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A note from ALAW

In the Spring edition of the journal Dr Patricia Saluja compares judicial review in England and Scotland and how differences may impact on animal welfare.

In the wake of the killing of Marius the giraffe in February, and more recently that of two adult lions and two cubs at Copenhagen zoo, Liz Tyson, Director of the Captive Animals Society, takes a hard look behind the tragedy to the darker side of zoos rarely seen by the public.

I am delighted to include the winner of ALAW’s student essay competition, Matthew McGee, who argues the case in relation to justice for animals.

ALAW’s student body is flourishing with some exciting projects in the pipeline. Finally, Angus Nurse considers the recent decision by the ICJ concerning Japan’s Whaling Programme in the Antarctic.

Some readers will be aware that Joy Lee is no longer a trustee of ALAW. Joy is working on behalf of street dogs in India. I am sure you will join me in wishing Joy every success in her efforts to better the lives of some of the world’s most vulnerable creatures.

Jill Williams
Editor

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The views expressed in this Journal are those of the authors and do not necessarily represent those of ALAW.

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The action of judicial review provides a means of ensuring that the decisions of public bodies are lawful according to public law principles. The decisions of public bodies are subject to judicial review on three main grounds, namely, illegality, irrationality and procedural impropriety/unfairness. If they are not lawful in these respects, they can be struck down by the court.

Judicial review provides a potentially useful tool for animal welfare groups and their lawyers given the fact that many decisions affecting animal welfare are made by public bodies, e.g. the Home Office in the licensing and monitoring of scientific procedures on animals and the Food Standards Agency in the inspection and licensing of slaughterhouses.

With regard to standing, the claimant in judicial review can be any person or organisation with sufficient interest in the matter. This can include animal welfare organisations or campaign groups or individuals.

In this article it is argued that the law of judicial review in England provides greater protection for animal welfare than its counterpart in Scotland. The basis for this view is the fact that in England prosecutorial decisions are susceptible to judicial review whereas this is not the case in Scotland. Thus in England the Public Prosecution Service (CPS) is susceptible to judicial review of its decisions to prosecute or not to prosecute. Although the threshold for the remedy is high, the exercise of the court’s power of judicial review is less rare in the case of a decision not to prosecute than a decision to prosecute.

In sharp contrast to the above situation in England, in Scotland the public prosecution service, the Crown Office and Procurator Fiscal Service (COPFS) is immune from such action. There is no express authority on this point. However, it is regarded as having been determined by the dicta of Lords Hope and Clyde in Trust v Lord Advocate (this case is discussed below).

There are worrying indications that the absence of judicial review of prosecutorial decisions in Scotland has adverse implications for animal welfare. This apprehension is supported by a comparison of two fairly recent cases of animal abuse, one in England and the other in Scotland.

Case of Animal Abuse in England

The English case, summarised as follows, concerned horrific abuse of pigs in 2011 in a Cheale Meats slaughterhouse in Essex. It was filmed by a covert CCTV device installed by an individual animal welfare supporter at Cheale meats in Essex with a view to obtaining footage of the slaughtering process. As it turned out, however, the film revealed much more than that. It showed a slaughterhouse worker stubbing out cigarettes on pigs’ snouts and another worker kicking and beating pigs, with one pig being filmed footage as evidence in animal welfare prosecutions, Journal of Animal Welfare Law (Autumn/Winter 2011), pp. 1-3; Association of Lawyers for Animal Welfare (ALAW), “Slaughterhouse workers jailed after ALAW intervention”, www.alaw.org.uk (posted 25/04/2012; accessed 03/07/2013); Animal Aid, “Cheale meats animal abusers jailed”, www.animalaid.org.uk (posted 25/04/2012, accessed 03/07/2013).
beaten 30 times in a minute. These actions of deliberate cruelty constitute crimes in breach of both the Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK Regulations)8 and the Animal Welfare Act 2006.9 The individual who obtained the footage passed it on to Animal Aid, a UK animal rights group.10

Having received the footage, Animal Aid passed it on to the Food Standards Agency, the body which enforces the WASK Regulations.

They did this so that the serious concerns raised by the footage could be investigated and prosecutions brought wherever appropriate. However, the Food Standards Agency initially refused to carry out an investigation of the matters disclosed by the footage. The Agency explained that prosecutions following their investigations were brought by the Department for Environment, Food and Rural Affairs (Defra) and that Defra would not bring prosecutions because the footage had been obtained by trespass and in breach of the slaughterhouse workers’ human rights.

Animal Aid turned to ALAW for help. ALAW and solicitors from an environmental law firm wrote to Defra threatening judicial review proceedings and highlighting case-law showing that there was no absolute legal barrier to using the filmed footage as evidence in a prosecution.11 Subsequently, things started to move forward. The case files were transferred to the Crown Prosecution Service (CPS) which had taken over prosecution responsibilities from DEFRA. The CPS did undertake prosecution. The result was that the two slaughterhouse workers pleaded guilty to animal cruelty. One was sentenced to 6 weeks imprisonment while the other was given 4 weeks. Thus it appears that even the prospect of judicial review was a powerful tool for achieving a just outcome.

Case of Animal Abuse in Scotland

Also in 2011 there occurred a shocking episode of animal cruelty in Scotland. The events were as follows. A field officer from the animal protection charity OneKind12 was walking on a Scottish shooting estate. He explained that he had visited the estate in order to gather information for educational purposes, namely, photographic material illustrating the various ways by which legal snares are set to capture wild animals. While carrying out this work the field officer reported that he had by chance come across a man (the gamekeeper) viciously beating crows with a stick inside what was a legal cage trap.13 The field officer filmed the man entering the cage containing 12 crows and rooks and then viciously beating the birds with a stick over a period of several minutes. Seven of them fell to the ground apparently dead. Five were left alive and possibly injured. The man then got into a car and drove away.

Such actions of deliberate cruelty would constitute a crime in breach of section 19 of the Animal Health and Welfare (Scotland Act 2006)14 (“Offence of causing unnecessary suffering”). The gravity of the offence is reflected by the fact that section 46 of the Act provides that a person who commits an offence under s 19 is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding £20,000 or both. Accordingly, the field officer gave his video film to the police. The police in turn referred the case to the Procurator Fiscal for prosecution in court.15 Thus far matters had evolved as would be expected. Subsequently, however, events took a perplexing course. After a lapse of several months, OneKind was notified by the police that the Crown Office did not intend to proceed with the case. The Procurator Fiscal confirmed that this decision was taken on instructions from the Crown Office. The following reasons were given for the decision not to prosecute.16 First, the field officer had no entitlement to investigate “potential snaring offences” and carry out “surveillance” on the land without

9 c 45, s 4.
10A not-for-profit organisation registered in the UK as Animal Abuse Injustice and Defence Society Limited, company number 1787309.
11See Bates, note 7, particularly at pp. 2-3.
12Registered Charity No. SC041299.
15The Procurator Fiscal is a public prosecutor in Scotland. The Procurator Fiscal is subject to the directions of the Crown Office and the Lord Advocate.
16This information was provided by Libby Anderson, Policy Director of OneKind (03/07/2013).
permission of the landowner. Accordingly, his actions fell foul of Ward v McLeod\(^\text{16}\) (this case is discussed below). Second, fairness to the accused was compromised as it was alleged that the field officer had been carrying out surveillance for some time before the crow beating incident. As explained below, this outcome raises questions and concerns. However, the door was closed to any possibility of application for judicial review because in Scots law there is no right to judicial review of prosecutorial decisions to prosecute or not to prosecute.

**Discussion**

A comparison of the above two cases indicates that animal welfare in Scotland is potentially jeopardised by the absence of judicial review of prosecutorial decisions. The decision not to prosecute the perpetrator in the Scottish crow abuse case gives rise to concerns for the following two reasons.

First, there is a problem with the Crown’s reliance on the case of Ward v McLeod.\(^\text{17}\) In that case the Sheriff ruled as inadmissible the evidence of an RSPB officer regarding intentional disturbance of peregrine falcons and taking therefrom a chick contrary to the Wildlife and Countryside Act 1981 s 1(1)(a). The evidence was deemed inadmissible because the officer was on the land without permission of the owner, and therefore illegally, for the purpose of investigating a report from a member of the public alleging “persecution” of birds of prey. The events in Ward v McLeod occurred in June 2003. This predated the entry into force on 9 February 2005 of Part 1 of the Land Reform (Scotland) Act 2003 which established the right of responsible access to land and inland water for recreation, passage and other purposes (the ‘right to roam’). In our crow case of 2011 the prosecutor does not seem to have considered whether the OneKind field officer could have legally taken access to the land for the purpose of furthering understanding of natural and cultural heritage as provided by s 1(5)(b) of this legislation. Even if that was not held to be the situation, the prosecution does not seem to have engaged in any balancing exercise, weighing the rights of the accused against the need to ensure that justice is done in the public interest. For over fifty years, since the leading case of Lawrie v Muir\(^\text{18}\), this has been the approach of the Scottish courts in determining whether irregularly obtained evidence should be admitted.\(^\text{19}\) Here it is worth recalling that Ward v McLeod was a Sheriff Court trial whereas Lawrie v Muir was decided by a higher court, the High Court of Justiciary, by a full bench of seven judges sitting in appeal. Furthermore, there have been other unreported cases shortly after Ward v McLeod that went against Ward v McLeod.\(^\text{20}\) For example, in the case of Steven Nigel Harmson at Aberdeen Sheriff Court, a gamekeeper was convicted and fined £1200 for setting snares to catch badgers and failing to check his snares which were found to contain the decomposing remains of badgers, roe deer, foxes and a rabbit. The crime had been discovered by an RSPB investigations fieldworker who went to the site following reports of crow cage trap abuse. The lawyer for Mr Harmson argued that the RSPB worker’s evidence could not be accepted because the RSPB did not obtain permission from the landowner to be on the estate. However, the Sheriff at Aberdeen Sheriff Court stated that this kind of crime is so serious that it was in the public interest for the RSPB to give evidence.\(^\text{21}\) In addition, and paradoxically, in Ward v McLeod the Sheriff commented that even if a person was acting illegally for whatever purpose, but fortuitously came across the commission of another offence, unconnected with that particular purpose of his, then that evidence should be admissible.

The second concern regarding the decision not to prosecute the crow case stems from doubts as to whether the prosecution had misinterpreted the context of the field officer’s presence on the estate. In their explanation to Onekind, the Procurator Fiscal service alleged that the field officer was on the land to investigate potential snaring offences and had infringed the rights of the gamekeeper by filming for some time before the incident. On the other hand, OneKind and the field officer are adamant that this was not the nature of his mission.\(^\text{22}\) Given the

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\(^{16}\) This was a stated case, dated April 2004, by a Sheriff of Lothian and Borders. It was prepared for the High Court of Justiciary because there was going to be an appeal by the Procurator Fiscal. However, that was dropped. The case is outlined by Onekind at www.onekind.org (‘No court proceedings for beating crows to death’) (accessed 22/07/2013).

\(^{17}\) For example, in the case of Steven Nigel Harmson at Aberdeen Sheriff Court, a gamekeeper was convicted and fined £1200 for setting snares to catch badgers and failing to check his snares which were found to contain the decomposing remains of badgers, roe deer, foxes and a rabbit. The crime had been discovered by an RSPB investigations fieldworker who went to the site following reports of crow cage trap abuse. The lawyer for Mr Harmson argued that the RSPB worker’s evidence could not be accepted because the RSPB did not obtain permission from the landowner to be on the estate. However, the Sheriff at Aberdeen Sheriff Court stated that this kind of crime is so serious that it was in the public interest for the RSPB to give evidence. In addition, and paradoxically, in Ward v McLeod the Sheriff commented that even if a person was acting illegally for whatever purpose, but fortuitously came across the commission of another offence, unconnected with that particular purpose of his, then that evidence should be admissible.

\(^{20}\) I am grateful to Libby Anderson, Policy Director of OneKind, for bringing this fact to my attention.


\(^{23}\) See note 17.
horrendous nature of the crime involved, it is contended here that these disputed points should have been reserved for adjudication at a trial rather than used as a justification for not prosecuting.

Because prosecutorial decisions in Scotland are immune from judicial review, the door is now closed on the crow abuse case. However, if this remedy were available, it could be argued that the decision not to prosecute was wrong in law. To sum up, this is because the reliance on Ward v McLeod was erroneous in view of the existing body of case law and developments in statutory law. There is also the possibility that unreasonableness arose from failure to enquire sufficiently into the motives and circumstances of the field officer’s presence on the estate.

Incidentally, if the field officer’s footage had been accepted, as it is argued here that it should have been, there would not have been a problem with corroboration. Under Scots evidence law, if two experts watched the film and explained to the court what was being seen, that would amount to corroboration. An analogy would be a case based on one item of DNA evidence identifying the accused as a perpetrator: as long as two experts say that the DNA is that of the accused, that amounts to corroboration.24

Final Reflections
This article concludes with an expression of hope that the current situation will change so that in Scotland, as in England, prosecutorial decisions will become susceptible to judicial review. This is vital for the protection of animal welfare and for promotion of the rule of law in a wider sense. It is reasonable to expect that the threshold could be somewhat lower for decisions not to prosecute than for decisions to prosecute. As explained by Toulson LJ in R(B) v Director of Public Prosecutions (Equality and Human rights Commission intervening) this is because a decision not to prosecute is final, subject to judicial review, whereas a decision to prosecute leaves the defendant free to challenge the prosecution's case in the usual way through the criminal court.25

It is perplexing that the dicta of Lord President Hope and Lord Clyde in Law Hospital Trust v Lord Advocate,26 should be taken as authority for the rule that prosecutorial decisions are not susceptible to judicial review. This case did not concern judicial review. It was an action brought by the hospital for declarator that a proposed course of terminating life sustaining treatment to a patient in persistent vegetative state would not be unlawful. In his judgment, Lord President Hope held that it is not within the jurisdiction of the Court of Session27 to declare what amounts to criminal conduct. This does not seem to align with a ruling about the feasibility of judicial review of prosecutorial decisions, given that judicial review is not an appeal since the court does not substitute its own decision for the annulled one, but remits the matter back to the relevant public body for decision-making in the light of the reasons given by the court. The dictum by Lord Clyde does come closer to the mark where he stated that “The Court of Session will not entertain a case the jurisdiction over which is vested in another tribunal and if that other body’s jurisdiction is exclusive even judicial review may not be available.” Note the use of the word “may”. One has to wonder whether this case forms too nebulous a basis for the rule that prosecutorial decisions are exempt from judicial review.

So what can be done to fill this lacuna in Scots law which jeopardises animal welfare in particular and the rule of law in general? It is contended here that the answer is legislation by the Scottish Parliament to explicitly authorise the action of judicial review of prosecutorial decisions which fall foul of the principles of public law. Realistically, the Scottish Government and Parliament would require to be persuaded that there is a need for legislation. This could be attempted by means of a public petition to the Scottish Parliament highlighting the reasons for legislative action. Here it is relevant to recall the English Cheale Meats case. In his article on the matter, the barrister Alan Bates highlighted the significance of public outcry and objections from various bodies in stimulating the reversal of the Food Standards Agency’s initial refusal to investigate.28 In the same way, a strong petition to the Parliament could be a means of persuading the authorities that there is a problem which needs to be fixed for the good of animal welfare and for the wider public interest.

24This information on corroboration was kindly provided by Professor Peter Duff, Professor of Criminal Justice, School of Law, University of Aberdeen.
25See note 5.
26See note 6.
27The Court of Session is a civil court. The case of Law Hospital NHS Trust v Lord Advocate was heard by the Inner House of the Court of Session which is the highest civil court in Scotland.
28See note 7.
Making it up as they go along: Marius and the zoo industry’s inconsistent approach to self-regulation

Liz Tyson LLB (Hons) AFOCAE, Director of the Captive Animals’ Protection Society, PhD Candidate, School of Law, University of Essex

On the 9th February, a healthy young giraffe named Marius was killed by staff at Copenhagen Zoo. His death sparked international outrage and a backlash against both the Danish zoo, and the wider zoo industry, that has rarely been seen before.

Attempts to justify the killing of Marius were made by the zoo’s Director and a number of senior spokespeople from within the European zoo industry, including the head of the European Association of Zoos and Aquaria (EAZA) and the head of the European endangered species programme for giraffes. All pointed to the importance of conservation breeding programmes for the survival of endangered species and insisted that Marius’ genes were, unfortunately for Marius, “well represented” in captive giraffe populations in Europe. This, they said, meant that allowing him to sire offspring would have risked inbreeding which would, in turn, threaten the health and welfare of the animals.

Contraceptive measures for giraffes were, it was claimed, not feasible due to the risk of death under sedation during the relevant procedures; although the argument for killing an animal as a means to avoid the potential for death under anaesthesia is somewhat lacking in logic. Even so, if it were possible to prevent Marius from breeding, he was still taking up room which could be used for a “genetically more valuable giraffe”, said the zoo’s Scientific Director.

In spite of the suggestion that Marius should not be allowed to take up space in a zoo at all, other zoos did come forward to offer him a home as part of a non-breeding herd. These offers were rejected with one of the reasons given being that, to rehome Marius to a non-EAZA collection would risk him or his offspring being sent on to circuses or other private collections where welfare could not be guaranteed.

Combining the arguments of risk of inbreeding, the need to keep space available for the most genetically desirable animals and the risk to Marius’ welfare if he were moved anywhere other than an EAZA zoo led to only one possible outcome, said the zoo industry: Marius must die. And die he did. He was shot in the head with a bolt gun on the 9th February, dissected in front of the zoo’s visitors and his corpse fed to the lions.

Following his death, debate over the issue raged; fuelled by an announcement just two days later that another giraffe, coincidentally also called Marius and also housed in a Danish zoo, was likely to suffer the same fate as his namesake. Press reports confirmed that Jyllands Zoo were planning to breed giraffes and so Marius 2, as he became known, needed to make way for a breeding female. In the case of Jyllands, EAZA stepped in by releasing a press statement confirming the zoo was not an approved participant in an EAZA-led breeding programme. The zoo was quick to respond and issued a statement to confirm that Marius 2 was currently safe, as no female was available for the most genetically desirable animals and the risk to Marius’ welfare if he were moved anywhere other than an EAZA zoo led to only one possible outcome, said the zoo industry: Marius must die. And die he did. He was shot in the head with a bolt gun on the 9th February, dissected in front of the zoo’s visitors and his corpse fed to the lions.

4 See note 3
arriving “any time soon”7. Whether this will change in the future remains unclear.

Later that week and it was revealed that around 1,735 large mammals are killed in EAZA member zoos each year8 and Longleat Safari Park in the UK was put under the spotlight as it was reported that a family of lions had been killed there in January of this year9.

For example, in 2010, four white lion cubs were sent from EAZA member, West Midland Safari Park, to a well-known circus trainer. The lions were then sent on to a Japanese circus10. Despite explicit statements issued in the last few weeks that EAZA rules would not have allowed Marius the giraffe to be moved to another zoo for the very purpose of ensuring that he was not passed to a circus, the transaction between West Midland Safari Park and the circus trainer was not taken up by EAZA, nor was any action taken against the safari park by UK zoo industry body, BIAZA. This is in spite of BIAZA having a similarly strict transaction policy11 which forbids zoos from sending animals to circuses or other collections where their welfare may be further compromised.

When another BIAZA member, Noah’s Ark Zoo Farm, was found to be breeding tigers and camels for a circus proprietor in 200912, they were expelled from the organisation’s membership for bringing it into disrepute. Noah’s Ark has never been a member of EAZA and yet two weeks after the death of Marius, Noah’s Ark released a press statement which confirmed an African elephant from Knowsley Safari Park had been transferred there13. Noah’s Ark has repeatedly publicised plans to breed elephants on its site, much to the concern of a number of experts in elephant welfare14. The transfer of the elephant, Buta, who would be followed shortly by a male from Knowsley, it was reported, raises further questions over the consistency of the application of the rules of both EAZA and BIAZA. Knowsley is a member of both organisations and the African elephant is subject to an EAZA breeding programme. If the arguments put forward in the case of the two giraffes are to be followed, then Knowsley should have been forbidden from supplying animals to Noah’s Ark. BIAZA released a statement15 shortly after the move to confirm that the elephants were to stay at Noah’s Ark for two years, before returning to Knowsley. It is unclear whether the zoo will attempt to instigate its proposed breeding activities during the time the elephants are there. To date, EAZA has made no comment on the move.

Perhaps the overriding argument in favour of killing Marius was that the drastic action was necessary to prevent inbreeding. Whether or not killing animals can ever be considered a valid mechanism to prevent inbreeding will continue to be subject to debate but that inbreeding should be prevented is one issue which both sides of the Marius debate agree upon. Perhaps surprisingly, EAZA and BIAZA appear to be flexible on whether or not inbreeding should be allowed to persist in their zoos.

The keeping of white lions in zoos has been subject to much controversy in recent years due to fact that white lions in zoos are inevitably inbred. In 2012, BIAZA published an information sheet on white lions (and other “colour morphs”) in zoos; recognising that the animals are inbred and that there are serious health and welfare implications associated with breeding them16. EAZA have, like their counterpart in the UK and Ireland, publicised their opposition

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to inbreeding animals more generally in press statements in the weeks following Marius’ death. Despite this, two zoos in the UK (West Midland Safari Park and Paradise Wildlife Park) continue to house and breed white lions. In both cases, no known action has been taken against the zoos by either EAZA or BIAZA and both zoos retain their membership of the organisations.

It is clear that, to date, regulation of their members by both EAZA and BIAZA has been less than consistent in the few situations which have been subject to scrutiny in the public domain. Whilst policies and rules are strictly adhered to in some cases, no action appears to be taken when the same rules are contravened by members in others. It should be remembered that EAZA and BIAZA are both industry-led bodies whose committees are comprised of members of the zoo industry itself. There is no public access to decision-making processes and the organisations are not subject to Freedom of Information requests. This is despite both organisations exerting an apparently increasing influence on policymakers in the UK and Europe. Indeed, EAZA cites “influencing relevant legislation within the EU” as one of its key strategic activities17 and BIAZA lists access to “civil servants and politicians interested in the welfare of animals” in its list of membership benefits18.

BIAZA, for example, worked in “close collaboration” with Government-commissioned researchers in their assessment of the implementation of the Zoo Licensing Act 1981 – the law which regulates BIAZA member (and other) zoos19. The conclusion of this research, released in 2010, was that the current law did not require amendment and zoos were improving with regards to compliance. However, independent research projects carried out by the Captive Animals’ Protection Society20 and the Born Free Foundation21 released just over a year later found that there were serious problems with the implementation of the same Act and an almost complete absence of enforcement action being taken against failing zoos.

A number of Government-appointed inspectors, who are responsible for monitoring zoos’ compliance with the Zoo Licensing Act 1981, work for BIAZA and EAZA member zoos and some sit on the BIAZA Council or on one of the organisation’s committees. Section 8(1) of the Zoo Licensing Act 1981 demands that the Secretary of State consult with BIAZA before appointing a new zoo inspector, thus giving the industry body direct influence upon who will be charged with monitoring its members’ compliance with the law.

The role of BIAZA and EAZA in regulating its own members in line with its internal policies and practices has been shown to be lacking in consistency. Given that the decisions taken by these bodies may have a direct impact on the welfare of the thousands of animals under their members’ care, it is suggested that the current level of self-regulation within the zoo industry needs to be brought under review. When the need for the Zoo Licensing Act 1981 was first mooted, it was argued that self-regulation of zoos was not a satisfactory solution to the concerns relating to animal welfare which led to the Act’s introduction. Despite this, the influence of the zoo industry over its own regulation, combined with its proximity to Government, appears to be significant. Healthy animals being killed, animals being inbred and animals being sent to be trained for circus shows have been evidenced in European zoos in just the last few years and this should give anyone interested in the welfare of animals great cause for concern. Whether you oppose captivity on principle or believe that well-managed zoos have a role to play in animal welfare and conservation, the evidence available points to a dire need for real scrutiny of both the UK and wider European zoo industry. It is suggested that, as a starting point, action must be taken to address the growing tendency towards self-regulation and to ensure the removal of the inevitable conflict of interests that the current system permits.
News, Cases and Other Materials

Animal Experimentation
Medicines labelling and animal testing

The Medicinal Labelling Bill 2013 (HL Bill No.11) received its 2nd Reading on 25 October 2013. The Bill was given a Second Reading and committed to a Committee of the Whole House.

Speaking in favour of the Bill, Lord Winston said that ‘In my view, a packet that is clearly labelled so that the public understand that animal research is necessary for the development of the drug that they are taking or the vaccine that they are using is really important as a part of public debate, and as a recognition that this research is not only necessary but that it is done properly and humanely and is entirely ethical. The alternatives, I think, are not.’

He explained the purpose behind the Bill that: ‘The Bill is being introduced because I believe that in our society we need more transparency in, and recognition of, the need for this valuable activity, which is essential for human health and in my view will remain so in the future...’ This pronouncement sat uneasily with the comments of Lord Willis of Knaresborough, whose reservation about the Bill was on grounds that current scientific adviser to the Association of Medical Research Charities), who also supported the Bill, chose to characterise anti-vivisection opinion as extreme and at the other end of the spectrum to the views of the scientific community, with ‘the vast majority of people somewhere in the middle.’ Whatever the rights or wrongs of the debate, the characterisation of those opposed to vivisection as extreme and ‘anti-science’ can only lead to further polarisation of the debate about the place of animal experimentation within a modern society.

Criminal Law – Animal Offences

R (on the application of Kenton Hooker) v Ipswich Crown Court [2013] EWHC 2899 (Admin)

This was an appeal for judicial review of a decision of the Crown Court to
confirm a Magistrates’ Court order for the immediate destruction of the appellant’s dog under the Dangerous Dogs Act 1991 s.4(1)(a) following its owner’s conviction for an offence under s.3(1) of the Act. The claimant had owned the dog for about six months, in which time two incidents had occurred where the dog had bitten people, with one resulting in injuries. The claimant had been a dog owner for more than 30 years with no previous complaint, and was aware of the dog’s aggressive tendencies. He had retired due to ill-health and claimed the dog helped him to go up and down stairs. He appealed to the Crown Court’s immediate destruction order, instead arguing for a contingent destruction order under s.4A. The Crown Court confirmed the immediate destruction order. The claimant applied to the Crown Court for it to state a case. It refused to do so and permission was granted by way of case stated for a review of the Crown Court’s refusal, in line with the decision in Sunworld Ltd v Hammersmith and Fulham LBC [2000] 1 W.L.R. 2102. The issue before the High Court was whether the Crown Court had acted unlawfully, irrationally or unreasonably when ordering the dog’s immediate destruction.

The High Court ultimately dismissed the appeal, holding that the Crown Court had been fully aware of its power to make a contingent destruction order and of the burden on the claimant to prove, on the balance of probabilities, that such an order was appropriate. The Crown Court had given sufficient weight to the claimant’s history of good dog-ownership and did not place undue weight on the two incidents. The Crown Court noted that no animal behaviour consultant had given evidence despite there being time to arrange this. The reason for their decision was namely that insufficient reassurance had been given to the court that a similar incident could not happen again.

**Farm Animals**

**Barco de Vapor BV & Ors v Thanet District Council [2014] EWHC 490 (Ch)**

Thanet District Council faces having to pay damages to exporters of live animals after a High Court judgement ruled that the district council did not have the powers to impose a temporary ban on live exports from the Port of Ramsgate. Following a horrific incident in 2012, where a number of sheep drowned and 40 others had to be shot. Thanet DC temporarily suspended live export shipments from Ramsgate. The claimants (3 livestock exporters) applied for judicial review and sought an interim injunction to lift the ban which was granted by Mr Justice Burton in October 2012. The claimants asserted that they lost substantial business as a result of the ban and brought a claim for damages. Mr Justice Birss held that Thanet is liable for damages as the ban breached Article 35 of the Treaty on the Functioning of the European Union. He added that “It was a disproportionate decision reached in haste without separate legal advice and breached a fundamental element of the rules governing free trade in the EU.” Thanet has subsequently decided not to appeal. Cllr. Michelle Fenner, Cabinet Member for Business, Corporate and Regulatory Services, said: “The council took the decision to impose a temporary ban after the incidents in September 2012. This was based on genuine concerns about the safety of our staff and the fact that the Port does not have adequate facilities to cater for the welfare of animals in transit. However, in light of the latest legal advice we have received, we accept that we cannot take the risk of challenging the judge’s ruling in an appeal. Furthermore, we consider that it is the responsibility of the British Government to fight for clearer harmonisation of rules and the role of government agencies such as the Animal Health Veterinary Laboratories Agency and Defra.”

**European Union**

The transport and export of live animals within the European Union is regulated by Council Regulation (EC) 1/2005 on the protection of animals during transport, related operations and amending Directives 64/432/EEC and 93/119/EEC and Regulation 1255/97.3.

The rules set out in the Regulation were first agreed by EU farm ministers in November 2004, and further confirmed and expanded by
apply for journeys under and over 65km or eight hours. Vehicles and containers used for transporting animals must be certified and inspected by an approved body. The rules also set minimum ages of travel for different animals and ban unfit from animals from travelling at all.

The Gov.uk website confirms that local authorities have the primary responsibility for enforcing the Order. The Animal Health and Veterinary Laboratories Agency (AHVLA) also have powers to carry out inspections of animals at point of loading and at ports, before embarkation. Anyone wishing to transport animals as part of an economic activity must apply to AHVLA.

The Department for Environment, Food and Rural Affairs (Defra) collects information about any transporters caught breaking the law from local authorities, the AHVLA and authorities abroad. This information is used when deciding whether to grant, suspend or cancel transporter authorisation.

UK Government Position

The UK Government, in response to an e-petition titled ‘Live Transport of Farm Animals’, clarified that while they would prefer to see the export of meat or germ plasm rather than livestock, it is not possible to ban the trade of animals within the EU as it is a lawful trade when welfare in transit is complied with. To ban the trade either directly or by indirect means would therefore be illegal and would undermine the principle of the free-movement of goods enshrined in the Treaty on the Functioning of the European Union.

This legal position on the trade in livestock has been confirmed by a number of rulings in the High Court and the European Court of Justice in the 1990s. The High Court judgment of Lord Justice Simon Brown in the 1995 joined cases of R v Dover Harbour Board (ex parte Gilder), R v Associated British Ports ex parte Plymouth City Council and the European Court of Justice case C – 1/96 R v MAFF ex parte CIWF and most recently Barco de Vapor BV & Ors v Thanet District Council are all good examples of these rulings.

Top UK vet calls for end of religious slaughter

In March, John Blackwell president elect of the British Veterinary Association called for the ban of religious slaughter if animals were not stunned first to minimise their suffering. He told the Times that as “veterinary surgeons, it is one of the most important issues on our radar. This is something can that can be changed in an instant”. He added: “We have tried to keep it out of the religious sphere. It is not an attack on religious faith, it is a view that we have taken on animal welfare.” Mr Blackwell said that animals “…will feel the cut. They will feel the massive injury of the tissues of the neck. They will perceive the aspiration of blood they will breathe in before they lose consciousness…When you check the lungs of these animals there is clearly blood that has been aspirated.” Mr Blackwell chaired a working group, as President of the British Cattle Veterinary Association, which produced guidance regarding the emergency slaughter of cattle.
He is due to become president of the British Veterinary Association in September 2014.

Companion Animals

The Animal Welfare (Electronic Collars) Bill 2014 (HC Bill No 159) was introduced as a Private Members’ Bill under the Ten Minute Rule to prohibit the use on dogs of electronic collars designed to administer an electric shock. The Bill was introduced by Matthew Offord, MP.

Clarissa Baldwin OBE, chief executive of Dogs Trust, who supports a ban has reportedly said: “The collars, which emit a shock to correct an undesirable behaviour, subject a dog to unnecessary pain and fear. We are calling on DEFRA to follow the lead of the Welsh Government and take heed of their own recent research which concluded that electric shock collars can compromise a dog’s welfare and are no more effective than positive training methods, such as the ones favoured by the police, armed forces and assistance dog organisations, whose dogs are considered to be some of the best trained in the world.”

Animals in Entertainment

Wildfowl & Wetland Trust v Revenue & Customs Commissioners (2013) [2013] UKFTT 423 (TC)

In this case, the Wildfowl & Wetland Trust appealed by way of case stated against the Commissioner’s assessment of VAT on its admission fees for their seven wildlife centres which did not hold captive birds. The Wildfowl & Wetland Trust contended that the wildlife centres were ‘zoos’ within the meaning of the Value Added Tax Act 1994 CH.9 Pt II Group 13 which provided exemption from supplies for certain cultural services. The Trust pointed out that the centres were licensed to operate a zoo under the Zoo Licensing Act 1981, or the Zoos Licensing Regulations (Northern Ireland) 2003, and the Trust was an active member of the British and Irish Association of Zoos and Aquariums. The Trust contended that the normal meaning of ‘zoo’ was ‘a place where wild animals are kept for breeding, study or exhibition to the public’. They argued that while only two sites contained aviaries, where aviaries were not used captivity was still achieved through the combination of fencing around the enclosure and pinioning or feather-cutting. The Commissioner disagreed and sought to establish that the seven centres were not zoos as not all the animals were contained, and those contained were ancillary to the purpose as a wildfowl centre. They argued that the centres focused on a particular habitat of wetland, and that the Trust did not mention the word ‘zoo’ in any advertising materials, names or signage.

In allowing the appeal each of the Wildfowl and Wetland Trust’s sites were found to be “zoos” within the meaning of Sch.9 Group 13 of the 1994 Act. It was held that the ability of native wildlife to enter and leave exhibits did not prevent a place from being a zoo due to the virtual certainty that some animals, such as insects or pigeons, would be able to do so in sites that were indisputably zoos. The absence of a reference to ‘zoo’ in advertising materials did not hold any weight, nor did the common thread of wetland habitat detract from the centres being ‘zoos’. The fact that the centres were licensed under the regulatory regime in place for zoos was consistent with their being no issue with the captive collections. Additionally each centre contained substantive captive animal collections and the majority of the visitors spent their time exploring the captive exhibits.

Whaling

Whaling in the Antarctic (Australia v. Japan: New Zealand Intervening)

In its judgement of 31 March 2014 the International Court of Justice (ICJ) ruled that Japan’s whaling programme was not conducted for the purposes of scientific research overall and as such, violated Article VIII, Paragraph 1 of the International Convention of the Regulation of Whaling. A number of issues were considered by the ICJ including the use of lethal methods, sample size and scale of lethal sampling and the programmes scientific output. Japan was ordered not to issue new permits and to revoke existing ones. This ruling only applies to Antarctic whaling. (See article by Dr Nurse on page 14)
Does justice apply to animals?

Matthew McGhee, Winner of ALAW’s student essay competition

One justification for such rights is that animals have demonstrated the ability to reason in the abstract – formerly a function thought to be limited to humans, providing a basis for distinguishing humans from other species. Higher primates have shown an awareness of mortality, and further exhibit complex emotions such as grief.

Furthermore, many species display a degree of planning (Goodall), and thus have long-term interests for which they are planning. These interests filter into an animal’s conception of the good – things that they would like to pursue – either innately or actively.

It has been argued that to be part of any system of justice, one must appreciate the interests of others within that system, and thus that there is reciprocity of rights in respect of those interests. On this basis, animals might not appreciate human interests and are thereby excluded from any system of justice within which humans are incorporated.

However, whilst other species might not appreciate the complex human social structure, they have similarly complex structures with an awareness of the interests of other animals. The purpose of justice is to facilitate the profitable interaction of social structures, and thereby mandates that humans recognise animal social structures.

The ability to experience complex emotions and to have interests leads to Bentham’s “insuperable line” – the capability for suffering. Given that animals have such a capability, there is a moral aversion to inflicting such suffering. Therefore, moral weight is accorded the interests of animals, with such weight bearing upon any understanding of justice.

If justice is understood by reference to moral weight, an understanding of morality may be required for justice to apply to an individual. Thus, to the extent that considerations of justice avail animals, it must be human-centric. This is no different to the starting position whereby animals are
protected indirectly. However, the sense of justice, based on an understanding of morality, and the absence of which excludes animals from Rawls’ theory of justice, might be seen in animals’ interactions with others. As discussed, animals have the ability to form relationships with a clear sense of reciprocity. Rawls’ exclusion seems unsafe.

In any event, Rawls accepts that a sense of justice, whilst a sufficient condition for being entitled to equal justice, is not a necessary condition. One can be part of a theory of justice without a sense of justice. One can be a ‘moral patient’ (a being towards which duties are owed) without being a ‘moral agent’ (owing such duties to other beings) (Singer).

A young or mentally-handicapped human would clearly be considered a moral patient and justice must apply to each. The safety of the distinction between human and gorilla young must be questioned; each has simple needs and desires, and neither has clear moral obligations to others. The potential for each to flourish in the future is equal. It might be said that a distinction is found in that human life is an end in and of itself (Kant) because of the ability of the child to become a rational person. However, rationality requirements would exclude mentally-handicapped individuals from justice, and all beings arguably have a potentially rational nature and therefore require protection (Wood).

Whilst the same rights that are accorded to humans need not be ascribed to animals, a lesser degree of rights can and should be ascribed. Hence a concept of justice, tailored to individuals, must be applied. This tailoring can be made according to the nexus between the right-holder and the right-subject.

The sense of this is clear when one considers that the right-subject has responsibilities stemming from that right, and humans have responsibilities to animals. Humans take on responsibility through actions – in taking an animal into captivity, one takes on a continuing responsibility to care for that animal. This could be seen as analogous to the ephemeral ‘social contract’ said to underlie ideas of justice systems – sustenance is given to animals in exchange for whatever gratification one receives from such an exchange. However, this is overly artificial and unnecessary. More simply, one has responsibilities from ‘interfering’ in any way with the interests of other beings. On a wider scale, this sentiment provides that, given the measurable human influence on the environment, concomitant duties correlate to broad responsibilities to ensure sustainability of the planet.

Justice therefore rests on joint principles of mutuality and stewardship. In the same way that parents are deemed to be guardians of their children’s interests when voting, humans are deemed to be guardians of animals’ interests in their actions. This provides the necessary content to animal rights – humans should not interfere with animals’ relatively simple conception of the good – whilst excluding any possibility that dogs would have the right to vote.

Justice should facilitate the flourishing of a given individual (Nussbaum), and this should be the case irrespective of species so long as a degree of mutuality exists. The degree to which justice compels one being to act in relation to another is contingent on the nexus between those beings.

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The Beginning of the End? The International Court of Justice’s decision on Japanese Antarctic Whaling

Dr Angus Nurse, Middlesex University School of Law

The International Court of Justice’s (ICJ) recent decision concerning whaling in the Antarctic has been hailed in some quarters as signalling an end to Japanese whaling. The case, originally lodged by Australia in 2010 (with New Zealand intervening to join Australia’s action in November 2012), is a landmark ruling in international law by clarifying the nature of Japanese whaling; the legality of which has been contested by animal protection activists and conservationists for many years. Yet while the Court’s decision can be welcomed as identifying that Japanese whaling in the Southern Ocean should not be permitted under the current arrangements, it does not entirely outlaw Japanese whaling. However, this preliminary reading of the judgment identifies much of interest to animal law scholars in its discussion of the necessity of using lethal methods of killing animals for scientific research and the requirements on reviewing such methods.2

The Whaling Convention and Moratorium on Whaling

The text of the 1946 International Convention for the Regulation of Whaling (the Whaling Convention) makes it clear that it was intended to ‘provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry’.3 The Whaling Convention thus has trade and exploitation of whale stocks as its basis rather than being purely an international conservation or animal protection measure.4 In this context the Whaling Convention provides for an economic value to be placed on wildlife and its regulation as a resource. Species protection concerns relating to the extinction of various species as a result of human interference5 and the need to conserve animals that will otherwise be driven to extinction are also partially reflected in the Whaling Convention’s provisions.

A Moratorium was put in place with effect from 1986 which effectively banned commercial whaling. However The International Whaling Commission (IWC) acknowledges that Norway continues to take North Atlantic common minke whales within its Exclusive Economic Zone, and Iceland takes North Atlantic common minke whales and also North Atlantic fin whales, within its own Exclusive Economic Zone.6 Norway and Iceland take whales either under objection to the moratorium or under reservation to it which allows them to establish their own catch limits and provide information to the IWC on whales caught. The Russian Federation has also registered an objection to the Moratorium but does not currently exercise it.

2 It is accepted that the Court’s judgment is specific to the requirements of the International Convention for the Regulation of Whaling but the judgment contains some wider discussion on the expectations of scientific research involving animals.
3 International Convention for the Regulation of Whaling, preamble to the Convention.
Article VIII of the Whaling Convention allows the taking of whales under the ‘scientific exemption’ which allows individual states to issue permits to ‘kill, take, or treat whales for purposes of scientific research subject to such other conditions as the Contracting Government thinks fit.’ This provision effectively exempts state authorised scientific whaling from the convention and while it requires each government issuing such permits to report to the IWC on the number of permits it issues, in practice it allows each state to decide the size and scope of any scientific whaling program and to self-regulate by issuing its own permits. While in principle a state needs to justify its special permit whaling programme to the IWC, the extent to which there is scrutiny of a scientific programme sufficiently robust to overturn state sovereignty without recourse to an international court is questionable. Japanese whaling recommenced in 1987 under the JARPA Research Plan and then continued from the 2005-2006 season under the JARPA II programme by issuing permits to the Institute of Cetacean Research described in the ICJ’s judgment as a foundation established under Japan’s Civil Code and historically subsidized by Japan. JARPA II’s activities include modelling competition among whale species and improving the management procedure for Antarctic minke whale stocks. The methodology includes lethal sampling of three whale species: Antarctic minke whales, fin whales and humpback whales and the program’s extensive use of lethal methods has long been viewed by its opponents as evidence of commercial whaling. Yet despite the persistent voicing of concerns by NGOs and other commentators, Japan’s programme has continued largely uninterrupted since 2005-2006. Arguably the lack of an effective enforcement mechanism within the IWC necessitated legal action under the Whaling Convention via an international court.

Australia Versus Japan

In 2010 Australia lodged a complaint with the ICJ asking the Court to find that the killing, taking and treating of whales under special permits granted by Japan are not ‘for the purposes of scientific research’ within the meaning of Article VIII of the Whaling Convention. The Australian case specifically concerns Japan’s JARPA II Research Plan which allowed whales to be taken in the Southern Ocean under permits issued by the Japanese Government. While accepting that meat from harvested whales would enter into the consumer market, Japan maintains that JARPA II is a scientific research programme and that its primary purpose is to collect data on whales and ecosystem management.

In bringing the case, Australia sought to determine that Japan’s JARPA II whaling was commercial and not scientific whaling and so went against the spirit of the Whaling Convention as well as being unnecessary animal exploitation; facilitated by exploiting a potential loophole in the Whaling Convention. Conservationists and activists have long maintained that Japan’s activities were commercial whaling and that JARPA II allowed for unlawful commercial exploitation of whales under the guise of scientific research. As part of the remedy for its alleged breaches of the Whaling Convention, Australia was also asking the ICJ to declare that Japan should: cease to issue any further permits for scientific whaling; should revoke any permits or authorization for the JARPA II programme; and should also cease the JARPA II programme. JARPA II is structured in six-year phases but has no specified termination date.

Use of Lethal Methods

JARPA II’s Research Plan specifies use of both lethal and non-lethal methods to achieve its research objectives. During proceedings, Japan argued that lethal sampling was ‘indispensable’ to JARPA II’s objectives of ecosystem monitoring and multi-species competition modeling. Japan argued that it did not use lethal methods any more than was necessary, while Australia argued that Japan has an ‘unbending commitment to lethal take’ and that ‘JARPA II is premised on the killing of whales.’ Australia further argued that a variety of non-lethal research methods, including satellite tagging, biopsy sampling and sighting surveys would be more effective ways to achieve Japan’s claimed objectives and to gather data.

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7 International Convention for the Regulation of Whaling, Article VIII, paragraph 1.
10 Ibid, Para 119.
11 Ibid, Para 128 to 133.
The Court’s deliberation on this aspect in part turned on the necessity of using lethal methods and in part on whether the evidence that Japan had considered non-lethal methods and was able to justify its seemingly persistent use of lethal methods was sufficient. Scientific research and other forms of animal exploitation should generally seek to minimize unnecessary suffering or harm to animals, recognising their status as sentient beings unable to advocate for their protection. The Court concluded that there was no basis on which to conclude that the use of lethal methods in scientific whaling is unreasonable per se, but considered that there were weaknesses in the JARPA II Research Plan’s consideration of non-lethal methods. In particular, there was no evidence that Japan had examined whether it would be feasible to combine a smaller lethal take with an increase in non-lethal sampling, and that there appeared to be a preference for lethal sampling because it provides a source of funding to offset the cost of the research. The Court accepted that the activities carried out by Japan under the JARPA II programme could be broadly characterized as scientific research. However, since the Moratorium was announced Japan has continued scientific whaling almost continuously initially through JARPA (commenced within a year of the Moratorium) and subsequently via JARPA II. Australia maintained that Japan had essentially used lethal methods as a significant part of the programme despite advances in technology that arguably made such methods outdated for some of the programme’s objectives. The lack of any significant break in operations to review the data, methodology and future requirements was noted by the Court as giving weight to Australia’s theory that Japan’s priority was simply to maintain whaling operations ‘without any pause’ and that sample sizes are not driven by purely scientific considerations. The Court commented on the open ended nature of JARPA II which appears to be an indefinite whaling programme, it did consider whether the specifics of the whaling programme were such that it could be determined as taking whales ‘for the purpose of’ scientific research and it is here that animal protection advocates may be most interested in the Court’s deliberations.

Scientific or Commercial? While it was not the Court’s role to determine the scientific merits of Japan’s whaling programme, it did consider whether the specifics of the whaling programme were such that it could be determined as taking whales ‘for the purpose of’ scientific research and it is here that animal protection advocates may be most interested in the Court’s deliberations.

First, the Court commented on the open ended nature of JARPA II which appears to be an indefinite whaling programme. The Court concluded that a time frame with intermediate targets would have been more appropriate but also commented on the scientific outputs arising from JARPA II. The Court noted that the first research phase of JARPA II (2005-2006 through to 2010-2011) has been completed but that Japan could only point to two peer-reviewed papers that have emerged from JARPA II to date. While Japan also pointed to symposia presentations and other programme documents, the Court concluded that ‘in light of the fact that JARPA II has been going on since 2005 and has involved the killing of about 3,600 minke whales, the scientific output to date appears limited.’ The Court also noted discrepancies between the target and actual take sizes and the fact that Japan had taken few humpback or fin whales, despite these seemingly being an integral part of the programme. It concluded that target sample sizes are larger than reasonable in relation to achieving JARPA II’s objectives and that the actual take of fin and humpback whales was largely, if not entirely, a function of political and logistical considerations. The ICJs view was that there was evidence to suggest that the programme could have been adjusted to achieve a far smaller sample size and that Japan had failed to explain why this was not done. The Court was critical of the fact that Japan had neither revised JARPA IIs objectives nor methods to take account of the actual number of whales taken. It concluded that the evidence did not establish that the programme’s design and

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\textsuperscript{13} Ibid, Para 156.
\textsuperscript{14} Ibid, Para 172.
\textsuperscript{15} Ibid, Para 88, 127 and 172.
\textsuperscript{16} Whaling in the Antarctic (Australia v. Japan: New Zealand intervening) - Judgment of 31 March 2014 - Para 133 to 144.

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implementation were reasonable in relation to achieving its stated objectives and concluded that the special permits granted by Japan for the killing, taking and treating of whales under the JARPA II programme are not for purposes of scientific research as required by Article VIII of the Whaling Convention.

Judgement
The Court, noting that JARPA II is an ongoing programme decided that measures going beyond declaratory relief were warranted. It ordered Japan to revoke any extant authorization, permit or licence to kill, take or treat whales under JARPA II and to refrain from granting any further permits under the programme. For animal protectionists, the implication of the ICJ’s conclusions are that Japanese Antarctic whaling is commercial whaling and thus unlawful under the Whaling Convention due to the Moratorium. The Court’s judgment alludes to this by pointing out that prohibitions in the Schedule to the Convention allude to scientific whaling, aboriginal subsistence whaling and commercial whaling. The Court noted that it considers that all whaling which does not fit within Article VIII of the Whaling Convention is subject to paragraph 10(e) of the Schedule which specifically relates to commercial whaling.17

The ICJ’s judgment has been widely reported as the Court telling Japan to halt whaling although strictly speaking this is not the case given that the ruling applies only to the JARPA II programme and permits issued under its auspices. Japan has confirmed that it will abide by the ruling but its whaling in other areas such as the North Pacific will continue.18 Japan is also reported to be considering revising its whaling programme for a smaller catch.19 In theory such a move could address the issues raised in the ICJ’s judgment and Japan could legitimately establish a revised programme which meets the ‘scientific purposes’ criteria. However for now, Japanese whaling in the Antarctic would seem to have ended as a result of scrutiny under international law and through the international justice system.

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17Ibid, Para 231.
What is ALAW?
ALAW is an organisation of lawyers interested in animal protection law. We see our role as pioneering a better legal framework for animals and ensuring that the existing law is applied properly.

We believe that lawyers should, as well as interpreting laws, ask questions about the philosophy underlying them: they have always played a central role in law reform. There is also a real need to educate professionals and the public alike about the law.

Animal cruelty does not, of course, recognise national boundaries and we are building up a network of lawyers who are interested in animal protection in many different countries.

What ALAW will do?
ALAW will:

- take part in consultations and monitor developments in Parliament and in European and other relevant international organisations,
- highlight areas of animal welfare law in need of reform,
- disseminate information about animal welfare law, including through articles, conferences, training and encouraging the establishment of tertiary courses,
- through its members provide advice to NGOs and take appropriate test cases,
- provide support and information exchange for lawyers engaged in animal protection law.

Who can be a member?
Solicitors, trainee solicitors, legal executives, barristers, pupil barristers, judges and legal academics are eligible to join and will receive regular issues of the Journal of Animal Welfare Law. Other interested parties can become subscribers to the Journal and receive information about conferences and training courses.

How can you help?
Apart from animal protection law itself, expertise in many other areas is important - for example, public law, civil liberties, environmental health, planning law, freedom of information, civil litigation, media law, company law and charity law.

In addition, lawyers have well-developed general skills such as advocacy and drafting which are useful in many ways. Help with training and contributions to the Journal are also welcome.

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