



the **Brooks**
Congress

2022

Animal Law and the Animal Protection Community

*A summary of topics and perspectives on animal
protection, presented at the Brooks Congress 2022*



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Background & Introduction¹

In March 2022, the Brooks Institute convened the second Brooks Congress, an invitation-only event bringing together many of the leading scholars, advocates, and thinkers who focus on the protection of animals. The Congress was structured to encourage and facilitate discussion, develop community-level strategies, and allow space for building relationships and collaborations. It also included deep explorations of important topics with expert panelists and moderators.

The Brooks Institute alternates the overall theme of the annual Congress between a focus on animal law and general animal protection topics, with the composition of invited delegates matched to the year's theme. The 2022 Congress included an emphasis on animal law and most of the invited delegates were lawyers, legal scholars, or otherwise involved in law and policy work for animals.

After taking a hiatus in 2021 because of the COVID-19 pandemic, the 2022 Brooks Congress was held in Scottsdale, Arizona, just outside the shadow of Camelback Mountain. The spacious resort provided more than 70 delegates and speakers with an array of opportunities for being social, recreating, or just spending quiet time in one of the resort's several gardens. The weather, food, participants, staff, and other factors combined for what would be an informative and rewarding event.

The Congress sessions covered an array of topics and included panelists and moderators representing diverse backgrounds and perspectives. In two panels, two roundtable discussions, and four breakout sessions, Congress delegates discussed how we can best learn from global perspectives and advocacy for animals, the animal protection movement's historical lessons and future priorities, and how we can most effectively advance legal and policy efforts for animals.

Each of these sessions is briefly summarized in the pages that follow.

¹ We thank Che Green of Cultivate Insights for being the rapporteur for the 2022 Brooks Congress. This report represents the best efforts of the rapporteur to capture the essence of the 2022 Brooks Congress.



FRIDAY EVENING ROUNDTABLE

How Can We Develop More and Better Animal Law Lawyers?

Moderator: Timothy Midura

The Brooks Institute seeks to advance animal law and policy, including generating more intellectual property for the field, encouraging more active lawyering for animals, and helping develop more interdisciplinary and intersectional collaborations. This first session of the 2022 Congress focused on developing more and better lawyers and the overall fields of animal law and policy. The discussion touched on education, training, compensation, international challenges, and more.

Roundtable participants agreed on a need for more educational opportunities for both students and practicing attorneys. This included a desire to make animal law courses ubiquitous in major law schools, so that students are more likely to happen upon the topic. Also, doing more to encourage students to follow their passions, which may indirectly lead more of them to animal law. However, most of the discussion focused on building the ranks and capabilities of attorneys.

There is a clear desire to increase the number of animal lawyers in the US and elsewhere. Participants shared a sense that many “corporate” lawyers would prefer to do more meaningful work, but there are also major concerns about compensation, particularly in the animal nonprofit sector. Most lawyers would need to take a substantial pay cut to work on animal issues full-time. Other than providing more competitive compensation, roundtable participants noted a number of opportunities to increase the ranks of animal lawyers:

- Create highly visible cases to make animal law enticing to students and current lawyers
- Encourage public sector attorneys (e.g., government, legal aid) to switch to animal law
- Create educational tools describing how lawyers can transition from corporate to animal law
- Identify and support the most likely pathways from traditional law to animal law

In addition to increasing the number of animal lawyers, roundtable participants also noted the need for better education, training, and knowledge-sharing. There are resources

available, including CLEs (continuing legal education courses) available from most state bar associations and from the animal law committee of the American Bar Association. However, increased availability of animal-related CLEs could serve a broader range of animal lawyers (and possibly others including judges, state attorneys, etc.) and also increase visibility for the entire field of animal law.

In general, participants agreed that we need more sharing of resources and dissemination of knowledge – in both directions – with people who are less immersed in animal law than the attorneys represented at the Congress. However, there was also an acknowledgement that the same tools and resources may not be effective in all jurisdictions and the need for culturally appropriate efforts that respect the principles of diversity, equity, and inclusion. The field of animal law is broad and varied in its needs, and making an impact requires an equally large and diverse set of animal lawyers. animal suffering and defining animals as more than property.



SATURDAY MORNING PANEL

What Can We Learn from Global Animal Protection Perspectives?

Panelists: Gladys Kamasanyu, Jayasimha Nuggehalli, Anne Peters, Monica Nuñez Salas, Kristen Stilt, and Lyn White;
Moderator: Justin Marceau

The 2022 Congress's first panel discussion related to understanding and learning from global perspectives, strategies, and successes in animal protection work. While the Brooks Institute is predominantly focused on animal-related law and policy in the United States, it is also interested in facilitating more effective international legal protections for animals. This panel brought together six experts representing views from Africa (Uganda), Asia (India), Europe (Germany), Latin America (Peru), the Middle East (Egypt), and Oceania (Australia).

During their introductions and comments, the panelists outlined key differences by country and region regarding both advocacy priorities and the development of animal protection as a

field. At a global level, there was agreement that the institutions that govern animal welfare (e.g., the OIE) have historically failed to establish minimum animal welfare standards in most areas, but also that there is progress being made on international legal frameworks. A more unified global approach to animal protection would be a major step forward but is also challenging given regional differences.

The discussion also touched on increasing globalization – of both animal abuse and animal advocacy. The globalization of animal production often results in shifting the most abusive practices to the least-regulated countries. The globalization of animal advocacy is mostly a positive trend, though in some cases it may be viewed as being imposed on non-Western countries by Western advocates. Overall, however, there are many opportunities for advocates from all countries and regions to learn from each other and to find culturally appropriate ways to support each other's work for animals.

The following sections summarize comments and observations relating to specific regions and topics made by both panelists and delegates.

AFRICA AND THE WILDLIFE TRADE

For Africa, much of the panel discussion focused on protecting wildlife and preventing the wildlife trade. Wildlife-related tourism is an important source of income in Africa and there is more government interest in protecting wild animals than other types of animals (companion, farmed, etc.). However, the wildlife trade is still rampant in much of Africa due to a combination of widespread poverty and lacking knowledge about both vulnerable species and the economic value of protecting wild animals.

Despite the far-reaching impacts of the wildlife trade, Uganda is currently the only African nation to have a specialty court for wildlife. The court was created in response to Uganda being used as a hub for African wildlife trafficking and because wildlife cruelty is also widespread within the country. From the Ugandan perspective, having animal-specific courts provides opportunities to help individual animals and also sends an important signal to African society and to the local legal system, which has a strong tendency to prioritize people over animals.

INDIA'S LEGAL SYSTEM FOR ANIMALS

In India, panelists discussed how the country's states have limited capacity to enact animal protection regulations, but the federal government had made constitutional changes to

benefit animals in a number of areas (although the country's federal legislature has pushed back on some of those changes). India previously experimented with specialized courts for animals but abandoned the approach because it was perceived to be too dependent on the predilections of individual magistrates. Outside of the legal system, there appears to be strong interest in animal protection in India (and Asia more broadly), driven primarily by younger generations.

EUROPE'S LEGAL FRAMEWORK

Panelists discussed how the European Union has had a treaty in place since 1974 that recognizes animal sentience and requires that member states pay full regard to animal welfare requirements. There have been some attempts to use the treaty to encourage animal welfare through the European court system, and those efforts have recently gained some momentum.

LATIN AMERICA AND BIOCENTRISM

For Latin America, the panel discussed the perspectives of indigenous communities and taking a biocentric view of our interactions with wildlife and other animals. There are interesting areas of overlap and contrast between indigenous views of animals and the mostly Western notion of "animal rights" – and opportunities for them to build off one another. In Latin America, wild animals and indigenous communities are both threatened by activities like deforestation and mining, which occur throughout the region and often in designated conservation areas. Helping both groups will require building coalitions between conservationists, indigenous rights advocates, and others.

GLOBAL ANIMAL AGRICULTURE

One topic that affects all regions and countries and came up regularly during the discussion is animal agriculture. There is a general sense that people everywhere lack knowledge of common agricultural practices and the suffering they cause for animals. Advocates need to seek more transparency for what happens in factory farms and more education of both consumers and policymakers. Despite these challenges, farm animal advocates have had some key successes in recent years, including the partial ban on live sheep exports from Australia to the Middle East, global cage-free egg pledges from major companies, and the increasing availability of affordable meat and dairy alternatives.



SATURDAY AFTERNOON PANEL

Where Have We Been? Where Should We Be Going?

Panelists: Gary Francione, Leah Garcés, Lori Gruen, Dale Jamieson, Kathy Meyer, Lauren Ornelas, Miyoko Schinner, Joyce Tischler, and Steve Wise; Moderator: Justin Marceau

The second panel discussion of the 2022 Congress featured a number of advocates and scholars representing diverse views of the state of the animal protection movement. The panelists began by discussing the growth of animal advocacy to include an increasingly large and diverse group of people beyond the traditional activist model. The “movement” now includes advocates as well as scholars, activist entrepreneurs, attorneys, consumers, veterinarians, farmers, and others.

In general, the panelists agreed on the goal of reducing (and eventually eliminating) animal suffering caused by humans. There was less agreement, however, on how to achieve that goal most effectively and expediently. As one panelist put it, “change is messy” and animal advocates are going to make a lot of mistakes as we try to change things for the better. Despite our disagreements, advocates have many opportunities to focus on shared goals and work together in areas of common ground.

The discussion that followed raised questions about whether or not the movement should strive to be “mainstream,” how much it should focus on systemic versus incremental change, and how to incorporate intersectional concerns about parallel oppressions (of humans) in our work. We explore each of these topics further in the sections below.

MAINSTREAMING THE MOVEMENT

The first major point of discussion centered on the increasingly “mainstream” animal protection movement and whether or not being mainstream should be a goal for advocates. Most panelists seemed to agree that becoming more mainstream was a natural evolution and essential to expanding society’s moral circle to include animals. A couple of people remarked

on the downsides of being more mainstream, including watering down our message and potentially reinforcing the social norm that some level of animal exploitation is permissible.

Overall, the panel voiced its support for a diverse range of approaches to animal protection work. Despite the mainstreaming of the movement, our goal should not be to get everyone to employ the same strategies and tactics. Rather, the goal of advocates should be to attack the problem of animal suffering from multiple angles and using diverse, complementary methods. Whether our efforts are more mainstream or more radical, however, the movement should be clear in our goals, compassionate toward our audience, and collegial in our disagreements with other advocates.

SYSTEMIC OR INCREMENTAL CHANGE

As a natural segue from the discussion of mainstreaming the animal protection movement, the panel also talked about the apparent tension between focusing on systemic or incremental change. For instance, most of the panelists seemed to feel that incremental change is more achievable and also effective, based in part on evidence from other social justice causes. A couple of panelists focus their work on more systemic, rights-based efforts, including legal rights and animal personhood as well as inherent rights and striving to establish veganism as a moral baseline.

Overall, there was near consensus among panel members that we can balance incremental changes for animals while also striving to “codify” those rights in both law and society. Most panelists also felt that we can accomplish this without reinforcing traditional notions of the subservient role of animals. Panelists also noted that the two “wings” of the animal protection movement often support one another. Advocates focused on incremental change help lay the groundwork for rights-based advocacy, while the latter helps make incremental change more achievable.

RECOGNIZING SHARED OPPRESSIONS

Throughout the panel discussion, there was a recognition that animal exploitation is just one of many forms of oppression and that the same systems that exploit animals also exploit humans. For instance, factory farms negatively impact animals, the environment, and human health, with the climate and health impacts falling mostly on already disadvantaged human populations. While it may not be possible to address all types of oppression at once, advocates seeking an end to animal exploitation should, at a minimum, also seek to avoid exacerbating other forms of oppression.

As one example of the animal protection movement's evolution, some organizations have ceased trying to prosecute individual workers for animal cruelty. Instead, they are seeking to build bridges with farmers, workers, and others to transform the animal agriculture system from the inside. However, the panelists generally agreed that much more is needed in this area. This includes addressing inequities within our movement as well as being more thoughtful and respectful in our interactions with people who are exploited by the same systems that oppress animals.



SATURDAY AFTERNOON BREAKOUT SESSION

Creating an International Framework for Animal Protection

Facilitator: Carolina Maciel

In the first of the shorter “breakout” sessions, attendees discussed the variety (and pros and cons) of existing and proposed international laws and standards for animals. This session was particularly relevant given the overwhelming passage, two days prior, of a United Nations resolution that recognizes the link between animal welfare, the environment, and sustainable development (UNEA NEXUS). This is one of the most recent in a series of international efforts to include animals (see below).

Session attendees noted that there may be a window of opportunity to pass more international standards and regulations to protect animals, for several reasons. First, the COVID-19 pandemic put an emphasis on zoonotic diseases and the connections between animal and human health. Second, the “One Health” concept, which brings the welfare of humans, animals, and the environment under a single umbrella, has been gaining traction. Other factors like concerns about biodiversity loss and the impacts of climate change also create opportunities for more emphasis on animals.

Of course, there are important challenges to developing international legal frameworks for animals. For instance, the decision to focus on enhancing existing standards or put forward new proposals is itself a challenge. There is also a risk of advocates spreading themselves

too thin. Ensuring that any new regulations are applied uniformly is also challenging, to avoid legal loopholes that allow companies to shift animal exploitation from one country to another. The challenges are many, but so are the opportunities to help animals through coordinated international efforts.

TIMELINE OF INTERNATIONAL EFFORTS FOR ANIMAL PROTECTION

- 1978** UDAR – Universal Declaration of Animal Rights
- 1988** ICAP – International Convention for the Protection of Animals
- 2000** OIE – World Organization for Animal Health expanded mandate
- 2005** UDAW – Universal Declaration of Animal Welfare
- 2018** UNCAHP – United Nations Convention on Animal Health and Protection
- 2021** CAP – Convention on Animal Protection for Public Health, Animal Welfare, and the Environment
- 2022** UNEA NEXUS – United Nations Environment Assembly Resolution on Animal Welfare, Environment, and Sustainable Development Nexus



SATURDAY AFTERNOON BREAKOUT SESSION

Some Animals are More Equal than Others

Facilitator: Wim DeKok

This breakout session discussed the many psychological and behavioral distinctions that people and society make between different species of animals. For example, our close relationships with some companion animals (primarily dogs and cats) juxtaposed with our nearly ubiquitous appetite for eating other types of animals (mainly chickens and fishes). As

a result, companion animals are more likely to receive recognition by courts and in legislation compared to farmed and other institutionalized animals, despite a huge disparity in the numbers of animals affected.

These types of speciesism are driven by a complex combination of psychology, culture, commercialism, and other factors. Over time, humans have also become more distanced in our relationships with animals used for a variety of purposes, such as food and transport. Moreover, that distance is willfully maintained by industries that exploit animals, using a variety of means such as language (e.g., de-animalizing meat and dairy products) and legislation (e.g., “ag gag” laws).

When asked how advocates can overcome this inequality in our treatment of different species, session attendees had several ideas, most of which focused on “individualizing” nonhuman animals (e.g., through stories or personality profiles) to engender more empathy in humans. However, there was general agreement that we need better research and knowledge regarding how to most effectively communicate anti-speciesist ideas. In the end, we will need a variety of approaches to change what one attendee described as a “caste system” for different species of animals.



SATURDAY AFTERNOON BREAKOUT SESSION

Law and Science

Facilitators: Kathy Hessler and Lori Marino

This session focused on how to use science more effectively in the pursuit of litigation, legislation, and administrative law efforts for animals. The two fields have many points of intersection, with science providing the evidentiary basis for animal rights (from husbandry practices to sentience), while the legal field helps codify society’s reaction to that evidence and its changing beliefs about animals. Specifically, scientists play an essential role in providing expert testimony in animal cases.

However, there was a general feeling that attorneys and judges lack the requisite scientific literacy to properly apply scientific evidence to animal cases. As a result, there is substantial deference to “white coats” and other experts who have strong perceived credibility despite

using specious scientific arguments to defend various forms of animal cruelty. Additionally, some scientists may be reluctant to advocate for animals out of fear of retaliation or loss of grant funding.

The attendees had several ideas for effectively bringing together various scientific disciplines and animal-related law. This includes conducting more veterinary and social science research that is relevant to legal contexts as well as identifying expert animal welfare scientists who are willing to testify in animal cases. It also includes developing a common language between scientists and attorneys. The moderators shared their plans, with support from the Brooks Institute, to hold an event to further discuss how to effectively encourage the use of scientific evidence in legal advocacy for animals.



SATURDAY AFTERNOON BREAKOUT SESSION

Sharing Animal Protection Work

Facilitator: Sarah Schindler

This session included a wide-ranging discussion of animal advocacy in the context of broader social justice concerns, most of which are centered on humans. The moderator led with the question, “How can we get social justice advocates for humans to support animal advocacy, including people who are initially adversarial?” For instance, people who deride work to protect animals instead of children, a question that comes up regularly in both legal and general advocacy circles.

The question yielded a variety of responses. Some attendees favored unequivocally advocating for animals in all contexts, while others suggested it is more effective to position animal advocacy in ways that show benefits to humans. The general consensus seemed to be that there is no requirement for advocates to accommodate or respond to adversaries, but that it is reasonable to expect advocates to try to find common ground and elevate animals in those conversations. This is true when talking to other social justice advocates, scholars, attorneys, or other groups.

The session attendees also agreed that raising the profile of animals in both legal and social justice contexts is a natural result of the movement’s progress. As advocates continue to

inspire more people and make progress in questioning traditional attitudes and behaviors toward animals, it will become easier to position animals as an important social justice cause. Nonetheless, it is important for animal advocacy to be sensitive to other causes, cultures, and religions, and to underscore that there is no inherent conflict between what is good for people and what is good for animals.



SUNDAY MORNING CLOSING SESSION

Wrap-up Discussion Among Delegates

Moderator: Justin Marceau

The final session of the 2022 Brooks Congress involved a general discussion among all of the delegates present, with an invitation to raise any topic related to animal protection. The moderator centered the discussion on two main areas – global animal law/advocacy and domestic (US) animal advocacy – but the ensuing conversation touched on a wide variety of topics. These included the roles of individual and systemic change, international policies for animals, strategies for farmed animals and animals used in research, and the importance of listening to diverse, global voices.

Those delegates who talked about animal law seemed to focus primarily on the various roles of attorneys and the need to connect legal advocacy with other forms of animal advocacy (e.g., opposing institutional animal cruelty). There was general agreement that it is important to have attorneys and legal scholars working on all aspects of animal protection, from dangerous dogs to personhood. Delegates also discussed creating a methodology for comparative animal law and using the legal system as a means of educating people about animal-related violence and trauma.

At the international policy level, delegates discussed a number of current efforts to advance animal-related agreements and legislation. Examples included the “One Health” framework guiding policy at the levels of the United Nations, OIE, and other organizations and the UNEA NEXUS program mentioned previously. Other comments focused on opportunities to learn

from related fields, such as international climate law, and advances in legal efforts to ban cosmetics testing in Brazil, Europe, and elsewhere.

There was some minor debate among delegates about the roles of individual and systemic change for animals. On one hand, a few delegates felt that focusing on changing individual attitudes and behaviors is insufficient or even playing into the hands of industries that exploit animals. On the other hand, many felt that individual change is necessary to help establish social norms and provide an environment where politicians are motivated to legislate in favor of animals. Delegates agreed that the animal protection movement needs a better understanding of how individuals and society change, including more research and more social psychology expertise from both within and outside the movement.

By the end of the final Congress session, there was clear consensus among delegates on several key ideas to increase our movement's effectiveness for animals. First, to address animal abuse in its many forms, we need a "pluralistic" movement that includes everyone from activists to zoologists. Second, we can all benefit by understanding and learning from our fellow advocates working for animals in other parts of the world. Third, there are significant opportunities to advance animal protection through both international policies and capacity building for the legal field.

Views Expressed Disclaimer

The Brooks Institute is advancing animal welfare (inclusive of dignity, well-being, protection and other rights of consideration) through the collaboration of many diverse, interdisciplinary, and intersectional subject matter experts. Other than a passion for advancing nonhuman animal welfare and a willingness to collaborate with mutual respect and congeniality, it is not expected for our collaborators to share the same or common worldviews, philosophies, theologies, or ethics. While all of our studies are conducted with integrity and highest standard methodologies, they very well may have majority, minority, and even conflicting, dissenting, and alternative views in the search for better and best intelligence. Therefore, individual views and opinions expressed by the Brooks Institute, its employees, Scholars, Fellows, Advisors, and other collaborators must be viewed as being independent of one another and not as a reflection on another.



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