



UN CONVENTION ON
Animal Health and Protection
(UNCAHP)

FIRST PRE-DRAFT OF
THE GLOBAL ANIMAL LAW
GAL ASSOCIATION
AUGUST 23RD 2018

PREAMBLE

The Contracting Parties,

- *Acknowledging* that animal protection is a complex and multifaceted issue involving **ethical, cultural, social, religious, political, economic and scientific dimensions,**
- *Acknowledging* that the interests and needs of non-human animals are to be **fully considered in every field of human endeavor,**
- *Acknowledging* that the need to protect animal health and welfare **is recognized by the World Organisation for Animal Health (OIE),**
- *Acknowledging* that the need to protect wild animal species from the threat of extinction **is already acknowledged in some international instruments,**
- *Considering* the growing world-wide concern for animal health, animal welfare and **protection,**
- *Considering* the need to better protect all animals, including companion animals, farm animals, laboratory animals, wild animals and other categories of animals, such as animals used for sport and entertainment,
- *Considering* the **One Health and One Welfare concepts,** acknowledging that **global health and welfare of humans and animals are interdependent,**
- *Considering* that the OIE standards on animal welfare are intended to be enforceable by all Contracting Parties and **provide minimum standards on animal health and welfare,**
- *Considering* the need for the cooperation and engagement of all UN member states in implementing efficient measures on law adoption, law enforcement and education on animal health, welfare and protection,
- *Recommending* the **creation of a UN institution on animal health, welfare and protection,** hosting the UNCAHP Secretariat established by this convention, **and leading the way for future instruments on animal protection,**
- *Recalling* the UN Mandate **for a peaceful world, which is not limited to human beings but must be extended to all non-human individual animals,**
- *Recalling* the UN World Charter for Nature stating that **“Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action”,**

Agree as follows:

OBJECTIVE

The purpose of this Convention is to protect animals, their welfare and their health, as defined below.

USE OF TERMS

For the purposes of this Convention:

“Animals”

means all non-human animals.

“Animal health”

is defined as the state of the individual regarding its attempts to cope with pathology, including physical, mental and social factors and not just the impact of sickness or ailments.

“Animal protection”

includes both animal species conservation (protection of wild animal species under threat of extinction) and animal welfare (as hereby defined).

“Animal welfare”

can be defined as the state of the individual animal, regarding attempts to cope with its environment, including the absence of physical and psychological suffering, as well as the satisfaction of its biological, including physiological, ethological and social needs.

PRINCIPLES

ARTICLE 1.

BASIC PRINCIPLES: RESPONSIBILITY, CARE AND ASSISTANCE

Animals in the care, custody or control of human persons are under their responsibility. Human persons with care, custody or control of animals must act in a responsible manner and care appropriately for these animals, according to their species-specific physiological and ethological needs. Human persons also have an obligation to assist animals in distress.

ARTICLE 2.

GUIDING PRINCIPLES: FIVE FREEDOMS AND THREE RS

1. Five Freedoms for animals kept under human responsibility

According to the OIE standards, the internationally recognized ‘five freedoms’ (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behavior) provide valuable guidance for animal welfare.

2. Three Rs for animals in scientific research

- (a) According to the OIE standards, the internationally recognized ‘three Rs’ (reduction in numbers of animals, refinement of experimental methods and replacement of animals with non-animal techniques) provide valuable guidance for the welfare of animals used in science.
- (b) In order to reduce or end animal experimentation in any research field, all appropriate measures are to be taken by every Contracting Party to develop alternatives to the use of animals in scientific experimentation.

ARTICLE 3.

FUNDAMENTAL PRINCIPLES:

ANIMAL SENTIENCE, PRECAUTION, INTRINSIC VALUE AND DIGNITY

1. Animals are sentient beings possessing intrinsic value.
2. Sentience means that the individual human or non-human animal has the capacity to have positive and negative feelings. Suffering is not only physical but can also be psychological (resulting from stress, isolation, separation etc.).
3. The precautionary principle should be used so that the benefit of doubt concerning sentience is given to most invertebrate species not yet known to be sentient. Therefore, no one should cause suffering to invertebrate animals as they are potentially sentient, even if this is not yet scientifically proven.
4. The intrinsic value of an animal means that animals should be considered as individual sentient beings, having a proper value in themselves, notwithstanding their instrumental value for human beings.
5. The dignity of the animal consists in the animal's inherent worth, which must be respected in every interaction. If any strain imposed on the animal cannot be justified by overriding interests, this constitutes a disregard for the animal's dignity. Strain is imposed on the animal when it is caused by pain, suffering or harm. Animals must not be exposed to anxiety or humiliation. In addition, the dignity of the animal is disrespected if there is major interference with its appearance or abilities, or if it is excessively instrumentalized.

ARTICLE 4.

GENERAL PRINCIPLES OF ANIMAL LAW:

NON-CRUELTY AND GOOD TREATMENT

1. All Contracting Parties should take appropriate measures to end avoidable cruelty toward animals and promote compassionate and humane treatment, fully respecting the sentience, dignity and precautionary principles applicable to all animals.
2. All forms of avoidable cruelty towards animals, either intentionally or by negligence, by action, permission or omission, should be condemned proportionally. Contracting Parties should adopt appropriate measures in every national legislation regarding all kind of cruel acts.

3. The protection of animals, as well as their compassionate and humane treatment, should be present in every national legislation and most notably in national constitutions. Each national legislation should include the obligation to respect and humanely treat non-human animals, in consideration of their sentience and dignity.
4. These obligations concern not only the animals under the responsibility of human beings, but other animals affected by human actions; including the obligation to assist animals in distress by taking appropriate actions in each circumstance, in order to alleviate pain and facilitate the maximum possible well-being for the animal.

ARTICLE 5.

FUNDAMENTAL INTERESTS OF ANIMALS

All animals have the fundamental interest to:

- (a) Live: not to be killed unnecessarily when appropriate alternatives exist, allowing the animals to live a good life.
- (b) Be free: not to be confined or contained unnecessarily when appropriate alternatives exist, allowing the animals to be free in an environment that meets their needs and preferences.
- (c) Be well treated and not to be harmed in any case, unless human life is at risk. In the specific case of self-defense – in order to protect one’s life (human or animal) – appropriate and proportionate actions should be adopted. In any case, there should be avoidance of harm to the life, freedom and integrity of any individual animal to the maximum possible extent.
- (d) Be represented: given the incapacity to defend themselves, non-human animals have an interest to be represented, when human beings or corporations are transgressing the fundamental animals interests described in this Convention. This interest of representation in criminal, administrative and civil procedures should be clearly established at a national level, entitling state authorities and precisely described elements of civil society to plead for the fundamental interests of animals.

ARTICLE 6.

RESEARCH OF ALTERNATIVES TO ANIMAL PRODUCTS AND EXPLOITATION

1. By considering the greater interest of non-human animals in every context, the ultimate goal of animal protection is to end both animal extinction (for wild animal species threatened by humans) and unnecessary suffering (for all animals used by humans).
2. For the greater interests of both animals and human beings, every national government should therefore promote current alternatives to the use of animals, and develop research on future alternatives to existing animals’ products and exploitation.

IMPLEMENTATION

ARTICLE 7.

GENERAL MEASURES FOR ANIMAL HEALTH, WELFARE AND PROTECTION

Each Contracting Party shall, in accordance with its governmental, executive and legal conditions and capabilities:

- (a) Develop national strategies, plans or programs for animal health, welfare and protection, or adapt for this purpose existing strategies, plans or programs which shall reflect, *inter alia*, the principles and measures set out in this Convention, as they are relevant to the Contracting Party concerned.
- (b) Integrate, as far as possible and as appropriate, animal health, welfare and protection into relevant sectoral or cross-sectoral plans, programs and policies.

ARTICLE 8.

COOPERATION

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or where appropriate, through competent international organizations, in respect of rules and customs of international law and instruments in force, as well as of areas beyond national jurisdiction and on other matters of mutual interest, for animal health, welfare and protection.

ARTICLE 9.

INCENTIVE MEASURES

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the development of animal health, welfare and protection.

ARTICLE 10.

PUBLIC EDUCATION AND AWARENESS

The Contracting Parties shall:

- (a) Promote and encourage the understanding of the importance of the measures required for animal health, welfare and protection, through its propagation on media, online and social-media platforms, and the inclusion of these topics in educational programs.
- (b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programs with respect to animal health, welfare and protection.

ARTICLE 11.

SECRETARIAT

1. **A Secretariat is hereby established. Its functions shall be:**
 - (a) To arrange for and facilitate meetings of the Conference of the Parties.
 - (b) To perform the functions assigned to it by any protocol.
 - (c) To prepare reports on the discharge of its functions under this Convention and present them to the Conference of the Parties.
 - (d) To coordinate with other relevant international bodies and to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions under this Convention.
 - (e) To perform such other functions as may be determined by the Conference of the Parties.
2. **At its first ordinary meeting, the Conference of the Parties shall designate the specific functions to be carried out by the Secretariat under this Convention.**

ARTICLE 12.

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the UNCAHP Secretariat not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. **The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:**
 - (a) Establish the form and the timetable for transmitting information and consider such information as well as reports submitted by any subsidiary body.
 - (b) Consider and adopt, as required, specific protocols.
 - (c) Consider and adopt, as required, amendments to this Convention.
 - (d) Consider amendments to any protocol, as well as any annexes.
 - (e) Consider and adopt additional annexes to this Convention.
 - (f) Contact, through the Secretariat, the executive bodies of conventions dealing with matters within the ambit of this Convention with a view to establishing appropriate forms of cooperation.

- (g) Consider and undertake any additional action that may be required for the efficient and timely implementation of the terms of this Convention in the light of experience gained in its operation.

ARTICLE 13.

NATIONAL REPORTS

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has agreed to undertake for the implementation of the provisions of this Convention.

ARTICLE 14.

SIGNATURE

ARTICLE 15.

RATIFICATION

ARTICLE 16.

WITHDRAWAL

FOR FURTHER INFORMATION

Dr. Sabine Brels

sb@globalanimallaw.org

Andrea Rutishauser

aru@globalanimallaw.org

Dr. iur. Antoine F. Goetschel

afg@globalanimallaw.org

www.globalanimallaw.org

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