
HSUS	Humane Society of the United States
IACLAM	International Association of Colleges of Laboratory Animal Medicine
IACUCs	Institutional Animal Care and Use Committees [US]
IAEC	Institutional Animals Ethics Committee [India]
IARW	International Agreement for the Regulation of Whaling
ICCVAM	Inter-Agency Coordinating Committee for the Validation of Alternative Methods [US]
ICJ	International Court of Justice
ICLAS	International Council of Laboratory Animal Science
ICRW	International Convention for the Regulation of Whaling
IGP	International Guiding Principles for Biomedical Research Involving Animals
ISO	International Organization for Standardization
IUCN	International Union for the Conservation of Nature and Natural Resources
IWC	International Whaling Commission
MIKE	Monitoring the Illegal Killing of Elephants [CITES]



MMPA	Marine Mammal Protection Act [US]
MMRs	Canadian Marine Mammal Regulations
MOU	Memorandums of Understanding
NAFTA	North American Free Trade Agreement
NAMMCO	North Atlantic Marine Mammal Commission
NAWAC	National Animal Welfare Advisory Committee [New Zealand]
NGO	Nongovernmental organizations
NIH	National Institutes of Health
NPC	National People's Congress [China]
NZAWA	Animal Welfare Act of 1999 [New Zealand]
OIE	World Organization for Animal Health
OIG	USDA's Office of Inspector General
OLAW	NIH's Office of Laboratory Animal Welfare
OSPCA	Ontario's Society for the Prevention of Cruelty to Animals Act [Canada]
PAWA	Philippine Animal Welfare Act
PCAA	Prevention of Cruelty to Animals Act [India]
PHS	Public Health Service [US]
PIMC	Primary Industries Ministerial Council [Australia]
PPA	European Convention for the Protection of Pet Animals
REACH	Registration, Evaluation, Authorisation and Restriction of Chemical Substances [EU]
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SAVF	South African Veterinary Foundation
SPS Agreement	The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures
UDAW	Universal Declaration on Animal Welfare
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN Convention	United Nations' Convention on the Law of the Sea
USDA	United States Department of Agriculture
WSPA	World Society for the Protection of Animals
WTO	The World Trade Organization