

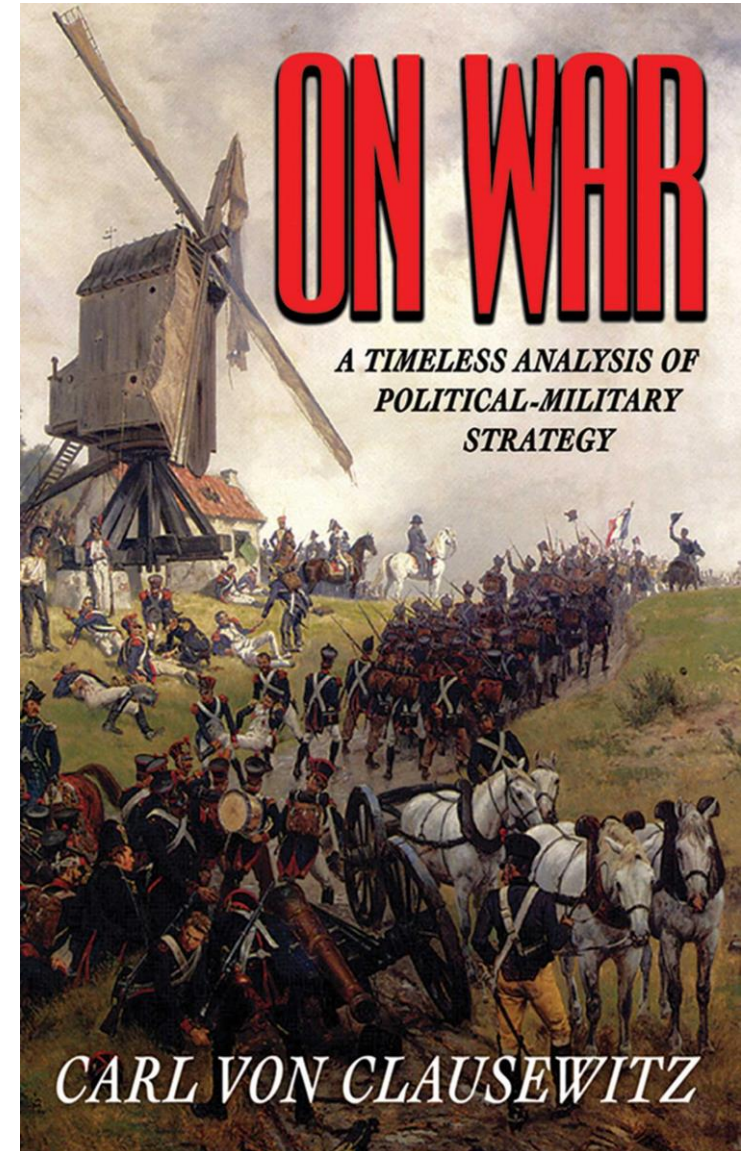


The war against nonhuman animals

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Introduction

- *The War Against Nonhuman Animals*: reproductive violence is placed within the framework of non-international armed conflict.
 - Carl von Clausewitz describes war as “an act of violence to compel our opponent to fulfil our will” (1968, p,1).
 - The objective of the war rather than the means used to fight the war (Wadiwel, 2015).
 - The war is biopolitical in nature; it involves complete domination of nonhuman animals.
 - International instruments within IHL and the protection of nonhuman animals from War Crimes and Crimes against Humanity
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IHL and non-international armed conflict

- IHL protects those who are not (or no longer) taking part in the conflict.
 - Criteria for non-international armed conflict:
 - “...fulfilment of these criteria is determined on a case-by-case basis, by weighing up a number of factual indicators” [emphasis added] (ICRC, 2012).
 - The intensity, duration, and gravity of the violence...and the number of casualties incurred.
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The animal kill clock



Based on these numbers and criteria of non-international armed conflict, I offer the following revision:

The war against nonhuman animals involves violence committed by government and non-governmental groups against non-armed, non-combatants (nonhuman animals) within a state.

The focus is on the goal of the violence (compelling the enemy to fulfil our will) rather than the means used to wage war



‘The Protection of Civilian Persons in Time of War’

- IHL protects nonhuman animals during armed conflict when they are classified as *property*.
 - Distinction between civilians and combatants.
 - Nonhuman animals should be treated as civilians/noncombatants.
 - They should be treated as ‘protected persons’ not the property of ‘protected persons.’
 - Sentience and legal personhood.
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INTERNATIONAL HUMANITARIAN LAW

Forced pregnancy during the war against nonhuman animals

- The ICC defines forced pregnancy as:
- “[T]he unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law” (Rome Statue of the International Criminal Court, 1998, p.5).

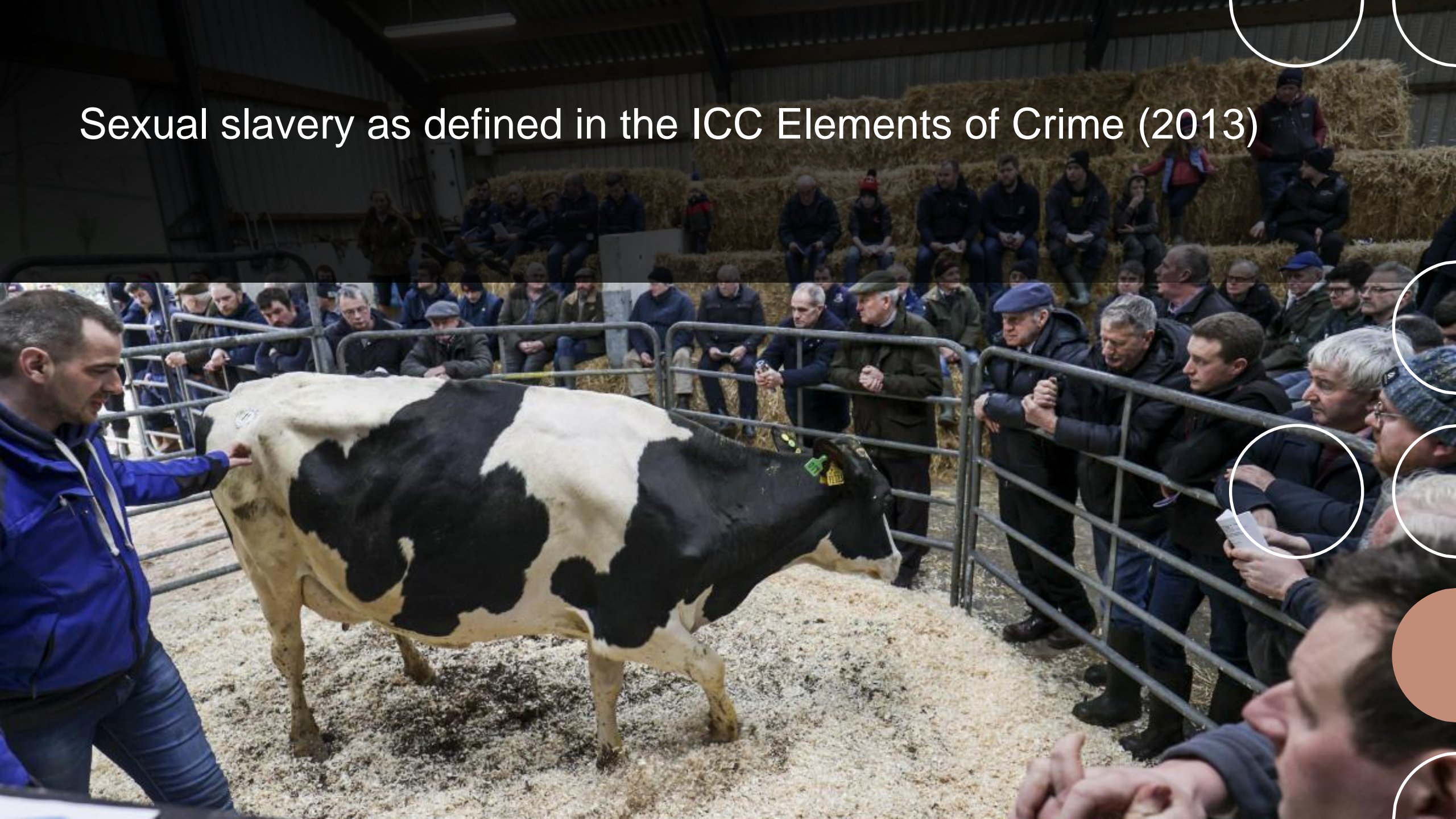


Unlawful confinement

- Under IHL: “arbitrary detention and unlawful deprivation of liberty of protected persons during...non-international armed conflicts...amount[s] to unlawful confinement for the purposes of prosecuting the crime of forced pregnancy” (Amnesty International, 2020, p. 13).
- They are non-combatants.
- They are unable to challenge the legality of their confinement.
- ICL: unlawful confinement and other crimes, e.g., sexual slavery.



Sexual slavery as defined in the ICC Elements of Crime (2013)



The forcible impregnation of a woman

- Amnesty International (2020):
 - "... the crime must be applied to all pregnant persons subjected to such treatment. To do otherwise would be discriminatory" (pp.14-15).
 - The definition should not discriminate on the basis of age, gender or other status...
 - Speciesism as the 'other status.'
 - Not restricted to physical force, can include detention and utilizing coercive confinement.
 - Forcibly impregnated through artificial insemination.
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The intention of the perpetrator –*other grave violations of IL*

“The unlawful confinement of a person forcibly made pregnant, with the intent of carrying out inhumane acts that cause great suffering, or serious injury to body or to mental or physical health. Rape, sexual slavery, and other forms of sexual violence are used in the commission of this act. All of which are grave violations of International Law” (Banwell, 2023).





Conclusion

“Personhood security requires Member States to identify and address widespread and cross-cutting challenges to the survival, livelihood and dignity of all legal persons. It calls for comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all legal persons” (Banwell, 2023).