

ANIMAL WELFARE: PROTECTION ON WORKING ANIMALS

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Abstract

Animal welfare refers to the overall physical and emotional well-being of an animal in the environment it inhabits and during its life and death. An animal's welfare is considered good if it is in good health, comfortable, well-nourished, safe, free from suffering such as pain, fear, and discomfort, and able to exhibit behaviors essential for its physical and mental well-being. In numerous low and middle-income countries, individuals rely significantly on draught animals. Approximately 95% of animal caretakers live in extreme poverty, making working animals their most valuable and cherished possession. They empower their owners to engage in labor, enhancing their economic capabilities, while also advancing gender equality, facilitating access to crucial services, and offering chances to engage in cost-saving programs. Around 100 million working animals play a crucial role in agricultural systems, providing income for their owners and helping save approximately 20 million tons of fuel annually. The impact of legislation on animal welfare is contingent upon the actions and decisions made by the owner in using and maintaining the animals. Regardless of legislation, numerous individuals have criticized actions deemed as cruel to animals. Animals utilized by humans should not be seen as mere objects but should be safeguarded from any activities that could lead to their misery. This issue is ancient and prevalent throughout human culture. The study intends to assess the compatibility between reaching the United Nations (UN) Sustainable Development Goals (SDGs) and enhancing animal welfare for working animals. The document aims to acknowledge the crucial role of working animals in reducing poverty, eradicating hunger, controlling disease spread, and addressing environmental concerns. The research emphasizes the importance of safeguarding the well-being of working animals by asserting that "assisting animals equates to assisting people."

Keywords: Animal welfare, working animals, Sustainable Development Goals

Introduction

Animal welfare concerns the health of the animal's body and mental state. Only if an animal is healthy, comfortable, well-nourished, safe, able to express innate behaviour, and if it is free of pain, fear, and distress, is it considered to be in a reasonable state of welfare. Protecting the welfare of animals has unequivocally entered the public policy mainstream in a growing number of countries, with significant public and private regulations governing the welfare of animals in human care. The inclusion of animal welfare in the third strategic plan (2001-2005) by the World Organisation for Animal Health (OIE) recognized the increasing public awareness and the need for governmental leadership in the development of animal welfare policies and guidelines. Myanmar has been a member of the World Organization for Animal Health (OIE) since 24th August 1989. Animal Health and Livestock Development Law, 2020 is the main piece of legislation dealing with animal welfare in Myanmar. The main focus of this study is on sport and entertainment by animals and service animals.

Research Method

The study utilizes the qualitative method, involving a review of many sources such as studies, articles, books, and case analyses. This approach offers insights into the current situation,

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challenges, potential solutions for animal welfare, and their connection to the Sustainable Development Goals (SDGs). The study also examines current regulations and laws regarding the utilization of working animals, assesses their effectiveness, and identifies any shortcomings that could be causing welfare problems. The study examines the welfare of working animals in different countries and working conditions as dictated by their respective laws. This strategy can help find optimal practices and areas for enhancing and advancing animal welfare.

Research Questions

1. What is the concept of animal welfare and explain its significance?
2. How does animal welfare intersect with the legal regulations concerning working animals?

Concepts of Animals Welfare and Protection

Animals play many vital roles in the lives of people all over the world. Nearly half the world's population is involved in agriculture and livestock are important for food, for labour and for income.¹ World Animal Day is celebrated every year on 4th October to raise awareness about improving the welfare standards of animals across the globe. The theme of World Animal Welfare Day 2023 is "Great or small, love them all." The scientific study of animal welfare has developed rapidly during the last fifteen years. The concepts have been refined and a range of methods of assessment have been developed.²

The internationally recognized 'five freedoms': freedom from hunger, thirst, and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury, and disease; and freedom to express normal patterns of behaviour; provide valuable guidance on animal welfare.³ Man as an animal species shall not arrogate to himself the right to exterminate or inhumanly exploit other animals. It is his duty to use his knowledge for the welfare of animals.⁴ All animals have the right to the attention, care and protection of men.⁵

The concept of animals being inferior to humans and were, hence, lacking in thoughts and feelings was still apparent however, in 1637 when dogs were being nailed to boards and dissected without anesthesia in order to observe the functions of the lungs and circulatory system. Descartes tried to justify this practice on the grounds that animals are mere "automata" or machines.⁶

Nevertheless, the concept of animals as property was supported by Western philosophy with Rene Descartes, as mentioned above considering that animals were little more than

¹ Albert Schweitzer, *Animal Welfare Matters, the Case for a Universal Declaration on Animal Welfare*, 2007, p. 3.

² Donald M. Broom, *Introduction- Concepts of Animal Protection and Welfare: Including Obligation and Rights*, University of Cambridge, December 2006, p. 4.

³ Article 7.1.2 (3), *Guiding principles of animal welfare, Terrestrial Animal Health Code, Volume I, Twenty-Eight Edition*, 2019, p. 333.

⁴ Article 2 (2), *Universal Declaration of Animal Rights*, 1978.

⁵ Article 2 (3), *Ibid.*

⁶ Alex Bruce, *Animal & the Law*, 2015, p. 35.

automata without the capacity for pain. And Immanuel Kant considered that animals were means to human ends such that humans owed “indirect duties” towards them.¹

The present-day concept that animals have legal rights is based on, John Stuart Mill’s famous version in 1869 of the principle that, “the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others”. This principle of the prevention of harm to others may also justify regulation relating to animal welfare which is, of course, principally the prevention of harm to animals. The case for regulating animal welfare might rely on the following propositions;

- that there is a need to protect the welfare of animals
- that there is sufficient community wide agreement on basic principles about animal welfare that provide a basis for regulating, namely that use of animals is acceptable, as long as it is humane
- that animal welfare can be genuinely promoted through regulation
- that the protection of animal welfare cannot be conveniently achieved in some way other than regulating it, principally because private and third parties cannot, through the legal system, satisfactorily vindicate those interests and because the unregulated market is incapable of delivering that outcome.²

A case indicative of this last point is the case of *Kama the Dolphin*. In 1991, a group of animal rights activists sued on behalf of Kama, a dolphin trained at great expense by the U.S Navy and transferred to the Naval Ocean System Centre in Hawaii from his previous home in a Boston aquarium. The suit held that Kama’s life would be in jeopardy in his new environment, and that his rights were therefore violated by his forcible transfer. The court threw out the case on the grounds that Kama, being a dolphin, could not sue, either in Hawaii or Massachusetts.³

This case shows that there is a need to institute laws and regulations which recognize that animals have rights and which protect them from being harmed by humans, through making it possible for individuals or groups (private and third parties) to take legal action against an animal rights offender since the animals themselves, not being legal persons, cannot do so.

There is no official definition of the term “protection”. It can be seen as a general principle which includes both abstaining from harmful activities and taking affirmative measures to ensure that environmental deterioration does not occur. Increasingly, the concept of protection includes comprehensive ecological planning and management, including substantive regulations, procedures, and institutions on a national scale.⁴ Animals were considered as mere property that suffered no pain while in fact, animals like all living beings, are capable of feeling both physical pain and mental suffering.

¹ Alex Bruce, *Animal & the Law*, 2015, p. 35.

² Geoff Bloom, regulating animal welfare to promote and protect improved animal welfare outcomes under the Australian Animal Welfare Strategy, 2008, p. 7.

³ Roger Scruton, *Animal Rights*, City Journal, 2000, p. 2.

⁴ Alexandre Kiss, *Introduction to International Environmental Law*, United Nations Institute for Training and Research, 1997, p. 79.

Animal Welfare under Sustainable Development Goals

All SDGs were found to be linked to animal welfare, it is not surprising that at least one of the targets under each SDG, but often several, could also be linked to animal welfare.¹ The relevance of good animal welfare and health for sustainable development is acknowledged elsewhere e.g., the Food and Agriculture Organization (FAO), the World Organization for Animal Health (OIE), and the World Health Organization (WHO) agreed in 2010 to share responsibilities and coordinate global activities to address health risks at the animal-human-ecosystems interfaces.² The first time in the UN's 71st year history that animal welfare had been identified as a global goal of sustainable agricultural policy. In light of these advances in sustainable agriculture policy, there is an underlying premise that there exists a universal definition of animal welfare.³

Nevertheless, it is no easy task to integrate targets for the many different categories of animals (food producing, working, laboratory, pet, sport, and wild animals) and the different ways in which we interact with them in a balanced way into the various SDGs.⁴ The importance of animal care are brought together by their relevance to the UN Millennium Development Goals, as many of the goals will be helped by increased care of animals. Reducing poverty, hunger and child mortality, improving maternal health and combating disease (goals 1, 4, 5 and 6) will all be assisted by improving nutrition, including by appropriate use of products from healthy, productive livestock. Combating disease in people (goal 6) must also tackle diseases in animals. Ensuring environmental sustainability (goal 7) involves decisions on management of livestock and wildlife, for example choosing more sustainable grazing systems rather than intensive housing. Developing partnerships for development (goal 8) will be promoted by trade of organic and high-welfare animal products. Promoting gender equality (goal 3) will be aided by recognising the roles and opportunities men and women have in animal care, and supporting these appropriately to the benefit of both animals and people.⁵

The 2030 Agenda for Sustainable Development's Goals cover Goal 1: no poverty; end poverty in all its forms everywhere in relation to the case of working animals (e.g., equids), improved welfare contributes to increasing transport and carrying capacity, so promoting income. Goal 2: zero hunger; end hunger, achieve food security and improved nutrition and promote sustainable agriculture. In the case of working animals, it contributes to increasing agricultural production. Goal 4: quality education; provision of information to adults; ensure inclusive and equitable quality education; and promote lifelong learning opportunities for all, including consumers and citizens affects societal attitudes and demand related to animal production, as well as how pet and sports animals are treated. In Goal 6: clean water and sanitation, ensure availability and sustainable management of water and sanitation for all. Clean water and sanitation are important for the health of both animals and humans, so these two factors are

¹ Linda Keeling, Hakan Tunón, Gabriela Olmos Antillón, Charlotte Berg, Mike Jones, Leopoldo Stuardo, Janice Swanson, Anna Wallenbeck, Christoph Winckler and Harry, *Animal Welfare and United Nations Development Goals*, 2019, p. 5.

² FAO, OIE, WHO, The FAO, OIE, WHO Collaboration: Tripartite Concept Note, 2010.

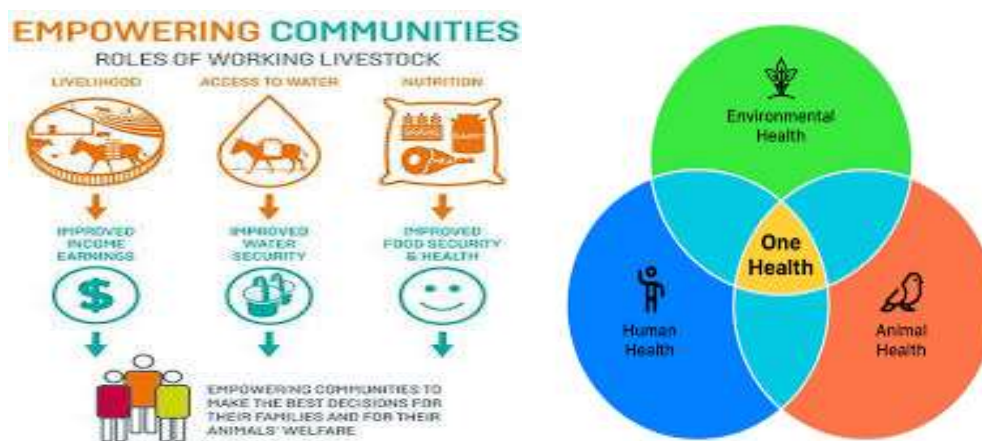
³ Buller H, Blokhuis H, Jensen P, Keeling L, *Towards Farm Animals Welfare and Sustainability Animals*, 2018, p. 8.

⁴ Linda Keeling, Håkan Tunón, Gabriela Olmos Antillón, Charlotte Berg, Mike Jones, Leopoldo Stuardo, Janice Swanson, Anna Wallenbeck, Christoph Winckler and Harry, *Animal Welfare and United Nations Development Goals*, 2019, p. 5.

⁵ Albert Schweitzer, *Universal Declaration on Animal Welfare*, World Society for the Protection of Animals, 2008, p. 16.

mutual benefits. According to Goal 8: decent work and economic growth; promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Working with animals or having pets at the work place can also enhance the working environment. Working dogs (drug control, dogs for the blind, etc.) work better when their welfare is good.¹

When developing national policies for animal health and human health, the above-mentioned SDGs goals and targets should be considered. As a result, the growing interface between humans and animals is a critical component that requires ongoing supervision and monitoring. Recognizing that all species are linked by their interactions is crucial to accomplishing the SDGs. Protecting and improving animal welfare helps to achieve many of the goals and targets outlined in the 2030 Agenda.



Source: OIE Global Forum on Animal Welfare, 2020.

Sport and Entertainment by Animals

A welfare approach accepts the legitimacy of the use of animals for food, sport, entertainment, fashion and science. This approach concerns itself with the need to treat animals humanely in the process of using them; A rights approach seeks a radical reassessment of the legal status of animals, advocating that animals are legal “persons” with associated legal interests.²

Some of the most passionate and politicized debates on animal issues have been over the use of animals in sports and entertainment. Many opponents of animals in entertainment have posted their ideas on web sites rather than in books.³ A variety of animal sports are dog racing, bull fighting, rodeos, horse shows, horse racing and cock fighting and entertainment includes theatre, film, television, circuses, zoos and aquariums.

¹ Linda Keeling, Håkan Tunón, Gabriela Olmos Antillón, Charlotte Berg, Mike Jones, Leopoldo Stuardo, Janice Swanson, Anna Wallenbeck, Christoph Winckler and Harry, *Animal Welfare and United Nations Development Goals*, 2019, p. 6 & 7.

² Alex Bruce, *Animal & the Law*, 2015, p. 39.

³ Helen Stoddart, *Animals in Sport and Entertainment*, 2004, p. 25.

Sport

Animals are forced to battle each other to the death in terrible blood sports like dog fighting and cock fighting. Dog fighting is extremely harsh and brutal, resulting in significant suffering and fatalities just for the purposes of entertainment and gambling. Dogs have an intricate domesticated bond with humans. One of the initial stages of domestication probably involved eliminating highly violent or territorial dogs to enable them to live alongside humans and other dogs. Organizing dog fights as a kind of entertainment can lead to the breeding of aggressive tendencies in dogs that are not typical of tamed animals. This process can result in the emergence of dangerous breeds in some nations. Cockfighting is prevalent in certain Latin American and Asian nations.

Concerning the animal fighting ventures provided in Section 31(1) of the Animal Welfare Act, New Zealand, 1999.

A person commits an offence who -

- (a) knowingly owns, possesses, keeps, trains, or breeds an animal for the purposes of having that animal participate in an animal fighting venture; or
- (b) knowingly sells, buys, transports, or delivers to another person any animal for the purposes of having the animal participate in an animal fighting venture.

(2) In this section, animal fighting venture -

- (a) means any event that involves a fight between at least 2 animals and is conducted for the purposes of sport, wagering, or entertainment; but
- (b) does not include any activity the primary purpose of which involves the use of or more animals in hunting or killing an animal in a wild state.¹

In this connection, where a sport and entertainment animal suffer from cruelty at the hands of its handlers, the Animal Health and Livestock Development Law which was adopted in 2020 in place of the Animal Health and Development law 1993 and four other laws, could be applied. But where the sport or entertainment in question is conducted as an act of gambling where spectators place bets on the prowess of one of the animals competing in a dog-fight, a cock-fight, etc., which can cause severe injuries to the animals, action can also be taken under the Gambling Law, 1986.

A case in point occurred on January 3, 2016 in Homalin, Sagaing Division. Upon receiving news of a cock-fight being held at the premises of one U Mee Cho, members of the Homalin Police Station raided the premises and arrested U Mee Cho and 6 others. Kyats 109,000 and four game-cocks were also confiscated. Charges were filed against U Mee Cho and 6 other persons under the Gambling Law, 1986.²

Animals used as a sport at this time were subject to Gambling Law. But this law was repealed by the Gambling Law of 2018. In Myanmar, cock-fight is actioned under the Gambling Law but other countries inserted the animal cruelty of their Animal Welfare Law, Criminal Law, etc.

¹ Section 31 (1), Animal Welfare Act, New Zealand, 1999.

² The Mirror (Newspaper), p. 14, 6th January 2016.

Zoos and Aquariums

Today, there is much contention relating to the role of zoos and aquaria within society, as to whether these facilities serve purposes other than the display of animals for human entertainment. On the other hand, zoos and aquaria have been regarded as ‘guardians of endangered species, and they claim to promote ‘community education, research and conservation’. Zoos and aquaria can play a role in the conservation of endangered species, as a number of species which have died in the wild or were on the verge of extinction have been saved through captive breeding programs in zoos and aquaria.¹

In spite of the positive roles played by zoos, it is noteworthy that in the region of 6,000 species are either threatened or endangered, yet only a handful are in captive breeding programmes and only around twenty have actually been returned to the wild with any degree of success. Out of an estimated 10,000 zoos worldwide, less than 500 register their animals on an international species database. Of these, it is estimated that only between five and ten per cent of space is devoted to endangered species. Most animals in zoos, for example the African lions, elephants, and giraffes, are not threatened - they are simply exhibits.

Dolphin aquaria are places where whales and dolphins are kept in captivity, and are usually trained to perform for human spectators. They cause many animal protection problems. The capture of cetaceans (and seals, turtles) from the wild has had an impact on wild populations, and the losses (mortality) between capture and placement in the exhibition give additional stress to wild populations. The methods used for wild capture (netting and driving to nets or to shore) are likely to be very stressful to the animals and there is a risk of injury and mortality to animals that escape.²

Nevertheless, since zoos and aquaria are also regarded as the “guardians of endangered species”, they are permitted to be established under domestic laws and regulations in countries all over the world. In Australia, license requirements for animal display establishments are provided in Section 12 of the Exhibited Animals Protection Act, New South Wales, 1986 as:

(1) Each occupier of premises used as an animal display establishment of a prescribed class is guilty of an offence and liable to a penalty not exceeding 20 penalty units or to imprisonment for not more than 6 months, or to both, if the use of the premises as an animal display establishment of that class is not authorised by a licence.

(2) This section does not apply to or in respect of a zoological park established, maintained or controlled by the board, or any part of any such park.³

Section 13 of the Act, is on the classes of establishments, and states that “for the purposes of this Act, there shall be such classes of animal display establishments as are prescribed by the regulations”, then goes on to enumerate the classes of animal display establishments.⁴

Section 14 (1) prescribes the standards for or with respect to:

- (a) the facilities for the exhibition of animals
- (b) the conduct of, animal display establishments of any class.¹

¹ <http://cetaceaninspiration.wordpress.com/2011/12/22/>

² [www.worldanimalnet](http://www.worldanimalnet.org/)

³ Section 12, Exhibited Animals Protection Act, New South Wales, 1986.

⁴ Section 13, Ibid.

The Section also addresses matters relating to the issue of licenses stated in Section 15 which states:

- (1) A license for an animal display establishment of a prescribed class shall not be issued unless the Director-General is satisfied that the animal display establishment conforms to and will be conducted in accordance with any standards prescribed under Section 14 for animal display establishments of that class.
- (2) Different animal display establishments shall each be the subject of a separate application and a separate license or separate licenses.²

Particulars to be specified in licenses prescribed in Section 16 of the Exhibited Animals Protection Act, are provided as:

- (1) A license for an animal display establishment shall describe the animal display establishment which is the subject of the license.
- (2) A license for an animal display establishment shall relate to an animal display establishment of the class specified in the license.
- (3) Separate licenses relating to animal display establishments of different classes may be held concurrently for the same premises.³

With regard to dolphins used for entertainment, a number of countries have completely banned dolphin entertainment shows. Among these are the South American countries of Costa Rica and Chile. Some other countries permit the exhibition of dolphins under strict regulations. An example is the provision of limitation on dolphins and whales that may be exhibited in Section 36 of the Exhibited Animals Protection Act, New South Wales, 1986 which states that the Director-General of the Department of Agriculture may specify as a term of a license that only those dolphins and whales kept in captivity, at the premises are subjects of the license, and their progeny born in captivity at those premises, may be exhibited at those premises.⁴

With regard to the standard of care of animals kept for exhibition, the following case, *Jones V. Beame*,⁵ was brought against Zoos in New York. The plaintiffs challenged the conditions in which wild and exotic animals were kept at Zoos in New York City, seeking declaratory and injunctive relief. The plaintiffs alleged that the city's Zoo animals were subject to lack of veterinary care, inadequate habitats, mistreatment by members of the public and inadequate care by untrained staff, and they alleged that animals were being sold to people unqualified to care for them. Their goal was to shut down the three zoos operated by the city of New York. The Court of Appeal acknowledged that the allegations of cruelty to the animals are true. Indeed, many of the disturbing and even dreadful conditions to which they refer were matters of common knowledge. However, the court held that because New York City was in a budgetary crisis, its choice not to provide adequate funding for veterinary care or other basics to

¹ Section 14 (1), Exhibited Animals Protection Act, New South Wales, 1986.

² Section 15, Ibid.

³ Section 16, Ibid.

⁴ Section 36, Ibid.

⁵ 80 N.E.2d 277 (N.Y. 1978).

the zoo was a political question, best left to the executive branch and not reviewable by the courts.¹

This case shows that under United States Law, legal charges can be instituted against anyone who mistreats any animal, including those that are kept for exhibition purpose.

In Australia, there is no federal legislation which specifically deals with the use of animals for entertainment. The Australian Constitution does not explicitly address matters of animal welfare, and therefore, the Commonwealth does not have a significant role in this area. In 2009, the Australian government drafted the Australian Welfare Standards and Guidelines: Exhibited Animals. These standards and guidelines have been reviewed by a panel of the Australasian Regional Association of Zoological Parks and Aquaria, and are open for public consultation. These standards aim to ‘ensure animal health and welfare and public safety.’²

Exhibited animals are also protected by the Proposed Protocol for the Care of Exhibited Wildlife, 1988, Article 3 of which applying to all public exhibitions, consisting of primarily captive wildlife, commonly known as zoos. According to Article 3,

1. Any person with a collection of animals may be considered a public exhibition even though:
 - (a) it is a profit or not-for-profit enterprise;
 - (b) the public is or is not charged an admission fee;
 - (c) it is open for public viewing only during portions of the year; and
 - (d) the wildlife is obtained from other public exhibitions of wildlife, or are the offspring of captured wildlife rather than wild-caught animals.
2. An aquarium otherwise qualifying under paragraph (1) shall be considered a public exhibition of wildlife, even if it has performing marine mammals.
3. If a collection of animals is found to qualify as a public exhibition under this Protocol, then the conditions of all animals contained in the collection, regardless of source or species, shall be governed by this protocol.
4. The following shall not be considered public exhibition of wildlife for purposes of this Protocol:
 - (a) traveling carnivals, circuses and animal acts where animals are kept primarily for the purpose of performing tricks or maneuvers; and
 - (b) county fairs, livestock shows or other temporary gathering of primarily domestic animals.³

Also in Australia, Section 23 (1) and (2) of the Exhibited Animals Protection Act, New South Wales, 1986, states that an approval authorizing the exhibition of animals of a species shall not be issued unless the Director-General is satisfied that the person to whom it is issued has appropriate qualifications or experience or both, to exhibit animals of that species. Approvals authorizes the holder to exhibit, or supervise the exhibition of animals of the species specified in

¹ Joyce Tishler, *The History of Animals Law*, Part I, 2008, p. 8.

² <http://cetaceaninspiration.wordpress.com/2011/12/22>

³ Article 3, Proposed Protocol for the Care of Exhibited Wildlife, 1988.

the approval, but only when the animals are exhibited in accordance with the terms and conditions to which the approval is subject.¹

Clever animal shows are performed on weekends and public holidays, particularly on Sundays at Yangon Zoo in the Yangon Region. The clever animals show is held every weekend, including Sundays and public holidays. “Yangon Zoo resumed an entertainment programme featuring well-behaved animals, offering families a chance to relax. This programme includes clever elephants, monkeys, and snakes. Additionally, magic shows are staged. Yangon zoological garden arranges a variety of small animals, including bears, birds, and falcons, and provides opportunities for visitors to take photo with them.”² Elephants face the prospect of spending their lives confined to a small concrete platform while visitors thrust bamboo shoots at them. Tigers usually roam over vast areas in the wild but this big cat at Yangon Zoo is confined each day to a small, unstimulating concrete enclosure.³ Animals shall not be deprived of any portion of their organs unnecessarily because anti-cruelty provisions apply to this type of animals.⁴

The Conversation of Biodiversity and Protected Areas Law, Myanmar, 2018, passed the provisions for the rights to establish zoological gardens and botanical gardens, as well as registration, but does not include protection and keeping of wild animals. In order to comply with international norms, Myanmar should enact policy or law regarding the use of animals for entertainment.

Service Animals

Destination Asia believes domesticated working animals such as horses or oxen which may be used for transportation on our tours and excursions should have a decent life, where they are properly cared for and the positive aspects of their existence outweigh the negative. Most of the countries have some general guidelines for working animals.⁵

District of Columbia Official Code 2001 Edition, Division I Government of District, Title 7, Human Health Care and Safety, Subtitle B, Chapter 10, 2001, Section 7-1006 (b) states that housing “every blind or deaf person who has a dog guide, or who obtains a dog guide, shall be entitled to full and equal access to all housing accommodations referred to in this section, without being denied access because of the dog guide and required to pay an extra charge for the dog guide; but such blind or deaf person shall be liable for any damage done to the premises by such dog.”⁶

The Australian Human Rights and Equal Opportunity Commission on Disability Rights addresses directly the rights of persons with a visual, hearing or other disability who have trained Assistance Dogs.

¹ Section 23 (1) (2), the Exhibited Animals Protection Act, New South Wales, 1986.

² The Global New Light of Myanmar, Newspaper, p.2, 6th November 2023.

³ Caged and exploited: Animals come last at Yangon Zoo, Frontier Myanmar, 14th March 2020.

⁴ Section 36 (c), Animal Health and Livestock Development Law.

⁵ Animal Welfare Policy, Introduction and Destination Asia Commitment, p.13.

⁶ Section 7 - 1006 (b), Human Health Care and Safety Code, Columbia, 2001.

According to Australia Disability Discrimination Act 1992, Section 3, are;

(a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:

- (i) work, accommodation, education, access to premises, clubs and sport; and
- (ii) the provision of goods, facilities, services and land; and
- (iii) existing laws; and
- (iv) the administration of Commonwealth laws and programs; and

(b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and

(c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.¹

Australia Disability Discrimination Act 1992, Section 23 provides that “It is unlawful for a person to discriminate against another person on the ground of the other person’s disability by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or by requiring the other person to leave such premises or cease to use such facilities.”²

Australia Disability Discrimination Act 1992, Section 24 also states that “it is unlawful for a person who, whether for payment or not, provides goods or and Facilities services, or makes facilities available, to discriminate against another person on the round of the other person’s disability or a disability of any of that other person’s associates by refusing to provide the other person with those goods or services or to make those facilities available to the other person.”³

In Disability Discrimination Act, Australia, 1992, Section 9, it is illegal to discriminate against a disabled person because of “a dog trained to assist the aggrieved person in activities where hearing is required, or because of any matter related to that fact; or any other animal trained to assist the aggrieved person to alleviate the effect of the disability.”⁴

Statutes of New Zealand, Dog Control Act, Miscellaneous provisions, Section 75,1996 prescribed that “notwithstanding anything in any Act or regulations or bylaw prohibiting or regulating the entry or presence of dogs, any guide dog (hearing ear dog) or companion dog accompanying a blind or partially sighted person [a deaf or hearing impaired person] or a person with any other disability or any person bona fide engaged in training the guide dog [hearing ear dog] or companion dog may enter and remain-

(a) In any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or

(b) In any public place, subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.”

¹ Section 3, Disability Discrimination Act, Australia, 1992.

² Section 23, Ibid.

³ Section 24, Ibid.

⁴ Section 9, Ibid.

Statutes of New Zealand, Dog Control Act, Prohibition on Import of Certain Dogs, 30 A (5a), 1996 describes that the importation of dogs is controlled, except that, “.....any guide dog, hearing ear dog, or companion dog accompanying a blind or partially sighted person, a deaf or hearing-impaired person, a person with any other disability, or a person genuinely engaged in training the guide dog, hearing ear dog, or companion dog” is exempted.

Statutes of New Zealand, Transport Services Licensing Act, Schedule 3, 12 (2), 1989 states that “any blind or partly blind person who uses a guide dog may, without being the holder of a dog control permit, take that guide dog into a national park.

In Statutes of New Zealand, Dog Control Act, Prohibition on Import of Certain Dogs, 30 A (4), 1996 “every person who contravenes subsection (1) (regulation on importation of dogs) commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.”

New Zealand law makes special provisions for the blind or partially sighted, the deaf or hearing impaired, or persons with any other disability when accompanied by a dog.

Myanmar is an agriculture country, and most of the cultivation is done by animals. In central Myanmar, a cow-driven machine is used to produce peanut oil, grist mill, and harrow.¹ In respect of prevention of cruelty to animals, Section 36 (a) (b) of the Animal Health and Livestock Development Law, 2020 prescribed that animal shall not be loaded up and forced to tow in excess of the specified weight of load, animals shall not be treated with willful cruelty or shall not be forced to work excessively hard.²

Exploring the charm of Bagan, visitors enjoy a unique experience as they ride ox-carts, reminiscing about the past year’s cultural journey.³ The Areindama Tour Company said they are makings plan to offer horse-riding tours for local and foreigner travelers in Bagan Ancient Culture Zone. In the tourism season, horse-riding is a good habit for health. Although the service was available only for foreigners previously, they expended the service for Myanmar travelers as they showed their interests in horse-riding trips. The charges vary depending on the distance of the trip.⁴ According to Section 24 (32) (33) of the Yangon City Development Law, 2018, the Yangon City Development Committee is responsible for detaining and seizing dangerous animals, establishing animal shelters, cleaning dangerous animals, and taking action, administering, and stipulating rules and regulations with domestic animals and cattle.⁵

Myanmar has no special laws for working animals, although all working animals are entitled to a fair limitation on the time and intensity of their jobs, as well as the required nutrition and relaxation.

Research Finding

Working animals, such as horses or oxen, that may be used for transportation in tours and excursions, should have a decent life in which they are adequately cared for and the positive parts of their existence outweigh the negative. It is not only ethical, but also necessary, to ensure their well-being. The working conditions of animals in various businesses which workload, rest time,

¹ The Global New Light of Myanmar, Newspaper, 22nd November 2023.

² Section 36 (a) (b), Animal Health and Livestock Development Law, 2020.

³ The Global New Light of Myanmar, Newspaper, 2nd December 2023.

⁴ The Global New Light of Myanmar, Newspaper, 24th October 2023.

⁵ Section 24 (32) (33), Yangon City Development Law, 2018.

and exposure to hostile conditions may all be issues. Myanmar ought to establish regulations governing each breeder's and handler's obligations to their animals.

Evaluating the health and veterinary treatment of working animals, all breeder regular check-ups, vaccines, and easy access to medical care are critical to their health. Investigating the methods, all handler uses to train when the performance of working animals. All stakeholder cooperative with the positive reinforcement and humane training methods which help to improve animal welfare outcomes. State check on the examining current rules and practices pertaining to the protection of working animals and identify the result for more effective legal systems. People have a public awareness effort on the treatment of working animals is being investigated. Relevant ministries give to the educating communities about these creatures' needs and rights can lead to positive change. All of these provide useful information that can be used to enhance policy, procedures, and public understanding about how to treat working animals humanely.

Conclusion

Myanmar's Animal Health and Livestock Development Law would probably not undergo any significant amendments to animal welfare for sport and entertainment by animals or animals used in service and Myanmar has not implemented for the guidance of Terrestrial Animals Health Code (the OIE Code) and lack practice. It should have a greater impact in country with no animal welfare laws in place by providing a benchmark by which to set animal welfare laws and policies. Moreover, it must contain legally binding provisions that would make a difference to the treatment of animals during working time in accordance with SDGs.

It has been observed that the main laws concerning the protection of animals in Myanmar are the Animal Health and Livestock Development Law, 2020 and Yangon City Development Law, 2018. But animals are also protected in Myanmar under a number other laws which, although not specifically targeted at animal protection, contain provisions that cover the subject.

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