



WORKING PAPER

ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Facilitation Programmes

LEGAL PROTECTION OF PETS IN INTERNATIONAL AIR TRANSPORT

(Presented by Colombia and supported by 15 Latin American Civil Aviation Commission (LACAC) Member States²)

EXECUTIVE SUMMARY

The air transport of live animals is a growing practice, both for service purposes and for emotional, therapeutic, commercial or personal support. However, it poses a series of legal, ethical and technical challenges that have not yet been resolved by the existing international regulatory framework.

The absence of Standards or Recommended Practices on the subject has led to inconsistent airline practices and regulatory fragmentation that, at times, jeopardize safety and infringe upon the rights of animals, failing to recognize them as sentient beings inherently related to the environment and biodiversity health.

There are growing concerns about live animals associated to poor ventilation, unsafe containment or inadequate temperature conditions, lack of aviation personnel training, multiple cases of incomplete or lacking documentation, as well as long waiting and flight transfer times or lack of veterinary services, which increase safety risks and the impact on global biodiversity. Against this backdrop, the International Civil Aviation Organization must take a leading role in establishing a regulatory framework to ensure a humane treatment of sentient beings, mitigate safety risks and protect global biodiversity.

Action: The Assembly is invited to:

- a) agree on the adoption of a new chapter in Annex 9 — *Facilitation*, incorporating a regulatory framework for the protection of animals in international air transport, with a more elaborate definition of animals as sentient beings, their classification as service, emotional and therapeutic support animals, and guiding principles on animal welfare;
- b) agree on the adoption of harmonized procedures and requirements on animal carrier design and certification, as well as documentation and ground and on-board handling; and
- c) agree on risk management strategies to deal with unintentional animal release from their carriers, aggressiveness or death during the flight.

¹ Spanish version provided by Colombia.

² Belize, Bolivia (Plurinational State of), Chile, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru and Venezuela (Bolivarian Republic of).

<i>Strategic Goals:</i>	This working paper relates to Strategic Goals <i>Every Flight is Safe and Secure, Aviation Delivers Seamless, Accessible and Reliable Mobility for All</i> and <i>Aviation is Environmentally Sustainable</i> .
<i>Financial implications:</i>	N/A
<i>References:</i>	Annex 9 — <i>Facilitation</i> Doc 9957, <i>The Facilitation Manual</i>

1. INTRODUCTION

1.1 Animal transport by air, whether for personal, commercial or other purposes, has gained increasing currency in recent decades posing safety, animal welfare and environmental protection challenges in international air transport.

1.2 Annex 9 — *Facilitation* contains only one recommendation for Contracting States to establish procedures to combat wildlife trafficking, but fails to provide a regulatory framework that promotes animal welfare in international air transport.

1.3 The absence of International Civil Aviation Organization (ICAO) guidelines or mandatory regulations has resulted in fragmented national responses, where States apply conflicting requirements on animal documentation, carrier types, ground and on board handling, including waiting times, flight transfers, veterinary services and the safety risks posed by animals breaking free of their carriers, discharges, aggressiveness or death during the flight.

1.4 These inconsistencies have an impact on animals and ecosystems and increase air carriers' operational burden.

2. DISCUSSION

2.1 Philosophical rationale

2.1.1 Animal rights have gained traction in recent decades. Some legal philosophers associate them with the protection of third-generation human rights (collective rights to a healthy environment), while others attribute them to the fourth generation: the rights of animals not to be tortured, to live in freedom, to the preservation of their habitat, not to suffer pain and to satisfy their basic needs.

2.1.2 According to Aristotelian philosophy, all living beings belong to the same animal genus and share a natural hierarchy of souls: vegetative, sensitive and rational. Animals are endowed with a sensitive soul and possess perception, desire and the capacity to suffer as do human beings, whose distinctive feature is rationality. In other words, while human beings are distinguished by their rationality, they share with animals the ability to feel and experience pleasure and pain.

2.1.3 Consequently, it is an ethical imperative of our shared genus to recognize our ethical responsibility to condemn animal abuse and promote their welfare.

2.1.4 Colombia has fully understood these concepts, which are reflected in its domestic legislation. Thus, for example, Act 1774 (2016) sets forth the guiding principles for animal protection in section 3: “The treatment of animals is based on respect, solidarity, compassion, ethics, justice, care, prevention of suffering, eradication of captivity and abandonment, as well as of any form of abuse or cruelty.” Under this section, an animal’s caretaker or keeper shall ensure, as a minimum, that it:

- a) is not hungry or thirsty;
- b) does not suffer unjustified physical discomfort or pain;
- c) does not contract diseases resulting from negligence or carelessness;
- d) is not subjected to fear or stress; and
- e) can express its natural behavior.

2.1.5 On the other hand, Colombian jurisprudence has recognized the constitutional duty to protect animals, both in their collective (ecological balance) and individual dimension, as they are considered sentient beings with intrinsic value (Constitutional Court of Colombia Judgment C-041, 2017).

2.2 Biodiversity protection and environmental responsibility

2.2.1 Biodiversity is a cornerstone of ecological balance, food security and the health of the planet. It is explicitly protected in Sustainable Development Goal (SDG) 15: Life on Land. This goal calls upon all sectors to stop biodiversity loss, prevent the introduction of invasive species and strengthen the implementation of treaties such as the *Convention on Biological Diversity* and the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*. However, the ways in which aviation contributes both directly and indirectly to this loss remain largely unregulated at the international level.

2.2.2 While ICAO has expressed support for biodiversity initiatives, it has not developed standards for environmentally sound carriage of live animals. While discussions about endangered wildlife trafficking are important, they represent only one dimension of the problem. Even the legal transport of domestic, exotic or wild animals can contribute to the spread of invasive species, according to The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).

2.2.3 Animals that are inadequately documented, inappropriately contained, or incorrectly classified could break free or introduce foreign microbiota and pathogens into sensitive environments. The unregulated cross-border movement of pets or livestock can also result in feral populations, native species displacement or disease transmission.

2.2.4 These problems stem in part from procedural oversight shortcomings, inconsistent documentary requirements and misaligned regulatory requirements regarding animal handling, which contribute to the loss of species and the disruption of ecosystems. ICAO commitment to environmental sustainability requires that these challenges be urgently addressed.

2.2.5 The introduction of pathogens, zoonotic risks and uncontrolled reproduction of transported animals can lead to cascading environmental effects. According to IPBES, invasive alien species are among the top five drivers of biodiversity loss globally.

2.2.6 The absence of ICAO guidelines or mandatory regulations has resulted in fragmented and contradictory national responses that not only endanger animals and ecosystems but also increase the operational burden on air carriers. Environmental protection as a strategic objective of ICAO must consider the legal, environmental and ethical dimensions of live animal transport.

2.3 Regulatory framework applied in an indirect and fragmented manner

2.3.1 At present, the carriage of animals by air is indirectly regulated through the International Air Transport Association's (IATA) live animal standards, which are not binding under the Chicago Convention, and the World Organization for Animal Health (WOAH) Terrestrial Animal Health Code, which is not designed for international civil aviation. Member States' national legislation further compounds the issue, leading to an inconsistent regulatory patchwork.

2.3.2 The definition of "animal" itself varies significantly. While some jurisdictions still consider them as chattel, others recognize them as sentient beings and even afford them fourth-generation human rights under specific legal frameworks.

2.3.3 The differences between service animals (trained to assist people with limited mobility), emotional support animals (providing comfort though not specifically trained) and therapeutic animals (used in clinical settings but not legally recognized under accessibility rights) are unclear. These distinctions are essential to determine legal effects.

3. CONCLUSION

3.1 The transport of live animals requires a comprehensive legal, technical and ethical analysis in line with the principles of international law, environmental protection, safety and facilitation.

3.2 Unregulated air transport of domestic, exotic or wild animals can contribute to the spread of non-native invasive species and disrupt local ecosystems.

3.3 The absence of ICAO guidelines or mandatory regulations has resulted in a patchwork of national responses, increasing risks to animals, ecosystems and air operations.

3.4 ICAO leadership is key to avoiding regulatory inconsistencies, fostering animal welfare, protecting biodiversity, ensuring safe operations and promoting facilitation.