



WORLD SOCIETY FOR THE PROTECTION OF ANIMALS

SUBMISSION

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP (RCEP) IN EAST ASIA

MARCH 2013

SUBMISSION BY THE WORLD SOCIETY FOR THE PROTECTION OF ANIMALS (WSPA) TO THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT) REGARDING AUSTRALIA'S ENGAGEMENT IN A REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP (RCEP) IN EAST ASIA

Introduction

The World Society for the Protection of Animals (WSPA) welcomes the opportunity to make this submission as input to Australia's negotiations with the ten ASEAN Member States and China, India, the Republic of Korea, and New Zealand, to work towards a Regional Comprehensive Economic Partnership (RCEP). We understand the coverage of the RCEP will include trade in goods, trade in services, investment, economic and technical cooperation, intellectual property, competition, dispute settlement, and other issues that may be agreed in the course of negotiations.

As invited by the Call for Public Submissions this submission is made in the context of Australia's engagement in the RCEP, and also in the context of ongoing bilateral and regional negotiations.

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

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

This assertion derives from issues addressed later in this submission. Prior to their addressal we wish to advance two propositions that follow from it.

Propositions

1. The Australian Government should seek to have incorporated in RCEP and ongoing bilateral and regional negotiations an affirmative statement of agreement by the parties 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 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 include an affirmative commitment to improve animal welfare standards and cooperation on animal welfare in the RCEP and ongoing bilateral and regional negotiations.

2. The Australian government should ensure that the statement, *"Article XX of GATT 1994 shall be incorporated into and shall form part of this Agreement, mutatis mutandis"* or a similar statement is incorporated in the RCEP and ongoing bilateral and regional negotiations.

- We note that such a provision is incorporated in Australia's FTAs with Malaysia, Thailand, the US, Chile, and the Agreement establishing the AANZFTA. We found no evidence of its incorporation in the FTA with Singapore or in ANZCERTA.

Issues

The issues on which we base our assertion that animal welfare provisions should be incorporated into RCEP and ongoing bilateral and regional negotiations 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)).

WSPA believes there is a direct link between animal health issues as described in the SPS Agreement and animal welfare. WSPA also 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)).

Based on the mandate on 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. 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.

- It is inconceivable nowadays (and not sustainable) that international trading arrangements do not contain specific provisions for animals.

3. Values

WSPA believes Australian values require animal welfare provisions to be incorporated into FTAs.

These values are regularly demonstrated by community responses to animal welfare atrocities that occur all too frequently in the livestock export industry. They are also manifested at times of natural disaster brought about by drought, flood, and fire.

As stated by Phillip Glyde, Deputy Secretary of DAFF at a joint Macquarie University-RSPCA conference in October 2012 on the future of animal law, "Increasingly it is the Australian community and other industry partners that set the operating environment for the livestock industry."

- As long ago as 2004, and in response to widespread community concerns, the government banned the importation of dog and cat fur and products containing dog and cat fur. Their importation offended Australia's values and "public morals".
- The Government's decision to suspend the Indonesian live cattle trade in 2011 reflected community outrage at cruelty to Australian cattle in Indonesian abattoirs

Broader and contemporary instances of Australian values interposing in trade considerations include:

- The sale of uranium to India, and the requirement to date that buyers must be signatories to the Treaty on the Non-Proliferation of Nuclear Weapons.
- Acknowledgement in the National Food Plan Green Paper (page 228), 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 notes 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".

4. 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.

Conclusion

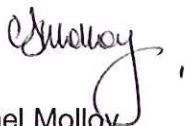
WSPA believes that animal welfare provisions should be incorporated into RCEP and ongoing bilateral and regional negotiations.

There is a clear and direct link between animal welfare and animal health, and as such, animal welfare should be incorporated into the SPS Chapters. Moreover, it is the right thing to do in and of itself in terms of the handling and management of sentient beings. It would also be reflective of Australian community values and the community's sense of public morality.

It would also contribute to the advancement of Australian government policy. As Phillip Glyde said at the Macquarie-RSPCA conference:

- "...the Australian Government is active in animal welfare policy and seeks to achieve better animal welfare outcomes both domestically and internationally".
- "...we are trying to work with our trading partners and work with neighbouring countries to try and improve animal welfare standards and practices".

We would be happy to discuss our submission further.



Carmel Molloy
CEO, WSPA Australia

Date: 13.3.13.

WORLD SOCIETY FOR THE PROTECTION OF ANIMALS (WSPA)

Why we exist

WSPA is a global organisation that advocates for animal welfare, not animal rights. We exist for the sole purpose of raising the standards of animal welfare throughout the world.

- Our vision is of a world where animal welfare matters and animal cruelty ends.

The World Society for the Protection of Animals exists to tackle animal cruelty across the globe. We work directly with animals and with the people and organisations that can ensure animals are treated with respect and compassion.

Animal welfare is important because animals are sentient beings with the proven capacity to feel pain and experience emotions.

- We believe the ways humans use animals, for food or for work or for companionship, give rise to a responsibility to protect their welfare.

Where we are located

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

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

How we work

We work with key decision makers nationally and globally - to encourage respect for animals and responsible stewardship; and 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 case for the better treatment of animals.

Our work is focused on four priority animal welfare areas:

- Animals in communities – prevention of cruelty and inhumane culling of animals from fear of rabies.

- Animals in the wild – bears in captivity; oceans – hunting/marine debris; trade in exotic pets.
- Animals in farming – intensive farming, long distance transport and inhumane slaughter of animals for food; laying hens.
- Animals in disasters – disaster preparedness, response, recovery.

We have consultative status at the Council of Europe and special consultative status with the Economic and Social Council of the UN. We collaborate with national governments, the UN, the FAO and the OIE (World Organisation for Animal Health) – influencers with the power to improve the lives of millions of animals.

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

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