

DISSERTATION SUMMARIES

Global Journal of Animal Law publishes English-language summaries of recent PhD dissertations in the field of animal law.

Animal Welfare Law in the World: Evolution and Globalization

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Le droit du bien-être animal dans le monde : évolution et universalisation. Laval University. In print.

Animal welfare law is becoming global. Beyond presenting the world-wide evolution of animal law, this study demonstrates the strong foundations for a universal protection of animal welfare existing in international law.

Animal welfare law covers all the legal measures related to the welfare of the animals. First designed to condemn certain acts of cruelty, animal laws have increasingly come to insist on the good treatment of animals. Examples include the duty of care and the duty to satisfy animals' needs. These provisions are generally directed to animals who depend on us, knowing: companion animals, farm animals, working animals, laboratory animals and wild animals in captivity. This unique study presents the content and evolution of animal welfare law around the world and provide a complete overview at all levels of jurisdiction.

In the first part, the study brings to light the increasing progression of animal welfare law. First adopted by Anglo-Saxon and European countries in the 19th century, anti-cruelty laws then spread to other countries. From the 1960s onwards, a new model of legislation was born, explicitly concerning animal welfare. The first European instruments on this subject were introduced in the 1970s. A wide set of legislative acts now regulates activities such as farming, transports, slaughter and experiments. Their goal is to reduce the suffering of animals, recognized by the European Union law as "sentient beings" deserving protection.

The second part of this study demonstrates how animal welfare has been emerging as a new objective internationally, and almost universally, since the beginning of the 21st century. In this sense, the objective of animal welfare protection has recently started to appear in international instruments, most notably in the

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standards of the World Organization for Animal Health (OIE) since the early 2000s. Today, the concept of animal welfare is increasingly addressed by the most important global organizations, such as the World Trade Organization (WTO), and is currently knocking at the UN's door.

How can the protection of animal welfare be formally recognized as a general objective for the Community of States? And enshrined in international law as a new universal imperative?

Using the theoretical framework of the formal sources of international law, this study leads to the following conclusions. *Animal welfare law has a common ground*, from which *general principles* can be identified; thus allowing the establishment of solid foundations towards the recognition of *animal welfare protection as a new universal imperative* for the Community of States in the form of a *global framework convention* – as a privileged international instrument.

A deep (r)evolution of the law towards an increased consideration of animals and their protection has become unavoidable. Some civil codes and judicial decisions have already taken steps toward a fundamental change in animals' legal status (from objects to subjects). The duty to protect animals is more and more present in legislation around the world and even in some constitutions.

In spite of the recent developments, legal systems remain widely anthropocentric. In this sense, human interests are still generally prevailing over non-human interests, mainly with regard to the fundamental rights of animals to live, to be free, and not to be subjected to avoidable pain. Indeed, even where animal welfare provisions exist, human interests (economic, scientific, cultural, traditional, religious and others) usually pose severe limitations and exceptions to animal protection. Despite the progress it has made, animal welfare law remains quite weak regarding its protective goals. Indeed, it is focused at reducing animal suffering against some acts of cruelty, rather than truly protecting the welfare of animals in an absolute way, against all acts of cruelty. However, in taking into consideration animals' interests further, a real protection of animal welfare can become a reality in the future.

During the last two centuries, the law has made large strides in animal protection. Still, there is a long way to go to better protect our fellow animals. Advancing this goal is necessary for human(e) progress. Animal protection is our new global challenge. It is no less than the new imperative of global justice for all.

Key words: animal welfare; animal law; comparative law; European law; international law; general principles of law; international conventions; OIE; WTO; UN organization; global justice.