

Compassionate legislation: Taking wild animals seriously in EU law

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Abstract

This paper critically examines how wild animals are treated within current European Union (EU) law, highlighting a prevailing anthropocentric and speciesist orientation. Chapter 1 analyzes EU legal frameworks, focusing on regulation such as the Habitats and Birds directives, which prioritise biodiversity and ecosystemic health while largely neglecting individual animal welfare. Specific cases – including invasive and endangered species management and predator reintroduction – reveal ethical blind spots, particularly the absence of concern for individual animals' interests. Chapter 2 introduces a sentientist framework, arguing for the moral relevance of wild animal sentience and exploring sources of wild animal suffering, both natural and human-induced. It then draws on ethical approaches to address the moral challenges surrounding current attitudes toward intervention. Chapter 3 critiques the speciesist biases embedded in legal discourse and policy, proposing a shift toward a nonspeciesist legal paradigm. Reassessing prior key cases, the paper argues for welfare-based assessments and individualised legal protection toward all wild animals. It concludes by outlining potential reforms to align legal systems with a more inclusive and ethically coherent stance. Ultimately, the paper calls for an evolution of environmental law that includes individual well-being alongside ecological integrity.

Keywords: speciesism; wild animal suffering; invasive alien species; endangered species; predator reintroduction; legal framework.

Introduction

Traditionally, wild animals have been perceived as existing outside the realm of political and legal consideration, largely due to their perceived independence from human society. However, the accelerating effects of climate change have highlighted the profound and often detrimental impact of human activity on wildlife. Many wild species now face suffering and the threat of extinction, not only as a result of direct actions such as hunting or poaching, but also due to indirect consequences such as habitat loss and ecosystem disruption.

The emergence of conservation biology as a discipline reflects a growing recognition of these challenges. Yet, the environmental focus of conservation efforts often reduces wild animals to components within broader ecological systems, thereby overlooking their moral value as sentient individuals capable of experiencing suffering. If animal welfare has become

a matter of public concern, and environmental awareness has drawn attention to the plight of wild animals, it follows that legal frameworks should evolve to reflect these developments. For the purposes of this paper, a wild animal is understood as a member of a species that has not undergone human-directed breeding or selection and that does not live under human care. Wild animals are therefore understood as free-living animals.¹

Against this background, important gaps remain in the legal recognition and protection of wild animals as sentient beings. This paper seeks to address these limitations by critically examining current EU legal frameworks and assessing their capacity to protect wild animals as sentient beings. Through the analysis of three specific cases – Invasive Alien Species, Endangered Species, and Predator Reintroduction – the article will investigate the practical impact of existing laws on wild animals and identify key gaps in protection. In doing so, the aim is to articulate why wild animals matter morally and politically, and why their interests ought to be taken into account. Finally, some potential reforms to existing legal systems, grounded in the case studies will be outlined and the challenges these reforms may face in practice discussed.²

1. The Law as It Stands – Wild Animals in Current Legal Frameworks

Despite increasing concern over both biodiversity loss and animal welfare across Europe, wild animals remain largely excluded from the legal frameworks designed to protect animal well-being. Their protection is generally addressed under biodiversity or conservation laws, rather than through animal welfare legislation. This reflects a legal perspective that views wild animals primarily as functional elements within ecosystems - valuable not for themselves, but for their role in maintaining environmental balance and securing the planet's future. This section will examine how the EU legal framework approaches wild animals.

1.1 The EU Legal Landscape

The EU took an important step towards animal welfare in 2009 when introducing in Article 13 of the Treaty on the Functioning of the European Union (TFEU) the notion of

¹ To be clear, a cow that has escaped and is living freely would not generally be classified as a wild animal, as it belongs to a domesticated species. In many legal systems, animals originating from domesticated species that become feral are not treated as wild animals and therefore do not fall within the scope of legal frameworks governing wildlife.

² Throughout this work, the term "animal" will be used to refer to nonhuman animals for the sake of simplicity.

sentience.³ The article stipulates that, as sentient beings, full regard should be paid to animals' welfare requirements. But the efficacy of the law is limited by both its scope of applicability and the derogations it allows. Indeed, article 13 of TFEU was originally only applicable to "Union's agriculture, fisheries, transport, internal market, research and technological development and space policies",⁴ thus excluding all environmental policies, which are typically the ones governing wild animals. In 2021, a judgement of the Court of Justice of the European Union applied article 13 TFEU to the Birds Directive⁵ in 2021, thereby broadening the provision's scope.⁶ Yet, the extent to which wild animal welfare is thereby recognised remains unclear. Consequently, the welfare obligations established under EU law still do not evidently encompass animals living in the wild under this article.

The protection of wild animals is primarily addressed through the Habitats Directive (1992)⁷ and Birds Directive (1979)⁸ that focus on conserving species and habitats of "community interest". The justifications provided for such conservation efforts are largely anthropocentric, as they emphasise their contribution to human well-being, economic value, and responsibilities toward future generations.⁹ This framing reveals a notable absence of consideration for the interests or perspectives of wild animals themselves since they are protected not for their own sake, but for the benefits they are perceived to provide to humans. Moreover, biodiversity protection measures must be designed taking into account economic, social, and cultural needs, as well as regional and local specificities (article 2.3).¹⁰ This broad scope creates space for numerous derogations, often justified by human interests deemed to outweigh biodiversity conservation.

Nevertheless, both directives explicitly prohibit a range of actions detrimental to wildlife, including the capture or intentional killing of individuals, the deliberate disturbance of species, the destruction or degradation of natural habitats, the use of non-selective methods

³ Consolidated version of the Treaty on the Functioning of the European Union [2016] OJ C202/54, art 13.

⁴ *ibid.*

⁵ The Birds Directive aims to protect all naturally occurring wild bird species present in the EU and their most important habitats and is therefore considered to be a directive of environmental scope.

⁶ Case C-900/19, *Association One Voice and Ligue pour la protection des oiseaux v Ministre de la Transition écologique et solidaire* ECLI:EU:C:2021:211, paras 39, 65.

⁷ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [1992] OJ L206/07 (Habitats Directive).

⁸ Directive 2009/147/EC on the conservation of wild birds [2009] OJ L20/07 (Birds Directive).

⁹ Kerstin Sundseth, *Les directives «Oiseaux» et «Habitats»: au service de la nature et des citoyens en Europe* (Office des publications de l'Union européenne 2015).

¹⁰ Habitats Directive, art 2.

of capture or killing, as well as the possession, transport, and commercial trade of specimens originating from the wild.¹¹ Therefore, these are efforts to protect wild animals, but their protection remains grounded on their biodiversity value, not on their individual welfare.

Overall, individual suffering is still insufficiently addressed by the law. The EU approach is still largely anthropocentric and protection is always conditioned by human interests and priorities. The lack of legal recognition of individual suffering for wild animals raises ethical concern - especially regarding practices like culling, reintroductions, and habitat manipulation. All in all, legal discourse overwhelmingly recognises biodiversity, but individual animals remain invisible in practice. The aim has more to do with regulating access to these resources for human benefits than protecting animals for their own sake. The next section will now focus on three kinds of wild animal regulation areas in order to discuss the problem in greater detail: invasive species, endangered species and, finally, predator reintroduction.

1.2 Specific Cases

1.2.1 Invasive Alien Species

According to the EU Regulation 1143/2014, IAS¹² “represent one of the main threats to biodiversity and related ecosystems services” and they can also have “a significant adverse impact on human health and the economy”.¹³ The main concerns regarding Invasive Alien Species (IAS) are therefore environmental, economic and public health considerations.

IAS are defined by the regulation as “an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services”.¹⁴ The threat posed by IAS is thus framed in terms of environmental impact, with no explicit consideration for the welfare of individual animals. Moreover the ecosystem services are later defined as “the direct and indirect contributions of ecosystems to human wellbeing”,¹⁵ indicating that the threat is perceived primarily in relation to ecosystems -and therefore human interests- rather than the well-being of other species. On the other hand, several scholars argue

¹¹ Habitats Directive, art 12, 13 and Birds Directive, art 5, 6 Articles 12 and 13 of Habitat Directive and Articles 5 and 6 of Birds Directive.

¹² Regulation (EU) 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species [2014] OJ L317/35 (IAS Regulation).

¹³ *ibid* para 3.

¹⁴ *ibid* art 3.

¹⁵ *ibid*.

that biodiversity acquires value only insofar as humans attribute value to it.¹⁶ Platvoet emphasizes that “animals that are considered as components of biodiversity are protected by conservation laws because their existence satisfies the human interests in biodiversity [...] Conversely, animals that threaten biodiversity are targeted for management by conservation laws because their presence threatens the human interests in biodiversity.”¹⁷ This perspective reveals that conservation efforts ultimately aim to protect biodiversity primarily when it aligns with human interests.¹⁸ Therefore, this regulation can be deemed as anthropocentric in the sense that its goal is to ultimately protect human well-being. While this aim may be achieved through the protection of other species or ecological interests, such protection is subordinated to human needs, with nonhuman interests being considered only insofar as they align with human welfare¹⁹.

Member States are required to implement measures to manage and control IAS listed in the Union list. These measures “shall consist of lethal or non-lethal physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species” (article 19-2) but they also should “have due regard to human health and the environment, especially non-targeted species and their habitats, and shall ensure that, when animals are targeted, they are spared any avoidable pain, distress or suffering, without compromising the effectiveness of the management measures” (article 19-3). This implies that, although the regulation acknowledges the importance of minimizing animal suffering, even in the case of IAS, this concern remains secondary to the goal of eradication, which is ultimately driven by human interests and benefits.

Control measures, including lethal methods, raise ethical concerns regarding the treatment of individual animals. IAS are primarily viewed as ecological threats rather than sentient beings, which often results in control measures that lack a genuine concern for

¹⁶ See Veerle Platvoet, ‘Wild Things: Animal Rights in EU Conservation Law’ (2023) 26(2) *Journal of International Wildlife Law & Policy* 79, John Baird Callicott, ‘Rolston on Intrinsic Value: A Deconstruction’ (1992) 14(2) *Environmental Ethics* 129.

¹⁷ Veerle Platvoet, ‘Growth From Common Ground : Animal Welfare in Wild Animal Law’ (2025) 27(4) *Journal of International Wildlife Law and Policy* 303, 318.

¹⁸ See also the discussion on anthropocentrism and conservation in: Adrian Treves, Francisco J. Santiago-Ávila and William S. Lynn, ‘Just preservation’ (2019) 27(1) *Animal Sentience* 280.

¹⁹ For a better understanding of how nonhuman interests are subordinated to human interests see: Ani B.Satz, ‘Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy and Property’ (2009) 16 *Animal Law Review* 65.

minimizing animal suffering²⁰. Ethical considerations are rarely addressed, with killing framed as a necessary action for maintaining ecosystem balance.

1.2.2 Endangered Species

As a result of human activity and expansion coupled with climate change, many species are today at the brink of extinction. The preservation of endangered species has thus become a global goal in order to maintain biodiversity and ecosystem services.

International agreements have been established to address this issue on a global scale, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975.²¹ CITES categorises endangered species into three protection lists, based on the level of conservation effort required. The European Union has also developed its own regulation. The EU Birds (2009/147/EC) and Habitats Directives (92/43/EEC)²² provide a legal framework for the conservation of endangered species and their habitats to ensure the protection of both natural habitats and the endangered species they support. Species are categorised according to varying levels of protection, ranging from less to more stringent measures. Article 12 of Habitat Directive prohibits “all forms of deliberate capture or killing of specimens of these species in the wild; deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration; deliberate destruction or taking of eggs from the wild; deterioration or destruction of breeding sites or resting place” for species of Annex IV (highest level of protection). On the other hand, article 16 allows derogations from the obligations in article 12 for different reasons, one of them being “the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;” but also “to prevent serious damage, in particular to crops,

²⁰ This concern has been highlighted by the Eurogroup for Animals, which points to the absence of concrete EU-level guidelines for Member States on the management of IAS species. Consequently, they denounce the continued use of measures such as drown traps in some countries and stress the lack of research into alternative approaches, including fertility control. See also ‘Invasive Alien Species’ (*Eurogroup for Animals*) <www.eurogroupforanimals.org/what-we-do/areas-of-concern/invasive-alien-species> accessed 2 February 2026.

²¹ Convention on International Trade in Endangered Species of Wild Fauna and Flora (signed 3 March 1973, entered into force 1 July 1975) 993 UNTS 243 (CITES).

²² Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [1992] OJ L206/07 (Habitats Directive).

Directive 2009/147/EC on the conservation of wild birds [2009] OJ L20/07 (Birds Directive).

livestock, forests, fisheries and water and other types of property;” partially conditioning protection of species to human’s interests.

Although the CJEU has, through its jurisprudence, sought to balance conservation objectives with economic, social, and environmental considerations,²³ biodiversity protection remains fundamentally anchored in anthropocentric perspectives. The downlisting of the wolf’s protection status offers a telling example. In May 2025, the European Parliament voted to change the wolf’s status from “strictly protected” to “protected”.²⁴ This decision did not align with prevailing conservation recommendations.²⁵ The justification for the downlisting referred to “increasing conflicts with human activities in some regions, in particular concerning livestock”²⁶ despite a 2023 Commission report stating that “the overall impact of wolves on livestock in the EU is very small [and] no fatal wolf attacks on people have been recorded in Europe in the last 40 years.”²⁷ Such discrepancies call into question the weight given to biodiversity considerations and animal protection, as well as the extent to which external pressures influence policy decisions.

Biodiversity is deemed valuable only insofar as value is conferred upon it by humans;²⁸ consequently, conservation efforts continue to rely on the instrumental or derivative benefits that humans perceive in it. This poses a significant difficulty, as will be argued in Chapter 2, because all sentient beings deserve moral consideration, yet only those species listed in the annexes of the EU directives receive corresponding legal protection. As Platvoet aptly observes “the value that is attributed to right-holding animals is not based in their own value, but in the value that rare species have for the concept of biodiversity. The denial of animals to have value

²³ See Case C-900/19, *Association One Voice and Ligue pour la protection des oiseaux v Ministre de la Transition écologique et solidaire* ECLI:EU:C:2021:211 or C-477/19 *IE v Magistrat der Stadt Wien* ECLI:EU:C:2020:517.

²⁴ European Parliament, ‘Wolves: MEPs agree to change EU protection status’ (Press release, 8 May 2025) <<https://www.europarl.europa.eu/news/en/press-room/20250502IPR28221/wolves-meps-agree-to-change-eu-protection-status>> accessed 9 December 2025.

²⁵ The Large Carnivore Initiative for Europe (LCIE), an influential specialist group of the International Union for the Conservation of Nature (IUCN), qualified the downlisting proposal as “premature and faulty”. See also Large Carnivore Initiative for Europe (LCIE), *Statement on the proposed downlisting of the wolf under the Bern Convention and the EU Habitats Directive* (13 November 2024) <https://lciepub.nina.no/pdf/638670498186284408_LCIE%20statement%20on%20wolf%20downlisting%20proposal.pdf> accessed 4 December 2025.

²⁶ European Parliament (n 23) *ibid*.

²⁷ Juan Carlos Blanco and Kerstin Sundeth, *The situation of the wolf (Canis lupus) in the European Union – an In-depth Analysis* (2023) A report of The N2K Group for DG Environment, European Commission, 9.

²⁸ For a deeper understanding of how the value attributed to biodiversity is grounded in anthropocentric considerations see. Veerle Platvoet, ‘Wild Things: Animal Rights in EU Conservation Law’ (2023) 26(2) *Journal of International Wildlife Law & Policy*, 79.

‘in their own right’, is at the core of anthropocentrism”.²⁹ The justification for classifying a species under higher levels of protection is often based on anthropocentric (ecosystem stability, tourism, cultural value). For instance, article 56-1 of Spanish Law 42/2007 on Natural Heritage and Biodiversity³⁰, that derivates from the EU directives specifically states that the list of endangered species shall include species “deserving of a particular attention of protection depending on their scientific, ecological or cultural value, for their singularity, rarity or degree of threat”. This acknowledges that species are protected if they are useful or symbolically important, not because of the inherent moral worth of individual animals. Moreover, conservation laws prioritise species survival over individual welfare. While species protection is essential, it can lead to situations where individual animals are subject to captivity, relocation, or other interventions. This is authorised - although regulated - by legislation and raises issues regarding the species’ welfare needs.

1.2.3 Predator Reintroduction

Species reintroductions began as a response to the loss of biodiversity caused by human activities such as habitat destruction, overhunting, and pollution. The goal is to restore ecological balance and recover locally extinct species.

The EU Habitats Directive mentions the reintroduction of species to their natural habitats in article 22.a.³¹ It supports research on “the desirability of reintroducing species in Annex IV” provided it is scientifically justified and does not adversely affect human interests. It can already be noted here that the main focus is on human interests since nonhuman interests are not specifically taken into account by the directive. Reintroduction programs usually focus on carnivores (Iberian or Eurasian lynx, wolf), large herbivores or omnivores (brown bear, European bison), birds of prey and scavengers (bearded vulture, griffon vulture). The most controversial reintroductions are those of predators as they create tensions with livestock farmers and herders, but sometimes as well with common citizens for reasons of public safety. Tensions over predator reintroduction programs are found particularly between

²⁹ Platvoet (n 27) *ibid* 100.

³⁰ Ley 42/2007, de 13 de diciembre, del Patrimonio Natural y de la Biodiversidad. *Boletín Oficial del Estado*, 299, de 14 de diciembre de 2007. <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490> accessed 2 February 2026.

³¹ Habitats Directive (n 21).

environmentalists, conservationists, farmers, and policymakers.³² On the other hand, reintroduction programs have also been criticised in several respects regarding individual animal welfare. Indeed, they often focus on species population recovery and ecosystem balance, potentially overlooking the welfare of the individual animals affected. Reintroduction strategies can impact the welfare of both reintroduced predators and local wildlife and some questions are raised about the actual benefits and suffering involved.³³

In sum, while current legal frameworks in the EU and its Member States recognise wild animals in terms of their ecological function or biodiversity value, they fall short of integrating animal welfare and ethical responsibility into wildlife governance. This legal paradigm, rooted in anthropocentrism and speciesism, maintains a hierarchy that privileges human interests and marginalises the moral status of wild animals. The next section will examine how a sentientist perspective can help us devise more compassionate legislation for wild animals.

2. A Sentientist Perspective on Wild Animals

The existing legal framework appears insufficient in recognizing wild animals as individual sentient beings. This section will therefore emphasise the significance of acknowledging animal sentience and the corresponding moral obligations that arise from it. To support this argument, the next section will examine the sources of suffering experienced by wild animals and argue that they are morally relevant and should be taken into account when we address intervention, especially when pursuing human or environmental objectives. Furthermore, some theoretical approaches to ethical intervention and moral responsibility toward wild animals will be explored.

2.1 Why Sentience Matters

It is necessary to begin by clarifying the concept of ‘sentience’. Sentience denotes the capacity to have positive or negative conscious experiences, specifically the ability to feel pain and pleasure.³⁴ Peter Singer, in his seminal work *Animal Liberation* (1975), developed the principle of equal consideration of interests, according to which animals should receive the

³² See, for instance, Shannon Wilson and Marco Campera, ‘The Perspectives of Key Stakeholders on the Reintroduction of Apex Predators to the United Kingdom’ (2024) 5(1) *Ecologies*, 52.

³³ Oscar Horta, ‘The Ethics of the Ecology of Fear against the Nonspeciesist Paradigm: A Shift in the Aims of Intervention in Nature’ (2010) 13(10) *Between the Species*, 163.

³⁴ Heather Browning and Jonathan Birch, ‘Animal sentience’ (2022) 17(5) *Philos Compass*, e12822.

same moral consideration as humans insofar as they have comparable interests.³⁵ In societies that strive for equality, the emphasis should not be on uniform treatment – since individuals, including humans, differ significantly in their characteristics and capacities – but rather on equal moral consideration, which may justify different treatments and rights based on relevant differences.³⁶

Pain and pleasure are morally significant precisely because they matter to the individual experiencing them; they indicate that a being has interests in not suffering. Accordingly, we are morally obligated to consider animals' interests in avoiding suffering just as we do those of humans. Sentience provides a morally inclusive baseline that transcends species boundaries. However, these principles are not consistently applied in contemporary moral and legal frameworks, revealing a persistent speciesist bias - a tendency to prioritise the interests of human beings over those of nonhuman animals simply on the basis of species membership.

If suffering is morally bad and sentience is sufficient for moral consideration, wild animal suffering (WAS) matters and, whenever possible, it should be alleviated.³⁷ Moreover, human actions already massively influence the lives of wild animals – namely through climate change, habitat fragmentation and destruction, roads, pollution, species introduction – it is therefore impossible to argue that nature and wild animals are separate from humans or to justify differential treatment on the grounds that they lie outside our scope of moral responsibility.³⁸ Since humans alter the conditions under which wild animals live, and often increase their suffering, we have moral reasons to consider their wellbeing and to mitigate harm where feasible.

2.2 Sources of animal suffering

Over the past several decades, a growing body of scientific research has confirmed that many animals are capable of experiencing pain.³⁹ These findings have significantly influenced the development of legal and policy frameworks aimed at enhancing animal welfare and protection. However, the animal welfare movement has historically concentrated its efforts on

³⁵ Although the book was first published in 1975, this paper cites the 2023 edition : Peter Singer, *Animal Liberation Now* (first published 1975, HarperCollins 2023).

³⁶ *ibid* 19.

³⁷ For a more detailed view on this argument see Catia Faria, *Animal Ethics in the Wild* (Cambridge University Press 2023).

³⁸ Griffin Chure, Rachel A. Banks, Avi I. Flamholz, and others, 'The Anthropocene by the Numbers: A Quantitative Snapshot of Humanity's Influence on the Planet' (2021) arXiv:2101.09620 [physics.soc-ph].

³⁹ Donald M. Broom, 'Evolution of pain' (2001) 162(3) *Veterinary Journal*, 282.

the protection of domesticated animals, including companion animals, farmed animals, and those used in scientific experimentation. In contrast, the welfare of wild animals has largely been neglected, often considered outside the scope of political and legal responsibility.

In recent years, the problem of WAS has received increasing philosophical and academic attention.⁴⁰ WAS refers to the suffering experienced by wild animals as a result of both natural and non-natural (human-induced) harms. As stated, the purpose of this paper is to analyse the extent to which our current intervention considers the interests of wild animals, with a primary focus on non-natural harms. However, our understanding of anthropogenic suffering also encompasses indirect harms caused by humans. For example, while predation is normally a natural harm, when predators are reintroduced through human intervention, the resulting suffering of prey can be considered an indirect human-caused harm. The central question, therefore, concerns the impact of our actions on WAS and our moral responsibility in these cases. Accordingly, this paper does not address whether we should intervene in the wild to prevent suffering caused by natural harms.⁴¹

Faria provides a comprehensive account of the natural sources of WAS. While these forms of suffering occur naturally in the wild, they can be exacerbated by human actions, therefore, making it worthwhile to mention them. According to Faria's typology, the major natural harms affecting wild animals include: (i) physical injury, (ii) hunger and thirst, (iii) extreme weather conditions, (iv) psychological stress, (v) predation, as well as (vi) parasitism and disease.⁴²

In addition to natural sources of suffering, human expansion and intervention in nature have significantly impacted the lives and welfare of wild animals. Humans have directly harmed wild animals through activities such as hunting, fishing, poaching, and capture, all of which inflict physical and psychological distress on sentient beings. However, human-induced harms extend far beyond these direct actions. As Donaldson and Kymlicka observe in

⁴⁰ See: Oscar Horta, 'Debunking the idyllic view of natural processes: Population dynamics and suffering in the wild' (2010) 17(1) *Télos*, 73 and Brian Tomasik, 'The Importance of Wild-Animal Suffering' (2015) 3(2) *Relations: Beyond Anthropocentrism* <<https://www.ledonline.it/index.php/Relations/article/view/880/717>> accessed 2 February 2026.

⁴¹ Scholars' opinions differ on this issue. For a pro-intervention perspective, see Oscar Horta, 'Animal Suffering in Nature: The Case for Intervention' (2017) 39(3) *Environmental Ethics*, 261; and Catia Faria and Eze Paez, 'Animals in Need: The Problem of Wild Animal Suffering and Intervention in Nature' (2015) 3(1) *Relations: Beyond Anthropocentrism*, 7. Arguments against intervention are presented by Nicolas Delon and Duncan Purves, 'Wild Animal Suffering Is Intractable' (2018) 31(2) *Journal of Agricultural and Environmental Ethics*, 239; and Heather Browning and Walter Veit, 'Positive Wild Animal Welfare' (2023) 38(2):14 *Biology & Philosophy*.

⁴² Catia Faria, *Animal Ethics in the Wild* (Cambridge University Press 2023).

Zoopolis,⁴³ wild animals are increasingly affected by indirect or “spillover” effects, including “risks from climate change, pollution (e.g., oil spills, agricultural run-off), resource extraction, and infrastructure (e.g., dams, fences, roads, buildings, shipping lanes)”.⁴⁴ Human activity, therefore, cannot be regarded as isolated from the broader environment; it is embedded within shared ecological spaces and necessarily intertwined with the lives of nonhuman animals who inhabit those territories. The historical lack of moral consideration afforded to animals combined with rapid industrialisation and human expansion has facilitated widespread habitat destruction, both directly—through urban development and land conversion—and indirectly, through phenomena such as climate change. Furthermore, the management practices humans have imposed on wild animal populations often reflect this disregard for animal interests, as evidenced by measures such as culling (particularly of IAS), fencing, and recreational or population-control hunting. Given the vast number of animals inhabiting the wild, these harms are not marginal; they potentially affect billions or even trillions of sentient beings at any given time, thus representing a substantial and largely overlooked moral issue.

2.3 Intervention and Moral Responsibilities

The central problem in our treatment of wild animals is that they are often regarded as existing outside the human sphere, which results in their interests being routinely neglected. This stems from the enduring nature–culture dichotomy, extensively discussed by many scholars. Philosopher Bruno Latour already underlined the necessity to overcome the separation between human and nonhumans⁴⁵ and later on the anthropologist Philippe Descola showed how Western thought is fundamentally shaped by this opposition, despite it being a social construct.⁴⁶ These constructs have shaped our societies and impacted wild animals as they explain why we have originally had what Claire Palmer calls a *laissez-faire* intuition⁴⁷ concerning intervention in nature. As defined by Palmer, the LFI can be defined as “the idea that, while we have obligations to assist and care for domesticated animals, we have no such

⁴³ Sue Donaldson and Will Kymlicka, *Zoopolis. A Political Theory of Animal Rights* (Oxford University Press 2011).

⁴⁴ *ibid* 197.

⁴⁵ Bruno Latour, ‘Factures/fractures. De la notion de réseau à celle d’attachement’ in André Micoud and Michel Peroni (eds) *Ce qui nous relie* (Éditions de l’Aube, 2000).

⁴⁶ Philippe Descola, *Par-delà nature et culture* (Gallimard 2005).

⁴⁷ Clare Palmer, *Animal Ethics in Context* (Columbia University Press 2010).

obligations toward animals in the wild.”⁴⁸ However, this idea has been challenged by climate change and the recognition of humanity’s pervasive impact on ecosystems. As the boundary between nature and culture blurred, political and environmental discourse increasingly focused on restoring nature to a supposedly pristine, “pre-human” state.⁴⁹ Marris⁵⁰ criticises the wilderness ideal and its implicit commitment to purity, arguing that valuing “untouched” ecosystems rests on the false assumption that humans and nature can be disentangled. Such separation has never existed; humans have always been one ecological actor among many.

This theme of entanglement is also central to Haraway.⁵¹ She argues that anthropocentrism, the nature/culture binary, and notions of bounded individuality obscure the deep interconnections that constitute all life. Ecological crises make these entanglements impossible to ignore, revealing that humans are not - nor have ever been - outside nature. Given that our influence on the wild is continuous and unavoidable, the idea of “non-intervention” or “returning nature to a pre-human state” is incoherent. The relevant ethical question is not *whether* we intervene, but *how* we should intervene.

As we have seen, interventions aimed at conservation or biodiversity protection do not necessarily take the interests of individual wild animals into account. While one might argue that such interventions serve the interests of a species, only individual animals have interests, which do not always align with species conservation. Although advocating intervention to reduce WAS has gained attention in recent years,⁵² interventions that occur to protect individual animals on a large scale remain rare. However, the aim of this paper is not to advocate for intervention in the wild to alleviate WAS arising from natural causes, even if such a position could be defended. Rather, the aim is to show that many current interventions fail to properly consider the interests of individual animals and can consequently harm them - even when their stated purpose is to protect wildlife. Moreover, when the harm is caused by human action this paper argues that we are morally responsible and should prevent that harm from happening.

That is also the stance Claire Palmer takes in *Animal Ethics in Context*.⁵³ She argues

⁴⁸ *ibid* 63. The LFI should not be understood as the position defended by Palmer; instead, it articulates an intuition commonly held by human societies about wild animals.

⁴⁹ On the purity and goodness of “pristine nature” see : Aldo Leopold, *A Sand County Almanac*. (Oxford University Press 1949).

⁵⁰ Emma Marris, *Rambunctious Garden : Saving Nature in a Post-Wild World* (Bloomsbury 2011).

⁵¹ Donna Haraway, *Staying with the Trouble: Making Kin in the Chthulucene* (Duke University Press 2016).

⁵² Faria (n 41).

⁵³ Palmer (n 46).

that our moral responsibilities toward animals are contingent upon the nature of our relationship with them. Accordingly, she maintains that humans bear stronger positive duties toward domesticated animals due to their dependency on us. In contrast, such a relationship does not exist with wild animals, nonetheless, she recognises that special obligations can arise from past human-inflicted harms. As she argues, reparative duties are owed when harm has been caused. Palmer differentiates between harm caused by action and harm resulting from inaction, noting that “one is peculiarly responsible for what one does, in a way one is not for what one fails to prevent.”⁵⁴ On this basis, she holds that moral obligations to intervene exist in cases where human actions - such as habitat destruction, poaching, or hunting - have directly contributed to animal suffering. Conversely, when suffering arises from natural events (e.g., predation, floods, resource scarcity), there is no corresponding positive duty to intervene. However, complex ethical questions arise in cases such as climate change. Palmer intends to address this issue through the example of the polar bear case. She argues that, as climate change is admittedly anthropogenic, we have moral obligations to assist animals that suffer from it. Yet, climate change is a collective wrongdoing, which makes it challenging to identify specific moral agents responsible for providing assistance. Second, determining effective forms of aid is complicated, since we cannot simply halt the harms produced by climate change. Therefore, Palmer argues that our duty is to assist to the extent that we are able and in ways that genuinely benefit the polar bears. However, if a wildfire occurs, can humans be held morally accountable, and thus obligated to assist? Can it be determined whether such a wildfire would have occurred absent anthropogenic climate change? These questions underscore the persistent difficulty in establishing not only the existence of a responsibility but also the identification of the responsible party. Nevertheless, it seems that, according to Palmer, if we know our actions can harm individual wild animals we are morally obligated to, at least, refrain from doing harm.

In summary, this analysis has demonstrated that, to date, interventions in wild ecosystems have predominantly prioritised the protection of species and ecosystems, rather than the welfare of individual animals. Contemporary legal frameworks largely disregard the interests of wild animals or subordinate them to competing anthropocentric interests, revealing an underlying speciesist bias. Building on the premise that sentience constitutes a valid criterion for moral consideration, and given that humans are responsible for much of the suffering experienced by wild animals, it follows that this suffering warrants serious attention

⁵⁴ *ibid* 74.

within political and legal discourse. This underscores the need for a paradigm shift from frameworks centered exclusively on species or ecosystem preservation toward those that explicitly integrate animal interests considerations. The following analysis will explore how legal systems might evolve to incorporate these concerns, with a particular focus on the regulation of IAS, endangered species conservation, and predator reintroduction initiatives.

3. The Law as It Should Be – Toward a Nonspeciesist Legal Framework

As has been shown, contemporary legal systems suffer from significant shortcomings, many of which arise from speciesist assumptions embedded within the law. Legal definitions and policies concerning wild animals almost invariably conceptualise them from an ecosystemic perspective. While it is undeniably true that wild animals are ecologically dependent on their habitats and that ecosystem integrity warrants protection, this does not justify valuing animals solely as components of ecological systems. As philosopher Oscar Horta contends, animals should be protected not merely for their role in ecosystems, but for their own sake as sentient beings.⁵⁵ An exclusive focus on ecosystem integrity obscures other dimensions of harm that wild animals experience and forecloses avenues for addressing such harms.

This approach reflects an anthropocentric paradigm in which the protection afforded to wild animals is not grounded in their own needs and interests, but rather in the benefits that humans derive from their continued existence within functioning ecosystems.⁵⁶ As a result, animals' moral worth becomes contingent on their usefulness in advancing human-defined environmental objectives, leading to uneven and selective forms of protection. Such a framework overlooks the fundamental fact that all sentient animals are capable of suffering and therefore have an equal claim to moral consideration. A legal framework that allocates protection based on anthropocentric usefulness rather than sentience reinforces the view that certain animals are expendable and inherently less valuable than humans, thereby perpetuating speciesist inequities within the law.

EU policy has persistently fallen short in its treatment of animals.⁵⁷ Although the EU

⁵⁵ Oscar Horta, 'Debunking the idyllic view of natural processes: Population dynamics and suffering in the wild' (2010) 17(1) *Télos*, 73.

⁵⁶ See Ani B.Satz, 'Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy and Property' (2009) 16 *Animal Law Review*, 65.

⁵⁷ Eze Paez and Nuria Almiron, 'The neglected majority: nonhuman animals as legitimate EU environmental

has made notable progress in strengthening animal welfare protections,⁵⁸ significant deficiencies remain. These shortcomings largely stem from the fact that the dominant global perspective on animals has not fundamentally shifted. Accordingly, there is an urgent need to reimagine and reform our legal and political systems to ensure that they provide meaningful protection to animals and contribute to the advancement of a more just society.

3.1 Rethinking Key Cases

In what follows, this paper revisits the three specific cases analysed earlier, examining the ways in which they must be critically reassessed and exploring how they might be reconstructed to better reflect a genuinely just and non-speciesist approach to animal protection.

3.1.1 Invasive Alien Species

Invasive Alien Species (IAS) refer to alien or non-native species that “have serious adverse impact on biodiversity and related ecosystem services, as well as have other social and economic impact, which should be prevented”.⁵⁹ As Inglis observes, IAS are often portrayed as “malicious conquerors”.⁶⁰ Such representations tend to demonise these species, attributing to them intentionality and malevolence that they are largely incapable of possessing. While it is true that IAS can pose threats to ecosystems, it must be recognised that they do not do so intentionally. This framing, however, serves to legitimise aggressive countermeasures against IAS. According to Inglis, the prevailing war-like rhetoric depicts IAS as aggressors against whom humanity must defend itself, thereby normalising practices that may inflict significant harm.

Moreover, the concept of IAS reveals an underlying ideological construct: that of a “human-centred conception of the ‘proper’ place for living things in the world.”⁶¹ This

policy stakeholders’ in Anthony R. Zito and Ekaterina Domorenok (eds.) *De Gruyter Handbook on European Union Environmental Policy* (De Gruyter 2026, forthcoming) .

⁵⁸ See Veerle Platvoet, 'Growth From Common Ground : Animal Welfare in Wild Animal Law' (2025) 27(4) *Journal of International Wildlife Law and Policy*, 303.

⁵⁹ Regulation (EU) 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species [2014] OJ L317/35 (IAS Regulation), para 1.

⁶⁰ Meera I. Inglis, ‘Wildlife Ethics and Practice: Why We Need to Change the Way We Talk About ‘Invasive Species’’ (2020) 33(1) *Journal of Agricultural and Environmental Ethics*, 299, 304.

⁶¹ *ibid* 7.

anthropocentric perspective “provides people with a justification and a sense of moral comfort about killing those who are deemed not to belong.”⁶² It simultaneously diverts attention away from human responsibility for ecosystem degradation and species extinction, instead scapegoating IAS. This is paradoxical, given that IAS are, by definition, species introduced primarily through human actions.

IAS can pose threats to native species, just as native species can pose threats to IAS. From a non-speciesist ethical standpoint, there is no inherent justification for valuing IAS less than native species. Moreover, as Chew and Hamilton argue, the “label native [*is*] uninformative, even deceptive”.⁶³ They view the native/alien distinction as obsolete and inappropriate and argue that “our habit of preferring natives to aliens is poorly founded”.⁶⁴ Therefore, in cases of conflict, the interests of all affected sentient beings should be considered equitably in order to develop solutions that in cases of conflict respect, as much as possible, the interests of all sentient animals involved. When assessing the long-term impacts of IAS, it is imperative to evaluate how their presence may affect other animals, including the invasive species themselves.⁶⁵ Should it ultimately be deemed necessary to remove IAS, lethal methods such as culling or hunting ought to be considered as last resort measures due to the significant suffering they inflict. In all those cases in which alternatives exist that enable effective management without causing undue harm. Measures such as reproductive control or physical containment—for example, barriers or filters for aquatic species—can regulate IAS populations humanely. Methods like trapping for relocation or habitat modification must be carefully planned and implemented to prevent inadvertent suffering.

In sum, IAS present complex ecological and ethical challenges, but these challenges must be addressed within clear ethical boundaries. There is no moral justification to impose the costs of human failings on animals belonging to species introduced by humans themselves. It is incumbent upon us to pursue solutions that minimise harm and uphold our responsibility to protect both biodiversity and animal welfare.

⁶² *ibid* 9.

⁶³ Matthew K. Chew and Andrew L. Hamilton, ‘The Rise and Fall of Biotic Nativeness: A Historical Perspective’ in David M. Richardson (ed) *Fifty Years of Invasion Ecology: The Legacy of Charles Elton*, (Blackwell Publishing 2011) 45.

⁶⁴ *ibid*.

⁶⁵ An IAS may also experience significant suffering under a non-intervention approach if its population grows to a point where available resources become insufficient, resulting in intense competition and resource scarcity.

3.1.2 Endangered Species

As explained, legislation on the protection of endangered species is conditioned by human interests, whether these be economic considerations or concerns related to public security or health. While the management of competing interests and the safeguarding of public health or security are legitimate and often necessary, it is nevertheless problematic to subordinate the protection of species entirely to anthropocentric priorities. Furthermore, the degree of protection afforded to species is influenced by the value attributed to them by societies. This perceived importance may derive from cultural, aesthetic, economic, or ecological factors, yet it is evident that significant biases inform these determinations. Statutory frameworks, as previously noted, do not afford equal consideration to all animals; even among animals, there exists a speciesist bias regarding which species merit protection.

Additionally, this species-level focus precludes a perspective attentive to individual animal welfare. Indeed, the legal apparatus primarily aims to secure the survival of a species rather than address the welfare implications for individual animals or the broader well-being of wildlife populations. Legal scholar, Irus Braveman notes that “the death of an individual gains meaning based on the level of endangerment of her or his species”⁶⁶ consequently non-threatened individuals “are effectively “list-less”: incalculable, unmemorable, and thus killable”.⁶⁷ Furthermore, there persists a general neglect of individual animal suffering within conservation and protection practices. For instance, animals may be removed from their natural habitats for captive breeding programs intended to prevent extinction and facilitate reintroduction into the wild. Although such initiatives may succeed in preventing the disappearance of a species, they often entail significant suffering for the animals involved.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) aptly illustrates how a mechanism ostensibly designed for wildlife protection can function as an anthropocentric regulatory framework that facilitates the continued exploitation of wildlife. Decisions on species classification under CITES are claimed to be “founded on sound and relevant scientific information, take into account socio-economic factors, and meet agreed biological and trade criteria”.⁶⁸ Hutchinson, Stephen-Griffen, and Wyatt, in their review

⁶⁶ Irus Braverman, ‘The Regulatory Life of Threatened Species Lists’ in Irus Braverman (ed) *Animal, Biopolitics, Law: Lively Legalities* (Routledge 2016) 6.

⁶⁷ *ibid* 7.

⁶⁸ Conference of the Parties to CITES, Criteria for amendment of Appendix I and II (Conf 9.24 (Rev CoP17), 2016) <<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-09-24-R17.pdf>> accessed 9

of CITES classifications, observe that “by considering socioeconomic factors during listing proposals, CITES allows for market value and charisma (more indirectly) to become a core feature of decision-making”.⁶⁹ They further note that listing proposals may be contested on socioeconomic grounds and emphasise that charisma represents a notable bias in determining protection priorities.⁷⁰ Their conclusions highlight that “downlisting has been observed even where species are at-risk, and uplisting has occurred where they are not”.⁷¹ CITES thus exemplifies the persistence of speciesist assumptions in contemporary discourse and practice related to wildlife protection. Furthermore, as Braverman points out, the very act of creating lists is political since “certain species’ lives are elevated to a political status, while the rest (initially, at least, the unlisted) remain biological, or mere, life”.⁷² She also stresses that listing can never be entirely objective. Various biases inevitably seep in: certain species attract funding more easily regardless of their actual vulnerability; scientists may push to have “their” species listed to secure resources, or conversely resist listing if it would restrict their ability to study or collect them.⁷³

Ultimately, the legitimacy of conservation lists is open to debate. Yet if such lists are to exist, the criteria for protecting species must rest on genuine need and vulnerability. Market incentives, funding structures, and the charisma of particular species should not be allowed to shape these decisions, as their influence merely reinforces the enduring notion that animals exist primarily as resources to be exploited - a notion that remains insufficiently contested in the present day.

3.1.3 Predator Reintroduction

The reintroduction of predators constitutes a form of human intervention within wild ecosystems. The rationale typically advanced in support of this practice is grounded in ecocentric⁷⁴ perspectives, which hold that a “thing is right when it tends to preserve the

December 2025, 2.

⁶⁹ Alison Hutchinson, Nathan Stephens-Griffin and Tanya Wyatt, ‘Speciesism and the wildlife trade: Who gets listed, downlisted and uplisted in CITES?’ (2022) 11(2) *International Journal for Crime, Justice and Social Democracy*, 192, 206.

⁷⁰ *ibid* 193.

⁷¹ *ibid* 206.

⁷² Braverman (n 65) 9.

⁷³ *ibid* 17.

⁷⁴ As explained before, this ecocentrism is based on human perceptions of ecological “rightness” or “wrongness” and could therefore be deemed anthropocentric.

integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise”.⁷⁵ While the ecological advantages of predator reintroduction are frequently highlighted, the ethical implications - particularly the dimension of animal suffering - are often overlooked and insufficiently addressed by proponents of such measures. As has been demonstrated, wild animals endure various sources of suffering in their natural environments, with predation representing one of the principal causes.⁷⁶ In all probability, reintroduced predators will inflict harm and distress upon their prey.

A salient example of this practice is the reintroduction of wolves into Yellowstone National Park following a seventy-year absence. The justification for this initiative rested primarily on the perceived ecological imbalance resulting from an overabundant elk population that was “overgrazing” the park, thereby inhibiting the regeneration of certain plant species such as young aspen shoots. However, as Horta emphasises, this strategy - described as the “ecology of fear” - inflicted harm on the elk population, which not only faced predation-induced mortality but also suffered from the stress and malnutrition associated with the constant threat of predation.⁷⁷ While it is true that elk may have faced some level of suffering due to the resource scarcity before the introductions of the wolves, predation has probably only made their suffering worse by inducing constant stress.⁷⁸ Furthermore, Horta observes that “reintroductions do not benefit the actual wolves that are captured, transported and released into an unknown environment. They would be better off if they were left alone in the places they came from”.⁷⁹ Such interventions, therefore, are clearly not designed to promote the welfare of individual animals.

A fundamental problem with predator reintroduction lies in the lack of consideration

⁷⁵ Aldo Leopold, *A Sand County almanac, with essays on conservation from Round River* (2nd edn, Ballantine Books 1966).

⁷⁶ Catia Faria, *Animal Ethics in the Wild* (Cambridge University Press 2023).

⁷⁷ Oscar Horta, ‘The Ethics of the Ecology of Fear against the Nonspeciesist Paradigm: A Shift in the Aims of Intervention in Nature’ (2010) 13(10) *Between the Species*, 163.

⁷⁸ On the effects of predation on animals see Scott Creel, John A. Winnie and David Christianson, ‘Glucocorticoid stress hormones and the effect of predation risk on elk reproduction’ (2009) 106(30) *Proc Natl Acad Sci U S A* Cecilia Tomasulo, Maria Losada, Marta Kołodziej-Sobocińska and Krzysztof Schmidt, ‘Predation risk-induced stress in vertebrates: Are ungulates equally susceptible?’ (2025) 177 *Hormones and Behavior*. Existing studies suggest that prey animals may be exposed to predation-related stress, whether arising from direct physical interactions or from predator cues alone. However, it has not yet been clearly demonstrated that this stress is either absent, negligible, or independent of predation itself. This uncertainty is partly due to the scarcity of studies conducted under natural conditions, as laboratory experiments rely on parameters that often differ substantially from those found in real ecosystems. In this context, as long as it has not been shown that the stress observed in prey is absent or unrelated to predation, the potential risk of increased animal suffering following predator reintroduction should be taken into account in management decisions.

⁷⁹ Horta (n77) *ibid* 168.

for the interests and well-being of individual animals. Such interventions are predominantly motivated by anthropocentric concerns, including the cultural significance of certain species and subjective human perceptions of ecological “rightness” or “wrongness”. Horta specifically notes that predation by wolves on sheep is often deemed problematic and used to justify lethal control of wolves, despite the fact that sheep, like elk, contribute to overgrazing. He further reminds us that “The fact that wolves kill animals is seen as something positive if they are animals from whose exploitation humans do not profit”.⁸⁰ While it is conceivable that predator reintroduction could yield long-term benefits for broader animal populations through trophic cascades, this possibility warrants careful, context-specific examination to ascertain whether such interventions genuinely advance animal well-being. Accordingly, any reintroduction program should incorporate mandatory metrics for assessing animal welfare. Although diverse value systems may inevitably come into conflict, the conspicuous absence of concern for animal well-being within current conservation frameworks is deeply problematic. If conservation initiatives genuinely aspire to safeguard wildlife and preserve “biodiversity” they must prioritise the welfare of wild animals themselves, rather than privileging human interests or the derivative benefits of such interventions.

3.2 Challenges

It is clear that human societies have historically exerted - and will inevitably continue to exert - significant impact on wild animals, whether such impact is intentional or incidental, particularly in the context of accelerating climate change. Accordingly, it is incumbent upon humans to mitigate this impact and strive to render them as positive as possible. The cases examined here illustrate the extent to which animal welfare is often subordinated to competing interests. However, in pursuing social and political reform, it is also essential to acknowledge the limitations and challenges that may arise, so as to avoid policy failures.

One of the principal constraints confronting a legal shift towards more robust protection of wild animals is institutional in nature. Even if legislation were to become more stringent and protective, its effectiveness would be contingent upon consistent enforcement. For instance, in France, despite the legal framework mandating the protection of endangered species, more than 56% of the country’s 2,900 endangered species are not adequately safeguarded through the

⁸⁰ *ibid* 176.

necessary decrees.⁸¹ This gap shows that statutory obligations are not invariably translated into concrete measures - a challenge inherent to many areas of law but exacerbated in matters concerning nonhuman subjects who lack direct representation or a political voice. The deficit in enforcement often attracts only indirect criticism from civil society organisations, such as non-governmental organisations (NGOs), which struggle to mobilise widespread societal attention. Additionally, the state-centric structure of the international system complicates efforts to coordinate large-scale or transboundary interventions. A single nation's commitment to enhancing wild animal welfare does not guarantee that neighbouring states will adopt analogous measures, despite the fact that wild animals do not adhere to political borders. Consequently, protective measures for transboundary species are invariably partial. Several international instruments have been established to address this issue, such as the Convention on Migratory Species⁸². However, transboundary species are not limited to migratory species alone; some simply inhabit border regions between two countries that apply different legal frameworks to their management and protection. It is therefore imperative to minimise governance gaps and incentivise cross-border cooperation to facilitate more comprehensive interventions.

Furthermore, the issue of wild animal welfare is characterised by a complex interplay of conflicting interests, particularly among rural communities, environmentalists, and animal welfare advocates. In recent years, tensions between these groups have escalated to the extent that meaningful cooperation has become increasingly difficult. This is regrettable, as common ground does exist, yet past conflicts frequently impede collaborative efforts. Renewed dialogue among these sectors is therefore essential to foster mutual understanding and identify opportunities for constructive collaboration, which could help alleviate tensions and generate innovative solutions.

Ultimately, research on WAS should be promoted in order to gain a better understanding of the factors that negatively affect wild animals and how these impacts can be mitigated. Where intervention is necessary, pain-free and non-invasive methods should be prioritised, and research should therefore also focus on developing and refining such

⁸¹ Perrine Mouterde, 'More than half of France's 2,900 endangered species are not directly protected' *Le Monde.fr*. (Paris, 14 June 2024) <https://www.lemonde.fr/en/environment/article/2024/06/14/more-than-half-of-france-s-2-900-endangered-species-are-not-directly-protected_6674760_114.html> accessed 10 January 2026.

⁸² Convention on the Conservation of Migratory Species of Wild Animals (signed 23 June 1979, entered into force 1 November 1983) 1651 UNTS 333 (CMS).

approaches. Furthermore, akin to the mandatory environmental impact assessments required within the European Union for projects with potential environmental consequences, mandatory welfare impact assessments should be instituted for all major policies or initiatives likely to affect wild animal welfare.

Finally, the most effective way to safeguard the interests of wild animals is to establish formal mechanisms that ensure their representation within decision-making bodies. This would systematically embed their welfare considerations into policy processes. Naturally, this is a complex undertaking, since we must interpret animals' interests without direct communication. Nevertheless, frameworks for representing nonhuman interests have already been explored, particularly in environmental movements advocating for the rights of nature.⁸³ While this approach may not be immediately feasible, it remains the most protective, equitable, and forward-thinking strategy available. Incremental, pragmatic steps should not be undervalued; however, they must be guided by a clear and ambitious vision. Such a strategy can gradually strengthen institutional structures, reshape public discourse, and lay the groundwork for ethically sound and practically viable interventions in the wild.

Conclusion

As argued throughout this article, political and legal frameworks continue to exhibit a pronounced speciesist and anthropocentric bias. The analysis of the EU legal system reveals that wild animals' interests are largely neglected and remain unaddressed in both conservation efforts and regulatory measures. This is illustrated by the cases discussed above, in which the dominant objective is the preservation and stabilization of ecosystems, consistently marginalizing the well-being of individual animals.

Accordingly, legal frameworks must evolve to incorporate individual animal welfare more effectively. The cases showed that alternative approaches could be implemented and that legislative reform is necessary to ensure that all interests are adequately represented. Although the implementation of such reforms presents challenges, addressing them is essential for advancing toward a more just and inclusive society.

Undoubtedly, intervention in the wild is a complex endeavor and may generate tensions

⁸³ See Christopher Stone, 'Should Trees Have a Standing - Toward Legal Rights for Natural Objects' (1972) 45(2) Southern California Law Review 450 on the legal standing of natural entities in court. Or Bruno Latour, *Nous n'avons jamais été modernes* (La Découverte 1991) on the representation of nonhuman entities in political deliberations.

with certain environmentalist perspectives. However, it is equally clear that ecological balance is intrinsically linked to the interests of wild animals, as their survival is heavily dependent on the integrity of their habitats. Thus, the objective should not be to sideline environmental concerns, but rather to integrate animal welfare considerations into environmental discourse and policy-making. While conflicts of interest are likely to emerge, their existence should not be viewed as problematic in itself. Rather, the real issue lies in the current neglect of the problem in public and legal debate. In a democratic society, the presence of open dialogue and contesting viewpoints is not only inevitable but essential for inclusive and legitimate decision-making. Wild animals, historically seen as mere features of the natural environment, deserve to have their interests taken into account in our political decision making, insofar as our policy choices deeply affect their interests.