

Examine the Gap within Legal Protection of Animals Welfare in Bangladesh through the Lens of International Law

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ABSTRACT

Animal welfare laws emphasise humane interactions between animals and humans and encourages kindness to animals will teach people to have empathy and compassion for all living beings. A comprehensive concept of animal welfare deals with protective measures for animal in the laboratories, wild/forest, ocean and agriculture. In the context of Bangladesh animal rights and animal welfare issues frequently absent in policy making mechanism. It is observed that fully acquainted with effective coordination among policy makers of different administrative organs is invisible. Around the world animal cruelty requires international cooperation to implement robust animal welfare policies as suffering from being used for entertainment, food, medicine, fashion, scientific advancement, and as exotic pet trade. This paper examines according to the lens of international law that animals are not property or pieces of furniture and also critically analyse animals have the same legal status as living creatures. So international and regional animal care initiatives must have been formulated in compatible with domestic laws of Bangladesh to protect and develop the animal welfare.

I. INTRODUCTION

The law professionals of Bangladesh have been promoting animal welfare and animal rights in an unprecedented way in recent years. Students of Law Faculty united together against cruelty to animals and animals suffering irrespective of their political affiliation. They asked for animal protection law to bring animal abuse cases to the courts so that humane treatment of animals. If legislation criminalizes mistreatment or cruelty to animals under laws that can protect sufferings to animals.

Currently, scientists split the view that non-human animals are sentient beings¹ and thus able to feel and perceive things, such as pain, emotional or physical suffering, and loneliness.² The law of animal welfare includes all animals: companion animals,

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¹ Welne Scholts (Ed.) *Animal Welfare and International Environmental Law: From Conservation to Compassion*, 233 (2019).

² Saba Pipia, “Emergence of Global Animal Law as a Separate Branch of International Law” in *Animal & Natural Resource Law Review*, Vol. XVI,(Michigan:), p. 171.

animals raised for food, animals used in research, education, and entertainment, and wildlife.³ Though animal cruelty laws have been adopted in some countries, the only applicable hard law instrument at the international level is that related to animal welfare is the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).⁴

II. THE CONCEPT OF ANIMAL RIGHTS

The moment from the civilization people when moved from hunting to farming, people used to fail to show respect for animals and began to look at themselves as the rulers of nature.⁵ The decorum of the human beings including living thing inevitably shares the same fundamental emotions. According to Jewish tradition, Adam and Eve did not eat meat; thus, the Torah implies the ideal human diet as vegetarianism, making what we eat a matter of primary concern from the very moment of the Creation.⁶ Maimonides further considered that there was no difference between the pain of man and the pain of other living creatures.⁷

Humans had to play down their intelligence over animals and deny them a soul. It is important to change human attitudes and practices underway in the halting of biomedical research on chimpanzees and the opposition to the use of killer whales for entertainment. In fact, “[c]ognitive ethnologists and others have confirmed that animals, including mammals, birds, and even fish, have many of the cognitive characteristics once thought to be uniquely human.”⁸ Animals are able to communicate with other members of their species and with humans. Some animals are highly intelligent and can “process information in sophisticated and complex ways.”⁹

The proposition that humans have mental characteristics wholly absent in animals is inconsistent with the theory of evolution. Darwin maintained that there are no uniquely human characteristics: “[T]he difference in mind between man and the higher animals, great as it is, is certainly one of degree and not of kind.” Animals are able to think, and possess many of the same emotional responses as do humans: “[T]he senses and institutions, the various emotion and faculties, such as love, memory, attention,

³ Joan E. Schaffner, *An Introduction to Animals and the Law*, 4-5 (2011).

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 3, 1973, 27 U.S.T. 1087, TIAS No. 8249.

⁵ Frans de Waal, *What I Learned From Tickling Apes*, NY Times (April 8, 2016), <http://www.nytimes.com/2016/04/10/opinion/sunday/what-i-learned-fromtickling-apes.html>.

⁶ God said: “Behold, I have given you every herb yielding seed which is upon the face of all the earth, and every tree that has seed-yielding fruit—to you it shall be for food.” *Genesis 1:29*.

⁷ Maimonides was a famous Jewish scholar of the 12th century Orthodox movement, Maimonides, *A Guide for the Perplexed*, (M. Friedlaender trans., E.P. Dutton 4th revised ed. 1904) (1186). translated from the original Arabic text, 1186, by M. Friedlaender, 4th revised ed., New York: E.P. Dutton, 1904.

⁸ Gary L. Francione, *Animals—Property or Persons? in in Animal Rights: CURRENT DEBATES AND NEW DIRECTIONS*, 108 108 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004), p.128.

⁹ *Ibid* at 128.

curiosity, imitation, reason...associated animals have a feeling of love for each other” and that animals “certainly sympathize with each other’s distress or danger”¹⁰

For example, there are recorded instances that dolphins saving humans, dogs, and other dolphins from sharks and fishing nets; and apes helping injured animals, including human children, who fall into their enclosures.¹¹

In the United States, more than eight billion animals are used for food.¹² These animals are raised in conditions known as “factory farming,” transported long distances in cramped, dirty conditions, and finally killed among the chaos and squalor of the slaughterhouse. Throughout the world, animals are being used for medical experiments, product testing, and education. Nowadays in modern society, the court is taking into account the needs and desires of the companion animal itself by modifying the best interest model currently in use for children involved in custody disputes. Some modern judges are attempting to grant custody of companion animals by thinking outside the envelope of conventional property concepts.

III. LEGAL STATUS OF ANIMAL WELFARE

In 1993 the “dignity of the Creature” was enshrined in the constitution of Switzerland. Switzerland’s Constitution became the first country in the world to acquire protection of the dignity of the creatures. In the year of 2008 the Swiss Parliament was taken up as the “dignity of animals” in the entirely revised Animal Protection Act.¹³ Furthermore, in 2003 a change of law was made into effect with a milestone article in the Civil Code stated that animals are not objects. In Sweden, drugs and hormones are only allowed to treat disease and animal “slaughter must be as humane as possible.”¹⁴

The European Convention for the Protection of Animals was kept for farming intention of 1976 is a framework convention introducing principles for the housing and management of farm animals, particularly for animals in intensive breeding systems.¹⁵ The European Convention for the Protection of Animals for Slaughter of 1979 applies to the movement, handling, restraint, stunning, and slaughter of domestic animals in slaughterhouses, and slaughter operations.¹⁶ The European Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes

¹⁰ *Ibid* at p.127.

¹¹ Kristin Brethel-Haurwitz & Abigail Marsh, “Animal Altruism? Nereseearch describes how humpback whales protect seals from harm” in *Psychology Today* (Oct. 18, 2016), <https://www.psychologytoday.com/blog/goodness-sake/201610/animal-altruism>.

¹² Gary L. Francione, *Animals—Property or Persons?* in *Animal Rights: CURRENT DEBATES AND NEW DIRECTIONS*, 108 108 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004).p.123.

¹³ An English translation of the Federal Constitution of the Swiss Confederation is available at <http://www.admin.ch/ch/e/rs/c101.html> (last visited April 10, 2011).

¹⁴ David J. Wolfson & Mariann Sullivan, *Foxes in the Hen House: Animals, Agribusiness, and the Law: A Modern American Fable*, in *Animal Rights: CURRENT DEBATES AND NEW DIRECTIONS*, 191, 332 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004, p. 222.

¹⁵ European Convention for the Protection of Animals kept for Farming Purposes, ETS No.087.

¹⁶ European Convention for the Protection of Animals for Slaughter, ETS No.102.

of 1986 concerns the use of animals in experiments and testing.¹⁷ The European Convention for the Protection of Animals During International Transport of 2003 lays down the general conditions for the international transport of animals from their preparation, to loading, and finally to unloading. The Convention also provides the design of transport means, fitness for transport of the animals, veterinary controls, handling of animals, and certificates. It sets out special conditions for the transport of animals by road, air, sea, and rail.¹⁸

IV. THE ANIMAL PROTECTION DYNAMICS IN BANGLADESH

More than the century-old Cruelty to Animals Act of 1920 has been replaced by a new Animal Welfare Act of 2019 in Bangladesh. The Bangladeshi law encloses a more comprehensive enumeration of cruel and unjust treatment of animals and proscribes punishment. The Act enlisted some activities or behavior which will be treated as unnecessary cruelty to animals in section 6(2). The existing provision lists activities such as beating, beating with a sharp metallic weapon, overfeeding, underfeeding, long and unnecessary restrictions, failure to provide medical treatment, unpermitted use of animals for recreational purposes, injecting or feeding harmful and unnecessary medicines, using unfit animals for reproduction, medicating farm animals with excessive antibiotics, etc. A diseased animal may be put to rest and domesticated animals shall be treated humanely ways. The activities defined in section 6 under sub-section (3), section 7 under sub-section (2), section 8 under sub-section (2), section 9 under sub-section (3), section 12 under sub-section (6), section 13 under sub-section (3) are punishable with imprisonment of up to six months and/or a fine up to Taka ten thousand.¹⁹ Moreover, the Act makes punishment for poisoning animals under section 11 subsection (1) or causing loss of their organs under section 10 subsection (1) punishable with up to two years of imprisonment and/or a fine of up to Taka fifty thousand. In this Act, it was not explicitly mentioned of cruelty against stray animals and the conservation of domestic and endangered species of wildlife through domestic action.

The most important feature of the act is that registration and written permission must be obtained for farming establishments or use of animals for demonstration and training purposes respectively. Another remarkable provision enacted that the written permission of a veterinary surgeon is necessary for the painless death of a diseased animal through the use of euthanasia. As a practical matter, farmed animals have no legal protection at all as farming becomes more industrialized and less humane. While talking about animal cruelty, millions of animals never experience sunshine during their lifetime, or enjoyment of grass, trees, and fresh air. Sometimes never experience unfettered movement, sex, or many other things that make up most of what we think of as the ordinary pattern of life on earth. However, in the absence of any requisite frequency of such inspection and proper supervisory duties of the authority, it is likely

¹⁷ European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, ETS No.123.

¹⁸ European Convention for the Protection of Animals during International Transport (Revised) ETS No.193.

¹⁹ Animal Welfare Act of 2019 in Bangladesh.

that the well-formulated provisions of the Act will remain largely ineffective. In addition, the Animal Welfare Act does not regulate all forms of the commercial transportation of animals and the registration of all carriers under the Act. (The commercial transportation of animals is shown in Figure 1)

Figure 1



In the Act, there is no clear provision that no person shall incite one animal against another and no person shall organize a contest between animals. It is needed to insert a provision on animal fighting and any other sport or competition involving animals is strictly forbidden.

We tend to focus on the benign aspect of the expansion of international law-making. However, perhaps we should not easily dismiss its malignant aspects. Its negative impact tends to be more visible on weak states. The Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement) shows an example.²⁰ The TRIPS Agreement was designed to increase incentives on a global scale for investment in the research and development of new ideas and technologies. In so doing, it prescribes the minimum standards for intellectual property rights protection to be provided by WTO members, and thus generally necessitates domestic legislation by their governments. It has been argued, however, that having no adequate resources for research and development and with the cost of innovation prohibitive for them, developing countries may be excluded from the long-term benefits of intellectual property rights protection, while losing the possibility of copying or of importing copies may incur immediate social costs.²¹ This affects especially the price of pharmaceuticals vital for curing certain diseases such as HIV/AIDS. Nonetheless, developing countries cannot refuse the TRIPs agreement altogether, for it is an integral part of the WTO Agreement,²² and withdrawing from the entire free trade regime and therefore abandoning all the benefits is not an option for them. In this way, international law-making may create rules which have detrimental effects on domestic society.

20 I owe this example to Pawarit Lertdhamtewe.

21 Yamane Hiroko, *Interpreting TRIPS, Globalisation of Intellectual Property Rights and Access to Medicines* (Hart 2011) 1.

22 *Marrakesh Agreement establishing the World Trade Organization* (15 April 1994) LT/UR/A/2 art 2 para 2.

However, creation of international rules with particular substance which is prejudicial to some states is perhaps not the only problem. A greater problem may be found in that, regardless of whether rules created are especially disadvantageous, they are created at the international level in such a way as to specify the mode and content of legislation to be made within the domestic legal order. Issues with regard to particular content of international rules may have different contexts and should be dealt with accordingly. But, at an abstract level, the expansion of international law-making poses a more general problem of its impact upon the domestic legal process. Even if it only generates rules with substance which causes no difficult issues in domestic society, the international law-making process has perhaps undermined the legitimacy of law at the domestic level by putting the domestic legal order into an auxiliary position. But we should not be quick in reaching such a conclusion. We may be deceived by unreasonable nationalist affection for sovereignty. Thus, in this paper, I will make an analysis to find out more specifically what impact the expansion of international law-making has brought about and what its future consequences will be.

V. EXPLOITATION OF ANIMALS IN TRANSPORTATION WITH VARIOUS FORMS

Animals are exploited through their use in entertainment in film, television, zoos, carnivals, circuses, racetracks, dolphin exhibits. Animals are likely human slave was regarded as property; the slave owner was able to disregard all of the slave's interests if it was economically beneficial to do so. As *Francione* concludes, "the only difference between humans and animals is species, and species is not a justification for treating animals as property any more than is race a justification for human slavery."²³

Moving from one place to another place animal can get injured, lost, and sometimes died during transportation. Many animals are not used to being restrained with long time and this could be a stressful event for the animal. The transport of pets affects their welfare. In spite of the existence of laws governing the transport of pets, weak regulations and poor enforcement of these regulations has had a negative impact on the welfare of animals during transport.²⁴ The usual transportation of animals is made with by road, rail, sea, or airplane. Due to rapid growing of modern farm industry, in the transport of pets makes it crucial to assess the effects of this method of transport on the health and well-being of the animals.²⁵ Sometimes injuries are not caused by animals themselves, but by humans handling the animals causes injuries and by improper handling is the most common causes of physical injuries during transport in

²³ Gary L. Francione, *Animals—Property or Persons? in in Animal Rights: CURRENT DEBATES AND NEW DIRECTIONS*, 108 108 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004).p.131.

²⁴ In 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century established Section 710,

which required reports by carriers on incidents involving animals during air transport. see Jol A. Silversmith, *Airline Animal Incident Reports*, Third Amendment (Feb. 3, 2018), www.thirdamendment.com/AnimalReports.pdf.p.229.

²⁵ Michael C. Appleby et al., *Long Distance Transport and Welfare of Farm Animals* 69 (CABI ed., 2008) [hereinafter *Farm Animals*].

companion animals. In the United States, the air transport of pets is overseen by the Animal and Plant Health Inspection Service (APHIS). This agency is a branch of the United States Department of Agriculture, enforces the Animal Welfare Act.²⁶ In Bangladesh there is an absence which intended primarily to ensure the proper care of research animals, also works to ensure the humane treatment of animals during transportation. We need to develop regulations and standards that would eventually be compiled in the Animal Care Inspection Guide. Again new provision must establish minimum requirements for primary enclosures, food, water, care in transit, terminal facilities, and handling. Moreover, a safe oxygen level is required by companion animals during transport. In 1974, the European Union (E.U.) passed the first animal protection law for the transportation of farm animals and it seemed that the E.U. was ahead of the rest of the world.²⁷ In 2006, England presented The Welfare of Animals (Transport) Order which came into force in 2007.²⁸

VI. LEGAL PROTECTION OF ANIMAL: INTERNATIONAL PERSPECTIVE

The Bangladesh Constitution states, “The State shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens.”²⁹ As Bangladesh has an enormous human population who lived in acute poverty, so animal protection goes unnoticed, and the laws are rarely enforced. India have federal law (The Prevention of Cruelty to Animals Act of 1960) that includes an array of provisions governing the treatment of nearly every category of the animal-domestic, farm, wild, captive, or other.

In Canada, the case of *Bogaerts v. Attorney General of Ontario*, Justice Minnema found that the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Act was unconstitutional.³⁰ The Act was questioned and Justice Minnema emphasis on enforcement of law and set down some principles of fundamental justice that public agencies must be subject to accountability and transparency measures.³¹ The decision was overturned in November 2019, and the burden shifted to the police or new enforcement agencies to enforce animal protection laws.³² After that Canadian Parliament passed historic legislation relating to animals in 2019.³³ In Australia, each

²⁶ Andrew D. Cardon et al., *The Animal Welfare Act: From Enactment to Enforcement*, 51 (3) J. Am. Ass'n for Lab. Animal Sci. 301-305 (2012).

²⁷ *Welfare of Animals During Transport*, Dep't for Env't Food & Rural Affairs (June 13, 2011), <https://www.gov.uk/government/publications/welfare-of-animals-during-transport>.

²⁸ *Welfare of Animals During Transport*, Dep't for Env't Food & Rural Affairs (June 13, 2011), <https://www.gov.uk/government/publications/welfare-of-animals-during-transport>.

²⁹ Constitution of Bangladesh Article 18A. Article 18A was inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 12.

³⁰ *Bogaerts v. Attorney Gen. of Ontario*, 2019 ONSC 41 (Can.).

³¹ *Ibid.*

³² *Ontario (Attorney General) v Bogaerts*, 2019 ONCA 876.

³³ *Ending the Captivity of Whales and Dolphins Act*, S-203 2019, c. 1; Received Royal Assent June 21st, 2019 [hereinafter *Ending the Captivity of Whales*]; *An Act to Amend the Fisheries Act and other Acts in Consequence*. Bill C-68 2019, c. 14; Received Royal Assent June 21st, 2019B [hereinafter *An Act to*

individual state and territory has its own animal welfare legislation whether federal law does not proscribe protecting domestic animals.

Animal welfare has taken place during international litigation, namely the reports of the World Trade Organization (“WTO”) Dispute Settlement Panel on the European Community’s (“EC”) ban on seal products and the judgment of the International Court of Justice (“ICJ”) on whaling in the Antarctic.³⁴ The ICJ move toward upon the opportunity to thrash out the issue of animal welfare, specifically the welfare and protection of whales. Namely in its landmark case; *Whaling in the Antarctic* Australia confronted the legality of Japan’s whaling agenda based on alleged commercial interests, which run opposing to the purpose and objective of the International Convention for the Regulation of Whaling.³⁵

In October 2004, a cat died on a flight from Asheville, North Carolina to Phoenix, Arizona. APHIS³⁶ specifically attributed the death of the cat to the acceptance of an inadequate enclosure.³⁷ When a pet is dies then pet owners have filed lawsuits against airlines in an effort to hold them accountable for the fate of their pets. Basically, their battle for justice usually ends with a small monetary compensation.

In 1996, Lilo Juan Hipolito sued Aerolíneas Argentinas S.A. for the death of his German Shepherd.³⁸ As because the flight was international and according to the Warsaw Convention rules governing international shipping had to be applied, The Warsaw Convention is an international agreement that regulates liability for “international carriage of persons, luggage, or goods performed by aircraft for reward.”³⁹ In Mr. Hipolito’s case, the Court of First Instance found the airline was at fault because the cargo compartments did not possess the appropriate conditions to transport the animal safely, and the airline failed to prove the animal died of natural causes. The countless injuries and deaths of pets during air transport have only cost airlines a small amount of money, but ultimately, the animals are the ones paying the highest price of all. The 2016 report indicates a total of 523,743 animals were transported between seventeen airlines.⁴⁰

Amend the Fisheries Act]; and *An Act to Amend the Criminal Code (bestiality and fighting)*. Bill C-84 2019, c. 17; Received Royal Assent June 21st, 2019.

³⁴ *Whaling in the Antarctic (Austl. v. Japan: N.Z. intervening)*, Judgment, 2014 I.C.J. Rep. 226 (Mar. 31).

³⁵ *Whaling in the Antarctic (Austl. v. Japan: N.Z. intervening)*, Judgment, 2014 I.C.J. Rep. 226 (Mar. 31).p 249-250.

³⁶ Animal and Plant Health Inspection Service has been protecting the health and value of America’s agricultural and natural resources.

³⁷ Jol A. Silversmith, *Airline Animal Incident Reports*, Third Amendment (Feb. 3, 2018), www.thirdamendment.com/AnimalReports.pdf. p, 229.

³⁸ *Mascota fallecia—Lillo contra Aerolíneas Argentinas*, Problemas Con Tu Vuelo Blog (Sept. 11, 2009), <http://problemascontuvuelo.blogspot.com.es/2009/09/lillo-contra-aerolineas-argentinas.html>.

³⁹ *Warsaw Convention*, Bus. Dictionary (“Warsaw Convention” is an “international civil aviation agreement that establishes the legal framework for carriage of passengers, luggage (baggage), and goods (cargo”).

⁴⁰ Dep’t of Transp., *Air Travel Consumer Rep.* (2016), <https://www.transportation.gov/sites/dot.gov/files/docs/2017FebruaryATCR.pdf>.

VII. ENDANGERED ANIMALS PROTECTION

The aim of the diverse biodiversity led to the enactment of laws for the protection of nature, assets, wildlife, and their habitats. The Endangered Species Act was enacted to provide for the conservation of domestic and endangered species of wildlife through domestic action and through cooperation with state endangered species conservation programs consistent with the domestic law. Moreover, the US Congress in enacting the Endangered Species Act, intended endangered species to be afforded the highest of priorities because the question of the existence of endangered species threatens is great issues. The objective of the Endangered Species Act is to enable listed species not merely to survive but to recover from their endangered or threatened status.⁴¹ In Bangladesh, with the line of international framework it makes illegal to import into or export from Bangladesh any listed species of fish or wildlife; possess, sell, deliver, carry, transport, or ship any listed species taken in violation; deliver, receive, carry, transport, or ship any listed species in interstate or foreign commerce, or by any means whatsoever in the course of commercial activity; sell or offer for sale in interstate or foreign commerce any listed species; or, violate any regulation promulgated pursuant to the authority. It is unlawful for any person to make or submit any false record, account, or any false identification of, any fish, wildlife, or plant which intended to be imported, exported, transported, sold, purchased, or received from any foreign country; or transported in interstate or foreign commerce.

Climate change will continue to threaten species around the world. The CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants doesn't threaten their survival. The resolution was approved in 1963 with a draft at a meeting of members of the International Union for Conservation of Nature (IUCN).⁴² The Convention entered into force on 1 July 1975. Bangladesh ratified the convention in November 1981. The parties state of the CITES has been binding towards it. It regulates the international trade in specimens of selected species to a specific mechanism. All import, export, re-export, and introduction from the sea of species covered by the Convention have to be authorized through a licensing system. Each State party to the Convention is required to delegate one or more Management Authorities responsible of controlling that licensing system. The term "import" means to land on, bring into, or introduce into or attempt to land on, bring into, or introduce into, anywhere subject to the jurisdiction of the States. Moreover, it included whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the States.

According to IUCN, Bangladesh has 895 varieties of vertebrates of which 13 species are extinct and 201 are under threat; 702 marine and migratory vertebrates of which 18 species are under threat, 265 fresh water fish and 24 prawn inland species of which 54 are threatened and 12 are critically endangered; 475 marine fish and 38 salt water shrimp species of which 4 are under threat.⁴³ Sundarban harbor about 400 species of

⁴¹<https://1.next.westlaw.com/Link/Document/FullText> accessed at Nov.6, 2019.

⁴² <http://www.cites.org/eng/disc/what.shtml> accessed at Nov.6, 2019.

⁴³ See Rio+20: Bangladesh Report on Sustainable Development". May 2012 and Rowshan Jahan Farhana, "Ensuring Animal Welfare in Bangladeshi Legislations and Policies: A Comprehensive Review

wild animals.⁴⁴ In figure two a red serow was rescued from Bandarban dist of Bangladesh which is a species declared endangered by the International Union for Conservation of Nature (IUCN).

Figure 2



Source: 25 January 2020 *The Business Standard*

Throughout the world, habitats are being devastated at an alarming rate, locating many wildlife species in threat of extinction. Threatened and endangered wildlife live around the globe and we're likely to search out some in our own backyard. Critically Endangered species are Cross River Gorilla, Black Rhino, Orangutan, Hawksbill Turtle, Amur Leopard etc.. Some are endangered listed as like Blue Whale, Asian Elephant, Chimpanzee, Galápagos Penguin, Ganges River Dolphin, Green Turtle, Indus River Dolphin, Red Panda, Sea Lions, Whale Shark. Vulnerable species are Gaint Panda, Dugong, Black Spider Monkey, Hippopotamus, Polar Bear etc. and some are near threatened or least concern.

To defend endangered animals, think both globally and locally. Be familiar with the wild fauna and flora in their many attractive and various forms are an irreplaceable part of the natural systems of the earth which must be protected for this and therefore the generation to come back. We'd like to watch out of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational, and economic points of view. We the people and therefore the State mechanism should be the best protectors of their own wild fauna and flora. In this regard, international co-operation is crucial for the protection of certain species of wild fauna and flora against over-exploitation through international trade. Bangladesh Government is incredibly much convinced on taking appropriate measures to the current end.

If any dispute arises between two or more Parties with relevancy to the interpretation or function of the provisions of the present Convention shall be subject

Of National Legislations, Coordination and Implementation Failures” in *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, Volume 21, Issue 3, Ver. IV (Mar. 2016) PP 82-87.

⁴⁴ Fourth National Report to the Convention on Biological Diversity(Biodiversity National Assessment and Programme of Action 2020), January 2010

to negotiation between the parties involved within the dispute. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.⁴⁵

The purpose of the Endangered Species Act in US is defined as following,

- a) To provide ecosystems upon which endangered and threatened species depend may be conserved.
- b) To provide a program for the conservation of such species as declared by the Endangered Species Act.

VIII. CONCLUSION

According to the above analysis in animal rights viewpoint, the animals are not property or pieces of furniture but have the same legal status as a living creature. If we do not think so it will always be vulnerable to the whims of human beings.⁴⁶ Jewish principle of *tzaar ba'alei chayim*, which means the suffering of living creatures forbidding unjustified cruelty, or causing unnecessary pain to animals as a biblical mandate commonly accepted by the *Talmud*.⁴⁷ Again the *Qur'an* is not the only Islamic source for messages of kindness towards animals. There is a rich tradition of the Prophet Mohammed's (pbuh) concern for animals to be found in the Hadith and Sunna. For example, the Prophet Muhammad (pbuh) condemned the beating of animals and forbade striking, branding, or marking them on the face. He was vocal in his disapproval of the cruel practices of notching and slitting of ears of animals and the practice of putting painful rings around the necks of camels (Hadith: Bukhari). Islam has also laid down rules for humane slaughter. In many countries animals are killed without pre-stunning. The state must pay attention for the natural foundations of life and animals by legislation and in harmony with domestic law, or by the executive and judicial action, all within the framework of the own constitutional framework. So, Bangladesh should come forward to take welfare policy to protect animal rights in according to international lens.

⁴⁵ <http://www.cites.org/eng/disc/text.shtml#XVIII> accessed at Nov.6, 2019.

⁴⁶ Gary L. Francione, *Animal Welfare and the Moral Value of Nonhuman Animals*, 6 Law Culture & Human. 24, 24 (2010) ("Although we do not treat all humans equally, we accord all humans the right not to be treated as property. We cannot justify not according this one right to all sentient nonhumans.").

⁴⁷ Michelle Kretzer, *Israel Orders Slaughterhouses to Install Cameras*, Peta (Jan. 12, 2016), <https://www.peta.org/blog/israel-orders-slaughterhouses-to-installcameras/>.

