

## BOOK REVIEW

Anne Peters, *Animals in International Law* (Brill 2021). ISBN 978-90-04-46625-8.

The “animal turn,” prompting us to question the hegemonic understanding of animals as mere resources, is gaining increasing attention in legal academic literature.<sup>1</sup> *Animals in International Law* is, therefore, a helpful guide for this period, providing a comprehensive picture of the ways in which animals are affected by domestic and international law. The book provides detail and clarity about the way animals are classified in the eyes of the law and in academic literature, such as the distinction between domestic and wild animals. It also reviews the treatment of animals by different institutions and in different contexts, such as in the European Union. The book explains the significance of international law for animals, detailing its impact on regional, national and local policy.

We are beginning to experience a paradigm shift in legal scholarship due to growing work on concepts such as Earth system law, which acknowledges that law has tended to privilege humans to the detriment of other natural entities, widening the definition of legal subjects deserving of rights to include non-humans.<sup>2</sup> However, Earth system law and related movements focus on systems, rather than individuals, which means that the interests of the individuals within these systems are subsumed in the pursuit of a utilitarian greater good. Professor Anne Peters draws on her historically grounded previous work, including on international human rights law, to make the case in *Animals in International Law* for the importance of individual non-human rights.<sup>3</sup>

Chapter I notes that there is no international treaty that grants rights to animals in a broad sense, or that accords them universal standards of welfare.<sup>4</sup> The book also addresses the sparse legal provisions in international law on wild animal welfare specifically, adding to the growing body of scholarly literature focusing on this question.<sup>5</sup>

Furthermore, in Chapter I, *Animals in International Law* puts forward the assertion that where international law leads, it sets a precedent that others follow. Peters argues that the international codification of fundamental rights for animals would convey both practical and symbolic benefits (24). Further elucidated are the reasons why current legal systems are not wholly adequate for the enactment of animal rights because these systems are designed for purposes to further human interests, which directly conflict with these goals. Current legal systems, she explains, are not zoo-centric. For example, the private and corporate rights model and rights of nature (469) protect the interests of humans, their assets, and ecosystems as a whole, but not

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<sup>1</sup>S. Stucki, *Towards a Theory of Legal Animal Rights: Simple and Fundamental Rights*, 40 OXFORD JOURNAL OF LEGAL STUDIES 533 (2020).

<sup>2</sup>J. Gellers, *Earth System Law and the Legal Status of Non-humans in the Anthropocene*, 7 EARTH SYSTEM GOVERNANCE 100083 (2021); L. Kotzé et al., *Earth System Law: Exploring New Frontiers in Legal Science*, 11 EARTH SYSTEM GOVERNANCE 100126 (2022).

<sup>3</sup>B. FASSBENDER AND A. PETERS, *THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW* (Oxford University Press, Oxford, 2012); A. PETERS, *BEYOND HUMAN RIGHTS: THE LEGAL STATUS OF THE INDIVIDUAL IN INTERNATIONAL LAW* (Cambridge University Press, Cambridge, 2016).

<sup>4</sup>M. Lostal, *De-objectifying Animals: Could they Qualify as Victims before the International Criminal Court?*, 19 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 583 (2021); S. White, *Into the Void: International Law and the Protection of Animal Welfare*, 4 GLOBAL POLICY 391 (2013).

<sup>5</sup>S. Harrop, *Wild Animal Welfare in International Law: The Present Position and the Scope for Development*, 4 GLOBAL POLICY 381 (2013).

individual animals. Peters argues that for animal rights to be effective, they need to be designed with animals in mind, first and foremost.

Furthermore, Peters provides a useful explanation of the difference between moral and legal rights. The former are defined as the objects of moral discourses, while the latter are defined as those proclaimed by a formal authority with force of law (440). Peters reiterates that legal rights for animals have both symbolic and technical benefits and that human and animal welfare do not necessarily have to be antagonistic (Chapter VII, Section G).

Certainly, the One Health approach (542) typifies the shared goal of promoting human, animal and environmental health through multi-sectoral policies and legislation.<sup>6</sup> Perspectives on animals' interests have evolved amongst the general public and in the policy domain with growing recognition of animal sentience, at least on paper, in some national and regional legislation.<sup>7</sup> Peters argues that the globalisation of discourse on the importance of animal welfare will enable the further dissemination of this message, as a paradigm acknowledging the significance of individual animal lives becomes more widely accepted. For instance, the first United Nations (UN) animal welfare resolution was adopted at the UN Environment Assembly in March 2022.<sup>8</sup> However, context and the need for legal plurality is an issue to be taken into consideration, which is acknowledged in the book through examples from different jurisdictions.

Chapters III–VI introduce case studies including the International Whaling Convention, farm animals in the European Union, and animals in international trade law. Chapter V on trade law focuses on the General Agreement on Tariffs and Trade (GATT),<sup>9</sup> the Agreement on Technical Barriers to Trade (TBT)<sup>10</sup> and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS).<sup>11</sup> Peters also gives attention to a topic that has received limited attention in academic literature: animals in the law of armed conflict (Chapter VI). Animals can be (unwilling) actors in war, or treated as resources, such as for food.<sup>12</sup> Peters argues that international human rights law (IHL) could be married to animal law because both legal fields name the same principles: the *principle of necessity* and the *principle of humanity* (414). However, under current IHL, animal individuals are treated as objects (*ibid.*).

Conversely, cases in countries including Columbia and India—where animal rights are included in the Indian Prevention of Cruelty to Animals Act—provide examples of judicial decisions endorsing animal rights, thereby elevating the status of animals above mere property.

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<sup>6</sup>World Health Organization, One Health (21 September 2017), <https://www.who.int/news-room/questions-and-answers/item/one-health>.

<sup>7</sup>For example, in the Animal Welfare (Sentience) HC Bill (2021-22) [255] in the UK and Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union [2008] OJ C115/1, TFEU Art 13 in the EU.

<sup>8</sup>AW Resolution, Resolution for Animal Welfare, <https://www.awresolution.org>.

<sup>9</sup>World Trade Organization, General Agreement on Tariffs and Trade (15 April 1994) LT/UR/A-1A/1/GATT/1, <http://docsonline.wto.org> (GATT).

<sup>10</sup>World Trade Organization, Agreement on Technical Barriers to Trade (15 April 1994), LT/UR/A-1A/10, <http://docsonline.wto.org> (TBT Agreement).

<sup>11</sup>Agreement on the Application of Sanitary and Phytosanitary Measures (15 April 1994), LT/UR/A-1A/12, <http://docsonline.wto.org> (SPS Agreement).

<sup>12</sup>K. Nowrot, *Animals at War: The Status of "Animal Soldiers" under International Humanitarian Law*, 40 HISTORICAL SOCIAL RESEARCH-HISTORISCHE SOZIALFORSCHUNG 128 (2015).

Peters also summarises the philosophical underpinnings of our treatment of animals, from Bentham and Locke to Singer, Cochrane and Francione, in order to set the scene in Chapter VII for the book's normative argument. This overview is useful for its specific application to the context of international animal law, which is influenced by such normative debate.<sup>13</sup>

The book goes beyond explaining the historic and current treatment of animals in international law. Chapter VIII puts forward a normative argument: that global legal solutions are required to address the detrimental ramifications of human activities on animal welfare and to mitigate three shortcomings of international law. The shortcomings identified are that (1) there is a welfare gap, particularly related to wild animals; (2) priority is given to species protection over individual animals; and (3) international law risks choking national animal welfare measures by setting low ambitions (532). International animal law is chiefly concerned with species conservation, rather than animal welfare or rights, and some international rules have even stymied animal welfare efforts. For example, Peters argues that the World Trade Organization can limit the ways in which its members can adopt animal welfare measures (254 et seq.). Moreover, Peters explains that international soft law and other forms of governance also influence our treatment of animals. An example is the World Organisation for Animal Health (OIE) standards on animal welfare, which were first published in its *Terrestrial Code* in 2004.<sup>14</sup>

From a practical perspective, the book is very well structured, ensuring great ease of navigation through the use of detailed chapters and sub-headings. This is no weighty legal tome; the book forms part of a collection of law lectures in handy pocketbook style (for those with particularly deep pockets), from the Hague Academy of International Law. Yet, at over 600 pages, it is certainly not lacking in academic rigour. It is impeccably referenced, allowing scholars, students and practitioners to follow up with further investigation and research of relevant cases and literature.

Given the breadth of international animal law as a topic, only a selection of issues is covered in the book in order to maintain sufficient depth. However, Peters hopes that the book will inspire “the elaboration of a body of global animal law, with the help of the juridical creativity and compassion of scholars, legal activists, courts and legislators around the world” (19). Indeed, *Animals in International Law* succeeds in putting forward the argument that international law can be part of the solution to the social, ecological and ethical consequences of globalised animal use, incorporating both state and non-state made laws and standards.

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<sup>13</sup>A. Cochrane, R. Garner and S. O'Sullivan, *Animal Ethics and the Political*, 21 CRITICAL REVIEW OF INTERNATIONAL SOCIAL AND POLITICAL PHILOSOPHY 261 (2018).

<sup>14</sup>World Organisation for Animal Health, Development of Animal Welfare Standards, <https://www.oie.int/en/what-we-do/animal-health-and-welfare/animal-welfare/development-of-animal-welfare-standards>.