

1-1-2012

The Universal Declaration of Animal Rights or the Creation of a New Equilibrium between Species

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Recommended Citation

Jean-Marc Neumann, *The Universal Declaration of Animal Rights or the Creation of a New Equilibrium between Species*, 19 *Animal L. Rev.* 91 (2012).

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ESSAY

THE UNIVERSAL DECLARATION OF ANIMAL RIGHTS OR THE CREATION OF A NEW EQUILIBRIUM BETWEEN SPECIES

By
Jean-Marc Neumann*

This Essay is a translation of the author’s original French text. It examines the Universal Declaration of Animal Rights of 1978, which lays out fundamental rights for animals in fourteen articles. This Essay explores the origins of and influences behind the original Declaration, as well as details the changes which were brought to it in a revised version in 1989. It then examines the scope of the Declaration and why it has not had the far-reaching implications its authors once hoped for. Finally, this Essay questions what the Declaration means for the future of animal rights and whether the document will have any lasting impact.

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I. INTRODUCTION

Throughout the twentieth century, the rights and legal status of animals have been the subject of passionate debates. These debates stem mainly from the progress of the sciences. It is now recognized that nonhuman animals (at least those having a nervous system) have sentience and capacities that are analogous to those of humans and, in particular, the capacity to experience pain. Added to this is mankind’s growing awareness of the abuses inherent in the exploitation of animals.

Accordingly, it now appears necessary to reconsider mankind’s relationships with animals. Beginning at the end of the nineteenth century and into the twentieth, essays, charters, and declarations dealing with the rights of animals or proclaiming rights on animals’ behalf successively appeared. This movement culminated on October 15, 1978 with the proclamation at the United Nations Educational, Scientific & Cultural Organization (UNESCO) of a Universal Declaration of Animal Rights, inspired by the Declaration of Human Rights of 1948, and aimed at recognizing the fundamental rights of animals.

The idea is revolutionary to the extent that it is aimed at living beings who do not belong to the human community and who often even serve as sources of food, means of locomotion, tools for work, or objects of leisure for humans. This originality explains the opposition and criticisms the Declaration has faced.

The time has come, thirty-four years after its proclamation, to review the history of the Universal Declaration of Animal Rights and make an assessment. Part II of this Essay describes the Declaration’s sources of inspiration and its intentions, Part III deals with its successive versions, Part VI examines its scope, and Part V draws conclusions.

II. SOURCES OF INSPIRATION AND INTENTIONS: FROM THE
 IDEA OF ASSERTING ANIMAL RIGHTS TO THE APPEARANCE
 OF THE FIRST “DECLARATIONS”

A true reflection on the rights of animals began in the eighteenth century with the English philosopher and reformer Jeremy Bentham (1748–1832). In his essay, *An Introduction to the Principles of Morals and Legislation*, Bentham founded his Utilitarianist ethic on the ability to feel pleasure and pain, and included animals in his reflection due to their capacity for suffering:

It may come one day to be recognised, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps, the faculty for discourse? [T]he question is not, Can they reason? nor Can they talk? but, Can they suffer?¹

Bentham was the first thinker to envisage the recognition of animal rights and to distinguish animals from things: “Other animals, which on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into the class of things The day may come, when the rest of the animal creation may acquire those rights”² He also discusses improving the condition of animals in his work *Theory of Legislation: Vol. II Principles of the Penal Code*, comparing the conditions to those of slaves:

Why should the law refuse its protection to any sensitive being? A time will come when humanity will spread its mantle over everything that breathes. The lot of slaves has begun to excite pity; we shall end by softening the lot of the animals which labour for us and supply our wants.³

Bentham’s work laid important foundations for the gradual development of animal rights.

However, it was not until the end of the nineteenth century and the start of the twentieth that other specific works appeared dealing with the notion of “animal rights.” In his *Animals’ Rights: Considered in Relation to Social Progress*, originally published in 1892, Henry Stephens Salt posed the fundamental question: “Have the lower animals ‘rights’?”⁴ His answer was daring for the period: “Undoubtedly—if men have.”⁵ Salt’s work took on capital importance for the animal rights movement. Many subsequent authors cite it or take inspiration from it.⁶

A second author, little-known outside France, made a decisive contribution to the concept of animal rights: André Géraud. His *Déclaration des droits de l’animal* was published in 1924.⁷ Due to the lack of an English translation, this document has not been distributed internationally. As a result, it is only rarely cited in the English-language

¹ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* 236 (Lincoln’s Inn Fields 1823).

² *Id.* at 234–35.

³ Jeremy Bentham, *Theory of Legislation: Vol. II Principles of the Penal Code* 218 (Weeks, Jordan & Co. 1840).

⁴ Henry S. Salt, *Animals’ Rights Considered in Relation to Social Progress* 1 (Soc’y. for Animal Rights 1980).

⁵ *Id.*

⁶ See e.g. Laura Ireland Moore, *A Review of Animal Rights: Current Debates and New Directions*, 11 *Animal L.* 311, 312 (2005) (citing Salt); Paul Waldau, *Will the Heavens Fall? De-Radicalizing the Precedent-Breaking Decision*, 7 *Animal L.* 75, 104 (2001) (citing Salt).

⁷ André Géraud, *Déclaration des droits de l’animal* 13 (Bibliothèque André Géraud 1939).

literature, unlike the work of Salt, which is almost systematically referred to.⁸

Géraud's *Déclaration* profoundly inspired the Universal Declaration of Animal Rights of 1978. Referring to the Declaration of the Rights of Man and of the Citizen of August 26, 1789, which proclaimed that "[m]en are born and remain free and equal in rights,"⁹ Géraud reproduced the same formulation, extending it to all animate beings: "Equal in joy and in suffering, all animate creatures are born and remain free and equal in rights."¹⁰

For the first time, Géraud put forward the idea of creating an "animal code" founded on three guiding principles. First, animals must be happy: if an animal is not happy, it suffers. Second, the sufferings inflicted on animals must be strictly indispensable. Third, the pleasures allowed them are quite justified: this means that for Géraud, animals must not be deprived of pleasure.¹¹

For the practical implementation of the *Déclaration*, Géraud hoped that it would one day be placed on the agenda of the League of Nations in Geneva in order to give it global resonance. He wrote: "We would prefer for the League of Nations to take this initiative, because of the worldwide repercussions such a gesture would have and due to the universal nature of the proclamation."¹² The League of Nations was also to write the international animal rights charter and see to the strict application of its principles.

Géraud felt that the League of Nations should do the following:

- (1) Proclaim the *Déclaration* for all countries so that the charter will pre-
side over all regulations concerning animals, both at the national and in-
ternational level; (2) Itself enact regulatory measures of an international
nature; and finally (3) Require that the signatory states of the charter pro-
hibit all animal suffering in their respective countries.¹³

Géraud concluded his book by affirming that "the Declaration of Animal Rights in the twentieth century shall be the counterpart of the Declaration of Human Rights in the eighteenth century."¹⁴

It was not until 1926 that the first formal animal rights declaration appeared, written by Florence Barkers and entitled *International Animals Charter*, followed in 1954—thanks to the Reverend W.J. Pig-

⁸ *Supra* n. 6 (listing examples of works citing Salt's book).

⁹ Natl. Assembly of France, *Declaration of the Rights of Man of 1789* (Aug. 26, 1789) (available at http://avalon.law.yale.edu/18th_century/rightsof.asp (accessed Nov. 17, 2012)).

¹⁰ Géraud, *supra* n. 7, at 17.

¹¹ *Id.* at 30.

¹² *Id.* at 140.

¹³ *Id.* at 142–43.

¹⁴ *Id.* at 151 (referring to the Declaration of the Rights of Man and of the Citizen of 1789).

gott—by a revised version.¹⁵ During the years that followed, other documents of a similar nature were drawn up and proposed by the World Society for the Protection of Animals. A declaration in ten articles was published in Norway in 1972.¹⁶

III. FROM WRITING TO PROCLAMATION: A NEW MORAL CODE BASED ON THE PROGRESS OF SCIENCE

The first declarations and charters were essentially founded on the moral aspect of the relationship between humans and other animals. In contrast, the Universal Declaration of Animal Rights (Declaration) is based on scientific progress and the conclusions humans must draw from that progress in approaching their relationships with other animals.¹⁷

Molecular genetics established that all animals (including humans) are made up of the same material and share a universal genetic code. We now know that the animal species and their individuals are interdependent and that the equilibrium of living systems is based entirely “on the diversity of the constitutive elements, just as the genetic and behavioural diversity of the species and the genetic and behavioural diversity of the individuals are expressed in the context of the geo-climatic diversity of the life environments.”¹⁸

Neurophysiology and ethology have, for their part, made it possible to analyze animal behaviors and establish their common bases. Humans consequently needed to profoundly change their outlook on the living world and on the place they will occupy within it. The Universal Declaration of Animal Rights, drawing on scientific progress, proposes a moral code based on respect for life in its universality.¹⁹

A. *The Initial Text*

The authorship of the initial text must be attributed to Georges Heuse. In 1972, Heuse submitted the text to the Director General of the United Nations Educational, Scientific & Cultural Organization (UNESCO), of whose Secretariat he was then a member.²⁰ After several modifications made by the association Conseil National de la Protection Animale, the text, then entitled *Les droits de l'Animal, douze*

¹⁵ Animal Leg. & Historical Ctr., Animal People, *Compromise & the Universal Declaration of Animal Welfare* 3–4, <http://www.animallaw.info/nonus/articles/auuseditorial2005universaldeclaration.htm> (2005) (accessed Nov. 17, 2012).

¹⁶ *Id.* at 6.

¹⁷ Géraud, *supra* n. 7, at 22.

¹⁸ *The Universal Declaration of Animal Rights: Comments and Intentions* 87 (Georges Chapoutier & Jean-Claude Nouët eds., Ligue Française des Droits de l'Animal 1998).

¹⁹ Conseil National de la Protection Animale, *The Universal Declaration of Animal Rights* preamble (Sept. 25, 1973) (on file with *Animal Law*) [hereinafter 1973 Declaration].

²⁰ Animal Leg. & Historical Ctr., *supra* n. 15, at 6.

principes à respecter (Animal Rights, Twelve Principles to Be Complied With), was adopted by said organization on September 25, 1973.²¹

In its preamble, the 1973 text states that “the coexistence of species implies a recognition by the human species of the right of other animal species to live. . . . [T]he simple ignorance of these natural rights causes serious damage to nature and leads man to commit crimes against animals. . . .”²² The preamble goes on to affirm that “the respect of humans for animals is inseparable from the respect of man for another man.”²³

The text then sets down twelve principles that humans must comply with. In particular, humans must respect animals as living and sentient beings, place their intelligence at the service of other species, and lead children to “observe, understand, respect and love animals.”²⁴ To give the text an international resonance, an International League of Animal Rights was founded in 1977 in Geneva, with affiliated national animal rights leagues in Belgium, Brazil, Canada, France, India, Italy, Luxembourg, Portugal, Spain, Switzerland, and the United Kingdom.²⁵

Prominent scientists contributed to drawing up the 1978 Declaration. Among them are the Nobel Prize Physics laureate Alfred Kastler, Thierry Maulnier of the French Academy, and Professors Théodore Monod, Jean-Claude Nouët, and Marcel Bessis.²⁶ The modified text was adopted by the International League of Animal Rights at its third meeting, held in London from September 21–23, 1977.²⁷

The first public presentation of the new text took place on January 26, 1978 in the main amphitheater of the University of Brussels. In his speech, Georges Heuse, President of the International League of Animal Rights, hailed the considerable importance of the Declaration: “We are experiencing a great moment in the history of our civilisation. Very great errors have been made regarding the animal species, and it is time that we finally become aware of them.”²⁸ The 1978 Declaration, consisting of fourteen articles, resolutely echoes the Universal

²¹ 1973 Declaration, *supra* n. 19.

²² *Id.* at preamble.

²³ *Id.* at preamble.

²⁴ *Id.* at arts. I–III.

²⁵ Section Belge de la Ligue Internationale des Droits de l’animal, *P.V. et Compte-rendu de la Réunion Interligues* (Apr. 26, 1985) (on file with *Animal Law*).

²⁶ Journée Mondiale Des Droits De L’Animal, *Maison De L’UNESCO: 10 Heures—Salle 1* (Oct. 15, 1978) (including notes accompanying the 1978 Declaration with a list of contributing scholars and scientists at the Proclamation day) (on file with *Animal Law*). The additional names were provided to the author by Jean-Claude Nouët, the President of La Fondation Droit Animal, éthique et sciences.

²⁷ *Id.*; Universal Declaration of Animal Rights of 1978, *infra* app. A [hereinafter 1978 Declaration].

²⁸ Sophie Huet, *Si Toutes Les Bêtes Du Monde. . . L’Aurore* (Jan. 27, 1978).

Declaration of Human Rights proclaimed by the United Nations thirty years earlier.²⁹

Article 1 of the text states that “[a]ll animals are born equal and they have the same rights to existence”³⁰ and was written to reflect Article 1 of the Universal Declaration of Human Rights, which states that “[a]ll human beings are born free and equal in dignity and rights.”³¹ This Article sums up the entire philosophy of the Declaration: the fundamental right to equality of species with regard to life. This constituted a major innovation because this right had never before been affirmed in previous declarations and charters.

The second major principle, proclaimed in Article 2, is that “[a]ll animals are entitled to respect.”³² This respect is not defined in the text; however, Paragraph 2 of Article 2 specifies that exterminating and exploiting “other animals” violates that right.³³ Notably, the same article states—and this constitutes major progress—that “[m]an as an animal species shall not arrogate to himself the right to exterminate or inhumanely exploit other animals.”³⁴ This recognition of humans as an animal species is already implied in the third recital of the preamble: “Whereas recognition by the human species of the right to existence of other animal species is the foundation of the co-existence of species throughout the world.”³⁵

The proclamations of other rights then follow.³⁶ Article 3 proclaims the right not to be submitted to bad treatment or cruel actions.³⁷ Article 4 proclaims the right of all wild animals to live free in their natural environment.³⁸ Deprivation of freedom is considered to be in opposition to this right, which also pertains to zoos.³⁹ Article 5 proclaims the right of animals in a domestic environment to live and grow to a rhythm natural to their species.⁴⁰ Article 6 proclaims the right of animals selected as companions to have a life corresponding to their natural longevity, and the condemnation of abandonment as a cruel and degrading action.⁴¹ Article 7 proclaims the right of all “working animals”—that is, all animals used by humans for work (for example, animals used for transportation or for agricultural work)—to a

²⁹ Universal Declaration of Human Rights, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) (available at http://www.un.org/events/human-rights/2007/hrphotos/declaration%20_eng.pdf (accessed Nov. 17, 2012)).

³⁰ 1978 Declaration, *infra* app. A, at art. 1.

³¹ Universal Declaration of Human Rights, *supra* n. 29, at art. 1.

³² 1978 Declaration, *infra* app. A, at art. 2.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at preamble.

³⁶ *Id.* at arts. 3–13.

³⁷ *Id.* at art. 3.

³⁸ 1978 Declaration, *infra* app. A, at art. 4.

³⁹ *Id.*

⁴⁰ *Id.* at art. 5.

⁴¹ *Id.* at art. 6.

reasonable limitation of the duration and intensity of that work.⁴² Article 8 declares experimentation on animals to be incompatible with animal rights if it involves physical or mental pain, and replacement techniques must be used and developed.⁴³ Articles 9, 10, 11, 12, and 13 deal, respectively, with conditions under which animals are bred.⁴⁴ Article 9 condemns shows and exhibitions using animals.⁴⁵ Article 10 condemns causing the unnecessary death of an animal, which Article 11 defines as "biocide."⁴⁶ Article 12 condemns killing a large number of wild animals, which constitutes "genocide."⁴⁷ Article 13 proclaims the need for treating dead animals with respect.⁴⁸ Finally, Article 14 in its second paragraph proclaims the necessity for legislation to defend the rights set down by the Declaration: "The rights of animals, like human rights, should enjoy the protection of law."⁴⁹ Here, the Declaration recognizes the parallel between animal rights and human rights, which again forcefully confirms the essential principle, namely equality of the right to existence.

While the text of the 1978 Declaration reflects the architecture of the initial project adopted in 1973, it departs from it in spirit. The purpose is not only to protect animals but to set down fundamental rights on their behalf, first among which is the right to equality. The 1973 text neither mentioned nor claimed equality of species; to the contrary, it referred to humans as an "animal species privileged over others."⁵⁰ The Universal Declaration of Animal Rights of 1978 unambiguously classifies humans as one animal species among others.

B. *The Proclamation at UNESCO*

Georges Heuse, a member of the Secretariat of the Director General of UNESCO, chose that institution to serve as host for the proclamation. It was to be only a first stage. In their press release preceding the proclamation on October 15, 1978, the International League of Animal Rights stated that the Declaration "in a final stage, shall be submitted to a vote of the General Assembly of the United Nations in view of its adoption and its proclamation before the end of the century."⁵¹ The proclamation took place at 10:00 a.m. in the plenary hall at UNESCO headquarters in Paris.⁵²

⁴² *Id.* at art. 7.

⁴³ *Id.* at art. 8.

⁴⁴ 1978 Declaration, *infra* app. A, at arts. 9–13.

⁴⁵ *Id.* at art. 9.

⁴⁶ *Id.* at arts. 10–11.

⁴⁷ *Id.* at art. 12.

⁴⁸ *Id.* at art. 13.

⁴⁹ *Id.* at art. 14.

⁵⁰ 1973 Declaration, *supra* n. 19, at art. 2.

⁵¹ Press Release, Intl. League for Animal Rights, *Reference 78/111 GH/JB* (on file with *Animal Law*).

⁵² *Id.*

The session was opened by the Director General of UNESCO, Amadou-Mahtar M'Bow, and his remarks were followed by various speeches, including an address by professor Alfred Kastler, Nobel laureate in Physics.⁵³ The Declaration was read first in English (by John Alexander-Sinclair), then in Arabic (by Si Haman Boubakeur), and finally in French (by Professor R. Chauvin).⁵⁴

The ceremony took place before a large audience of approximately 2,000 persons, which included the ambassadors of fourteen countries. Numerous personalities from the sciences, jurists, members of parliament, theologians, personalities from the arts and entertainment, as well as journalists witnessed the proclamation, which ended with the submission of the Declaration to the Director General of UNESCO, Mr. M'Bow.⁵⁵

The event was widely hailed by the international press. *The Times*, for example, headlined its edition, "All Animals Are Equal, UNESCO Has Decided."⁵⁶ The American daily *International Herald Tribune* announced, "Animals Win Declaration of World Rights."⁵⁷

C. *The Reworking of the Text*

Hardly had the 1978 Declaration been proclaimed before voices were raised against the text. Some called it ambiguous or unclear and others said that it was not daring enough. In particular, vegetarians—mainly in North America—protested Article 9, which accepted the killing of animals "bred for food."⁵⁸ The International League of Animal Rights, in a letter dated August 24, 1978 (thus prior to the proclamation of the text), anticipated and justified that point:

Rather than denying people the 'right' to eat meat, which would not be taken seriously and could not become the subject of legislation, the Article acknowledges that animals are being used for food and attempts to minimise the resultant stress If legislation were to be enacted in accordance with the ideals stated in Article 9, much of this suffering would be eliminated.⁵⁹

For vegetarians, there was a contradiction between Article 1 ("[a]ll animals are born with . . . the same rights to existence"),⁶⁰ and Article 9, which allowed for animals to be bred and killed for food.⁶¹

⁵³ Journée Mondiale Des Droits De L'Animal, *supra* n. 26, at 1.

⁵⁴ *Id.*

⁵⁵ *Id.* at 1–2.

⁵⁶ Ian Murray, *All Animals Are Equal, UNESCO Has Decided*, *The Times* (Oct. 16, 1978).

⁵⁷ Reuters, *Animals Win Declaration of World Rights*, *Intl. Herald Trib.* (Oct 17, 1978).

⁵⁸ 1978 Declaration, *infra* app. A, at art. 9.

⁵⁹ Ltr. from Peter J. Hyde, Sec. Gen., Intl. League for Animal Rights, to Henry Spira and Emilio Fischman ¶¶ 6, 8, 10 (Aug. 24, 1978) (on file with *Animal Law*).

⁶⁰ 1978 Declaration, *infra* app. A, at art. 1.

⁶¹ *Id.* at art. 9.

In a letter dated February 20, 1982, the International League of Animal Rights admitted the need to review the language of the article and wrote: "I am convinced that we shall be faced with the necessity of amending Article 9 in order to establish the credibility of . . . the Universal Declaration of Rights of Animals."⁶² The support of the Animal Defense League of Canada for the Declaration was conditioned on various modifications to the text, including changes to Article 9.⁶³

The French League of Animal Rights spurred the development of a revised text written during the General Assembly of the International League of Animal Rights, held June 3–4, 1989 in Luxembourg, and adopted on October 21, 1989.⁶⁴ The goal was to arrive at a text written in a spirit of rigorousness, conciseness, and scientific exactness.

The new text is shorter (ten articles instead of fourteen) and reflects profound changes. In its Preamble, after recalling that "all living beings possess natural rights," the new text, while adhering to the initial philosophy—that of the equality of species with regard to life—now specifies that "any animal with a nervous system has specific rights."⁶⁵ Why should rights be limited in this way? In determining the rights to which animals are entitled, their sentience must be taken into account—and that sentience has presumably only been established scientifically for animals with a nervous system.

Other important rights also are proclaimed. For example, Article 2 proclaims the right to respect.⁶⁶ As in the 1978 text, no definition of "respect" is given.⁶⁷ It may be, however, that the respect in question is a matter of practical application of the rights proclaimed farther on in the text: the right not to suffer bad treatment; the right to instantaneous and painless death, if that death is necessary; and the condemnation of abandonment.

Article 9 further proclaims the right to recognition of legal status.⁶⁸ This is a major evolution from Article 14-2 of the initial text, which simply stated that "[t]he rights of animals, like human rights,

⁶² Ltr. from Peter J. Hyde, Sec. Gen., Intl. League for Animal Rights, to Jacqueline Cramer ¶ 2 (Feb. 20, 1982) (on file with *Animal Law*).

⁶³ *Id.*

⁶⁴ Ltr. from Léon Bollendorff, Pres., Intl. League for Animal Rights, to Federico Mayor Zaragoza, Dir. Gen., UNESCO (July 6, 1990) (on file with *Animal Law*); Chapoutier & Nouët, *supra* n. 18, at 11, 79 (discussing the origins of the Universal Declaration of Animal Rights and providing a full translated copy of the document). For the full text of the Universal Declaration of Animal Rights of 1989, consult *infra* appendix B [hereinafter 1989 Declaration].

⁶⁵ 1989 Declaration, *infra* app. B, at preamble.

⁶⁶ *Id.* at art. 2.

⁶⁷ Compare 1978 Declaration, *infra* app. A, at art. 2 with 1989 Declaration, *infra* app. B, at art. 2 (neither defining "respect").

⁶⁸ 1989 Declaration, *infra* app. B, at art. 9.

should enjoy the protection of law.”⁶⁹ Significant progress had been made in the spirit of the Declaration. In *La Fondation Ligue Française des Droits de l'Animal*, the authors specify the thought expressed in this regard:

It should be specified here that the point is not to confer on animals a legal status modeled on that of humans on the grounds that they share the same sentience. Any assimilation with the legal status given to incapable persons (minors, the mentally incompetent) is not suited to the problem.⁷⁰

The drafters go on to state that there can be no question of “enjoyment of legal personality”⁷¹ adapted to the specific needs of the animal world and conclude that it “would require the development of new legal techniques enabling qualified representatives to plead the rights specific to animals before a court.”⁷²

The new text also implicitly recognizes a right to well-being. This right is implied by the provisions of Article 5-1, which states that “[a]ny animal which is dependent on man has the right to proper maintenance and care,” and Article 5-3, which states that “[a]ll forms of breeding and uses of the animal must respect the physiology and behaviour specific to the species.”⁷³

It should be noted that Article 9 of the initial text—which resulted in intense debate—has disappeared. Killing animals for food is no longer mentioned. The 1989 Declaration does not condemn the use of animals for food, which seems to be implicitly allowed; that implication results from the combined application of Article 3-2, which says “[i]f it is necessary to kill an animal,” and Article 5-3, which recognizes “[a]ll forms of breeding . . .”⁷⁴ The amended text is more concise, is more precise on certain points—for example, Articles 5, 6, and 10 of the initial text are now grouped together in a more comprehensive and clear way in the new Article 5—and ushers in some major innovations (specific rights for animals with a nervous system, condemnation of hunting and fishing “practiced as a pastime,” and, above all, the attribution of a legal personality to animals). However, the amended text remains ambiguous on certain points, such as the notion of respect and the killing of animals for food. The revised text was accompanied by two additional texts, *The Spirit of the Universal Declaration of Animal Rights*⁷⁵ and *The Biological Foundation of the Universal Declaration of Animal Rights*.⁷⁶

⁶⁹ Compare 1989 Declaration, *infra* app. B, at art. 9, with 1978 Declaration, *infra* app. A, at art. 14-2 (revealing progress toward requiring recognition of legal status for animals).

⁷⁰ Suzanne Antoine & Jean-Claude Nouët, *La Fondation Ligue Française Des Droits De L'Animal* 44 (La Fondation Ligue Française Des Droits De L'Animal 2003).

⁷¹ *Id.*

⁷² *Id.*

⁷³ 1989 Declaration, *infra* app. B, at art. 5.

⁷⁴ *Id.* at arts. 3, 5.

⁷⁵ Chapoutier & Nouët, *supra* n. 18, at 83.

⁷⁶ *Id.* at 87.

The new text was sent via letter to the Director General of UNESCO, Mr. Federico Mayor-Zaradoga. It recalled that the original text was proclaimed at UNESCO on October 15, 1978 and that “[t]en years later, a need was felt to make a few modifications to the initial language.”⁷⁷ There was no new ceremony at UNESCO. One may conclude that the International League of Animal Rights did not wish to cause confusion or to be in the position of having to explain the reasons that led it to amend the text barely ten years after its initial proclamation. The revised text was sent to the heads of State and to the highest magistrates of the countries represented within the International League of Animal Rights.

IV. LIMITED PRACTICAL SCOPE

A declaration has no legal force. At most, it has moral authority with weight dependent upon the institution that proclaimed and adopted it. A declaration adopted by the United Nations (UN) has high moral value and constitutes a strong commitment by the member states to implement it using methods and a timeline they are at liberty to define, along with such legal instruments as are necessary and sufficient for attaining the goals articulated in the declaration.

It was the wish of the authors of the Universal Declaration of Animal Rights (Declaration) that, like the Universal Declaration of Human Rights of 1948, it be later translated into constraining legal instruments. The Universal Declaration of Human Rights had resulted in the implementation of a large number of constraining texts, such as the European Convention on Human Rights in 1950, the Convention on the Rights of the Child in 1989, and the Convention on the Elimination of All Forms of Discrimination against Women in 1979. It must be acknowledged that the Universal Declaration of Animal Rights has remained little known, in particular in English-speaking countries, and that its obscurity has greatly limited its propagation. No mention of its existence appears, for example, in the works of Peter Singer,⁷⁸ Alison Hills,⁷⁹ or David DeGrazia.⁸⁰

Why? Several explanations can be advanced. First, only a single group (the International League of Animal Rights and its national Leagues) initiated and defended the project. Second, the project resulted in fierce opposition from traditional users of animals because the very notion of rights for animals endangered their interests. Third, the project and its backer lacked the significant financial and logistical resources necessary for a project of such scope (for example, for dis-

⁷⁷ Ltr. from Bâtonnier Albert Brunois, Pres., Académie Des Sciences Morales et Politiques, to Federico Mayor Zaragoza, Dir. Gen., UNESCO, *Demande de rendez-vous de la Délégation académique de la Ligue Française des Droits de l'Animal* ¶¶ 3–4 (Nov. 9, 1989) (on file with *Animal Law*).

⁷⁸ Peter Singer, *Animal Liberation* (London 1995).

⁷⁹ Alison Hills, *Do Animals Have Rights?* (Cambridge 2005).

⁸⁰ David DeGrazia, *Animal Rights: A Very Short Introduction* (Oxford 2002).

semination campaigns, lobbying, and organizing events). Fourth, the fact that the project was “Francophone,” being backed mostly by French intellectuals and scientists working in the French language, doubtlessly contributed to its limited distribution. And fifth, the project was highly original, going too far for some and not far enough for others; the novelty of the project’s philosophy no doubt deprived it of wider adoption.

Most importantly, however, the Declaration was doomed to obscurity because it was not adopted by any international institution. As discussed previously, the Declaration was proclaimed *at* the UN Educational, Scientific & Cultural Organization (UNESCO) and not *by* UNESCO. That has made all the difference, and without doubt constitutes a major factor explaining the Declaration’s limited practical effect. Had the Declaration been adopted by UNESCO (reserving judgment as to the advantage of choosing that institution in particular), the Declaration would have had real moral impact. That support is what the Declaration lacked. Georges Heuse, the author of the initial text of 1973, felt that the Declaration should be adopted by the General Assembly of the UN “before the end of the century” (that is, the twentieth century).⁸¹ No such process was undertaken. The text was simply read at UNESCO, and never adopted by that or any other institution.

V. CONCLUSION

The Universal Declaration of Animal Rights (Declaration) constitutes an important milestone on the long road that will lead humans to a redefinition of their relationship with other animals and of animals’ legal status. The Declaration was the first to propose a new moral code for humans. Its authors endeavored to find a reasonable and acceptable balance for achieving better harmony with other species. However, the idea of equality of species with regard to life has been poorly understood and minimally accepted.

Today, more than thirty years after its proclamation, does this Declaration still have a future, or has it already been relegated to the long series of declarations and charters that have appeared over time that do little to change the relationship between humans and other animals? That is difficult to say, all the more because it is now subject to “competition” from other projects, including the *Universal Declaration on Animal Welfare* by the World Society for the Protection of Animals, the *Universal Declaration of Animal Rights* by Uncaged, and the Great Ape Project of Peter Singer and Paola Cavalieri.

The Universal Declaration of Animal Rights will always, however, have the distinction of having been the first to lay the foundations of a new equilibrium in the human-animal relationship and to proclaim the

⁸¹ Georges Heuse, *Déclaration Universelle des Droits de l’Animal: Commentaires par le Professeur Georges Heuse*, 29 Bull. de l’OABA (newsltr. of the Org. for the Assistance of Slaughterhouse Animals) 32 (1978) (on file with *Animal Law*).

equality of species with regard to life. As such, more than thirty years after its proclamation, it remains still the most ambitious animal rights text ever written.

APPENDIX A:

THE UNIVERSAL DECLARATION OF ANIMAL RIGHTS
(1978 VERSION)

Preamble

Whereas all animals have rights,
Whereas disregard and contempt of the rights of animals have resulted and continue to result in crimes by man against nature and against animals,
Whereas recognition by the human species of the right to existence of other animal species is the foundation of the co-existence of species throughout the world,
Whereas genocide has been perpetrated by man on animals and the threat of genocide continues,
Whereas respect for animals is linked to the respect of man for men,
Whereas from childhood man should be taught to observe, understand, respect and love animals,
It is hereby proclaimed:

Article 1

All animals are born with an equal claim on life and the same rights to existence.

Article 2

1. All animals are entitled to respect.
2. Man as an animal species shall not arrogate to himself the right to exterminate or inhumanely exploit other animals. It is his duty to use his knowledge for the welfare of animals.
3. All animals have the right to the attention, care and protection of men.

Article 3

1. No animal shall be ill-treated or be subject to cruel acts.
2. If an animal has to be killed, this must be instantaneous and without distress.

Article 4

1. All wild animals have the right to liberty in their natural environment, whether land, air, or water, and should be allowed to procreate.
2. Deprivation of freedom, even for educational purposes, is an infringement of this right.

Article 5

1. Animals of species living traditionally in a human environment have the right to live and grow at the rhythm and under the conditions of life and freedom peculiar to their species.
2. Any interference by man with this rhythm or these conditions for purposes of gain is an infringement of this right.

Article 6

1. All companion animals have the right to complete their natural life span.
2. Abandonment of an animal is a cruel and degrading act.

Article 7

All working animals are entitled to a reasonable limitation of the duration and intensity of their work, to the necessary nourishment, and to rest.

Article 8

1. Animal experimentation involving physical or psychological suffering is incompatible with the rights of animals, whether it be for scientific, medical, commercial, or any other form of research.
2. Replacement methods must be used and developed.

Article 9

Where animals are used in the food industry they shall be reared, transported, lairaged, and killed without the infliction of suffering.

Article 10

1. No animal shall be exploited for the amusement of man.
2. Exhibitions and spectacles involving animals are incompatible with their dignity.

Article 11

Any act involving the wanton killing of the animal is biocide, that is, a crime against life.

Article 12

1. Any act involving mass killing of wild animals is genocide, that is, a crime against the species.
2. Pollution or destruction of the natural environment leads to genocide.

Article 13

1. Dead animals shall be treated with respect.
2. Scenes of violence involving animals shall be banned from cinema and television, except for human education.

Article 14

1. Representatives of movements that defend animal rights should have an effective voice at all levels of government.
2. The rights of animals, like human rights, should enjoy the protection of law.

APPENDIX B:

THE UNIVERSAL DECLARATION OF ANIMAL RIGHTS
(1989 VERSION)

Preamble

Considering that Life is one, all living beings having a common origin and having diversified in the course of the evolution of the species,
Considering that all living beings possess natural rights, and that any animal with a nervous system has specific rights,
Considering that the contempt for, and even the simple ignorance of, these natural rights, cause serious damage to Nature and lead men to commit crimes against animals,
Considering that the coexistence of species implies a recognition by the human species of the right of other animal species to live,
Considering that the respect of animals by humans is inseparable from the respect of men for each other,
It is hereby proclaimed that

Article 1

All animals have equal rights to exist within the context of biological equilibrium.
This equality of rights does not overshadow the diversity of species and of individuals.

Article 2

All animal life has the right to be respected.

Article 3

1. Animals must not be subjected to bad treatments or to cruel acts.
2. If it is necessary to kill an animal, it must be instantaneous, painless, and cause no apprehension.
3. A dead animal must be treated with decency.

Article 4

1. Wild animals have the right to live and to reproduce in freedom in their own natural environment.
2. The prolonged deprivation of the freedom of wild animals, hunting and fishing practiced as a pastime, as well as any use of wild animals for reasons that are not vital, are contrary to this fundamental right.

Article 5

1. Any animal which is dependent on man has the right to proper maintenance and care.

2. It must under no circumstances be abandoned or killed unjustifiably.
3. All forms of breeding and uses of the animal must respect the physiology and behavior specific to the species.
4. Exhibitions, shows, and films involving animals must also respect their dignity and must not include any violence whatsoever.

Article 6

1. Experiments on animals entailing physical or psychological suffering violate the rights of animals.
2. Replacement methods must be developed and systematically implemented.

Article 7

Any act unnecessarily involving the death of an animal, and any decision leading to such an act, constitute a crime against life.

Article 8

1. Any act compromising the survival of a wild species and any decision leading to such an act are tantamount to genocide, that is to say, a crime against the species.
2. The massacre of wild animals, and the pollution and destruction of biotopes are acts of genocide.

Article 9

1. The specific legal status of animals and their rights must be recognized by law.
2. The protection and safety of animals must be represented at the level of Governmental organizations.

Article 10

Educational and school authorities must ensure that citizens learn from childhood to observe, understand, and respect animals.

