

Buenos Aires Declaration on non-human animal's legal personality

(Resolution of the Academic Council of the Faculty of Law, UNLZ xxx)

WHEREAS,

- In 2012, a distinguished international group of scientists from the fields of cognitive neuroscience, neurophysiology, and computational neuroscience gathered to assess the neurobiological substrates of conscious experience and related behaviors in both human and non-human animals. They endorsed a document known as *The Cambridge Declaration on Consciousness* which stated that scientific evidence demonstrated that non-human animals are conscious beings capable of feeling emotions and sensations. They conclude that "humans are not the only beings with the neurological base for consciousness", it is also shared with "non-human animals." This has crucial ethical implications and prompts legal reconsideration of animals.

- In 2018, jurists from the Faculty of Law at the University of Toulon in France, based on what was mentioned ut supra and convinced that the law can no longer ignore scientific breakthroughs in improving the appreciation of animals, issued The Toulon Declaration which states that:

(...) Animals must be universally considered as persons and not things. It is urgent to put a definitive end to the reign of reification. Current knowledge requires a new legal perspective with respect to animals. Consequently, animals must be recognized as persons in the legal sense of the term. Thus, beyond the obligations imposed on human beings, animals shall be granted their own rights, enabling their interests to be taken into account. Animals should be considered as non-human persons. The rights of non-human persons shall be different from the rights of human persons. Recognizing the legal personality of animals is an essential step towards the coherence of legal systems. This movement is a part of not only a national, but international legal consensus. Only the path of legal personification is capable of providing satisfactory and favourable solutions for all. Reflection on biodiversity and the future of the planet must include non-human persons. In this manner, the link with the community of living beings is underscored; a legal interpretation can and must be established. In the eyes of the law, the legal situation of animals will change by raising their status to that of a legal person. animals must be universally considered as persons and not objects. It is urgent to stop once for all the objectification. Current knowledge demands a new legal point of view on animals. As a consequence of the previously mentioned, it must be acknowledged the status of a person, in legal terms, of animals.

- Argentina also has numerous rulings and jurisprudential decisions that recognize non-human animals as "non-human persons" and "subject to law." This also implies considering animals as living entities with interests that must be protected, based on their capacity for experience, explicitly acknowledging them as sentient beings. Thus, it lays the groundwork for recognizing the legal personality of non-human animals.

AND CONSIDERING,

-That most current legal frameworks still treat animals as "objects", opposite to the scientific reality proving animals' capacity to experience sensations and emotions.

-That it is necessary to create a legal category that aligns with the reality of animals, granting them a legal status that respects their sentient nature and provides accurate legal protection.

-That there is a legal gap and a lack of uniformity in the legal consideration of non-human animals, as well as low penalties for crimes committed against them.

-That there is abundant doctrine supporting the idea that non-human animals are sentient and conscious beings.

-Citizens are also agents of individual and community change, promoting a culture of respect for all sentient beings and anticipating significant advances in public awareness that should be reflected in legislation.

THEREFORE, IT IS PROPOSED:

Article 1: Declare the necessity of legal recognition of non-human animals as sentient, conscious beings subject to law with interests and capabilities that must be acknowledged and adequately protected by the legal system under abundant empirical evidence.

Article 2: Urge the Legislative Power to create a legal category as "non-human persons subject to law" that allows animals to be granted a legal status distinguishing them from inanimate objects and ensuring protection appropriate to their nature.

Article 3: Exhort the Executive Branch and Judicial Branch to adopt measures and interpretative criteria within their competencies that reflect the recognition of animals as sentient beings, heading towards a more just legal system that respects the interests of animals.

Article 4: Relevant authorities must establish mechanisms for citizen participation and dialogue with organizations advocating for animal rights, in order to enrich the debate and the development of legislative proposals based on legal principles informed by the scientific dimension of non-human animals.

Article 5: Invite the scientific and academic community, the Legislative, Executive, and Judicial Branches, their members, and citizens to support this declaration through their signatures or equivalent administrative acts.

Article 6: Let it be notified and published.

Rubén Ezequiel Delvalle – Honorable Council Secretary
María Fernanda Vazquez - Dean, Faculty of Law - UNLZ

The Buenos Aires Declaration was officially proclaimed on October 28, 2024, at the Faculty of Law of the National University of Lomas de Zamora, with the collaboration of SINTIENTES NGO, Liz Solari, Juan Gómez, Leonardo Barnabá, Graciela Fayt and Dr. Philip Low.