

## INTRODUCTION TO SYMPOSIUM ON GLOBAL ANIMAL LAW, PART II: THE CASE FOR GLOBAL LEGAL ANIMAL STUDIES

*Anne Peters\**

The following essays form the second part of a symposium on global animal law and global legal animal studies. The introduction to Part I argued that, in a globalized animal-products and animal-use economy, the law and legal scholarship on animals needs to go global. Part II now examines concrete issues that have received, and indeed require, a global response, as opposed to a traditional international law response.

The first essay in this series, by [Kristen Stilt](#), examines the trade of live animals for slaughter, focusing on export from Australia to the Muslim-majority countries that are the main customers.<sup>1</sup> Here, animals are shipped across boundaries of religion, culture, and norms of animal welfare. While the typical rules of international trade in goods apply, they do not really fit. In addition, the current legal regime governing live exports is insufficient to provide animals with an adequate standard of welfare, from the point of entering the ships in the country of origin to the moment of slaughter in the importing country. Stilt argues, however, that with the due involvement of religious authorities, the Islamic tradition of animal welfare could be harnessed to develop more widely accepted international transportation and slaughtering standards.

[Stefan Kirchner](#) discusses animal use by indigenous peoples that involve crossing state borders, using the example of reindeer herding by the indigenous Sámi (or Lapps) in Sweden, Norway, and Finland.<sup>2</sup> Animals play important cultural, economic, and spiritual roles for indigenous communities. This particular form of interaction between humans and animals is, however, not sufficiently recognized by contemporary laws. The risk of overruling the interests of migratory animals, and of the pastoralist (semi-)nomadic human communities depending on them, is exacerbated when the herds cross boundaries.

The next two essays deal with trading and trafficking in animals. [Jiwen Chang](#) gives an account of China's new legal framework (particularly the Wild Animal Protection Law of 2016). This comprises novel official decrees which interpret the criminal law, law enforcement activities (partly police operations conducted jointly with other states), new injunctions banning ivory products, and finally criminal prosecutions.<sup>3</sup> However, gaps and deficiencies persist in China's law on the books, enforcement remains slow and patchy, and international cooperation is not strong. Chang suggests several concrete measures for improvement, including the introduction of public interest litigation, better coordination among governmental departments, a trading information platform, and

\* *Director, Max Planck Institute for Comparative Public Law and International Law, Heidelberg (Germany).*

<sup>1</sup> Kristen Stilt, *Trading in Sacrifice*, 111 AJIL UNBOUND 397 (2017).

<sup>2</sup> Stefan Kirchner, *Cross-Border Forms of Animal Use by Indigenous Peoples*, 111 AJIL UNBOUND 402 (2017).

<sup>3</sup> Jiwen Chang, *China's Legal Response to Trafficking in Wild Animals: The Relationship between International Treaties and Chinese Law*, 111 AJIL UNBOUND 408 (2017).

consultation with the secretariat of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), in order to bring the Chinese legal and administrative framework fully in line with CITES.

[Radha Ivory](#) sketches how the international topics of corruption and endangered animal trafficking have been linked in hard and soft international law, including by UN Security Council resolutions.<sup>4</sup> The legal documents depict corruption as enabling the illegal wildlife trade, and, concomitantly, portray the illegal wildlife trade as prompting official corruption. Ivory cautions against linking the two legal frameworks and reform agendas. Notably, the linkage implies that animal products are legitimate commodities when traded in an uncorrupted global market. The linkage also focusses too much attention on the criminal individuals who contribute to animal extinction, rather than on the large-scale environmental changes caused by industrialization and urbanization. Finally, the twinning of the two discourses could amplify the demonization of low-level bribery and poaching that are typically associated with the Global South. A combined anticorruption/wildlife trafficking discourse may distract from the opportunities for illicit investment and excessive consumption in the Global North, which enable and drive the crimes.

In the last essay, [Charlotte Blattner](#) examines how extraterritorial jurisdiction can help to overcome regulatory gaps in animal law, much as criminal law or antitrust law successfully responded to global problems through laws that reach across borders.<sup>5</sup> Under the *lex lata*, the objective territoriality principle in public international law, or private international law and its *ordre public* exception could be used to regulate, for example, trophy hunting abroad. *De lege ferenda*, states could invoke the effects principle or the universality principle of jurisdiction to regain regulatory power over animal protection matters. Because the emergence of an international treaty regulating animal abuse is currently unlikely, extraterritorial animal law, if applied reasonably, could fundamentally improve the protection of animals, both those located at home and abroad.

As these essays demonstrate, legal scholars concerned with animal welfare are developing proposals to fill gaps in international law, are reformulating traditional legal concepts such as rights, jurisdiction, or civilians, and are reconfiguring the domestic law—international law divide. By showing numerous entry points for animal issues in international law and at the same time shifting the focus and scope of inquiry, the symposium seeks to furnish building blocks for Global Animal Law as a field of law and Global Legal Animal Studies as a scholarly discipline.

<sup>4</sup> Radha Ivory, [Corruption Gone Wild: Transnational Criminal Law and the International Trade in Endangered Species](#), 111 AJIL UNBOUND 413 (2017).

<sup>5</sup> Charlotte Blattner, [Can Extraterritorial Jurisdiction Help Overcome Regulatory Gaps of Animal Law? Insights from Trophy Hunting](#), 111 AJIL UNBOUND 419 (2017).