

CHAPTER ONE

ANIMAL PROTECTION POLICY IN MEXICO

1. The legal framework for animal protection

In this chapter I detail the main aspects of the most important laws, norms and legal institutions at the federal and state level in Mexico dealing with animal protection. It is clear that if enacting laws and having legal institutions to enforce these constituted adequate environmental protection, then Mexico would count among the most sensitive countries to issues of environmental protection in the world. However, to function properly, laws need to be understood as more than pieces of paper. Here I establish the main hypothesis of this thesis that these laws, while formally comprehensive, do *not* provide the level of animal protection to Mexican wild and domestic animals that the spirit of these laws promises. I will show that this is mostly due to the fact that the enforcement of these laws is seriously lacking (sub-hypothesis one) which, in turn, is caused by many factors. I only touch on them here. One consequence of the lack of adequate legal protection concerns the evidence of illegal practices toward animals in Mexico today. This chapter explores existing national laws, state laws and norms that protect animals. I also discuss the environmental institutions in charge of enforcing the laws. I then establish the lack of law enforcement by providing evidence that cruel practices to domestic animals continues to be a problem in Mexico. I conclude this chapter by arguing that despite the strong legal framework of animal protection policy in Mexico, animals are still struggling for their existence because laws are not being enforced.

1.1 Legal protection for animals in Mexico

1.1.1 Laws for the protection of animals

In the first part of this chapter I examine federal and state Mexican laws concerning animal welfare and protection. The tasks of this section are twofold. I wish to demonstrate that the Mexican legal framework for animal welfare is based on *humane principles*. I also wish to show that existing laws are fairly *comprehensive*. These terms require a brief definition at this point. Principles are the fundamental approach underpinning the various aspects of each law. Following the *Oxford English Dictionary*, I understand humane as “marked by sympathy with and consideration for the needs and distresses of others.”¹ Thus I argue that animal protection laws in Mexico are grounded in a fundamental approach of benevolence toward animals and inflicting the minimum of pain.

‘Comprehensive’ is defined as “complete, including all the elements.”² Interpreting this in the present context, I understand the laws as comprehensive if they provide a very wide coverage of animal needs and protections, which means that they should be consistent, coherent and detailed enough to provide for the huge diversity of Mexican fauna. As I will show, on paper at least, the Mexican legal framework for animal protection appears to be comprehensive. To prepare the ground for arguments in later chapters, it is also worth noting now that this framework seems comparable to equivalent laws and norms of developed countries that are often internationally recognized as world leaders in animal welfare. For now it should be enough to make the general claim that, for example, Britons and Germans have built a culture of respect toward animals which is now inherently reflected in the practices of their societies. This has created a culture of respect toward

¹ The Philosophical Society, *The Oxford English Dictionary* (Oxford: Clarendon Press, 1961), 444.

² *Oxford English Dictionary*, 743.

nature and in particular toward animals. Arguments in favor of viewing sentient animals as beings with inherent moral value have been popular in these countries for decades.³ Indeed, there is evidence to suggest the forerunners of these arguments are several centuries old.⁴

The long history of animal welfare in the public culture of these countries has obviously played a role in the comprehensiveness of their current laws in this area. It may seem surprising, then, that the first argument I present is that Mexican animal welfare laws are comparably comprehensive, given that the history of animal protection in Mexico is rather recent. The first steps to environmental politics in Mexico started in the 1894 when “the first protective legislation intended specifically for the conservation of wildlife.”⁵ In 1940 the first Federal Game Law was created.⁶ More recently, the Law to Prevent and Control the Environmental Contamination⁷ was passed in 1972, with the creation of the first environmental agency: the Subsecretary for the Improvement of the Environment⁸ as part of the Secretary of Sanity and Assistance.⁹ The real ecological concern in matters of species conservation in Mexico started in the late 1980s due to external pressures, mainly

³ These include the philosophical arguments of Aldo Leopold, *A Sand County Almanac* (Oxford: Oxford University Press, 1949), Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin Company, 1962), Peter Singer, *Animal Liberation*, (New York: Harper Collins Publishers, 1975) and Tom Regan, *The Case For Animal Rights* (Berkeley: University of California Press, 1983), Matthew Scully, *Dominion The Power of Man, the Suffering of Animals, and the Call to Mercy* (New York: St. Martin’s Griffin, 2002).

⁴ See for example, Henry S. Salt, *Animals' Rights: Considered in Relation to Social Progress* [1892] reproduced in P.A.B. Clarke and Andrew Linzey (eds.) *Political Theory and Animal Rights* (London & Winchester, Mass.: Pluto Press, 1990), 140-8. See also the natural law theories of Samuel Pufendorf, *The Law of Nature and Nations* 1688, tr. C.H. & W.A. Oldfather (New York: Oceana, 1931) vol. II and John Locke, who in the same period argued that the wanton destruction of animals was not justified in his *Two Treatises of Government* (London: Everyman's Library, 1988), see esp, 119.

⁵ Leopold Starker, *Wildlife of Mexico: The game birds and mammals* (Berkeley: University of California Press, 1959), 77.

⁶ Starker, Leopold, *Wildlife of Mexico*, 79.

⁷ Instituto Nacional de Ecología, *Ley para Prevenir y Controlar la Contaminación Ambiental 1971*, http://www.ine.gob.mx/ueajei/publicaciones/libros/5/marcoregu.html?id_pub=5 [cited January 2004].

⁸ Instituto Nacional de Ecología, “Prevención para la contaminación ambiental,” *Capítulo Décimo*, http://www.ine.gob.mx/ueajei/publicaciones/libros/109/cap10.html?id_pub=109 [cited January 2004].

⁹ SEMARNAT, *Antecedentes de SEMARNAT*, http://sadgitx02.semarnat.gob.mx/wps/portal/cmd/cs/ce/155/s/1614/_lpid.1386/1611/_th/902/_lp.1386/0/_s.155/1611 [cited January 2004].

for entrance to the North American Free Trade Agreement (NAFTA) in 1989¹⁰ and signing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1991.¹¹ Current national laws on environmental protection that cover fauna protection appear to reflect a growing global concern in this area. I now demonstrate that they are indeed comprehensive and based on humane principles with a view to showing that, if enforced and followed, they would really protect animals properly.

1.1.2 Key federal laws in the protection of Mexican fauna¹²

The most important environmental law is the General Law of Ecological Balance and Environmental Protection¹³ (LGEEPA) published in the Official Federation Paper (DOF),¹⁴ January 28, 1988. “Since the enactment of this law, Mexico has made great strides in developing the required legal framework to protect its natural resources and the environment.”¹⁵ The LGEEPA provides a wide coverage of areas concerning environmental protection and is highly detailed, with six titles, 27 chapters and over 200 articles. It establishes the protection of national parks, natural protected areas, flora and fauna protected areas, sanctuaries, state parks, natural reserves, pollution management, etc. The LGEEPA is designed to protect all species: terrestrial and marine. It states comprehensive guidelines for the execution of actions of preservation, restoration and sustainable exploitation of natural resources. To preserve and acquire a sustainable future,

¹⁰ Michael G. Wilson and Wesley R. Smith, “Introduction,” in *The North American Free Trade Agreement: Spurring Prosperity and Stability in the Americas*, ed. Michael G. Wilson and Wesley R. Smith (Washington, D.C.: The Heritage Foundation, 1991), vii.

¹¹ CITES, *Adhesión*, <http://www.cites.org/common/directy/m/mexico.html> [cited March 2004].

¹² All quotations of the Mexican laws here are my translation unless otherwise stated.

¹³ Mexico, Mexican Congress, *Ley General de Equilibrio Ecológico y Protección al Ambiente* (LGEEPA) (Mexico D.F.: Diario Oficial de la Federación, 1988).

¹⁴ *Diario Oficial de la Federación*.

¹⁵ Federico M. Ruanova, “Making its Environmental Laws Work,” *Environmental Policy & Law* vol. 29, issue 5, (1999): 242.

the law mentions “the fight against the illegal trade or illegal appropriation of species,”¹⁶ as well as the importance of the participation of organizations to preserve biodiversity.¹⁷

The LGEEPA also supervises “[t]he development and creation of rehabilitation and repopulation of biological units of wild fauna species”.¹⁸ For the protection of nature, it considers important the participation of society by public or private organizations in order to preserve biodiversity.¹⁹ Thus it is the responsibility of *all* sectors of society, not merely the task of the government or of certain rural communities that coexist directly with the fauna in question. The law regulates research on flora and fauna to avoid the abuse of nature. This research clarifies the importance of “[t]he development of an *honorable and respectful treatment* for animal species in order to avoid cruelty against them.”²⁰ It therefore establishes the creation of alternative productive activities for rural communities and indigenous communities, to avoid over-exploitation of the resources. Article 87 BIS 2 indicates that the Federal Government, state governments, Federal District and Municipalities, within their respective scope of jurisdiction, shall control the “respectful treatment” provided to animals.²¹

The respectful practices in the laws have emerged thanks to the close relationship between animals and people on the farm or as pets. Farm and companion animal rights are established in the Federal Law for Animal Hygiene²² (LFSA) published June 18, 1993. The meaning of ‘animal’ is undefined in this law, but it can be inferred that the term is directed

¹⁶ LGEEPA, “Second Title Article 79 Fracción IV,” http://www.semarnat.gob.mx/dgeia/web_ingles/2.shtml [cited September 2004].

¹⁷ LGEEPA, “Second Title Article 79, Fracción IV”.

¹⁸ LGEEPA, “Second Title Article 79, Fracción V”.

¹⁹ LGEEPA, “Second Title Article 47”.

²⁰ LGEEPA, “Wild Flora and fauna Chapter III Article 79 VIII,” [my emphasis].

²¹ LGEEPA, “Wild Flora and Fauna ARTICLE 87 BIS 2”.

²² Mexico, Mexican Congress, *Ley Federal de Sanidad Animal* (LFSA) (1993), www.cddhcu.gob.mx/leyinfo/pdf/116.pdf [cited March 2004].

to wild animals, farm animals and pets excluding marine animals, unless they are used for entertainment by a circus, animal parks, zoos. This law stipulates that animals should receive “humane treatment, in order to avoid unnecessary pain during their capture, transportation, exhibition, quarantine, commercialization, consumption, entertainment, and sacrifice.”²³ The conditions required for ‘humane treatment’ in each of these cases are explained in the law, which again indicates its comprehensive scope. In the matter of mobilization, it is stated that all animals, their products and subproducts can be transported freely throughout the Mexican territory.²⁴

This law is also comprehensive, particularly concerning domestic and farm animals. It stipulates that anyone who possesses an animal should vaccinate them against transmissible diseases, should provide them with food, hygiene, transportation and shelter with proper ventilation in order to assure their health.²⁵ In the case of animals used for human consumption, slaughterhouses must, by law, have at least one veterinarian. In certain cases they should have a veterinarian from the (Health Secretariat).²⁶ Fines for not having a veterinarian are from one thousand up to fifteen thousand times the minimum wage for one day.²⁷ At present that is roughly between 45,240 Mexican pesos and 678,600 pesos.

²³ Mexico, Mexican Congress. “Titulo Primero Disposiciones Generales. Capitulo II Conceptos. Artículo 2,” *Ley Federal de Sanidad Animal (LFSA)* (México D.F.: Diario Oficial de la Federación, 1993), 53.

²⁴ LFSA, “Capitulo V de la Movilizacion, Importacion y Exportacion Artículo 21.”

²⁵ LFSA, “Titulo Segundo de las Medidas Zoosanitarias, Capitulo III del trato humanitario, cuidado zoosanitario y tecnicas de sacrificio de animales, Artículo 17.”

²⁶ LFSA, “Titulo Segundo de las medidas zoosanitarias, Capitulo IV, Artículo 20.”

²⁷ LFSA, “Titulo Cuarto de los incentivos, denuncia ciudadana, infracciones y sanciones y recurso de revisión, Capitulo III de las infracciones y sanciones, Artículo 54.” It is stated the minimum wage in the Mexico City “at the moment of the violation.” It varies according to the profession, on average it is currently 45.24 pesos. This information is available at <http://www.stps.gob.mx/salariosminimos.pdf>

The responsibilities of civil society are highlighted here in that every citizen can report facts, acts or omissions that could harm or is harming animal health to the HS or through state delegations.²⁸ The report provides necessary data of where the health of the animal is at risk, as well as the name and address of the reporter.²⁹ This law also has fairly serious powers in terms of penalties for breaking it. Fines for violating the LFSA are from one thousand to thirty thousand minimum wages (from 45,240 pesos up to 1,357,200 pesos).³⁰ In cases where perpetrators reoffend, fines can be applied up to double that amount or can, in theory, proceed to the closure of slaughter houses, laboratories, etc.³¹

The Wildlife General Law (LVS),³² July 3, 2000, states the importance of divulging information on matters of wildlife in four ways: first, by promoting projects of development; second by creating studies and activities directed to education and research on wildlife; third, by emphasizing the needs for the protection of aquatic habitats to protect marine species; fourth, through the creation and administration of state records of wild species and birds of prey kept as pets. The law promotes measures in order to provide what it calls a “dignified and respectful treatment to wild fauna,”³³ which again demonstrates its formal basis in humane principles. In this law, authorities are charged with watching over any activity related to the use of nature “[t]o avoid, prevent, restore, compensate or ameliorate the negative effect on wildlife and its habitat.”³⁴ The Secretariat of Environment

²⁸ LFSA, “Titulo Cuarto, Capitulo II de la denuncia ciudadana, Artículo 51.”

²⁹ LFSA, “Titulo Cuarto, Capitulo II, Artículo 52.”

³⁰ LFSA, “Titulo Cuarto, Capitulo III, Artículo 54.”

³¹ LFSA, “Titulo Cuarto, Capitulo III, Artículo 57.”

³² *Ley General de Vida Silvestre* (LVS).

³³ Mexico. Mexican Congress. “Titulo Quinto Disposiciones Comunes para la Conservación y el Aprovechamiento Sustentable de la Vida Silvestre, Capitulo VI trato digno y respetuoso a la fauna silvestre, Artículo 29,” *Ley General de Vida Silvestre* (LVS) (2000), <http://www.cddhcu.gob.mx/leyinfo/pdf/146.pdf> [cited March 2004].

³⁴ LVS, “Titulo Quinto Disposiciones Comunes para la Conservación y el Aprovechamiento Sustentable de la vida silvestre, Capitulo I, Artículo 19.”

and Natural Resources (Semarnat)³⁵ must promote in conjunction with the Public Education Secretariat (SEP)³⁶ and the rest of the competent authorities that institutions of elementary, middle, high and research education as well as NGOs should develop programs of environmental education, training, scientific research and technology in order to support activities of conservation and sustainable use of wildlife and its habitat.

The municipalities, states and the federation are charged with adopting measures of respectful and dignified treatment to avoid or diminish the tension, suffering, trauma and pain that could be inflicted on wild fauna during their use, transportation, exhibition, quarantine, training, commercialization and sacrifice.³⁷

The Semarnat can also establish refugee areas in order to protect endemic marine species and their habitats. People from a locality that benefit from wildlife and their subproducts (by their consumption or for sale) to satisfy their basic needs must receive the support and technical consultation from the authorities to live in accordance with the law. “The money obtained by authorities through fines for violating this law as well as the money raised from public auction and the direct sale of products or subproducts confiscated is used to develop programs, projects and activities linked to the conservation of the species.”³⁸ Taken together, all these legal provisions demonstrate that coherent and comprehensive provisions for animal welfare are not absent in Mexico, at least not in the federal legal framework.

1.1.3 State laws for animal welfare: three examples

What the above suggests is that Mexican federal law is fairly comprehensive by itself. In addition, and because Mexican territory is highly diverse both geographically and in terms

³⁵ SEMARNAT, *What is Semarnat?* (March 2002), http://www.semarnat.gob.mx/dgeia/web_ingles/what_is_semarnat.shtml [cited September 2004].

³⁶ *Secretaría de Educación Pública.*

³⁷ LVS, “Título Quinto Vida Silvestre, Capítulo VI trato digno y respetuoso a la fauna silvestre, Artículo 29.”

³⁸ LVS, “Capítulo II Aprovechamiento para fines de Subsistencia, Artículo 92.”

of species, each Mexican state has its own law for the protection of animals. These vary slightly according to the states' necessities. I have chosen three very different regional areas as representative of the differing protection given by state law in central Mexico (Puebla), the north (Chihuahua) and the south east (Yucatán). As with federal laws for animal welfare, there is some evidence to show that the state laws are first, all conceived upon humane moral principles and second, are also comprehensive when taken together with federal laws. While sharing similar principles to federal law, it is notable that some state laws also place a high emphasis upon the *active* participation of civil society. The following examples have been selected to show where state law gives very specific provisions for the treatment of animals in addition to the protection given by federal law.

Puebla's Animal Protection Law (LPP)³⁹ was published in the Official Publication (PO)⁴⁰ on January 7, 1983, and states that animals should be protected since they are sentient beings and that maltreatment and cruelty toward them should be avoided. While this law is scheduled for modification in 2005, it states currently that sacrifice should not be cruel, preventing brutal spectacles that can lead people, especially children, to the deterioration of their morality, and of their values about life and death. As with the LFSA, the LPP affirms that animals should be located in proper spaces, have shelter, ventilation, and should be fed adequately in order to avoid suffering.⁴¹ In the case of slaughter they should have an instant death, not be previously tortured, beaten, or suffer any other action that can torture them.⁴² They should only be used in experiments when there are no other

³⁹ *Ley de Protección a los animales para el Estado Libre y Soberano de Puebla* (LPP). Mexico, Congress of Puebla, *Ley de protección a los animales para el Estado Libre y Soberano de Puebla* (LPP), (Periódico Oficial del Gobierno Constitucional del Estado de Puebla, January 7 1983), 2.

⁴⁰ *Periódico Oficial*.

⁴¹ LPP, "Capítulo I, Artículo 5, Fracción III," 3.

⁴² LPP, "Capítulo IV, Artículo 35-43," 6-7.

alternatives for obtaining the results. Live animals must not be used when results are already known.⁴³

Laws from Chihuahua (LC) and Yucatán (LY) look for more integration between civil society and animals.⁴⁴ The Chihuahua Animal Protection Law was published on June 29, 1994. Unlike Puebla, it is established that public places and transport must allow access to trained dogs for physically disabled people.⁴⁵ It is prohibited to sell live animals to children and teenagers under 14 years old, if they are not accompanied by an adult who will take responsibility for the adequate subsistence and treatment of the animal.⁴⁶ Animals captured by the authorities have a 72 hour period for the reclamation of the animal.⁴⁷ Yucatan's Animal Protection Law,⁴⁸ published 10th December, 1999, has a special section for marine animals. Unlike Chihuahua and Puebla, this law has a record of animals (domestic and wild) that inhabit the state.⁴⁹ The three state laws are fairly similar about animals used for experiments. All provide the flexibility required by a country so geographically diverse and species-rich, while at the same time enjoying the coherence of general principles and approach provided by federal law.

⁴³ LPP, "Capítulo II, Artículo 12," 4.

⁴⁴ Mexico, Congress of Chihuahua, *Ley de Protección a los Animales para el Estado de Chihuahua* (LC), "Artículo 28" (1994), http://www.chihuahua.gob.mx/congreso/Biblioteca/Leyes/277_94.pdf [cited May 2004] and Mexico, Congress of Yucatán, *Ley para la protección de la fauna del estado de Yucatán* (LY), "Artículo, I, Fracción VI" (1999), <http://www.congresoyucatan.gob.mx/legislacion/leyes%5Cproteccion-fauna.htm> [cited May 2004].

⁴⁵ LC, "Capítulo II de la fauna en general, Artículo 10."

⁴⁶ LC, "Capítulo III de los animales domésticos, Artículo 14."

⁴⁷ LC, "Capítulo III de los animales domésticos, Artículo 27."

⁴⁸ *Ley para la protección de la fauna del estado de Yucatán* (LY).

⁴⁹ LY, "Título Segundo autoridades de la materia en el estado, Capítulo único, Artículo 10."

1.2 Official Mexican Norms for animal welfare

State laws are complemented by federal laws for the maximum preservation of the welfare of animals and to assure their humane treatment. In addition to federal and state laws, Mexican legislation possesses Official Norms (NOMs). Laws criminalize actions. They *must* be followed, or penalties will be applied. Norms, however, are used to designate ‘normal’ practices or general rules that *ought* to be followed by government bodies, authorities, businesses and the public. Unlike laws, these norms are conventions that have acquired some official status but do not have the power to apply heavy sanctions to transgressors. They often, but not always, concord with international norms establishing ‘good practices’. The main NOMs I discuss also provide additional evidence to support the argument that the Mexican legal framework concerning animal protection is conceived under humane principles and are, on paper, comprehensive.

The NOM of humanitarian sacrifice to domestic and wild animals (hereafter NOM33)⁵⁰ describes proper desensitization and sacrificial methods for pigs, cows, sheep, goat, deer, birds, rabbits, dogs, cats and wildlife (from lizards to lions). The NOM33 presents graphics that establish the doses for each species to be humanely killed. It was created to “standardize the humanitarian desensitization methods throughout the Mexican territory; that should guarantee a fast, painless death to animals... avoiding tension and distress during their sacrifice.”⁵¹ It specifies that animals not used for food can only be sacrificed when they are suffering from an accident, illness, physical incapacity, from very

⁵⁰ NOM-033-ZOO-1995 (NOM33) *Sacrificio humanitario de los animales domésticos y silvestres.*

⁵¹ Secretaría de Agricultura, Ganadería y Desarrollo Rural, “1. Objetivo y campo de aplicación 1.1,” NOM33 (1995), <http://web2.senasica.sagarpa.gob.mx/xportal/dgsa/mrni/Doc328/Nomint033.doc> [cited May 2004].

old age, impossibility (of the owner) for its caring, or when it represents a danger to public health.⁵² This norm has no equivalency with any international norm.

The NOM of humanitarian treatment in the mobilization of animals (NOM51)⁵³ defines humanitarian treatment as a “group of measures to diminish the trauma and pain to animals during their capture, mobilization, exhibition, quarantine, commercialization, consumption, entertainment and sacrifice.”⁵⁴ Animals for human consumption must be “mobilized under minimum conditions of stress and procure their welfare, consequently death will be a minimum risk; and the quality of their products and subproducts will be better. This is intended to avoid economic loss caused by maltreated animals.”⁵⁵ For this reason “animals should not be struck with any object that can cause them trauma during their mobilization.”⁵⁶ These particular points establish the relation that humans have with animals; stating that it is not only for the sake of animals to be humanely treated, it is also in the interest of humans to do so.

Specific and very comprehensive provisions for the humane treatment of each species are described. These include that transportation cars should never be overloaded. Animals must never be tied by their feet or by any method that could strangle them. Ventilation during transportation should be provided according to the weather. Hours of travel for each species are also determined. Drawings are provided to demonstrate how animals should be transported and the requirements vehicles should have. NOM51 is not equivalent to any international norm.

⁵² Meaning that a certain species has become a plague and can affect human’s health, NOM33, “1. Objetivo y campo de aplicación 4.15.”

⁵³ NOM-051-ZOO-1995 (NOM51), *Trato humanitario en la movilización de animales*.

⁵⁴ Secretaría de Agricultura, Ganadería y Desarrollo Rural, “3.43. Trato humanitario,” NOM51 (1995), <http://web2.senasica.sagarpa.gob.mx/xportal/dgsa/mrni/Doc342/Nom-051-DOF.doc> [cited May 2004].

⁵⁵ NOM51, “Introducción.”

⁵⁶ NOM51, “4.2.6.”

The NOM of zoosanitary characteristics for the operation of establishments where fair, exhibition, auction, market and similar events animals are concentrated (NOM45).⁵⁷ “All animals admitted to events such as fairs, exhibitions, auctions, *tianguis* (open air, product tax free markets), and the like, must be inspected by a veterinarian.”⁵⁸ The installations should be clean and in good conditions. Specifications, as in the other norms, must be provided to animals in order to preserve their welfare; such as ramps, farm yards, water and food supply areas, area of isolation for animals that require it, area for offal, ventilation, nurse, pharmacy and nursing areas.⁵⁹ “Beating animals or any other action that is contrary to the humanitarian treatment of these is prohibited.”⁶⁰ NOM45 is not equivalent to any international norm.

All these NOMs support the argument mentioned concerning the legal framework, which is that on paper Mexican provisions for animal welfare are comprehensive in scope and highly sensitive in nature to diverse geographical and species needs. NOMs nevertheless face a lack of power enforcement by their very non-legislative nature. They can be enforced as regulations or standard practices only.

The NOM of technical specifications for the production, care and use of animals in laboratories (NOM62) “was created to standardize criteria about activities practiced in laboratory animals, since practices [up to 1999] had caused grave damage to the animal’s welfare.”⁶¹ The norm provides highly specific practical guidelines and is undoubtedly

⁵⁷ NOM-045-ZOO-1995 (NOM45) *Características zoosanitarias para la operación de establecimientos donde se concentren animales para ferias, exposiciones, subastas, tianguis y eventos similares.*

⁵⁸ Secretaría de Agricultura, Ganadería y Desarrollo Rural, “4.5”, NOM45 (1995), <http://web2.senasica.sagarpa.gob.mx/xportal/dgsa/mrni/Doc336/Nom-045-DOF.doc> [cited May 2004].

⁵⁹ NOM45, “5.4”

⁶⁰ NOM45, “6.5 b)”

⁶¹ Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación, “Introducción, Considerando:,” *Especificaciones técnicas para la producción cuidado y uso de los animales de laboratorio*

comprehensive in scope. When animals are used for experimental practices that are “questionable, unacceptable or against ethical principles, they can cause grave damage to the welfare of animals.”⁶² In the words of the norm, “due to the globalization process in which Mexico is immersed, it is necessary to standardize the criteria used in laboratories in order to benefit the welfare and protect the animal’s health.”⁶³ Euthanasia is defined as a humanitarian procedure to end the life of a laboratory animal without pain, angst, and suffering.⁶⁴ NOM62 is applied to rats, mice, guinea pigs, hamsters, jerboas, rabbits, dogs, cats, non-human primates and pigs. *Bioterios*⁶⁵ should have a veterinarian and an administrator responsible at all times. To preserve all animals’ welfare and to work within humanitarian principles, food should be provided free of drugs and hormones, antibiotics should be within the expiry date and well kept. Normal behavior should be allowed, food, water and shelter must be provided. NOM62 even contains tables specifying the amount of food and water each species should receive as well as dimensions of cages, beds and nests. “Analgesics and anesthesia should be applied to any procedure that can cause them more pain than the marking of the ears.”⁶⁶ Tables of substances, like anesthetics, are established for each species. Rooms for experimentation should have the correct temperature for each species. Once the experiment is over, animals should be placed in a recovery area. The installations must have an emergency exit.⁶⁷ NOM62 is not equivalent to any international norm.

NOM-062-ZOO-1999 (NOM62) (1999), <http://www.sagarpa.gob.mx/Dgg/NOM/062azoo.pdf> [cited May 2004].

⁶² NOM62, “Introducción, Considerando.”

⁶³ NOM62, “Introducción, Considerando.”

⁶⁴ NOM62, “3.25. Eutanasia.”

⁶⁵ The place where experiment animals are kept.

⁶⁶ NOM62, “8.1. Analgesia y anestesia.”

⁶⁷ NOM62, “7.2.1.2. Salida de emergencia.”

All the evidence so far leads to the conclusion that the Mexican legal framework *does* contain serious provisions for animal welfare on paper in terms of animal treatment/maltreatment and the sustainable use of resources. The laws and NOMs themselves are comprehensive in that they have a particularly wide scope of application and, as we have seen, provide highly detailed coverage of general and specific practices and situations for both wild and domestic fauna. They are also grounded in coherent humane principles that are comparable both legally and normatively to those found in developed countries. Mexican legal and normative animal welfare provisions are flexible from state to state which means they are sensitive to Mexico's huge geographical variety, but have an overall coherence provided by federal law.

The fact that several norms are codified in Mexico that do *not* have international equivalents is particularly significant. These Mexican norms offer very detailed guidelines that appear both plausible methods of good practice and helpful sources of information to aid authorities, veterinarians, private companies and individuals in providing the best welfare for the animals in their charge. It could be argued that because these norms are so comprehensive, because they go beyond the internationally tried and tested route of good practice, they may be over-ambitious, economically unfeasible or difficult to standardize or carry through possibly in part because they are non-legislated norms. A counter argument to this could be that the very fact of having these unique norms places, or could place, Mexico at the forefront of creating more precise guidelines in the area of international norms for animal welfare. At the very least, their existence reinforces the argument that the Mexican legal-normative framework is comprehensive and highly sensitive to issues of animal welfare and animal protection. However, as with any law, the regulative success of

Mexican laws and norms for animal welfare depend on how they are implemented in practice, which is where government institutions play a vital role.

1.3 Governmental institutions

Laws are monitored through special governmental institutions which, at first glance, seem to be as impressive as the laws. Some mention of the governmental agencies in charge of the environment that include special sections to look after Mexican fauna is warranted. These are the Secretariat of the Environment and Natural Resources (Semarnat), the National Commission for the Knowledge and Use of the Biodiversity (CONABIO),⁶⁸ the National Institute of Ecology (INE),⁶⁹ and the Federal Attorney for Environmental Protection (PROFEPA).⁷⁰ These institutions seek the sustainable development of Mexican resources for the conservation and preservation of ecosystems in general. They also emphasize civil society participation to achieve their goals. None, however, focus exclusively on the protection of all animals (domestic and wild). Where animals are mentioned, concerns are almost always directed toward wild fauna. Other governmental institutions⁷¹ also protect animal species, but largely as an indirect consequence of their main objective which concerns the conservation of other natural resources like water or of social development. In protecting these resources, they also end up protecting animal species by default.

⁶⁸ *Comisión Nacional para el Conocimiento y Uso de la Biodiversidad* for further information cite <http://www.conabio.gob.mx/>

⁶⁹ *Instituto Nacional de Ecología*, for further information cite <http://www.ine.gob.mx/english/index.html>

⁷⁰ PROFEPA, "Organizational Chart," *Procuraduría Federal de Protección al Medio Ambiente* (2002), http://www.profepa.gob.mx/seccion.asp?sec_id=169&it_id=410&com_id=0 [cited February 2004].

⁷¹ *Comisión Nacional del Agua* (CNA); *Secretaría de Desarrollo Social* (Sedesol); *Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación* (SAGARPA); *Comisión Nacional de Áreas Naturales Protegidas* (CONANP); *Instituto Mexicano de Tecnología del Agua* (IMTA) and the *Comisión Nacional Forestal* (Conafor).

The (Semarnat) was created in 2000, to replace the Secretariat of Environment, Natural Resources and Fisheries (Semarnap)⁷² established in 1994. The Semarnat's "main purpose is to create a national environmental protection policy reversing the tendencies of ecological deterioration and establishing the bases for a sustainable development in the country."⁷³ The Secretariat has many functions and objectives.

The Secretariat is [entitled] to the creation of a national environmental protection policy aimed at responding the increasing national expectations of protecting our natural resources and aiding in the solutions on the causes that create pollution, loss of ecosystems and biodiversity. [One of its goals] is to create a consistent national policy with the new stage of political welfare, where the environmental problem arises as an important and priority issue for everybody: the society, the civilian organizations, the enterprises and the government, who realize the damages arising from the lack of care toward the environment and the importance of it to preserve and improve the life quality of the Mexican people.⁷⁴

For wildlife, the Semarnat provides for the conservation and restoration of wild species and the restoration and the correct management of their natural habitats. As with most other governmental organizations, the Secretariat promotes conservation *in situ*,⁷⁵ as the only feasible solution in the preservation of the fauna. Conservation *ex situ* which includes museums, zoos, aquariums, botanic gardens and urban parks, should only be used for achieving the goal of respecting their lives in their natural habitats.

Preserving wildlife for the sake of our future is one of the goals of the Semarnat. The Secretariat believes that the main argument for wildlife conservation is that "wild species do not belong to us, but to the humanity of all times... Wildlife evolution has helped in human evolution and has also aided in the preservation of our own species."⁷⁶

⁷² *Secretaría de Medio Ambiente, Recursos Naturales y Pesca.*

⁷³ SEMARNAT, "What is the SEMARNAT," *Secretariat of Environment and Natural Resources* (March 2002), http://www.semarnat.gob.mx/dgeia/web_ingles/what_is_semarnat.shtml [cited February 2004].

⁷⁴ SEMARNAT, "What is the SEMARNAT."

⁷⁵ In their natural habitats.

⁷⁶ SEMARNAT, "La vida silvestre de México, patrimonio de incalculable valor...", *Presentación Vida Silvestre* (April 28, 2004), <http://www.semarnat.gob.mx/vs/present.shtml> [cited April 2004].

The Semarnat also mentions that it is human expansion that has endangered wildlife and has threatened its habitat. This is contrary to what our actions towards nature should be, since wildlife evolution has aided in the evolution of the human species. “Then we can apparently see two antagonistic spheres, on one hand the socioeconomic development and human expansion, and on the other the preservation of nature.”⁷⁷ The problem is how do we allow one without harming the other?

The answer the Semarnat provides to this problem is the development of ‘sustainability’, which assumes that these spheres are not necessarily opposed to each other and that both need to be related in order to assure their survival. The evolution of human beings has been possible in great part thanks to natural evolution, hence it is the responsibility of humans to protect nature.⁷⁸

The Semarnat proposes measures that, if consistently enforced, will make a positive change in the environment and the relation between humans and animals. Perhaps the results from the Secretariat actions cannot be fully perceived since it is a relatively new agency, but in practice it is doing what the laws have established on paper, it seems plausible to expect significant and optimistic results in the near future.

The CONABIO is the scientific body in charge of the research projects. It is a commission that helps or subsidizes projects gathering information about species (plants and animals).⁷⁹ Such projects have to undergo analysis by scientists and academic experts in the field. Each year, the CONABIO provides a list of the projects that can be subsidized. Projects are for organizations or institutions experts in the ecological field.⁸⁰

⁷⁷ SEMARNAT, “La vida silvestre de México.”

⁷⁸ SEMARNAT, “La vida silvestre de México.”

⁷⁹ Rules and requirements that projects should meet are described in CONABIO’s web page: <http://www.conabio.gob.mx/>

⁸⁰ CONABIO, “El Sistema Nacional de Información sobre Biodiversidad de México,” ¿Qué es el SNIB? (February 3, 2003), <http://www.conabio.gob.mx/institucion/snib/doctos/acerca.html> [cited February 2004].

The CONABIO has a crucial function in applying international measures for the preservation of biodiversity. With the signature of the Convention on Biological Diversity in 1992, Mexico and 176 other nations committed themselves to preserve the biodiversity through a reasonable use of their biological resources and in sharing the benefits in a just and equal way derived from the use of the genetic resources. In response to these commitments established in the Convention, in 1993, “Mexico created a Country Study and a National Strategy of biodiversity. The following action is the elaboration of a National Action Plan.”⁸¹ The text of the National Strategy of Biodiversity was published in 2000 by CONABIO. “The elaboration of the text started since 1997 under the coordination of the CONABIO with the aid of the Global Environmental Facility (GEF), through the United Nations Development Program (UNDP).”⁸² The National Strategy of Biodiversity includes all the sectors of the society in order to maintain and preserve the diversity by following four steps: “the protection and conservation, the valuation of the biodiversity, knowledge and management of the information, and the diversification of the use.”⁸³

Another key institution in charge of the conservation of Mexican biodiversity is the National Institute of Ecology (INE), a decentralized body of the Semarnat. It was created in June 2001 “[t]o promote and coordinate research on environmental issues in order to provide data, ideas, proposals, and technical input for decision-making to support environmental and natural resources management.”⁸⁴ The institute’s stated mission is to

⁸¹ CONABIO, “Estrategia Nacional sobre Biodiversidad de México,” *Cooperación internacional, CDB, Aplicación en México* (June 14, 2004), http://www.conabio.gob.mx/institucion/cooperacion_internacional/doctos/introd-enb.html [cited July 2004].

⁸² CONABIO, “Estrategia Nacional sobre Biodiversidad de México.”

⁸³ CONABIO, “Estrategia Nacional sobre Biodiversidad de México.”

⁸⁴ INE, “What is The National Institute of Ecology?” *Instituto Nacional de Ecología* (June 18, 2003), http://www.ine.gob.mx/english/what_is_ine.html#top [cited January 2004].

inform society on environmental issues, seek for its protection, support decision-making, and promote the sustainable use of natural resources.⁸⁵

The Federal Attorney for Environmental Protection (PROFEPA) is in charge of enforcing federal environmental laws. The PROFEPA was created in 1992 for the sustainable use of the natural resources. Its mission is to carry out regulatory inspections to industries to make sure they are working under environmental laws. It is responsible for verifying the legal dispositions related to forests, wild flora and fauna, marine zones, natural protected areas, and the creation of mechanisms that aid in the achievement of the dispositions. It regulates the fulfillment of the LGEEPA, and several other laws. The agency also verifies licenses for import and export of threatened or endangered wild species and that the specifications of those permissions are followed.⁸⁶ The PROFEPA's strategic targets involve society and its NGOs. To achieve social participation, the institute possesses "The Program of Environmental Justice Procuration 2001-2006 which focuses on protected natural areas, in applying sanctions when environmental crimes are committed and guaranteeing strict enforcement of the law."⁸⁷

So far I have described the key environmental institutions and laws concerned with animal protection in Mexico. It should now be fairly well established that Mexican laws are underpinned by humane principles and that they are comprehensive in wide coverage and in specific detail. Clearly 'guaranteeing strict enforcement of the law' is a most important function of these governmental institutions. One consequence of having comprehensive laws and norms is that it obviously creates a great deal of work at the enforcement stage. It

⁸⁵ INE, "What is The National Institute of Ecology?"

⁸⁶ PROFEPA, "Guía de los derechos y obligaciones de los inspeccionados," *Recursos Naturales* (2002), http://www.profepa.gob.mx/seccion.asp?it_id=178&sec_id=109&com_id=0 [cited February 2004].

⁸⁷ PROFEPA, "Guía de los derechos y obligaciones de los inspeccionados."

also requires the careful establishment of institutions and their responsibilities, good coordination between institutions, that institutions have a thorough knowledge of laws and norms they are charged with enforcing, that they have the money to do their job and that they have both the power to enforce it and the willingness to enforce it consistently and impartially. There seems to be little point in having well-written, benevolent and comprehensive laws if they are not enforced adequately. In Mexico, this is where the main problem lies. Lack of enforcement leads to, or at the very least fails to prevent, negligence, illegal practices, public ignorance and increasing poverty among the already poor sectors of the Mexican society. In the next section of this chapter I argue that the existing legal framework is not fulfilling the promises it appears to give. This lack of law enforcement in animal protection matters in Mexico has, to date, created a dire scenario.

1.4 Cruel practices to domestic animals and lack of law enforcement

The task of this section is to illustrate two of the main areas where lack of law enforcement is evident. This section demonstrates negligent practices in pounds and slaughterhouses. As will become clear, the causes and the consequences are difficult to separate, mostly because they both involve pressure on economic resources in the government and in society. Several examples highlight the confusion.

Domestic animals are often thought to be less important in light of the possible man-made extinction of species. There is much evidence showing that the treatment of domestic animals in Mexico is far from what should be expected, given the legal clauses designed specifically to regulate their humane treatment. I conducted field research in three cities of the state of Puebla. The sanity directors (*regidores de salud*) of each municipality, Ruth Ramos, Reyna Tomé and Heberth Sánchez, all agreed that the way stray dogs are

caught, using *razzias*⁸⁸ causes animals much stress and often makes them faint (from lack of oxygen). Another cruel practice applied to strays is the use of electroshock to sacrifice them. The *razzias* and the electroshock are not humane methods for ending an animal's life, but putting them to 'sleep'⁸⁹ is too expensive and municipal governments cannot afford it. The only way the governments would be able to cover the expenses is if the 'owner' of the animal pays for the 'lethal' injection.⁹⁰ Alternative actions to *razzias* are being practiced in one of the three municipalities, which will be discussed in chapter four as a possible solution to end the cruel practices toward strays.

The *razzias* and electroshock are ambiguous practices, given that any action that causes animals to suffer is not permitted by law. However, these actions are not violating the law according to the sanity directors.⁹¹ This appears to highlight a discrepancy between laws whose contents conflict with one another. Cruel practices are banned in Articles 39 and 40 of the LPP, but the electroshock method is listed as a permitted practice in NOM33.⁹² Here comes a twofold situation, on one hand authorities have to control the excessive amount of stray dogs but by not having sufficient economic means to do it, they end up causing animals a lot of suffering. On the other, as stated by Puebla's authorities, having to cause animals this suffering is due to the irresponsibility of 'the owners'. In general people do not sterilize their pets and permit them to wander the streets for a large percentage of the time. This free roaming, unsterilized animal population contributes

⁸⁸ Catching animals with a kind of metallic rope by the mouth and wrist.

⁸⁹ Euthanasia, but Puebla's authorities do not like to use the term.

⁹⁰ Reyna Tomé, Coordinator of the Health Department in San Andrés Cholula Puebla, México, Interviewed by Norma Contreras, *The situation of pounds* (June 21, 2004).

⁹¹ Tomé, *The situation of pounds*.

Ruth Ramos, Sanity Director of Puebla, Puebla, Interviewed by Norma Contreras, *Animal Care in the State of Puebla*, June 24, 2004 and Heberth Sánchez, Sanity Director of San Martín Texmelucan Puebla, Interviewed by Norma Contreras, *Animal protection in San Martín* (June, 15, 2004).

⁹² NOM33, "6. a)"

significantly to the population explosion in stray dogs, which is a significant problem in Puebla state and elsewhere.⁹³ It also contributes to human health problems associated with rabies transmission and the large amount of canine defecation present on the streets. In a special report televised by TV Azteca it was stated that in Mexico City, for example, for every six human inhabitants there is one dog. There are approximately 3 million dogs that leave around 350 tons of waste on the streets every day. According to the report, this practice is due to a lack of culture and conscience⁹⁴ which I discuss in some detail in chapter two.

Practices permitting pets to free roam and of failing to sterilize them are indications of negligent responsibility for pet animals and clearly need to be addressed at the level of the cause perhaps even more than at the symptoms. Puebla State government is attempting to tackle the latter, but it is left up to individuals and groups in civil society to address the former.⁹⁵ Pet sterilization is prohibitively expensive⁹⁶ for many Mexicans and only very few organizations provide an affordable service that publicizes the huge benefits of pet sterilization for both individual owners and for the community at large. Given that extended finances are being spent by the government and its agencies on dealing with the symptoms (controlling and exterminating the huge stray population), one conclusion that stems from the above point is that the government could clearly be doing more by channeling some of the resources spent on managing the stray population into a campaign

⁹³ WHO, "Field application of oral rabies vaccinations for dogs: Report of a WHO consultation." *World Health Organization* (July 1998), <http://www.who.int/emc/pdfs/whoemczdi9815.pdf> [cited August 2004].

⁹⁴ Hechos, *Afternoon report TV Azteca*, Azteca 13, broadcasted August 4, 2004.

⁹⁵ See Emma R. Norman and Norma Contreras Hernández, "'Like Butter Scraped Over Too Much Bread': Animal Protection Policy in Mexico," "This is a preprint of an Article forthcoming in *Review of Policy Research* © [21, 1, January 2005] Policy Studies Organization," where we draw attention to the few privately subsidized organizations in Mexico that attempt to publicize the need for pet sterilization and provide it at low cost.

⁹⁶ Field research shows that in Puebla and Mexico D.F. the average cost of spaying a female cat is currently between 700 and 1,000 pesos.

for publicizing and providing pet sterilization facilities at a price affordable by most Mexicans. However, it is not merely the attitude of humans toward their pet animals that cause risks to human health.

In a report conducted by Marco Antonio Silva lack of law enforcement in slaughterhouses of even the basic ‘sanity rules’ is evident. “The [HS] estimates 2,249 slaughtering houses in Mexico. Only 80 have been accredited with the certification Federal Inspection Type (TIF),⁹⁷ a certificate the government gives to establishments that work within all the federal norms.”⁹⁸ This situation affects human health, as the quality of the meat is low; animals do not receive the right treatment at slaughter time. “Animals are slaughtered on the floor, where they have been defecating. Consequently the meat becomes contaminated with viruses, bacteria and parasites, which can reach its human consumers... Under these conditions a bacteria can multiply 17 million times in 12 hours.”⁹⁹

What can be deduced from this is that laws are obviously not enforced since less than four percent of slaughterhouses are working within the sanitary regulations. Three possible conclusions follow: first, that the majority of slaughterhouses do not work within the law; second, that authorities are not inspecting the majority of slaughterhouses or third, that they are inspecting them but fail to impose fines or shut down the slaughterhouses when they break the law. Either the HS is not doing the inspections correctly or it is doing them, but it is not enforcing the law. Alma Rosa Cortés, director of the slaughterhouse of Río Cuatzamala, denied the deficient situation in which the slaughterhouse operates in a special report conducted by TV Azteca. The municipal slaughterhouse looks more like a

⁹⁷ *Tipo Inspección Federal.*

⁹⁸ Antonio Silva, “Mala Carne,” *Noticieros Televisa* (November 11, 2003), <http://www.esmas.com/noticierostelevisa/losreporteros/325811.html> [cited March 2004].

⁹⁹ Silva, “Mala Carne.”

clandestine slaughterhouse because its ovens do not work, hence the parts of animals are thrown into clandestine dumps and into the Altamirano's city river, where people fish trout which have fed from the dumps.¹⁰⁰ These kinds of practices are violating the LFSA.¹⁰¹ The problem again is that laws are simply not enforced.

Even where they are enforced, difficult problems are still faced. Alejandro Mendez Lopez, President of the *Partido Verde de Michoacán*, drew my attention¹⁰² to the problems that ensued from enforcing a closedown of a Morelia slaughterhouse in 2003. After a food poisoning scare and after the slaughterhouse was found consistently violating the law, it was first fined and then closed down. The effects on the city meat supply were devastating. A meat shortage ensued. Individuals started slaughtering animals privately all over the city, contributing to the already serious health hazards. The municipal government had no alternative but to open the slaughterhouse again after three days, *without* obtaining assurance that practices were up to legal standards. The point to be made here is that in such cases, even when law enforcement occurs to protect animals and humans alike, the Mexican context often cannot support the sustained penalizations contained in the laws. In other words, while the legal provisions might look good on paper, they are either not enforced consistently or even where officials *are* prepared to enforce them, the context can make them unenforceable.

Law enforcement is one of the gravest problems Mexico has always faced. Impunity and corruption are an everyday issue. The point is not new. In 1999, Federico Ruanova made a brief argument to this effect. As he puts it,

¹⁰⁰ Nacho Nuñez, *Hechos Night News TV Azteca, Azteca 13* (August 10, 2004).

¹⁰¹ LFSA, "Chapter IV De los establecimientos, Artículos 18 – 20," 56-57.

¹⁰² Alejandro Méndez López, President of the Michoacán State Executive Commission of the Mexican Green Ecologist Party, interviewed by Emma Norman and Norma Contreras, *Environmental Efforts in Michoacán*, (July 22, 2004).

[i]f enacting laws was all that was required to protect a country's natural resources and environment, Mexico would indeed be looking forward to a bright future. However, laws can only be effective if they are effectively enforced and the government does not have all of the required financial and human resources to make its environmental laws work. This is an all too familiar problem affecting developing countries.¹⁰³

The problem, it seems, can always be reduced to a financial one, particularly when the question concerns a developing country. However, the financial cause of the problem does not stop it from being a problem that requires addressing. While this thesis attempts address that problem from a perspective slightly different from Ruanova's, his point linking it to economic difficulty is worth following. Indeed, it is almost impossible to avoid linking illegal practices toward animals in Mexico with the question of poverty, as I will show in chapter two.

1.5 Conclusions

Chapter one has attempted to show that while fairly comprehensive animal protection laws exist in Mexico today, animals still face cruel practices and many remain in danger of becoming extinct. On paper, Mexican laws for animal protection are comparable with those of the European Union,¹⁰⁴ but in practice Mexico is not seen as a developed country in matters of animal protection, but the contrary. I have argued that a central problem is that Mexican laws are not enforced which is sub-hypothesis one of this thesis. As I will show in chapter two, this is compounded by corruption and a general lack of public awareness of the very existence of these laws. Among Mexican society a culture of respect toward nature is not present.

¹⁰³ Ruanova, "Making its Environmental Laws Work," 242.

¹⁰⁴ See Robert Garner, *Political Animals: Animal protection politics in Britain and the United States* (Basingstoke and New York: Palgrave MacMillan, 1998).

The conclusion that stems from the argument at this point is that the animal laws are *adequate* on paper but not in practice. For this reason we cannot say that they are fully *adequate*. *Adequate* means “enough or good enough for what is required or needed; sufficient; suitable.”¹⁰⁵ What is needed in this case is a *practical* change in the way animals and their habitats are treated in Mexico if endangered species like the Mexican Grey Wolf or the Mexican Prairie Dog are to survive and if domestic animals are to receive better treatment. The laws themselves are a step in the right direction. But if they remain unenforced, then their practical effects will necessarily be limited. The point then becomes that while Mexican laws might be necessary, on their own they are not sufficient conditions for practical advances in the protection of Mexican fauna. On these terms, the Mexican laws themselves cannot be considered *adequate*.

Adequate enforcement then means to strictly apply carefully constructed and coherent laws and to impose appropriate penalties, impartially, evenhandedly and without exception, upon those who break the law. More specifically, it means stopping the illegal traffic of species using severe economic sanctions and jail and to protect the wellbeing of domestic and farm animals using appropriate and contextually sensitive penalties impartially applied. Adequate enforcement can *only* be engaged by applying the correct sanctions which, as I argue later on, means combating corruption and publicizing the laws outside the Official Federation Paper (DOF).

Many factors contribute to inadequate animal protection law enforcement. As always, poverty is the main one, but lack of human and economic resources allocated to enforcement, organizational problems within and between authorities and the very structure of the law itself are partly to blame.

¹⁰⁵ Victoria Neufeldt, *Webster's New World Collage Dictionary* (New York: MacMillan, 1996), 16.

One reason for this is that the laws and norms are perhaps too comprehensive for the government institutions to manage effectively. The LGEEPA, for example, includes many highly complicated areas and specifications concerning all kinds of environmental issues. Those aspects related to animal protection are buried in various places throughout this very long and complicated legal document which is difficult for the reader to understand and keep interested in it. This over-complexity has the effect of making it difficult for authorities to find their way around the law regarding specific cases, particularly if the officials are not from the legal profession. The complexity is also partly due to the fact that this single law attempts to deal with so many diverse issues in environmental protection. The Semarnat displays a similar problem. Like the LGEEPA, it is centralized and therefore is charged with regulating too many environmental issues at once. This makes it difficult for the Semarnat and its subsidiaries to enforce the laws scrupulously and impartially and also compounds the correct functioning of the Secretariat itself.

I have also shown that the various elements of the legal and normative provisions enacted in various documents are often ambiguous and sometimes contradictory (as in the case of humane sacrifice) and the penalizations they contain may even be unenforceable without serious side effects in some contexts like that of the Morelia slaughterhouse. The conclusion to be drawn here is that even if enforcement of existing laws were more adequate, there seem to be some internal problems with the legal provisions themselves in terms of their effectiveness in the context of Mexico. In this way, it is clear that merely imitating the legal documents of other countries without providing sufficient thought as to how the particular context of Mexico might impact upon their implementation does not amount to 'adequate' protection of Mexico's fauna, whether wild or domestic, endangered or otherwise.

The consequences of inadequate law enforcement take one of two general forms: the willful continuation of highly illegal practices such as animal trafficking, or illegal practices due to negligence, for economic reasons, to avoid the lengthy bureaucratic procedures to work within the law or due to lack of awareness that the law exists or what it contains. Both forms continue to contribute to the potentially disastrous situation of wild and domestic animals in Mexico. The final conclusion here is, therefore, that animal welfare needs practical and substantive protection not mere formal protection if it is to improve. Having comprehensive laws is no good if they are not enforced enough, or are unenforceable given the context in which they are invoked. The *practices* for animal protection in Mexico will define it as a ‘developed’ nation if they are correctly achieved. What follows is that both contextually adequate laws and adequate law enforcement are absolutely crucial in order to protect animals in the short term and if their condition is to improve in the future.

This chapter has suggested that enforcing existing laws is both extremely difficult and likely to be costly to rectify. It should not, however, be left aside for this reason. It may even be the case that some changes to existing laws are required to render them more enforceable in the Mexican context. Nevertheless, I have attempted to establish in this chapter that animal protection laws lack adequate enforcement in Mexico. The question therefore becomes why? The problem, it seems, is not merely restricted to legal ambiguity and governmental incapacity, inefficiency or unwillingness. As I show in the next chapter, a related cause of (and therefore possibly a related solution to) the animal welfare problem in Mexico concerns the low place of animals on the political and public agenda and the lack of awareness over animal concerns this has produced.