



WORLD SOCIETY FOR THE PROTECTION OF ANIMALS

SUBMISSION

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

TRANS PACIFIC PARTNERSHIP AGREEMENT

OCTOBER 2013

SUBMISSION BY THE WORLD SOCIETY FOR THE PROTECTION OF ANIMALS (WSPA) TO THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT) REGARDING TRANS-PACIFIC PARTNERSHIP (TPP) AGREEMENT NEGOTIATIONS

Introduction

The World Society for the Protection of Animals (WSPA) welcomes the opportunity to make this submission as input to Australia's negotiations on the Trans-Pacific Partnership Agreement negotiations.

A brief description of WSPA is at [Attachment 1](#).

The basis of this submission is that **animal welfare provisions should be incorporated in the TPP Agreement and in all regional and bilateral Free Trade Agreements (FTAs) entered into by Australia.**

This assertion derives from justifications advanced later in this submission. Prior to their addressal we wish to put forward two propositions that follow from them.

Propositions

1. The Australian Government should seek to have incorporated in the TPP Agreement an affirmative statement by the parties to the Agreement that they will cooperate on animal welfare.

We note that Australia includes a Chapter on Sanitary and Phytosanitary Measures (SPS chapter) in its FTAs, and that the European Union (EU) has been successful in having incorporated in the SPS chapter of FTAs agreement on cooperation on animal welfare. For instance, the EU-Korea FTA, includes the following (Article 5.9) in the SPS chapter:

"Cooperation on animal welfare

The Parties shall:

- (a) exchange information, expertise and experiences in the field of animal welfare and adopt a working plan for such activities; and
- (b) cooperate in the development of animal welfare standards in international fora, in particular with respect to the stunning and slaughter of animals."

Therefore, we urge the Australian government to similarly request an affirmative commitment to improve animal welfare standards and cooperation on animal welfare in the TPP.

2. The Australian government should ensure that the following is incorporated in the TPP Agreement:

"Australia affirms its existing rights and obligations under Article XX of GATT 1994 and its interpretive notes, which are incorporated and made part of this Agreement, shall apply to trade in goods covered by this Agreement, *mutatis mutandis*".

We note that such a provision is incorporated in Australia's FTAs with Malaysia, Thailand, the US, Chile, and the Agreement establishing the AANZFTA.

Justifications

The justifications on which we base our assertion that animal welfare provisions should be incorporated into the TPP Agreement are:

1. Animal Health and Animal Welfare

SPS provisions aim to facilitate trade while simultaneously protecting human, animal, and plant life or health from risks arising from the entry/establishment/spread of pests and diseases, and from additives, contaminants, toxins or disease-causing organisms in foods, beverages, or feedstuffs. (See WTO SPS Agreement at Annex A (1) (a)-(d)).

There is a direct link between animal health issues as described in the SPS Agreement and animal welfare. WSPA believes that strong animal welfare standards and practices can mitigate the spread of disease – issues that fit squarely within the scope of the SPS chapter in FTAs.

This direct correlation between animal welfare and animal health also has been recognized by the World Organisation for Animal Health (OIE) (See OIE Terrestrial Animal Health Code at Article 7.1.2 (1)).

The SPS Agreement names the OIE as the relevant organisation for animal health. The OIE is the international animal reference and standard setting organisation for animal health and animal welfare worldwide.

Based on the mandate of the OIE Member countries, since 2005 the OIE has been working on recommendations and guidelines covering animal welfare practices. To date, the World Assembly of OIE Delegates (representing the 178 Member Countries and Territories) has adopted eight animal welfare guidelines in the OIE Terrestrial Animal Health Code (See <http://www.oie.int/international-standard-setting/terrestrial-code/access-online>) and three animal welfare guidelines in the OIE Aquatic Animal Health Standards Code (See <http://www.oie.int/international-standard-setting/aquatic-code/access-online>). These OIE animal welfare guidelines include those for the transport of animals by land, transport of animals by sea, and the slaughter of animals for human consumption.

Therefore, WSPA believes that animal welfare issues such as proper handling, transport, stunning and slaughter are SPS issues that should be addressed in all FTAs negotiated by Australia. At a minimum, improvement of animal welfare standards and practices should be explicitly mentioned in these FTAs as a priority area for cooperation. This is especially critical since the FTAs will likely increase trade among these countries, thereby also increasing SPS risks.

2. Human wellbeing and national development

The World Health Organisation (WHO) notes at <http://www.who.int/zoonoses/vph/en/> that

- “Human health is inextricably linked to animal health and production. This link between human and animal populations, and with the surrounding environment, is particularly close in developing regions where animals provide transportation, draught power, fuel and clothing as well as proteins (meat, eggs and milk).”
- “About 75% of the new diseases that have affected humans over the past 10 years have been caused by pathogens originating from an animal or from products of animal origin. Many of these diseases have the potential to spread through various means over long distances and to become global problems.”

Thus it can be argued that including animal welfare provisions in FTAs facilitates national development, especially of developing countries, to a greater extent than does only the elimination or reduction of trade barriers.

3. Values

Australian values (public morals) in terms of emotional connectivity to animals are well demonstrated by the extent of pet ownership, the care farmers generally take of their livestock and community responses to acts of cruelty to animals. The work undertaken by the Australian government and involving state and local governments and community groups, to integrate animals into emergency management plans reflects concerns not only for the economic consequences of animal losses but also for the emotional losses to individuals and communities. Strong community responses to incidents that occur and impact negatively on the welfare of animals engaged in the live animal trade reflect the strength of community values.

These values and their determination of a social license to operate are increasingly determining the livestock industry's operating environment. This was acknowledged in the 2012 National Food Plan Green Paper which stated on page 209 that "Increasingly, measures other than those that protect animal, plant and human health are impacting on trade, including environmental and animal welfare matters." On the same page, and in connection with the export of live animals for food it noted there is a "significant and increasing emphasis on animal welfare issues", and "the impetus for increased control came from the Australian public rather than the importing country".

- The 2013 National Food Plan White Paper refers to the need for businesses and industry bodies to address changing community views or risk community objection and community pressure on governments to regulate their activities.

WSPA believes incorporating animal welfare provisions into FTAs would reflect community views.

4. Sentience

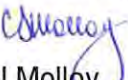
Animals are sentient beings. They are capable of being aware of sensations and emotions, of feeling pain and suffering, and of experiencing a state of well-being. As such they cannot be considered as just another commodity.

Conclusion

The Australian government policy is to continue to support enhancement of animal welfare in Australia generally and within the live animal export trade in partnership with Australia's trading partners. Inclusion of animal welfare provisions in the TPP Agreement would contribute to the advancement of this policy.

Therefore, WSPA urges the Australian government to seek to include the animal welfare provisions as described earlier in this submission into the TPP Agreement. There is a clear and direct link between animal welfare and animal health and human wellbeing. To do so would reflect Australian values and community morals. Moreover, it is the right thing to do in and of itself in terms of the handling and management of sentient beings.

We would be happy to discuss our submission further.


Carmel Molloy
CEO, WSPA Australia

WORLD SOCIETY FOR THE PROTECTION OF ANIMALS

Why we exist

WSPA is a global organisation that advocates for animal welfare. We are not an animal rights organisation. We exist to tackle cruelty against animals across the globe. We work directly with animals and with the people and organisations that can ensure animals are treated with respect and compassion.

Our vision is of a world where animal welfare matters and animal cruelty has ended.

We believe the use of animals by humans for food, work or companionship, gives rise to a responsibility to protect their welfare. Animals are after all sentient beings with the proven capacity to feel pain and experience emotions.

Where we are located

WSPA's head office is in London. We have offices in 14 countries and work in more than 50. Offices are located in:

- North America – USA and Canada
- Central America – Costa Rica
- Africa – Kenya
- Europe – Denmark, Sweden, Netherlands
- South America – Brazil, Colombia
- Asia – China, India, Thailand
- Oceania – Australia, New Zealand

How we work

We work with key decision makers nationally and globally – to encourage respect for animals and responsible stewardship; to promote humane education programmes and laws and enforcement structures to provide legal protection for animals.

We seek to bring about lasting change by:

- Helping people understand the critical importance of good animal welfare
- Encouraging nations to commit to animal friendly practices
- Building the scientific and economic case for better treatment of animals

We show people and organisations there are practical, economically viable, and socially sound ways to improve animal welfare.

- All our programmes are grounded in science, ethics, and accepted animal welfare best practice.

Our work is focused on four priority animal welfare areas:

- Animals in communities – e.g. inhumane culling of dogs due to rabies – Bali, Bangladesh, Philippines, China, Kenya, Zanzibar

- Animals in farming – e.g. factory farming (pigs, dairy, chickens); live export campaign in Australia; model farm project to establish an international network of viable, humane and sustainable model farms in partnership with Food Animal Initiative (FAI), a network of commercial and research farms and offices in Europe, north and south America and China.
- Animals in disasters – disaster preparedness, response, recovery, e.g. rapid response specialists (and teams) are located in South America, Asia (covering Australia and the Pacific), and Europe. WSPA is working with all levels of government in Australia to integrate animals into disaster management policies and plans.
- Animals in the wild - e.g. bears in captivity (bear bile industry in Asia, bear baiting in Pakistan, bear dancing and conservation in India and Europe); oceans – hunting, marine debris; trade in exotic pets; civet coffee – produced from civets captured and caged so they partially digest and excrete coffee beans out of which the world's most expensive coffee is produced (allegedly at up to \$100 per cup).

We are engaged in education – in Central and South America, Africa and Asia.

- First concepts in animal welfare - training, support and materials for teachers working with 5–16 year olds in Mexico, Costa Rica, Puerto Rico, Colombia, Chile, Peru, Brazil, Kenya, Tanzania, Uganda, Thailand, India and Vietnam integrating animal welfare education into school curricula, by working with governments, organising teacher training and providing materials
- Advanced concepts in animal welfare - tertiary animal welfare education. Syllabus developed with the University of Bristol's School of Clinical Veterinary Science, requested by over 850 universities worldwide
- Agricultural vocational training - in Africa and integrating an animal welfare perspective

We have participatory status at the Council of Europe and general consultative status with the United Nations. We are the only animal welfare NGO in the world to have such status. We collaborate with the Food and Agriculture Organisation (FAO), the World Organisation for Animal Health (OIE), and national governments – influencers with the power to improve the lives of millions of animals.

The OIE recognises WSPA as the pre-eminent animal welfare NGO and a formal Agreement exists between the two organisations.