

UNIVERSIDAD SAN FRANCISCO DE QUITO
COLEGIO DE CIENCIAS SOCIALES Y HUMANIDADES

The Universal Declaration of Animal Welfare:
The potential as a non-binding proposal to contribute as an international
framework for Animal Welfare.

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APROBACION DE TESIS

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framework for Animal Welfare**

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Dedicated to

All the animals around the world.

Otto my very own special friend and companion.

Acknowledgment

This work represents the culmination of an important deferred phase in my life. I have invested in this work a great deal of effort in hopes to contribute in some way to animal protection. I hope that it will mean a direct first step into a personal and passionate wish, to able to help animals.

I would like to thank my family for their patience, specially my two little ones. I hope you feel the happiness and love one feels in taking care of animals.

RESUMEN

El siguiente documento analiza la potencial contribución de la Declaración Universal de Bienestar Animal (UDAW); como una propuesta no-vinculante en el contexto de un marco internacional para el Bienestar Animal. La iniciativa de la Declaración Universal de Bienestar Animal fue iniciada por la antes llamada Sociedad Mundial para la Protección de los Animales (WSPA) y en la actualidad se lleva a cabo por organización Protección Animal Mundial (WAP). Adicionalmente, la Organización Mundial de Sanidad Animal (OIE) y algunos estados han aceptado y promueven la propuesta.

El proyecto presenta información relevante en relación a la creación, evolución, postura y estado de la Declaración Universal de Bienestar Animal. El análisis de los temas antes mencionados indica que Declaración Universal de Bienestar Animal podría ser una oportunidad propicia para contribuir al movimiento de Bienestar Animal en general, a fin de lograr el objetivo final de la declaración. El carácter vinculante que necesita la declaración para estar a la altura de un marco internacional también se encuentra expuesta en el análisis. Por último, el proyecto concluye con la esperanza de que la Declaración, incluya el bienestar animal en la agenda mundial.

ABSTRACT

The following document analyzes the potential contribution of the Universal Declaration of Animal Welfare (UDAW) as a non-binding proposal as an international framework for Animal Welfare. The initiative of the UDAW was launched by the former World Society for the Protection of Animals (WSPA) and currently is carried out by the World Animal Protection (WAP). Additionally, the World Animal Health (OIE) and some states have endorsed and are promoting the proposal.

The project presents relevant information regarding the creation, evolution, stance and status of the UDAW. The analysis of the before mentioned subjects indicates that the UDAW could be a favorable opportunity to contribute to the Animal Welfare movement, and to achieve the final purpose of the UDAW. The binding character needed to raise it to the level of international framework for Animal Welfare is also discussed in the analysis. Finally, the project concludes with high hopes that the UDAW will place Animal Welfare in the global agenda.

Table of Contents

Introduction	10
Justification.....	11
General Objective.....	12
Literature Review.....	12
Methodology	16
Chapter 1.....	18
1. 1.1 What makes the UDAW non-binding?.....	18
2. 1.2 How to make the UDAW binding	19
3. 1.3 Implications of turning binding	23
4. 1.4 Does Animal Welfare pose a threat to Sovereignty?.....	25
Chapter 2.....	26
5. 2.1 What is the aim of the animal welfare crusade?.....	26
6. 2.3 The creation, evolution and status of the UDAW.....	27
7. 2.4 Importance and impact of the UDAW	30
8. 2.5 The UDAW and its content	32
9. 2.6 The Cooperation of the WAP, OIE and states in the UDAW endorsement.	36
10. 2.7 To what extent are states involved with the UDAW	39
Conclusions and Recommendations.....	41
11. Figure 1. Country Performance on Animal Protection Scoring Chart.....	45
12. Reference List.....	46
13. Annex 1.....	48
14. Annex 2.....	50

Introduction

To date, no international agreement sufficiently binding to safeguard animal welfare exists. In this context and according to the former World Society for the Protection of Animals (WSPA) currently World Animals Protection WAP, the Universal Declaration of Animal Welfare (UDAW), would demonstrate a global vow to making the protection of animals a priority in the global agenda. The UDAW represents a great effort to achieve International legal recognition for Animal Welfare principals.

From this perspective, the aim of the UDAW is well intended. Still the UDAW is only a declaration and as such, it is a non-binding deed and cannot legally oblige countries to implement any action towards achieving animal welfare in their nations. The tangible potential of the UDAW lies in its conception, evolution and actual standing. Additionally the role played by the World Society for the Protection of Animals and the World Organization for Animal Health as international non-governmental organizations have contributed too in the initiative. *The influence of the before mentioned international organizations on the UDAW has subsidized its non-binding nature.* Through these phases and the roles played by the participants of the UDAW, a better comprehension of the agreement can be reached in turn an appropriate international framework for animal welfare could be developed.

This capstone project analyzes the potential of the UDAW as a non-binding proposal to contribute as an international framework for Animal Welfare. In this analysis, I will explore terms, definitions and procedures in the legal jurisdiction of international law regarding the possibility of legalizing the UDAW. In addition, I will explore its creation, evolution, status,

stance along with the forces at work of the WAP and OIE. Finally, I will discuss the findings as to comprehend the potentials and obstacles of the UDAW as a whole. Subsequently, I will weigh the possibility of the UDAW as international framework for Animal Welfare.

Justification

In my research, I have realized the virtual inexistence of debate (at least not academic) about the UDAW. This lack of discussion drives my research in hopes of contributing to animal welfare in an academic manner, by analyzing and summarizing its potential with its positive, uncertain and negative aspects. The value of the UDAW to animal welfare and to the public in general is based on the principle of ethics or the moral belief of compassionate treatment towards animals.

Despite the fact that through time, the animal welfare movement has gradually moved towards its goal, the recalling and activating of compassionate treatment towards the other inhabitants of our world remains a persistent action to be taken. Through the analysis of the UDAW, activation and backing from an International Relations perspective will hopefully contribute to the understanding and importance of animal protection in the academic sphere, in society as well as in the states of the international system. A great way of summarizing the importance of an international framework for animal welfare is through Gandhi's quote: "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

General Objective

The general objective of this capstone project is to examine the potentials and obstacles of the Universal Declaration of Animal Welfare as a non-binding proposal as an international framework for Animal Welfare, *through the research of its creation, evolution, current status and stance*. In the research of the UDAW, and as a part of the general objective, I will analyze the role of a specific NGO and International Organization such as the World Animal Protection (WAP) and the World Organization for Animal Health (OIE) respectively, in the call for the UDAW. Additionally, this project is to revise the possibility of legalizing the UDAW and the significances involved in this process.

Literature Review

The Animal Welfare movement as we recognize it today has formally developed since the 1970s when industrialized farming, animal lab testing, among other animal issues brought to our attention the ways humans interact with animals, the conditions of animal life and especially the ethical responsibility humans have towards animals and their care. Both states and humans responsibility for the protection of animals and its implications have greatly changed in the last decades. However it has always been characteristically linked to culture, social change, economics and politics.

Since the rise of concerns about various animal issues around the world, the animal welfare movement has presented and developed an important proposal. The UDAW and the creation of international organizations focused on animal protection are all efforts that have emerged in

some way as a stand for animals and their wellbeing. The emergence of the before-mentioned actors and initiative are a reflection of human responsibility towards animal protection.

Around the world, the animal welfare movement has led writers, journalists, critics and activists to generate literature on Animal Welfare. Even though the movement is international, research shows that the UK is the leader and holder of the movement's flag. Literature production suggests that the USA, Canada and Australia are countries that have greatly developed the issue of animal welfare. Nevertheless the UDAW was created in the UK and other countries such as Australia, Canada and USA have played only small or ambiguous roles as supporters of the UDAW. Take for instance Australian author Miah Gibson who infers that Australia's animal welfare laws "would probably not undergo any significant amendments even if the Australian government were to support the UDAW"¹. In the Australian case according to the world animal protection index, Australia scored a C regarding the extent of involvement and specifically the endorsement of the UDAW.

It is not a coincidence that British authors and activists are the ones who understand and are profoundly interested not only in animal welfare but in animal rights too. Texts regarding animal welfare and animal rights always cite John Lawrence, Henry Salt and Richard Martin as the forefathers of the movements. However, most authors chosen for this research are from the USA or Australia. They have highlighted the importance of moral and ethical concern but

¹ Miah Gibson, "The Declaration of Animal Welfare." *Deakin Law Review* 16, no. 2. (July 2011): 542,

have also raised the importance of political and legislative reform along with economic issues for the animal welfare movement.

In his *Protection for the Powerless: Political Economy History Lessons for the Animal Welfare Movement*, Jerry L. Anderson has concisely presented the importance of scholars paying attention to the need of understand how law is made, or how reform maybe achieved. Animal protection will benefit from both legislative reform and moral concern, without one another the principals of Animal Welfare cannot be accomplished. In other words the UDAW needs to raise moral consciousness at all levels in order to legalize its principals.

Through the collected works of authors and information from the WAP's official website, an appraisal of the story of the UDAW and its evolution was possible (*unfortunately, little of the actual status was found*). The WAP has taken some actions regarding the socialization of the UDAW. For example, the World Animal Protection Organization formerly WSPA has launched the World Animal Protection Index in which there is a ranking and indicators of animal welfare of 50 countries. "The ground-breaking Animal Welfare Index assesses animal welfare around the world"² and it includes the status of UDAW recognition of each state. Additionally, it created the Animals Matter, "Back a Universal Declaration for Animal Welfare campaign"³, in which you sign a petition to make a case for the United Nations to back the UDAW.

² "News," Ground-breaking Animal Protection Index assesses animal welfare around the world, Released November 24,2012, accessed November 26,2014, <http://www.worldanimalprotection.org/news/ground-breaking-animal-protection-index-assesses-animal-welfare-around-world>

³ "Take Action," Back a Universal Declaration on Animal Welfare, accessed November 26,2014, <http://www.worldanimalprotection.org/take-action/back-universal-declaration-animal-welfare>

Finally, the literature review on different International Relations, animal rights and animal welfare authors facilitated the identification of some gaps and opportunities on the issue, a better comprehension of the proposals stance and its potential as a framework of animal welfare. In the *Power of Human Rights: International Norms and Domestic Change* by Thomas Risse and Kathryn Sikkink, a comparative and complementary framework is provided in regards of why, how and under what circumstances can international norms in general influence the action of countries. Risse and Sikkink pinpoint the potential and importance international norms can have in domestic politics. In the case of the UDAW, converting it into an international norm would surely contribute as an international framework for countries to implement domestically.

Regarding animal rights texts and authors, like Peter Singer and its proclaimed *Animal Liberation* (1977), it helped detect a breach in animal protection. The breach is contained in the animal rights vs. animal welfare debate, in which the first speak of no cages and the latter, of bigger cages as Tom Regan sums it in his book *The Case for Animal Rights*. The gap between rights and welfare of animals paved the way for the selection of the UDAW analysis. Animal Welfare principals seem much more attainable in the short run than rights for animals per se.

Journals sources such as the *Stanford Journal of Animal Law* and the *Journal of Animal Law* from Michigan State University provided insight of actions and literature different to that of the UDAW. These actions and literature range from the establishment of the animal law movement to the scientific approach to animal welfare and rights, from the Jewish perspective of humane slaughter (kosher/shechita) which include history, religion and culture to scientific articles on animal sentience during mutilation.

In general, Animal Rights communicate the ideal of animals as non-property subjects and the radical abolition of animal use and all its forms. Meanwhile Animal Welfare looks towards ensuring humane ethical treatment and thus eliminating animal suffering and improving animal health. As D. Fraser summarizes in his *Scientific Conception of Animal Welfare That Reflects Ethical Concerns* (1997), the notion of Animal Welfare should include both animal's feelings and health.

In my analysis, the different views and arguments between these two ideologies serve to justify the creation of the UDAW. As long as any kind of animal is seen to be sentient, emotional, perceptive, conscious, beings, there is room for humanizing their treatment by removing suffering in any form (ill-intentioned or unintended). This is what the UDAW intends to represent, however in its moral intention there are variables to be analyzed before we can reach a verdict or the conclusion of it having or not the potential to actually work as an international framework for animal protection and welfare.

Additionally, literature on international law clarifies the understanding of the procedures on how legalizing agreements, treaties and declarations work. In this case, how UDAW sponsors proceeded as to give it its actual form and could possibly advance into a binding agreement through international law.

Methodology

This capstone project is a descriptive and analytical study. It examines the UDAW in its different phases and as a whole. In the analysis, comparison between general frameworks of

the UDAW and the Universal Declaration of Human Rights UDHR identifies the circumstances, processes and time needed to create, develop and implement principled ideas contained in both declarations.

The main method applied for this case was documentary analysis and the principle sources for this method consisted of international academic journals, international organization web sites and international relations related texts. These sources provided the information necessary to fulfill the general and the specific objectives.

Researching international academic journals allowed me to ascertain the amount of available academic information regarding the UDAW and to determine to what extent the declaration was debated internationally. Information from journals shaped my inquiry as to the UDAW's potential in the international context.

The use of the web and specifically of the international organizations official websites led to the insight as to what has been and is being done regarding the UDAW. These websites both reflected the rhetorical stance of these international organizations and contributed to the accessibility and understanding of legal definitions and terms relevant to the analysis.

Finally, international relations texts served as a basis to comprehend how international organizations work, their procedures, purposes and influence in the international system regarding animal welfare. They were also fundamental as a guide for contextualizing the possibility of legalizing the UDAW.

Chapter 1

1.1 What makes the UDAW non-binding?

In common language, a declaration can mean different things. Nevertheless, it is basically a statement that expresses a principal or belief. In the case of the UDAW, it represents an announcement that expresses the intention of universal principals on Animal Welfare. More bluntly, the UDAW is a proposal that contains certain aspirations.

The term declaration according to the UNESCO is a document of intent.⁴ A letter of intent is commonly known as a document that comprises an intention or commitment to do something. The final motive for this kind of document is to establish assurance to certain extent of the object. The extent of the assurance depends of the aim for which the document is used, and on how the documents is used. Thus, in order to evaluate if a declaration is binding or not there are mainly three elements to consider: its content, its purpose and its usage. I will analyze each element in the UDAWs context in this chapter and those that follow.

Regarding the content of the UDAW, the wording employed is purely suggestive. The nature of a declaration and its contents are frequently aspirational and “often deliberately chosen to indicate that the parties do not intend to create binding obligations but merely want to declare certain aspirations.”⁵

⁴ “Social and Human Sciences,” Declaration, accessed October 22, 2014, <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/declaration/>.

⁵ Ibid.

1.2 How to make the UDAW binding

What is the value or meaning of a declaration in international law? The UDAW in itself does not create legally binding obligations. As suggested before it is only an informal invitation to states to universally agree to certain principles on animal welfare. Declarations in order to become binding need to be processed go through some stages and then follow formal procedures in order to elevate or change status. Accordingly, in order to make the UDAW binding, five steps are necessary.

The first step has already taken place: the creation of a petition in support of the UDAW. The WAP as the Steering Committee has been responsible for the creation of the petition. The petition is called “Animals Matter to Me” and was first sought to be supported by states at a governmental level. However, on the road the WAP also created an important tool in order to support the petition at an individual level. The campaign “Animals Matter to Me” became electronically globalized and people all over the world can now support it through the internet through WAPs website and lately of course through Facebook, Twitter and YouTube.

The second step, the subject of socialization is the second step and surely the most important. Even though socialization is placed as the second step towards attaining binding character for the UDAW, it follows a logical sequence. After creation and evolution of the proposal, it

imperatively requires socialization. Only through the process of sharing and inquiring with the rest of the world will the UDAW, attain a binding nature. Socialization is a process that contains different aspects and it has different reactions among its participants.

The definition of socialization applied in this analysis was borrowed from a theoretical framework concerning Human Rights. Socialization of both UDHR and UDAW can mean “the induction of new members....into the ways of behavior that are preferred in a society.”⁶ This definition makes sense when applied to the international system setting of the UDAW. However, the process of socialization in any matter is used to present and share certain norms with the relevant groups or participants, and, in the context of this analysis, it helps to “understand how the international society transmits norms to its members.”⁷ Additionally, the process of socialization which is extremely useful in the possibility of the UDAW becoming a framework, has a couple of stages.

For the UDAW to turn binding, it necessitates massive worldwide support and this is where the stage of moral consciousness rises. People all over the world need to be conscious of animal protection. The need for consciousness can only be reached through the socialization process, as long as the UDAW is massively socialized, people around the world will gain moral consciousness of the importance of animal welfare. Therefore when people have been exposed to the socialization and to the moral consciousness campaign, most surely support for the UDAW will be provided. Animal welfare education is another form of moral consciousness, but that is a longer subject not analyzed in this project.

⁶ Thomas Risse and Kathryn Sikkink, *The Socialization of International Human Rights Norms into Domestic Practices*. (Cambridge University Press 1990), 11.

⁷ Ibid.

Argumentation and dialogue in any socialization process is fundamental. Through strong pillars of argumentation and dialogue among the participants of the process, a third and important stage can be reached, the persuasion of the unresolved participants. In the case of the UDAW, I believe argumentation should not only be based on moral issues but on more scientific grounds. People also require scientific back up in which to believe, and in animal welfare there is not enough accessible evidence out there for people. Regarding dialogue, in the process of socialization of the UDAW, it has only been worked on a state level, which is great but let's not forget dialogue at the individual or group level that are basic to the process of the UDAW.

So far I have mentioned three stages in the process of socialization of the UDAW. As a result of these three stages there are two resulting phases, acceptance and implementation of the objective, crucial to the process. Acceptance and implementation of the UDAW is the aim for animal welfare, which takes us back to the *steps* that need to be followed in order to make the UDAW binding.

The third step, UN demands to be provided with a *formal* petition in order to deliberate any issue. In the case of the UDAW, the formal petition needs to be backed through the “achievement of governmental consensus on the text of the final draft.”⁸ The latest attempt to

⁸ Miah Gibson, “The Declaration of Animal Welfare.” *Deakin Law Review* 16, no. 2. (July 2011): 542,

gain governmental consensus is expressed in the 2011 draft text. Again the Steering Committee is responsible for this action.

The third step is to present the final draft and “to table the UDAW at the UN Economic and Social Council (ECOSOC)”⁹. When speaking of the term “to table” in the UDAW context specifically, it regards the issue of presenting the proposal for consideration to the ECOSOC. The ECOSOC is the UN Council responsible for “international economic, social, cultural, educational, health and related matters.”¹⁰ The UDAW falls into all the aforementioned categories as will be shown in the following chapters.

According to the UN Charter, Chapter X, the ECOSOC is in charge of making or initiating studies and reports with respect to issues related to the aforementioned categories. Additionally, the ECOSOC is authorized “to make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.”¹¹ Furthermore, the ECOSOC is trusted to “draft conventions and call for international conferences in accordance with the rules prescribed by the United Nations and within its competence for submission to the General Assembly.”¹² Therefore, the UDAW needs to be channeled through and approved by the ECOSOC in order to follow road of becoming a binding agreement.

⁹ Ibid.

¹⁰ “Chapter X: The Economic and Social Council,” Functions and Powers, Article 62,1, accessed October 22,2014, <http://www.un.org/en/documents/charter/chapter10.shtml>.

¹¹ Ibid.

¹² Ibid.

The fourth step for the UDAW in the UN binding world is to be tabled before the General Assembly (GA). The GA has the power in general “to promote international co-operation in the political, economic, social, cultural, educational, health fields, and to encourage the development of international law.”¹³ Once presented to the General Assembly, the UDAW will need to be approved by the member states. The approval of the UDAW depends on the level of previous socialization.

Declarations turn binding over a period of time and after some stages, such was the case of the Universal Declaration of Human Rights (UDHR). The period for the UDHR to turn binding is another story but it needs some attention in the analysis of the UDAW. As instruments in international law, declarations are not “intended to have binding force.”¹⁴ Nevertheless, declarations might gain mandatory character in later stages and that is the aim for the UDAW.

Binding declarations have certain *characteristics*, but in the context of our analysis, the UDAW falls into “A declaration that can also be an informal agreement with respect to a matter of minor importance”.¹⁵ Personally I disagree with the last part of the quote, animal welfare is not a matter of minor importance, but the main idea is the informal agreement between some states and their governments.

1.3 Implications of turning binding

¹³ “Chapter IV: The General Assembly,” Functions and Powers, Article 13,1, accessed October 22,2014 <http://www.un.org/en/documents/charter/chapter4.shtml>

¹⁴ “Social and Human Sciences,” Declaration, accessed October 22, 2014, <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/declaration/>.

¹⁵ Ibid.

How do binding agreements affect states? One of the possible concerns for states about the UDAW turning into a binding agreement could be Sovereignty. I have used the adjective possible because I believe sovereignty does not certainly affect states. To understand this argument it is necessary to define sovereignty in order to examine if it could actually affect states. Considering the UDAW setting, we can view sovereignty, the old realistic Westphalian way or in a more modern way.

The general and Westphalian perception of sovereignty is that of autonomy of power for each nation-state. Power to act and to do as culturally, politically, economically and socially convenient to each state. In this general conception of sovereignty, there are four main issues to be considered: **a)** internal authority, **b)** territory or border control, **c)** non-intervention, and **d)** policy autonomy.¹⁶ In the context of this analysis, internal authority and autonomy in policymaking is crucial to sovereignty concerns for states. When states voluntarily chose to assist and be part of the UDAW initiative, they intrinsically agreed to the declaration and partly to its contents.

Concluding on the question as to if accepting, endorsing or ratifying the UDAW would affect states' sovereignty, the answer would be that it would not because each state has chosen freely to adopt the declaration or treaty, it has used its right of policy autonomy and in later stages it will apply its right of internal authority. In the case of the UDAW the notion of a higher power (UN) is real but also relative in the sense that only members (states) can consent and contradict the idea of sovereignty. Consequently no international law norm is valid unless the state has somehow "consented" to it.

¹⁶ Class notes Introduction to International Relations, 2004.

1.4 Does Animal Welfare pose a threat to Sovereignty?

It is necessary to highlight the setting or landscape where the meaning of sovereignty is placed. In the case of Animal Welfare, thought of as an international community, the notion of Sovereignty changes. The UDAW initiative was born in the UK a nation-state par excellence and its growth and evolution have been endorsed by the international community. The principled idea of Animal Welfare is a creation of people in response to moral and ethical responsibility. Hence, as a social notion of responsibility is hard to imagine how it could threaten sovereignty. Animal Welfare is to use international law in order to persuade from the individual through the societal level up to the state level.

Each state *contains* pro animal protection citizens, domestic animal welfare related groups and organizations, regarding sovereignty in this circumstance it would mean that sovereignty is under attack internally, from the inside out. The legitimate right of freedom to express one's preferences and beliefs should not interfere with sovereignty because the same right has the consent of the state. Rights are embedded in states constitutions, consequently should not pose a threat to sovereignty, logically the constitution cannot threaten its own creators autonomy. Nevertheless, resistance of preferences and beliefs does exist from the states. Animal Welfare movements domestically are supposed to move and drive animal protection, to domestically thrive so as to oblige or demand at state level the discussion and ideally the adoption of animal welfare through domestic legislature.

In the case of recognition and adoption of the UDAW by the UN, the welfare of animals would not intrinsically threaten sovereignty, internal authority or policy making of each state. The endorsement and ratification of the UDAW directly depends of states sovereignty, their internal authority and policymaking preferences. Therefore, following the logic of the argument, the decision not to endorse or ratify would mean no effects on sovereignty and in the positive case it would also mean no effects on sovereignty for of the reasons already stated above. The UDAW last draft text literally expresses the following: “AGREEING that the term [state] includes people and civil society”, it means that the decision is made by the state considering people and civil society. Therefore, animal welfare cannot affect sovereignty because it is a preference and belief of the state including its people and civil society.

Chapter 2.

2.1 What is the aim of the animal welfare crusade?

To understand the aim of the animal welfare crusade, it is necessary to recognize its views and beliefs, which are numerous and are not concisely defined but together they make sense of what the animal welfare idea is. Imagine that animal welfare is a tree and at its roots (basis) is well- being of fauna in general, then at the trunk (structure) is the belief that animals are subject to tenure and responsibility of humans. Lastly come its branches (ornamentation), where all human responsibilities over animals are displayed.

The animal welfare perspective gained through the research for this project can be merged in what I like to think as a practical and objective notion. The stewardship of animals by humans, as cold as this might sound, has a natural origin and it dates to the prehistoric era.

Accountabilities come with this stewardship, take for instance farm duties, specifically animal care. Why do farmers or people have animals? Historically animals have represented to humans sources of sustenance and companionship. Subsequently and to follow the argument, is animal care the farmers' duty or peoples responsibility, it may seem obvious but there are two ways of answering this question. If the farmer or people do not care for their animals, then animals would stop being source of sustenance and companionship. Stewardship of all creatures should not be seen as a superiority complex that humans suffer from. It should be seen as a cooperation relationship, as a humane relation.

In order to answer the question on the aim of the animal crusade, we can look into the principles contained in the UDAW. The aim of the animal welfare battle is to provide and defend the integral well-being of animals of all conditions in life, because the well-being of animals is in itself the reflection of the human condition and care. Animal welfare does not have one exclusive aim, it has various aims.

Another goal of animal welfare according to the WAP is building a sustainable future through the protection of animals. "By treating animals well, we can fight poverty, reduce hunger, improve people's health, tackle climate change and protect the biodiversity of our planet."¹⁷

The important purpose of sustainability will be achieved through an additional goal of animal welfare, the inclusion of animal welfare in the international agenda¹⁸, which brings us to one of the fundamental subjects of this work.

2.3 The creation, evolution and status of the UDAW

¹⁷ "Our Work," Help Protect Animal Globally, accessed October 22, 2014, <http://www.worldanimalprotection.org/our-work/help-protect-animals-globally>

¹⁸ According to WAP inclusion of animal welfare has been attained through the adoption of animal protection language in two General Assembly Resolutions (agriculture and disaster risk reduction). 2013 UN documents were found on this matter.

The creation of the UDAW traces back to the former WSPA. Even though its authorship is questioned, data shows that its origins start within the WSPA. “The first draft of the UDAW is claimed to have been prepared and unveiled by the WSPA during the Animals 2000 World Congress held in London.”¹⁹ The claim tends to make sense if we consider that its presentation was on WSPA soil.

After the unveiling of the UDAW's first draft, there was a redraft produced during an Intergovernmental Conference on Animal Welfare held in Philippines in 2003. “The Manila Conference was sponsored jointly by WSPA and the RSPCA (UK)”²⁰ and “the initiative was endorsed and hosted by the Philippines government.”²¹ The Manila conference established a platform for the development of the UDAW at an international level. Nineteen governmental delegations representing their countries attended. Australia, Bangladesh, Cambodia, China, Czech Republic, Egypt, Germany, India, Indonesia, Israel, Italy, Netherlands, New Zealand, Singapore, Switzerland, Spain, Philippines, Thailand and the United Kingdom and three delegations were observers, the United States, the European Council and Saipan.”²²

The Manila redraft text included specific principals of animal welfare such were “The five freedoms: freedom from hunger, thirst and malnutrition; freedom from physical and thermal discomfort; freedom from pain, injury and disease; freedom from fear and distress and

¹⁹ Miah Gibson, “The Declaration of Animal Welfare.” *Deakin Law Review* 16, no. 2. (July 2011): 541, Accessed June 29, 2014, <http://www.austlii.edu.au/au/journals/DeakinLawRw/2011/22.pdf>

²⁰ Last modified July, 2003, accessed October 22, 2014, <http://centrallobby.politicshome.com/Resources/epolitix/Forum%20Microsites/World%20Society%20for%20the%20Protection%20of%20Animals/UDWA.htm>

²¹ *Ibid*

²² Miah Gibson, “The Declaration of Animal Welfare.” *Deakin Law Review* 16, no. 2. (July 2011): 541, Accessed June 29, 2014, <http://www.austlii.edu.au/au/journals/DeakinLawRw/2011/22.pdf>

freedom to express normal patterns of behavior”²³ Additionally from the before mentioned principals, the redraft also paid attention to and included the issue of animal lab testing. The principles of “The Three R’s” which were also a “British contribution that goes back to 1959”²⁴ and they comprise: the reduction in numbers of animals being used; refinement of experimental methods and replacement of animals with non-animal techniques.”²⁵

Specific issues were targeted in the Manila reevaluation so as to fundament the future endorsement of the proposal. Only two years later (2005), another meeting was organized, this time Costa Rica was the host. The meeting in Costa Rica furthermore represented the seriousness of the UDAW initiative through the creation of a Steering Committee. During the Costa Rica meeting, the UDAW initiative realized the need to manage and monitor its aims and so it involved the governments of Costa Rica, Czech Republic, India, Kenya and the Philippines as the Steering Committee. Again, the text was re-evaluated.

Since its conception up to the Costa Rica meeting five years passed and marked the highest and most enthusiastic times for the UDAW initiative. This period can be considered as the sowing and planting time and a stage of fundamental importance for the future of the declaration and that brings us to the current status of the UDAW.

Through its principal sponsor and actual Secretariat, the World Animal Protection Organization (WSPA) has continued working towards the progress of the UDAW. In this attempt, the UDAW has called for and retrieved over two million signatures around the world

²³ The five freedom concept was traced back to 1965 when the UK government commissioned an investigation, led by Professor Roger Brambell regarding the welfare of intensively farmed animals. The Brambell Report stated that animals should have the freedom to "stand up, lie down, turn around, groom themselves and stretch their limbs. This information was obtained at <http://webarchive.nationalarchives.gov.uk/20121007104210/http://www.fawc.org.uk/freedoms.htm>

²⁴“Select Committee on animals in scientific procedures,” House of Lords, accessed October 22, 2014, <http://www.publications.parliament.uk/pa/ld200102/ldselect/ldanimal/150/150.pdf>, 11-12.

²⁵ Ibid.

and according to information on its website, 330 animal groups and 46 governments are on board. However, the road ahead from the enthusiastic period of the UDAW is a steep road.

At present the UDAW is closer to a recommendation in technical terms. Its nature is non-binding and as such, unfortunately its rank is still that of a design for an invitation. The language of the declaration proclaims some states and international organizations aspirations, aspirations that hope to create binding obligations. The current declaration in itself holds the status of a document of intent in the context of a future negotiation. The status of the UDAW is subject to change through continuous backing and supportive actions, not only of its sponsors but also through academic debate, civil society and state governments, yet its status is uncertain for the time being.

2.4 Importance and impact of the UDAW

The significance of the UDAW lays in its intended universality. The idea of an international benchmark²⁶ that would affect animal welfare around the world gives away the importance of the UDAW. The impact of the declaration amplifies and reaches policy making on animal welfare, working as a guideline and providing parameters as to implement domestic and international regulations or legislation. In the international system there is a huge gap regarding animal welfare, it ranges from advanced animal legislature in some Anglo speaking nations, going through beginner developing lawmaking level, to finally the void inexistent regulation of some unfortunate states.

²⁶ Miah Gibson, "The Declaration of Animal Welfare." *Deakin Law Review* 16, no. 2. (July 2011): 550, Accessed June 29, 2014, <http://www.austlii.edu.au/au/journals/DeakinLawRw/2011/22.pdf>

The impact the UDAW would have on these gaps would be strategic and idyllic, especially in the unfortunate states with inexistent animal welfare regulations. On the contrary, the impact of the UDAW as a non-binding model in the economical aspect deserves almost no consideration, however if it were binding, the importance and the impact it would have on the economical realm would be enormous for better or for worse considering the approach (food production, livestock production among others). Animals play vital roles in the lives of people all around the world, they provide for food, for labor and for income. Agriculture and livestock are very important to the world's population.

Animal welfare is inherently included in the food production economy. Yet, only through formal and realistic acknowledgment of its importance will the impact of animal welfare legislation be evident and valorized in the food production economy. Unquestionably animal welfare affects food production and vice versa. However, the idea is misunderstood and misinterpreted in the economical rational. Care and maintenance of the factories equipment should stand besides feeding, sheltering and veterinarian attention to animals in the production industry. Regarding veterinarian attention, sheltering and feeding, they should not be confused with animal welfare. The ideal equity between maintaining animal and equipment maintenance points out to the cost factor.

Today's consumer demand not only requires quantity or quality but method of production. The way our livestock is produced matters. Some people actually care for the meat they eat or the animal used to produce the meat, or at least they care for the animal being humanely treated

and processed. In this context animal welfare legislation is compulsory in livestock production, happy healthy cows equals healthy milk. It is yet to be proven if it can be enforced in livestock productivity, happy healthy cows equal more milk. The costs of animal welfare friendly livestock production would be of great importance and would have huge impact not only in the economic realm but also in human health and other world issues.

In the long term, the UDAW and animal welfare legislation in general would importantly assist governments, producers and commercial entities in the measurement and analysis of animals as economic goods. In a shorter term, if massively socialized the UDAW could represent an important tool in animal welfare in public awareness. Its text summarizes the importance of animals for people and our environment. The UDAW serves as a starting point when campaigning for animal safety and care. It backs many reasons as of why animals matter or should matter to humans. Human health, social development, poverty and hunger reduction, disaster management and environmental sustainability all encompass animals.

2.5 The UDAW and its content

To understand the potential of the UDAW it is fundamental to analyze the drafts proposal content in itself. Its core and basic arguments are the sentience of animals and the reduction of their suffering. The aim is to understand and acknowledge that animals are sentient therefore they suffer. In turn leading people to change attitudes towards animals and to realize how they ought to be treated. The standpoint for the UDAW voices five main topics, human health,

social development, poverty and hunger reduction, disaster relief and environmental sustainability.

The five topics are core to the declaration, they work as units compatible and complementary to each other. Nonetheless, the UDAW also emphasizes in the awareness, acknowledgement, recognition, search and agreement as the vectors of the units, through these powerful words the declaration aims to cause action in the animal welfare sphere. The impact of the five powerful nouns combined with the five main units is essential to the proposals persuasion and mindset-changing goal regarding animals.

The first unit, human health states the significance of animal care and health. Through animal care and health the risk of animal related diseases is reduced therefore, human health disorders are also reduced. When speaking of animal related diseases, zoonosis is the principal concern. Zoonotic diseases are transmittable diseases, caused by bacteria or viruses, which in turn are caused by organisms that can live as well in humans as in animals.

The transmissions of zoonotic diseases are conducted through direct contact with infected animals, consumption of animal feces contaminated water (diarrhea), ingestion of infected meat (cysticercosis) and they could all be prevented and drastically reduces through education on animal care. Take for instance waterborne diseases, specifically “Diarrheal disease which alone amounts to an estimated 4.1 % of the total DALY²⁷ global burden of disease and is responsible for the deaths of 1.8 million people every year (WHO, 2004). It was estimated that

²⁷ “Water Sanitation Health,” Burden of disease and cost-effectiveness estimates, accessed November 14, 2014, http://www.who.int/water_sanitation_health/diseases/burden/en/

88% of that burden is attributable to unsafe water supply, sanitation and hygiene and is mostly concentrated on children in developing countries.”²⁸ Many other common zoonotic diseases can be listed with all their terrible symptoms and outcomes, however it is not the place or time to examine them, the fact is that zoonotic diseases are serious health risk for humans and specially children.

The second unit of the proposal is social development. Through the protection of animals in a society, we can evidence an essential part of it, the behavior and attitudes towards animals is a clear reflection of society and its culture. A perfect quote by prophet Mohammed summarizes what animal welfare means to social development “A good deed done to an animal is as meritorious as a good deed done to a human being, while an act of cruelty to an animal is a bad as an act of cruelty to a human being.”²⁹

Being considerate and caring towards animals can only bring a sense of doing the right thing just as consideration and care towards an individual. Studies have shown that animal cruelty or animal abuse is directly linked to domestic violence. Social development as mentioned before regards the behavior of people towards each other. Domestic violence, juvenile crime, bulling among others, are issues to be tackled in social development. Improvement in social development can be reached by teaching and socializing of compassion towards animals, a clear example of social improvement is in the Universal Declaration on Human Rights.

²⁸ Ibid.

²⁹ “Why Animals Matter:” A Religious and Philosophical perspective, Islam Quotations, accessed July 24, 2014, http://www.think-differently-about-sheep.com/Why_Animals_Matter_%20A_Religious_and_Philosophical%20Perspective_Islam_Quotations%20.htm

The third unit of the UDAW contains two issues, poverty and hunger reduction. The argument behind this unit is that through the responsible and proper care of animals people improve their food productivity. Animal welfare influences poverty in the sense that people use their working animals to transport goods, work the land, trade their animals and consume their products (eggs, milk, meat etc.). Productivity and income of people especially rural populations depends on their animals, therefore their income, would be protected through animal care. Farming is a perfect example of the correlation between income and animal welfare, for thousands of years common people and farmers have cultivated relationships with their animals because their nutrition and later on their income depended on animals.

The second to last of the units contained in the UDAW speaks of disaster management. This issue is related in some level to poverty and hunger reduction. Animals represent goods to people, they are extremely important in the livelihoods of people. If animals are killed or lost in natural disasters owners are dispossessed of their income and nutrition source. In the case of drought or flooding, just like humans animals are also victims. It might be too much for some people and for governments to include animals in disaster management or response plans but they should reconsider and focus at least on the utilitarian importance of saving animals for the peoples benefit.

On the more humane side, imagine the suffering animals go through when in drought, it is straightforward starvation, and they die of thirst (dehydration); flooding causes suffering to both animal and owner, some animals are killed and some are lost, this impact is devastating emotionally to animals and owners and economically to owners and governments. This is why

the UDAW calls for animal welfare through disaster management, to help prevent unnecessary animal and human suffering; “ helping governments and communities to recover and rebuild.”³⁰

The last unit of the proposal is crucial. It communicates the importance of environmental sustainability. One of the most debated animal related issues is that of intensive animal farming or factory farming and the horrific impact it has on the environment. It produces pollution, especially water supply pollution that again is related to human health issues, it affects land use (deforestation for grazing purposes) therefore producing climate change and the loss of biodiversity. Environmental sustainability is key to the UDAW proposal as it contains very strong arguments to present to the UN, it is consistent with not only the millennium goals but with the charter itself (Chapter IX).

2.6 The Cooperation of the WAP, OIE and states in the UDAW endorsement.

The creation and development of the UDAW has been the result of the cooperation between international organizations and states. To understand cooperation between IOs, NGO’s and states it is basic to recognize how international organizations work. Institutionalism plays an important role in the UDAW case. Through an institutionalism perspective collaboration of states, IOs and the animal welfare movement in itself can be explained. Robert Keohane articulates a simple reflection as to what institutions are “we speak of the United Nations and the World Bank, IBM and Exxon, as institutions; but we also consider “the international

³⁰ “Our Work,” Animals in disasters, accessed October 22, 2014, <http://www.worldanimalprotection.org/our-work/animals-disasters>.

monetary regime” and the international trade regime” to be institutions.”³¹To understand the correlation of the WAP, the OIE and states in the UDAW endorsement, I will use and complement Keohanes notion facilitating and encompassing notion of institutions.

The roles played by IOs in the international system are various according to the nature of their practices or chosen activity, like Keohane portrays “a general pattern or categorization of activity or to a particular human-constructed arrangement, formally or informally organized.” The WAP and the OIE are characterized by and formally categorized in the animal welfare and animal health NGOs and IOs institutions respectively. Rules and norms are an essential part of international organizations structure and are the ones who set out the directions of the game. Following Keohane perspective, “rules and norms are the ones to prescribe roles for actors, constrain activities or shape expectations.” In the context of shaping expectations, the WAP and the OIE “have the *potential* to facilitate cooperation”³² and this is the reason for them being the principal actors in the UDAW proposal.

In the cooperation of states and the IOs in the UDAWs endorsement, there is a singularity worth revealing. The UK and the WAP have a very special and illustrating story, which includes the logic of institutionalism. As Keohane mentions, rules don’t need to be codified, they can be informal or implicit like the case of the British structure, a very strong cultural, political and economic structure. The role of the UKs government is well known for its strong

³¹ Robert Keohane, “International Institutions: Two approaches,” *International Studies Quarterly*, no. 32, (December): 383.

³² *Ibid*, 393.

structure. Contextualizing in the case of animal welfare and the UDAW specifically, the UK and the WAP are clear examples of institutionalized thought and behavior.

Research on the origins and evolution of the UDAW, ratify that the UK is the birthplace, the orchard and the leading state of the initiative. In this context, the WAP was given birth to, taken care of and raised and it was cultivated to its actual status by its state. As already mentioned in the chapter one, UK legislation has been the basis and platform for the UDAW initiative, the UK has proven to be a wise experienced and productive state regarding animal welfare sufficient reason for its leadership. Another European country was the birthplace of an important international organization of animal welfare specifically of animal health, the World Organisation for Animal Health; it was officially born to the name of “Office International des Epizooties.”³³

The OIE was founded in the early 1920s and immediately handed a special power and responsibility by the appointment of the League of Nations as to act as “the international sanitary police.”³⁴ So another international institution was already cooperating internationally with animal care and health long before the WAP. During a period of around 30 years the OIE established cooperation with other international organizations like the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO).

Only recently in 2010 “the OIE and 176 of its members adopted the 5th Strategic Plan which sets a roadmap for OIE global missions in animal health and welfare over the years 2011-

³³ OIE “About us History 1924”, accessed October 22, 2014, <http://www.oie.int/en/about-us/history/>.

³⁴ OIE “About us History 1928”, accessed October 22, 2014, <http://www.oie.int/en/about-us/history/>.

2015.”³⁵ However, this recent adoption shows only the rhetorical involvement of the OIE and raises the question of does it actually or still serve its purpose. Nonetheless, international institutions, formal, informally, intendedly or unintendedly created and organized, have been and are in the story of the UDAW initiative. Representing pillars for international animal welfare cooperation, and their potential should be furthermore re-potentiated because relations of cooperation, coordination and management are conducted through them. Society and government best act through them. International law is also best channelized through international organizations.

2.7 To what extent are states involved with the UDAW

The research conducted in the analysis of the UDAWs potential as a non-binding proposal has given place to the question of the importance of states involvement. Without states involvement or endorsement, the initiative would be flat lined. It is imperative to analyze involvement and for that the WAP has created a measuring tool for this variable. “The Animal Protection Index ranks 50 countries worldwide on how well their legislation protects animals,”³⁶ it provides results on each country’s report regarding the performance on animal welfare.

The Index scores each country with an overall score, the range for the scoring is: **A** representing the best results and **G** representing countries with the poorest performance and

³⁵ OIE “About us History 2010”, accessed October 22, 2014, <http://www.oie.int/en/about-us/history/>.

³⁶ “Our Work,” Review animal welfare standards around the world, accessed October 22, 2014, <http://www.worldanimalprotection.org/our-work/help-protect-animals-globally/review-animal-welfare-standards-around-world>.

the “most room for improvement.”³⁷ Scoring of performance in the index uses indicators such as recognition of animal protection, governance structures and systems, animal welfare standards, provision of humane education and promotion of communication and awareness. These indicators in turn involve many activities as methods used for expected results; one is the status of UDAW endorsement by states.

The recognition of animal protection indicator examines the acknowledgment of animal sentience and the importance of animal protection as a value in society within each country. Governance structures and systems indicator surveys government commitment on animal protection through internal responsibility appointment, liability and designation of resources within government. The third indicator, animal welfare standards revises whether the OIE’s animal welfare standards have been incorporated into public policy and the degree of engagement of the state with the OIE.

The fourth indicator, humane education observes if animal issues are included in the national education system. Finally, the last indicator, promotion of awareness and communication reviews if the government of each state is engaging in consultation processes with relevant sponsors on animal protection issues.

Using the world animal protection index, the extent of states involvement and specifically the endorsement of the UDAW shows the following results. Out of 50 countries throughout 5 continents; Africa, America, Asia, Europe and Oceania the results were: **1) Africa’s 9**

³⁷ Ibid.

surveyed countries all scored lower than C. **2)** Out of Americas 10 surveyed countries, 9 scored lower than C, only Chile scored B; amazingly the US and Canada both scored D. **3)** In Asia, 12 countries were surveyed and all of them scored lower than C, the leaders in the Asian continent were India Malaysia and the Philippines. **4)** The great Europe (16 countries surveyed) has the highest performance with the following results, the UK, Switzerland and Austria all scored A; while Denmark, Germany, Netherlands and Sweden scored B and the rest of the countries scored lower than C. Lastly, **5)** Oceania had 2 countries surveyed, New Zealand scored A and Australia scored C.

Therefore, to summarize the data, when it comes to animal protection; Europe holds three of the four best performing surveyed countries in the world. Even though America has the US and Canada, which are great producers of animal welfare literature and campaigning; its overall score is sadly regular at the most. Asia and Africa are the continents that need to work hard and have the most space to improve in the animal welfare realm considering the vast fauna they share. For a better understanding of the above-mentioned results, please check **Figure 1.**

Conclusions and Recommendations.

I venture to say that the UDAWs potential has everything to do with its stance. It has the potential of the Universal Declaration Human Rights. When most of the world's population and states realize the significance of animals in our livelihoods and the convenience in caring for them even if it is in an utilitarian manner, then the necessity for the UDAW will be elevated to a treaty and will become the international framework for animal welfare. As I

mentioned before the potential of the UDAW rests in its universality, not in its lack of binding nature.

The “setting of precise standards of animal welfare and obligations on signatories to ensure that the standards and principals contained in the UDAW proposal are met”³⁸ will come afterwards, when the UDAW rises to the treaty or covenant level. Meanwhile its sponsors should focus in re boosting its potential through the socialization and promotion of its already achieved goals such as applying ethical pressure on states and other IOs to come on board, step up and take action towards animal welfare from the individual level up to governmental levels.

According to the data revealed through the Animal Protection Index, countries need to work practically and not only rhetorically in their endorsement of the UDAW. Regarding the potential of the UDAW among states, it “is likely to have a greater impact in countries with no animal welfare laws in place, by providing a benchmark by which to set animal welfare laws and policies.”³⁹ The information found on the involvement and endorsement interprets as if the UDAW had only a slight potential in the hopes of an international framework. However, it does not mean that as a non-binding proposal its potential is strictly limited; on the contrary, its prospective is positive and constructive.

³⁸ Miah Gibson, “The Declaration of Animal Welfare.” *Deakin Law Review* 16, no. 2. (July 2011): 547,

Accessed June 29, 2014, <http://www.austlii.edu.au/au/journals/DeakinLawRw/2011/22.pdf>

³⁹ *Ibid.*

Obstacles in the road of the UDAW are as any obstacles presented in any enterprise we take upon, they need to be analyzed, put under control and overcome. In international law, time is always an obstacle, in the specific case of the UDAW and animal welfare in general, time is the most significant obstacle. Declarations, treaties and norms in the international system tend to be bureaucratic and therefore take extended periods of time to be discussed, socialized, consented upon and adopted.

Another obstacle this time in the shorter term, is the deficiency in the process of socialization. Deficiency in socialization represents a key obstacle and it needs special attention and analysis. As mentioned in afore chapters, only through the socialization process will the UDAW attain its goals. Principles contained in the UDAW need to be shared in order to gain worldwide support. The WAP as the trustee of this process needs to spread the word perhaps in a more aggressive or recursive manner, reach out to the academic sphere, a fertile ground for the diffusion of animal welfare and the UDAW specifically.

Yet another obstacle is the lack of motivation produced by the extended periods taken for action and results to be seen. During research, being from Latin America, I was directed through the UK WAP office to contact the Costa Rica office in order to obtain some information. Sadly, I was informed that “for lack of budget and personnel, the Costa Rica office was no longer managing any information regarding the declaration.”⁴⁰ The idea that haunts me is what they really meant, the UDAW to the Costa Rica office was a time and resource and inefficient consuming errand.

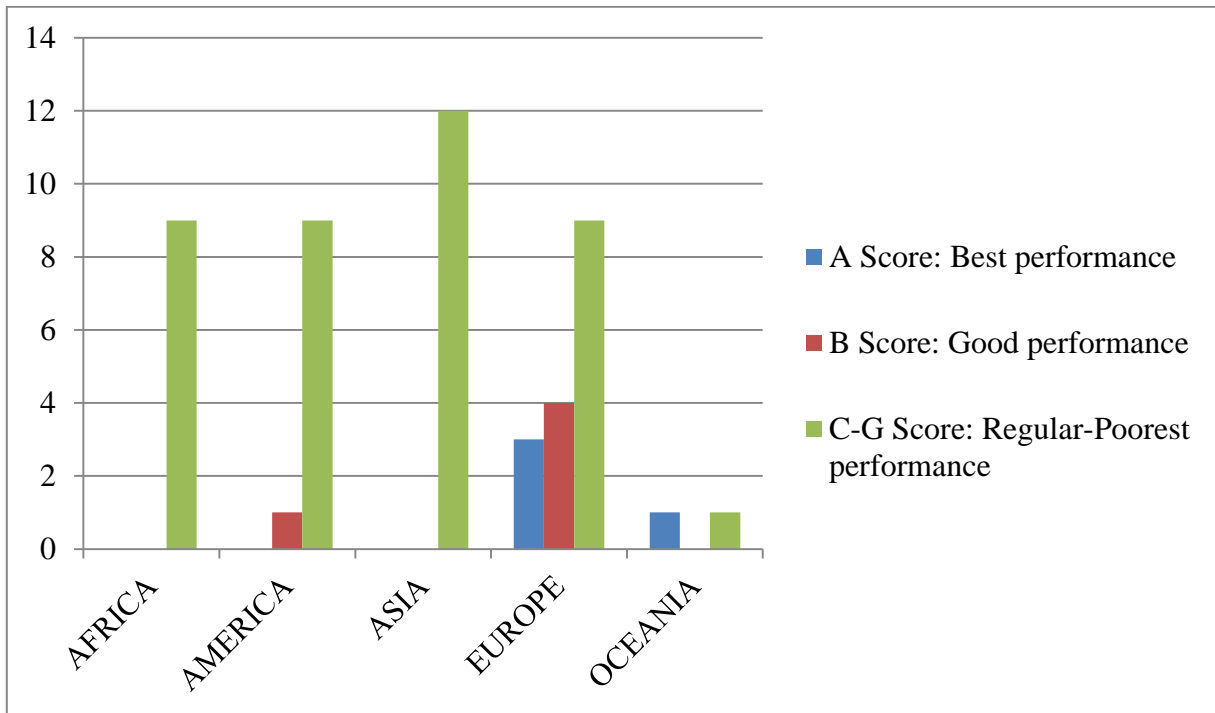
⁴⁰ Costa Rica WAP office. Carmen Hernandez. Personal communication by telephone. December 5, 2014.

Finally, we can compare the potential of the UDAW to a seed planted and it is on its way of growing into a well-structured robust tree. Robust mature trees take decades to become what they are; and so does reaching maturity in any enterprise or action we take in our lives. The UDAW will hopefully be fully-grown and ripe enough in a decade as to place animal welfare in a significant position in the global agenda.

All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption that requires both our passion and our discipline, our hearts and our heads. The fate of animals is in our hands. God grant we are equal to the task.

Tom Regan, *The Case for Animal Rights*

Figure 1. Country Performance on Animal Protection Scoring Chart.



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Annex 1.

The Universal Declaration on Animal Welfare

A proposal for a Declaration on Animal Welfare arising from the Manila Conference (On Animal Welfare) (March 2003) and the Costa Rica Steering Committee Meeting (2005)

PREAMBLE

[The Costa Rica Steering Committee, following on from the Manila Conference on Animal Welfare, confirms]

That animal welfare is an issue worth consideration by governments.

That the promotion of animal welfare requires collective action and all stakeholders and affected parties must be involved.

That work on animal welfare is a continuous process.

RECOGNIZING that animals are living, sentient beings and therefore deserve due consideration and respect;

RECOGNIZING that animal welfare includes animal health [and that veterinarians have an essential role in maintaining both the health and welfare of animals **RECOGNIZING** that humans [inhabit] this planet with other species and other forms of life and that all forms of life co-exist within an interdependent ecosystem;

RECOGNIZING the importance of the ongoing work of the OIE (World Organization for Animal Health) in setting global standards for animal welfare];

AGREEING that the term [state] includes people and civil society;

ACKNOWLEDGING that many, [states] already have a system of legal protection for animals, both domestic and wild;

SEEKING to ensure the continued effectiveness of these systems and the development of better and more comprehensive animal welfare provisions;

ACKNOWLEDGING that the humane use of animals can have major benefits for humans;

AWARE that the “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 behaviour)” and the “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;

RECOGNIZING that the provisions contained in this declaration do not affect the rights of any [state];

PRINCIPLES OF THE DECLARATION

1. The welfare of animals shall be a common objective for all [states];
2. The standards of animal welfare attained by each [state] shall be promoted, recognized and observed by improved measures, nationally and internationally. [Whilst there are significant social, economic and cultural differences between societies, each should care for and treat animals in a humane and sustainable manner][in accordance with the principles of the Declaration]
3. All appropriate steps shall be taken by [states] to prevent cruelty to animals and to reduce their suffering;
4. Appropriate standards on the welfare of animals be further developed and elaborated such as, but not limited to, those governing the use and management of farm animals, companion animals, animals in scientific research, draught animals, wildlife animals and animals in recreation.

Annex 2.

Universal Declaration on Animal Welfare (UDAW)

Draft Text 2011

PREAMBLE

[1] **AFFIRMING** that animals are sentient beings and that their welfare is an issue worthy of consideration and respect by Member States;

[2] **CONSCIOUS** that humans share this planet with other species and other forms of life and that all forms of life co-exist within an interdependent ecosystem;

[3] **EMPHASIZING** that animal welfare should be guided by the best available science & ethical values;

[4] **RECALLING** that the “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 behaviour)” provide valuable general guidance for animal welfare;

[5] **CONVINCED** that good practices in animal welfare can have major benefits for humans and the environment, and that inclusion of animal welfare in policy discussions can strengthen efforts by governments and the United Nations on a range of issues including human and animal health, food security, poverty & hunger reduction, disaster risk reduction & relief, environmental sustainability and social development;

[6] **WELCOMING** *the FAO’s integration of animal welfare into its poverty alleviation, disaster relief and livestock development programmes, as outlined in the FAO Expert Meeting Report “Capacity building to implement good animal welfare practices” (2008);*

[7] **RECOGNIZING** that many Member States already have a system of legal protection for animals, both domestic and wild, and that it is important to ensure the continued effectiveness of these systems and the development of better and more comprehensive animal welfare provisions;

[8] **CONSIDERING** that the promotion of animal welfare requires collective action and that all stakeholders and affected parties must be involved;

[9] **ACKNOWLEDGING** *that the provisions contained in this declaration do not affect the rights of any Member State;*

[10] **NOTING** *Resolution XIV adopted on 24 May 2007 by the International Committee of the OIE (recognized as an international animal welfare standard-setting body) expressing support in principle for the development of a UDAW.*

Proclaims the following Universal declaration as a means of improving the welfare of animals:

The clauses in the Preamble section are numbered for ease of reference for discussion purposes only.

1. Article I:

Animals are sentient beings and their welfare should be respected.

2. Article II:

For the purposes of this Declaration, animal welfare includes animal health and encompasses both the physical and psychological state of the animal. The welfare of an

animal can be described as good or high if the individual is fit, healthy, free from suffering and in a positive state of wellbeing.

3. **Article III:**

Sentience shall be understood to mean the capacity to have feelings, including pain and pleasure, and implies a level of conscious awareness. Scientific research confirms that all vertebrates are sentient animals, and indicates sentience in some invertebrates. This is an active research area and knowledge of sentience of different species continues to grow.

4. **Article IV:** All appropriate steps shall be taken by Member States to prevent cruelty to animals and to reduce their suffering. This Declaration provides a basis for states and peoples to:

- work to improve their national animal welfare legislation
- introduce animal welfare legislation in countries where it does not currently exist
- encourage those businesses which use animals to keep welfare at the forefront of their policies
- link humanitarian, development and animal welfare agendas nationally and internationally
- inspire positive change in public attitudes towards animal welfare.

5. **Article V:**

Appropriate policies, legislation and standards on the welfare of animals shall be further developed and elaborated on the basis of this Declaration including, but not

limited to, those governing the treatment and management of wild and companion animals, animals used in farming, scientific research or for draught and recreational purposes and those kept in captivity.

6. ArticleVI:

The policies, legislation and standards attained by each state on animal welfare shall be observed, recognized and promoted by improved practices and capacity-building, nationally and internationally. Whilst there are significant social, economic and cultural differences between societies, each should care for and treat animals in a humane and sustainable manner in accordance with the principles of the Declaration.

7. ArticleVII:

Member States are called upon to adopt all necessary measures to give effect to these agreed principles.