

SUPPORT ELEPHANT RIGHTS

Recognize and protect elephants' fundamental right to bodily liberty

In accordance with evolving standards of morality, scientific discovery, and human experience we must recognize elephants' fundamental right to bodily liberty.

What will this ordinance do?

This ordinance will codify elephants' fundamental right to bodily liberty. It will prohibit the keeping of elephants in captive settings that deprive them of their autonomy and ability to engage in their innate behaviors.

Why is this ordinance needed?

While animal welfare laws can help lessen the suffering of elephants, they do not and cannot address the underlying cause: the loss of their freedom. Recognition of their right to bodily liberty is the only way to truly protect elephants from human-caused harm, now and in the long term, and ensure that Ojai is a city that respects elephants' autonomy, i.e., their capacity to choose how to live their emotionally, socially, and cognitively complex lives.

Why are elephants entitled to the fundamental right to liberty?

Autonomy

Science and human experience make clear that elephants are autonomous animals. In other words, they are cognitively, emotionally, and socially complex beings who have the capacity to exercise free will and make choices about how to spend their days and live their lives, just as human beings do. The right to bodily liberty protects an individual's autonomy and ensures that she cannot be imprisoned (held in an environment that deprives her of her autonomy) or exploited (displayed, used for entertainment, or forced to breed). Legislatures have long assumed and cherished the role of protecting autonomy and liberty, though they have yet to protect the autonomy and liberty of elephants—despite all we know about them. Below is a non-exhaustive list of the emotional and cognitive abilities that are components of elephants' autonomy.

Through scientific study and observation, world-renowned scientists and experts have proven that elephants:

- Are autonomous, empathetic, and self-aware
- Possess a theory of mind (awareness others have minds) and have insight
- Understand causation
- Engage in true teaching (taking the pupil's lack of knowledge into account and actively showing them what to do)
- Cooperate and build coalitions
- Understand the physical competence and emotional state of others
- Point and understand pointing
- Have a working memory, and an extensive long-term memory that allows them to accumulate social knowledge

- Engage in ostensive behavior that emphasizes the importance of a particular communication
- Are able to act intentionally and in a goal-oriented manner, and detect animacy and goal directedness in others
- Use of specific calls and gestures to plan and discuss a course of action, adjust their plan according to their assessment of risk, and execute the plan in a coordinated manner; complex learning and categorization abilities
- Use a wide variety of gestures, signals, and postures
- Engage in intentional communication, including vocalizations to share knowledge and information with others in a manner similar to humans
- Have an awareness of and response to death, including grieving behaviors

What are the practical effects of this ordinance?

The ordinance will address and remedy the underlying cause of the suffering of elephants in captivity. Broadly speaking, it will no longer be possible to exploit elephants within the bounds of the city nor house them in a captive setting that denies them their autonomy. It will be required that elephants live in an environment similar to their natural habitats, allowing them sufficient space and access to topographic features and stimuli required for their emotional and physical wellbeing. Most importantly, exploiting elephants for human interests—displaying them, using them for entertainment, or forcing them to breed in captivity (thus creating future generations of exploited elephants)—will be considered a violation of their rights.

A secondary effect is to aid in the conservation of elephants by promoting a more just vision of the preservation of the species that does not depend on depriving individual elephants of their liberty. The ongoing practice of US zoos taking elephants from the wild to be exploited in the United States defies the basic tenets of conservation. In the United States, zoos frequently import wild-born elephants for exploitative purposes. In 2016, zoos in Dallas, TX, Omaha, NE, and Wichita, KS imported 18 African elephants from eSwatini. In 2003, 11 African elephants were imported from eSwatini to the Tampa Zoo and the San Diego Zoo Safari Park. Seven of those 11 elephants have since been transported to other zoos. Many of the wild-born elephants living in US zoos die at an early age. Any offspring they bear are not transferred back to the wild; rather they are subjected to a life of captivity and used by humans for their own interests. The essence of conservation is protecting species and their natural habitats to ensure that future generations of those species can live freely in the wild. By importing wild elephants, US zoos are disrupting the ecosystem from which elephants come and expanding a population of captive elephants that provide no benefit to elephants nor their native biological community. Additionally, the elephants held captive in these zoos endure immense physical and psychological suffering.