

## Chapter 13

# International Dimensions of Animal Cruelty Law

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### **Introduction**

Animal cruelty exists in all corners of the world. In many situations, concerns relating to the treatment of particular animals cross international borders and when this happens, disputes can surface that test a country's ability and willingness to redress the problem. By way of illustration, two prominent examples have brought into question Australia and New Zealand's jurisdiction to act against cruelty to animals: whaling in the Southern Ocean and the overseas export of live sheep and cattle. This chapter considers the international dimensions of animal cruelty law as they apply to these two scenarios. The first part of the chapter examines whaling by looking at the history of the practice, its current impact in Australia and New Zealand and the judicial response to attempts to limit or stop other countries from whaling altogether. The chapter then goes on to examine the recent changes to the regulation of the live export trade. The chapter concludes with a consideration of some of the restrictions a nation faces when it attempts to deal with matters of international concern.

### **Whaling**

#### *The history of whaling*

Whaling has been practised globally for centuries. Large-scale commercial whaling is believed to have started in northern Europe in the 17th century.<sup>1</sup> Whaling in the waters surrounding Australia and New Zealand commenced in the late 18th century.<sup>2</sup> Whaling in Antarctica is a more recent practice that began around the turn of the 20th century.<sup>3</sup>

1 Encyclopaedia Britannica, *Britannica Online* 'whaling' (at 12 September 2012).

2 See Australian Government (2010) *Whaling* <[www.environment.gov.au/coasts/species/cetaceans/international/history.html](http://www.environment.gov.au/coasts/species/cetaceans/international/history.html)>; and New Zealand Government (2009) *An Encyclopaedia of New Zealand, Whaling in New Zealand Waters 1791-1963* <[www.teara.govt.nz/en/1966/whaling-in-new-zealand-waters-1791-1963/1](http://www.teara.govt.nz/en/1966/whaling-in-new-zealand-waters-1791-1963/1)>.

3 Encyclopaedia Britannica, above n 1.

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