

## Class taught by Prof. Andrea Gavinelli

TEACHING OPTIMISM. EVERYONE IS RESPONSIBLE

**Ioana Suzana Trana**, Barcelona 2012.<sup>1</sup>

May 11th felt just like a regular day on the UAB campus, the halls of UAB's Law School were the stage of the same everyday images and sounds that make up a student's life, nothing different from the day before. Not so much in Lecture Hall 3, where our Master Studies' group – Animal Law and Society – was waiting for Dr. Andrea Gavinelli's course to start. Fervid curiosity was in the air and we all were a bit nervous. For the past 8 months we have processed and filtered all the information derived from this Master Program, and now we were waiting for Andrea Gavinelli who was supposed to validate it in some way.

Andrea Gavinelli is a veterinarian and he has been a policy official at the European Commission since 1999. He is currently in charge of the Animal Welfare Unit in the Health and Consumers Directorate General of the European Commission. Since 2001, he is an active member of the “Working Group on Animal Welfare” of the World Animal Health Organization (OIE) and he is a member of specific working groups at international level with EU trading partners. Andrea is member of the editorial board of the "FAO Gateway to Farm Animal Welfare".

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This was the course we were all waiting for. Knowing that Dr. Gavinelli was here on behalf of the European Commission, we were expecting a more formal lecture, but, to our surprise, from the first moment he showed us his desire for dialogue, explicitly asking for it.

He began his course by presenting the team he is working with, comprised of thirteen very motivated young enthusiasts. He dismantled right away the bureaucrat's cliché working in an inertial and inflexible environment, "*obscure and boring*"; he opposed this cliché with his own personal policy of "*interact and not just lecture*", and the enthusiasm that feeds his young team. Despite this enthusiasm, his team does not make rash decisions, because for Andrea Gavinelli it is very important that "*before we do things, we are discussing*".

This very optimistic view given to us, was soon to be reasonably tempered by Dr. Gavinelli, admitting that the European bureaucracy could slow him down from time to time, and that Andrea Gavinelli's office as part of the European bureaucratic machine, has to abide by its bureaucratic rules. But Dr. Gavinelli underlined that one has to do this without losing one's enthusiasm and excitement. We could understand that at this level, acting empirically actually kills, while analytical thinking is a source of progress. It resulted that working at this level up, a deductive approach to law and economy, as well as to the interpretation of human expectations, would require the utmost care and subtlety.

On the topic of animal rights, Andrea Gavinelli made it clear from the very beginning that this concept is not a part of the European Commission policy. The European Union's interest is consumers protection, and thus, indirectly, farm animals' welfare. Wildlife and pets are not part of the European Union's focus, since they do not play a role in the consumers well being. This type of omission does not mean a cynical and anthropocentric view of the animal world, but is more of a direct consequence of a

historical lack of concern for animal rights in the eyes of European public opinion. This takes us to the logical conclusion that as soon as the European civil society will manifest its support for the acknowledgement and protection of all animals rights, the entire bureaucratic mechanism of the European Union will act and enact the legal support. The ensuing result brought back our enthusiasm, and everyone in our class felt the desire to make a difference, to fulfill our goal of ensuring that all animals are protected under the law.

Seemingly almost to try and cool our enthusiasm for legal proposals we were ready to make during the class, Andrea Gavinelli brought us down to earth by telling us how the European Union got started and the way the concept of “animal suffering” was born. We found out how, in 1974, as soon as they started negotiations for joining the European Union, the United Kingdom of Great Britain and Northern Ireland (UK) pressured continental Europe to put in place laws for farm animals protection and welfare. The reason for that was not the British public concern for animal well being, but because the British farms which had already been retooled with expensive animal welfare equipment, were unable to compete in a market dominated by farms from continental Europe with rudimentary equipment and no investment in farm animals protection. It was at that time when the UK came up with the “animal suffering” concept, to counter European competition.

This was an important moment in our course, that made us understand, given this rational and devoid of emotion view of the animal world, how important individual action can be on this emerging subject which is yet unable to demand by itself the legislative spotlight.

Dr. Gavinelli then moved on to review the past forty years of animal welfare policies and started taking questions from our part. There were discussions on the lack of transparency in the food industry, the food labeling deficiencies of today and future

strategies in this regard. We talked about the 5 liberties that inspired the European Council, then Andrea Gavinelli focused on Article 13 of the Treaty of Lisbon which, for the very first time, defines animals as “*sentient beings*” that must be respected in the EU decision-making process.

One of the most interesting themes was the debate started by Dr. Gavinelli and then kept alive by all of us, on the *subsidiarity principle*, which justifies an intervention from the European Union when an objective cannot be met by a member state. As an example of this principle Dr. Gavinelli told us about the ban on imports on furs of cats and dogs inside the European Union. Our enthusiasm kept on growing as we could see that pro-animal decisions were taken at the highest level of the Union. At this point Andrea Gavinelli, answering a question, stated that this ban was not enacted out of ethical concern for animal welfare, but out of economic reasons, arising from unfair competition to the leather and fur industry by low prices of cats and dogs products. We were now once again back to earth, down from our state of euphoria, and listened to the whole explanation. One of us asked what needs to be done for ethics to matter more in the decision making process, or even radically influence it. Andrea Gavinelli explained that nowadays the law is based on the answers science provides, and sometimes science can be even the main inspiration for the law. Therefore if science would find that the concept of “animal welfare” is necessary, then it would certainly be passed into law. As an example of this principle he mentioned the pig farms, where, not so long ago, pregnant sows were confined in small cages, but after science demonstrated they need to be allowed to move around, the law was adapted to the science.

He then briefly touched on the European policies on *transport regulation*, *slaughter directive*, and more extensively about *laying hens*. We were introduced to different concepts like “*safe guard measure*”, meaning banning the egg imports from one country to another when there are consistent suspicions; and the *trasability system*.

As an encouraging sign we found that the European Union finally used the term “ethics” regarding animal rights when it enacted laws regulating *animal testing*. Even if we talk about such a controversial issue which causes a lot of animal suffering, the fact that the European Union used the ethics concept to define it, brought back some of our optimism.

During the last part of the course Dr. Gavinelli talked about the European Union's Strategy on Animal Welfare for the 2011-2015 time frame. We found that optimism can be learned here too. Andrea Gavinelli showed us how education is to be the main tool to strenghten animal welfare, to bring it consistency, which is still lacking.

Concepts like *BTSF* “*better training for safer food*”, or the *5liberties t-shirt* for children and young people, are just a couple of examples of an enthusiastic Europe policy, but at the same time optimist-skeptical.

In the end, I realized Dr. Gavinelli 's course gave us the answer to the eternal argument of those who oppose the pro-animal movement: “we will acknowledge animal rights as soon as they claim them”. Andrea Gavinelli's reply is that each and every one of us has now the power and the means to claim these rights for animals, and, most important, if we are able to mobilize and reach critical mass we will be heard, and the European bureaucratic machine will be set in motion to enact all animals right not to suffer.

During the course of Dr. Gavinelli, the apparently complicated and inaccessible bureaucratic mechanism of the European Union was being dragged into the light and simplified, and hope seemed to be all around us, hope that we can make a change, that if there are so many of us demanding we will be heard, that democracy is working and can provide the instruments for all animal protection, and, last but not least, that if you really want something the whole universe will conspire to make your wish come true.