A new movement is emerging. With an increasing number of animals being raised for international markets, and with a growing ability for people to watch previously unseen footage of animal handling, policymakers, businesspeople, nongovernmental organizations (sic), and ordinary citizens are showing greater interest in how animals are treated, wherever they may be. It is no longer sufficient for governments to be concerned for the welfare of animals within their own borders; animal welfare is quickly becoming an issue of international concern.¹

1 Introduction

The concentration of this essay is on the failure of humans to protect wild animals from harm through commercial exploitation, particularly in respect to international trade, by focusing on the controversial seal hunting debate and the potential new arena for promoting animal protection/welfare globally: the World Trade Organization (WTO).

By reviewing the current legislative and regulatory frameworks (nationally and internationally) and discussing the recent Seal Products case, it is argued that despite the inadequacy of these existing legislative and regulatory frameworks, the WTO is taking a leadership role in addressing public moral concerns and developing systematic change in animal welfare standards, globally.

2 Seal Hunting

Seal hunting in Australia occurred through 1798 to 1923, originating in the Bass Strait and spreading to a major operation in Macquarie Island. The demands of the industrial revolution increased the international market for both seal and whale products, particularly exporting oil and pelts to China and Europe.

As seals tend to congregate in large numbers during their breeding seasons, hunters took advantage of this behavioural pattern, herding seals together, preventing them from escaping to sea, while they were clubbed to death. ‘In the first 18 months of operations around 120,000 fur seals were killed. By 1815, the population of an estimated 250,000 animals had dramatically declined, with only 5,000 skins being taken during the entire season.’

Australia’s commercial sealing industry ceased operations in 1920 when Douglas Mawson's Australasian Antarctic Expedition successfully campaigned to declare Macquarie Island a

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4 Ibid.
nature reserve. But the damage had already been done. Seal populations suffered a severe decline due to the indiscriminate harvesting. Some breeding colonies, such as the Australian sea lion colonies in Bass Strait, were completely destroyed.

Having appreciated the harm of over-exploitation, though not the harm caused through cruel methods of killing, the Commonwealth and State governments implemented legislative mechanisms to protect the 10 species of seals and sea lions found in southern Australian waters and Australia’s Antarctic Territory.

Under section 248 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act), it is an offence to kill, injure, take, trade, keep, or move all seals found in Australian Government land or in Commonwealth waters without a permit. The EPBC Act also lists three seal species as vulnerable, which provides additional protection. In addition, despite Australian fur seals not having bred in New South Wales for some time, the State has listed the Australian fur seal as a vulnerable species, particularly due to the threats of commercial recreational fishing operations through by-catch mortality around Montague Island, and the limited availability of prey items for seals visiting from their native breeding locations in Bass Strait. Further, seals located 60° south of Australian waters are also protected under the Antarctic Treaty (Environment Protection) Act 1980 and associated conventions including the Convention for the Conservation of Antarctic Seals.

5 Ibid.
7 Ibid.
9 Seals are found in state jurisdictions are subject to the relevant state legislation.
10 Including the sub-Antarctic fur seal (Arctocephalus tropicalis), the southern elephant seal (Mirounga leonina) and the Australian sea lion (Neophoca cinerea).
11 Section 178 of the EPBC Act.
12 For example, the sub-Antarctic fur seal and southern elephant seal have recovery plans in order to guide actions to help the species recover: see Sub-Antarctic fur seal and southern elephant seal recovery plan – 2004 and Biology, threats and conservation status of the sub-Antarctic fur seal and Southern elephant seal in Australian waters – 2004. In addition to the protective measures specifically afforded to seals, the EPBC Act requires that any action ‘that has, will have or is likely to have a significant impact on a threatened species must be referred to the Department of the Environment for assessment before the action goes ahead.’
13 Through the New South Wales Scientific Committee, established by the Threatened Species Conservation Act 1995 (NSW).
14 Above n 6.
15 Ibid.
16 Adopted on 1 June 1972 in London and entered into force on 11 March 1978.
Internationally, Australia is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which aims to limit trade in endangered species between contracting parties. Although several Australian seal species are listed on Appendix II of CITES, their listing is of no direct consequence to their management as all species are protected by Commonwealth and State legislation, which prohibits seal trade in any event.

Notwithstanding the existence of domestic protective measures, seals occur naturally, internationally, in the wild.

Seal clubbing also occurs internationally, with Canada and Norway remaining the two largest commercial and customary sealing industries worldwide. Canada and Norway’s commercial seal hunt has been the controversial subject of long-standing international political debate with the European Union (EU) citing conflicting values and ethics, competing claims of cultural rights and arguments of sustainable use and animal welfare.

Economics plays a dominant role in resisting change to Canada’s hunt. Commercial profit is generated through the sale of seal products for the benefit of the Canadian businesses.

17 A listing in CITES enables regulation of international trade through permit systems to ensure exports are sustainable and legal. For example, on 11 March 2013, five shark species were listed in CITES Appendix II due to the concerning decline in sharks killed/horribly mutilated through commercial fin exploitation, which fins can sell for as much as US$700 a pound: Environment News Service, Sharks Win Protection at International Trade Conference, (11 March 2013) International Daily Newswire <http://ens-newswire.com/2013/03/11/sharks-win-protection-at-international-trade-conference/>.


19 The methods of killing vary by country and hunter. The traditional method is by club or Norwegian ‘hakapik’ (a club with a metal spike) which is used to stun or crush the seal’s skull prior to ‘bleeding out’ and skinning. Firearms and underwater netting are also used.

20 Canadian media reports that 844 sealers participated in the 2013 commercial seal hunt with a landed value of approximately $2.9 million. ‘Most commercial sealers in Canada are fisherman for whom the seal hunt supplements their income.’ On these figures, it would appear fishermen participate in the hunt out of love, rather than money: see Benjamin Fox, ‘WTO backs EU seal fur ban over ‘moral concerns”, EU Observer (online), 26 November 2013 <http://euobserver.com/economic/122237>.

21 Including skins, meat and traditional Chinese medicines (there are reports that the seal penis bone was more valuable than the price of a first grade seal pelt due to the Asian business market seeking out the bone for use as aphrodisiacs: An Introduction to the Canadian Seal Hunt, Harpseals.Org <http://www.harpseals.org/about_the_hunt/index.php>.)
and government with reports of exports exceeding US $70 million.\footnote{22}

Additionally, because seals consume fish,\footnote{23} another economic interest, the desire to afford protection to a species which potentially affects a source of income, is low. Many commercial fishermen still believe that the seal is responsible for the collapse of the northern cod population. This is despite Canada’s Department of Fisheries and Oceans concluding in 1993 that ‘the collapse of northern cod can be attributed solely to overexploitation.’\footnote{24} Clearly, seals are not the only ‘pillager’ of fish, with other predators including sharks, whales and other fish, together with badly managed fishing industries, impacting on the ecology.

By ‘granting commercial interests pre-eminence over animal welfare’\footnote{25} animal protection laws for wild animals (if they exists for certain species at all) provides freedom to continue economic, political and cultural agendas whilst facilitating exploitation, suffering and slaughter.\footnote{26} For example, the EU asserts that despite the existence of regulations aimed at promoting humane methods of killing seals,\footnote{27} the effectiveness of the method used to kill seals is at least partially dependent on the abilities and competence of sealers\footnote{28} and ‘…the profit-oriented nature of the hunt increases the risk that seals may be killed inhumanely.’\footnote{29}

Although science can indicate a sense of suffering that will result from a particular killing method, it is ultimately the predominant moral beliefs of a particular society that will determine

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\item \footnote{22 The DFO claims that despite the Regulation, between 2005 and 2011, Canada exported over US $70 million worth of seal products to more than 35 countries: Department of Fisheries and Oceans Canada, Government of Canada, \textit{Frequently Asked Questions} (21 March 2013) \texttt{<http://www.dfo-mpo.gc.ca/fm-gp/seal-phoque/faq-eng.htm>}. These countries were not named.}
\item \footnote{23 The DFO claims that an individual harp seal can consume up to one tonne of food each year (mostly fish and invertebrates).}
\item \footnote{24 Jeffrey Hutchings and Ransom Myers ‘What Can Be Learned from the Collapse of a Renewable Resource? Atlantic Cod, Gadus morhua, of Newfoundland and Labrador’ (1994) 51 \textit{Canadian Journal of Fisheries and Aquatic Sciences}, 9.}
\item \footnote{25 Peter Sankoff, Steven White and Celeste Black, \textit{Animal Law in Australasia} (The Federation Press, 2nd ed, 2013) 244.}
\item \footnote{26 For example, following recent human deaths in 2013, the Western Australian government has put out tenders to professional fisherman to kill sharks, including protected species, over three metres long and which venture near drum lines placed one kilometre offshore of the State’s most popular beaches. The controversial ‘shark mitigation’ program is a knee-jerk reaction and fear-based response aimed at immediately protecting tourism in the area,\footnote{26} rather than investing time and funds into scientific research and education as to why more human deaths are occurring. Australia too contributes to this ‘convenient’ labelling system, facilitating the slaughter of kangaroos through their portrayal as ‘pest species’ (due to their abundance and damage caused to agriculture) in need of control or as a natural resource available for sustainable use: above n 26, 228.}
\item \footnote{27 \textit{Marine Mammal Regulations}. SOR/93-56 states that ‘every person who strikes a seal with a club or hakapik shall strike the seal on the forehead until its skull has been crushed, no person shall commence to skin or bleed a seal until the seal is dead, and a seal is dead when it has a glassy-eyed, staring appearance and exhibits no blinking reflex when its eye is touched while it is in a relaxed condition.’}
\item \footnote{28 Above n 2, [64].}
\item \footnote{29 Above n 2, [58].}
\end{itemize}
how much and what kinds of suffering are acceptable or unacceptable to that society, and therefore the level of protection it demands against animal suffering.\(^{30}\)

It is this moral/ethical concern of the EU public for the treatment of seals in hunting, rather than a concern for their vulnerability through commercial exploitation,\(^{31}\) which is the centre of the controversy.

The EU recognised its public’s concern toward seal clubbing and introduced \textit{Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products (the Regulation)}, which prohibits the importation and marketing of all seal products obtained through commercial hunts, excluding seal products derived from hunts conducted by Inuit or indigenous communities and hunts conducted for marine resource management purposes (e.g. seal culls conducted to protect fish stocks), in the customs territory of the European Communities.\(^{32}\)

The preamble to the Regulation states that ‘seals are ‘sentient beings that can experience pain, distress, fear and other forms of suffering’ and that hunting seals ‘has led to expressions of serious concerns\(^{33}\) by members of the public and government sensitive to animal welfare considerations’.\(^{34}\) It is clear that the ultimate policy objective behind the Regulation is animal welfare.


\(^{31}\) The hunt is not [yet] a seal conservation issue. The Northwest Atlantic harp and hooded seals are not endangered. As of 1 January 2014, neither harp nor hooded seals are listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In 2011, Canada’s Department of Fisheries and Oceans’ report on the status of harp seals indicates that ‘the current population is at its highest level seen in the 60 year time series.’ In 2012, the total allowable catch for Canada was 400,000 harp seals, 8,200 hooded seals and 60,000 grey seals. Notwithstanding their strong population, seals are an integral component of a healthy ecology. They eat the unhealthy fish and are their survival is already predicated upon the effects of climate change and natural predators. The intervention of man is not necessary: see Department of Fisheries and Oceans Canada, Government of Canada, \textit{Frequently Asked Questions} (21 March 2013) <http://www.dfo-mpo.gc.ca/fm-gp/seal-phoque/faq-eng.htm>.

\(^{32}\) ‘Seal products’ is defined in the Regulation to include ‘all products, either processed or unprocessed, deriving or obtained from seals, including meat, oil, blubber, organs, raw fur skins and fur skins, tanned or dressed, including fur skins assembled in plates, crosses and similar forms, and articles made from fur skins.’

\(^{33}\) Specifically, the EU public moral concerns as described are two-fold. ‘They include… the incidence of inhumane killing of seals and … EU citizens’ individual and collective participation as consumers in, and their exposure to, the economic activity which sustains the market for seal products derived from inhumane hunts: see above n 2, [89].

\(^{34}\) European Communities (2009) – \textit{Measures Prohibiting the Importation and Marketing of Seal Products}, WT/DS400/1, (4 November 2009) (Request for Consultations by Canada) and WT/DS401/1, (10 November 2009) (Request for Consultations by Norway).
Not surprisingly, Canada and Norway disputed the EU’s Regulation arguing the EU was basing the ban on animal welfare concerns (an illegitimate barrier to trade), and requested consultations\textsuperscript{35} with the EU through the WTO dispute settlement process (the Seal Products case).

3 The Seal Products Case

The WTO is the only international organisation which administers the global rules of international trade between its 150 member nations.\textsuperscript{36} The ‘rules’ are derived from the various agreements negotiated between members and ratified by their respective parliaments,\textsuperscript{37} covering several subjects, including (but not limited to) agriculture, textiles and clothing, industrial standards and product safety, food sanitation regulations and intellectual property.\textsuperscript{38}

The most notable WTO agreement is the GATT\textsuperscript{39} which underpins key principles to the WTO trading system, being doctrines of non-discrimination among trading WTO members,\textsuperscript{40} equal treatment between imported and locally-produced goods,\textsuperscript{41} liberalised trade through negotiations,\textsuperscript{42} promoting fair competition\textsuperscript{43} and encouraging development and economic reform.\textsuperscript{44}

Despite animals being a large feature of international trade, animal welfare issues are not specifically mentioned in WTO agreements but for the limited exceptions to the GATT, which provide for the protection of public morals, human and animal life and health, and the

\textsuperscript{35} A request for consultations formally initiates a dispute in the WTO and triggers the establishment of a panel by the WTO’s Dispute Settlement Body.
\textsuperscript{36} World Trade Organization, The WTO…In brief <http://www.wto.org/english/thewto_e/whatwit_e/infobrief_e/inbr00_e.htm>.
\textsuperscript{37} Ibid.
\textsuperscript{38} Ibid.
\textsuperscript{40} The principle of ‘most-favoured-nation’.
\textsuperscript{41} The principle of ‘national treatment’.
\textsuperscript{42} The principle of ‘progressive liberalisation’.
\textsuperscript{43} The principle of the ‘free trade’ institution.
\textsuperscript{44} Above n 36.
conservation of natural resources.  

Animal welfare is a notable omission to the WTO agreements and GATT exceptions. Possible reasons for its absence may include the differing cultural, economic, and ethical views among WTO members as regards animal welfare/related issues or, more likely, animal welfare standards generally act as barriers to trade as the general sentiment is that only wealthy countries can afford to implement humane treatment standards, ‘leaving developing nations with restricted access to export markets and, consequently, negative impacts on their economic development’.  

Disputes brought to the WTO typically concern commercial considerations. Historically, when member countries introduce bans on imports citing production methods/quality or require imports to meet certain standards, WTO dispute implications result as these measures are generally treated by the WTO as measures which restrict international trade. 

The clear purpose of the EU’s Regulation was to impact on Canada and Norway’s inhumane seal clubbing practices by adopting a trade-restrictive measure that would ultimately reduce demand for seal products among consumers and consequently the need for seal hunting, thereby controlling a non-trade-related practice outside their borders and control. 

Such method has recently, and successfully, been used against Australia through Russia’s introduction of a trade ban in kangaroo products. 

According to the Australian Bureau of Agricultural and Resource Economics, in 2010, kangaroo meat (for human consumption) was worth approximately $11.7 million in exports, down from $29 million in the period 2008/09 and $36 million in the period 2007/09. Russia’s  

47 Ibid. 

trade ban ‘was estimated to have cost the Australian industry $2 million a week’ and a loss of up to 2,000 jobs.\textsuperscript{50} This ban was permitted as it was based primarily on concerns relating to hygiene, a legitimate trade restriction under WTO rules and GATT exception – protection to human and animal life and health.

Historically, countries attempting to reach outside their borders by imposing their own ethical or moral standards for animal welfare on other countries through trade restrictions have been unsuccessful.\textsuperscript{51} The Canada/Norway WTO dispute with the EU is the first ‘test case’ for trade restrictions based on public moral concerns for animal welfare.

On 25 November 2013 the WTO released its panel\textsuperscript{52} report, \textit{European Communities – Measures Prohibiting the Importation and Marketing of Seal Products}\textsuperscript{53} (the report), finding that ‘the public concerns about seal welfare constitute a moral issue for EU citizens’\textsuperscript{54} and resolved that the EU was justified in placing trade restriction measures on the importation and marketing of seal products … as the Regulation is ‘necessary’\textsuperscript{55} to fulfil the objective of addressing the EU public moral concerns on seal welfare … and no alternative measure\textsuperscript{56}

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\item See, for example, \textit{United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products} WT/DS381/AB/R (16 May 2012) and \textit{United States - Import Prohibition of Certain Shrimp and Shrimp Products}, WT/DS58/AB/R (12 October 1998), both cases concerning the protection of animal health and conservation, the WTO found that the limitations imposed by the United States were intended to prevent harm to animals by applying its own production standards to imports.
\item Members of the panel included Ms Mary Elizabeth Chelliah (Singapore) and Ms Patricia Holmes (Australia), chaired by Mr Luzius Wasescha (Switzerland), Argentina, Canada, China, Colombia, Ecuador, Iceland, Japan, Mexico, Namibia, Norway, the Russian Federation, and the United States notified their interest in participating in the panel proceedings as third parties.
\item Above n 2.
\item Above n 2, [118], citing historical legislative reforms toward animal protection and welfare based on public morals considerations etc. For example, the United States has long banned seal hunting and/or trade in seal products through the \textit{Fur Seal Act of 1966} (16 USC 1151-1187).
\item Canada and Norway argued that less restrictive measures such as labelling products or issuing certifications to confirm that the products had been produced in a humane manner were available however the EU responded that such measures were logistically difficult to implement and verify and would therefore not achieve the policy objective: Above n 2, [135].
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has been demonstrated to make an equivalent or greater contribution to the fulfilment of the
goal as the [Regulation]."57

This finding is significant as this is the first time the WTO has supported a trade restriction
based on concerns for animal welfare. The report is also promising as it appears the WTO is
taking a leadership role in supporting animal welfare standards within the international trading
system, a system whose ideology is grounded in unrestricted trade.

On 24 January 2014, both Canada and Norway filed notices of appeal against the WTO
decision on points of law and legal interpretations developed by the panel. The Appellate
Body has up to three months to conclude its report.

For now, the Seal Products case should serve as a warning to other countries who continue
to condone or turn a blind eye to animal cruelty within their borders that it can no longer be
safely assumed that animal welfare measures are precluded by international trade law
requirements58 and it is possible for countries to impose similar trade restrictions based on
public moral concerns for animal welfare, a stance which may create a flow on effect to other
industries, such as the poultry, pork and beef industries.59

Because [wild] animal welfare issues are not exclusive to any one country, change needs to
occur globally. It is encouraging to think that potentially, change and the promotion of animal
welfare/protection can be orchestrated through the most instrumental global tool: the WTO.

4 The Inadequacy of the Law

The unique migratory patterns of seals and other wildlife mean their protection/welfare is an
issue of international concern, an issue which is unfortunately vulnerable to human
exploitation.

57 Above n 2, [183].
58 Above n 26, 329.
59 Terry Audla, president of the Inuit Tapiriit Kanatami, criticised the WTO report stating [the WTO are] basing [their decision] on public
morals and, when you do that, you're in danger of all the other industries being banned in the same way. I mean, who's to say what's more
cruel? Industrialised agriculture? The poultry, pork and beef industry? Who draws the line?': Suzanne Goldenberg, 'World Trade
Organisation upholds EU ban on imported seal products', The Guardian UK (online), 26 November 2013
The legal status of seals (and other animals) as ‘wildlife’ differs from that of other animals\(^{60}\) in that the Australian common law recognises no absolute property in live wild animals.\(^{61}\) This legal status means that ‘their freedoms are subject to a regulatory scheme which enables them to be lawfully captured or killed.’\(^{62}\) Internationally, wild animals are also not the property of any one country.\(^{63}\) Although technically ‘free’, Thiriet argues it is for this reason that the welfare of wild animals is compromised, sometimes severely, by intentional as well as incidental harm caused by a variety of human practices.\(^{64}\) It is their unfortunate status as a ‘resource’ which renders them objects for human exploitation\(^{65}\) globally. For example, whereas wild animals were historically a critical resource human survival by providing food, fur, and leather, more recently, wild animals have assumed high economic and cultural significance by providing entertainment in circuses, zoos and wildlife parks, international tourism attractions. Equally, wild animals can be seen as threatening to humans by, for example, damaging or consuming crops/commodities.

Compounded by this resource label is that countries wishing to effect systemic change/improvement to animal welfare/protection in international trade are consistently obstructed, largely for economic reasons and particularly for partisan governments resenting having their policy choices reviewed internationally.\(^{66}\)

Additionally, perceptions pose an added issue. For example, in respect to marine animals, it is arguable that many people would assume that so long as the ocean is blue and pretty then everything underneath must be fine and there is no urgency/desire to act when the reality is that action/management is critical. There is also a perceived preference for protecting and affording attention to animals which are considered ‘cute’ or attractive\(^{67}\) and attention deferring through international hypocritical mud-slinging. For example, there are calls for

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\(^{60}\) For example, companion animals. Anne Schillmoller and Amber Hall, LAW10487 Animal Law Study Guide (Southern Cross University, 2nd ed, 2013) 208-209.


\(^{62}\) Above n 61, 208.

\(^{63}\) Andrew Linzey, ‘An Ethical Critique of the Canadian Seal Hunt and an Examination of the Case for Import Controls on Seal Products’ [2006] 87 Michigan State University College of Law Journal of Animal Law, 7.5 <http://www.animallaw.info/articles/arus2journalanimallaw87.htm#_ftn71>

\(^{64}\) Above n 26, 226.

\(^{65}\) Above n 61, 208.

\(^{66}\) Above n 61, 329.

\(^{67}\) See Annexure 1 which is the face of the Seal Products case.
Canada to retaliate against the EU’s Regulation by enacting a ban on French import of *fois gras* on the basis it is produced in an inhumane manner.  

5 International Law Reform

The *Seal Products* case emphasises that countries facing scrutiny on animal welfare concerns must reform or cease the offending practices or risk international coercion. For example, rather than regulate trade outside its borders, New Zealand banned live export of animals for slaughter in 2007 following ‘a combination of concern for animal welfare…and…the economic backlash from a reputational point of view’.

The WTO can also continue with its leadership role in supporting higher animal welfare standards within the international trading system by including animal welfare as a legitimate exception to international restrictions. Notwithstanding the ultimate decision in the *Seal Products* case, the push to include ‘animal welfare’ in WTO agreements is in its early (slow) stages of development. At the WTO Committee on Agriculture in June 2000, the EU submitted a proposal on animal welfare and trade in agriculture, arguing that the WTO should directly address animal welfare standards.

Finally, consumers are increasingly linking animal welfare indicators with food safety and quality, in addition to ethical or socially responsible preferences. The WTO *Seal Products* case demonstrates that there is increased community awareness and greater interest in how animals are treated. The case also proves that domestic community pressure directed

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68 “We’re pleased to hear that the WTO will not endorse this slaughter” said European Trade Commissioner Karel De Gucht while scarfing down the organs of a goose who spent most of its existence inside a cage being force-fed. “Europe will continue to be the moral beacon for animals rights everywhere. I’m surprised that Canada would continue such backwards, inhumane practices.” See Alexander Huntley, *EU officials celebrate upholding Canadian seal product ban with foie gras meal* (25 November 2013) The Beaverton <http://www.thebeaverton.com/world/item/1046-eu-officials-celebrate-upholding-canadian-seal-product-ban-with-foie-gras-meal>.

69 Customs Export Prohibition (Livestock for Slaughter) Order 2007 (NZ), superseded by the Customs Export Prohibition (Livestock for Slaughter) Order 2010 (NZ).


toward systemic change will ultimately result in changes to domestic laws and international
strongarming and trade embargoes can and should be applied to encourage animal law
reform and welfare/protection globally.

6 Conclusion

Because [wild] animal welfare issues are not exclusive to any one country, their
protection/welfare is an issue of international concern.

Wildlife’s envelopment in international trade means that an opportunity exists at this level to
promote systemic change. The Seal Products case is pioneering a new avenue toward
achieving future animal welfare (and other public policy) objectives on an international scale.
The potential is available to also develop animal welfare/protection in other animal industries,
particularly the livestock industry, if sufficient public policy concerns exist in these areas.

The Seal Products case is also inspiring in its recognition of the need to accommodate
legitimate public policy concerns other than trade liberalisation and potentially, the promotion
and development of systematic change in animal protection/welfare standards can be
orchestrated through the most instrumental global tool: the WTO.
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**Treaties/International Reports**


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*Antarctic Treaty (Environment Protection) Act 1980*

Convention for the Conservation of Antarctic Seals

Convention on International Trade in Endangered Species of Wild Fauna and Flora

European Communities (2009) – Measures Prohibiting the Importation and Marketing of Seal Products, WT/DS400/1, (4 November 2009) (Request for Consultations by Canada) and WT/DS401/1, (10 November 2009) (Request for Consultations by Norway)

United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products, WT/DS401/1 (16 May 2012)


