

# Guide 3: Legal Advocacy and Policy Change

ANIMALRIGHTS.NGO

## Executive Summary

The legal and policy landscape for animal rights is transforming faster than at any point in the movement's history. In 2025 alone, the European Union completed a comprehensive revision of its animal welfare legislative framework — the first update since the community's founding — incorporating standards based on positive emotional states, not merely the absence of suffering. Poland banned fur farming. Scotland committed to guidance on farmed fish welfare across the full life cycle. Washington State's Humane Cosmetics Act took effect as the 12th such state-level measure in the United States. The WHO's landmark Pandemic Agreement recognized animal welfare as part of pandemic prevention through a One Health approach. And a 2025 Cornell Law Review article offered a rigorous pathway for recognizing basic rights for sentient animals in American law without requiring full legal personhood as an immediate step.

These developments did not happen by chance. They are the product of sustained, coordinated legal and policy advocacy that has built evidence, relationships, and argumentation over years and decades. This guide provides a framework for NGOs to develop and execute legal and policy change strategies for animals — from regulatory submissions and legislative drafting to litigation pipeline development and international advocacy.

Effective legal advocacy for animals requires three distinct but interrelated capacities: (1) the ability to develop and deploy rigorous legal and scientific arguments in formal policy and judicial settings; (2) the ability to build the political conditions — public support, coalition pressure, media visibility — that make legislative and regulatory action possible; and (3) the ability to monitor and enforce the laws and commitments that are won. Too many animal advocacy organizations invest heavily in campaigns but underinvest in legal capacity — leaving won battles only partially secured because the infrastructure to enforce them does not exist.

**Key takeaway:** Legal and policy change is slow, requires sustained expert investment, and is non-linear — but it is where the most durable gains for animals are achieved, because it changes the structural conditions under which animals are treated, not just the behavior of individual actors responding to campaign pressure.

## Evidence Table: Key Findings, Strength, and NGO Implications

Key Finding	Evidence Strength	NGO Implications
The EU's 2025 animal welfare legislative reform established a new standard requiring positive emotional states for farmed animals — a qualitative step beyond previous minimum-suffering frameworks.	Strong — EU Commission documentation; Animal Law Europe (2025)	Use EU standards as a global benchmark and pressure tool. Cite in submissions to national governments, international bodies, and corporate ESG processes.
The 2025 WHO Pandemic Agreement explicitly recognized animal welfare as part of pandemic prevention through One Health — the first such formal international recognition.	Strong — WHO documentation; World Farmed Animal Welfare Alliance (2025)	Use One Health framing in public health policy engagement. Build coalitions with public health organizations that now have an institutional interest in animal welfare.
Cornell Law Review (2025) articulates a "bundle theory" of legal personhood providing a doctrinal pathway for U.S. courts to recognize basic rights to bodily integrity, liberty, and life for sentient animals.	Emerging — Cornell Law Review (2025); World Animal Justice (2025)	Commission legal opinion on whether and how the bundle theory applies in your jurisdiction. Identify potential plaintiff animals and receptive courts for carefully selected test cases.
Local and state-level legislation (cage-free laws, cosmetic testing bans, fur farming bans) has proven more achievable than federal action in many countries, and generates evidence and momentum for broader change.	Strong — pattern of state-level wins in the U.S.; EU member state action preceding EU-wide reform	Develop a systematic local-to-national legislative strategy. Identify sympathetic jurisdictions, pass local laws, document outcomes, and use as evidence for scaling.
Enforcement of existing animal welfare laws is widely recognized as inadequate — the gap between law on paper and law in practice is one of the most significant barriers to actual improvement in animals' lives.	Strong — Animal Law Foundation 2025 review; recurring finding in movement evaluations	Invest in monitoring and enforcement advocacy alongside legislative campaigns. File complaints, commission audits, and use freedom of information tools to document enforcement failures.
International policy forums — COP, WHO, FAO, UN Biodiversity Convention — are increasingly relevant venues for animal advocacy, particularly on wildlife, One Health, and food systems issues.	Emerging — World Farmed Animal Welfare Alliance (2025); COP30 developments on wildlife and climate	Develop capacity to engage international policy forums. Build coalitions with organizations already active in climate, biodiversity, and public health spaces.

## Step-by-Step Framework

### Step 1: Map the Legal and Regulatory Landscape

Before developing a legal or policy advocacy strategy, conduct a systematic landscape analysis. Map the existing legal framework for animals in your target jurisdiction: Which animals are protected, and from what? What are the standards — absence of suffering, positive welfare, species-specific behavioral requirements? Which agencies have enforcement authority? What is the history of enforcement — how many prosecutions have there been,

what penalties have been imposed, what monitoring exists? Where are the most significant gaps between law on paper and the conditions animals actually live in?

This mapping exercise will reveal the most promising strategic targets — not necessarily the most egregious conditions (which may be deeply entrenched and politically protected), but the gaps where change is most achievable given current legal, political, and public opinion landscapes. For most jurisdictions, you will find significant enforcement gaps that can be addressed through existing legal tools without requiring new legislation — a faster and often more impactful path in the short term.

## **Step 2: Build Relationships with the Legal Community**

Effective legal advocacy requires ongoing relationships with legal professionals — not just retained counsel, but academic animal law scholars, law school clinics, bar association animal law committees, and the growing global network of animal law organizations. These relationships provide access to the cutting-edge legal theory, recent case law, and strategic intelligence that makes the difference between a well-prepared petition and an ill-timed one that produces adverse precedent.

Establish formal relationships with at least one academic animal law clinic and one practicing attorney familiar with your jurisdiction. Subscribe to and contribute to major animal law publications and forums. Attend animal law conferences annually to maintain relationships and stay current with emerging doctrine. Consider hosting an annual animal law seminar for staff and coalition partners — it builds internal capacity and strengthens your position in the legal community.

## **Step 3: Develop Your Legislative Strategy**

For most animal advocacy NGOs, legislative change is the primary long-term goal. But it requires years of groundwork — building public support, developing policy proposals, cultivating legislative champions, managing coalition politics, and navigating the technical complexities of drafting legislation that will actually achieve your goals when implemented.

Develop a three-horizon legislative strategy: Horizon 1 (1–2 years) — achievable wins in sympathetic jurisdictions (local ordinances, state/provincial bills with existing majority support, regulatory agency actions within existing statutory authority); Horizon 2 (3–5 years) — bills requiring coalition building and public opinion development; Horizon 3 (5–10 years) — transformative legislative goals requiring significant shifts in political conditions. Map your current campaigns against these horizons and ensure you are investing appropriately in all three, not only in immediate wins.

## **Step 4: Engage Regulatory Agencies**

Much of the most impactful legal change for animals happens not through new legislation but through regulatory agency action — the agencies that implement existing laws. Animal welfare standards in agriculture, laboratory animal use, wildlife management, and companion animal trade are almost all set by regulatory agencies with significant discretionary authority.

Build a calendar of all relevant regulatory processes: annual rule-making cycles, required reviews of existing standards, public comment periods. Assign staff to monitor and respond to these processes. Develop a template for regulatory submissions — the evidence review, the proposed standard language, the economic analysis — that enables you to submit high-quality comments consistently. When agencies consistently fail to enforce existing standards, consider administrative complaints, freedom of information requests to document enforcement failures, and ultimately legal challenges to agency inaction.

### **Step 5: Develop a Litigation Pipeline**

Litigation is the most resource-intensive form of legal advocacy, but it can achieve outcomes — legal personhood for specific animals, injunctions against specific practices, damage awards creating financial deterrents — that no campaign or legislative strategy can achieve. Developing a litigation pipeline requires: identifying potential plaintiffs (animals in captivity are the most accessible), identifying the legal theory offering the best chance of success in the target jurisdiction, finding a procedurally accessible and potentially receptive court, and assembling a legal team with specialized expertise.

The most important lesson from existing animal litigation is the importance of case selection: an adverse ruling in a high-profile case (like the New York Court of Appeals ruling that Happy the Elephant is not a legal person) can set back the legal movement more than years of incremental wins advance it. Develop clear criteria for case selection: strength of legal theory, receptiveness of jurisdiction, quality of factual record, availability of qualified counsel, and the expected impact — of both winning and losing — on the broader legal landscape.

### **Step 6: Build the Evidence Base for Policy Arguments**

Legislators, regulators, and courts all require evidence — about the scale of animal suffering, the effectiveness of proposed interventions, the economic impacts of regulatory change, and the scientific basis for animal sentience claims. Building and maintaining a robust, credible evidence base for your policy arguments is one of the highest-leverage investments an animal advocacy NGO can make.

Partner with academic researchers to conduct or commission studies relevant to your policy priorities. Engage with the growing body of ethology and neuroscience research on animal cognition and sentience — the Cambridge Declaration on Consciousness (2012) and subsequent research have significantly strengthened the scientific basis for animal rights claims. Commission economic analyses of your proposed policy interventions — legislators and regulators are much more likely to act when they have credible analyses showing that the costs of reform are manageable.

### **Step 7: Monitor, Enforce, and Amplify Implementation**

Winning a law or regulatory standard is not the end of the legal advocacy process — it is the beginning. The gap between law on paper and law in practice is one of the most persistent failures of animal advocacy. Laws against battery cages are undermined by weak enforcement. Cage-free commitments are not implemented. Slaughter regulations are not monitored. Wildlife protection laws are not prosecuted.

Develop systematic monitoring capacity for the laws and commitments in your portfolio. File regular freedom of information requests to document enforcement actions (or the lack of them). Commission independent audits of production facilities covered by welfare standards. Partner with investigative journalists to document enforcement failures. File administrative complaints and, where appropriate, litigation to compel enforcement. And amplify genuine compliance publicly — create positive incentives by recognizing companies and jurisdictions that are meeting their commitments.

## Tools & Templates

**Legal Landscape Mapping Template:** A structured document covering: (1) all animal protection laws by jurisdiction and species; (2) responsible enforcement agencies and track record; (3) pending legislation and regulatory proceedings; (4) key court cases and outcomes; (5) identified enforcement gaps. Update quarterly.

**Regulatory Comment Template:** A standard structure for regulatory submissions — executive summary, evidence review, proposed regulatory language, economic analysis, and supporting attachments.

**Case Selection Criteria Checklist:** For litigation strategy: (1) strength of legal theory; (2) receptiveness of jurisdiction; (3) quality of factual record; (4) availability of qualified counsel; (5) anticipated impact of both winning and losing; (6) resource requirements and availability.

**Legislative Strategy Horizon Map:** A visual document mapping active legislative goals against three time horizons (1–2 years, 3–5 years, 5–10 years). Updated annually in strategic planning.

**Enforcement Monitoring Log:** A shared spreadsheet tracking: (1) laws and commitments under monitoring; (2) compliance status; (3) last monitoring date; (4) evidence of enforcement action or inaction; (5) complaints filed; (6) responses received.

**International Policy Calendar:** A forward-looking calendar of major international policy forums (COP, WHO, FAO, UN bodies) with scheduled sessions, submission deadlines, and assigned organizational leads.

## Case Vignettes

### Vignette 1: Scotland's Farmed Fish Welfare Commitment (September 2025)

On September 23, 2025, the Scottish Government committed to producing official guidance for farmed fish welfare throughout the full life cycle — a landmark development given that farmed fish had previously been among the most legally unprotected categories of animals in the UK. The commitment followed years of engagement by the Animal Law Foundation and partner organizations that combined three elements: rigorous legal analysis documenting the gap between existing welfare law and practice in salmon farming; scientific evidence on fish sentience and the capacity of farmed fish to experience pain and stress; and direct engagement with Scottish Government officials through formal consultation processes.

The case illustrates what legal advocacy process looks like at its most effective: not a single campaign moment, but sustained engagement that built the legal and scientific case, identified the right government interlocutors, and used formal regulatory processes to advance the argument. The Animal Law Foundation explicitly framed the outcome as an interim win requiring continued engagement to ensure the guidance is not captured by industry interests.

Lessons learned: (1) Legal and policy wins require sustained engagement over years, not campaign moments. (2) Frame wins as interim steps requiring ongoing engagement, not final victories. (3) The legal and scientific case must be built before it can be deployed — invest in foundational research before engaging formal processes.

## Vignette 2: EU Animal Welfare Legislative Reform — Recognition of Sentience and Positive States (2025)

The 2025 revision of the EU's animal welfare legislative framework marked a conceptual revolution: for the first time, EU law required not merely the absence of suffering but the presence of positive emotional states for farmed animals. This shift reflects the culmination of decades of scientific research on animal sentience, ethology, and behavioral needs — research that was systematically incorporated into regulatory submissions, scientific committee opinions, and ultimately legislative language by a coordinated community of animal law scholars, welfare scientists, and NGO legal advocates.

NGOs that had built deep expertise in EU regulatory processes, relationships with European Parliament committee members, and partnerships with veterinary and scientific professional bodies were best positioned to shape the final regulatory language. Those investing only in public campaign pressure were largely absent from the detailed drafting process where the most important decisions were made.

Lessons learned: (1) Technical legislative drafting expertise is as important as public campaign pressure in shaping the content of new laws. (2) Building relationships with scientific and professional organizations who can provide credible technical input strengthens NGO influence in regulatory processes. (3) EU-level wins set global standards — prioritize EU engagement even for organizations based outside Europe.

### Metrics & KPIs

Metric	What It Measures	How to Track
Laws or regulations adopted per year	Direct policy output	Legislative tracker; government gazette monitoring
Quality of regulatory language	Whether adopted language reflects the substantive position advocated	Legal analysis comparing submitted draft to adopted text
Enforcement complaints filed and outcomes	Engagement with enforcement processes	Enforcement monitoring log
Litigation pipeline status	Number and stage of active cases	Case management system

Metric	What It Measures	How to Track
Regulatory submission rate	Number of submissions per year	Activity log
Academic citations of NGO legal analysis	Recognition by legal community of NGO expertise	Scholar search; citation tracking
International forum submissions	Engagement with international policy bodies	Activity calendar
Enforcement gap documentation	Number of enforcement failures documented and escalated	FOI request log; media placements

## Risks & Mitigations

**Risk: Adverse litigation setting back the legal movement.** A high-profile loss can establish negative precedent and give opponents a political tool.

**Mitigation:** Apply rigorous case selection criteria. Consult widely within the legal community before filing. Where a case is risky but important, consider amicus brief strategy rather than primary litigation.

**Risk: Legislative wins captured by industry in implementation.** Laws won through advocacy are sometimes implemented in ways that undermine their intent.

**Mitigation:** Maintain engagement through the full implementation cycle. File comments on all implementing regulations. Build relationships with enforcement agency staff.

**Risk: Regulatory capture undermining enforcement.** Enforcement agencies may systematically fail to enforce animal welfare standards.

**Mitigation:** Document enforcement failures systematically and publicly. Build relationships with sympathetic legislators who can apply oversight pressure. Use freedom of information tools aggressively.

**Risk: International advocacy displacing domestic priorities.** Organizations drawn to the prestige of international forums may invest disproportionately in global advocacy at the expense of domestic legal work where they have more leverage.

**Mitigation:** Maintain a clear portfolio balance. Assess where your organization has genuine comparative advantage and invest accordingly.

**Risk: Scientific evidence being contested by industry-funded research.** Industries fund research challenging animal sentience and welfare claims.

**Mitigation:** Build partnerships with academic institutions with no financial interest in the status quo. Engage scientific professional bodies (veterinary associations, neuroscience societies) who can provide independent credibility.

## Implementation Checklist

- Complete legal landscape mapping for primary target jurisdiction
- Establish relationship with academic animal law clinic
- Develop three-horizon legislative strategy
- Build regulatory process calendar for the next 12 months
- Complete case selection criteria checklist for any potential litigation
- Set up enforcement monitoring log for all active laws and commitments
- Submit at least one regulatory comment per quarter
- Commission or access economic analysis for primary legislative priority
- Engage at least one international policy forum per year
- Complete annual review of legal strategy against movement developments

## Glossary

**Legal personhood:** A legal status conferring the ability to hold rights and bring claims in court. Increasingly the subject of litigation on behalf of cognitively complex animals.

**Bundle theory of legal personhood:** A framework (Cornell Law Review, 2025) arguing that legal personhood is a cluster of multiple rights "incidents" (standing, bodily integrity, liberty, life) that can be recognized incrementally.

**Habeas corpus:** A legal writ requiring that a person or entity being detained be brought before a court. Used in animal litigation to argue that an animal held in captivity is being unlawfully confined.

**Administrative law:** The body of law governing the actions of regulatory agencies. Provides tools for compelling agencies to enforce existing standards and challenging unlawful agency action.

**One Health:** The framework, formally adopted in the WHO's 2025 Pandemic Agreement, recognizing that human, animal, and environmental health are interconnected and must be addressed together.

**Freedom of information (FOI):** Laws requiring government agencies to release records on request. A powerful tool for documenting enforcement failures and building the factual record for legal challenges.

**Regulatory capture:** The process by which regulatory agencies come to prioritize the interests of the industries they regulate over the public interest they are meant to serve.

**Cambridge Declaration on Consciousness (2012):** A statement by neuroscientists asserting that non-human animals — including all mammals, birds, and many other creatures — possess the neurological substrates for conscious experiences.

**Five Domains model:** A framework for assessing animal welfare encompassing positive experiences across nutrition, environment, health, behavior, and mental state — the conceptual basis for the EU's 2025 requirement of positive emotional states.

**Amicus curiae brief:** A legal brief filed by a non-party to a case who has a strong interest in the outcome. Used by animal advocacy organizations to submit legal arguments in cases brought by others without assuming the risks of primary litigation.

**Enforcement gap:** The difference between the legal standard on paper and the actual conditions experienced by animals.

**Three-horizon strategy:** A planning framework dividing legislative goals into short-term (1–2 years), medium-term (3–5 years), and long-term (5–10 years) horizons, enabling investment across all phases of change.

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