

Lucky Strays

*Iris Eisenberger / Michaela Windischgraetz**

It is 2 a.m., there is a full moon and the whole of Thimphu is wide awake. Hundreds of dogs have assembled in the main square to give a full-hearted howling concert. It is unclear whether one should be concerned, should listen intently or should simply try to continue sleeping. At night, the city belongs to the dogs; evidently they too claim their share of Gross National Happiness. In any case, dogs appear to have presented a challenge for humans in the Himalayan region for at least a thousand years. Legal documents from the time of the Tibetan Empire (approx. 619–842 AD) provide for penalties for those setting dogs on their fellow humans. Depending on the victim's status, these penalties ranged from death or exile to mere compensation for damage. Attacks by strays naturally had no legal consequences.



While we were discussing these cases at the legal history lecture one morning, we could not have foreseen that one of us would become the victim of a stray dog attack later that day. An attacking mob of stray dogs gave us the opportunity to familiarize ourselves with the accident and emergency department of the Bhutanese health services, with tetanus and rabies vaccinations included. The treatment was carried out by a young and very competent Bhutanese doctor, who had been educated in Sri Lanka. His small salary made the American director of the bespoke health centre worry that her 'best man' would not be serving the Bhutanese health system for much longer; after all, he had just received a prestigious grant to

train in Australia. However desperately they might be needed, most Bhutanese recipients of such grants leave their home country permanently unless an obligation to return to Bhutan is attached to their grant.

Our experience with the stray dogs is by no means an exception. According to the daily newspaper *Kuensel* on June 4, 2018, around twelve cases of dog bites are treated each day at the JDW Hospital in Thimphu. The veterinary officer estimates that there are around 8000 stray dogs living in the capital. This can be challenging for the otherwise animal-friendly Buddhist population. In 2009, the government therefore introduced castration and sterilization



programmes to contain the ever-growing dog population. Countless dogs throughout the country have since been caught with nets, and castrated or sterilized. A cropped ear usually signals that the procedure was carried out successfully. However, the programme has only been partially successful: being skilled survival specialists, dogs are hard to catch, regularly escape and usually hide as soon as they see the veterinary car approaching. The killing of dogs is out of the question; the largely non-violent interpretation of Buddhism forbids it. Nevertheless, Bhutanese cuisine includes meat dishes. This meat is usually imported from Indian slaughterhouses across the border. The only slaughterhouse in Bhutan is located in the region of Tsirang and remains highly controversial. Both the regional body of monks and the local population protest against the killing of animals near temples because of religious reservations and the poor hygiene involved.

As lawyers, we of course ask ourselves how the conflicts involving stray dogs are solved in law. A judge told us that no private individuals bitten by dogs had so far filed claims for damages. In the villages, such issues are usually solved with a few eggs and a bottle of the local spirits. There has only been one case that has actually reached the courts. The governor of Bumthang, a province commonly frequented by tourists, was receiving a great many complaints about stray dogs. He therefore unceremoniously ordered all the stray dogs to be captured and transferred over the mountains into the neighbouring province of Mongar. In the mountainous, rural region, the famished dogs soon started tearing sheep and cattle apart. As a consequence, the governor of Mongar claimed damages against the governor of Bumthang. The governor of Mongar was ultimately successful in court, and the practical consequences of Bumthang's actions were limited: the dogs soon found their way back to their home province.

Our lasting impression remains: Bhutan is a country full of ambiguities. Despite countless dog attacks, the Bhutanese continue to tolerate the strays; what is more, they sometimes feed them. The strays are simply part of everyday life, with their nightly howling concerts as well

as the attacks and the corresponding legal problems. One cannot but feel sympathy for the lucky strays of Bhutan.

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