

Identifying animals as sentient beings

Legislation surrounding animals as an essential resource - and also as members of our societies whenever included as our domestic companions - is being modernized in many countries. A holistic approach to the issue is far from being viable to date, but a new vision is coming of age

by Victor March



In several countries, pets have officially become part of our families and are given passports to cross national borders. Owners of cats and dogs may no longer relate to them in the narrow logic of property law: their duties now being regulated, they turn into official caregivers. Animals, however, will most probably remain 'citizens of a minor government', until policy makers engage in harmonizing a vision where animal welfare is included in our societal legislation at a constitutional level.

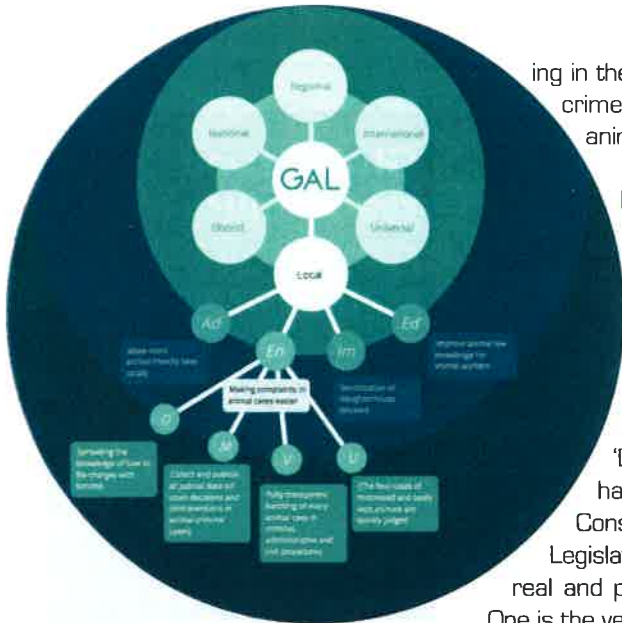
As an expert attorney in the field of animal welfare and succession rights, Antoine F. Goetschel monitors current trends in legislation, keeping track of how policy makers develop more inclusive thinking with respect to animal rights.

Where does the animal stand in the eye of the legislator?

Today's society sees economic growth as the key to prosperity, and economic growth has its own logic. Our economy revolves around serving an ever more demanding consumer, who expects more to be made available faster and at cheaper prices. Countries, as additional stakeholders, need income from healthy industries. The priorities of policy makers must take all this into consideration. When daily facts or notorious episodes do not intervene to stir public opinion (unless sufficiently intriguing to warrant electoral considerations), the legislator often remains deaf to the discussions held in the interests of animals themselves. Speaking for animals loses its appeal as soon as we

abandon the comfort zone of public debate and of wishful-thinking 'on-the-street' advocacy. Industry sectors which use animals as assets to be exploited or transformed - such as modern cattle-farming, animal testing, as well zoos and in sports such as dog and horse racing or hunting - can count on the proper representation they need. They can and will pay for research and communications to be carried out in their interest, especially when it comes to political decision-making about their future. The industrial agenda prevails just as much as its lobbying is backed - when meaningful financial advantages can be derived. Results of animal friendly overments since the 1970s are tangible at a local up to global level. In several countries, legislation has been revised to reach an intermediate step:





• The Global Animal Law (GAL) project matrix showing proposals towards a better world for animals through legislation

civil codes provisions are giving a new status to animals. This step is indeed fundamental if countries are to provide animal welfare legislation at all: it all starts with adopting the Animal Rights Issue on a constitutional level to balance animals' interests against fundamental rights such as freedom of economy (in particular: animal farming and testing or the fur trade as an example) or personal freedom (hunting, visiting zoos etc.).

Is there a roadmap towards animal welfare?

About a third of countries worldwide still do not foresee any kind of animal welfare legislation. And, to make things even more complicated, law enforcement is particularly challeng-

- Livestock identification allows end-to-end traceability of animal-based products but, according to GAL, the animal's interests are neglected altogether



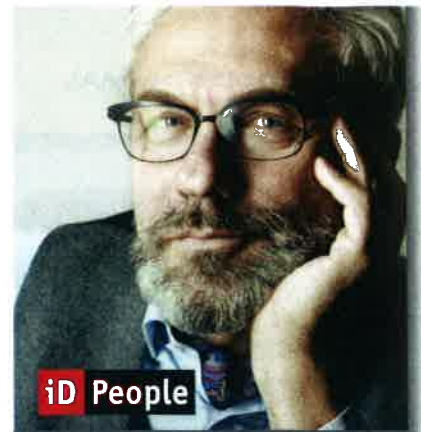
ing in these countries, whenever crimes and offences involve animals.

Picturing what can be realized in future and on a broader scale, one can leverage known examples of legislation already in place. An example is the constitutional protection of the 'Dignity of Animals', which has been part of the Swiss Constitution since 1992. Legislators are influenced by real and powerful societal trends. One is the vegan issue, a debate that will not likely result in the banning of meat consumption, but most probably lead to much higher if not universal consensus in the banning of food production methods that see animals systematically mistreated.

What are the drivers behind pet ID and livestock identification?

Originally, Pet ID was merely intended to enforce taxes on dog owners. The system was expanded in a second phase and evolved to become a useful tool for identifying so called 'dangerous dogs', as well as their owners and breeders. Strong advocates of the Pet ID project were also veterinarians and their interest groups, who helped underline the animal disease issue in a growing international context. But beyond these considerations, Pet ID truly turns out to be a desirable program also from the animal's safety and social wellbeing standpoint, as it supports each pet's individual healthcare program and the swift reunification to the registered owner if the animal is lost.

Conversely, in the very different context of livestock identification, the animal's interests are neglected altogether. The main driver of the program is granting accountability in a system designed to support volume production of safe and convenient meat. It also allows end-to-end trace-



iD People

Meet Antoine F. Goetschel

As sole practitioner at Hoesch-gasse Consultants and President of the GlobalAnimalLaw.org GAL project, Antoine F. Goetschel specializes in human-animal-relationships in Swiss and international law. As an expert attorney in the field of animal welfare and succession rights, he has represented the interests of animals in criminal cases as a public official. He was also instrumental in the establishment of the Foundation for the Animal in the Law.

ability of animal-based products, as demanded by consumers and governments alike for the sake of liability and public safety. Surprisingly little is done to leverage animal ID for controlling food production methods, to discourage unethical practices or expose conditions that are intolerable.

What countries have the most modern legislation looking at the rights of the animal?

Only very few countries foresee a basic national law or civil code provision giving a new status to animals and a national constitutional principle. Among these there are Switzerland, Austria and Germany. Countries with a basic national law and constitutional principle are Brazil, India and Egypt, whereas several countries such as the U.S.A. and Argentina have a basic national law and a provincial or local constitutional principle.

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