



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

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The Importance of Animal Welfare in Wild Animal Law
MPIL Agora
31 May 2023, 15:00-16:00 h, room 014/via zoom

Western animal law scholarship, as well as animal ethics, tends to focus on captive animals and our relations with them. Wild animals, on the other hand, are regarded as 'part of biodiversity' and our relations with wild animals are regulated by environmental laws and environmental ethics. From the environmental point of view, however, animals are seen in a fundamentally different way from captive animals, which can be explained by the different loci of value. Although the intrinsic value of sentient animals is increasingly accepted in animal law scholarship, and this view supports proposals for animal rights, the intrinsic value of nature does not value individual animals at all – and environmental ethics tends to sacrifice individual animals for the sake of nature.

National laws are mostly directed towards captive animals and are based on the intrinsic value of the individual animal. Within Europe, some differences in scope and duties exist with regards to wild animals. Conservation laws are predominantly regulated on an international and regional level, and are based on the intrinsic value of nature or biodiversity. The regime consists of international conservation treaties, the Bern Convention that is adopted by the Council of Europe, and directives from the European Union.

Veerle Platvoet will discuss her work on a PhD chapter that discusses the feature of animal welfare within wild animal law. She argues that, although usually disregarded within an environmental regime, animal welfare is a characteristic of wild animal law in Europe. Her argument will follow an analysis of the European conservation and animal welfare regimes, such as national laws or hunting laws. Through this analysis, Veerle will emphasize the importance of animal welfare within wild animal law. This feature is founded on a prohibition on unnecessary suffering – the baseline of 'traditional' animal welfare law – as well as the recognition of sentience in animals and their intrinsic value. Ultimately, the importance of animal welfare within wild animal law demonstrates that wild animal law is not as different from animal law as often assumed. Animal law, including wild animal law, is based on an uneven balancing act between human interests and animal interests. In the case of wild animals, these interests may be different – but the balancing act remains the same.



Veerle Platvoet is a PhD candidate at the Faculty of Law, University of Helsinki. Her doctoral research focuses on building a theory on the legal regime on wild animals in Europe, combining perspectives from environmental law and animal law. She is currently a visiting scholar at the Max Planck Institute for Comparative Public Law and International Law.

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