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Sabine Brels

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# The UN-iversalization of Animal Welfare Law

Sabine Brels

## 1 Introduction

Advancing the protection of animal beings is becoming a universal mission in this early twenty-first century. A few years ago, animal welfare was knocking at the door of the United Nations (UN). Today, it is entering this door. Animal lawyers and protectionists are working to support the full inclusion of animal welfare concerns into the agenda of the UN and its organizations, and to create a new UN-iversal<sup>1</sup> regime. The protection of animal beings, long a missing piece of the international law puzzle, seems likely soon to take its place as a UN objective, alongside protection of human beings and the environment.<sup>2</sup>

Animal welfare issues arise at the intersection of major global issues related to people and the planet. The use of animals for food, for example, is a major driver of climate change, pollution, biodiversity loss and zoonotic diseases, and it harms the welfare of enormous numbers of terrestrial and aquatic animals on a worldwide basis.<sup>3</sup>

According to James Yeates, CEO of the World Federation for Animals (WFA):

“the key causes of environmental damage over the past 50 years are directly related to how we treat animals – how we farm, harvest, transport, disrupt and destroy them. If deliberately ignoring animal welfare is one of the key causes of harm to nature, we need to explore whether deliberately improving animal welfare can make a significant

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<sup>1</sup> UN-iversal means here both universal and at the United-Nations (UN). To date, the UN is the most universal organization including 193 sovereign States worldwide.

<sup>2</sup> For instance the *Universal Declaration of Human Rights* was adopted by the UN in 1948 and a corpus of environmental instruments since the *Stockholm Declaration* in 1972.

<sup>3</sup> See for instance the IPBES 2019 *Global Assessment Report on Biodiversity and Ecosystem Services*.

difference in protecting the environment and achieving sustainable development”<sup>4</sup>.

Animal welfare is gradually gaining ground at the UN level. It is increasingly mentioned in various UN reports related to food systems, environmental protection and pandemic prevention. The rising awareness and involvement of civil society, and in particular NGOs that represent the interests of animals globally, has contributed to this change. It is well-represented in the work of the World Federation for Animals (WFA),<sup>5</sup> which is a leader in efforts to draft and adopt a new UN legal regime for animal welfare.<sup>6</sup> It also helped secure approval of the UN Resolution on the Animal Welfare-Environment-Sustainable Development Nexus<sup>7</sup> adopted by the UN Environmental Assembly (UNEA) early March 2022<sup>8</sup>. This is 200 years after the first important step to using law as an instrument to protect animals was taken in Britain, with the adoption of the first contemporary act to prevent cruelty, the so-called ‘Martin’s Act’ in 1822.<sup>9</sup>

In what follows, the evolution of animal welfare law from the national level to the UN level is traced (2). The evidence that the subject is of growing interest and concern at the UN is briefly reviewed (3) until showing that animal welfare is becoming a new UN objective (4). Overall, the case is made that animal welfare law is UN-iversalizing.

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<sup>4</sup> <https://wfa.org/unea-5-2-strengthening-action-for-nature-and-animal-welfare/> (accessed 13 February 2022).

<sup>5</sup> See the World Federation for Animals (WFA) website, online at < [www.wfa.org](http://www.wfa.org) > (accessed 13 February 2022).

<sup>6</sup> UN law is a specific branch of international law, the UN being the most universal organization in gathering the 193 sovereign states of the world.

<sup>7</sup> *UN Resolution on Animal Welfare -Environment- Sustainable Development Nexus*, UNEA, 26 February 2022, online < <https://wedocs.unep.org/bitstream/handle/20.500.11822/38632/L.10.REV.1%20-%20Draft%20resolution%20on%20the%20animal%20welfare%e2%80%93environment%e2%80%93%20sustainable%20development%20nexus%20-%20English.pdf?sequence=1&isAllowed=y> > (accessed 27 April 2022).

<sup>8</sup> This success was “led by the African Union Interafrican Bureau for Animal Resources (AU-IBAR), Africa Network for Animal Welfare (ANAW), and the World Federation for Animals (WFA)” and “the resolution, sponsored by seven member states – Ghana, Ethiopia, Burkina Faso, Senegal, Democratic Republic of Congo, South Sudan, and Pakistan”. See on WFA website, “Historic UN resolution recognizes animal welfare’s role in sustainability”, Press Release on UN Environment Assembly (UNEA) online at: < <https://wfa.org/historic-un-resolution-recognizes-animal-welfares-role-in-sustainability/> > (accessed 27 April 2022).

<sup>9</sup> “Martin’s Act” or *Act to Prevent the Cruel and Improper Treatment of Cattle*, C 70, United Kingdom, 1822.

## **2 Animal Welfare Law: Evolution from the National to the UN-iversal Level<sup>10</sup>**

Animal welfare law is a specific branch of animal law.<sup>11</sup> It seeks to regulate the treatment of animal beings in order to reduce their suffering and to require their owners to provide due care. Animal welfare law is present at every level of governance from the local to the global level.<sup>12</sup> In this part of the article, the most significant steps in the evolution of animal law over the last two hundred years are identified as (2.1) its diffusion at the national level to many countries in the world, (2.2) its implementation at the supranational level, using the example of the European Union, and (2.3) its emergence at the international and UN levels.

### **2.1 National Animal Welfare Law's Birth in the 19th Century**

Two centuries ago, the need to protect animals by law found initial expression in national anti-cruelty statutes. The first laws were enacted in Anglo-Saxon countries<sup>13</sup> and spread from there in the middle of the 19th century to other European countries, before diffusing worldwide, followed by pro-animal welfare laws. The focus of anti-cruelty laws was on the prohibition of some cruel acts against animals committed by humans. Pro-welfare laws focused more on the obligations people have to consider the needs of animals and to improve the standards of treatment that directly affect animals.<sup>14</sup>

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<sup>10</sup> For a wider analysis, see Dr Sabine Brels, "The Evolution of International Animal Law : From Wildlife Conservation to Animal Welfare" in Randall Abate (ed.), *What Can Animal Law Learn from Environmental Law* (ELI 2020).

<sup>11</sup> Animal law is defined as "the law related to animals". See Margaret E. Cooper, *An Introduction to Animal Law* (Academic Press, 1987).

<sup>12</sup> The levels that can be identified are the local, provincial, national, regional (like the European Union, the African Union etc.), international and universal. See the Matrix on the GAL website, online at < <https://www.globalanimallaw.org/matrix/index.html> > (accessed 13 February 2022).

<sup>13</sup> Historically, the Martin's Act or *Act to Prevent the Cruel and Improper Treatment of Cattle* was adopted on UK in 1822 and earlier precedents can be found in Ireland with "*Act Against Plowing by the Tayle, and Pulling the Wooll off Living Sheep*" from 1635 and the Liberty 92 of the *Massachusetts Body of Liberty* from 1641: "No man shall exercise any Tirranny or Crueltie towards any brute Creature which are usuallie kept for man's use".

<sup>14</sup> See the National Level of the Animal Welfare Legislation Database (AWLD) on the Global Animal Law website at < <http://www.globalanimallaw.org/database/national/index.html> > (accessed 13 February 2022).

The need to consider animals as sentient beings and to better protect their welfare has now found a substantial body of law in various parts of the world. Some countries have built animals considerations into their statutory law, others have made it part of their civil codes, and still others have made it part of their constitutional law.<sup>15</sup>

In recent decades, there has also been a repetition of case law in India and some South American countries, for example, that reaches beyond welfare issues to rule in favor of animals having legal rights and personhood.<sup>16</sup> For the most part, however, animal welfare law is mainly concerned with reducing animals' suffering by imposing, for example, requirements that animals be stunned before they are slaughtered or that they be kept in larger confined spaces than those typically used by factory farms.

In my PhD research, I have found that about two-thirds of all the countries in the world, across all the continents, have a body of law that seeks to protect animal beings<sup>17</sup>. Although the substantive content of this law differs from one country to another,<sup>18</sup> the common thread is that protecting animals against cruelty and ensuring their welfare are both objectives shared by the majority of States across all the legal systems and continents in the world<sup>19</sup>.

All in all, the past two centuries have witnessed a continuous tendency of introducing stronger bans against animal cruelty as well as stricter obligations for protecting their welfare. However, much work remains to be done for this welfare to be of an objectively high quality.

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<sup>15</sup> Ibid. See the list of countries to access their specific laws, civil codes and constitutional provisions for animals.

<sup>16</sup> Court decisions in India and South-America since the 2010' focused more mammals to be free from marinelands (dolphins) and great apes to be free from zoos and released in their natural habitats. For instance, Argentina was the first country to grant rights of personhood to an orangutan and a chimpanzee and the Uttarakhand high court judgment (2018) granted legal personhood to all animals. See for instance < <https://indiankanoon.org/doc/157891019/> > (both accessed 13 February 2022).

<sup>17</sup> Dr Sabine Brels, Animal Welfare Law in the World: Evolution and Globalization, *Global Journal of Animal Law*, [S.l.], n. 1, july 2016. ISSN 2341-8168. Available at: <https://ojs.abo.fi/ojs/index.php/gjal/article/view/1463> (date accessed: 08 aug. 2022).

<sup>18</sup> Some elements can vary such as the nature of the obligations towards animals (positive or negative), the protected animals (domestic or wild, only vertebrates or also some invertebrates) and the degree of protection through sanctions (only fines or also prison), etc.

<sup>19</sup> See the *National Animal Welfare Legislation Database*, online at < <http://www.globalanimallaw.org/database/national/index.html> > (accessed 13 February 2022).

## 2.2 Supranational (European) Animal Welfare Law in the 20th Century

At the regional level, various legal instruments have been adopted especially at European level by the Council of Europe and the European Union since the 1970s<sup>20</sup>. The EU policy have become increasingly influential for animal welfare internationally. The European Union affirms in Article 13 of the Lisbon Treaty, for example, that “States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals.”<sup>21</sup>

A wide set of EU instruments now regulates activities that affect animal welfare, such as farming, transport, slaughter, and experiments. The EU has banned, for example, the testing of cosmetics on animals since 2009<sup>22</sup> and the use of battery-cages for hens since entered into force in 2012.<sup>23</sup> In 2021, the European Commission decided to end the use of cages for all farmed animals by 2027<sup>24</sup> and the EU Parliament voted in favor of a comprehensive plan to phase out experiments on animals.<sup>25</sup>

The EU’s animal welfare law regime is, however, incomplete. It does not, for example, regulate the cruel use of animals in shows for entertainment or in traditional practices. So, bullfighting, for example, is still allowed in Portugal, some Spanish provinces and the south of France.<sup>26</sup> The force-feeding of geese to produce foie-gras<sup>27</sup> is still tolerated

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<sup>20</sup> See the *European Animal Welfare Legislation Database*, online at < <http://www.globalanimallaw.org/database/europe.html> > (accessed 13 February 2022).

<sup>21</sup> Article 13 of the Consolidated version of the Treaty on the Functioning of the European Union, Official Journal of the European Union, C 202/54, 7.6.2016, p. 54.

<sup>22</sup> Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, OJ L 342, 22.12.2009.

<sup>23</sup> Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.1999. Adopted in 1999 this directive entered into force 13 years after in 2012.

<sup>24</sup> In June 2021, the European Commission has agreed to phase out the use of cages for farmed animals across Europe. See more online on the “End the Cage Age” campaign online at: <https://www.endthecageage.eu/> and WFA publication online at < <https://wfa.org/end-the-cage-age-victory/> > (accessed 13 February 2022).

<sup>25</sup> On the 16th of Sept. 2021, the EU Parliament voted in favor of a comprehensive plan to phase out experiments on animals thanks to the efforts of the Eurogroup, Cruelty Free and other NGOs representing over 100 organisations in Europe. See < <https://www.crueltyfreeinternational.org/latest-news-and-updates/europe%E2%80%99s-parliament-calls-eu-wide-action-plan-drive-phase-out-all-animal> > (accessed 13 February 2022).

<sup>26</sup> See Reguera-Teba, A., Martínez- Casas, I., Torné-Poyatos, P. *et al.* Eight-year analysis of bullfighting injuries in Spain, Portugal and southern France. *Sci Rep* 11, 16006 (2021). <https://doi.org/10.1038/s41598-021-94524-7> (accessed 13 February 2022).

<sup>27</sup> EU 1998 directive concerning the protection of animals on farms, force-feeding is illegal. It stipulates that “no animal shall be fed or watered in such a way that unnecessary suffering or damage results therefrom” (article 14). Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.1998.

EU countries like in France, which is the leading producer worldwide,<sup>28</sup> because it falls within the cultural traditions and heritage language of Article 13 of the Lisbon Treaty:

“In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, *cultural traditions and regional heritage*.”<sup>29</sup>

Internationally, the EU is very active in promoting the welfare of animals and has played a leading role in this field since early 2000, as evidenced in the first EU Action Plan for Animal Welfare 2006-2010,<sup>30</sup> and the Strategy for the Protection and Welfare of Animals 2012-2015.<sup>31</sup> In 2009, the EU adopted a ban on the import of and trade in seal products because the cruel hunting methods used in that trade offended the public morals of European citizens. This received some sympathetic consideration by the WTO's Judicial Body and Appellate Body in 2013 -2014 in the EU seal products case.<sup>32</sup>

The EU banned cosmetics testing on animals, including the import of and trade in cosmetic products tested on animals, in 2013.<sup>33</sup> And in 2018, it called for a global ban on all uses of animals in cosmetic testing by 2023.<sup>34</sup> This initiative, promoted by

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<sup>28</sup> Article L654-27-1 of the Rural and maritime fishing code: “Foie gras is part of the cultural and gastronomic heritage protected in France. By foie gras we mean the liver of a duck or a goose specially fattened by force-feeding”.

<sup>29</sup> Article 13 of the *Consolidated version of the Treaty on the Functioning of the European Union*, Official Journal of the European Union, C 202/54, 7.6.2016, p. 54.

<sup>30</sup> EU Action plan on animal welfare 2006-2010, online at < <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Af82003> > (accessed 13 February 2022).

<sup>31</sup> Strategy for the Protection and Welfare of Animals 2012-2015, online at < <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52012DC0006> > (accessed 13 February 2022).

<sup>32</sup> See more below on the WTO Seals case. See WTO, *United States—Import Prohibition of Certain Shrimp and Shrimp Products*, [http://www.wto.org/english/tratop\\_e/envir\\_e/edis08\\_e.htm](http://www.wto.org/english/tratop_e/envir_e/edis08_e.htm) (accessed 13 February 2022).

<sup>33</sup> European Commission, “Full EU ban on animal testing for cosmetics enters into force”, Brussels, Press release, 11 March 2013, online at < [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_13\\_210](https://ec.europa.eu/commission/presscorner/detail/en/IP_13_210) > (accessed 13 February 2022).

<sup>34</sup> European Parliament, “Testing cosmetics on animals: MEPs call for worldwide ban”, Brussels, Press release, 3 May 2018, online at < <https://www.europarl.europa.eu/news/en/press-room/20180426IPRO2613/testing-cosmetics-on-animals-meps-call-for-worldwide-ban> > (accessed 13 February 2022).

Cruelty Free International, was overwhelmingly supported by the civil society asking for adoption by the UN.<sup>35</sup>

Beyond the European example, other regions of the world have also made efforts to push the protection of animal welfare beyond a minimal level. For instance, the Animal Welfare Strategy for Africa adopted by the African Union considers animals as “sentient beings” and states actions to promote animal welfare in policies, strategies, legislation, investments, programmes and projects.<sup>36</sup>

### **2.3 International and Universal Animal Welfare Law in the 21st Century**

The World Organization for Animal Health (previously known as “OIE”, the acronym being now “WOAH”<sup>37</sup>) adopted a strategic plan in 2001 that began to take animal welfare considerations into account in the formulation of OIE standards<sup>38</sup>. In 2017, it adopted a strategy for advancing animal welfare<sup>39</sup> that would have had global reach.<sup>40</sup> In 2022, the OIE has adopted 18 animal welfare standards for terrestrial and aquatic animals.<sup>41</sup> The standards are quite low in comparison to those advocated by the EU, but they do evidence a growing interest in animal welfare amongst a clear majority of UN countries (181 OIE member countries, and there are 193 UN members) and suggest that the usual economic, cultural and traditional use barriers to improving animal welfare can be overcome.

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<sup>35</sup> In partnership with the Body Shop, Cruelty Free International raised 8,3 million signatures in favor of a global initiative to end cosmetics testing on animals at the UN. See < <https://www.prnewswire.com/news-releases/the-body-shop-and-cruelty-free-international-bring-a-record-breaking-8-3-million-signatures-to-the-united-nations-to-end-cosmetic-animal-testing-globally-300724770.html> > (accessed 13 February 2022).

<sup>36</sup> See the *Animal Welfare Strategy of the African Union*, July 2017, online at < <http://worldanimal.net/images/stories/documents/Africa/AWSA.pdf> > (accessed 13 February 2022).

<sup>37</sup> Since May 2022, the first OIE acronym (for the initial name of this organization created in 1924 “Office International des Epizooties” in French) has been replaced by the World Organization for Animal Health (WOAH).

<sup>38</sup> OIE Resolution No. IX Work Programme for the Period 2001 to 2005, 69 GS/FR, Paris, May 2001, online at < <https://www.oie.int/app/uploads/2021/03/a-reso-2001.pdf> > (accessed 13 February 2022).

<sup>39</sup> OIE Resolution No. XIV Animal Welfare Mandate of the OIE, 70 GS/FR, PARIS, May 2002, < <https://www.oie.int/app/uploads/2021/03/a-reso-2002.pdf> > (accessed 13 February 2022).

<sup>40</sup> OIE Global Strategy for animal welfare, May 2017, online at: <https://www.oie.int/app/uploads/2021/03/en-oie-aw-strategy.pdf> (accessed 13 February 2022).

<sup>41</sup> See the international level of the *Animal Welfare Legislation Database*, < <http://www.globalanimallaw.org/database/international.html> > (accessed 13 February 2022).



Important developments also occurred in 2013 and 2014 in decisions made by the World Trade Organization (WTO) and the International Court of Justice (ICJ). The steps taken by the WTO in 2001 to protect sea turtles threatened with extinction,<sup>42</sup> were substantially broadened in the November 2013<sup>43</sup> and May 2014 decisions that the EU's restrictions on trade in seal products to protect animal welfare might be upheld under certain conditions, in accordance with the public morals exception to free trade authorized in 1994 by Article XX(a) of GATT.<sup>44</sup>

In March 2014, in a case brought by Australia and New Zealand to protect whales in the Antarctic Ocean, the International Court of Justice, a UN judicial organ, ruled that commercial whaling by Japan could not be sustained, even under the scientific research justification for the taking of whales arguably authorized by the International Convention for the Regulation of Whaling, because JARPA I & II weren't for purposes of scientific research as per the wording of the treaty.<sup>45</sup>

The same year in 2014, the UN's Food and Agriculture Organization (FAO) began to consider the animal welfare implications of food production systems<sup>46</sup>, following the publication of the FAO report on *Livestock's Long Shadow* in 2006.<sup>47</sup>

These examples show how animal welfare has been gaining ground at the international level in the 2000s and even more so in the 2010s. Since 2020, the consideration of animal welfare has reached altogether new heights at the UN, as we shall see in the next section.

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<sup>42</sup> See WTO, *United States—Import Prohibition of Certain Shrimp and Shrimp Products*, [http://www.wto.org/english/tratop\\_e/envir\\_e/edis08\\_e.htm](http://www.wto.org/english/tratop_e/envir_e/edis08_e.htm) (accessed 13 February 2022).

<sup>43</sup> WTO, *European Communities—Measures Prohibiting the Importation and Marketing of Seal Products*: Reports of the Panel, WT/DS400/R-WT/DS401/R, 25 November 2013, online at < > [https://www.wto.org/english/tratop\\_e/dispu\\_e/400\\_401r\\_e.pdf](https://www.wto.org/english/tratop_e/dispu_e/400_401r_e.pdf) (accessed 13 February 2022).

<sup>44</sup> See WTO, *European Communities—Measures Prohibiting the Importation and Marketing of Seal Products*, WT/DS400/AB/R-WT/DS401/AB/R, 22 May 2014, online at < [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds401\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds401_e.htm) > (accessed 13 February 2022).

<sup>45</sup> International Court of Justice, *Whaling in the Antarctic (Australia v. Japan: New Zealand Intervening)*, Judgment (31 March 2014), < <https://www.icj-cij.org/public/files/case-related/148/148-20140331-JUD-01-00-EN.pdf> > (accessed 13 February 2022).

<sup>46</sup> See UN Comm. on *World Food Security, Principles for Responsible Investment in Agriculture and Food Systems*, point 8, §28 (2014).

<sup>47</sup> FAO, “Livestock Long Shadow, environmental issues and options”, 2006, online at < <https://www.fao.org/3/a0701e/a0701e.pdf> > (accessed 13 February 2022).

### **3 Animal Welfare is a Growing Concern at the UN**

When animal protection emerged as an issue at the UN in the 20<sup>th</sup> century, the initial focus was on preserving endangered species of wild animals from extinction as part of a broader UN goal of protecting the environment (3.1). In the present century, animal protection is being seen as an objective that is distinct from but still related to a broader UN agenda (3.2).

#### **3.1 Animals and Nature Protection at the UN**

The first international treaty addressing wildlife conservation was the *Convention for the Preservation of Wild Animals, Birds and Fish in Africa* adopted in 1900, followed by others like the *North Pacific Fur Seal Convention* of 1911. Thirty-five years later, in 1946, a treaty related to the conservation of whales was adopted: the *International Convention for the Regulation of Whaling* (ICRW), that initially sought to “provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.” After excessive depletion of whales, however, the International Whaling Commission (IWC) adopted a moratorium against commercial hunting in 1982.

Then in the 1970’s, a series of international agreements were adopted to help prevent animals from becoming extinct.<sup>48</sup> The major ones are: the *Convention on Wetlands of International Importance especially as Waterfowl Habitat* (Ramsar Convention) in 1971; the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) in 1973; the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS) in 1979.

In 1982 the UN General Assembly adopted the World Charter for Nature recognizing that:

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<sup>48</sup> For instance the *Convention on wetlands of international importance especially as waterfowl habitat* (Ramsar Convention) in 1971, the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) in 1973, the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS) in 1979.

“[e]very form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action.”<sup>49</sup>

Ten years later, the Convention on Biological Diversity (CBD), adopted at Rio in 1992, recognized the “intrinsic value of biological diversity”.<sup>50</sup> This effectively makes individual animals valuable as part or as biological “elements” of their ecosystems. It can be distinguished from the view that animals are of “instrumental value” or valuable as useful for humans purposes. Intrinsic value recognizes that animals are important in and of themselves.<sup>51</sup> The latter view usually—but not always—underlies animal welfare law,<sup>52</sup> more so than was the case with previous environmental instruments.<sup>53</sup> CITES, for example, provides only incidental consideration for individual animals. The avoidance of “cruel treatment” and the provision of “proper care”, as in Article VIII (3), which requires parties to “ensure [. . .] that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment,” is meant to facilitate trade in animals.

A more promising approach would be to integrate animal welfare in the sustainable development goals.<sup>54</sup> Animal welfare was absent, however, from the idea of sustainable development when it was expressed in the Brundtland report in 1987<sup>55</sup> and then became part of the 1992 Rio Declaration.<sup>56</sup> The UN Commission on Sustainable

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<sup>49</sup> World Charter for Nature, G.A. Res. 37/7, annex §2(a) (1982).

<sup>50</sup> Preamb., al.1 of the *Convention on Biological Diversity*, June 5, 1992, 1760 UNT.S. 79, 31 I.L.M. 818.

<sup>51</sup> See Leena Vilkkka, *The Intrinsic Value of Nature* (Rodopi 1997).

<sup>52</sup> Animal welfare law is underpinned by a zoocentric approach in its aim to protect animal beings against suffering.

<sup>53</sup> For further examples, see Dr Sabine Brels, “The Evolution of International Animal Law: From Wildlife Conservation to Animal Welfare” in Randall Abate (ed.), *What Can Animal Law Learn from Environmental Law* (ELI 2020).

<sup>54</sup> Presented to the UN General Assembly in March 2012, the Bonn civil society declaration from 2011 stressed the need to “safeguard animal welfare” and called for inclusion of animal welfare in the sustainable development goals (SDGs), online at < [https://www.un.org/sites/un2.un.org/files/64th\\_un\\_dpi\\_ngo\\_conference\\_ger\\_-\\_final\\_report.pdf.pdf](https://www.un.org/sites/un2.un.org/files/64th_un_dpi_ngo_conference_ger_-_final_report.pdf.pdf) > (accessed 13 February 2022).

<sup>55</sup> See NGO Comm. on Educ., *Our Common Future: Report of the World Commission on Environment and Development*, at 43, UN Doc. A/42/427 (1987) where sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

<sup>56</sup> Report of the United Nations Conference on Environment and Development, Aug. 12, 1992, *Rio Declaration on Environment and Development*, UN Doc. A/CONF. 151/26 (VOL. I), online at < [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf) > (accessed 13 February 2022).

Development later acknowledged that it made sense to marry animal welfare with the UN's other economic, environmental and socio-ethical ambitions for sustainable development<sup>57</sup> when, in 2010, the chair of the Commission noted that "Sustainable development allows humanity to protect and improve life in all its forms and expressions."<sup>58</sup>

The *Universal Declaration on Animal Welfare* (UDAW) proposed in 2000 reflects the same view. It is an attempt by NGOs to sketch a comprehensive framework for animal welfare protection, and it has garnered significant support.<sup>59</sup> When it will be adopted by the UN General Assembly, it can be a first step towards integrating animal welfare with the rest of the UN agenda<sup>60</sup> and might help pave the way for a more subsequent legally binding instrument. Preliminary work on such an instrument has already been undertaken by the Global Animal Law Association through its proposed UN Convention on Animal Health and Protection (UNCAHP) initiated and led by the author of these lines<sup>61</sup>. Another valuable initiative was led by lawyers affiliated with the American Bar Association (ABA)<sup>62</sup> through the draft Convention for Animal Protection (CAP).<sup>63</sup> If the first initiative is more UN focused using a UN language and approach, the latter represents the advantage of 40 years of experience since the drafting of the very first Convention on Animal Protection by Prof. David Favre in the 1980s<sup>64</sup>. Strong

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<sup>57</sup> See for instance the 3 of the Rio+20 outcome document *The Future We Want* (2012), < [https://www.un.org/disabilities/documents/rio20\\_outcome\\_document\\_complete.pdf](https://www.un.org/disabilities/documents/rio20_outcome_document_complete.pdf) > (accessed 13 February 2022).

<sup>58</sup> UN Department of Economic & Social Affairs, Chair's Summary, UN-CSD 18 (2010), online at: [https://www.un.org/esa/dsd/resources/res\\_pdfs/csd-18/Chairs\\_summary.pdf](https://www.un.org/esa/dsd/resources/res_pdfs/csd-18/Chairs_summary.pdf) (accessed 13 February 2022).

<sup>59</sup> Over 330 animal welfare groups and many supportive governments -including Cambodia, Panama, Fiji, New Zealand, Palau, the Seychelles, Switzerland, and the 28 European Union Member States—are supporting the principle of a *Universal Declaration on Animal Welfare*, online at < <https://www.worldanimalprotection.org/take-action/back-universal-declaration-animal-welfare> > (accessed 13 February 2022).

<sup>60</sup> See *Universal Declaration on Animal Welfare* (UDAW).

<sup>61</sup> See the UNCAHP project, first initiated by Dr Sabine Brels with the contributions of the GAL Expert group since 2018, online at < <https://www.globalanimallaw.org/gal/projects/uncahp.html> > (accessed 13 February 2022).

<sup>62</sup> Report of the American Bar Association and ABA Resolution 101C, 21 February 2021, online at < <https://www.americanbar.org/content/dam/aba/administrative/news/2021/02/midyear-resolutions/101c.pdf> > (accessed 13 February 2022).

<sup>63</sup> The ABA's International Animal Law Committee directed by Prof. David Favre (who first initiated this idea in the 1980') with Dr Rajesh Reddy, Diana Bray Joan Schaffner and the other members of the International Animal Law Committee of the ABA launched in 2021 the Convention for Animal Protection. See the *Convention on Animal Protection* initiative at < <https://www.conventiononanimalprotection.org/> > (accessed 13 February 2022).

<sup>64</sup>

collaborations as well as wide social and influential political support are essential to reach the final goal of such a global “umbrella convention” for animals to be adopted.

## **3.2 Animals and UN Institutions**

This section will explore the rising consideration and integration of animal welfare in the various UN institutions like the FAO (3.2.1), its 2030 Agenda for Sustainable Development (3.2.2), UNEP (3.2.3) and the One Health Tripartite -now Quadripartite-group (3.2.4).

### **3.2.1 Animal Welfare and the FAO**

After the publication of its 2006 report on *Livestock’s Long Shadow*, the FAO made the improvement of animal welfare one of its new program priorities in 2014.<sup>65</sup> The member states of the UN Committee on World Food Security subsequently negotiated and endorsed several principles for responsible investments in agriculture and food systems, including the improvement of animal welfare.<sup>66</sup> The Committee has applied the principles to the livestock industry<sup>67</sup> and has also made them part of its guidance for responsible agricultural supply chains.<sup>68</sup> The UN General Assembly has also encouraged countries to give due consideration to the principles the FAO has endorsed.

### **3.2.2 Animal Welfare and the UN’s 2030 Agenda for Sustainable Development**

In 2015, the UN General Assembly expressed its vision of how sustainable development might transform the world by 2030 so that, among other things, the world would

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<sup>65</sup> See UN Comm. on *World Food Security, Principles for Responsible Investment in Agriculture and Food Systems*, point 8, §28 (2014).

<sup>66</sup> FAO Report, “Principles for Responsible Investment in Agriculture and Food Systems” (2015), < <http://www.fao.org/3/au866e/au866e.pdf> > (accessed 13 February 2022).

<sup>67</sup> FAO Committee on World Food Security: “Making a Difference in Food Security and Nutrition”, CFS 2016/43 REPORT, October 2016, at Livestock Production Systems, VIII: “Improve Animal Health and Welfare”, online at < <https://www.fao.org/3/ms023e/ms023e.pdf> > (accessed 13 February 2022).

<sup>68</sup> FAO-OECD Guidance for Responsible Agricultural Supply Chains, < <http://mneguidelines.oecd.org/oecd-fao-guidance-responsible-agricultural-supply-chains.htm> > (accessed 13 February 2022).

become a place where humanity lives in harmony with nature and in which wildlife and other living species are protected.<sup>69</sup>

### **3.2.2.1 The 2019 Global Sustainable Development Report (GSDR)**

One step towards the realization of this vision was taken in 2019 with the publication of the Global Sustainable Development Report (GSDR), *The Future is Now*, a document prepared by an independent group of scientists appointed by the UN Secretary-General.<sup>70</sup> This report acknowledged for the first time that the improvement of animal welfare was missing from the enumeration of the UN's sustainable development goals (SDGs):<sup>71</sup>

“The clear link between human health and well-being and animal welfare is increasingly being recognized in ethics- and rights-based frameworks. Strong governance should safeguard the well-being of both wildlife and domesticated animals with rules on animal welfare embedded in transnational trade.”<sup>72</sup>

This has led to the further notion that a new SDG should address animal interests. One suggestion is that there should be an SDG 18 on animal health, welfare, and rights.<sup>73</sup> Another suggestion has been advanced by the Animal Issues Thematic Cluster (AITC), part of the NGOs group at the UN, which aims to ensure that the care, protection, and

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<sup>69</sup> UN General Assembly Resolution, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 21 Oct. 2015, Introduction al.9 < <https://undocs.org/en/A/RES/70/1> > (accessed 13 February 2022).

<sup>70</sup> Independent Group of Scientists appointed by the Secretary-General, *Global Sustainable Development Report 2019: The Future is Now – Science for Achieving Sustainable Development*, United Nations, New York, 2019, online at < <https://sustainabledevelopment.un.org/gsdr2019> > (accessed 13 February 2022).

<sup>71</sup> See Jessica Bridgers, “Just in Time for World Animal Day, UN Global Sustainable Development Report Identifies Animal Welfare as Issue Missing from the Sustainable Development Agenda, World Animal Net”, 4 October 2019, online at < <http://worldanimal.net/world-animal-net-blog/item/503-just-in-time-for-world-animal-day-unglobal-sustainable-development-report-identifies-animal-welfare-as-issue-missing-from-the-sustainable-development-agenda> > (accessed 13 February 2022).

<sup>72</sup> Page 117 of the Independent Group of Scientists appointed by the Secretary-General, *Global Sustainable Development Report 2019: The Future is Now – Science for Achieving Sustainable Development*, United Nations, New York, 2019 [*underlined* by the author], online at < <https://sustainabledevelopment.un.org/gsdr2019> > (accessed 13 February 2022).

<sup>73</sup> Ingrid J. Visseren-Hamakers, “The 18th Sustainable Development Goal” (*Earth System Governance* 2020), online at: < [https://globalgoalsproject.eu/globalgoals2020/wp-content/uploads/2020/06/GlobalGoals2020\\_Visseren-Hamakers.pdf](https://globalgoalsproject.eu/globalgoals2020/wp-content/uploads/2020/06/GlobalGoals2020_Visseren-Hamakers.pdf) > (accessed 13 February 2022).

conservation of animals is expressly included in the sustainable development agenda.<sup>74</sup> The AITC had previously outlined the various ways in which the protection of animals and their welfare would be consistent with the SDGs and foster their realization.<sup>75</sup>

The quest for sustainable development is a key driver of politics at the UN, as Elieen Verniers has shown.<sup>76</sup> It is hard to see how, if the UN is to achieve its goal of “living in harmony with nature by 2050”, animal interests can be relegated, as they have in the past, to the periphery of the UN’s concerns.<sup>77</sup>

### **3.2.2.2 The UN Secretary General’s Report on Living in Harmony with Nature**

The *Harmony with Nature* report issued by the UN Secretary-General in 2020 stated:

“A first step to recognizing the rights of Nature is the recognition that non-human animals are sentient beings, not mere property, and must be afforded respect and legal recognition. Such recognition is growing around the world, in particular with regard to those animals best known and most easily appreciated by humans.”<sup>78</sup>

### **3.2.3 Recognition of Animal Welfare by UNEP**

There is additional evidence of a turn to animal welfare at the UN in the work of the UN Environment Program (UNEP).

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<sup>74</sup> Animal Issues Thematic Cluster (AITC), online at: <http://animalissuesun.org/> (accessed 13 February 2022).

<sup>75</sup>Animal People, Inc. and Animal Issues Thematic Cluster, “Animal Protection and Sustainable Development: An indivisible relationship” (2019), online at < <https://static1.squarespace.com/static/5b2543425cfd79f3074bf90c/t/5d23d461aa03990001fbb109/1562629270666/Animal+Protection+and+Sustainable+Development+++An+Indivisible+Relationship-compressed.pdf> > (accessed 13 February 2022).

<sup>76</sup> Elieen Verniers, “Bringing animal welfare under the umbrella of sustainable development: A legal analysis”, (*Reciel* 2021), online at < <https://onlinelibrary.wiley.com/doi/abs/10.1111/reel.12414> > (accessed 13 February 2022).

<sup>77</sup> UNEP, “Towards the vision 2050 on biodiversity: living in harmony with nature”, online at: < <https://www.unep.org/news-and-stories/story/towards-vision-2050-biodiversity-living-harmony-nature> > (accessed 13 February 2022).

<sup>78</sup> 2020 UN Secretary-General Report on *Harmony with Nature*, A/75/266, art. 42, online: < <https://undocs.org/en/A/75/266> > (accessed 13 February 2022).

The 2019 *Global assessment report on biodiversity and ecosystem services* from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) underlined the interdependence of food production and consumption with other global issues, including climate change, biodiversity loss and zoonotic risks arising from the overexploitation of both wildlife and farm animals.<sup>79</sup>

The 2020 UNEP report for *Preventing the next pandemic* acknowledged that the high density of animals in factory farms and the removal of wild animals from their natural habitats both contribute to the spread of zoonotic diseases, such as H1N1 and Covid-19. “These diseases”, UNEP argued, “affect not only human health but also animal health and welfare” and signify an imperative for ensuring animal welfare.<sup>80</sup>

The following year, in *Making Peace with Nature*, UNEP also linked the improvement of animal welfare to the long term viability of sustainable agricultural systems,<sup>81</sup> which is a key to tackling the triple environmental crises highlighted in UNEP’s *Medium Term Strategy, 2022-2025* for tackling climate change, biodiversity loss and pollution.<sup>82</sup> The Ministerial Declaration from the UN’s 2021 High Level Political Forum (HLPF) further called for “increased ambition and urgency of action to protect wildlife and other living species.”<sup>83</sup>

A specific body is now dedicated to One Health for humans, animals and the planet.

### **3.2.4 The Tripartite—now the Quadripartite—on One Health**

In 2020, the World Health Organization (WHO), the World Organization for Animal Health (WOAH), the Food and Agriculture Organization of the United Nations (FAO), and UNEP, then known as the Tripartite plus UNEP, agreed to strengthen

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<sup>79</sup> E.S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo (eds), IPBES, *Global assessment report on biodiversity and ecosystem services* (2019), online at < <https://ipbes.net/global-assessment> > (accessed 13 February 2022).

<sup>80</sup> UNEP report *Preventing the next pandemic* (2020), at pages 72 and 41, online < <https://www.unep.org/resources/report/preventing-future-zoonotic-disease-outbreaks-protecting-environment-animals-and> > (accessed 13 February 2022).

<sup>81</sup> UNEP report *Making Peace with Nature* (2021), especially pages 34 and 121, online < [https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/34948/MPN.pdf\\_](https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/34948/MPN.pdf_) > (accessed 13 February 2022).

<sup>82</sup> *UNEP Medium Term Strategy 2022-2025*. More online at < <https://www.unep.org/resources/policy-and-strategy/people-and-planet-unep-strategy-2022-2025> > (accessed 13 February 2022).

<sup>83</sup> § 26 of the Ministerial Declaration of the High Level Political Forum (HLPF) (2021).



collaboration by setting up a One Health High-Level Expert Council to examine and report on the links between human, animal and environmental health.<sup>84</sup> The recent definition of “One Health” from December 2021 explicitly embraces both “domestic and wild animals”:

“One Health is an integrated, unifying approach that aims to sustainably balance and optimize the health of people, animals and ecosystems. It recognizes the health of humans, domestic and wild animals, plants, and the wider environment (including ecosystems) are closely linked and inter-dependent.”<sup>85</sup>

The Tripartite plus group, now called the Quadripartite on One Health since April 2022 (WHO, WOA, FAO, UNEP), operates on the premise that the mistreatment of animals can be a root cause of severe zoonotic diseases, which is why it has endorsed a proposed UN treaty to prevent pandemics.<sup>86</sup>

#### **4 Animal Welfare to become a new UN-iversal Objective**

Since 2020, in response to the Covid pandemic, animal welfare has increasingly been recognized at the UN as a cross-cutting issue explicitly linked to urgent environmental crises, such as climate change, biodiversity loss and pollution and global health crises at global level. This part will address the major evolution for addressing animal welfare concerns at the UN with the Animal’s Manifesto (4.1), the proposed Global Action Plan on Biodiversity and Health (4.2), the recently adopted UN Animal Welfare Resolution (4.3) and the 2022 IPCC Report Linking Animal Welfare and Climate Change (4.4).

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<sup>84</sup> See UNEP website online at < <https://www.unep.org/news-and-stories/story/unep-joins-three-international-organizations-expert-panel-improve-one-health> > (accessed 13 February 2022).

<sup>85</sup>Joint Tripartite (FAO, OIE, WHO) and UNEP Statement, “Tripartite and UNEP support OHHLEP's definition of "One Health"”, 1 December 2021, *Joint News Release*, online < <https://www.who.int/news/item/01-12-2021-tripartite-and-unep-support-ohhlep-s-definition-of-one-health> > (accessed 13 February 2022).

<sup>86</sup> A Global Treaty to Prevent Pandemics, initially proposed by the EU, is supported by the Tripartite (OIE, WHO, FAO) plus UNEP for adoption at the UN. See UN News at: < <https://news.un.org/en/story/2021/07/1096662> > (accessed 13 February 2022).

#### **4.1 2020: The Animals’ Manifesto: Preventing Covid-X**

On October 4<sup>th</sup> 2020, the *Animals’ Manifesto: Preventing Covid-X*<sup>87</sup> was released for World Animal Day. It is now supported by nearly 180 NGOs worldwide.

A key message of the manifesto is the need to endorse a One Health approach to human-animal relationships, which would be a step towards a One Welfare approach to humans, animals and the environment in international law and policy. The manifesto recommends the UN General Assembly to “adopt a declaration on animal welfare, such as the *Universal Declaration for Animal Welfare*”, and work towards “establishing a multilateral agreement addressing both One Health and One Welfare concerns”.<sup>88</sup>

A sensible approach to animal welfare in the context of the UN would likely be incremental. In the very short term, a UN resolution is needed, calling on the member States to take up this issue. The medium-term objective would then be to gain endorsement for a declaration of intent and principles, such as UDAW. And this could be followed in the longer term by the drafting, negotiation, and ratification of a treaty.<sup>89</sup>

#### **4.2 2021: The Global Action Plan on Biodiversity and Health**

In April 2021, the SBSTTA scientific body associated with the UN Convention on Biological Diversity (CBD) published a report on “Biodiversity and Health”<sup>90</sup> that not

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<sup>87</sup> *Animals Manifesto: Preventing Covid-X* (2020), directed by Jessica Bridgers, WFA Policy Director, online at < <https://pub.lucidpress.com/1c6e4a02-2bae-4656-a238-333d956dc2a0/#WpP~Cf~kvVhz> > (accessed 13 February 2022).

<sup>88</sup> The ‘Animals’ Manifesto Preventing COVID -x: A Call to ‘Build forward’ to create a more sustainable, equitable and humane world, and prevent the next pandemic, 2020, at 32 < <https://pub.lucidpress.com/1c6e4a02-2bae-4656-a238-333d956dc2a0/#fQ8zWX5zbnSc> > (accessed 13 February 2022).

<sup>89</sup> For further analysis, see Dr Sabine Brels, “The Evolution of International Animal Law : From Wildlife Conservation to Animal Welfare” in Randall Abate (ed.), *What Can Animal Law Learn from Environmental Law* (ELI 2020).

<sup>90</sup> Subsidiary Body on Scientific, Technical and Technological Advice, CBD/SBSTTA/24/9, ‘Biodiversity and Health’, 9 April 2021, online: < <https://www.cbd.int/doc/c/o160/eefb/517311d894301b66d9501354/sbstta-24-09-en.pdf> > (accessed 13 February 2022).

only endorsed the importance of “animal welfare” as articulated by the OIE but also advocated that it be made part of the *Global Action Plan on Biodiversity and Health*.<sup>91</sup>

The plan is for the *Post-2020 Global Biodiversity Framework* (GBF) to be adopted in 2022,<sup>92</sup> and several animal organizations, including WFA, have strongly recommended the explicit inclusion of “animal health” and “animal welfare” in this new Framework. The overarching objective, as stated in the *Kunming Declaration* of October 2021, is to move the world towards an “ecological civilization [that builds] a shared future for all life on Earth.”<sup>93</sup> The Kunming Declaration has sweeping ambitions.<sup>94</sup> Its goal is to put Earth’s biodiversity on a path to recovery by 2030, at the latest, and thus to help realize the larger goal of “living in harmony with nature by 2050”.<sup>95</sup>

As from the 2022 meetings on the Post-2020 Global Biodiversity Framework, the goal to adopt a comprehensive and ambitious framework aiming to halt human-induced species extinction and reverse the trend for species recovery from 2030 onwards remains a real challenge<sup>96</sup>.

Initially planned to be adopted at the 15<sup>th</sup> Conference of the Parties (COP15) scheduled in 2022, the adoption of the *Global Action Plan on Biodiversity and Health* addressing explicitly the importance of animal welfare in the frame of One Health, can be postponed despite the objections of some delegations that it is vital to have such a tool to urgently tackle the global pandemic issues<sup>97</sup>.

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<sup>91</sup> Ibid, page 7. In the “Draft Global Action Plan”, the document mentions 6 times animal welfare from page 11.

<sup>92</sup> The adoption of the Post-2020 Global Biodiversity Framework is planned at the second part of the 15<sup>th</sup> Conference of the Parties of the CBD in Kunming, China.

<sup>93</sup> UNEP, Kunming Declaration “Ecological civilization: building a shared future for all life on Earth”, CBD/COP/15/5/Add.1, 13 October 2021, adopted at the 1st Part of the 15<sup>th</sup> Conference of the Parties of the CBD in Kunming, China.

<sup>94</sup> Ibid page 3 §1.

<sup>95</sup> Ibid page 3 point 1.

<sup>96</sup> See “Global warning on biodiversity”, Dr Brels interview online at < <https://wfa.org/global-warning-on-biodiversity/> > (accessed 27 July 2022).

<sup>97</sup> See for instance Belgium here < <https://enb.iisd.org/cbd-sbstta24-sbi3-global-biodiversity-framework-daily-report-25Mar2022> > (accessed 27 April 2022).

### 4.3 2022: The UN Animal Welfare Resolution

A first historical step forward was taken in March 2022, when the UN Environmental Assembly (UNEA) adopted the *Resolution on the Animal Welfare, Environment and Sustainable Development Nexus*.<sup>98</sup> This proposal was initiated by the Africa Network for Animal Welfare (ANAW) and the World Federation for Animals (WFA)<sup>99</sup> with the support of the African Union’s Inter-African Bureau for Animal Resources (AU-IBAR)<sup>100</sup>. Championed by Ghana, this resolution was sponsored by Ethiopia, Burkina Faso, Senegal, Democratic Republic of Congo, South Sudan, and Pakistan<sup>101</sup>. This “Historic UN resolution recognizes animal welfare’s role in sustainability.”<sup>102</sup> It makes animal welfare relevant to the broader UN agenda and its associated body of law.

According to Dr. James Yeates, the CEO of the World Federation for Animals (WFA):

“[T]his is a watershed moment. Animal welfare has never before even been discussed within the UNEA negotiating framework, outside of leadership statements. Let us hope this is also the historic moment in which we harness an untapped force to protect people, the planet and the animals that share it.”<sup>103</sup>

The resolution calls on the Executive Director of the UN Environment Programme (UNEP) to produce a report in close collaboration with the Food and Agriculture Organization, World Health Organization, World Organization for Animal Health

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<sup>98</sup> See the Draft *Resolution on the animal welfare–environment–sustainable development nexus*, adopted by UNEA on the 2<sup>nd</sup> of March 2022, online at < <https://wedocs.unep.org/bitstream/handle/20.500.11822/38632/L.10.REV.1%20-%20Draft%20resolution%20on%20the%20animal%20welfare%e2%80%93environment%e2%80%93%20sustainable%20development%20nexus%20-%20English.pdf?sequence=1&isAllowed=y> > (accessed 7 March 2022).

<sup>99</sup> WFA, “ANAW and WFA lead global initiative for adoption of UN Animal Welfare Resolution” (2021) online at < <https://wfa.org/wfa-anaw-resolution/> > (accessed 13 February 2022).

<sup>100</sup> The genesis of this project is the 3rd African Animal Welfare conference held in 2019 in Addis Ababa. UNEP, The Africa Animal Welfare Conference 2019, 2-4 September 2019, Addis Ababa, Ethiopia. More online at < <https://www.unep.org/events/civil-society-events/africa-animal-welfare-conference-2019> > (accessed 13 February 2022).

<sup>101</sup> See the supporting countries of the Resolution for animal welfare online at < <http://www.awresolution.org/> > (accessed 13 February 2022).

<sup>102</sup> See WFA website at < <https://wfa.org/historic-un-resolution-recognizes-animal-welfares-role-in-sustainability/> > (accessed 27 April 2022).

<sup>103</sup> James Yeates, “UNEA 5.2 – Strengthening action for nature and animal welfare”, WFA website, Feb. 2022, online at < <https://wfa.org/unea-5-2-strengthening-action-for-nature-and-animal-welfare/> > (accessed 13 February 2022).

(OIE), One-Health High-Level Expert Panel, and other stakeholders on the nexus between animal welfare, the environment, and sustainable development. This report can be a cornerstone to address animal welfare as a cross-cutting issue at the UN level.

The longer-term goal is still the one articulated by the UN Secretary-General in the July 2020 report on *Harmony with Nature*:

“It is heartening that initiatives resonate globally with the call for a peaceful, virtuous and harmonious coexistence between humankind and the rest of the sentient beings that share the planet”.<sup>105</sup>

#### **4.4 2022: The IPCC Report Linking Animal Welfare and Climate Change<sup>106</sup>**

On April 4<sup>th</sup> 2022, the Intergovernmental Panel on Climate Change (IPCC), the United Nations body for assessing the science related to climate change, released its latest report, providing an updated assessment of mitigation efforts to keep global warming to within 1.5 degrees Celsius above pre-industrial temperatures, prior to the UNFCCC Conference of the Parties 27 (COP-27) scheduled in November 2022.

This IPCC report recognizes animal welfare as a co-benefit of recommended climate mitigation measures and shows an increased recognition by the scientific community of the interlinkages between animal welfare and climate change, mainly in relation to the food system mitigation options. The Panel identifies improvements to animal welfare as co-benefits of incremental dietary shifts, in particular an increased shift to plant-based protein sources, and the emergence of new food production technologies, such as transformative cellular agriculture (including cultured meat, microbial protein). The only previous IPCC report to have made explicit reference to animal welfare was the 2014 report, which regarded it as one of the social co-benefits from

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<sup>105</sup> Report of the UN Secretary-General on “Harmony with Nature”, UN General Assembly resolution 75/266 of 28 July 2020, A/75/266 § 94-95.

<sup>106</sup> This paragraph is resulting from the WFA blog “3 takeaways from the latest IPCC report” online at < <https://wfa.org/3-takeaways-from-the-latest-ipcc-report/> > (accessed 27 April 2022).

agriculture, forestry and other land use climate mitigation measures. The third part of the latest IPCC report explicitly mentions “animal welfare” ten times.<sup>107</sup>

## 5 Conclusion

The previous parts of this article have traced the arc through which the UN-iversalization of animal welfare law has evolved. Part I tracked the shift of animal welfare law from the national to the international levels in the two hundred years between 1822 and 2022. Part II surveyed the main features of animal law in regional and international institutions. Part III looked at the prospects for taking animal welfare further in the specific context of the UN.

The analysis of these developments also suggests that the trajectory of global animal law may be analogous to that followed earlier by environmental law. Initial conference and assembly resolutions laid the groundwork for a universal but non-binding declaration of objectives and principles, and that in turn paves the way for international binding law that would establish a global animal welfare regime.<sup>108</sup>

The Covid pandemic has thrown into sharp relief the dangers of treating animals as we have in the past, as well as the ways in which the exploitation of both wild and domesticated animals is a contributing factor in environmental pollution, climate change, biodiversity loss, and zoonotic diseases.

Animal welfare is gaining ground in the institutions and instruments of the UN system. This is evident in the recent reports of the FAO, UNEP, the CBD, the UN Secretary-General’s office, and in 2022 through the UNEA resolution addressing animal welfare.

The overarching aspiration of the work that is being done to UN-iversalize animal welfare as a principal feature of global law and policy, as well as the need to change the UN anthropocentric approach in order to make progress to better consider living

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<sup>107</sup> See the 2022 IPCC Report on Climate Change Mitigation online at < [https://report.ipcc.ch/ar6wg3/pdf/IPCC\\_AR6\\_WGIII\\_FinalDraft\\_FullReport.pdf](https://report.ipcc.ch/ar6wg3/pdf/IPCC_AR6_WGIII_FinalDraft_FullReport.pdf) > (accessed 27 April 2022).

<sup>108</sup> For instance concerning UN environmental and biodiversity law, the *Stockholm Summit* in 1972 preceded the *World Charter for Nature* in 1982, followed by the Rio Declaration leading to the *Convention on Biological Diversity* in 1992.

beings on our planet, was well-articulated by the delegation of Bolivia at the CBD meeting for the Global Biodiversity Framework in 2021:

“It is necessary to advance to a new insight about the world, in a new look at the relationships between human beings and nature. A new insight is needed based on a cosmobiocentric paradigm focused on *caring for the life of all living beings* on Mother Earth. In this cosmobiocentric view, living in harmony with nature means walking the path of complementarity and *respect among all living beings* on Mother Earth. *Our rights, as human beings, cannot affect the rights that other living beings have.* That is why we have to acknowledge a need to move beyond human rights towards the recognition and effective exercise of the rights of Mother Earth, where *every living being is a “subject of rights.”*<sup>109</sup>”

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<sup>109</sup> Bolivia’s Statement, Open-Ended Working Group Meeting on the Post-2020 Global Biodiversity Framework For Living In Harmony With Nature, 25 August 2021 [*underlined* by the author].