

Index

- Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (2004) 162–3, 172
- African Charter on Human and Peoples' Rights (1981) 94
- African Convention on the Conservation of Nature and Natural Resources (1968) 93
- Annex 1, 95
- Art IX(3)(b)(iii) 95, 96
- Art V(6) 95
- inconsistent interpretation of 96–7
- proscribed hunting techniques 96
- Revised Convention 93–4
- Art III 94
- Art IV 93, 94
- Art IX(3) 260
- Fundamental Obligation 96
- objectives 93
- preamble 93–4
- on sustainability 95
- aggregative approach 215
- anthropocentric 221
- collective goals imperative 218, 221, 229, 230–31
- disastrous effects of 225–6
- as problematic 221, 222
- and competing interests 230–31
- endangering sustainability 225, 227
- environmental fascism 231
- and free-riding 222
- goals 221
- holistic 228–32
- indirect duty view 218, 221
- challenging 218–19
- instrumentalist nature of 218, 221, 224–5, 230
- legitimizing self-interest 221–2, 225
- and notion of the species 229
- see also* species
- placing little or no value on individuals 230
- as self-defeating 226–7, 230
- in South Africa 222–3
- and species survival 230
- undermining human welfare 220–21
- in Zimbabwe 226
- see also* integrative approach
- Agreed Measures for the Conservation of Antarctic Fauna and Flora 161
- Agreement for a Modus Vivendi in Relation to Fur Seal Fisheries in the Bering Sea (1891) 21, 29
- Agreement on Humane Trapping Standards (1998) 27–8, 36, 60–61
- scope for enhancement 61
- Agreement on the International Dolphin Conservation Program 291, 296
- animal abuse/human abuse correlation 219
- animal rights 1
- abolition of all animal usage 253
- ethic-of-care theory 34
- animal welfare 1, 4, 56, 177
- in Abrahamic traditions 133–4
- scriptural references to human responsibility 134
- see also* Christianity
- animal health during transport 36
- anti-cruelty legislation 1
- battery hens 39–40
- calls for universal declaration on 198
- /conservation dichotomy 256, 258–9
- /conservation link 255

- cultural violence towards animals 152–3
- during transport 184–5
 - International Air Transport Association standards 185
- EC-Seals* case 191–2
 - see also EC-Seals* case
- emergence of as international concern 266, 285
- EU conventions on 99–100
 - see also* EU; individual conventions
- extension of concern to individuals 98–9
- first academic chair in 142
- focus
 - on domestic/captive animals 35–6, 184
 - on humane treatment 257
- as general principle of international law 255, 256, 259
- growing awareness of issue 110, 197
- growing scientific understanding 142–3
- and Humanism *see* Humanism
- ideal lacking conceptual responsibility 175, 177
- implications for international law 2–3
- increasing importance of 260–61
- increasing international engagement with 163
- indirect duty view 218
- informed by ethical assumptions 257
- integral feature of contemporary living 42
- in international law 56
 - educative function 57
 - environmental law 140
 - international transportation 57
 - moral issue of global significance 27
 - normative harmonisation 57
- as international legal norm 65
- and international trade cooperation 296–7
- and intrinsic value 99
- introducing ethical component to sustainable development 261
- lacking commitment in application 111
- law *see* animal welfare law
- as legitimate objective 292–3
- as meta-principle 64, 254
- national regulation 152
- norms *see* animal welfare norms
- organisations *see* individual organisations
- philosophical foundations 98
- place in international legal order 57–8
- positive substantial obligations 61
- potential defence for breach of obligation 61
- and the principle of non-discrimination 73
- as principle of procedural review 64–5
- protection of 206
 - addressed at regional level 184
 - need for actor enrolment 201–2
 - way forward 200–201
- as public morals issue 301
- as public policy issue 182
- recognition as concern in own right 58, 62, 301
- rights 176
- significance of recognition of 64
- standard-setting
 - OIE and 199–200
- treaties 58–59
 - see also* international wildlife law; individual treaties
- use of blinded or mutilated decoys 260
- in US-Tuna cases 292
- /wildlife law disengagement 150
 - animal welfare viewed as domestic issue 160
 - in international law 159–60
 - persistence of 152, 164
- wildlife *see* wild animal welfare
- WTO distinction from animal health 190

- see also* farm animals; wild animal well-being
- animal welfare law 1, 152
- Act Against Plowing by the Tayle, and pulling the Wooll off Living Sheep 1635 (Ireland) 153
- Act to Prevent the Cruel and Improper Treatment of Cattle (1822)(UK) 153
- Animal Welfare Act (USA) 25–6
- collateral benefits 58
- compliance 42
- complicating factors 44–5
- /conservation convergence 238–9, 267
- Cruelty to Animals Act 1835 (UK) 153
- dependent on international litigation 44
- differing approaches to wild and domesticated animals 154
- early 152–3
- emergence of 252
- emphasis on protection of animals 99, 100
- EU 42, 59
- international 160
- welfare levels depending on treaty 160–61
- see also* individual conventions/treaties
- lacking unity 43–4
- little consideration of bioethics 42–3
- Massachusetts Body of Liberties (1641) 153
- need for moral compass 44
- NSW example *see* New south Wales
- strong focus upon vertebrate animals 100–101
- Wild Animals in Captivity Protection Act (1900)(UK) 153–4
- wildlife *see* wildlife law
- animal welfare norms
- animal welfare protection 194
- procedural 194
- standard-setting
- ethic of humane treatment 194, 195, 196
- need for ethic of compassion and morality 195–6
- wild animal protection 196
- substantive 194, 195
- limitations 194–5
- animals
- farm *see* farm animals
- moral status 40–41
- as resource 224
- wild *see* wildlife
- anthropocentric approach 3
- as major impediment to improving protection 32–3
- need to move away from 8
- anthropogenic disruption
- disputing 55–6
- habitat encroachment 2
- Australia
- Australian Deer Association focus on quick and humane death 158
- Australian Pest Animal Strategy 2017 to 2027, Consultation Draft 158–9
- federal policy documents 158
- NSW *see* New South Wales
- Senate Select Committee on Animal Welfare (1998) 159
- and standard-setting for animal welfare 198
- Berne Convention on the Conservation of European Wildlife and Natural Habitats (1979) 85, 160
- biocentric ethics *see* bioethics
- biodiversity 87, 95, 102
- intrinsic value of 253
- biodiversity conservation 54, 157, 162
- and environmental protection
- accommodation 55–6
- original focus 54–5
- origins 54

- philosophical foundations 83
 - aesthetic/inherent value 84
 - consumptive instrumentalism 83, 84
 - contributory' value 84
 - intrinsic value 85–6
 - systemic ignorance of state
 - commitments to 55
 - widening scope 55
- bioethics 4, 14
 - absence of coherent framework 106
 - characterised as aspect of human welfare/rights 102
 - definition 43
 - and developing countries 107
 - evolving 101–2
 - formulating 102
 - harmony with nature concept 106, 107
 - human dignity and inherent worth/intrinsic value
 - comparison 109–10, 111–12
 - International Mother Earth Day 106–7
 - needs for education on 139
 - recognition of indispensability of bio-diversity to human survival 139–40
 - Rights of Mother Earth 106
 - and species extinction 140
 - see also* UNESCO Declaration on Bioethics; UN Harmony with Nature project
- biology 126–7
- Bolivian political and philosophical evolution 107–8
- call for International Convention for the Protection of Animal Welfare 174
- Cambridge Declaration on Consciousness (2012) 296
- Cartesian dualism 127
- CBD 23, 282, 288
 - Addis Ababa Guidelines 98
 - Aichi Biodiversity Targets 173
 - on biodiversity 211
 - conservation provisions 87
 - ethical constraints upon human exploitation of other life-forms 98
 - focus of 211
 - Guiding Principles for the Prevention Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems Habitats or Species 163
 - intrinsic value of biological diversity 85, 98
 - commitment to 86–7
 - /conservation distinction 87
 - lack of attention to animal welfare 162
 - living in harmony with nature 172
 - moral consideration in 87–8
 - no specific animal welfare provisions 185
 - not restricted to wildlife 99
 - objective 210
 - pluralistic motivation for planetary conservation policy 88
 - Preamble 253
 - Strategic Plan for Biodiversity 2011–2020 173
 - on sustainability 210–11
- Center for International Environmental Law 289
- Centre for Marine Conservation 289
- chimpanzees 120–21
- Christianity
 - Biblical foundation for rights-based approach 134
 - Biblical stewardship 133
- CITES 22
 - and animal welfare 161–2, 184
 - Appendix I 210, 240, 241, 243, 259–60
 - exceptions 252, 253
 - listing of Rhinocerotidae family 241–2
 - Appendix II 240
 - captive-bred animals 243
 - downlisting of southern white rhino to 242

- Appendix III 240
- Art III(2) 240, 241
- Art IV 242
- Art VII(3) 241
- Art VIII 172, 185
- Art XIV 260
- captive-bred animals 243–4
 - definition of 244
 - /ranch animals distinction 244–5
 - specific criteria 244
 - welfare requirement 244
- Conference of the Parties 183, 236–7, 239
- criticism 245–7
 - contracting party implementation responsibility 245–6
 - listing of species for protection 247
 - trade exemptions 246
 - underscoring of instrumentalist approach 247
- focus 209, 210
- ‘humane’ treatment in 26
- inconsistent compliance 162
- and international trade in rhino horn 236–7
- and national law 240–41
- permit system 240
- Preamble 209, 239–40
- primary focus 162
- ranching 245
- regulation of trade in specimens of species 240
- on sustainability 209–10
- trade prohibitions 240–41
 - exceptions 241, 242, 243–4, 245, 252
 - rhino horn *see* South African trade in rhino horn
- wild animal welfare considerations 210, 259–60
- wild animal welfare limitations
 - ethic of humane treatment 185–6
 - full extent 185
 - subjective listing criteria 186–7
- cognitive capacity 120–21
- conservation 31, 211–214, 232, 259
 - aggregative approach 211–12, 218
 - justifications 212–13
 - see also* aggregative approach and trophy hunting 213
 - /animal welfare dichotomy 258–9
 - /animal welfare law convergence 238–9, 259, 267
 - /animal welfare link 255
 - anthropocentrism in 1–2
 - biodiversity *see* biodiversity conservation
 - captive breeding 6
 - characteristics 257
 - compassionate approach 177–8
 - proposed Compassion Impact Assessment 178
 - defining 29–30, 211
 - focus of 30
 - focusing on preservation of species 8
 - increasing issues 180
 - informed by economic/scientific assumptions 257
 - instrumental ethic in 1–2
 - integrative approach 213, 218
 - see also* integrative approach and trophy hunting 213–14
 - in international law 28
 - main focus 111
 - of megafauna 246
 - motivations for 95, 97
 - near absence of welfare element in 5, 8
 - need for respect-based ethic in 227
 - need to emphasise
 - protection/preservation over 9
 - protection/preservation distinction 28
 - rhinoceros poaching 5–6
 - as source of wild animal welfare protection 205
 - sustainability 92
 - /trade argument 263, 264, 267
 - and trophy hunting 6
 - see also* trophy hunting
 - /wild animal welfare law convergence 238
 - and wild animal welfare protection 193

- trade link 6, 237
- see also* sustainable use
- Consultative Commission for the International Protection of Nature 28
- consumptive use value 9–10, 11
 - economic 16
 - /non-consumptive use differences 10
 - non-economic 16
 - enjoyment 16
 - hedonic pricing 17
 - travel cost 16–17
- Convention for the Preservation of Wild Animals Birds and Fish in Africa (1900) 83, 159
 - aims 159–160
- Convention for the Protection of Birds Useful to Agriculture (1902) 21–2, 28, 84, 160
- Convention on Biological Diversity (1992) *see* CBD
- Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention)(1982) 23
- Convention on the Conservation of Migratory Species (1980) 22–3
- Convention on the Preservation and Protection of Fur Seals (1911) 29
- culture
 - characteristic of many life-forms 52
 - defining 51
 - human 52–3
 - shaping 53
 - /nature/biology dichotomy 51
- Declaration of Rights for Cetaceans: Whales and Dolphins (2011) 175
- developing countries, original sponsors of Earth Day 107
- development, need to recognise ethical dimensions 107
- dignity
 - and accommodation of differing life-forms 145
 - applicable in principle to all complex life-forms 143
 - benefits/burdens balance 146
 - collective 143
 - conferring absolute entitlement 145
 - in Daoism 114
 - deconstructing 112–15
 - discriminatory usage 141
 - explicable in scientific terms 144
 - extension beyond the human realm 144, 147
 - failure to realise or respect 115
 - genetic characteristics not affecting 116
 - see also* genetics
 - growing academic awareness in regard to sentient creatures 142–3
 - human 147
 - foundations in human genome 116, 119
 - inherent, serving to signify normative worth 141
 - as inherent excellence 114, 115
 - as inherited distinction 114, 115
 - in international legal order 115
 - /intrinsic value comparison 109–10, 111–12
 - in Latin languages 112–13
 - and normative differentiation 145–6
 - not confined to human species 119–20
 - not possible to lose 114–15
 - proper application 114
 - proper respect for 146
 - recognition of 142
 - reconstruing 115–19, 144–7
 - referable to scientific realities 144
 - right to respect for 116
- Dolphin Protection Consumer Information Act (USA) (1991) 282, 290
- domestic animals
 - humane treatment ethic and 185, 196
 - welfare focus 35–6, 155, 184
- Draft International Declaration on Animal Welfare 175

- ECHR (1953) 63
 ethical convictions 63
 protection of morals exemption 63
- ecocentric ethics 15
 deep ecology 15
 focus 15
- eco-functional connectivity 55
- ecological community 49
- EC-Seals* case 191–2, 270, 272, 273, 278, 295, 302
 amicus submissions in 302
 background 299
 EU ban on seal products 299, 300
 justified 301
 not conservation measure 300
 first decision addressing animal welfare directly 297, 303
 GATT panel decision 301
 granting animal welfare formal recognition 301
 indigenous exemption 300
 too broad 301
 and public morals exception 298
 recognition of sentience in animals 298
 symbolic significance of 298–9
 WTO Appellate Body decision 301, 302–3
- English–American Convention for the Protection of Migratory Birds (1916) 22
- enhanced moral entitlement 121
- entrenched attitudes 50–51
- environmental fascism 231
- environmental law 208–9
 ‘aggregative’ approach 208
 and biodiversity preservation 55–6
 and conservation 208
 Convention on Biological Diversity *see* CBD
 Convention on International Trade in Endangered Species of Wild Fauna and Flora *see* CITES
 environmental protection 4
 ‘integrative’ approach 208
 and sustainable utilisation 208
see also biodiversity; conservation; sustainable use; sustainability
- environmental welfare, international cooperation on 296–7
- ethic of care theory 34–5
- EU
 AIHTS agreement *see* Agreement on Humane Trapping Standards (1998)
 animal welfare as fundamental ethical principle 60
 Animal Welfare Strategy 184
 conventions *see* individual conventions
 Council of Europe 99
 Council Regulation (EEC) No. 3254/91 61
 Directive 98/58/EC (protection of farm animals) 42
 European Convention on Human Rights *see* ECHR
 European Court of Human Rights 72
 European Court of Justice 60
 Lisbon treaty 59–60
 participation in international conventions 59
 pressure on other states 60
 trade restrictive measures 62–3
see also individual European treaties/conventions
- European Communities – Measures Prohibiting the Importation and Marketing of Seal Products 6, 62
- European Convention for the Protection of Animals during International Transport (1968) 99–100
 Explanatory Report 99, 142
- European Convention for the Protection of Animals kept for Farming Purposes (1976)
 Explanatory Report 100
- European Convention for the Protection of Pet Animals (1987) 100
- European Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes (1986) 100

- European Convention on Human Rights and Biomedicine 74
 underlining fundamental unity of human family 74–5
- European Convention for the Protection of Animals kept for Farming Purposes (1976) 100
- evolutionary theory
 evolutionary continuity 48
 evolutionary seamlessness 55
 /explanatory paradigm synthesis 129
 as explicatory web 129
 and Humanism *see* Humanism
 intelligent design theory 123–4
 irreducible complexity 124
 little persuasive force. 124
 preaching to the converted 125
 resistance to 122
 religious 122–3, 124–5
- existence value 9
 attitudinal 17
 contingent valuation methodology 17–18, 19
 definition 10
 legal expression of 12
 motivations behind 17–18
 distinguishing 19
 pure conservation 18
 pure welfare 18
 relative 18
 option value 10, 12
 vicarious value 10, 12
- extinction crisis 147
- farm animals 39–40, 42, 184, 199
 cruelty to 152–153
 FAWC Five Freedoms of Animal Welfare 175
 inhumane slaughter 152
 overworking 152
 battery hens 39–40, 42
 international protection of 42–3
- Food and Agriculture Organization (FAO) 184
- fox hunting 148
 as purview of upper classes 169
- Friend and Countryside Alliance and Others v UK* 63
- GATT 61, 189, 274, 274–5
 animal life and health in 295
 arbitral panels 278, 279
 decision-making 283–5
 methodological choices 285
- Art I 275
 Art II 275
 Art III 275
 Art XI 275, 287
 Art XX 277–8, 283–4, 288, 295, 302
 exceptions 283, 287
 interpretation 278
 Art XXIII 278, 282
- general exceptions
 conservation 277
 health protection 277
 public morals 191, 277, 298
- negotiated barriers to trade at borders 274
- negotiated tariffs 275
- non-discrimination rules 274, 275
 case law 276
 most-favoured nation principle 275
 national treatment principle 275–6
 reach of 277
- non-tariff barriers 275
- safeguards 61
- sovereignty 275
- genetics
 continuity of process 119, 120
 gene expression 118, 119
 ‘genes for’ 117
 ‘genes without which’ 117
 genetic characteristics
 not affecting dignity 116
 not possible to specify reductively 117
 genetic divergence 120
 genotype 116
 human genome 116

- foundations of human dignity in 119
 - see also* dignity
 - roots of individuality in 116
- importance of interactions with environment 116–17
- individual identity of all life-forms 119
- informational programme within 119
- ‘junk’ DNA 117
- nature/nurture debate 117–18
- overall complex of information 117
- Phenotypical complexity 121–2
- Genocide Convention (1948) 110
- global animal law 196, 205–6, 253
- Global Animal Partnership 199
- Guide to the Weighing of Interests (Switzerland) 145

- Harry Roberts v United Mexican States* 38–9
- Herrmann v Germany* 63, 64
- Hominidae 67, 68
 - Homo floresiensis* 70
 - homo sapiens* 67
 - redrawing of taxonomic boundaries 75
- human rights 4, 47, 65
 - and family concept 68–69, 74–5
 - as generalised norms 110
 - and genome manipulation 73–4, 115
 - and Hominidae 67–9
 - human dignity and inherent worth in 109–10
 - and hybrid creatures 71–2
 - philosophical foundations 76
 - dignity 76–7
 - fundamental requirements 78
 - rationality 77, 78–80
 - reason 79, 81–2
 - undermining concept of human exceptionality 78, 79, 82
 - potential two-tier protective regime 82
 - rejection of 82–3
 - principle of non-discrimination 72–3
 - and social contract theory 137–8
 - and species concept 66–7
 - sub-regimes 110
 - systemic failure of 73
 - universalisation of 47
 - unthinking anthropocentrism of 141
 - who applicable to 65–6
- human/animal shared characteristics 103–4, 105
- Humane Society International 300
- humane treatment ethic 188
- Humanism 122, 130, 134–5
 - on capacities, potential and moral status of other species 134
 - evolutionary scepticism 125
 - and extension of rights beyond the species barrier 135
 - limited engagement with science 126
 - seeking to demonstrate extraordinary capacities of humankind 125
- humans
 - adaptive success 122
 - /animals conflicting interests 4
 - as autonomous beings 48
 - destructive capacity 128
 - evolutionary continuity 48
 - as interdependent beings 48
 - lack of scientific plausibility for position of in natural world 53
 - moral status 4, 40–41
 - /nature dualism 33
 - one amongst many species 97
 - overestimating importance of human consciousness 130–31
 - personhood 47
 - protecting that which we value 8, 32, 37
 - specific identity 48
 - supposed unique capacities of 103–5
 - treatment 38–9
 - see also* Hominidae

- ICRW
 Art V(1)(b) 64
 Art V(1)(e) 187
 Art V(1)(f) 187
 ignoring psychological harm and trauma 161
 initial focus on conservation 31
 prohibiting cold grenade harpoons 32
 regulating whaling methods 32
- IFAW 191, 300
- inherent value 84, 209, 272
 respect-based ethic recognising 227
- instrumental value 272
 anthropocentric approach 267
 consumptive use *see* consumptive use value
 non-consumptive use *see* non-consumptive use value
- integrative approach
 and competing interests 231–2
 concerns 227–8
 expansive holistic view 230
 non-instrumentalist 216–17
 promoting respect for individuals 217, 221, 230
 recognising individual/collective relationship 230, 231
 recognising inter-relationship of individuals 264
 and respect-based ethic 232–3, 264
 trophy hunting contradicting 264
see also aggregative approach
- International Agreement for the Regulation of Whaling (1937) 83
- International Bank for Reconstruction and Development *see* World Bank
- International Convention for the Protection of Birds (1950) 28, 160
- International Convention for the Regulation of Whaling (1946) *see* ICRW
- international conventions/treaties
 environmental law agreements 208
 implications for animals 207–8
see also environmental law;
 individual conventions/treaties
- International Court of Justice (ICJ)
 Statute, Art 38(1)(c) 64, 254
- international environmental law 1, 5
 and attribution of claim-rights 137
 and attribution of liberties 137
 challenges to reform of 139
 contemporary regime 136–7
 and dignity 142
 extension of formal standing to natural world 135–6
 extension of rights to those who lack moral agency 137
 contractarian opposition to 137–8
- Harmony with Nature project *see* UN Harmony with Nature project
- ignorance of 2
 and intrinsic value 141
 moral status in 122, 137
 principle that all life-forms are of intrinsic value
- International Fund for Animal Welfare *see* IFAW
- international legal norms 54
 animal welfare 65, 194
 emerging 194, 196
 humane treatment 194, 195, 205
 need for ethic of compassion and morality 195–6
see also animal welfare; wild animal welfare
- biodiversity conservation *see* biodiversity conservation
- human rights *see* human rights
- need to develop 65
 procedural 194
 substantive 194–5
- International Monetary Fund 274
- international trade law
 Bretton Woods Conference (1944) 274
- GATT *see* GATT
- need for flexibility 294
 /non-trade policy balance 303
 not friendly to animal welfare 269

- not friendly to environmental protection 269
- see also* WTO
- International Trade Organization 274, 278–9
- International Union for the Conservation of Nature and Natural Resources (IUCN) 28
- International Union for the Protection of Nature (IUPN) 28
- International Whaling Commission 27
 - 1982 moratorium on commercial whaling 31–2, 187
 - scientific research exemption 188
 - temporary measure 188–9
 - focus on conservation 188
 - and ‘humane’ killing 187–8
 - litigation before ICJ 188
 - viability as standard-setting body 188
- Working Group on Whale Killing
 - Methods and Welfare Issues 32*see also* ICRW
- international wildlife law 171
 - anthropocentrism in 172–3
 - challenging 175, 177, 178
 - attempting to broach ethical challenge 175
- CITES *see* CITES
- developing
 - enhancing welfare standards 171
 - expanding remit 171–2
 - increasing engagement with animal welfare 163
 - practical outcomes 173–4
- and domestic law 260
- engaging with welfare 160
- ignoring psychological harm and trauma 161
- not binding 175
- not unified 175
- paradigm shift away from instrumentalism 172–3
- welfare depending on treaty 160–61
- see also* individual conventions/treaties; wildlife law; wild animal well-being
- intrinsic value 3, 8, 9, 34, 37, 85–6, 98, 272
 - acknowledged in principle for all life-forms 110
 - animal welfare link 272–3
 - anthropocentric approach 13
 - auto-referential 20
 - biocentric approach 14
 - of biodiversity 253
 - commitment to 86
 - conferring prima facie entitlement to moral consideration 144–145
 - controversy over 12
 - definition 10, 85
 - denoting value internal to entity 12
 - ecocentric approach 14–15
 - extending 13–14
 - in Five Freedoms 141
 - good-of-its-kind 10, 110, 141, 143, 258
 - good-of-its-own 11, 110, 141
 - humans having 13
 - important role in development of bioethics 109
 - of individuals 232
 - key to improving protection 32
 - legal implications for recognising 12–13
 - need to understand and recognise 33
 - normative implications 99
 - quantifying 20
 - of rhinos 258, 261, 266
 - requirements of recognition of 262–3
 - serving to signify normative worth 141
 - of wildlife 254
 - zoocentric approach 13–14
- IUCN Red List of Threatened Species 166, 235
- Marine Mammal Protection Act (USA) 281, 284
- Marrakesh Agreement Establishing the World Trade Organization 295

- matter
 - conservation of 127–8
 - as embodied ideas 128
 - as entertainment of possibility 130
 - essential properties 128
 - /mind relationship 127, 130–31
 - as particular form of energy 127
 - as physical embodiment of information 128–9
 - underestimating 130
- mind/matter relationship 127
- moral status
 - of animals 252–253, 295–6
 - of humans 4, 40–41
 - in environmental law 122, 137
- natural selection 97–8
- necessity of shift to
 - non-anthropocentric ethic 33
- New South Wales
 - animals hunted as resource 157
 - Animals Protection Act (1879) 164
 - Biodiversity Conservation Act (2016) 157, 166, 167
 - Birds Protection Act (1881) 164
 - Cruelty to Animals Act (1850) 154
 - exceptions to 157
 - Dog and Goat Act (1866) 155
 - early focus on domesticated animals 155
 - exceptions to anti-cruelty laws 156
 - expanding meaning of ‘animal’ 155
 - expanding meaning of ‘cruelty’ 155
 - Game and Feral Animal Control Act (2002) 166–7, 170
 - Game and Feral Animal Control Regulation (2012), Mandatory Code of Practice 158
 - game animals 155
 - management of introduced species 166–7
 - Game Protection Act (1866) 164, 166
 - ‘harmful’ species 156
 - kangaroos classified as 165
 - placed outside scope of animal welfare laws 156
 - ‘useful’ species dichotomy 164–5
 - key threatening processes 167
 - National Parks and Wildlife Act (1974) 156
 - Native Dogs Destruction Act (1852) 165
 - Native Dogs Destruction and Poisoned Baits Act (1901) 156, 165
 - Pastures and Stock Protection Act (1880) 165
 - Pastures Protection Act (1902) 165
 - Pastures Protection Act (1912) 156, 165
 - Prevention of Cruelty to Animals Act (1979) 156
 - wild animal welfare in 157
 - Rabbit Act (1902) 156, 167
 - Rabbit Nuisance Act (1883) 166
 - Scientific Committee 157
 - Threatened Species Conservation Act (1995) 157
 - use of sodium fluoroacetate (1080) 156–7
 - wild animal welfare concerns 157, 158
 - Wild Dog Destruction Act (1921) 165
 - wildlife management 169–70
 - no justification for infliction of suffering 41
 - non-consumptive use value 9–10, 11–12, 16
 - key to improving protection 32
 - need for education on 33
 - non-human animals
 - developing empathy respect and compassion for 33–4
 - extension of formal legal rights to 108
 - regulating humane treatment of 1

- ordinary standards of civilization 38, 39, 40
- philosophical foundations 101–102
 animal welfare 98
 biodiversity conservation 83–6
 bioethics 101–102
 human rights 76–80
- philosophical incoherence among
 conservation regimes 97
- poaching
 elephant 224
 incentives for 225
 rhino 223–4, 236
 escalation of 235
 in south Africa 236
 in Zimbabwe 226
see also trophy hunting
- preservation 29
 /conservation/protection distinction 28
 definition 29
 in international wildlife law 28
 protection 28–9, 30–31, 259, 273
 conservation/preservation distinction in 28
 definition 28
 designed to secure nature ‘for a particular purpose’ 30, 159
 ecosystem 55
 species 55
 wild animals *see* wild animal welfare
- public international law
 deficiencies in 53–4
 downplaying biological considerations 49–51
 environmental, incorporating values 3
 human rights
see also human rights
 universalisation of 47
 need for pragmatism in 45–6
 traditional
 problematic 46–7
 state-centred 46
- wildlife *see* international wildlife law
- quantum theory
 Copenhagen interpretation 130–31
 conscious observer necessity 131–2
 double slit experiment 131
- relational ontology 48
- respect
 -based ethic 227
 failure to 115
 for individuals 217, 221, 230
 proper 146
- Rio Declaration on Environment and Development 94, 227, 288
 Agenda (21) 94, 107, 168
 anthropocentric slant 88
 final preambular recital 90
 harmony-with-nature principle 90
 Principle (1) 88–9
 bioethical perspective 89–90
 Principle (4) 89
 Principle (8) 90
 and sustainable development 214
see also sustainable development
- Rio Summit (1992) 282
- SADC 90–93
 legal position 93
 objectives 90, 92
 protocols
 fisheries 91–2
 forestry 92–3
 natural resources and environment 90
 wildlife conservation 91
 utilitarian approach 91
- social contract 137–8
- South Africa
 Biodiversity Act 223
 convention on International Trade in Endangered Species of Wild Fauna and Flora Regulations (2010) 249

- List of Critically Endangered, Endangered, Vulnerable and Protected Species 248–9
- National Environmental Management: Biodiversity Act (2004) 248, 250
- National Norms and Standards for Hunting Methods in South Africa 248
- National Norms and Standards for the Marking of Rhinoceros and Rhinoceros Horn and for Hunting of Rhinoceros for Trophy Purposes 248
- no direct legal consideration on animal welfare 256
- NSPCA case 254–5, 267
 - paradigm shift in 255–6
- powers of Minister of Environmental Affairs 248–9
- pseudo-hunting 223, 224
- rhino poaching crisis 223–4, 236, 247
- S v Lemthongthai* 224, 255, 263
- Scientific Authority 249
- South African Development Community *see* SADC
- stare decisis approach to law 256
- Threatened and Protected Species Regulations (2007) 249
- trade in rhino horn *see* South African trade in rhino horn
- trophy hunting in 222–3, 263–4
 - see also* trophy hunting
- South African trade in rhino horn 237–8, 239, 249, 251
- auctions 252
- captive-bred animals 265
 - dangers of 266
 - dehorning 266, 267
 - export quota 242–3
 - poor compliance and enforcement 246
 - prevention of poaching 239
- export permits 240, 243, 251
- import permits 241, 243, 251–2
- prohibition on 241–2
 - hunting trophy exception 242, 243, 252
 - suspension of 249–51
- restricted activities 251
- trade/conservation argument 263, 266
- species
 - ascribing value to 228
 - defining 229
 - endangered 229
 - survival 229–30
 - and respect for individuals 230
- Stockholm Declaration 89, 94
- sustainability 95
 - /conservation link 216
 - defining 216
- sustainable development
 - animal welfare introducing ethical component 261
 - definition 214
 - favouring short-term economic development 247
 - key facet 214
 - principle of sustainable use *see* sustainable use
 - recognising potential for development to harm the environment 214
 - requiring integrated approach 214 and Rio Declaration 214
- sustainable use 214, 232, 267
 - aggregative approach 215, 218
 - through commercialisation 236–7
 - integrative approach 216, 218
 - forbidding instrumentalism 216–17
 - and respect 217
 - need for respect-based ethic in 227 and trophy hunting 215
 - see also* conservation; sustainable development
- taxonomic identification 66, 71
 - arbitrary 143
 - family in 67
 - lower level 68
 - modern redrawing of boundaries 75

- and species categorisation 66–7, 69, 229
- tiger farming 265–6
- tradable commodities, rhinos as 261–2
- transboundary movement of species 2
- Trans-Pacific Partnership Agreement 192–3
- trophy hunting
 - and conservation 213, 237
 - normalising violence towards animals 220
 - racial discrimination in 220
 - in South Africa 222–3, 263–4
 - pseudo-hunting 223, 224, 263
 - trade/conservation argument 263, 264–5
 - supporting poor and indigenous people 264
 - and sustainable utilisation 237, 243
 - and welfare approach 264–5
- UN
 - Convention on the Law of the Sea 288
 - Earth Summit (2012) 90
 - Secretary-General's annual report 108
 - The Future We Want 108
 - Harmony with Nature project 107, 109, 136, 139
 - resolutions on sustainable development 108–9
 - Sustainable Development Agenda 107
- UNESCO
 - Declaration on Bioethics (2005) 101, 102
 - betraying own declared aspirations 103
 - first Recital 103, 104
 - not attempt to elucidate bioethics 102
 - reinforcing anthropocentric perspective 106
 - reinforcing prejudices 103–4
 - see also* bioethics
 - Human Genome Declaration (1997)
 - Art 1 115–16
 - Art 2 116
 - International Bioethics Committee 73–4
 - Universal Declaration of Animal Rights (1978) 175
 - Universal Charter of the Rights of Other Species (2000) 175
 - Universal Declaration of Human Rights (1948) 49, 54, 66, 67, 76
 - Art 2 72
 - outmoded 147
 - see also* human rights
 - Universal Declaration on Animal Welfare (proposed)
 - Principle 4 198
 - symbolic significance 198–9
 - Universal Declaration on the Human Genome and Human Rights 74
 - useful/harmful species dichotomy 164–8, 178
 - in 1900 London Convention 165
 - anthropocentric nature of 167–8
 - and competing human interests 165–6
 - as ethical filter 168
 - influence of 149
 - in international law 165, 167–8
 - key threatening processes 167
 - in national law 164–5
 - in NSW 164–5
 - perpetuation of 165
 - showing little understanding of impact on wildlife 166
 - in wildlife law 148–9
 - US-Shrimp* case 285
 - amicus submissions in 289–90
 - and protection of sea turtles 286
 - significance of 286
 - testing WTO external legitimacy 286
 - turtle excluder devices 286–7
 - WTO Appellate Body decision 285–6, 287, 290
 - treaty interpretation 287–9, 293
 - US-Tuna* cases 272, 280
 - animal welfare in 292
 - dolphin bycatch 281–2, 290–91

- labelling 282, 291
- and legitimisation 285
- US-Tuna I* 282
 - GATT panel decision 283–4
 - treaty interpretation in 284–5
- US-Tuna II* 284
 - GATT panel decision 284
- US-Tuna III* 290–91, 295
 - WTO Appellate Body decision 291, 292–3, 302
- values 4–5, 9–11
 - economic quantification limitations 20–21
 - existence *see* existence value
 - instrumental *see* consumptive use value; non-consumptive use value
 - and international law 21–4
 - see also* international law
 - intrinsic *see* intrinsic value
 - measuring 15
 - complexity of 3
 - economic approach 15–16
 - in nature 11
 - vermin clubs 160
 - Vienna Convention on the Law of
 - Treaties (1980) 254
 - Art 31(3)(c) 288
- WCS
 - Caring for the Earth 23
 - objectives to conservation 30
 - wild animal welfare 4, 6–7, 24–8, 178–9, 180
 - advocacy 181
 - burden of proof on entity proposing harm 36
 - challenges to 180
 - CITES limitations 185–7
 - ethic of humane treatment 185–6
 - extent of protection 185
 - subjective listing criteria 186–7
 - /conservation convergence 238
 - deontological approach 24–5
 - growing awareness of issue 197
 - growing consideration of 160
 - increasing understanding of
 - importance of 180–81, 205
 - in Indian Constitution 25
 - need to emphasise
 - protection/preservation over conservation 9
 - and NGOs 151
 - as primary concern 182
 - protection of 180–83, 206
 - determining appropriate norm for 203
 - founded on conservation 193
 - need for actor enrolment 201–2
 - new focus on 182
 - no international instrument covering 183
 - promotion of treaties addressing 183–4
 - reflexive law 203
 - responsive law 203
 - restricting exploitation of wild animals 202
 - way forward 200–201
 - see also* protection
 - as public policy issue 182
 - regulatory implications 181
 - ethic of humane treatment 182, 202
 - shift in protection norm 181, 182
 - standard-setting 181–2, 193, 196, 198
 - regulatory reform 182–3, 196–7, 202–3
 - path to legitimacy 203–4
 - in Sri Lankan Constitution 25
 - standard-setting 193, 196
 - legal and public policy vacuum 198
 - minimum acceptable protection standards 205
 - by new international protection organisation 203–4
 - NGO involvement 198
 - OIE and 199–200
 - private actor involvement 199
 - and science 204–5
 - in Swiss Constitution 25
 - taking it seriously 32–6

- unnecessary suffering 27
- US anti-cruelty laws 25–6
- utilitarian approach 24
- withdrawal of state-regulated activities 198
- see also* animal welfare; individual conventions/treaties; international wildlife law
- wildlife
 - ethical obligations to 303–4
 - /human relationship 2
 - international law 1–2
 - intrinsic value of 3, 8
 - see also* intrinsic value
 - law *see* international wildlife law
 - moral significance 8
 - need to emphasise protection from all human-induced harm 9
 - need to shift burden of proof to entity proposing harm 9
 - as resource for human consumption 8
 - welfare *see* wild animal welfare
 - wildlife law 24, 148
 - /animal welfare disengagement 151
 - animal welfare seen as domestic issue 160
 - in international law 159–60
 - persistence of 152, 164
 - useful/harmful species dichotomy *see* useful/harmful species dichotomy
 - animals having no explicit rights under 27
 - anthropocentric nature of 149, 150, 167–8
 - balancing competing human/wildlife interests 149–50
 - conservation in *see* conservation Convention on International Trade in Endangered Species (1973) *see* CITES
 - European Union *see* EU
 - focused on economic instrumental value of nature 21
 - governing removal of wild animals from the wild 26
 - and human–wildlife conflicts 150
 - ignorance of 2, 4
 - indiscriminate killing engendered by 149
 - international *see* international wildlife law
 - need for ethical policies 2
 - need to avoid pain and suffering if harm must be inflicted 35
 - need to develop 3
 - need to emphasise protection and preservation 35
 - need to prioritise protection from human-inflicted harm 35
 - need to set high standard for ‘humane’ 35
 - NSW example *see* New South Wales
 - origins 148–9
 - perpetuating conservation/welfare distinction 253
 - preservation in *see* preservation Preservation of Grain Act (1532) 148
 - protection in *see* protection scrutiny on welfare grounds 254–5
 - shifting welfare burdens 150
 - ‘unnecessary suffering’ in 27
 - useful/harmful dichotomy 148–9
 - influence of 149
 - see also* useful/harmful species dichotomy
 - utilitarian nature of 27, 148–9
 - very little influence or effect 26
 - WCS *see* World Conservation Strategy
 - and welfare of animals 254
 - wildlife management 168, 177
 - and achieving balance 168–9
 - hunting in UK 169
 - maintaining prey population 170
 - rabbits and game animals in NSW 169–70
 - World Animal Protection 198
 - World Bank 274
 - World Charter for Nature (1982) 85, 89, 90, 94, 106, 107

- reference to evolution deleted from 122
- World Conservation Strategy 88, 89, 98
- World Organisation for Animal Health (OIE) 58, 184
 - animal welfare standard-setting 174, 199–200
 - challenging appropriateness 200
 - development process 200
 - Animal Welfare Working Group, discontinuance 200
 - expanded protocols 174
 - Global Animal Welfare Strategy 151, 174
 - Global Forum on Animal Welfare 200
 - growing international influence of 185
 - increasing engagement with animal welfare 163
 - limited approach to animal welfare 174–5
 - opposition to 174
 - responsibilities 59
 - standards for live animal transport 36
- World Summit on Sustainable Development (2002) 171–2
- World Trade Organization *see* WTO
- World Wide Fund for Nature 289
- WTO 6, 269
 - Agreement on Technical Barriers to Trade 291
 - animal health/welfare distinction 190
 - Appellate Body
 - evolutionary approach 294, 301–2
 - independence of 286
 - see also* jurisprudence below
 - treaty interpretation 293, 295, 296, 304
 - argument for adding animal welfare protocol to agreements 193
 - complaint settlement system 278–9
 - Appellate Body 278
 - interpretation of GATT 293, 294
 - arbitration panel 278
 - compulsory and detached 279, 280
 - supporting WTO legitimacy 279–80
 - conservation/welfare protection
 - links 270, 271
 - separation 6, 270
 - dispute settlement body 293
 - Dispute Settlement Understanding 278
 - as legal paradigm shift 279
 - external legitimacy 271
 - /internal legitimacy balance 280, 285
 - GATT *see* GATT
 - international regulation of free trade 189
 - interpretation of treaties 271–2, 278
 - jurisprudence 6, 270, 281, 293, 303
 - EC-Seals* case 270, 272, 273, 278, 295, 297
 - see also* *EC-Seals* case
 - enabling enhanced protection of non-human world 273
 - environmental 294, 297
 - evolution of 293
 - providing animal welfare
 - proponents with useful tools 295
 - reinscribing traditional
 - conservation/welfare
 - dichotomy 294–5
 - supporting progress 293
 - Tuna/Dolphin* cases 272, 280
 - see also* *US-Tuna* cases
 - US-Shrimp* case 271–2, 280, 294
 - see also* *US-Shrimp* case
 - law, relevance to international
 - animal welfare law 303
 - member extra-territoriality 289, 302
 - no recognition of
 - conservation/welfare
 - convergence 302
 - no recognition of OIE on animal welfare 191
 - recognition of animal welfare 273, 280

- scepticism about role in 189–90
- recognition of OIE on animal health 190
- SPS Agreement 190–91
 - animal welfare not covered by 191
- trade/conservation balance 270
 - fundamental change in 286
- trade/non-trade balance 271, 280
- trade–environment debate 6
- transforming multilateral trade negotiations 278
- Uruguay Round 278, 282
 - see also* international trade law
- Zimbabwe, CAMPFIRE policy 226

