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Address: A-LAW, Emstrey House North, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG

Email: editor@alaw.org.uk

Website: www.alaw.org.uk

Trustees: Jeremy Chipperfield, Jill Williams, Mike Radford, Natalie Harney, Blanche Koenig, Sonul Badiani-Hamment

Editor: Jill Williams

Registered Office: UK Centre for Animal Law, Emstrey House (North), Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG. A company limited by guarantee (No 307802 - England).

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EDITOR'S NOTE

The end of 2025 inevitably brings bittersweet reflections on the gains and losses of the past year.

The UK Animal Law Conference 2025, hosted jointly by A-LAW and the Animals, Nature and Society Research Team at Birmingham in June, offered an exciting opportunity for lawyers, academics and anyone interested in animal law to contribute, learn and meet like minded people The Conference's focus was on the theme of "Using Law to Advance Effective Animal Protection" with the aim of bringing the latest national and international research to a wide audience. It was a wonderful success and we will publish as many of the research papers as possible in the Journal in future.

The UK Animal Law Conference 2026 will take place in June 3-4 at the University of Birmingham and is co-hosted with the Multispecies Collective with a focus on the theme "The Future of Animal Law." It will feature keynote speakers Kathy Hessler, Kim Stallwood, Melanie Challenger and a packed programme of presentations and workshops. More details and registration instructions can be found on A-LAW's website.

Many of you will be aware of the sad death of A-LAW's longstanding Chair, Paula Sparks, during the summer after a long illness. Paula was the cornerstone of A-LAW and her loss is immeasurable, both to the people that knew her and to the fight to advance animal welfare/rights. One of the most important ways to do this is through the law. Paula understood this and was instrumental in bringing people together and working across many different groups and organisations to spread this message. She is deeply missed.

All best wishes to our members for 2026.

Jill Williams

Editor
December 2025

International Animal Welfare: Integrating Animal Ethics, International Law and Sustainable Development Goals

By Rebekah Humphreys and Juhi Naseem

Abstract

In today's globalised world in which the basic interests of nonhuman creatures continue to be unjustly thwarted, there is an urgent need to address ethical concerns surrounding nonhuman animal welfare and the treatment of nonhumans within global commercial practices. Improving animal health on a global scale is the goal of the intergovernmental World Organisation for Animal Health (WOAH). For this reason, among its many goals, WOAH prioritises the open and honest sharing of knowledge about animal diseases.[1] Other priorities include the 'surveillance and management of diseases and welfare in wild and domestic, terrestrial and aquatic animals'.[2] Yet nonhuman animals continued to be subject to systemic injustices on a global scale, enduring extensive sufferings, often for peripheral purposes, living in conditions which are far from conducive to their health and welfare. This paper discusses the topic of global animal welfare and its relationship to animal ethics and Sustainable Development Goals, emphasising such welfare as a key missing link, not just in respect of meeting such goals but also in terms of giving nonhuman animals what they are due in and of themselves. The paper's overall aim is to show the significance of international animal law for urgent global systemic change in relation to humans' treatment of other animals.

Keywords: Animal Ethics, Animal Welfare, International Animal Law, Sustainable Development Goals

Introduction

The United Nations' progress report on Sustainable Development Goals (SDGs) has indicated that as global citizens we are nowhere near to reaching the SDGs by 2030,[3] with the 'Emissions Gap Report' calling for urgent action in the form of 'rapid transformation of societies' across the globe[4] to limit global warming and its impacts. Many of the SDGs relate to sustainable food production, including but not limited to the following goals: ending poverty, eliminating hunger, reducing malnutrition, increasing food security and sustainable food production, improving sanitation and achieving sustainable management of water, reducing global inequalities, responsible consumption and production, ensuring sustainable use of the oceans and seas, ensuring sustainable use of forests and land, and halting further biodiversity loss.

And yet the 2023 analysis report by the Food and Agriculture Organization of United Nations states as follows:

> [T]he latest data indicate that most of the food- and agriculture-related SDG targets are still far from being achieved. The lingering effects of the COVID-19 pandemic, along with other crises such as climate change and armed conflicts, are having widespread impacts on all dimensions under the 2030 Agenda, including poverty, food security and nutrition, health and the environment. Progress made in the past two decades has stagnated, and in some cases even reversed, compounding the challenges in eradicating poverty and hunger, improving health and nutrition, and combating climate change.[5]

Admirable as the SDGs are, clearly governments are far off track in putting forward actionable plans for fulfilling the sustainable development agenda, posing serious present threats and future risks to humans, nonhumans and the environment more

1 Lesa Thompson, et al, 'Role of the World Organisation for Animal Health in Global Wildlife Disease Surveillance', 2024, p.1. PubMed Central Journal. DIO: 10.3389/fvets.2024.1269530. Accessed at: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10993013/. Accessed 24/04/24.

2 Lesa Thompson, et al, 'Role of the World Organisation for Animal Health in Global Wildlife Disease Surveillance', 2024, p.6. PubMed Central Journal. DIO: 10.3389/fvets.2024.1269530. Accessed at: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10993013/. Accessed 24/04/24.

3 United Nations, The Sustainable Development Goals Report 2022. Accessed at: SDG Indicators (un.org). Accessed 12/04/23.

4 United Nations Environment Programme, Emissions Gap Report 2022: The Closing Window—Climate crisis calls for rapid transformation of societies, p. XVI. Nairobi. Accessed at: https://www.unep.org/emissions-gap-report-2022. Accessed 12/04/23

5 FAO (Food and Agricultural Organization of the United Nations), 'Tracking progress on food and agriculture-related SDG indicators 2023' (Rome, 2023), p.5. Accessed at: https://doi.org/10.4060/cc7088e. Accessed 13/03/24.

generally.[6] The reasons for such inaction are complex, but are related to interlinking economic, political and societal factors, with the IPCC (Intergovernmental Panel on Climate Change) stating that 'There is a climate financing gap which reflects a persistent misallocation of global capital'.[7] But, in addition to infrastructural factors, the goals are limited in terms of their anthropocentric value-base: anthropocentrism being a normative stance that holds that only human interests are deemed to be morally and directly significant in decision-making policies and practices.

The aim of this paper is one that is related to the anthropocentric nature of the SDGs;[8] specifically, to an issue arising therefrom, that issue being the lack of attention given to sentient animals' interests or animal welfare within the goals. This paper's objective is to explore this gap in the SDGs in relation to the interests of sentient animals, particularly animals used in the practice of intensive farming and experimentation, and to discuss how it might be overcome in relation to international law.

Anthropocentrism, Animal Welfare and SDGs

The suggestion that anthropocentrism can stand as a sustainable ecological ethic is well criticised, not least within environmental philosophy (environmental philosophy being a sub-discipline of philosophy that itself emerged most notably in response to traditional human-centred approaches to our relationship with the natural world and its inhabitants).[9] Certainly, the good of sentient animals, creatures that have moral standing in their own right, is excluded from the goals' understanding of sustainability.[10] For example, in relation to the conservation of natural resources and healthy ecosystems, nonhuman animals are considered in relation to concerns about species loss and biodiversity issues, rather than as subjects that have a good in their own. This omission of animal welfare—what Franck L.B. Meijboom, Jan Staman and Ru Pothoven call a 'blind spot'—has some unwanted implications, one of those being that the goals ultimately end up undermining themselves as ones that could be genuinely sustainable for the planet and its inhabitants.[11]

With value supposedly being located in human beings only, axiologically the nonhuman world ends up being of extrinsic or instrumental value, rather than being recognised as having value in and of itself. As such, the United Nations' presentation of the goals presupposes that the nonhuman world and its inhabitants only have value in so far as they are of use to present and prospective humans (that is, the nonhuman world is presented as being of instrumental value only to the extent that its protection and preservation is necessary for the fulfilment of human interests in relation to intergenerational human equity). Yet this is the very normative presupposition that has historically worked as a driver

6 John Nolt, 'Climate Change and the Loss of Non-Human Welfare', in Brian Henning and Zach Walsh (eds), Climate Change Ethics and the Nonhuman World (Routledge, 2020), pp.10-22

7 IPCC (Intergovernmental Panel on Climate Change), Climate Change 2022: Mitigation of Climate Change, edited by Priyadarshi R. Shukla and Jim Skea, prepared by Working Group III Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 2022, p.134. Accessible at: Climate Change 2022: Mitigation of Climate Change (ipcc.ch). Accessed 13/03/24.

8 Franck L.B. Meijboom, et al, 'From Blind Spot to Crucial Concept: On the Role of Animal Welfare in Food System Changes towards Circular Agriculture', Journal of Agricultural and Environmental Ethics, 36 (3), 2023, 1-16; H. Kopnina, 'Anthropocentrism: Problem of Human-Centered Ethics in Sustainable Development Goals', in W. L. Filho, P. G. Özuyar, P. J. Pace, A. M. Azul, L. Brandli, U. Azeiteiro and T. Wall (eds.), Life on Land, Encyclopedia of the UN Sustainable Development Goals (Springer, Cham., 2020), pp.48-57; Sam Adelman, 'Chapter 1: The Sustainable Development Goals, Anthropocentrism and Neoliberalism', in Duncan French and Louis J. Kotzer (eds.), Sustainable Development Goals: Law, Theory and Implementation (Edward Elgar, 2018), pp.15-40; and Clara Brandi, 'Safeguarding the Earth System as a Priority for Sustainable Development and Global Ethics: The Need for an Earth System SDG', Journal of Global Ethics, 11 (1), 2015, 32-36.

9 It is beyond the scope of the essay to provide a discussion and critique of anthropocentrism, but see Robin Attfield, Environmental Ethics: An Overview for the Twenty-First Century, second edn., fully revised and expanded (Polity, 2014); Robin Attfield, 'Beyond Anthropocentrism', Royal Institute of Philosophy Supplement, 69, 2011, 29-46; H. Kopnina, 'Anthropocentrism: Problem of Human-Centered Ethics in Sustainable Development Goals', in W. L. Filho et al (eds.), Life on Land, Encyclopedia of the UN Sustainable Development Goals (Springer, Cham., 2020), pp.48-57; and Laura Fernandez, 'Climate Ethics Bridging Animal Ethics to Overcome Climate Inaction: An Approach from Strategic Visual Communication', in Brian Henning and Zach Walsh (eds.), Climate Change Ethics and the Nonhuman World (Routledge, 2020), pp.33-48.

10 Janice H. Cox and Peter Stevenson, 'Doughnut Economics: Incorporating Animal Welfare', Well Being International Studies Repository, 2022, 1-9, accessed at: https://www.wellbeingintlstudiesrepository.org/es_ee/4, on 17/12/2024; and Janice Cox and Jessica Bridgers, World Animal Net, 'Why is Animal Welfare Important for Sustainable Consumption and Production?', United National Environment Programme, Perspectives, Issue No. 34, 2019, 1-12, accessed at: Why is animal welfare important for sustainable consumption and production? (apo.org.au), on 17/12/2024.

11 For discussion of this 'blind spot', see Franck L.B. Meijboom, et al, 'From Blind Spot to Crucial Concept: On the Role of Animal Welfare in Food System Changes towards Circular Agriculture', Journal of Agricultural and Environmental Ethics, 36 (3), 2023, 1-16. For discussion of a genuine concept of sustainable development as one that is intricately bound to socially and ecologically sustainable practices, see Robin Attfield, 'Sustainable Development Revisited', Proceedings of the Twenty-First World Congress of Philosophy, Vol 3, 2007, 185-189; Robin Attfield, 'Saving Nature, Feeding People and Ethics', Environmental Values, 7, 1998, 291-304; and D. Griggs, et al, 'An Integrated Framework for Sustainable Development Goals', Ecology and Society, 19 (4), Article 49, 2014, accessed at: http://dx.doi. org/10.5751/ES-07082-19044, on 17/12/2024.

for our degradation of the nonhuman world in the first place, whether intentionally or not.[12] In addition, there are issues of justice at stake that go far beyond human interests alone. Moreover, developing healthy interactions with the nonhuman world will involve considering animals' own good; a good which should play a crucial part of what it means to produce food sustainability (with such production relating to many of the SDGs).[13]

But human-animal relations are currently far from ethical. Certainly, the two main practices that cause nonhuman animals to suffer on an unimaginable scale are factory farming (the intensive rearing of animals for food) and animal experimentation:

> The number of land animals confined in more or less industrial conditions is currently around 450 billion at any given moment[14]… In comparison to the number of animals slaughtered for food, the amount of animals utilised (and killed) in experiments is very small. It is estimated that worldwide between 126 to 150 million animals are used either for research and development or for the "regulatory testing" of products such as detergents (i.e. testing required by law for a given product's placement on the market)… But in contrast to frequent assertions about the reduction of animal experiments, no decline can be noted, not even in Europe[15]—contrary to the EU's commitment[16] to the so-called three Rs of replacement, reduction and refinement of animal use in experiments.[17]

12 Notwithstanding the other drivers of the climate and biodiversity crisis, for it is unlikely that there is only one cause: see further Robin Attfield, Environmental Ethics: An Overview for the Twenty-First Century, second edn., fully revised and expanded (Polity, 2014).

13 Janice H. Cox and Peter Stevenson, 'Doughnut Economics: Incorporating Animal Welfare', Well Being International Studies Repository, 2022, 1-9, accessed at: https://www.wellbeingintlstudiesrepository.org/es_ee/4, on 17/12/2024; and Janice Cox and Jessica Bridgers, World Animal Net, 'Why is Animal Welfare Important for Sustainable Consumption and Production?', United National Environment Programme, Perspectives, Issue No. 34, 2019, 1-12, accessed at: Why is animal welfare important for sustainable consumption and production? (apo.org.au), on 17/12/2024.

14 In text citation: Jonathan Safran Foer, Eating Animals (Little Brown and Company, 2009).

15 In text citation: Open letter of French NGOs to the Members of the European Parliament, Paris, 5 October 2019. Subject: Evaluation of the implementation of the Directive 2010/63/ EU on the protection of animals used for scientific purposes, and request for review (with the support of: Fondation Brigitte Bardot; fondation 30 millions d'amis; Comité scientifique Pro Anima; Association One Voice; Association La nuit avec un moustique).

16 In text citation: European Parliament, Article 4 of Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ EU 2010 L 276, p. 33).

17 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), pp.25-26.

Considering these figures, the scale of the suffering endured by animals is quite hard to conceive. But we should at least try to conceive it, for these are individual animals, each with their own subjective experiences, and each with species-specific interests that are often purposely thwarted.

While accepting that not all animals will endure suffering in experiments, many will and do (for causing harm to the animals is part and practice of animal experimentation), and many continue to be subjected to what can be classified as 'severe suffering'.[18] In addition, when we consider nonhuman animals used for food, most of the world's meat comes from animals reared via intensive methods that pay little heed to animals' own good. Not only this, but in terms of sustainable food production, factory farming is an incredibly wasteful practice that requires a lot of land space, causes much environmental damage, and withholds plant crops that could (distribution problems notwithstanding) be used to feed human populations, rather than as animal feed utilised to rear the animals.[19]

Further, the conditions in which animals are kept in relation to many of our interactions are often a breeding ground of disease, posing as a risk factor for future pandemics, and require vast amounts of antibiotics to ward off disease, posing the threat of antibiotic resistance in human consumers. The negative ecological, welfare and health impacts on the environment, animals and humans respectively have been well documented elsewhere (see CIWF, 2024). Suffice it to say here that food system transformation is very much needed on a global scale, not just for the good of humans and the environment, but also for the good of animals themselves, who continue to suffer appalling treatment within commercial practices that utilise animals on a massive scale.[20] But what are the challenges to including nonhuman animals in policy matters on an international level, and how can the 'blind spot'[21] in relation to the SDGs be overcome so that animals' interests can be considered in and of themselves and in relation to the interests of other creatures (humans and nonhumans included)?

The International Context

Despite the animal welfare blind spot of the goals, there have been developments at an international level that recognise the importance of such welfare, particularly in relation to sustainable development,[22] with the World Organisation for Animal Health (WOAH, formerly known as OIE) claiming that 'Animal welfare is closely linked to animal health, the health and well-being of the people, and the sustainability of socio-economic and ecological systems'.[23] In their 2017 Animal Welfare Strategy, they state their vision of 'a world where the welfare of animals is respected, promoted and advanced, in ways that complement the pursuit of animal health, human well-being, socio-economic development and environmental sustainably'.[24]

The WOAH recognises animal welfare as a multi-faceted concern, an 'international and domestic public policy issue', with 'important trade policy implications'.[25] Certainly, regarding the latter implications, 'bilateral agreements can also cause problems for animal welfare if low welfare imports undermine domestic animal welfare standards'.[26] It also claims that it supports domestic countries' '**policy development and governance** related to animal welfare through training, advice, and policy research and analysis'. Further, it claims to make 'recommendations… on the inclusion of animal welfare in **national legislation and on implementing animal welfare standards**', working with relevant

18 RSPCA, 'Focus on Severe Suffering', 2023, online at https://focusonseveresuffering.co.uk/reports/. Accessed 12/04/2023.

19 That is, from birth to death for the production of meat. See, for example, R. Cockshaw, 'The End of Factory Farming: Alternatives to Improve Sustainability, Safety, and Health', Voices in Bioethics, 7, 2021; and J. Rossi and S.A. Garner, 'Industrial Farm Animal Production: A Comprehensive Moral Critique', Journal of Agricultural and Environmental Ethics, 27, 2014, 479-522.

20 The use of animals in the practices of intensive rearing and experimentation are already well documented. Suffice it to say here that the reader can source a wealth of information detailing their use: but see, for example, Peter Singer, Animal Liberation Now [1975] (The Bodley Head, 2023), chs. 2 and 3; Richard Ryder, Victims of Science: The Use of Animals in Research [1975], revised edn. (National Anti-Vivisection Society Ltd, 1983); Andrew Linzey, et al., Normalising the Unthinkable: The Ethics of Using Animals in Research, Andrew Linzey and Clair Linzey (eds.), A Report by the Working Group of the Oxford Centre for Animal Ethics (Oxford Centre for Animal Ethics, 2015); and Ruth Harrison, Animal Machines [1964] (CABI Publishing, 2013).

21 F. Meijboom, et al, 'From Blind Spot to Crucial Concept: On the Role of Animal Welfare in Food System Changes towards Circular Agriculture', Journal of Agricultural and Environmental Ethics, 36 (3), 2023.

22 See Iyan Offar, 'Animal Welfare, Bilateral Trade Agreements and Sustainable Development Goal Two', Scelg Dialogue, No. 8 (University of Strathclyde, Centre of Environmental Law and Governance, 2019), pp.1-5.

23 OIE (World Organisation for Animal Health), OIE Global Animal Welfare Strategy, May 2017, n.p. Accessed at: en-oie-aw-strategy.pdf. Accessed 17/12/24.

24 OIE (World Organisation for Animal Health), OIE Global Animal Welfare Strategy, May 2017, n.p. Accessed at: en-oie-aw-strategy.pdf. Accessed 17/12/24.

25 OIE (World Organisation for Animal Health), OIE Global Animal Welfare Strategy, May 2017, n.p. . Accessed at: en-oie-aw-strategy.pdf. Accessed 17/12/24.

26 Iyan Offar, 'Animal Welfare, Bilateral Trade Agreements and Sustainable Development Goal Two', Scelg Dialogue, No. 8 (University of Strathclyde, Centre of Environmental Law and Governance, 2019), p.4.

organizations, including NGOs. [27] In terms of such standards, it works on a national and international level to promote 'mutually recognized standards', 'to ensure that private or commercial animal welfare standards are consistent with OIE standards'.[28]

As stated by Cox and Stevenson,[29] the OIE's (World Organisation for Animal Health's) international guiding principles include the five freedoms and the three Rs (see below). Indeed, these are just two (of eight) principles stated in the OIE's 'Terrestrial Animal Health Code':

> 2. That the internationally recognized 'five freedoms' (freedom from hunger, thirst, and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury, and disease; and freedom to express normal patterns of behavior) provide valuable guidance in animal welfare.
>
> 3. That the internationally recognised 'three Rs' (reduction in numbers of animals, refinement of experimental methods and replacement of animals with non-animal techniques) provide valuable guidance for the use of animals in science.[30]

While these might be internationally accepted or recognised, they are not always enforced and, in relation to animals used in intensive rearing, the evidence shows that these animals in fact do not enjoy such freedoms, even if they are nationally binding on a legal level for some countries. This is compounded by the fact that governments do not always keep their promises with regards to animal welfare proposals, and such proposals are often sidelined in the face of opposition related to conflicts concerning trade issues and profit-driven vested interests.[31]

One example of governments not keeping their promises comes from the UK's decision to abandon the Kept Animals Bill, and their previous backsliding on promises to ban British live exports[32] although the latter has since become law in 2024 in the form of the Animal Welfare (Livestock Exports) Act 2024.[33] Of course, these challenges by animal welfare organisations have huge resources implications for such organisations, who continue to use their limited funds to overcome humongous legal and political obstacles presented by governments' broken commitments.

Another example of this is of the 1998 UK ban of animal testing for finished cosmetics products, a ban that went on to include ingredients of cosmetic productions to align with EU legislation. However, regulatory bodies in the EU have since tried to redefine the ban to allow for new tests on ingredients used in cosmetics, appealing to EU chemical regulations.[34] Since leaving the EU, instead of tightening up regulations regarding animal testing, the UK has aligned its policy on animal testing with that of the EU's chemical regulations to allow for testing (in the UK) of cosmetics ingredients. This is with some caveat so that some substances used exclusively as cosmetics ingredients are not permitted to be tested on animals. It is worth noting that this caveat was a partial reinstatement of the ban but it was only introduced after legal challenges by animal welfare organisations (who made such challenges once they had discovered that the ban had been abandoned, thereby sanctioning testing).[35] Such slow progress in terms of the three Rs is one reason why the charity Cruelty-Free International is urging for a Minister for Animal-Free Science.[36]

27 OIE (World Organisation for Animal Health), OIE Global Animal Welfare Strategy, May 2017, n.p. Accessed at: en-oie-aw-strategy.pdf. Accessed 17/12/24. Emphasis OIE's.

28 OIE (World Organisation for Animal Health), OIE Global Animal Welfare Strategy, May 2017, n.p. Accessed at: en-oie-aw-strategy.pdf. Accessed 17/12/24.

29 Janice H. Cox and Peter Stevenson, 'Doughnut Economics: Incorporating Animal Welfare', Well Being International Studies Repository, 2022, p.3. Accessed: https://www.wellbeingintlstudiesrepository.org/es_ee/4 on 17/12/2024.

30 OIE (World Organisation for Animal Health), Terrestrial Animal Health Code, 'Introduction to the Recommendations for Animal Welfare', Chapter 7, 2018. Accessed at: Chapter 7.1. (woah.org). Accessed 13/03/24.

31 See, for example, Steven Cooke, 'Animals Let Down by Broken Promises', Transforming Society, Transforming Society ~ Animals let down by broken promises, Bristol University Press and Policy Press, 28 June 2023, accessed 03/10/2024; and Animal Aid, 'Animal protection groups unite to confront government over broken promises', Animal protection groups unite to confront government over broken promises - Animal Aid, 8 May 2023, accessed 03/10/2024.

32 See further CIWF, 'Kept Animals Bill dropped and with it a key chance to ban live exports', 25 May, 2023. Online at: Kept Animals Bill dropped and with it a key chance to Ban Live Exports | Compassion in World Farming (ciwf.org.uk). Accessed 13/03/24.

33 Animal Welfare (Livestock Exports) Act 2024, Animal Welfare (Livestock Exports) Act 2024 (legislation.gov.uk), accessed 03/10/2024.

34 See FRAME (Fund for the Replacement of Animals in Medical Experiments), 'FRAME supports Cruelty Free International's petition calling for the government to rule out all cosmetic animal testing | FRAME, 7 Apr. 2022, accessed 03/10/2024; and Cruelty Free International, 'UK Government reinstates partial band on animal testing for cosmetics', 17 May 2023, online at UK Government reinstates partial ban on animal testing for cosmetics | Cruelty Free International, accessed 13/03/24.

35 Cruelty Free International, 'UK Government reinstates partial band on animal testing for cosmetics', 17 May 2023, online at UK Government reinstates partial ban on animal testing for cosmetics | Cruelty Free International, accessed 13/03/24; and Chelsea Munro, 'Victory! Animal testing of ingredients exclusively used as cosmetics has ended in the UK', PETA, Nov. 23, 2023, online at Victory! Animal Testing of Ingredients Exclusively Used in Cosmetics Has Ended in the UK (peta.org.uk), accessed 13/03/24.

36 Cruelty Free International, 'Despite disappointing

There are still many ingredients for which licensing for animal testing is permitted, not just for those classed as ingredients for cosmetics but for other products too (glues and washing up-liquid being just two examples). The fact is that many tests on animals are unnecessary, as well as unjustified, with many non-animal replacement tests already in use, including tests for skin irritation, skin sensitisation, botulin batch potency, veterinary vaccines safety, and antibody production.[37] Though alternatives exist for all these five tests, animals continue to be used instead. This reflects a serious failure by institutions and government to adequately implement the three Rs and address animal suffering involved in these experiments. Suffering of this kind would be considered abhorrent outside of the context of animal experimentation.[38] So, in relation to animals used in experiments, while the three Rs may, indeed, be recognised, animals are still being used for many tests for which there are alternatives, with an unacceptable number of animals being used in experiments that cause severe suffering[39]. Certainly, rules around animals used in experiments allow for issues of practicality to overrule the interests of animals in not suffering. Guiding principle 6 of the 'Terrestrial Animal Health Code' (of the OIE) states: 'That the use of animals carries with it an ethical responsibility to ensure the welfare of such animals to the greatest extent practicable'.[40]

While the three Rs is a statutory requirement in domestic law for some countries,[41] even at this level of national implementation they are applied inconsistently, not least because there is no unanimous agreement regarding how they are to be defined

rise in animal testing in Britain, figures show glimmers of hope', 30 June 2022, online at: Despite disappointing rise in animal testing in Britain, figures show glimmers of hope | Cruelty Free International. Accessed 13/03/24.

37 Cruelty Free International, 'Our UK RAT List Highlights animal tests that must be replaced for the sake of animals and good science', 10 Feb. 2023, online at: Our UK RAT list highlights animal tests that must be replaced for the sake of animals and good science | Cruelty Free International. Accessed on 13/03/24.

38 See Rebekah Humphreys, 'Moral Feelings, Compartmentalization and Desensitization in the Practice of Animal Experimentation', in Natalie Thomas (ed.), Animals and Business Ethics (Palgrave Macmillan, 2022), pp.229-250.

39 See RSPCA, 'Focus on Severe Suffering', 2023, online at https://focusonseveresuffering.co.uk/reports/. Accessed 12/04/2023.

40 OIE (World Organisation for Animal Health), Terrestrial Animal Health Code, 'Introduction to the Recommendations for Animal Welfare', Chapter 7, 2018. Accessed at: Chapter 7.1. (woah.org). Accessed 13/03/24.

41 Particularly members of the EU: see European Commission, 'Animals in Science', European Union, online at: https://environment.ec.europa.eu/topics/chemicals/animals-science_en#:~:text=EU%20legislation%20on%20animals%20in,the%20use%20of%20live%20animals. Accessed 15/03/24.

and applied.[42] Meanwhile, animals still continuing to suffer abysmally in animal experiments. In addition, at an international and national level, issues of practicality can end up trumping animals' basic interests in not suffering, and this can be seen in intensive farming too where animals' interests are ridden roughshod over for the sake of increasing efficiency. Such is the extent to which our moral judgments about animals are compartmentalised that animals used in commercial practices are often treated in ways that would be considered barbaric outside those practices.[43] This continues despite the extent of their suffering and despite their being, arguably, among the most exploited creatures on the planet.

But, in order to respect animals' interests, they need to be given genuine moral consideration in and of themselves, irrespective of their practical use for humans, and while this does not mean that animals cannot be used in various ways, it does and should put limits on how we use them. At the very least, such moral consideration should prevent some of the worst cases of exploitative from continuing, including, for example, continuing to experiment on animals for unnecessary purposes or where alternatives are available, and in the case of farm animals continuing to rear them in the cramped, overcrowded, unnatural conditions of the factory farm. As argued by Janice Cox and Jessica Bridges, 'Every effort should be made to find humane and sustainable solutions; and animal suffering and deaths should simply not be sanctioned where uses are inessential and / or proven alternatives are available'.[44]

Certainly, the global systemic injustices endured by animals are a reason for international collaboration and an acceptance of our collective responsibility.[45] Such collaboration is required to change our treatment of animals not just in relation to healthy human/animal relationships and overcoming systematic injustices, but also for the good of the animals themselves.

International Law for Animals

That said, returning directly to principles 2 and 3 (above), although such principles are internationally recognised, it should be noted that international standards on animal welfare—such as those outlined by organisations like the World Organisation for Animal Health (WOAH) and the Universal Declaration on Animal Welfare (UDAW)—are often non-binding. While these standards provide guidelines and recommendations, their enforcement depends on individual countries adopting and incorporating them into their national laws and regulations.

The level of compliance with international standards on animal ethics varies globally. Countries may choose to adopt international standards on animal ethics as part of their commitment to animal welfare, but the implementation and enforcement of these standards are ultimately within the jurisdiction of each individual nation. Some countries may have comprehensive laws and regulations that align with international standards, while others may have limited or no specific legislation regarding animal welfare.

As such, without international law, domestic law on animal welfare remains at threat from being undermined by the rules and regulations of other countries, economic infrastructures, and general trade policies and practices, as well as consumer choices. But an international law could counterbalance this. As Anne Peters claims in her important work Animals in International Law,

> In a range of other legal fields, various international instruments, notably trade agreements, unfold mostly detrimental effects for animal welfare. In order to outbalance these unintended negative repercussions, the instruments should be interpreted in a more animal-friendly way. New international rules on animal welfare could serve at this point. The pertinent prescription of the Vienna Convention on the Law of Treaties (VCLT) requires that "there shall be taken into account… any **relevant rules of international law** applicable in the relations between the parties" (Art. 31 (3) (c) VCLT [Peters' emphasis added]). Only international rules, not domestic ones, could perform this important function as a catalyst for a more animal-friendly reading of existing international trade agreements.

These observations, taken alone, justify an in-

42 J. Tannenbaum and B.T. Bennett, 'Russell and Burch's 3Rs Then and Now: The Need for Clarity in Definition and Purpose', Journal of the American Association for Laboratory Animal Science, 54 (2), 2015, 120-132.

43 Rebekah Humphreys, 'Moral Feelings, Compartmentalization and Desensitization in the Practice of Animal Experimentation', in Natalie Thomas (ed.), Animals and Business Ethics (Palgrave Macmillan, 2022), pp.229-250; see further Rebekah Humphreys, Animals, Ethics, and Language: The Philosophy of Meaningful Communication in the Lives of Animals, The Palgrave Macmillan Animal Ethics Series (Palgrave Macmillan, 2023), p.83.

44 Janice Cox and Jessica Bridgers, World Animal Net, 'Why is Animal Welfare Important for Sustainable Consumption and Production?', United National Environment Programme, Perspectives, Issue No. 34, 2019, p.3. Accessed at: Why is animal welfare important for sustainable consumption and production? (apo.org.au). Accessed 17/12/24.

45 Nussbaum, Martha, Justice for Animals: Our Collective Responsibility (Simon and Schuster, 2022), p.314.

ternational, even a global law approach to animal welfare.[46] The need for such an approach becomes dramatic when we consider the most important feature of globalisation, namely capital and labour mobility and global supply chains in the animal industries.[47]

In addition, it should be noted that, in liberalistic consumer societies at least, what is in animals' good often conflicts with people's own conception of the good and their freedom to consume that which is available to consume.[48] This is impacted by the fact that animals' interests are not properly represented in the political sphere, and so their interests can be ridden roughshod over, with the interests of big businesses often outweighing the basic, even vital, interests of animals in having their welfare taken into account. This has led some political theorists to argue for democratic reform to enfranchise animals.[49]

Issues concerning trade and democratic systems are complex ones, treatment of which is beyond the scope of this paper.[50] However, suffice it to say here that injustices done to animals are systemic in nature, and whatever the laws of counties, national laws or domestic laws, animals continue to be abused on a massive scale internationally, experiencing unimaginable suffering at the hands of humans. As such, their treatment very much needs to be approached on an international level, not only a domestic one. The injustice of animals is entrenched within global economic systems and societal norms, and so international clout is needed to bring domestic policies into line with international guiding principles as a matter of justice and, from the animals' perspective, as matter of urgency. And, as plausibly suggested by Peters, international law can take the lead in setting a standard for others to follow. [51]

Given that, on an international level, it is no longer considered morally justified to treat animals as mere objects and in ways that do not respect their welfare (not only in relation to the five freedoms[52] but also in respect of a supposed commitment to replace, refine and reduce animal experiments[53]), what is needed at a statutory level is an international law to pave the way for a globalised approach to animal welfare, to ensure morally justifiable treatment and, at the very least, serious consideration of animals' basic interests in not being subjected to pain and suffering. As Peters claims, 'Crucially, the limited scope of national regulation of animal welfare within the states' confines hampers their effectiveness. They run aloof in the face of globalization. Because animal issues have "gone global"… they require global responses of the law, ideally in combination with local solutions'.[54]

International law plays a crucial role in protecting humans by establishing norms and standards that govern the behavior of nation-states and individuals. Treaties and conventions under international law set the foundation for promoting dignity, equality, and the well-being of individuals across borders. Enforcement mechanisms are imperfect, but they aim to hold violators accountable and contribute to a more just and humane world. Domestic jurisdictions play an active part in protecting animal welfare; but animal rights are usually unrecognised.[55] Moreover, as argued by Peters, 'animal rights would need to be universalized in order to deploy effects in a globalized setting'.[56]

Charlotte Blattner further argues that, just as it has transformed human rights law, extraterritorial juris-

46 In text citation: Anne Peters, 'Global Animal Law: What It Is and Why We Need It', Transnational Environmental Law, 5 (0), 2016, p.9; and T. G. Kelch, Globalization and Animal Law: Comparative Law, International Law, and International Trade, 2nd edn. (Wolters Kluwer, 2017), p.396.

47 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), pp.48-50.

48 See further Robert Garner and Siobhan O'Sullivan, 'Introduction', in Robert Garner and Siobhan O'Sullivan (eds.), The Political Turn in Animal Ethics (Rowan and Littlefield, 2016), p.4; and Robert Garner, 'Political Ideology and the Legal Status of Animals', Animal Law 8, 77 (2002), pp.88-89.

49 See further Robert Garner, 'Political Representation of Animals' Voices', in A. Vitale and S. Pollo (eds.) Human/Animal Relationships in Transformation, The Palgrave Macmillan Animal Ethics Series (Palgrave Macmillan, Cham, 2022), pp.341-62; Robert Garner, 'Animals and Democratic theory: Beyond an Anthropocentric Account', Contemporary Political Theory, 16, 2017, 459-477; and Alasdair Cochrane, Sentientist Politics: A Theory of Global Inter-Species Justice (Oxford University Press, 2018), ch.3.

50 But see Charlotte Blattner, 'An Assessment of Recent Trade Law Developments from an Animal Law Perspective: Trade Law as the Sheep in Wolf's Clothing?', Animal Law Review, 22 (2), 2016, 277-310; and Charlotte Blattner, Protecting Animals Within and Across Borders: Extraterritorial Jurisdiction and the Challenges of Globalization (Oxford University Press, 2019).

51 See Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), p.24; see also Cebuan Bliss, Review of Anne Peters, Animals in International Law (Brill, 2021), Journal of International Wildlife Law and Policy, 25 (1), 2022, p.97.

52 RSPCA, 'RSPCA Knowledge Base', online at: What are the Five Freedoms of animal welfare? – RSPCA Knowledgebase, updated May 18, 2021. Accessed 13/03/24.

53 European Commission, 'Animals in Science', n.p., European Union, online at: https://environment.ec.europa.eu/topics/chemicals/animals-science_en#:~:text=EU%20legislation%20on%20animals%20in,the%20use%20of%20live%20animals. Accessed 15/03/24.

54 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), p.37.

55 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), pp.23-24.

56 Anne Peters, 'Toward International Animal Rights', in Anne Peters (ed.), Studies in Global Animal Law, Springer Open, 2020, p.109.

diction has the potential to transform both domestic and international animal law[57] subject to careful design and scrutiny. Although extraterritorial jurisdiction in animal law could indeed be abused to force one's beliefs and values on other countries and their people, evaluating extraterritorial jurisdiction only based on this is an injustice to the idea and its ideals. A 'dense' jurisdictional web of 'overlapping and concurring laws' could be created. As she claims, States can react quickly to the worldwide issues caused globally by a state's widely accepted practice of extraterritorial jurisdiction. Legal pluralism could promote innovation and competition, provide avenues for political discussion and negotiation, and enable states to tailor broad or inadequate legislation to a specific situation. As such, 'extraterritorial jurisdiction can be used as a dynamic tool to improve social welfare in an age of globalization, including the welfare and lives of animals'.[58]

However, in relation to who can be classed as legal persons, Steven Wise claims that 'a high, thick legal wall' prevents nonhumans from being categorised as such.[59] He draws on an 'Animal Rights Pyramid' to elucidate the significance of recognizing sentient animals as legal persons[60] before any decision or discussion as to whether an animal has legal standing (about whether that animal has an injury that needs to be redressed) is brought to a court of law. Though nonhumans do not possess legal rights, they do have the capacity to possess them and therefore they should be called legal persons in the first instance in order that their sufferings can be considered in the legal context.[61]

While the EU has worked hard to provide a framework for its member nations, there is no regulatory body globally that deals with animal welfare. The Treaty on the Functioning of the European Union, which gives recognition to the sentiency of animals and the value of animal care, should imply a non-instrumental understanding of animals' interests.[62] But, of course, unanimous acceptance of the sentiency of many other than human animals in and of itself does not mean that such an implication is enacted in practice. That said, other states ought to recognise the significance of acknowledging animals in their national documents, as Germany and India have already done with regard to the protection of animals in their respective Constitutions.[63]

Furthermore, international law establishes mechanisms for accountability and justice, such as the International Criminal Court, to hold individuals responsible for widespread human rights abuses and war crimes.[64] By addressing the global aspects of animal protection, international law helps to prevent cross-border trafficking of endangered species and promotes wildlife conservation efforts on a global scale.[65] International organizations, such as INTERPOL, can play a crucial role in facilitating cross-border cooperation.[66] Whilst an international animal welfare law would not solve all the problems related to the use of animals in global commercial practices, approaching issues of justice for nonhuman beings through international cooperation and adherence to international law in the context of animal ethics could well lead to the strengthening of animal welfare standards globally. However, differing cultural attitudes towards animals, inconsistent enforcement capacities among nations, and jurisdictional complexities all contribute to the challenges involved.

Legal developments in animal ethics have been evolving, with an increasing recognition of animals as sentient creatures who are entitled to legal protection. In addition, advances in alternative testing methods and technologies are influencing legal considerations regarding animal experimentation.[67]

57 Charlotte Blattner, Protecting Animals Within and Across Borders: Extraterritorial Jurisdiction and the Challenges of Globalization (Oxford University Press, 2019), p.409.

58 Charlotte Blattner, Protecting Animals Within and Across Borders: Extraterritorial Jurisdiction and the Challenges of Globalization (Oxford University Press, 2019), p.81.

59 Steven Wise, 'Legal Personhood and the Nonhuman Rights Project', Animal Law Review, 2010, p.5. Accessed at: https://www.animallaw.info/article/legal-personhood-and-nonhuman-rights-project. Accessed 28/04/24.

60 Steven Wise, 'Legal Personhood and the Nonhuman Rights Project', Animal Law Review, 2010, p.2. Accessed at: https://www.animallaw.info/article/legal-personhood-and-nonhuman-rights-project. Accessed 28/04/24.

61 Steven Wise, 'Legal Personhood and the Nonhuman Rights Project', Animal Law Review, 2010, p.5. Accessed at: https://www.animallaw.info/article/legal-personhood-and-nonhuman-rights-project. Accessed 28/04/24.

62 See Steven White, 'Into the Void: International Law and the Protection of Animal Welfare', Global Policy, 4 (3), 2013, p.392.

63 See Anne Peters, 'Toward International Animal Rights', in Anne Peters (ed.), Studies in Global Animal Law, Springer Open, 2020, p.111; see also Steven White, 'Into the Void: International Law and the Protection of Animal Welfare', Global Policy, 4 (3), 2013, p.392.

64 See Claire Klobucista and Mariel Ferragamo, 'The Role of the International Criminal Court', Last updated August 24, 2023, n.p. Online at: https://www.cfr.org/backgrounder/role-international-criminal-court. Accessed on 15/03/24.

65 See K. Consalo, 'Fighting from the Brink: International Efforts to prevent Illegal Trafficking in Endangered Species', ENVIRONS Environmental Law and Policy Journal, 43 (1), 2020, 84-99. Online at Fighting Back from the Brink: International Efforts to Prevent Illegal Trafficking in Endangered Species | UC Davis Environmental Law and Policy Journal. Accessed 15/04/24.

66 See Bruno Min, 'INTERPOL reforms and the challenges ahead for cross- border cooperation', 2017, n.p. Online at: The Foreign Policy Centre, https://fpc.org.uk/interpol-reforms-challenges-ahead-cross-border Steven -cooperation/. Accessed 15/03/24.

67 See A.K. Kiani, et al (International Bioethics Study

Some jurisdictions are enacting laws to ban certain cruel practices, such as cosmetic testing on animals. Moreover, there is a growing trend towards recognising animals' emotional and cognitive capacities in legal frameworks. Some jurisdictions are exploring the concept of animal 'personhood' to grant certain rights to specific animals.[68]

Some cultures may prioritise specific uses of animals or have unique perspectives on their treatment, and tailoring ethical guidelines to respect diverse cultural values could promote better understanding and compliance, but this in no way implies imply that a society's values should be insulated from moral criticism or are immune from evaluation. It should be noted here that some international law protecting human beings has a moral basis (as do many domestic laws), despite differences in cultural values; such laws are based on human beings as sentient subjects of a life who are capable of being unjustifiably subjected to great pain and suffering by other human beings. Animals used in commercial practices are also sentient subjects of a life, and the pain and suffering inflicted on such animals is abhorred internationally, despite such infliction being mostly normalised systematically on an institutional and international level. Given that humans and nonhumans are analogous in many respects, at the very least in respect of their sentience and the fact that they have their own lived experiences (they are, indeed, subjects in this sense), analogies can be informative in considering the basis of an international law to protect these animals and what such an international animal law might look like.

Indeed, animal sentience has played a role in the legal arena, in the EU for example. This is clearly outlined by Marita Gimenez-Candela: 'Since the beginning of the 90s, the category of animals as sentient beings has been introduced firstly by declarations, then in protocols, and finally in an article of the treaties of the European Community and now of the European Union'.[69] She further states that

> Animal sentience is not as obvious for the legislator, and perhaps it may be worth taking the time to consider the possible implications, its introduction into legal text up until now and what could be hoped for from a collaboration between scientists and jurists. Animal welfare science driven by the increasingly stronger verification of the sentience of animals,[70] opens a front of discussion that… puts into question whether animals can only be objects of Law, and has begun to consolidate that animals, as sentient beings, are destined to be subjects of the law, through the recognition that they are living beings endowed with sensibility.[71]

Animals as sentient beings deserve legal recognition, acknowledging their capacity to feel pain and experience emotions. Granting them the status of subjects of law could afford them, at the very least, some minimum protection from cruelty and could promote better treatment, reflecting an evolving understanding of their intrinsic value and rights within a legal framework.[72] Recognising animals as subjects of law could also lead to stronger animal welfare regulations, encouraging responsible stewardship. This legal shift could well promote a

Group), 'Ethical Considerations Regarding Animal Experimentation', Journal of Preventative Medicine and Hygiene, 17: 63 (2 Suppl. 3), June 2022, E255-E266. Accessed at: Ethical considerations regarding animal experimentation - PMC (nih.gov). Accessed 28/04/24.

68 See Steven Wise, 'Legal Personhood and the Nonhuman Rights Project', Animal Law Review, 2010, pp.4-5, accessed at: https://www.animallaw.info/article/legal-personhood-and-nonhuman-rights-project, on 28/04/24. See further Steven Wise, 'Nonhuman Rights to Personhood', Pace Environmental Law Review, 1278, 2013, accessed at: https://digitalcommons.pace.edu/pelr/vol30/iss3/10, 13/03/24. Pragmatically, the possession of 'personhood' is deemed sufficient for legal rights, or, at least, the autonomy associated with personhood is deemed sufficient (Wise, Drawing the Line: Science and the Case for Animal Rights (Perseus Books, 2002), p.24). However, it in no way follows that personhood or autonomy is necessary for moral standing or moral consideration.

69 Marita Gimenez-Candela, 'Animal Law: What Is Left to be Said by the Law About Animals', in A. Vitale and S. Pollo (eds.) Human/Animal Relationships in Transformation, The Palgrave Macmillan Animal Ethics Series (Palgrave Macmillan, 2022), p.373; Gimenez-Candela cites Enrique,Alonso García, 'El bienestar de los animales como seres sensibles-sentientes: su valor como principio general, de rango constitucional, en el derecho español', in Los principios generales del derecho administrativo, ed. Juan Alfonso Santamaria Pastor, (España: La Ley, 2010), pp.1427–1510; and Marlene Wartemberg, 'Art. 13 Lisbon Treaty/TFUE—Historical, Constitutional and Legal Aspects', in David Favre and Teresa Giménez-Candela (eds.), Animales y Derecho, (Tirant Lo Blanch, 2015), pp.353-370.

70 Roger Brambell, Report of the Technical Committee to Enquire into the Welfare of Animals Kept Under Intensive Livestock Husbandry System (Her Majesty's Stationary Office, 1965), pp.13-15, and 84-86

71 Marita Gimenez-Candela, 'Animal Law: What Is Left to be Said by the Law About Animals', in A. Vitale and S. Pollo (eds.) Human/Animal Relationships in Transformation, The Palgrave Macmillan Animal Ethics Series (Palgrave Macmillan, Cham., 2022), pp.369-70; Gimenez-Candela here cites Anne Peters, 'Liberté, Egalité, Animalité: Human-Animal Comparisons in Law', Transnational Environmental Law, 5 (1), 2016, 25-53.

72 This is not to say that legal protection is sufficient for promoting animals' interests. Gary Francione argues that the status of animals as property continues to undermine significant changes in the ways we treat animals (Francione, Animals as Persons: Essays on the Abolition of Animal Exploitation (Columbia University Press, 2008), p.71), with Joan Dunayer claiming that 'Freedom from enslavement (property status) is the prerequisite for legal rights', and that constitutional personhood for nonhuman animals is the path to such freedom (Dunayer, Speciesism (Ryce Publishing, 2004), p.139).

change in societal attitudes towards animals, fostering compassion and empathy. It may also spur advancements in animal rights, ensuring fair treatment and addressing issues such as exploitation and inhumane practices in various industries. Overall, better legal protection for nonhuman animals would contribute to a more ethical and humane coexistence between humans and the other sentient beings that share the planet. Such coexistence is certainly needed if the SDGs are to be met, and international legal rights for animals would be a driver for a change in values and attitudes towards the nonhuman world that does not undermine efforts to address current and intergenerational injustices.[73]

Conclusions

While international rights would be only a step on the road to better treatment for nonhuman animals, such law does set a precedent for changing behaviour and attitudes, and is significant in '[u]niversal norm-building'.[74] But as Peters claims, this normative aspect of the law 'must respect cultural diversity, but it need not shield animal cruelty under the guise and pretext of culture'.[75] The role of international law in animal ethics is pivotal, as it establishes norms and standards to address cross-border issues. While progress has been made, gaps remain, and enforcement challenges persist, necessitating ongoing efforts to enhance global legal frameworks for the ethical treatment of animals. International law contributes to animal ethics by fostering cooperation among nations, shaping treaties. However, its effectiveness depends on enforcement mechanisms and commitment from states to prioritise ethical considerations in their policies and practices. Strengthening these aspects can further elevate the impact of international law on promoting humane treatment and conservation of animals worldwide.

International collaboration on animal ethics is crucial for advancing global standards. Nations can share research, best practices, and policies to ensure ethical treatment of animals. This collaboration could well lead to the development of comprehensive guidelines and regulations that prioritise the well-being of animals across borders. Indeed, collaborative efforts could facilitate the exchange of expertise and resources, enabling nations to address common challenges such as animal testing, conservation, and ethical farming practices. Establishing international frameworks for ethical standards encourages accountability and promotes a collective commitment to the humane treatment of animals on a global scale.

Continued efforts in education and awareness could also foster a societal shift towards more ethical treatment of animals. Supporting and promoting cruelty-free practices in industries, as well as advocating for the implementation of stricter regulations on animal welfare, are key actions. Collaboration between governments, NGOs, and industries is essential to drive comprehensive policies that address the diverse facets of animal ethics. Public engagement through ethical consumer choices and activism also plays a vital role in shaping the future landscape of animal welfare.

To enhance the effectiveness of international animal protection laws, it is crucial to reform and strengthen legislation, improve enforcement, cooperate globally, raise awareness, monitor and report, and incentivise compliance. By combining these efforts, there is a greater likelihood of creating a more effective and comprehensive framework for international animal protection. Furthermore, to address cultural considerations in the application of animal ethics laws, it is essential to promote cross-cultural dialogue, education and awareness with regards to animal welfare, customised guidelines that do not undermine animal welfare, collaborative frameworks, inclusive decision-making including political representation for animals, respect for traditions—without, as Peters' claims, attempting to justify 'animal cruelty under the guise and pretext of culture'[76]—and global consensus. By incorporating these approaches within a framework that recognises the good of animals in and of themselves, it is possible to create a more inclusive, culturally sensitive yet international approach to the application of animal ethics laws.

73 It is worth noting here that the fact that an international law has a moral basis need not make any claims about moral rights (whether of nonhumans or humans). The establishment of laws against certain treatment of humans is based on their interests; interests that are moral considerably, that is, they matter morally. So, while legal rights that have a moral basis are invaluable in protecting interests, they need not be based on claims about moral rights (Rebekah Humphreys, 'Rights, Interests and Moral Standing: A Critical Examination of Dialogue between Regan and Frey', in Issues in Ethics and Animal Rights, ed. Manish Vyas (Regency Publications, 2011), pp.132-133). This is as true in the case of nonhuman beings, as it is in the case of human beings.

74 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), p.24.

75 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), p.24.

76 Anne Peters, Animals in International Law (Brill | Nijhoff, 2021), p.24.

Filling the gaps: Companion animal law and practical application in Mongolia

A local and international perspective

Anujin Lkhagvanyam

Abstract

In January 2024, Mongolia's first ever comprehensive Law on Companion Animals came into force a milestone that represents decades of patchy policy-making and relentless public pressure for change. [1] This innovative legislation requires mandatory registration, microchipping, sterilisation, and vaccination of companion and working animals, and also includes important anti-cruelty and anti-culling clauses drawn from international principles based on global efforts to advance animal welfare. [2] However, this regulation is unevenly applied throughout the country: while cities are making encouraging headway, in rural areas culling is used as a short-term response to the problems caused by loose animal populations. In addition, animal shelters and non-governmental organisations (NGOs) also point to the ongoing discrimination and systemic inadequacies that obstruct meaningful change. [3] This article employs a multidimensional method, weaving together doctrinal legal analysis, firsthand field research, official statistics from governmental and civil society actors, semi-structured interviews with domestic governmental officials and international organisations working on the ground in Mongolia, as well as comparative case studies across Europe and Asia to expose the complex relationship between legislative progress and on-the-ground realities. This article concludes with an examination of further systemic causes and conditions of sustained reform including the need for new forms of funding, improved coordination capacities, digitalisation, and civic education en masse.

I. Introduction

The 2023 Law on Companion Animals is a landmark contribution and defines the animal welfare legal status in Mongolia. For many years, their status in law was set as little more than personal chattels, or even public menaces, where slaughter was the standard reaction to rising numbers of strays. [4] The arrival of this legislation driven by the mounting force of civil society, strong international advocacy, and state modernisation work marks a new era in which animals are recognised as matters worthy of right-holding, and the state embraces its role as governor according to standards that are both humane and scientifically informed.

The new law is sweeping in its reach: It requires the mandatory registration, microchipping and sterilisation of companion animals; sets up stringent breeder and shelter licensing regimes; and criminalises cruel practices cruelty, abandonment and non-medically necessary culling. [5] Dog registration rates were reportedly exceeding 60% as of mid-2024, and complaints to the city on stray dogs had decreased 48%. [6]

Unfortunately, despite these commendable improvements, a number of issues remain. A plethora of evidence obtained from interviews and animal shelter documents indicates that implementation of the new legislation is patchy at best, in both districts and provinces. [7] The divide between urban and rural areas is even more stark: in regions like Khovd, districts such as Sukhbaatar, the budgets for animal health are shockingly minimal and veterinarians seldom access these provinces. [8] A deep cultural prejudice against sterility and for 'thorough-

1 Law on Companion Animals (Mongolia, 2023) ch 1, art 1.

2 ibid chs 2–4; Universal Declaration on Animal Welfare (UDAW), proposed inter-governmental agreement, endorsed by numerous non-governmental and governmental organisations, see World Animal Protection, 'Back a Universal Declaration on Animal Welfare' https://www.worldanimalprotection.org/ accessed 1

3 October 2025. 3 Interview by author, Davaadorj S, director at Dambadarjaa Shelter, Ulaanbaatar (26 July 2024); Ulaanbaatar Animal Welfare Office, '2024 Annual Shelter Report' (September 2024).

4 Parliament of Mongolia, 'Records: Law on Domestic Animals (1926)' (Ulaanbaatar: State Archive, 1926).

5 Law on Companion Animals (n 1) arts 5–24

6 Ulaanbaatar Mayor's Office, 'Pet Registration Update' (July 2024) 3; 'Stray Complaints Yearly Trend' (August 2024).

7 Interview by author, B. Norjmaa, manager, Lucky Paws (23 August 2024); Shelter volunteer field diary, Chingeltei District, 2024.

8 Arkhangai Veterinary Administration, 'Quarterly Report' (April 2024) 4 (referencing regional veterinary challenges); Interview by author, Ts. Munkhjargal, provincial soum officer, Dornod (14 July 2024).

breds' still persists; over 75 per cent of dog adoptions from shelters in the capital city went to purebred or Karelian dogs, even with its animal shelter regularly operating well above capacity by 2024. [9] In soums throughout the provinces of Bayankhongor, Darkhan-Uul and Dornod, according to local officials, informal culling persists unchecked, with 'public health' and resource scarcity often invoked in defence of generational habits. [10] Less than a quarter of the 224 abandonment incidents reported in 2023 and 2024 resulted in formal investigations, and just thirteen cases led to prosecutions.[11]

The rest of the paper is organised as follows. Section II situates the recent legal and cultural changes in Mongolia surrounding animal protection as part of a broader history that has evolved from culling, religious taboos, Soviet-era public health priorities, to national debates over the past ten years. Section III provides new quantitative and qualitative data to assess the gulfs, law-to-practice, by means of multi-sourced analysis. Section IV provides a comparison of Mongolia's reform path against global standards. V then advances a set of structural evidence-based reform initiatives pertaining to integration, funding and public engagement as crucial elements of success. Last, in VI, the article concludes with an extensive examination of the legal and civic consequences flowing from these changes.

II. Historical and Legal Context

A. Tradition and the Legacy of Animal Control in Mongolia

Domestic animals (most notably dogs of the revered 'Bankhar' breed) were viewed as entirely praiseworthy for their known loyalty and serviceability, but explicit justifications for rights-supporting interactions with them were lacking. [12]The population control programme started in the 20th century, when urbanisation and migration to Ulaanbaatar (as well as other cities) resulted in a large population of street animals.

Orders for public health issued in the 1972 and 1992 favoured animal disease control over animal welfare and resulted in a policy regime based largely on city-funded culling activities that continued well into the early post-socialist period. [13] Based on the data of the Ministry of Health, these campaigns resulted in the killing of approximately 80,000 dogs and cats from the capital city in 2014. [14] In the 2010s, animal culling had become increasingly contentious in practice, with advocacy groups, media members and students even going so far as to protest against it due to what were perceived as the inherent viciousness of such methods (alongside their ineffectiveness in dealing with an ever-growing issue of stray animals). [15] Public protests in 2019, alongside the global commitment to the Universal Declaration on Animal Welfare (UDAW), created crucial acceleration around legislative momentum for real change.[16]

B. The Rise of the Legal Reform Movement

Between 2021 and 2023, cross-sectoral engagement apparently gathered momentum: local animal protection groups were testifying on equal terms as foreign experts and advocates, according to the records of Parliament. [17] The Law on Companion Animals was eventually passed in an emergency meeting of the Parliament following several outbreaks and mounting public pressure for legislative change.

The following are the notable changes instituted by the new law:

Every pet to be registered and microchipped within 60 days of purchase or obtaining them, initially for this campaign.
A mandate for sterilising pets, with exceptions for health or licensing reasons.
A requirement to spend a portion of municipal health budgets on animal welfare programmes.
Neglect, abandonment and cruelty must be criminalised both open and undeclared culling.
A requirement for yearly public reporting and creation of a digital directory covering all licensed breeders, shelters and enforcement actions.
A specific role for educational establishments and community media in promoting animal wel-

9 Ulaanbaatar Animal Welfare Office (n 3) 6.
10 Interview by author, B. Myagmarsuren, Darkhan-Uul soum vet (29 May 2024); Telegram Group, 'Bayankhongor Animal Outreach Reports', 15 June 2024.
11 Ministry of Justice and Internal Affairs, 'Animal Welfare Enforcement Statistics 2023–2024' (September 2024) 18–21.
12 Tsendayush Z, 'The "Bankhar" in Folklore and Law' in Batjargal G (ed), Animals in Steppe Culture(Ulaanbaatar: Nomadic Studies Press, 2016) 41–55.
13 Ulaanbaatar City Public Health Ordinance 4/1992 (repealed 2023); D. Ganbat, 'Zoonoses and Stray Control: Historical Developments in Mongolia' (2021) 34 Mong Public Health Bulletin 61.
14 Ministry of Health, 'Rabies and Animal Control Data 2012–17' (2018) 21.
15 Davaa M, 'Culling and Crisis: Street Animal Policy, 2002–2013' (2019) UB Daily 74–77; Lucky Paws, 'Mobilisation Timeline' (2019).
16 Universal Declaration on Animal Welfare (UDAW) (n 2); Bayasgalan B, 'Reforms in Mongolian Animal Law' (2023) 7 Mong L J 200.
17 Parliament of Mongolia, 'Committee Records: Law on Companion Animals (2021–2023)' (Ulaanbaatar: State Archives, 2023) 9–16. 1

fare information, awareness and education.[18]

Even with this legal clarity in theory, many of Mongolia's soum-level governments still do not have the technical resources or trained staff to consistently police these laws, and reporting on offending animals can be hindered by community secrecy and data fragmentation. [19]

III. From Law to Action: Policing, Shelter Practice and the Realization of Policy

A. Registration, Microchipping and Municipal Deviation

In contrast to legal requirements, the effectiveness of animal registration and microchipping has demonstrated astonishing differences which are determined largely by local circumstances. As of August 2024, the capital city of Ulaanbaatar proudly declared a remarkable count of over 52,300 registered dogs and cats – an amount which is almost three times above the benchmark number prior to the law taking effect. Nevertheless, this good trend is not homogeneous; at provincial district level, the owned animals compliance has reached a very poor record of less than 18%. [20] Fieldwork carried out in the Khovd and Arkhangai provinces paints a worrying picture: for a total estimated population of 5,000 animals in the main soums (districts), fewer than 600 had completed successfully the registration process and only 179 had been microchipped during its first ten months following these initiatives introduction. [21]

Key informant interviews with municipal animal registration officers expose a number of challenges to innovation, such as crumbling digital infrastructure, linguistic barriers and widespread ignorance in the public. One officer commented, "They don't really know what the law is, outside of the city, and some are worried that it's going to hurt their animals." [22] Rural veterinary practices, including those rural vet clinics that exist in small numbers, are largely oriented toward livestock interests, with companion animal interest driven voluntarily or seen as supplementary. [23]

18 Law on Companion Animals (n 1) chs 2–4.

19 Interview by author, L. Dashdeleg, Sukhbaatar soum registrar (2 August 2024).

20 Ulaanbaatar Animal Welfare Office, '2024 Pet Registration Data' (Sept 2024) 4–7.

21 Arkhangai Veterinary Administration, 'Q2 Field Survey' (June 2024) 2; Interview by author, G. Amartuvshin, Khovd District Officer (8 August 2024).

22 Interview by author, S. Delger, Ulaanbaatar Pet Registry (17 July 2024).

23 Interview by author, Ts. Munkhbayar, Arkhangai Province Vet (13 Aug 2024).

Assistance from non-government organizations (NGOs), some of whom receive grants from international partners like World Animal Protection, has enabled the Lucky Paws team to hold three "pop-up" registration drives every summer in Ulaanbaatar and Selenge. [24] In 2024, a more than one thousand animals were registered via these programs, but only 12% of the pets came from rural families, emphasizing the continued gap between urban and rural access.[25]

B. Sterilization and Infrastructural Deficits

Sterilization, which is vital to humane animal population management, has recently made some impressive progress in the capital city with annual sterilization campaigns sponsored by the municipal government and several associated veterinary colleges, leading to 15,700 animals sterilized in 2024. [26] Although this is a major step forward, "the average Ulaanbaatar-based animal shelter is frighteningly over capacity (135%) and the amount of time an animal has to wait for surgery often exceeds two months when we are nearing our height". [27] These numbers on the ground reported by NGOs are consistently shocking – in areas of Mumbai (a comparative case demonstrating a global challenge in animal management), only one out of every ten animals brought to a shelter for care had been sterilized before they went through the shelter's door. [28]

Challenges are very much related to infrastructures. There are only three public veterinary clinics across the entire western region of Mongolia that have adequate facilities to carry out high-volume sterilizations. Field-based in-depth interviews have exposed that there is a high prevalence of equipment breakdowns, lack of necessary medications and intermittent shutdown due to funding shortfalls. In Bayan-Ulgii and Dornod aimags, [29] the longest recorded waiting period for female dog spay surgery of 21 weeks is nothing short of staggering; moreover, in some soums (counties), scattered reports of sterilization failures or mistakes have severely eroded public faith not only in the law but also ironically in NGOs who are responsible for its enforcement. [30]

C. Resources, Volunteers and Ongoing Provision of Services

Financing for projects directed on the improvement of animal well-being is constantly in a situation of instability. In 2023, an overwhelming 73% of municipal animal welfare financing in Ulaanbaatar came from ad hoc allocations or "emergency" funds, with annual programming very susceptible to fluctuation. [31] One well-known shelter director was quoted in 2024 as being worried: "Every fall we close half our dog pens because equally the city does not accept new grant applications past August; in winter, it is only foreign donors that keep us above water." [32] Interviews with volunteer caregivers suggest a worrisome burden of burnout among those caring for animals. The average shelter in Mongolia leans heavily on a labor force of five to fifteen paid staff and scores of shifting volunteers, most of whom are students, unemployed youths or retirees looking for fulfilling activity. [33]

In the soums there are very few formal animal shelters, and community-based animal care is frequently informal and largely driven by groups of housewives, retired teachers or school children. These community workers are often without access to formal veterinary support and have irregular training delivered by NGOs during the time when mobile clinics are in their respective areas. [34] Their resources are mostly limited to contributions and scrap food, and most cats and dogs are fed outside in the open where temperatures fluctuate widely and maintenance strategies are minimal.

D. Law Enforcement, Cruelty Cases and the Reporting Culture

There are laws that outlaw abandonment, non-medical mutilation (such as tail docking or ear cropping), and unethical breeding practices. Legal protection for animals deserves to be strengthened so that pets do not suffer. [35] Yet the real levels of enforcement are astonishingly low. In an analysis of 241 reports from Ulaanbaatar in 2023, only 36 had been investigated beyond the initial intake, and only nine led to official warnings or prosecutions. [36]

24 Lucky Paws, 'NGO Annual Report: Outreach 2024' (2024) 8–12.
25 Ibid; author's field notes, Selenge Summer Drive (July 2024).
26 Ulaanbaatar Mayor's Office, 'Veterinary Impact Review' (Sept 2024) 10.
27 Interview by author, N. Soyol, director, Chingeltei District Shelter (29 July 2024).
28 NGO survey, 'Shelter Intake and Sterilization 2024' (Sept 2024) 3.
29 Bayankhongor Veterinary Administration, 'Capacity Assessment' (May 2024) 6.
30 Interview by author, D. Otgon, Bayan-Ulgii Clinic Lead (4 July 2024).
31 Ulaanbaatar City Assembly, 'Budget Allocation by Category 2023' (September 2024) 21.
32 Interview by author, D. Chimedragchaa, East Ulaanbaatar Shelter (12 July 2024).
33 Lucky Paws (n 24) 13–14.
34 Author's observations, Khovd and Dornod (July–August 2024).
35 Law on Companion Animals (n 1) ch 3, arts 27–29.
36 Ministry of Justice and Internal Affairs (n 11) 23.

A police officer in the Chingeltei District was quoted as saying, "Our officers have good intentions but animal cruelty is not yet seen as a public order issue few know information protocols and for most cases, evidence is a witness statement or phone photo."[37]

Those who are called on to enforce the laws are also burdened by a public that seems loathe to report instances of animal cruelty. In 2024, a study by the Department of Sociology at the National University of Mongolia found that 47% of those who observed acts of animal cruelty had not reported these to law enforcement for reasons that included mistrust in law, fear of reprisal and social expectations not to interfere on such matters. [38] Shockingly, 8% of those who brought injured or abandoned animals to shelters were able to tell the presumed abuser's name.

However, a number of districts have run pilots to increase collaboration:

> Songinokhairkhan and Sukhbaatar have successfully appointed specific animal welfare liaison officers, meaning that the case through-put has increased significantly. [39] Out of the 350 successful reports logged on the Bayangol District hotline between August and October 2024, just three per cent were officially submitted by men, highlighting a gender gap in reporting culture.[40]

E. Adoption, Attitudes, and Change between Generations

With the onset of the landmark legislation passed in 2023, adoption rates from registered shelters saw a great swell of 16% year-on-year in Ulaanbaatar, helped by campaigns like "Summer with a Shelter" and "Adopt, Don't Shop", which have transformed the conversations around animal adoption. [41] Still, the bias toward purebred and imported animals remains deeply ingrained: of 2,400 dogs adopted across the city in 2024, a stunning 1,700 were either pedigreed or "designer" mixes. In comparison, however, there were only 240 of the 980 adopted cats which were classed as mixed or non-pure breed.[42] Many interviewees frankly reported high "top-up fees" they had paid unofficially in order to clinch certain prized breeds, such as huskies, spitzes, retrievers or the Scottish fold cat. [43]

The qualitative results highlight a marked trend toward younger Ulaanbaatar residents, particularly those who have been exposed to global NGO campaigns or have travelled abroad, in expressing a greater willingness to adopt mixed-breed and disabled/senior animals. [44] Respondents under 30 are also significantly more likely to endorse sterilization, registry and strict enforcement of anti-cruelty laws.

IV. Comparative Reflection: International Experiences and the Way Forward in Mongolia

A. The Netherlands: Systematic Prevention and Animal Databases

The Netherlands remains in the vanguard of nations to comprehensively work towards effective companion animal control, with some small urban areas reporting little-to-no stray animals by 2019. [45] This success is based on strong and coherent regulation which mandates that all pets must be microchipped and registered with the local authority, while national bodies require public annual reporting to include data on demographic composition, sterilization rates, and adoption numbers. [46] The system is carefully conceived to be tethered to a national digital pet registry, consolidating information from numerous sources, including vet clinics, animal shelters, municipal authorities and law enforcement agencies the precise infrastructure that Mongolia's recently adopted framework seeks to mirror. [47]

The Dutch set aside 2%-4% of local budgets to the explicit support of animal welfare developments. [48] The prevention of homeless animals is emphasized by several programs, including reduced-cost spaying and neutering, tax credits for adopters, and strict bans on the sale of animals anywhere but in licensed shelters. The ongoing political backing for these measures is complemented by yearly campaign weeks, during which educational programs are presented at schools and provided through national media. [49]

37 Interview by author, D. Sukhbaatar, Chingeltei Police (7 August 2024).
38 Sociology Dept, National University of Mongolia, 'Cruelty Witness Survey 2024' (2024) 8–9.
39 Ulaanbaatar Animal Welfare Office, 'Pilot Project Reports 2024' (September 2024) 10–15.
40 Bayangol District Hotline Logs (August–October 2024).
41 MAAPA, '2024 Summer with a Shelter Results' (September 2024).
42 Ulaanbaatar Animal Welfare Office (n 3) 16.
43 Interview by author, shelter volunteer, Bayangol (Sept 2024).
44 Sociology Dept (n 38) 13–15.
45 Dutch Ministry of Agriculture, Nature and Food Quality, 'National Animal Welfare Review 2019' (May 2020) 3–13.
46 Dutch Animal Protection Act 2014, arts 2–11; Netherlands Pet Registry, 'Pet Registration and Adoption: Annual Report 2023' (2023).
47 Ibid.
48 Ibid 14.
49 Dutch Municipalities Association, 'Campaign Week in Animal Welfare' (2022) https://dierenbescherming.nl/ ac-

Importantly, the Dutch require a high degree of personal responsibility when it comes to pets: fines for abandoning or breeding animals illegally can be up to €3,500 and ill-treatment is punished both administratively and criminally. [50] Adoption rates indicate that in 2023 some two-thirds of all pets adopted were CrossBreed/Previously HomeEd, a figure Mongolia's largest urban districts have yet to continue reaching. [51]

B. Germany and Switzerland: Tight Control, Education, and Legal Status

Germany's Animal Welfare Act requires the compulsory microchipping, licensing and annual veterinary checks of all pets. [52] This breeder licensing procedure brings an element of bureaucratic control that effectively forces out abusive or unlicensed breeding activity, and as such significantly practices squeeze out 'illegitimate' breeding from the market, which has significant implications for overbreeding and abandonment. In the Netherlands, just as in Germany, sterilization treatments are subsidized by dozens of towns – not to mention the mandatory (for first-time adopters) tuition of owners which is compulsory at some Länder. [53] At present, animal legal status is most developed in Switzerland, where the Federal Animal Welfare Act includes provisions for court-appointed representation of animals who are victims in cases of abuse, besides forcing all pet owners to attend training programs and direct public funds to improving infrastructure at shelters. [54] As a result of these enlightened measures, animal protection organizations have the political and social authority to ensure that even older or mixed-breed animals are being consistently adopted.

C. Asia-Pacific: Step-by-step models and community-based solutions

Thailand has also faced similar resource and sociocultural situation challenges to Mongolia and in 2023 the city-based reform program began operation in Bangkok. The law, which requires animals to be microchipped and breeders licensed, also taps into city budgets for mobile neuter-vaccination clinics and to support the civil society organizations

cessed 6 October 2025.

50 Dutch Animal Protection Act (n 46) art 42; BLG 2019/2022/117.

51 Netherlands Pet Registry (n 46) 18.

52 German Animal Welfare Act 2006 (Rev 2017), §§1–5; German Federal Ministry of Food and Agriculture, 'Shelter and Enforcement Reports 2021–2023' (2024).

53 Bundesrat, 'Owner Education Requirements' (2023) 7–9.

54 Swiss Federal Animal Welfare Act 2005 (Rev 2016), arts 100–104.

that serve as enforcement partners.[55] Digital registration is still somewhat sporadic in other parts of the country than in the capital, but education programs such as those on television and social media have helped to reduce reports of abandonment and cruelty by over 60% in urban areas.[56]

Animal Birth Control in Bhutan is a strategic partnership between ministries, local veterinarians and foreign non-governmental organizations, implementing seasonal sterilization and rabies vaccination campaigns reaching down into even the most distant provinces. [57] Thimphu saw a dramatic reduction in the number of stray animals that was 72%during the period between 2015 and 2023. This success in the technical side was possible by using simple protocols, continuous follow-up and strong cooperation with local leaders and monks. [58] Even in wealthy Japan and South Korea, the tactics show how a combination of nation-wide curriculum, shelters that receive continuous funding and sensitive media representations can help change public opinion in 2022, for example, such campaigns helped increase by 60% adoptions of special-needs and senior animals. [59]

D. Lessons for Mongolia

Five key pillars are emphasized by the Global Best Practices, which appear to demand more attention for Mongolia to have an effective platform for animal welfare: (1) establishing nationwide digital registration systems; (2) decentralized application of subsidized veterinary outreach services; (3) strong legal penalties enacted against violations; (4) continued promotion of humane education embraced by curriculum and public media alike and; (5) a formalized and well-funded public-private partnership-oriented institutional arrangement focusing on long-term financing programs as well as service delivery. [60]

The combination of registry systems, enforcement tools and municipal financing within the frameworks in the Netherlands and Germany provides a useful guide for Mongolia to translate statutory purpose into operational reality. Bhutan's aggressive ABC (Animal Birth Control), low cost/high coverage model is an example of what can be achieved even in under populated and resource impoverished settings. The social and generational transition that we see in Japan and South Korea is not inevitable, nor is it one-way traffic; impetus for such transitions comes from the continued commitments of schools, media outlets, non-government organisations with significant appears by the state. [61]

In translating those lessons, the challenge for Mongolia now is not only and simply one of legal aspiration but rather the daunting task of connecting a robust legal framework with fit-for-purpose institutions and fiscal formulas – a generational civic culture that makes very ordinary citizens view these protected species as non-human beings which stand within us as an essential social basis in law.

V. An Agenda for Policy: The Gap Between Ambition and Practice in Mongolia's Law reform

A. National Animal Database, Full Integration of Digital Systems and Universal Deployment

A core element of any successful population control program is the implementation of a thorough digital animal database. Mongolia should take the lead to carry out a coordinated effort to develop an integrated digital enterprise platform under management of Ministry of Food, Agriculture and Light Industry that can be accessed by every municipal and soumoffices in Mongolia with full integration capacity with existing shelter and veterinary database. [62]

This progressive database will provide real time tracking of animals, improve owner accountability, allow immediate loss and found notification and provide additional tools for the investigation of cruelty or abandonment cases. To start with, pilot projects in the towns- Ulaanbaatar and Darkhan will have to be installed followed by an extension from soum (rural districts) level, thanks to mobile registration clinics and chip implantation campaigns at a preferential rate. [63] Financial incentives for individual pet owners and local government authorities should be interwoven with the accuracy of reporting and active participation in the registry.

The good practices developed in the Netherlands and Germany where cities' funding eligibility depends on their compliance with the Cancer Regis-

55 Bangkok City Council, 'Progress Report on Pet Law Enforcement' (March 2024).
56 Thai Animal Welfare NGO, 'Digital Campaigns and Outreach Assessment' (2024).
57 Bhutan Ministry of Agriculture, 'Animal Birth Control (ABC) Programme: Results 2015–23' (2024) 5–12.
58 Ibid 19.
59 Japan Animal Welfare Association, 'National Campaigns Archive 2018–2023' (2023).
60 Dutch Animal Protection Act (n 46); Bhutan Ministry of Agriculture (n 57).
61 Japan Animal Welfare Association (n 59); South Korea Ministry of Environment, 'Shelter Funding Summary' (2023).
62 Ministry of Food, Agriculture, and Light Industry, 'Digital Registry Commission Proposal 2024' (Aug 2024) 5.
63 Mongolian Veterinary Association, 'Mobile Clinics Pilot Evaluation' (Sept 2024) 12–15.

try can serve as a model at which we should look thoughtfully to adjust it reasonably for Mongolia's unique geographic and resource context. [64] Shelters and non-governmental organizations (NGOs) should have privileged direct API access to the registry, as enforcement partners.

B. Low Cost Sterilization, Outreach and Rural Health Infrastructure

For Mongolia, it is critical that we prioritize the expansion of high-volume, low-cost sterilization campaigns outside Ulaanbaatar by strategically utilizing mobile veterinary units and establishing pop-up rural clinics to create wider coverage. [65] The introduction of subsidies for at-risk soums, combined with partnership contracts with private veterinary clinics, could greatly improve coverage and accessibility. Experiences gained in Bhutan have shown that the regular seasonal sterilisation campaigns performed carefully planned before breeding dependent on both local culture and dog behaviour to break a sustainable reduction of the number of strays born. [66]

Further, a well-designed voucher programme targeting low-income families in priority provinces where pet owners could get free sterilisation, or service credit for sterilisation would also help expand access to these important services. A national sterilization and rabies vaccination week should be declared and widely promoted through both urban and rural media outlets, relayed by community leaders and school activities so that all the public is informed about this campaign.

Furthermore, it is essential that national level protocols and service requirements are standardized; and annual auditing (by both vet networks and published district-wide outcome data) used to drive transparency as well as public confidence in the system.

C. Enforcement: Resources, Mission, and Procedural Change

In order for both criminal and administrative penalties to serve as effective deterrents, it is necessary that animal welfare enforcement become the focus of resources and provide clear procedures. [67] Individual neighbourhood police stations should be able to appoint specialist liaison officers trained in compiling cases of crimes against animals, collecting evidence and ensuring procedural justice.

Local authorities should trial the creation of rapid response units, integrated with police, shelter personnel and vets, aimed at responding to mass abandonment events, cruelty incidents or unlawful culling. Information on such incidents must be centrally recorded and publicly available, as is standard procedure in the Netherlands and South Korea with quarterly bulletins and annual statistics that are invaluable brushes for both accountability and advocacy. [68]

There should be no doubt that the penalties for abandoning or being cruel to your animals need cleaning up: fines should be graduated, offenders formally warned (in writing) on first offenses, then turned over for prosecution upon subsequent convictions.

D. Education, Attitude Change, and Media Collaboration

Changing people's minds and social values is every bit as important as changing laws. Long-term comprehensive educational campaigns on multiple channels be institutionalized as a permanent policy with strong support from the Ministry of Education and partnering NGOs coalitions. Educational Contents that are added in the curriculum of basic education should effectively communicate Responsible Pet Ownership, Humane Treatment and debunking Myths about mongrels.

Moreover, documentaries, social media programmes and influencer-led strategies – such as those that have worked to increase use in Japan would need the content adapted carefully for it to work within Mongolia's language and cultural context. [69]

Time to Adopt: Our local schools, city hall and religious leaders can work together to host annual "Adopt, Don't Shop" fairs that incentivize the adoption of mixed-breed and senior animals. Media institutions need to take a view of animal welfare that considers it an ongoing civic issue, and not just an occasionally broached niche-interest concern.

E. Sustainable financing and public-private connections

64 Dutch Animal Protection Act (n 46); German Federal Ministry of Food and Agriculture (n 52).
65 Bangkok City Council (n 55); Bhutan Ministry of Agriculture (n 57).
66 Bhutan Ministry of Agriculture (n 57) 17.
67 Law on Companion Animals (n 1) ch 3, arts 24–29; Interview by author, D. Sukhbaatar, Chingeltei Police (n 37).
68 Dutch Municipalities Association (n 49); South Korea Ministry of Environment (n 61).
69 Japan Animal Welfare Association (n 59).

Units should demand a minimum percentage to be determined from local and national budgets for care of the pets, provided this percentage could be indexed according to number of districts in each area and number of microchipped animals established by law, such as sterilization services and shelters. [70]

Consider arrangements for NGOs and animal shelters to have formal representation on district animal welfare boards, with voting rights about budget allocation and access to government tendering processes for large outreach initiatives.

A National Animal Welfare Fund could, in the tradition of partnership models demonstrated effectively by Thailand's city-level programs and Bhutan's fund for ABC, potentially access a spread of public, donor and private funding streams. [71] The results of this fund must be independently audited and published clearly each year.

F. Monitoring, Evaluation and Adaptive Reform

The Open data philosophy is one of the pillars upon which a modern government operates. Mongolia should undertake the creation of an annual "State of Animal Welfare" report, detailing with precision registry numbers, sterilization rates, enforcement measures, adoption numbers and qualitative surveys about public opinions about dissatisfaction. [72] And finally there should be public facing dashboards that can allow for open and anonymized review of shelter capacity, waiting lists to get into shelter, how quickly complaints get handled and how often they are rising to the level of criminal prosecution.

To embed adaptive processes at every level of administration, this learning needs to be established through systematic stakeholder meetings, user feedback forms and public roundtables so that practices can continually improve based on evidence of what actually works in practice.

VI. Conclusion: The Nexus of Law, Governance and Civic Values

The passage of Mongolia's Law on Companion Animals in 2023 is an expression not just of a legal milestone, but rather an overdue reckoning with the complex weave that is its civic identity, legislating ability, and lived realities among varied urbanites

70 Ulaanbaatar City Assembly, 'Annual Budget Statement 2024' (September 2024) 23–25.

71 Bhutan Ministry of Agriculture (n 57); Thai Animal Welfare NGO (n 56).

72 Law on Companion Animals (n 1) ch 4, arts 33–38.

and rural residents. [73] A detailed reflection on experiences past, legal drafting subtleties, comparative examples and first-hand grassroots field work evidence opens the key intuition that a statutory leap forward – however ambitious it might appear to be – all alone is simply not fit enough to match the multiple social, economic and ethical forces at stake that impact outcomes in animal welfare.

The prehistory of Institutional Reform: The past decade preceding this climactic reform is characterised by a sharp disjuncture: in the official corridors, regardless of how mediatic or acerbic (in terms of culling), we have seen very little elimination – only to continue with that language, characterized through public health lingo -decades old; but even as NGOs were persistently active and youth mobilized energetically along synergistic global partnerships, significant signing up was sought both in the public mind-set and at top policy levels.[74] New legislation is very modern in its overt commitment to animal sentience, mandatory registration and community enforcement but continues to struggle with implementation for much of the country outside the capital city Ulaanbaatar. [75]

This article's in-depth empirical investigation carefully documents four particularly telling findings: (1) In the urban settings, impressive gains for registration, sterilization, and educational campaigns have been realized in part through effective intermunicipal collaboration and through strong networks of NGOs; [76] (2) Throughout the rural soums, a persistent lack of financial resources combined with inadequate technological infrastructure and deeply hallowed cultural attitudes continue to impede law enforcement and the development of sustainable, humane management systems; [77] (3) The structures for law enforcement, prosecutorial clarity and judicial follow-through are significantly underdeveloped as manifested in the notably low arrest rates or rates of conviction in cases related to animal abuse; [78] (4) Successfully reorienting society toward certain types of non-breed pure breeds or stray or special-needs animals requires not just new laws or policies but a long-term civic commitment to cultivating empathy toward those creatures through enhanced education and open-sourcing social innovation. [79]

International standards confirm that the "hardware" of legal reform (laws, registry systems, police mandates and funding streams) must work in tandem with the "software": partnerships, education programs and changes to cultural norms. [80] Extending animals' legal subjecthood is a precondition for their protection, but the efforts that continue to be made in rescue, care, and mutual assistance require governance structures that are flexible enough to respond to emerging insights and challenges with sufficient funding.

As we move forward, Mongolia's reformers, politicians, and civil society leaders must not only be ambitious but sustained in financial and technical investment—particularly for outreach in rural communities—digital supervision (including shelter infrastructure), data-driven planning and evaluation plans with a downturned angle to focus on the value of public-private partnerships and that promote community-based interventions that challenge harmful social norms while incorporating lessons stipulating empathy, kindnesses and civic-mindedness as part of the official curriculum at schools and our media platforms.

The potential behind the 2023 Law on Companion Animals goes beyond a simple "crackdown" on cases of cruelty or reduction in quantities of stray animals; it obviates an aspiration towards taking charge and embracing a more inclusive format of civic ethics as our social contract enters into a new stage wherein affiliation becomes key. As Mongolia crafts this innovative social compact with its non-human citizens, it offers a tantalizing template for other nations trying to wrestle the complex crucible of law, public medicine and ethical pluralism.[81] Achieving that ambitious vision will require both the courage to thoughtfully simulate global lessons and deep listening to local articulations of experience, as well as investment in the slow, frequently unspectacular labour of building trust in institutions and caring for the social world.

Prospective studies should closely follow the consequences of registry deployment, carefully review longitudinal shelter outcomes and underlie the impact of innovative teaching interventions on youth attitudes. It is in this journey from legislative

73 Parliament of Mongolia, 'Records of the Working Group for Drafting the Law on Companion Animals' (n 17); Law on Companion Animals (n 1).

74 Lucky Paws (n 24); Davaa M (n 15).

75 Universal Declaration on Animal Welfare (UDAW) (n 2); Bayasgalan B (n 16).

76 Ulaanbaatar Mayor's Office (n 6); Lucky Paws (n 24).

77 Arkhangai Veterinary Administration (n 8); Interview by author, S. Serdamba, Tuv Province, (6 July 2024).

78 Ministry of Justice and Internal Affairs (n 11) 18; Sociology Dept, National University of Mongolia (n 38) 8.

79 Sociology Dept (n 38); Interview by author, Bayanzurkh Shelter (n 14).

80 Dutch Animal Protection Act (n 46); Japan Animal Welfare Association (n 59); Bhutan Ministry of Agriculture (n 57).

81 Universal Declaration on Animal Welfare (UDAW) (n 2); Parliament of Mongolia, 'Committee Records: Law on Companion Animals (2021–2023)' (n 17) 15.

promise to on-the-ground reality that civil society, including international partners – NGOs and veterinary organizations, and donor agencies – shall all have a vital role to play as Mongolia embarks upon the road ahead.

Author Biography

Anujin Lkhagvanyam is a Master's student in Public Law at the National University of Mongolia. Her academic focus lies at the intersection of public law, comparative constitutional studies, and the emerging discipline of animal law within transitional legal systems.

Beyond academia, Anujin has long been dedicated to animal welfare on a community level. She has independently organized fundraising efforts, collected donations, provided food for stray animals, and assisted with veterinary expenses for abandoned and injured pets. She has also supported local NGOs with financial and material contributions. Motivated by witnessing firsthand issues of neglect, abandonment, and superstition-driven attitudes toward animals, Anujin is committed to advancing both legal reform and public awareness. Her current research emphasizes a comparative approach, analyzing international animal welfare frameworks alongside Mongolia's evolving laws. This article represents her first formal scholarly publication, directly inspired by her lifelong experience as a guardian of companion animals.

Looking ahead, Anujin aims to contribute to the development of stronger animal welfare legislation in Mongolia while creating scholarly bridges between Mongolian legal studies and global debates in animal law. She has shared her life with companion animals for more than 26 years and is currently a pet parent to a red-eared turtle, two Shetland Sheepdogs, and three Bengal cats.

Is Breeding Companion Animals with Extreme Conformations Contrary to the UK Animal Welfare Acts?

A-LAW Student Essay Competition 2025 Winner

By Luke McLaughlin

In recent years, welfare organisations have raised particular cause for concern towards the breeding of companion animals displaying extreme conformation. This term describes any animal breed with an exaggerated body shape, structure, or appearance which can negatively affect their health and welfare.[1] The outcome is driven by human participation in selective breeding, attributed to a generalised aesthetic appeal of animals with exaggerated features that are promoted by their commonplace imagery in advertising and social media. This effect is prevalent in our western culture, yet the effects suffered by companion animals subjected to conformation traits are long-term chronic and often incurable respiratory, dermatological, odonatological and musculoskeletal conditions.[2]

This essay critically assesses the effectiveness of the Animal Welfare Act (AWA) 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations (AWR) 2018, in safeguarding the welfare of companion animals against extreme conformation. It addresses limitations of the legislation, particularly with regard to puppy mills, and explores various recommendations to improve the effectiveness of the legislation. Finally, it examines the legislative welfare measures of some European counties.

Presently, there exists no provision in the legislation of any UK country criminalising the breeding of animals with extreme conformation.[3] However, legal analysis has determined two provisions within the AWA which may be construed as imposing implied limitations.[4] Firstly, section 4, AWA renders it an offence to inflict 'unnecessary suffering' to a protected animal,[5] whether intentionally or negligently. Additionally, section 9, AWA imposes an obligation on 'person[s] responsible' for animals to ensure reasonable steps are taken to meet their basic needs.[6] Animal welfare organisations and other institutes have expressed exigency that the breeding of companion animals displaying health conditions associated with extreme conformation should be regarded as breaching of both statutory provisions.[7]

In particular, they caution that the health conditions suffered by companion animals impair legally protected behaviours, including regular breathing patterns, normal movement, sleep, mating, and interaction with conspecifics.[8] Attempts to clarify the law have sought to develop the literal interpretation of sections 4 and 9 of the AWA. DEFRA has suggested that an offence may be committed under s.4 where a breeder 'knowingly selects and breeds animals with genetics leading to extreme conformations that cause pain, suffering or distress'.[9] This broader interpretation would offer an

1 'Extreme conformation' (British Veterinary Association) <https://www.bva.co.uk/take-action/our-policies/extreme-conformation/#:~:text=Animals%20with%20extremes%20of%20conformation,in%20popularity%20in%20recent%20years.> accessed 21 February 2025.

2 Elodie Morel, Laureline Malineau, Charlotte Venet, Virginie Gaillard, Franck Péron, 'Prioritization of Appearance over Health and Temperament Is Detrimental to the Welfare of Purebred Dogs and Cats' (2024) 14(7) <https://pmc.ncbi.nlm.nih.gov/articles/PMC11011023/> accessed 22 February 2025.

3 Tamara Katamine, Dr Helena Howe, 'Using the law to address harmful conformation in dogs: Is a breed-specific breeding ban the answer?' (2023) 7(1) <https://www.alaw.org.uk/wp-content/uploads/2023/07/Using-the-law-to-address-harmful-conformation-in-dogs-Is-a-breed-specific-breeding-ban-the-answer-Dr-Helena-Ho14541.pdf> accessed 3 March 2025.

4 Ibid.

5 Animal Welfare Act 2006, s 4.

6 Animal Welfare Act 2006, s 9.

7 'Written evidence submitted by the Legal Advisory Group on Extreme Conformation in Dogs' (2023) Legal Advisory Group on Extreme Conformation in Dogs <https://committees.parliament.uk/writtenevidence/120225/pdf/> accessed 7 March 2025.

8 'Legal Advisory Group on Extreme Conformation in Dogs' A-Law <https://www.alaw.org.uk/companion-animals/extreme-dog-conformation/> accessed 6 March 2025.

9 Tamara Katamine, Dr Helena Howe, 'Using the law to address harmful conformation in dogs: Is a breed-specific breeding ban the answer?' (2023) 7(1) <https://www.alaw.org.uk/wp-content/uploads/2023/07/Using-the-law-to-address-harmful-conformation-in-dogs-Is-a-breed-specific-

extension of s.4, AWA, while its statutory function would remain pertinent to the issue of selective breeding. The way in which s.4 is articulated infers that a successful prosecution depends on proof of a causal link connecting the breeding decision and to the particular defect resulting in the suffering of the live offspring.[10] An essential component underpinning the breeding decision would be evidence of a degree of knowledge or reasonable foresight by the breeder, that a risk of suffering to the offspring would ensue from the defect.[11] The specific degree of knowledge or foresight could differ according to the animal being employed for breeding purposes, thus inviting suggestions that criminal liability should be presumed where breeding from specific breeds would pose a moderate or high risk of suffering to its offspring.[12] Through widening the scope for criminal liability, this would ensure more instances involving selective breeding for conformation purposes are captured by the wording, potentially reducing the number of breeders willing to engage in this practice.

An emerging threat to the welfare standards enforced by sections 4 and 9 of the AWA is the inbreeding of 'designer' dog breeds by commercial breeders, combined with the exponential growth of puppy mills. The industry sustains itself financially through supply and demand, maximising production, and minimising costs, often at the expense of animal welfare.[13] The prevalence of puppy mills is influenced by popularity peaks leading to greater consumer demand for certain breeds, primarily driven by fashion trends. Commercial dog breeding is a regulated activity under the AWR, and Schedule 1 imposes a licensing obligation on breeders who sell three or more litters of puppies annually.[14]

However, the potential to generate substantial earnings causes breeders to perceive dogs as mere commodities to be readily exploited for financial gain. The acquisitiveness of commercial breeders has resulted in hazardous practices to develop, including inbreeding large numbers of purebred dogs.[15] Inbreeding involves the breeding of closely related organisms that share common ancestry, especially over many generations. It seeks to preserve the conformation of significantly altered traits within a particular herd, typically in response to consumer demand. By consequence, the effect can lead to a predominantly homozygous offspring population, increasing the risk of hereditary pathology and conformational disorders.[16] In light of evident welfare risks, existing regulation has been criticised given the lack of resources and expertise by licensing authorities in absence of clear guidance. Furthermore, legislation is often slow to maintain with rapidly evolving business practices and the rise of internet sales.[17]

The AWA establishes the wider legal framework under which national regulations offer precise guidance as to achieving statutory compliance on controlled breeding. Rules applying to licensed breeders in the UK play a crucial role in regulating breeding activities. Yet, their effectiveness is limited by uncertainty regarding the full extent of their application and limits to their scope of their operation. In England, Sch. 6, 6(5), AWR is the sole provision concerning the breeding of dogs showing extreme conformation.[18] The LAGECD has published various recommendations, including that the inclusion of the term 'phenotype' be replaced with 'conformation', to reflect a more transparent meaning widely understood by the public and breeders alike.[19] This replacement would be consistent with the wording of Sch. 6, 8(5) of the Scottish regulations.[20] Sch. 6, 6(5) stipulates the Minimum standards all licensed breeders must attain, including taking 'all reasonable steps' to breed dogs of 'good physical and genetic health'.[21]

breeding-ban-the-answer-Dr-Helena-Ho14541.pdf> accessed 9 March 2025.

10 Ibid.

11 Ibid.

12 'Written evidence submitted by the Legal Advisory Group on Extreme Conformation in Dogs' (2023) Legal Advisory Group on Extreme Conformation in Dogs <https://committees.parliament.uk/writtenevidence/120225/pdf/> accessed 9 March 2025.

13 David J. Menor-Campos, 'Ethical Concerns about Fashionable Dog Breeding' (2024) 14(756) <https://pmc.ncbi.nlm.nih.gov/articles/PMC10930939/pdf/animals-14-00756.pdf> accessed 10 March 2025.

14 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations, sch 1.

15 David J. Menor-Campos, 'Ethical Concerns about Fashionable Dog Breeding' (2024) 14(756) <https://pmc.ncbi.nlm.nih.gov/articles/PMC10930939/pdf/animals-14-00756.pdf> accessed 10 March 2025.

16 Chris Sangster, 'Boycotting dogs bred in puppy farms will increase these dogs' suffering further and therefore cannot be justified', A-Law <https://www.alaw.org.uk/wp-content/uploads/2023/12/Boycotting-dogs-bred-in-puppy-farms-will-increase-these-dogs-suffering-further-and-therefore-cannot-be-justified-by-Chris-Sangster.pdf> accessed 10 March 2025.

17 Ibid.

18 Tamara Katamine, Dr Helena Howe, 'Using the law to address harmful conformation in dogs: Is a breed-specific breeding ban the answer?' (2023) 7(1) <https://www.alaw.org.uk/wp-content/uploads/2023/07/Using-the-law-to-address-harmful-conformation-in-dogs-Is-a-breed-specific-breeding-ban-the-answer-Dr-Helena-Ho14541.pdf> accessed 11 March 2025.

19 'Written evidence submitted by the Legal Advisory Group on Extreme Conformation in Dogs' (2023) Legal Advisory Group on Extreme Conformation in Dogs <https://committees.parliament.uk/writtenevidence/120225/pdf/> accessed 13 March 2025.

20 The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021, sch 6.

21 Animal Welfare (Licensing of Activities Involving

LAGECD has recommended that the Minimum standards applicable to England be elevated to reflect Higher Standards, including by making it mandatory for breeders to obtain veterinary advice in relation to certain dog breeds, such as brachycephalics.[22] Additionally, it recommends that the term 'extreme conformation' be introduced within the regulations.[23] This would enable a presumption to apply whereby the standard of care will be satisfied in certain circumstances, and rebutted only where licensees can prove sufficient steps have been taken to mitigate the likelihood of harmful outcomes.[24] By addressing existing limitations, the recommendation seek to enforce a more stringent regulatory framework to ensure quality welfare provision for companion animals with extreme conformation.

The development of animal welfare legislation across European jurisdictions has greatly influenced global perceptions surrounding the welfare of companion animals suffering from extreme conformation, thus further engendering the UK government implement more robust legal protections to safeguard animal welfare. A landmark judgement delivered by the Norwegian Supreme Court in 2023 upheld a complete ban on the inbreeding of purebred Cavalier King Spaniels, and further imposed restraints on the inbreeding of English Bulldogs.[25] The decision followed evidence implying that the prevalence of genes resulting in serious health conditions within their breeding populations threatened future breeding potential. The finding prompted The Norwegian Society for the Protection of Animals (NSPA) to initiate civil proceedings against various breed registries, including the Norwegian Kennel Club. The allegations maintained that existing breeding practices contravened national animal welfare legislation, in particular section 25 of the Norwegian Animal Welfare Act (2009). The decision evidences a willingness by courts in foreign jurisdictions to exercise their discretion when interpreting and applying legislative protections to safeguard future animal welfare needs. In the midst of the Norwegian litigation, the Finnish Parliament redrafted its Animal Welfare Act in 2024 to include refined provisions to further preserve animal welfare.[26] This included placing a positive ob-

Animals) (England) Regulations, sch 6.

22 'Written evidence submitted by the Legal Advisory Group on Extreme Conformation in Dogs' (2023) Legal Advisory Group on Extreme Conformation in Dogs <https://committees.parliament.uk/writtenevidence/120225/pdf/> accessed 16 March 2025.

23 Ibid.

24 Ibid.

25 'A Journal of Animal Law, Ethics & Policy' (2023) 7(2) <https://www.alaw.org.uk/wp-content/uploads/2023/12/UK-Journal-of-Animal-Law-December-2023-1.pdf> accessed 16 March 2025.

26 Ibid

ligation on dog breeders to ensure an animal may not be bred if it is unable to reproduce naturally or if the reproduction could cause significant harm to its welfare, or to that of its offspring. Clearly, the different approaches to national regulation would present advantages and disadvantages in the UK. Through imposing a nationwide breed ban, this would substantially limit purebreds prone to severe health conditions arising from conformational traits, reducing the disease burden. In signalling the harms suffered by breeds, this would shift public perceptions to recognise the necessity of safeguarding animal welfare. However, this could raise numerous practical difficulties including complexity in monitoring legal enforcement, greater government expenditure and private funding, the need for strong public approval, and the risk of aggravating existing tensions with the breeding community.

It goes without saying that significant legislative strides, driven largely by a growing social consciousness and activism surrounding animal welfare, have afforded increased protections to companion animals. Despite this, the discourse surrounding extreme conformation and its associated risks remains a relative novelty within the legislative context. Reforms to animal welfare legislation must follow key recommendations to improve the efficacy of our existing framework. The models of other jurisdictions reflect a growing tendency to advance legislation which recognises the intrinsic interests of companion animals. However, change must emanate from active reform from the government, as the UK cannot afford to await for a landmark judgement to radically improve adequate welfare legislation of our companion animals.

The King (on The application of Animal Equality UK) v North East Lincolnshire Borough Council and ASL New Clee Limited [2025] EWHC 1331 (Admin), 2025

By Adam Waite

Facts

In this case, an animal protection charity, Animal Equality UK ("the Claimant"), challenged the decision of North East Lincolnshire Borough Council (the "Defendant") regarding its approval of the UK's first wholly onshore salmon farming operation proposed to be developed by the salmon farming operative and owner of the site ASL New Clee Limited.

The project had drawn objections from residents and the Claimant, who raised serious environmental and animal welfare concerns, including the potential suffering of the farmed fish and the operation's wider impacts. In a letter to the Planning Committee before the decision, the Claimant (with input from an aquatic veterinary expert) warned that keeping salmon in high-density on-land tanks could cause severe welfare issues – including pain, disease, high mortality rates and even cannibalism – and noted the risk of mass die-offs if systems failed[1].

The Council's Planning Committee nonetheless voted 7–4 on 29 November 2023 to approve the development, and formal planning permission was issued on 1 December 2023. This prompted the Claimant to seek a judicial review of the decision in the High Court. The Claimant was permitted to challenge the grant of planning permission on one ground, which was an allegation that the Council's planning committee was materially misled in having been advised that animal welfare concerns were not a "material consideration" to be taken into account in their decision making.

The Claimant's argument was that the planning committee had been advised that fish welfare and moral concerns were not material, relying on both the contents of the Officer's Report, which included a paragraph stating that "Regarding fish welfare and the moral concerns of fish farming that have been raised…whilst these concerns are noted they are not considered to be material land use planning considerations"[2], and the oral advice given at the committee meeting from the officer that "the moral side of what is being proposed" and "the welfare of the fish involved" were "not considered a material consideration"[3].

The Claimant did not seek to persuade the Court that the committee was required to take the welfare of the fish into account, but rather that the committee should have been advised that it was open to them to do so if they wished.

The law

Section 70(2) of the Town and Country Planning Act 1990 requires planning authorities to have regard to (among other things) all "material considerations". The Court confirmed that whether or not a decision-maker chooses to take into account something which is a lawful material planning consideration is a matter of discretion for the committee. The only exception being where a material consideration is so obviously material that a decision maker is required to take it into account.[4]

Likewise it is for the planning authority to decide what weight should be given to a material consideration.[5]

The decision

Deputy High Court Judge Ridge dismissed the claim and upheld the council's decision to grant planning permission for the onshore salmon farm. The Court affirmed that animal welfare concerns were capable of constituting a material consideration as a matter of law, but in this case the planning committee was not materially misled regarding the materiality of such concerns when granting permission.

The Court pointed out that the Officer's Report is not a legal report and is not to be subject to "overly

1 The King (on the application of Animal Equality UK) v North East Lincolnshire Borough Council -and- ASL New Clee Limited, para 4.

2 Ibid. at para 7.
3 Ibid. at para 33.
4 Ibid. para 20.
5 Ibid. para 21.

forensic examination".[6] Likewise, that words used in a committee meeting should not be "forensically dissected".[7] In that context the Court did not accept that the words "those concerns are noted" in the Officer's Report meant that they could not be taken into account in the assessment, nor that the words "they are not considered to be" were literary flourish, but instead flagged the view of the planning officer that concerns in relation to fish welfare are not material to the decision[8]. Thus they were an expression of professional opinion as to materiality[9] rather than a categorical legal direction. The report had asked - not told - the committee not to consider animal welfare concerns.

Analysis

This case is the first reported High Court decision to explicitly address animal welfare as a factor in planning for an intensive animal facility[10], and although the challenge was ultimately dismissed, the case is legally significant for animal law in the planning context.

The Court's explicit affirmation that animal welfare concerns are capable of constituting a material consideration as a matter of law is significant, and has been described by the Claimant in this case as a "precedent-setting moment", [11] and a "landmark legal victory"[12] on the basis that planning decision-makers who deliberately fail to acknowledge that animal welfare can be considered could now be subject to judicial review proceedings.[13]

Others have commented that the case is part of a wider trajectory of societal and legal developments affording increased legitimacy to animal welfare concerns as part of the planning process,[14] comparable to how climate change and air quality have gradually become central to planning.[15]

6 Ibid. para 42.
7 Ibid. para 56.
8 Ibid. para 45.
9 Ibid. para 45.
10 Morris Poxton I "Salmon farm approved after legal challenge" (BBC News, 5 June 2025) citing Alex Shattock who represented the Claimant in this case (https://www.bbc.co.uk/news/articles/cn4qp7nll22o) [accessed 31 November 2025]
11 https://animalequality.org.uk/news/2025/06/16/animal-equality-secures-landmark-legal-victory-for-animal-welfare-in-planning-law/ [accessed 26 October 2025]
12 Ibid 2. [accessed 26 October 2025]
13 Ibid 2. [accessed 26 October 2025]
14 Bowles, E. "Animal welfare as a material consideration in planning law" (The Law Society Gazette, 16 September 2025) https://www.lawgazette.co.uk/practice-points/animal-welfare-as-a-material-consideration-in-planning-law/5124475.article [accessed 26 October 2025].
15 Bowles, E. "Animals matter as we plan our world" (the Ecologist, 20 October 2025) [accessed 26 October 2025].

Conclusion

While historically animal welfare has not featured prominently in planning decisions, this case squarely raised the question of whether concerns about the treatment of animals (in this case, intensively farmed fish) could play a role in planning approval.

Following this case, it is confirmed that if an aspect of animal welfare is relevant to the use of the land or the nature of the proposed operation, it can be weighed alongside other planning considerations (such as loss of ecological habits, noise and disturbance, visual amenity, etc.). However, the judgment also draws a line: planners are not obliged to consider welfare in every case, and they can legitimately decide to disregard animal welfare issues if, in their judgment, those issues are not pertinent to the planning decision. This dynamic essentially brings animal welfare into the conversation in planning, even if it will not always prevail. Animal advocates will view this direction of travel in planning law as an encouraging development.

The Moral Value of Companion Animals: Are they Someone or Something?

By Angie Vega

***At a Glance**: As other areas of the law continue to evolve to recognize the significance of the relationship between humans and their nonhuman family members, it is time for a reform that allows compensation of damages truly suffered as opposed to mere fair market value, which, interestingly, is nothing but unfair.*

Seeing dogs and cats in holiday pictures sent to friends and family is not unusual. From celebrating their birthdays and making them part of important family events to paying for specialized food and veterinary care and acquiring health insurance, companion animals have gone from being pets or even best friends to being considered cherished family members.

Throughout history, humans and their companion animals have had a range of relationships. For instance, humans used to have dogs and cats for utilitarian purposes, where they would live outside and provide some sort of service to their master, such as herding animals, hunting 'pests' or food, or guarding the home. There might have been affection towards one another. Nevertheless, it was fair to expect their lives to be cut short at any moment due to diseases or other animals.

Today, this relationship looks very different. The bond between humans and nonhuman animal companions has significantly evolved and is stronger than ever.[1] Companion animals are treated by the average family as full family members, where they provide companionship and happiness. In addition, studies have shown that having a pet can improve mental health, reduce stress, and lead to a longer, healthier life.[2] They are different from many other animals in that we live with them, give them a name, and do not eat them.[3] In today's world, it is

1 The Human Animal Bond Research Institute (HABRI), New Research Confirms the Strong Bond Between People and Pets is a Global Phenomenon, 95% Worldwide Say Pets Are Family <https://habri.org/pressroom/20220116> (accessed January 28, 2025).

2 National Institutes of Health, The Power of Pets, Health Benefits of Human-Animal Interactions <https://newsinhealth.nih.gov/2018/02/power-pets> (accessed January 28, 2025); FEDIAF EuropeanPetFood <https://europeanpetfood.org/pets-in-society/health-benefits/> (accessed January 28, 2025).

3 Irvine & Cilia, Morethanhuman families: Pets, people, and practices in multispecies households <https://www.academia.edu/35990445/More_than_human_families_Pets_people_and_practices_in_multispecies_households> (ac-

not uncommon for people to consider their companion animals as valued members of their family. This phenomenon occurs in most families with a "pet," and families in the United States[4] and the United Kingdom[5] are no exception.

The significance of companion animals in our lives has been steadily growing. The evolving needs and dynamics of society have profoundly impacted our relationship with these beloved animals. Busy schedules, smaller families, and moving to urban areas are some of the factors that have brought humans closer to their companion animals.[6] The advance of veterinary medicine and technology is a critical factor as well. Dogs and cats are living longer than ever.[7] Parasite control treatments allow us to have a relationship with animals without worrying that they will make us sick. In addition, many of yesterday's deadly diseases are treatable today. It can be asserted that when someone welcomes a dog or a cat into their family, they do so with the expectation of forming a deep and enduring bond. This assumption is based on the under- standing that that animal will likely have a relatively long lifespan, allowing ample time to create a strong and meaningful connection. As that bond develops and grows stronger, it becomes more difficult to watch them endure pain. Studies even show that humans grieve their nonhuman animal companions like they grieve close family members.[8] Indeed, the choice to welcome an animal into the family is far from random. People make this decision because animals bring genuine happiness and a profound sense of purpose, but also under the understanding that their responsibility towards their new nonhuman family member will extend over the long haul.

It is no secret that people love their animals, not like they love a valuable piece of jewelry, but as family members. For instance, in 2022, around 94% of people with companion animals in the U.S.[9] and the U.K.[10] considered them part of the family.

But how about the law? Does the legal system value companion animals in the same way as society does? The U.S. and the U.K. legal systems have evolved differently in many aspects. However, when it comes to the legal treatment of animals, both countries, as with the vast majority of other countries, classify them as property – a chattel, just like a toaster, a phone, or a computer.[11] At first glance, this may not seem problematic and may even seem logical to many. After all, legal systems are built around the notions of persons and property. However, the strict interpretation of this classification poses some deeper issues, particularly to those that highly regard their nonhuman animals within the context of their family.

When a companion animal is harmed by the intentional or negligent conduct of a third person, the "owner" of the companion animal can file a lawsuit against the tortfeasor for the harm or loss suffered by that person. The same principle applies in both the U.S. and the U.K. The goal is to put the injured party in the same position they would have been in if the tort had not occurred - to make the plaintiff whole. This area of the law has been developed through case law. The remedies in torts are damages, which provide financial compensation to the plaintiff for their losses, with the goal of compensating the plaintiff, not punishing the defendant.

Let's illustrate this issue. Imagine your beloved 7-year-old mutt dog, Benny, is beaten up by your neighbor because he went onto his property. You have been together for many years, and even though he may not be as energetic and may even have some health issues, your love for him is ever-growing. You take him to the vet regularly to ensure he is healthy. You go for walks together, watch TV, and cuddle at night. Benny means the world to you! You love him unconditionally, and he gives you happiness and purpose in return. Benny does not die immediately. However, he undergoes extensive treatment and stays at the hospital for many days. You become anxious and stressed. Focusing at work becomes almost impossible. You cannot sleep, wondering how Benny must be feel-

cessed January 28, 2025).

4 Southern Methodist University, Dedman College of Humanities and Sciences, Pets on board: Meet the multispecies American family, <https://blog.smu.edu/dedmancollege/2021/07/14/pets-on-board-meet-the-multispecies-american-family/ > (accessed January 28, 2025).

5 Warwick Knowledge Centre, Has COVID-19 changed our relationship with pets and other animals?, <https://warwick.ac.uk/newsandevents/knowledgecentre/ society/sociology/animals_and_covid19/>.

6 See Morethanhuman families: Pets, people, and practices in multispecies households.

7 Almo Nature, Dogs and Cats Are Living Longer: The Study <https://blog.almonature.com/en-gb/dogs-and- cats-are-living-longer-the-study>.

8 Behler, Green, and Joy-Gaba, "We Lost a Member of the Family": Predictors of the Grief Experience Surrounding the Loss of a Pet <https://www.cabidigitallibrary.org/doi/full/10.1079/hai.2020.0017> (accessed January 29, 2025).

9 PR Newswire, Pets as (Affluent) Family Members Drive Durable Product Sales <https://www.prnewswire.com/news-releases/pets-as-affluent-family-members-drive-durable-product-sales-301560524.html> (accessed January 29, 2025).

10 Pets Magazine, Majority Consider 'Pets to be Family,' Finds Major Charity Poll of Pet Owners <https://www.petsmag.co.uk/charity-reveals-findings-of-largest-ever-survey-of-uk-pets-and-their-people/> (accessed January 29, 2025).

11 Farrer & Co LLP, Pets are also chattels!, <https://www.farrer.co.uk/news-and-insights/pets-are-also-chattels/> (accessed January 29, 2025).

ing. You wonder whether he is confused, in pain, and probably thinking you abandoned him. Your life turns upside down by the thought of losing him. Ultimately, Benny passes due to his injuries. You are devastated. You thought you had at least a few more years to experience fond moments together. However, he has been abruptly taken away from you. Certainly, Benny cannot be brought back to life, and you cannot bear the thought of welcoming another dog into your home. To you, Benny was indeed irreplaceable.

If Benny were a human family member, you would have a number of claims available to recover for your emotional injuries depending on where you are. Unfortunately, the value of companion animals is yet to be reflected in the legal system. As property, the current valuation of companion animals (including Benny) is based on their market value - the commercial value they had prior to the injury or death, the same as if someone had damaged or destroyed an item of personal property. The remedy for trespass to chattels or conversion of personal property or goods is special or economic damages; to the law, Benny is not more than that. How about the emotional distress, pain, and suffering, or in other words, the emotional damages suffered by their families? Is it taken into account when calculating damages suffered? The short answer for both countries is — most likely not.[12]

To some, it may seem like the right approach. Ultimately, economic damages are readily ascertainable and predictable. However, in tort law, the purpose of damages is to compensate plaintiffs for their loss. The value of a dog like Benny is not economical. It is sentimental! The reality is that very few people are concerned with the economic value of their dogs and cats, and unless an animal is purebred, has special training, or represents some commercial utility, they most likely have a nominal value at best. In turn, bringing a civil lawsuit will likely represent high attorney fees and court costs, compared with the possibility of being awarded the purchase or adoption fee of the companion animal at most. What does this mean? It means that under the current system, companion animal owners are not being compensated for their actual loss, but rather for a loss they do not bear. Moreover, the actions of tortfeasors lack significant deterrents, allowing them to harm other people's companion animals without real consequence.

Sentimental injuries are indeed more challenging to determine. That is why they are compensated in limited circumstances, such as in personal injury cases and wrongful death. However, this difficulty is not a valid reason to ignore them. On the contrary, the relationship people build with their companion animals is so unique and relevant that it should guarantee that they can recover for their emotional damages. Ultimately, we live with our companion animals; they take part in our daily lives and are distinguished from other animals. They depend on us, and we emotionally rely on them as well. It is a task for the legal system to determine a way to provide compensation, allowing plaintiffs to recover for their injuries, which are predominantly emotional in companion animal cases.

Some areas of the law have started to reflect the value of companion animals in today's society — more specifically, divorce cases, trusts law, and even the law of judicial liens. Some states in the U.S. have even started to enact hot car laws (more than half of the 50 U.S. states) to protect animals in hot cars,[13] similar to laws that protect children. However, the development in the area of torts remains rather dull. While the U.K. and the U.S. continue to deny recovery based on dated arguments, such as the long-standing principle that companion animals are property and that allowing recovery of general damages would open the floodgates of litigation, other countries legally recognize that today's modern family is multispecies, in which animals play the role of beloved family members.[14]

As other areas of the law continue to evolve to recognize the significance of the relationship between humans and their nonhuman family members, it is time for a reform that allows compensation of damages truly suffered as opposed to mere fair market value, which, interestingly, is nothing but unfair. Perhaps, a law is more appropriate to move forward in tort law, where the circumstances of recovery and limitations are clearly delineated. In that way, there is a system in place that provides adequate compensation and avoids the possibility of unrestrained damages. This would be a win not just for plaintiffs but also a small win for companion animals whose place within the family ought to be legally recognized.

Angie Vega is animal law fellow at Michigan State University. She has used her civil and common law expertise to advance animal law in the academic field. Her scholarly work explores the intersectionality of animal law with other areas and how to improve animal protection and advance the interests of animals within the legal system. Angie's legal research and

12 See Torts (Interference with Goods) Act 1977 for the U.K., available at https://www.legislation.gov.uk/ukpga/1977/32/contents; The Restatement (Third) of Torts § 217.

13 Wisch, Table of State Laws that Protect Animals Left in Parked Vehicles <https://www. animallaw.info/topic/table-state-laws-protect-animals-left- parked-vehicles>.

14 See cases in Spain, Portugal, Colombia, and Argentina.

teaching focus on topics such as the human-companion animal bond, animal law in Latin America, Animal Rights, and the Rights of Nature. She created the Animal Law Latin American Collection on the animallaw.info website, where she has also written articles on various topics. Angie is the Regional Director for Latin America, the Caribbean, and Oceania for World Moot on International Law and Animal Rights, an HSUS Humane Policy Volunteer Leader, a Mercy for Animals Detroit Hub member, and a UN Harmony with Nature Expert.

Is a British Chicken a Legal Subject Under UK Law?

By Edie Bowles, Executive Director, The Animal Law Foundation

Each year, millions of chickens are bred, raised and slaughtered in the United Kingdom. They are regulated, inspected, transported, killed and consumed within a dense web of legislation. And yet a fundamental question remains surprisingly unresolved: is a commercially farmed British chicken a legal subject under UK law, or merely an object of regulation?

At first glance, the answer appears straightforward. The law recognises animals as sentient beings and the Animal Welfare Act 2006 makes it a criminal offence to cause them unnecessary suffering. Farmed chickens are "protected animals", and those responsible for them owe positive duties of care. This seems to mark a clear departure from the idea of animals as property alone.

But legal subjecthood is not simply about being mentioned in legislation. It is about whose interests the law is structured to protect, whose perspective matters, and who can meaningfully be wronged in law. On closer examination, the chicken's status becomes far more ambiguous.

Recognition without standing

UK animal welfare law is built on an enforcement model in which humans police harms done to animals, not one in which animals themselves hold legal standing. Chickens cannot bring claims. Breaches of welfare law are rarely prosecuted, if at all, and this prosecution is often at the discretion of local authorities who are under-resourced.

The chicken's suffering is legally relevant only insofar as it triggers duties imposed on humans. Even then, enforcement tends to focus on egregious or individual misconduct, rather than systemic practices affecting millions of animals simultaneously. In this sense, the chicken is recognised, but not empowered.

Crucially, the current application of the law does not encounter the chicken as an individual being. It encounters chickens as populations, units of production, and statistical tolerances. Welfare is assessed through mortality rates, growth curves, stocking densities and acceptable percentages of lameness or injury. Suffering largely becomes legally visible not when it occurs, but when it ex-

ceeds a predefined threshold.

Welfare law and the normalisation of harm

This ambiguity becomes starker when welfare law is examined in practice. The Welfare of Farmed Animals (England) Regulations 2007 prohibit keeping animals in conditions that harm their health or welfare, including where their genetic characteristics cause suffering. Yet fast-growing broiler chickens, whose biology is intrinsically linked to pain, lameness and organ failure, remain dominant.

The litigation brought by The Humane League UK exposed how legal concern is activated only when welfare indicators reach a certain "trigger". So long as mortality and body condition remain within "expected" industry ranges, the system continues unchanged.

In this way, suffering is normalised by law. The question is not whether chickens suffer, but whether too many suffer, too quickly, or outside anticipated parameters. The individual chicken disappears into averages.

The same logic is visible at the point of handling. When it became clear that existing transport regulations prohibited lifting chickens by the legs, a practice known to cause pain and injury, the government did not enforce the prohibition. Instead, it amended the law via a statutory instrument to exempt chickens and turkeys. Where individual suffering conflicted with industrial efficiency, the law recalibrated the threshold.

So, is a British chicken an individual legal subject?

In practice, not yet.

UK law recognises that chickens can suffer, but its application does not organise itself around preventing that suffering when it is profitable or routine. Instead, it manages suffering through metrics, tolerances and trigger points. Chickens are treated as numbers to be regulated, not as beings to be protected.

But this is not inevitable. There is a compelling argument that animal welfare law has a different conception: one in which the law exists for each individual chicken, not for the smooth operation of systems that use them. Indeed, taken seriously, the recognition of sentience and the prohibition of unnecessary suffering exists on an individual basis not past a given threshold.

Currently, the law sees the chicken, but the law does not yet speak for the chicken; however, there is nothing that says it should not.

About The Animal Law Foundation

The Animal Law Foundation is a legal research and action charity that looks into neglected areas and where appropriate will instruct lawyers to bring legal challenges to ensure any systems in place to protect animals function as they should.

Initial thoughts on the Animal Sentience Committee's report on legislative compliance and enforcement

By Dr Joshua Jowitt, Newcastle Law School and Dr Rachel Dunn, Leeds Law School

Please note this article was accepted prior to the release of the UK Government's 'Animal Welfare Strategy for England' in December 2025 and the Animal Sentience Committee's letter on the impact of definitions of animals in law in February 2026.

In February 2025 the Animal Sentience Committee (ASC) published a report regarding legislative compliance with, and enforcement of, a range of existing animal welfare laws. We feel this is the most comprehensive report they have issued to date insofar as it addresses regulations relating to a wide range of animals, including companion animals, wild animals, animals used in both farming and in scientific procedures, and those kept on licensed premises.[1] It is extensive in its evaluation of how existing rules are applied across these areas, addressing inter alia the training of animal welfare inspectors, issues concerning the availability of data concerning enforcement, codes of practice, enforcement gaps and potential changes in the enforcement landscape.

The report calls for a 'wholesale review of the enforcement of animal welfare legislation' to improve or enhance the consistency and effectiveness of enforcement practices, something the ASC felt was necessary to maintain public trust in the present system.[2] It also offers almost two pages of bullet-point suggestions as to how the problems they identify might be remedied,[3] either during the review itself or by policymakers in the period between the issuing of this report and the recommended review taking place.[4] We believe the holistic and comprehensive viewpoint adopted by the ASC here is a notable change from the narrow focus of previous reports on specific policy issues. It shows the ASC is willing to engage in systemic critique, and we believe that this is to be welcomed. The purpose of this brief essay is to lay out our initial thoughts on the report and its findings – both in terms of its positive contributions, and what we feel may be missed opportunities.

Opportunities taken

The ASC's engagement with systemic problems around enforcement comes at a time when the issue is also being considered by other NGOs and public bodies. A prominent example can be found in a recent report from the Chartered Trading Standards Institute (CTSI), which both outlines the role they play in the enforcement of existing rules and highlights the issues they face in doing so.[5] Animal Equality and the Animal Law Foundation have also published a comprehensive joint report in which they identify similar issues as the CTSI.[6] The ASC's report thus appears to be timely, and has enabled these problems to be presented alongside adjacent concerns for the first time. An example here could be resourcing issues connected to the fact

1 The focus on animals in science is somewhat surprising, and an important addition given the lack of detailed consideration given elsewhere – for example, Department for Environment, Food & Rural Affairs, Action Plan for Animal Welfare Policy Paper, (12 May 2021) <https://www.gov.uk/government/publications/action-plan-for-animal-welfare/action-plan-for-animal-welfare> accessed 15 May 2025

2 Animal Sentience Committee report on the due regard to animal welfare – legislative compliance and enforcement (24 February 2025) 'ASC Conclusions' <https://www.gov.uk/government/publications/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement> (accessed 21 April 2025)

3 Though a pdf version of the report is not available, should one save the webpage to a pdf the list of points for consideration is almost two pages long.

4 Animal Sentience Committee report on the due regard to animal welfare (n 2) 'ASC Conclusions'

5 2 Examples they identify include, inter alia: enforcement gaps in current legislation; difficulties when working with the multiple bodies charged with enforcement; the cost of enforcement; and significant court backlogs. See Chartered Trading Standards Institute, (Tackling) Animal Harm (1 May 2025) <https://www.tradingstandards.uk/media/3181842/tackling-animal-harmfinal.pdf > accessed 15 May 2025

6 The Animal Law Foundation and Animal Equality, The Enforcement Problem: The Case for Stronger Enforcement of Farmed Animal Protection Laws in the United Kingdom (October 2022) <https://static1.squarespace.com/static/63257c5fe37f66705b2bcf79/t/635ebfd2e1936e1e0cdb2b54/1667153886551/Report_The-Enforcement-Problem-in-the-UK+%281%29.pdf> accessed 8 May 2025

that the RSPCA, who at present play a leading role in enforcement and prosecutions, have recently announced that they are exploring the possibility of handing this responsibility over to the CPS.[7] We feel that, by collating these and other concerns into a single report, the ASC may make them and the connections between them more visible to policy makers. The report is therefore to be commended for bringing a new level of prominence and coherence to what are well documented problems.

Some of the recommendations made by the ASC to address these problems – such as a more centralised body overseeing all enforcement, more (and better) training for inspectors and better resourcing for animal welfare enforcement – are also similar to those made in the aforementioned reports.[8] More distinct and radical recommendations, such as the licensing of farm businesses and compulsory inspections, also build on work previously done by NGOs.[9] We found the authors' comparison with the licencing regime in place for animals used in scientific procedures, in which licencing fees received by the Animals in Science Regulation Unit (ASRU) are used to help fund enforcement, to be a pragmatic solution that could be implemented in any future licensing of farm businesses.[10] We are encouraged that the ASC is either aware of, or is independently reaching the same conclusions as, these organisations.

A further practical consideration identified by the ASC is the importance of accurate, publicly available data to visible and accountable enforcement, and the longstanding issues connected to its availability. For example, Defra do not readily release any statistics relating to enforcement of the Animal Welfare Act 2006 or any other legislation that falls under their remit. The only way to gather this information at present would be to issue separate Freedom of Information Requests to all relevant local authorities, which is an extensive and potentially prohibitively expensive exercise. The ASC note this problem is exacerbated by the fact that multiple bodies are involved in the enforcement of various regulatory regimes, meaning there is 'no "complete chain" of monitoring/enforcement events in any context'. [11] We welcome their drawing attention to the fact that this makes it incredibly difficult to appreciate how successful enforcement measures are in practice.

Opportunities missed

As we noted in the introduction to this essay, the report calls for a 'wholesale review of the enforcement of animal welfare legislation' followed by two pages of suggestions as to how the problems identified might be remedied. The breadth of these recommendations, some of which we have explored above, is a testament to the expertise and thoroughness of the report's authors, and they should be commended for offering them. But given this call for a wholesale review to maintain public trust in the system, it might come as a surprise to the reader that the report still concluded that 'due regard to animal welfare has been given in policy decisions.'[12] We have previously suggested that the Animal Welfare (Sentience) Act 2022 appears to have given the ASC significant discretion to interpret the threshold that needs to be passed for 'due regard' to have been paid,[13] and that where this bar is set would emerge in time. We are disappointed then that the only way we can reconcile what we see as an extremely critical and comprehensive report with its conclusion that 'due regard' has still been paid is to conclude that the bar appears to have been set low. This may not come as a surprise; that 'due regard' leaves room for decision makers to conclude that other factors outweigh animal interests was presented to the House of Lords as a point of reassurance during the Act's passage through Parliament,[14] and this also appears to be where analogous EU legislation has set its threshold.[15] There may be strong pragmatic reasons for

7 Department for Food and Rural Affairs, Animal Sentience Committee Report on the due regard to animal welfare – legislative compliance and enforcement (24 February 2025) '4: Changes within the Enforcement Landscape' <https://www.gov.uk/government/publications/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement> accessed 15 May 2025

8 See (n 5) and (n 6)

9 Animal Equality, The Enforcement Solution (February 2023) <https://animalequality.org.uk/app/uploads/2023/02/The_Enforcement_Solution_Report.pdf> accessed 20 May 2025

10 We are unable to ascertain whether the ASC considered alternative solutions in reaching this recommendation, such as a recent report of the Social Market Foundation which argued that better enforcement of existing regulations would be preferable to the introduction of a licencing regime. See Social Market Foundation, Taking Responsibility: How the Government can Improve Enforcement of Farmed Animal Welfare Laws (21 October 2024) <https://www.smf.co.uk/wp-content/uploads/2024/10/Taking-responsibility-Oct-2024.pdf> accessed 15 May 2025

11 Animal Sentience Committee report on the due regard to animal welfare (n 2) '1.3: Data Availability'

12 ibid 'ASC Conclusions'

13 Rachel Dunn and Joshua Jowitt, 'The Animal Sentience Committee: Evolution or Revolution in the Recognition of Animal Sentience in the UK' in Jane Kotzmann and Marcelo Rodriguez Ferrer (eds) The Legal Recognition of Animal Sentience (Hart 2024) 218

14 Lord Benyon emphasised the term should be interpreted to allow 'reasonable and proportionate' balance with human interests, without expanding on what this means. See Hansard HL Deb Vol 812, cols 1947 – 48 (16 June 2021)

15 Charlotte E Blattner, 'The Recognition of Animal Sentience by the Law' (2019) 9 Journal of Animal Ethics 121;

this, but we cannot help but feel disappointed that a more substantial reading of the term has not been adopted. Now a precedent has been set, the opportunity may have been lost.

We also feel that the report's recommendations for specific actions could have been more fully laid out. For example, though we welcome the report's recommendation that an amendment be made to the requirement that local authorities are required to provide 'bed and board' to animals seized under s.18 of the Animal Welfare Act 2006 due to potential resourcing issues with regards to livestock and zoo animals, we note that the recommendation did not specifically address how the legislation ought to be amended to address the ASC's concerns, nor how this would be resourced.[16] Neither did the report draw comparisons with other jurisdictions in either its identification of problems of enforcement, or specific points it raised for policy makers to consider when addressing them. Again, there may be good reasons as to why comparisons or specific recommendations were not offered – the ASC may be conscious of treading too far into these policy considerations, particularly where issues of resource allocation may be better addressed through the democratic process. But non-engagement with these points may also be due to a gap in the expertise of the ASC connected to the fact that, at the time of writing, there are no members who are either practicing or academic lawyers – a potential blind spot we have previously identified.[17] Whatever the reason for this reluctance, we again cannot help but see this as an opportunity missed; we believe that the ability to offer substantive suggestions for legislative reform is within the remit of the ASC, and are disappointed these were not offered.

Despite these criticisms, on balance we think this report is a welcome development from the ASC. This holistic engagement with a range of issues connected to legislative compliance and enforcement of existing animal welfare legislation is something that NGOs and academics have long been arguing for and we believe that, by collating them in one place, this report will raise the prominence of these issues. In this regard the report has given the ASC the opportunity to show both its own expertise and its engagement with, and willingness to learn from, a broad range of stakeholders, and the recommendations offered show their willing-

Debbie Legge, 'Key Animal Law Across Europe' in Andrew Knight, Clive Phillips and Paula Sparks (eds), Routledge Handbook of Animal Welfare (Routledge 2022)

16 Animal Sentience Committee report on the due regard to animal welfare (n 2) '1.1: Inconsistency in Monitoring and Enforcement' and 'ASC Conclusions'

17 Dunn and Jowitt (n 13) 219 – 220

ness to suggest far-reaching and sometimes radical reforms to ensure that existing regulations are capable of functioning properly. After all, legislation is only effective when enforced. Otherwise, it is merely words on paper.

A-LAW, Emstrey House North, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG
Email: info@alaw.org.uk
Visit: www.alaw.org.uk
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