The Year in Review

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International Animal Law

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THE YEAR IN REVIEW
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International Animal Law

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I. Introduction

In 2019, significant developments in international animal law have occurred in the United States and a number of countries worldwide.

During 2019, the United States legislated a federal animal cruelty statute, the Preventing Animal Cruelty Act (PACT), signed into law on November 25, 2019.[1] All U.S. states criminalize animal abuse and neglect; however, PACT allows additional federal felony charges to be brought against some of the most heinous acts of cruelty "including crushing, burning, drowning, suffocating, and impaling live animals. . . . [W]hen these acts occur within federal jurisdiction (including on federal property), or when the animals are moved across state lines, or the internet is used as part of a criminal enterprise."[2] PACT closes a loophole in the Animal Crush Video statute[3] that "banned the creation, sale and distribution of videos depicting extreme acts of cruelty,"[4] but not the underlying acts themselves.

Animal anti-cruelty laws provide important protections for companion and working animals. For example, dogs serve us in many important ways.

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1. Preventing Animal Cruelty and Torture Act, H.R. 724, 116th Cong. (2019).

2. Kitty Block & Sara Amundson, *Breaking News: President Trump signs PACT Act; law will crack down on some of the worst animal cruelty crimes*, A HUMANE WORLD (Nov. 25, 2019), https://blog.humanesociety.org/2019/11/breaking-news-president-trump-signs-pact-act-law-will-crack-down-on-some-of-the-worst-animal-cruelty-crimes.html.

3. 18 U.S.C. § 48 (2010).

4. Block, *supra* note 2.

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Military Working Dogs (MWDs) are true heroes who devote their lives to the protection of their comrades and their country. Important legal developments in the United States are underway to enhance their welfare upon retirement.[5]

With 200 million land animals killed for food daily world-wide, legal protections for farmed animal welfare remain inadequate; however, progress has been made.[6] For example, this year a California judge rejected a meat lobby challenge of the California law banning the extreme cage confinement of egg-laying hens, pigs, and veal calves;[7] New York City banned the sale of foie gras starting in 2022;[8] the U.S. Supreme Court rejected a challenge to the California foie gras ban;[9] and Michigan became the first midwestern state to pass a law banning cruel cages for egg-laying hens.[10] Despite this, perhaps the greatest developments for farmed animals is the burgeoning market for plant-based food products and, most recently, the creation of cell-cultured meat.[11]

2019 also marked the first year that animals in Russia were given legal protections. Introduced in 2010 and enacted on December 27, 2018,[12] the new law includes provisions banning acts of abuse, petting zoos in malls, animal fighting, and the keeping of exotic animals in homes and apartments.[13] Further, the law prohibits the killing of stray dogs and cats, instead mandating that all stray animals "be captured, spayed or neutered, vaccinated, microchipped, and released."[14] Although these new protections are major improvements for animals in Russia, advocates have criticized the muzzling requirements for potentially dangerous dog breeds, the restrictions

5. *See infra* Part II.

6. Matthew Zampa, *How Many Animals are Killed for Food Every Day?*, SENTIENT MEDIA https://sentientmedia.org/how-many-animals-are-killed-for-food-every-day/ (last visited Feb. 21, 2020).

7. *See* N. Am. Meat Inst. v. Becerra, No. 2:19-CV-08569-CAS, 2019 WL 6253701, at *3–38 (C.D. Cal. Nov. 22, 2019).

8. Rebecca Klar, *New York City mayor signs bill banning foie gras*, THE HILL (Nov. 25, 2019), https://thehill.com/homenews/state-watch/471931-new-york-city-mayor-signs-bill-banning-foie-gras.

9. Petition for Writ of Certiorari, Ass'n des Eleveurs de Canards et d'Oies du Quebec v. Becerra, 139 U.S. 862 (2018) (No. 17-1285).

10. 2019 Mich. Pub. Acts 57, http://www.legislature.mi.gov/documents/2019-2020/billenrolled/Senate/pdf/2019-SNB-0174.pdf.

11. *See infra* Part III.

12. *The Federal Law of December 27, 2018, N 498-FZ "on responsible treatment of animals and on amendments to certain legislative acts of the Russian Federation,"* ZOOHUMANISM, (Feb. 9, 2019), https://zoohumanism.com/2019/02/09/the-law-on-responsible-treatment-of-animals-in-russia-english-version/.

13. Kat Smith, *Putin Signs Bill Banning Animal Cruelty in Russia*, LIVEKINDLY (Feb. 7, 2019), https://www.livekindly.co/russian-animal-welfare-law-bans-petting-zoos-animal-fights-killing-stray-cats-dogs/.

14. *Id.*

on dog-walking, and the fact that the law "does not apply to wildlife, fish farming, hunting, or the use of farm and lab animals."[15]

2019 presented important improvements in and challenges for the protection of wild animals. After three years of debate, persuaded by the growing scientific and ethical arguments opposing cetacean captivity,[16] Canadian lawmakers banned the fishing of a cetacean "with the intent to take it into captivity" unless authorized by the Minister, "including when the cetacean is injured, in distress, or in need of care."[17] Fines can reach 200,000 CAD for non-compliance.[18] Canada also passed a law prohibiting trade in shark fins and shark finning in its waters.[19] As "the largest importer of shark fins outside of Asia," this law will significantly reduce the demand for shark fins that currently "leads to the slaughter of tens of millions of sharks each year."[20] In contrast, Japan withdrew from the International Whaling Commission (IWC) and resumed commercial whaling.[21]

With a million species threatened with extinction, at the Eighteenth Conference of the Parties (CoP18) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), governments took steps to strengthen provisions governing international trade in endangered species.[22] Despite this, the Trump administration released regulations weakening the Endangered Species Act (ESA).[23] Those changes make it more difficult to ensure the protection of endangered species by delaying necessary measures until it is virtually impossible to save the species, more difficult to save species impacted by climate change, and easier for companies to build roads and other industrial projects in habitats crucial to the survival of endangered species.[24]

Finally, as humans learn more about the abilities of animals, jurisdictions begin to expressly recognize their sentience and personhood under law. Australia joined the ranks of countries that expressly recognize animals as sentient beings with its Animal Welfare Legislation Amendment Bill 2019 stating:

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15. *Id.*

16. *See* NAOMI A. ROSE & E.C.M. PARSONS, THE CASE AGAINST MARINE MAMMALS IN CAPTIVITY, 3 – 5 (5th ed. 2019), https://awionline.org/sites/default/files/uploads/documents/AWI-ML-CAMMIC-5th-edition.pdf.

17. Fisheries Act, S.C. 2019, c 68, Ch. 14, §§ 23.1(1), 23.2(2), 23.3(2) (Can.).

18. *See Canada bans the captivity of whales, dolphins and porpoises for entertainment*, WORLD ANIMAL PROT. (June 10, 2019), https://www.worldanimalprotection.org/news/canada-bans-captivity-whales-dolphins-and-porpoises-entertainment.

19. Fisheries Act, *supra* note 17, § 32.

20. Kitty Block, *Breaking news: Canada bans shark finning and shark fin trade*, A HUMANE WORLD (June 20, 2019), https://blog.humanesociety.org/2019/06/breaking-news-canada-bans-shark-finning-and-shark-fin-trade.html?credit=blog_em_112019_id10987.

21. *See infra* Part IV.

22. *See infra* Part V.

23. 50 C.F.R. § 424 (2019); *see also Trump Extinction Plan guts Endangered Species Act*, IFAW (Aug. 12, 2019), https://www.ifaw.org/news/endangered-species-act-weakened-regulations.

24. *See id.*

(a) animals are sentient beings that are able to subjectively feel and perceive the world around them;
(b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value; and
(c) people have a duty to care for the physical and mental welfare of animals.[25]

Further, a Brazilian judge held that a female elephant named Ramba was not a "commodity," but rather a "guest" at a sanctuary meaning no import tax was required.[26] In addition, India's High Court of Punjab and Haryana extended legal personhood status to all animals in the state of Haryana.[27]

II. Military Working Dogs (MWDs)

Dogs have been serving in warfare with their human partners worldwide for thousands of years with activities ranging from protecting early settlements from invasions to participating in modern day elite special forces' actions against terrorism.[28] Today, MWDs are increasingly deployed by the United States and other national militaries throughout the world. They also serve in multinational and international forces, such as NATO and United Nations peacekeeping details where on-the-ground military and para-military presences are required.[29]

With their keen senses and tactical prowess, MWDs carry out explosives detection, search and rescue, sentry, and other military duties for which their canine attributes cannot be replicated by human or machine.[30] MWDs are considered "force multipliers."[31] Their importance was recently underscored by the bravery of a Belgium Malinois, Conan, involved in the highly-publicized 2019 pursuit of an ISIS leader.[32]

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25. *Animal Welfare Legis. Amend. Bill 2019*, (ACT) s 4a (Austl.), https://www.legislation.act.gov.au/b/db_60107/.

26. *See infra* Part VI.

27. *See infra* Part VII.

28. Marco Roscini, *Animals and the Law of Armed Conflict*, 47 ISR. Y.B. ON HUM. RTS. 35, 35 (2017); *see* Sarah D. Cruse, *Military Working Dogs: Classification Treatment in the U.S. Armed Forces*, 21 ANIMAL L. 249, 250 – 51 (2015).

29. *Afghan Taliban capture NATO military dog*, NEWS24.COM (Feb. 7, 2014), https://www.news24.com/World/News/Afghan-Taliban-capture-NATO-military-dog-20140207; Aoibheann O'Sullivan & Tilak Pokharel, *K9 Training with UNIFIL and LAF*, U.N. INTERIM FORCE IN LEBANON (Sept. 28, 2017), https://unifil.unmissions.org/k9-training-unifil-and-laf.

30. Haley Cohen Gilliland, *Why explosives detectors still can't beat a dog's nose*, MIT TECH. REV. (Oct. 24, 2019), https://www.technologyreview.com/s/614571/explosives-detectors-dogs-nose-sensors/.

31. *Fact Sheet: 341st Training Squadron*, 37TH TRAINING WING (Feb. 21, 2016), https://www.37trw.af.mil/About/Fact-Sheets/Display/Article/670140/341st-training-squadron/.

32. Ana Radelat, *Courageous K-9 in ISIS raid boosts Blumenthal efforts on military dogs*, CT MIRROR (Oct. 28, 2019), https://ctmirror.org/2019/10/28/courageous-k-9-boosts-in-isis-raid-boosts-blumenthal-efforts-on-military-dogs/.

Given the rigors of the service required by these dogs, their health and well-being require ongoing expert care. Their lives are often shortened by the battle wounds, both physical and mental, including injuries and diseases sustained during their deployments.[33] While the deployments of MWDs have increased substantially worldwide, the legal protections for MWDs and their welfare have not improved in tandem with their expanded military service.

Fortunately, new legislative and policy developments in the United States are promoting MWDs' and their veterans' welfare.[34] One key step in furthering MWD welfare goals was included in the U.S. 2019 Defense Appropriations.[35] The legislation directs the Department of Defense to provide transportation back to the United States for decommissioned military dogs.[36] Prior to this legal change, transportation costs were handled either by the adopter or by non-profit agencies able to raise funds to bring canine veterans home on commercial carriers.[37]

Another beneficial development was the passage of the National Defense Authorization Act for Fiscal Year 2020.[38] The MWD provisions of the Act, put forward by Senator Richard Blumenthal (D-CT), a longstanding champion in Congress for military dog welfare, amend the U.S. Code to ensure access to veterinary screening and care for retiring MWDs through military resources.[39] More specifically, these requirements provide that retiring MWDs shall be transported to Lackland Air Force Base in Texas at decommission, and be examined at its MWD Veterinary Hospital on base in order to receive immediate healthcare screening and care before their adoptions.[40] These provisions will greatly assist the dogs in transitioning to civilian life, while also relieving some of the immediate financial burdens of veterinary costs for veteran handlers and other vetted adopters.[41]

Global public awareness of MWDs also was raised during 2019 with the United States Post Service issuance of a new "forever" postage stamp

33. U.S. GOV'T ACCOUNTABILITY OFF., DEP'T OF DEF., *Medical Conditions and Care for End-of-Service Military Working Dogs*, (GAO-17-358), (Mar. 10, 2017), https://www.gao.gov/products/GAO-17-358.

34. John S. McCain Nat'l Def. Authorization Act for Fiscal Year 2019, H.R. 5515, 115th Cong. § 352 (2018) (enacted), https://www.congress.gov/115/plaws/publ232/PLAW-115publ232.pdf.

35. *Id.*

36. *Id.*

37. Amy Juelich, *What happens to Military Working Dogs when they retire?*, AM. WAREHOUSE SYS. (May 22, 2014), http://www.aw-systems.com/blog/2014/05/what-happens-to-military-working-dogs-when-they-retire-want-to-adopt-one/.

38. Nat'l Def. Authorization Act for Fiscal Year 2020, S. 1790, 116th Cong. Conference Rpt. Title III, § 372 (2019-20), https://docs.house.gov/billsthisweek/20191209/CRPT-116hrpt333.pdf; Radelat, *supra* note 32.

39. 10 U.S.C. § 2583 (2019).

40. *Id.*

41. *Id.*

honoring the Military Working Dog.[42] The red, white, and blue stamps depicts four dog breeds: the German Shepherd, the Labrador Retriever, the Belgium Malinois, and the Dutch Shepherd.[43]

In September another four military dog heroes received the "K-9 Medals of Courage," the highest honor conferred on military dogs recognizing their extraordinary valor during service,[44] and in November, Conan was honored at a White House ceremony.[45]

Finally, on August 10, 2019, the Section of International Law Council voted unanimously to sponsor a Resolution submitted by the International Animal Law Committee pertaining to the well-being of Military Working Dogs (MWD).[46] The proposed MWD Resolution, co-sponsored by the Government and Public Sector Lawyers Division and the Tort Trial & Insurance Practice Section, is designed as a global model to promote legal protections for these canine heroes and the reunification of veteran human soldiers with their canine soldier partners in retirement for their mutual benefit.[47] It details four key provisions prescribing: veterinary care while in service and retirement, military transportation back to home country at decommission, first priority retirement adoption of MWDs by their human soldier partners, and government oversight protocols to ensure the above.[48] The ABA House of Delegates will review this Resolution for adoption at the ABA's Midyear Meeting in February 2020.[49] These measures will ensure canine soldiers, who serve and protect, will receive guardianship and the guarantee of their welfare while in service and in retirement. These measures also ensure the legal community's attention to provide, under law, the ability to reunite the veteran soldier handlers with their canine soldier partners in their civilian lives.[50]

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42. *Military Working Dogs Now on Stamps*, U.S. POSTAL SERV. (Aug. 1, 2019), https://about.usps.com/newsroom/national-releases/2019/0801-military-working-dogs-forever-stamps.htm.

43. *Id.*

44. Diana Stancy Correll, *Four military K-9s to receive K-9 Medal of Courage, the highest honor for military dogs*, MIL. TIMES (Sept. 3, 2019), https://www.militarytimes.com/news/your-military/2019/09/03/four-military-k-9s-to-receive-k-9-medal-of-courage-the-highest-honor-for-military-dogs/.

45. Alex Horton, *The dog that helped kill Baghdadi met Trump. But Conan is just the latest canine war hero.*, WASH. POST (Nov. 24, 2019), https://www.washingtonpost.com/history/2019/11/25/dog-who-helped-kill-baghdadi-met-trump-conan-is-just-latest-canine-war-hero/.

46. *See House of Delegates Resolution 104B*, A.B.A. (Feb. 17, 2020), https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2020/2020-midyear-104b.pdf.

47. *Id.*

48. *Id.*

49. *See generally id.* (The House of Delegates adopted a revised version of Resolution 104B on February 17, 2020).

50. *Id.*

III. Cell-Cultured Meat

Cellular agriculture refers to the production of agricultural products from cell cultures.[51] Cultured beef, for example, is created by harvesting a few muscle cells from an unharmed living cow.[52] Scientists then grow the cells in a laboratory setting to create muscle tissue (the main component of meat)[53] to create a product biologically identical to meat that comes from a cow. The development of cultured meat has been spurred by increasing world-wide demand for meat protein and awareness of the environmental and animal welfare impacts of traditional meat production.[54]

Commercial production of cultured meat is expected to begin in 2020 in Israel.[55] Jerusalem biotechnology start-up company Future Meat Technologies secured $14 million in funding, led by the venture capital firm which backs Beyond Meat.[56] Cellular agriculture worldwide has drawn investments from major food producers, and it is anticipated that cell-based meat could be sold in American supermarkets as early as 2021.[57]

The European Union considers the development of new meat alternatives as important to achieving the European Commission's Food 2030 Initiative "to deliver a climate smart and sustainable food system;" however, cultured meat will have to be authorized as a novel food.[58] It is anticipated that Canada will also regulate cultured meat as a novel food.[59] These regulations require extensive review of the safety of the novel food product, and will likely slow the introduction and increase the expense of introducing cultured meat products in the European Union and Canada.[60]

In the United States, efforts to thwart the acceptance of cultured meat by consumers include the adoption of laws prohibiting the use of the word

51. *What is Cultured Meat*, MAASTRICHT UNIV., https://culturedbeef.org/what-cultured-meat, (last visited Feb. 23, 2020).

52. *Id.*

53. *Id.*

54. S. Suresh, *"Friend" or "Fiend": In vitro lab meat and how Canada might regulate its production and sale*, CANADIAN AGRI-FOOD POL'Y INST. 7–8 (Oct. 2018) ("The Food and Agriculture Organization of the United Nations (FAO) estimates that the demand for meat will increase by more than two-thirds in the next 40 years." *Id.* Meat production contributes more greenhouse gas emissions than transportation or industry; contributing between 15 and 24% of global greenhouse gas emissions. The widespread adoption of cultured meat is expected to significantly decrease these emissions.").

55. Eytan Halon, *Israeli start-up to build world's first lab-grown meat facility*, Jerusalem Post (Oct. 10, 2019), https://www.jpost.com/Jpost-Tech/Israeli-start-up-to-build-worlds-first-lab-grown-meat-production-facility-604184.

56. *Id.*

57. Brian P. Sylvester, *FDA Tackles Cell-Cultured Foods*, FOOD AND DRUG L. INST., https://www.fdli.org/2018/07/fda-tackles-cell-cultured-foods/ (last visited Feb. 23, 2020).

58. Parliamentary questions, Answer given by Mr. Andriukaitis on behalf of the European Commission, Question Reference E-001992/2019 (June 18, 2019); *see also* Katia Merten-Lentz, *In vitro meat: regulatory issues in the US and the EU*, KELLER AND HECKMAN LLP (Dec. 12, 2018), https://tomorrowsfoodandfeed.khlaw.com/2018/12/vitro-meat-regulatory-issues-us-eu/.

59. Suresh, *supra* note 54, at 18.

60. *Id.* at 20–21.

"meat" to describe cultured meat.[61] In 2019, Colorado[62] and Vermont[63] introduced legislation prohibiting labelling cultured meat as "meat," while South Carolina[64] and Washington[65] criminalized labelling cultured meat as meat, with penalties of up to one-year imprisonment and a one-thousand dollar fine. Washington's "Natural Meat Protection Act" prohibits the advertising or sale of cell-cultured meat and prohibits state funding for the research or development of cell-cultured meat.[66]

On the Federal level, in March 2019 the USDA's Food Safety Inspection Service (FSIS) and the HHS's Food and Drug Administration (FDA) announced an agreement to jointly oversee the production of cell-cultured meat.[67] The FDA will oversee cell collection, cell banks, and cell growth and FSIS will oversee the production and labeling of human food products derived from the cells of livestock and poultry.[68]

As cell-cultured meat becomes economically viable, the conflicts between protectionism of existing meat production industries and the corporations promoting cultured meat will have to be resolved. A clash of titans is brewing; environmental and social needs for less costly and less polluting sources of protein may prevail if the companies promoting cultured meat win out.

IV. Japan's Withdrawal from the IWC

On July 1, 2019, seven months after announcing its intent to withdraw from the IWC, Japan resumed commercial whaling within its own coastal waters and the 320-kilometer Exclusive Economic Zone (EEZ) around it.[69] The IWC was formed in 1946 to ensure the orderly development of the whaling industry.[70] The IWC's priority shifted drastically in 1982 when it announced a ten-year moratorium on commercial whaling that has been renewed every year since.[71] Japan opted out of the moratorium in 1982 and

61. Elaine Watson, *Plant-based and cell-cultured 'meat' labeling under attack in 25 states*, FOODNAVIGATOR-USA.COM, https://www.foodnavigator-usa.com/Article/2019/05/29/Plant-based-and-cell-cultured-meat-labeling-under-attack-in-25-states# (last updated July 29, 2019).

62. H.B.19-1102 72nd Gen. Assemb., Reg. Sess. (Colo. 2019).

63. H.B. 233 Gen. Assemb., Reg. Sess (Vt. 2019).

64. H.B. 4245 123rd Gen. Assemb., Reg. Sess. (S.C. 2019).

65. H.B. 1519 66th Gen. Assemb., Reg. Sess. (Wash. 2019).

66. *Id.*

67. News Release, FDA, USDA and FDA Announce a Formal Agreement to Regulate Cell-Cultured Food Products from Cell Lines of Livestock and Poultry (Mar. 7, 2019), https://www.fda.gov/news-events/press-announcements/usda-and-fda-announce-formal-agreement-regulate-cell-cultured-food-products-cell-lines-livestock-and.

68. *Id.*

69. Press Release, NRDC, Japan Leaves IWC to Resume Commercial Whaling (July 1, 2019), https://www.nrdc.org/media/2019/190701-0.

70. Rachel Fobar, *Japan will resume commercial whaling. Get the facts.*, NAT'L GEOGRAPHIC (Dec. 26, 2018), https://www.nationalgeographic.com/animals/2018/12/japan-considers-leaving-international-whaling-commission/.

71. *See id.*

had continued to hunt and kill whales under Article VIII of the International Convention for the Regulation of Whaling (ICRW), which states that parties "may grant to any of [their] nationals a special permit authorizing that nation to kill, take and treat whales for purposes of scientific research."[72] The global consensus had been that Japan had been commercially hunting whales under the guise of scientific research, and its recent complete withdrawal comes as little surprise.[73]

The world's response to Japan's withdrawal has been mixed. Nonprofit Sea Shepherd views Japan's withdrawal as a victory because its withdrawal means the end of Japan's whaling in the Southern Ocean Whale Sanctuary.[74] Taryn Kiekow Heimer, Deputy Director of the Marine Mammal Protection Project at the Natural Resources Defense Council, stated that "Japan is now a rogue whaling nation. . . . This is a bad day for the rule of international law, a bad day for conservation, and a bad day for whales."[75] Dr. Ray Gambell, who served as IWC Secretary for twenty-four years, warned that the IWC risks losing credibility as whaling occurs at a commercial level beyond the control of the IWC.[76] Japan's withdrawal was largely met with frustration by IWC member nations. Australia noted that it was "extremely disappointed," and New Zealand emphasized Japan's view of whaling as "an outdated and unnecessary practice."[77]

The IWC released a statement addressing Japan's withdrawal, stating that Japan's contribution will be missed.[78] Andrej Bibic of Slovenia, the IWC's current Chair, clarified that the different views on commercial whaling are well-documented and that the IWC will continue work on the range of topics where there is "agreement and common interest," such as establishing population estimates of cetaceans, and "understanding the state of their environment" and various threats like bycatch.[79] Japan assured the IWC that the country will continue participating in the IWC as an observer and will conduct whaling within the catch limits calculated by the IWC's

72. Héloïse Guichardaz, *Whaling in Japan: an international and environmental issue*, U. GLASGOW SCH. L. BLOG, (May 22, 2018), https://www.uofgschooloflaw.com/blog/2018/05/22/whaling-in-japan-an-international-and-environmental-issue.

73. *See id.*

74. *See Shepherd claims victory as Japan leaves International Whaling Commission*, STUFF, (Dec. 27, 2018), https://www.stuff.co.nz/world/asia/109608277/japan-leaving-international-whaling-commission.

75. NRDC, *supra* note 69.

76. DAVID HUNTER ET AL., INTERNATIONAL ENVIRONMENTAL LAW AND POLICY 989 (2d ed. 2002).

77. *Japan to Leave IWC, Resume Commercial Whaling in July*, KYODO NEWS (Dec. 27, 2018), https://english.kyodonews.net/news/2018/12/18c87da25808-urgent-japan-govt-decided-tues-to-withdraw-from-iwc-in-2019-govt-source.html.

78. Statement on Government of Japan withdrawal from the IWC, IWC (Jan. 14 2019), https://iwc.int/statement-on-government-of-japan-withdrawal-from-t.

79. *Id.*

method.[80] The IWC concluded by assuring that it will consider the implications of Japan's withdrawal in due course.[81]

V. Developments at the Eighteenth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

At the close of the Conference of the Parties to CITES on August 28, 2019 (the CoP18), the CITES Secretariat issued a media release proclaiming: "CITES conference responds to extinction crisis by strengthening international trade regime for wildlife."[82] This statement echoed a theme expressed by CoP18 commentators who noted that participating governments had repeatedly favored stricter protections for a number of animal and plant species,[83] perhaps motivated by a recent The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report that one million species face extinction.[84]

CITES entered into force in 1975 and its participating countries are referred to as "Parties."[85] Today, it has 183 Parties and aims to protect over 35,000 species of plants and animals from unsustainable trade.[86] CoP18 was the busiest conference in CITES history, with over 100 agenda items[87] and fifty-six proposals[88] to amend the CITES Appendices, which govern the

80. *See id.*

81. *See id.*; *see also* International Whaling Commission [IWC], *Summary of Main Outcomes, Decisions, and Required Actions from the 67th Meeting of the IWC*, 3, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwi2qeqn8NHnAhUKRqwKHQM1A2QQFjABegQIARAB&url=https%3A%2F%2Farchive.iwc.int%2Fpages%2Fdownload.php%3Fref%3D7078%26size%3D%26ext%3Dpdf%26k%3D%26alternative%3D4103%26usage%3D-1%26usagecomment%3D&usg=AOvVaw1BKnQxkeuSUMlcn9I7QqUD (last visited Feb. 11, 2020).

82. Press Release, Convention on International Trade In Endangered Species of Wild Fauna and Flora [hereinafter, CITES], CITES conference responds to extinction crisis by strengthening international trade regime for wildlife (Aug. 28, 2019), https://cites.org/eng/CITES_conference_responds_to_extinction_crisis_by_strengthening_international_trade_regime_for_wildlife_28082019.

83. *Id.*

84. Media Release, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services [hereinafter IPBES], Nature's Dangerous Decline "Unprecedented"; Species Extinction Rates "Accelerating," https://www.ipbes.net/news/Media-Release-Global-Assessment (last visited Mar. 1, 2020).

85. *What Is CITES*, CITES, https://cites.org/eng/disc/what.php (last visited Mar. 1, 2020).

86. *Id.*

87. Provisional agenda and working documents – Eighteenth meeting of the Conference of the Parties, CITES, https://cites.org/eng/cop/18/doc/index.php (last visited Mar. 1, 2020).

88. Press Release, CITES, CITES conference to strengthen wildlife trade rules for fisheries, timber, exotic pets, elephants and more (Aug. 7, 2019), https://cites.org/eng/news/pr/cites-conference-to-strengthen-wildlife-trade-rules-for-fisheries-timber-exotic-pets-elephants-and-more_07082019.

levels of control over international trade in different species. The majority of these initiatives aimed to increase trade controls.[89]

Elephant and rhinoceros issues dominated the conversation. Proposals from several southern African nations to resume trade in stockpiled elephant ivory and rhinoceros horn were rejected.[90] A counter proposal by a group of nations from East, Central, and West Africa known as the African Elephant Coalition (AEC) to up-list all elephant populations to Appendix I (the highest level of protection) also failed to achieve the two-thirds majority required.[91]

The AEC nations, however, were successful in amending the definition of 'Appropriate and Acceptable Destinations' for the export of live elephants[92] to be restricted only to *in situ* conservation programs within the natural historical range of African elephants, except in emergencies.[93] The AEC nations submitted this initiative due to concerns about the capture and export of live elephants from Africa to destinations outside the continent.[94] During the final plenary session, this proposal was amended to allow exports in "exceptional circumstances" following consultation with the CITES Animals Committee and International Union for Conservation of Nature (IUCN) African elephant special group.[95]

Another iconic African mammal, the giraffe, was added to Appendix II for the first time.[96] Appendix II does not prevent international trade but does require exporting countries to demonstrate that any trade is sustainable

89. *Id.*

90. *Summary record of the eleventh session of Committee I (CoP18 Com I. Rec. 11 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-11-R1.pdf (last visited Mar. 1, 2020); *Summary record of the thirteenth session of Committee I (CoP18 Com. I Rec. 13 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-13-R1.pdf (last visited Mar. 1, 2020).

91. *Summary record of the eleventh session of Committee 1 (CoP18 Com I. Rec. 11 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-11-R1.pdf (last visited Mar. 1, 2020).

92. *Definition of the term 'appropriate and acceptable destinations,'* Res. Conf. 11.20 (Rev. CoP18), CITES, https://cites.org/sites/default/files/document/E-Res-11-20-R18.pdf (last visited Mar. 1, 2020).

93. *Summary record of the second session for Committee I (CoP18 Com. I Rec. 2)*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-02_.pdf (last visited Mar. 1, 2020).

94. *International Trade in Live African Elephants: Proposed Revision of Res. Conf. 11.20 (REV COP17) on Definition of the Term 'Appropriate and Acceptable Destinations,'* CITES, CoP18 Doc 44.2, https://cites.org/sites/default/files/eng/cop/18/doc/E-CoP18-044-02.pdf (last visited Mar. 1, 2020).

95. *Summary record of the second plenary session (CoP18 Plen. Rec. 2 (Rev. 2))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Plen/SR/E-CoP18-Plen-Rec-02-R2.pdf (last visited Mar. 1, 2020).

96. *Summary record of the eleventh session of Committee I (CoP18 Com. I Rec. 11 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-11-R1.pdf (last visited Mar. 1, 2020).

through the production of a scientific review known as a Non-Detriment Finding (NDF).[97]

The vastly different approaches to elephant (and other large African mammal) conservation proved exceedingly divisive for African nations. Delivering a statement in its capacity as Chair of the Southern African Development Community (SADC), Tanzania told the closing plenary session that the SADC nations would consider "whether there are any meaningful benefits from our membership to CITES."[98]

Some observers have suggested that decisions taken at CITES are denying countries their sovereign rights to trade in their wildlife.[99] Notwithstanding the differences in opinion, it should be noted that sovereignty in international law is exercised by ratification of a treaty.[100] Upon ratification, a party accepts all of the rules of that treaty, and in the case of CITES, this includes the acceptance of majority decision making, regardless of the outcome.[101]

Additional species were added to the CITES Appendices, including eighteen additional shark and ray species, and for the first time on Appendix II, three species of sea cucumber, illustrating a growing momentum to include commercially fished marine species in the CITES Appendices.[102] The Parties emphatically rejected a proposed resolution urging countries to refrain from further marine species listings.[103] CoP18 also saw two otter species and a number of reptile and amphibian species given elevated levels of protection or included in the Appendices for the first time, reflecting concern over the impact of the live pet trade in exotic animals.[104]

97. *See How CITES Works*, CITES, https://cites.org/eng/disc/how.php (last visited Mar. 1, 2020); *see also* Convention text Art III and IV, CITES, https://cites.org/eng/disc/text.php#III (last visited Mar. 1, 2020).

98. *Summary record of the fourth plenary session (CoP18 Plen. Rec. 4 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Plen/SR/E-CoP18-Plen-Rec-04-R1.pdf (last visited Mar. 1, 2020).

99. News Desk, *Trade in elephant, giraffe and rhino: 3 African countries to take on CITES rulings*, AFR. GEOGRAPHIC (Nov. 4, 2019), https://africageographic.com/blog/trade-elephant-giraffe-and-rhino-3-african-countries-take-on-cites-rulings/.

100. Curtis A. Bradley & Judith G. Kelley, *The Concept of International Delegation*, Law & Contemp. Probs., Winter 2008, at 1; Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

101. *Id.*

102. *Summary record of the twelfth session (CoP18 Com I. Rec. 12 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-12-R1.pdf (last visited Mar. 1, 2020).

103. *Summary record for the seventh session for committee I (CoP18 Com I. Rec. 7 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_I/SR/E-CoP18-Com-I-Rec-07-R1.pdf (last visited Mar. 1, 2020).

104. Press Release, CITES, *supra* note 82, at 2.

The Parties debated and resolved many other conservation issues.[105] For example, Parties were asked to report on progress in closing domestic ivory markets.[106] Australia announced it would close its domestic market for ivory and rhinoceros horn,[107] and the European Union pledged to bring forward further controls on its domestic ivory market.[108] CITES Parties also tackled illegal wildlife trade online, resulting in the new CITES Secretary General declaring CITES had opened up "a new digital front . . . to combat illegal trade."[109]

The Parties established a Big Cat Task Force, to "tackle illegal trade and promote collaboration on conserving tigers, lions, cheetahs, jaguars, and leopards;" formed a new Strategic Vision for the Convention beyond 2020; and agreed to continue work to engage local and indigenous communities in the work of CITES.[110]

Significantly, the Parties adopted a new resolution that provides guidance around its rules for determining whether specimens are acquired legally.[111] Any CITES export permit requires at least two determinations: first, that a specimen has been acquired legally, and second, that trade in it would be non-detrimental to the survival of the species.[112] For the former, it has taken 40 years to provide guidance on all necessary elements for the effective issuance of permits for international trade.

Such global conservation efforts are critical to preventing the mass extinctions predicted by the IPBES. CoP18 was a challenge, both in substance and volume of agenda items.[113] Nonetheless, in many instances, Parties ensured species vulnerable to overexploitation via trade were managed, and enforcement loopholes were closed.[114] Effectively implementing decisions will take time and effort.

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105. *Summary record of the ninth session for committee II (CoP18 Com. II Rec. 9 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_II/SR/E-CoP18-Com-II-Rec-09-R1.pdf (last visited Mar. 1, 2020).

106. *Id.*

107. Media Release, Australia to pursue domestic ivory ban, Austl. Gov't Dep't. Env't. & Energy (Aug. 22, 2019), https://minister.awe.gov.au/ley/media-releases/australia-pursue-domestic-ivory-ban.

108. Martin Banks, *EU urged to shut down ivory market*, PARLIAMENT MAG. (Aug. 27, 2019), https://www.theparliamentmagazine.eu/articles/news/eu-urged-shut-down-ivory-market.

109. *Closing remarks of CITES Secretary-General at the 18th Meeting of the Conference of the Parties to CITES*, CITES, https://cites.org/eng/news/pr/Closing_remarks_CITES_Secretary-General-COP18_28082019 (last visited Mar. 1, 2020).

110. Press Release, CITES, *supra* note 82, at 1–2.

111. *Summary record of the seventh session for committee II (CoP18 Com. II Rec. 7 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_II/SR/E-CoP18-Com-II-Rec-07-R1.pdf (last visited Mar. 1, 2020); *Summary record of the twelfth session for Committee II (CoP18 Com. II Rec. 12 (Rev. 1))*, CITES, https://cites.org/sites/default/files/eng/cop/18/Com_II/SR/E-CoP18-Com-II-Rec-12-R1.pdf (lat visited Mar. 1, 2020).

112. *See Convention text Art. III and IV*, *supra* note 97.

113. *See generally*, CITES, CoP18, Geneva, Switzerland, August 17–28, 2019.

114. *Id.*

VI. The Legal Status of Ramba the Rescued Elephant

A recent judicial decision in Brazil pushes the boundaries of traditional conceptions of animals as property.[115] The case centered on Ramba, a fifty-two-year-old Asian elephant who had been kept in poor conditions in captivity for decades, having performed in circuses in Argentina and Chile for more than thirty years.[116] Most recently, she had been living in a small barn at a safari park in Chile, where she was kept alone without the company of other elephants.[117] Ramba suffered from poor health, including a front paw abscess that significantly compromised her movement, as well as kidney and liver problems.[118]

Several non-profit groups, namely, Ecopolis, the Global Elephant Sanctuary, and the Santuário de Elefantes Brasil (Brazil Elephants Sanctuary, hereinafter "the Sanctuary"), successfully negotiated her release from the safari park, so that she could live out the rest of her days on the 1,133-hectare Sanctuary in the Brazilian state of Mato Grosso.[119]

The Sanctuary had provided all necessary documentation to the Mato Grosso state government for Ramba's transport, including all required environmental permits and proof of the Sanctuary's non-profit status.[120] But the government stated its intention to collect a state sales tax from the Sanctuary in order to import Ramba.[121] The tax—in the amount of BRL 50,000, or approximately USD 12,000—would have been payable before

115. T.J. Mato Grosso, No. 1001993-45.2019.8.11.0024, Relator: Leonisio Salles De Abreu Junior, 14.10.2019, (1 – 5) Processo Judicial Electronico [PJe], 15.10.2019 (Braz.) [hereinafter Mato Grosso], https://www.animallaw.info/sites/default/files/ASSOCIACAO%20SANTUARIO%20DE%20ELEFANTES%20BRASIL.pdf.

116. Mato Grosso, at 1–2; Jacqueline B. Ramos, *Groundbreaking decision of Brazilian Judge for captive elephant*, PROJETO GAP BRASIL (Oct. 24, 2019), https://www.projetogap.org.br/en/noticia/groundbreaking-decision-of-brazilian-judge-for-captive-elephant/; *Ramba*, GLOB. SANCTUARY FOR ELEPHANTS, https://globalelephants.org/ramba/ (last visited Mar. 1, 2020) (In 1997, the "Los Tachelas" circus where Ramba was kept was cited for abusing and neglecting her).

117. Mato Grosso, at 1; Jacqueline B. Ramos, *Brazilian judge rules elephant "not a commodity,"* ECOLOGIST (Oct. 28, 2019), https://theecologist.org/2019/oct/28/brazilian-judge-rules-elephant-not-commodity.

118. Mato Grosso, at 2; Merritt Clifton, *Lost in translation: "personhood" verdict reportedly won for elephant*, ANIMALS 24-7 (Oct. 31, 2019), https://www.animals24-7.org/2019/10/31/lost-in-translation-personhood-verdict-reportedly-won-for-elephant/.

119. Clifton, *supra* note 118; Ramos, *supra* note 117; *Rescued circus elephant Ramba arrives at Brazil sanctuary*, JAKARTA POST (Oct. 21, 2019), https://www.thejakartapost.com/life/2019/10/21/rescued-circus-elephant-ramba-arrives-at-brazil-sanctuary.html [hereinafter Rescued Elephant].

120. Mato Grosso, at 2.

121. *Id.*

Ramba could leave the airport.[122] The Sanctuary filed suit, seeking an injunction to prevent the government from requiring payment of the tax.[123]

On October 14, 2019, Judge Leonisio Salles de Abreu, Jr. of the First Civil Court in Chapada dos Guimarães issued the requested injunction.[124] Significantly, he did not base his decision solely on the Sanctuary's non-profit status, but rather on Ramba's legal status.[125] The judge first observed that the tax could only be charged in the event of a commercial transaction, which did not exist in this case.[126] He noted that the donation of an animal "made for environmental reasons, especially in order to guarantee the animal's quality of life," should not trigger the tax.[127] Moreover, the judge considered Ramba's well-being, observing that charging the tax—with the possible resulting delays in Ramba's transport—"would cause excessive suffering for Ramba, intensified by the immense physical and emotional stress already caused by air transport."[128]

The judge then observed that contemporary views of human rights allow for the treatment of animals not as mere goods:

> It is also noteworthy that the granting of this injunction, in order to prevent the conditioning of the animal's receipt on the tax collection, aims to guarantee the effectiveness of human rights, especially her dignity. It should be noted that, according to contemporary constitutional doctrine, human rights now assumes a fourth dimension, post-humanist approach, surpassing what has been called the anthropocentric paradigm. In this view, animals move from being mere moving goods to being subjects of law, as bearers of a global dignity that also includes them.[129]

He further observed:

> After all, in practical terms, the elephant Ramba was not purchased by the [Sanctuary] neither does she belong to the [Sanctuary] in equity terms, so that she could be considered as an asset or a good acquired upon payment for import purposes. On the contrary, far from being a commodity—as she was treated during the life of exploitation to which she was submitted by her former owners—she is now a guest, who can look for a new destiny for herself, far away from what human evil has already caused her.[130]

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122. *Elephants Ramba dies, two month later reach sanctuary in MT - 27/12/2019*, TIME 24 NEWS (Dec. 28, 2019), https://www.time24.news/a/2019/12/elephants-ramba-dies-two-months-later-reach-sanctuary-in-mt-27-12-2019.html.
123. Mato Grosso, at 1–5.
124. *Id.* at 4–5.
125. *Id.* at 1, 4.
126. *Id.* at 3.
127. *Id.* at 4.
128. Mato Grosso, at 4.
129. *Id.*
130. *Id.*

In closing, the judge also observed that retaining Ramba at the airport "for tax purposes in this case would cause blatant offense to the provisions of art. 225, § 1, VII, of the Federal Constitution, which prohibits any practices that subject animals to cruelty."[131]

Four days after the decision was issued, after traveling 73 hours from Chile by plane and truck, Ramba arrived at the Sanctuary.[132] She has reportedly settled in well and is enjoying the company of two other rescued Asian elephants (Rana and Maia, both also former circus performers), as well as mud, sand baths, and other enrichment activities.[133]

At least one commentator has observed that international coverage of this decision overstates its importance.[134] It is true that the First Civil Court is a trial court of first instance and that its holdings are not binding.[135] Nonetheless, animal advocates are interested in this decision not because of its formal precedential weight or even because of its outcome, but rather because of its conceptual basis and discussion of Ramba's status under the law.[136] Such discussions in judicial opinions contribute to ongoing societal discussions around the legal status of animals.[137]

VII. Incorporating Animals into the Community of Legal Persons in India

The traditional legal classification of animals is being challenged around the world,[138] with courts taking the lead in transforming animals from mere property into legal persons—that is, into juridical entities endowed with legal rights.[139] Such monumental pronouncements have already been passed down in countries like Argentina and Colombia in 2016 and 2017, respectively.[140] Adding to this trend this year, India's High Court of Punjab

131. *Id.*

132. *See Rescued Elephant*, *supra*.

133. *See id.*; *see also* Ramos, *supra* note 117.

134. Clifton, *supra* note 118.

135. *Id.*

136. *Id.*

137. *Id.*

138. *See* Christopher Vincent, *Brussels parliament adopts crucial animal rights bill*, BRUSSELS TIMES (Nov. 23, 2018), https://www.brusselstimes.com/brussels/52089/brussels-parliament-adopts-crucial-animal-rights-bill (observing how a recently adopted ordinance in Brussels has transformed animals from mere "object[s], included in the category of property and immobile goods" into "living being[s] endowed with sensitivity, interests of [their] own and dignity, that benefits from special protection"); *see also* The Canadian Press, *Quebec says animals are 'sentient beings' in new protection legislation*, OTTAWA CITIZEN (Dec. 5, 2015), https://ottawacitizen.com/news/politics/quebec-says-animals-are-sentient-beings-in-new-protection-legislation.

139. *Id.*

140. Annette Gartland, *Habeas corpus victory for bear in Colombia encourages animal rights lawyers*, CHANGING TIMES (Aug. 3, 2017), https://changingtimes.media/2017/08/03/habeas-corpus-victory-for-bear-in-colombia-encourages-animal-rights-lawyers.

and Haryana built upon an Uttarakhand ruling from 2018 to extend legal personhood status to all animals in the state of Haryana.[141]

Notably, the dispute that gave rise to the case in question, *Singh v. Haryana*, arguably had nothing to do with the legal status of animals.[142] Rather, it concerned a challenge lodged by a group of men convicted of smuggling twenty-nine cows across state lines in 2004 in violation of the Punjab Prevention of Cow Slaughter Act, 1955.[143] Cow slaughter represents a sensitive issue in India, with cows believed to be manifestations of both the maternal and the divine.[144] Over the first four pages of a 104-page ruling, the court upheld the men's conviction yet observed that the fifteen years they had been awaiting the outcome of the case justified vacating their sentences completely.[145] While this ruling resolved the legal issue before it, the court referenced the facts of the case to segue into a broader discussion concerning animal protections vis-à-vis the law, arguing that "before parting with the judgment, it would be relevant to take into consideration that twenty-nine cows were packed in [a] cruel and brutal manner in two trucks . . . ."[146] Here, the court proceeded to list numerous laws and regulations at the state and national levels that were created to protect the wellbeing of animals, who, as non-legal persons, have no ability to enforce the provisions.[147]

Noting this fundamental flaw in the judicial system, the court observed how India had already extended legal personhood status to other forms of nonhuman entities.[148] For example, the country's Supreme Court had, decades ago, recognized how Hindu idols could be transformed into artificial persons by human representatives and thus be granted legal rights and encumbered with legal duties.[149] Explaining the foundation for this personage, the court articulated how property can vest in an ethereal deity, or an entity without form or substance, then described how when a priest performs a specific ritual, the deity is united both with the physical idol and with the priest, who becomes its agent and legal guardian.[150] More common examples of legal persons included corporations and institutions, whose rights can be brought before a court by their officers and representatives.[151] By scrutinizing the personhood foundations for these legal beings, the court

141. Karnail Singh and Ors. v. State of Haryana, (2019) 1 CRR 533, ¶ 95 (India), https://indiankanoon.org/doc/68914216/.
142. *Id.* ¶¶ 2–3.
143. *Id.*
144. Manasi Gopalakrishnan, *How India's sacred cows are creating havoc on the streets*, DW (Dec. 17, 2018), https://www.dw.com/en/how-indias-sacred-cows-are-creating-havoc-on-the-streets/a-46771484.
145. *See Singh*, CRR 533, ¶ 14.
146. *See id.* ¶ 15.
147. *See id.* ¶¶ 15–64.
148. *See id.* ¶¶ 65–66.
149. *Id.*
150. *Singh*, CRR 533, ¶ 67.
151. *Id.*

raised the burning question of why similar developments should not take shape for animals.[152]

Making a case for animals to be similarly recognized, the court discussed a 2014 Supreme Court ruling establishing that under India's Prevention of Cruelty to Animals Act, 1960, humans owe certain duties to those animals in their care.[153] The case concerned bullock cart racing and Jallikattu,[154] a traditional sport in which coins or flags are tied to the horns of bulls released into a crowd of people who try to subdue them.[155] In ruling that the Act prohibits both practices, the Supreme Court underscored that animals are the intended beneficiaries of the Act's protections, which can be thought of as equivalent to statutory rights.[156] Moreover, the Supreme Court stressed how the country affords animals more than simple statutory rights; rather, their rights are also fundamental in nature[157] pursuant to Articles 51-A(g) and (h) of the country's constitution, which respectively requires all citizens to demonstrate humanism and to exhibit compassion for living creatures.[158] Further, animals should benefit from the guarantees enshrined in Article 21 of the Constitution, which protects "life," including animal life, and contemplates life as being not just "mere survival" but one of "intrinsic worth."[159]

Employing this jurisprudence, the court returned to the laws and regulations that it referenced and unilaterally directed authorities in the state to improve regulations to levels it argued that state and national law required.[160] Borrowing language from the *Uttarakhand* decision handed down the year before, the court emphatically declared the entire animal kingdom, including avian and aquatic species, in Haryana to be "legal entities having a distinct persona with [the] corresponding rights, duties and liabilities of a living person" and established that citizens in the state are persons "in loco parentis as the human face for the welfare/protection of animals."[161] With this statement, the court radically reframed the traditional relationship between human and nonhuman animals.[162] Under this new framework in the state of Haryana, by virtue of being a citizen, one has already participated in incorporating animals into the law, thus making them legal persons in the same way one might make a corporation, institution, or

152. *Id.*
153. *Id.* ¶ 69.
154. *Id.*
155. Vasundhara Sirnate Drennan, *Jallikattu and the Art of Legal Dodging*, HINDU CTR. FOR POL. AND PUB. POL'Y (Jan. 25, 2017), https://www.thehinducentre.com/the-arena/current-issues/article9502154.ece.
156. *See Singh*, CRR 533, ¶ 69.
157. *Id.*
158. *Id.*
159. *Id.* ¶ 70.
160. *Id.* ¶ 95.
161. *Id.*; Narayan Dutt Bhatt v. Union of India and Others, (2018) ¶ 99 (India), https://indiankanoon.org/doc/157891019/ (last visited Mar. 1, 2020).
162. *Singh*, CRR 533, ¶ 95.

an idol into a legal entity.[163] While the court's pronouncement is too recent to document tangible changes on the ground for animals, it is clear that every citizen in Haryana has a vested interest in safeguarding protections for those animals whom they themselves have incorporated.

163. *See id.*

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