

Policy Brief

**ANIMAL WELFARE,
TRADE AND SUSTAINABLE
DEVELOPMENT GOALS**

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1 INTRODUCTION



Animal welfare is increasingly recognised as an important element of sustainable production systems. Back in 2012, then EU Commissioner for Agriculture Dacian Cioloş stated in a speech at the G20 that sustainable agriculture should aim at ensuring animal welfare.¹ In 2018, the EU's Directorate General for Trade also recognised this reality for the first time by acknowledging the link between improved animal welfare and sustainability of food production systems in its text proposals to Australia and New Zealand.²

In 2015, the United Nations adopted 17 Sustainable Development Goals (SDGs), providing clear targets and thus more concrete substance to the concept of sustainable development. Even though animal welfare is not explicitly included in the SDGs, it is an intrinsic part of sustainable development and improving animal welfare would contribute to achieving several SDGs. This report will explore the complex, and sometimes surprising, interconnections between animal welfare and SDGs.

An obvious exemplification of these interconnections is the spread of intensive farming. Highly industrialized animal production systems have had devastating effects on both the welfare of the animals exploited and on the environment, as it leads to water and ground pollution, deforestation, and thus to a sharp increase in greenhouse gas (GHG) emissions. Production system with the potential to provide higher animal welfare conditions are also more likely to have a lesser impact on the environment, the climate and livelihoods.

With the 2015 publication of "Trade for All"³, the EU adopted a trade strategy with more focus on sustainable development. The strategy commits the EU to "continuing its longstanding commitment to sustainable development in its trade policies [and] contributing to the newly agreed global sustainable development goals (SDGs) under the 2030 Agenda for Sustainable Development". Eurogroup for Animals believes that using trade agreements and trade instruments to promote higher animal welfare

¹ Cioloş, Dacian, [Europe's path towards sustainable agriculture](#), speech at DG AGRI/DG DEVCO side event: Agriculture the way towards sustainability and inclusiveness G20/Rio de Janeiro, 21 June 2012

² See for instance the EU's proposal to New Zealand for a [chapter on Sanitary and Phytosanitary measures](#), published in December 2018

³ European Commission, [Trade for All](#), 2015



standards in third countries, as well as to protect the level playing field in the EU, contributes to that objective. This report will thus look into how these connections between animal welfare and SDGs can be reflected in EU bilateral trade policy.

The EU has also recently published its plans to reform the World Trade Organisation⁴ and they state that trade policy should do more on SDGs. The report plans a “detailed analysis of the SDG targets” and to “identify ways in which trade policy could contribute to achieving them.” Our report should contribute to such analysis. It will also look into the compliance of the policy tools suggested alongside WTO rules, emphasising recent case law that should be cause for optimism. While many governments brandish WTO rules to refuse to adopt a trade policy instrument, be it a trade restriction or a label requirement, recent jurisprudence from the WTO suggests that these governments’ fears may be overblown. Both the US-Tuna and EU-Seals cases reveal that the WTO acknowledges that animal welfare concerns should outweigh commitments to free trade in certain circumstances because animal welfare can be a well-established moral issue.

⁴ European Commission, [Concept Paper on WTO modernisation](#), 18 September 2018

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ANIMAL WELFARE AND SUSTAINABLE DEVELOPMENT GOALS



Sustainable development has no single legal definition. However, two themes are generally identified which have been described as ‘specific and recurrent enough to act as definitions’.⁵

First is the concept of intergenerational equity which stems from the Brundtland report’s description of sustainable development as a development that meets the needs of the present without compromising the ability of future generations to meet their own needs.⁶ Secondly, there is a three-pillared interpretation of sustainable development which consists of economic development, social welfare and environmental protection:⁷ a system is said to be sustainable if it is environmentally sound, economically viable and socially responsible.

From this second vision, and from the concerns about contentious trade-offs between animal welfare, human well-being and environmental sustainability, the concept of ‘One Welfare’ emerged. This idea was first suggested by Colonius and Earley in 2013: “in a global economy where animal welfare policy decisions in one country can impact food costs, wildlife habitats, and energy consumption across multiple nations, these concerns can no longer be addressed without a broader vision.”⁸ The One Welfare approach “recognises the interconnections between animal welfare, human wellbeing and the environment”, and “fosters interdisciplinary collaboration to improve human and animal welfare internationally”.⁹ It can also be seen as an approach complementing One Health, a concept already adopted by the European Commission

⁵ Emily Barrett Lydgate, ‘Sustainable development in the WTO: from mutual supportiveness to balancing’ (2012) 11:4 World Trade Review 621, 627.

⁶ GH Brundtland and World Commission on Environment and Development, ‘Our Common Future: Report of the World Commission on Environment and Development’ (1987) (The Brundtland Report).

⁷ United Nations, World Summit on Sustainable Development: Plan of Implementation, Division for Sustainable Development A/Conf.199/L.7, 4 September 2002,

⁸ Colonius & Earley, *One welfare: a call to develop a broader framework of thought and action*, J Am Vet Med Assoc 2013;242:309–310.

⁹ <http://www.onewelfareworld.org/about.html>



which recognises that “human health and animal health are interdependent and bound to the health of the ecosystems in which they exist”,¹⁰ and in line with the 2017 OIE Global Animal Welfare Strategy.¹¹

The UN 2030 Agenda for Sustainable Development, which contains the 17 Sustainable Development Goals (SDGs), states: “We envisage a world [...] in which humanity lives in harmony with nature and in which wildlife and other living creatures are protected.” Protecting animal welfare is thus essential to sustainable development in its own right. It is also complementary to a number of other aspects of sustainable development. Among the SDGs, several are either directly connected to animals or cannot be achieved without addressing animal welfare-related issues. As we will see below, this is particularly the case for SDG 2 on hunger, SDG 3 on health, SDG 13 on climate change, SDG 14 on seas and marine resources and SDG 15 on biodiversity loss. The One Welfare approach can contribute to achieving these goals; it was defined to promote similar key global objectives “such as supporting food security, sustainability, reducing human suffering and improving productivity within the farming sector through a better understanding of the value of high welfare standards”.¹²

This report will focus mostly on the detrimental impact of industrial animal agriculture on several SDGs, as well as on the positive impact higher animal welfare can have. Industrial animal agriculture has low standards of animal welfare, and scientific research reveals the “inherent major disadvantages for animal welfare” that accompany intensive animal confinement systems, which the International Finance Corporation noted lack “the potential to provide satisfactory outcomes”.¹³ Systems that have higher potential to deliver better animal welfare conditions also have the potential to better impact SDGs.

2.1 SDG 1 – END POVERTY



The eradication of poverty and the development of the world’s third countries are an integral aspect of sustainable development. Eradication of poverty is the very first listed goal amongst the United Nations’ Sustainable Development Goals, and failing to protect animal welfare may seriously hinder the ability of the world’s poorest people to develop.

SDG 1.4: ENSURE THE POOR AND THE VULNERABLE HAVE EQUAL RIGHTS TO ECONOMIC RESOURCES, AS WELL AS OWNERSHIP AND CONTROL OVER LAND AND NATURAL RESOURCES

Industrial animal agriculture has destabilizing social and economic effects on rural communities. The UN has noted that “intensive agricultural systems are associated with negative effects on employment, wealth distribution, ancillary economic activity in rural areas [and] service provision in rural areas (such as schools and health facilities)”.¹⁴ Intensifying animal agriculture results in job insecurity, low wages, greater poverty, and contributes to rural abandonment. Additionally, livestock intensification is concomitant with water, soil and air pollution, land-use change and degradation, and market concentration, resulting in less access to land and economic and natural resources for the rural poor. Conflicts with industrialized animal operations over land and forest resources threaten the ability of smallholders and indigenous peoples to overcome poverty.¹⁵

¹⁰ OIE, *One Health at a glance*, 2017

¹¹ The strategy is based on a vision of “a world where the welfare of animals is respected, promoted and advanced, in ways that complement the pursuit of animal health, human well-being, socio-economic development and environmental sustainability”.

¹² International Finance Corporation, Good Practice Note on “improving animal welfare in livestock operations”, <https://bit.ly/2GqrbQY> (“Such welfare risks can be associated with limitations on space in individual stalls restricting the movement of animals, high stocking densities in groups increasing the potential for disease transmission and injurious contact with others, barren/unchanging environments leading to behavioral problems, feeding diets that do not satisfy hunger, injurious husbandry procedures that cause pain, and breeding for production traits that heighten anatomical or metabolic disorders.”)

¹³ HLPE. 2016. Sustainable agricultural development for food security and nutrition: what roles for livestock? A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

¹⁴ HLPE. 2016. Sustainable agricultural development for food security and nutrition: what roles for livestock? A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

¹⁵ HLPE. 2016. Sustainable agricultural development for food security and nutrition: what roles for livestock? A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

SDGs AND WORKING ANIMALS WELFARE¹⁶

Around 200 million working animals are essential to the livelihoods of some of the poorest communities. These animals and their socioeconomic value are often taken for granted, and most do not realise the long-term benefits that can arise from ensuring better health and welfare for these animals. A study carried in Ethiopia showed that 54% of equids were thin, 93% had body lesions from poor handling, and 60% were lame. In rural areas, working animals facilitate farming and transportation; they pull ploughs and carts, deliver goods to market, herd livestock and collect water from wells. Urban uses include construction, the transport of people and goods and refuse collection.

By enabling their owners to participate in work, they boost economic capacity and further benefit communities by enabling education, providing access to basic services and supporting gender equality. Simple interventions, such as improved access to good, affordable harnessing, hoof care and veterinary services, can empower owners to keep their animals healthy, therefore ensuring they remain productive, as well as increasing overall awareness of animal health and welfare.

Healthy and well-treated working animals better contribute to achieving the following SDGs:

SDG 1 (End Poverty) and 8

(Decent work and Economic Growth):

- In Mali, research found the income of two-thirds of donkey owners was more than three times the average monthly income per capita of \$55.
- In Mexico, income generated just through working animals in the farms studied was equivalent to 30% of the minimum daily wage, plus an additional saving from their use for daily chores and transport that would normally incur a cost.
- In Ethiopia, rural households demonstrated a significant reliance on working equids for income and employment, with related earnings contributing on average 14% of total family income.
- In India, a study of the construction industry showed that equid-based income opportunities generated 80% of income.

- In India, Pakistan, Kenya and Ethiopia, research highlighted that rural communities ranked working equids as their most important livestock due to their capacity to provide and support regular income generation;

SDG 3 (Ensure Healthy Lives) and 6 (Clean Water and Sanitation)

- In Tunisia, 80% of respondents to a survey in remote and mountainous regions relied on their donkeys or mules to access and carry fresh water.
- In Mauritania, access to clean piped water is scarce. In the city of Nouakchott, water carriers use donkeys to carry 400 litres of water at a time supplying the majority of households and businesses.

SDG 2 (Zero hunger) and 13 (Climate Action)

- 93% of the income of Ethiopian farmers and 100% of the income of Mexican farmers who sold milk and crops depended on the presence of working animals.
- In India, extreme weather events such as flooding and cyclones have left communities vulnerable as the loss of working animals restricts their access to resources and therefore the capacity to rebuild their livelihoods.

SDG 5 (Gender Equality)

- In Senegal, young women are being trained in what were traditionally roles designated for men, e.g. farriery, and are able to earn a living with their new skill set.
- In India, training women to act as change agents for communities has led to female-led equine welfare groups being set up.

SDG 4 (Quality Education)

- In Kenya, basic equine welfare is now taught at primary level in many schools and in Senegal, there are an increasing number of apprenticeships in equine health focussed subjects such as farriery
- Humane education programmes to promote prosocial behaviours including compassion for animals, environmental protection and social justice are also accessible, meaning that education professionals with an International Certificate in Humane Education (ICHE) can transfer knowledge to mainstream settings

¹⁶ The Donkey Sanctuary & World Horse welfare, *Sustainable Development Goals - How the welfare of working equids delivers for development & ICWE, Achieving Agenda 2030: How the welfare of working animals delivers for development*

The world's poorest people also rely disproportionately on animals for their livelihood. While livestock provides underdeveloped populations with a source of income, working animals are also essential for people living in the least developed countries to continue their way of life. For instance, an estimated 112 million working equines (horses, donkeys, ponies and mules) are essential to the livelihood of the poorest communities in Africa, Asia and South/Central America.¹⁷ These equines increase their owners' incomes by enabling them to work. Failing to protect the welfare of these animals will result in poor communities being less able to develop. For example, recent increases in demand for donkey skin products has led to working donkeys being stolen from their owners and populations being slaughtered at an unsustainable rate. This is having an increasingly harmful impact on those who rely on donkeys for their livelihood.

2.2 SDG 2 – ZERO HUNGER



Industrial animal agriculture is dependent on feeding human-edible crops to animals which converts them into meat and milk. This is not an efficient way to feed the world: intensive farms require high amount of feed and vast

areas of land are being given over to feed farm animals, diverting grains from people to livestock. Studies have shown that, while 36 percent of the world's crop calories are fed to animals, only 12 percent of these calories are returned for human consumption as meat or milk.¹⁸ For every 100 calories fed to animals as cereals, just 17 to 30 enter the human food chain as meat.¹⁹ This is insufficient and unsustainable. The earth cannot sustain humankind's demands for food if we do not find a more environmentally friendly way to feed ourselves. The UN Food and Agriculture

Organization (FAO) has already warned that further use of cereals as animal feed could threaten food security by reducing the grain available for human consumption.²⁰

The different targets established by the UN SDG 2 can only be achieved simultaneously if higher welfare farming techniques are adopted.

SDG 2.3: BY 2030, DOUBLE THE AGRICULTURAL PRODUCTIVITY AND INCOMES OF SMALL-SCALE FOOD PRODUCERS

Industrial animal agriculture out-competes small-scale producers, thereby undermining their livelihoods. The Director General of the FAO declared in 2018 that "more than half of the world's rural poor are livestock farmers and pastoralists [...] We need to make sure that smallholders and pastoralists will not be pushed aside by large capital-intensive operations."²¹

Small-scale farmers should be helped to provide improved health and nutrition for their animals through better disease prevention programmes and by developing the cultivation of fodder crops such as legumes. Better animal health and nutrition results in increased livestock productivity and longevity. This will improve smallholders' purchasing power, making them able to buy the food that they do not produce themselves and to have money available for other essential expenses such as education and health care.

Studies in Africa show that agroecology can more than double crop yields while substantially reducing pesticide use.^{22 23} With sufficient access to veterinary services and improved management regarding animal health and animal welfare, global animal production could, according to the World Animal Health Organisation (OIE), be increased by around 20%.²⁴ This would enable small-scale producers to increase their productivity without industrialisation.

¹⁷ The Donkey Sanctuary & World Horse Welfare, Sustainable Development Goals - How the welfare of working equids delivers for development, 2018

¹⁸ Cassidy E.M et al, 'Redefining agricultural yields: from tonnes to people nourished per hectare' (2013) University of Minnesota Environ Res Lett 8, p.1

¹⁹ Lundqvist, J., de Fraiture, C. Molden, D., 2008. Saving Water: From Field to Fork – Curbing Losses and Wastage in the Food Chain. SIWI Policy Brief. SIWI. http://www.siwi.org/documents/Resources/Policy_Briefs/PB_From_Field_to_Fork_2008.pdf; Nellemann, C., MacDevette, M., Manders, et al (2009) The environmental food crisis – The environment's role in averting future food crises. A UNEP rapid response assessment. United Nations Environment Programme, GRID-Arendal. www.unep.org/pdf/foodcrisis_lores.pdf

²⁰ Gerber et al 2013. Tackling climate change through livestock – A global assessment of emissions and mitigation opportunities. Food and Agriculture Organization of the United Nations

²¹ José Graziano da Silva, 2018. 10th Global Forum for Food and Agriculture: Shaping the Future of Livestock – sustainably, responsibly, efficiently <http://www.fao.org/director-general/my-statements/detail/en/c/1098613/> Accessed 16 March 2018

²² Jules Pretty et al., "Resource-conserving agriculture increases yields in developing countries," Environmental Science and Technology, 40:4, 2006, pp. 1114–1119

²³ Jules Pretty, Camilla Toulmin & Stella Williams (2011) Sustainable intensification in African agriculture, International Journal of Agricultural Sustainability, 9:1, 5-24

²⁴ Global Forum for Food and Agriculture. Ministers' Communiqué 2018 <http://www.gffa-berlin.de/en/>

SDGs AND DISASTER RELIEF

Natural and man-made disasters often demonstrate the important role that animals play in a community. Keeping farm animals healthy will help recovery after a disaster, while companion animals help their owners to cope and recover once they are able to return home. In addition, many families will not abandon their pets during an emergency. For instance, when Hurricane Katrina struck Louisiana in 2005, 44% of those who refused to evacuate did so mostly because they refused to leave their pets behind.

In times of disaster, animals can thus be assets for faster recovery, both from an economic and psychological perspective. However, they may also amplify the problems if no measure has been adopted to protect them or to remove them from the affected area, as carcasses of dead animals and animals' manure create pollution. Covering animals in disaster relief policies contributes to sustainable development by preserving the welfare of these animals, as well as supporting the achievement of several SDGs.

SDG 1 – End Poverty: Animals are an integral part of the economic system in many communities. Harvests are usually destroyed in case of disasters such as flooding. In the poorest communities, if the production animals die because of undernutrition or diseases, chances are high that most members of the community will fall into extreme poverty. Protecting animals during disasters is a pathway to prevent the loss of traditional farming heritage and part of the increase in poverty resulting from disasters.

SDG 3 – Ensure Healthy Lives: According to the globally recognized 'One Health' principle, healthy people need healthy animals and a healthy environment. When disasters strike, the environment is under threat due to soil, water and, eventually, air pollution. Without proper feeding and veterinary care when needed, animals might get contaminated and, in turn, contaminate humans.

SDG 13 – Take Urgent Action to Combat Climate Change: Because of climate change, natural disasters will be more frequent and will strike harder, including in regions which were safe in the past. Preparing communities to overcome disasters is therefore key to their survival. Preparedness and mitigation activities must cover not only humans but also animals, as they are an integral part of the community.

By providing feed and veterinary care to animals during disasters, several animal protection NGOs contribute to these objectives. For instance, FOUR PAWS International has carried missions in various countries all over the world: after Hurricane Maria hit Puerto Rico in September 2017, they fed over 1,400 animals in the following month. When Lombok in Indonesia suffered a heavy earthquake in August 2018, they provided medical treatment to over 150 animals – including many horses used for transport – and over 8 tons of feed.

SDG 2.4: BY 2030, ENSURE SUSTAINABLE FOOD PRODUCTION SYSTEMS AND IMPLEMENT RESILIENT AGRICULTURAL PRACTICES THAT INCREASE PRODUCTIVITY AND PRODUCTION, HELP MAINTAIN ECOSYSTEMS AND PROGRESSIVELY IMPROVE LAND AND SOIL QUALITY

As claimed by the UK Farm Animal Welfare Council (FAWC) in a recent report discussing sustainable intensification of livestock agriculture, "agriculture cannot be considered sustainable if it is achieved at an unacceptable cost to animal welfare."²⁵ The relentless focus on a global scale on cost-cutting and competitiveness has driven the livestock sector increasingly towards industrialisation, which is based on cramming animals into tiny and barren spaces where they cannot express natural behaviour and where they are more vulnerable to diseases. This intrinsically renders any respect for animal welfare an impossibility.

Industrial animal agriculture also undermines the key resources on which long-term productive farming depends. Industrial livestock's huge demand for feed has fuelled the intensification of crop production which, with its monocultures and agro-chemicals, has led to overuse and pollution of ground- and surface-water,²⁶ soil degradation,²⁷ biodiversity loss²⁹ and air pollution.³⁰

Several studies argue that the only sustainable, efficient role for livestock is to convert materials humans cannot consume – such as grass, by-products, crop residues and unavoidable food waste – into food that humans can eat.³¹ ³² ³³ This approach would result in a reduced use of arable land, freshwater, energy and pesticides, as well as in reduced GHG emissions, deforestation and soil erosion.³⁴

²⁵ FAWC, *Sustainable agriculture and farm animal welfare*, 2016

²⁶ Mekonnen, M. and Hoekstra, A., 2012. A global assessment of the water footprint of farm animal products. *Ecosystems*. DOI: 10.1007/s10021-011-9517-8

²⁷ Edmondson, J.L. et al., 2014. Urban cultivation in allotments maintains soil qualities adversely affected by conventional agriculture. *Journal of Applied Ecology* 2014, 51, 880–889

²⁸ Tsiafouli, M.A. et al., 2015. Intensive agriculture reduces soil biodiversity across Europe. *Global Change Biology*: 21, p973–985

²⁹ World Health Organization and Secretariat of the Convention on Biological Diversity. 2015. *Connecting global priorities: biodiversity and human health*

³⁰ Lelieveld et al, 2015. The contribution of outdoor air pollution sources to premature mortality on a global scale. *Nature*, Vol 525

³¹ Van Zanten et al, 2018. Defining a land boundary for sustainable livestock consumption. *Glob Change Biol*. 2018;1–10

³² Bajželj B. et al, 2014. Importance of food-demand management for climate mitigation. *Nature Climate Change* <http://www.nature.com/doi/10.1038/nclimate2353>

³³ Schader C. et al, 2015. Impacts of feeding less food-competing feedstuffs to livestock on global food system sustainability. *J. R. Soc. Interface* 12: 20150891. <http://dx.doi.org/10.1098/rsif.2015.0891>

³⁴ Ibid

Protecting the welfare of working equines also contributes to achieving SDG 2. Owning a working equine increases the potential for wider access to quality nutrition, as well as travelling further to sell goods. Equines might also be farmed for meat, milk or other products. Ensuring good practices for rearing, transporting and slaughtering animals can help create a better quality product for human consumption.

2.3 SDG 3 – ENSURE HEALTHY LIVES



Industrial livestock production plays an important part in the emergence, spread and amplification of pathogens, some of which can be transmitted to people.³⁵ In addition, industrial livestock production tends to

rely on the routine use of antimicrobials to prevent the diseases that are inevitable when animals are confined in overcrowded, stressful conditions; this leads to antimicrobial resistance which can be transferred to humans.³⁶

Antimicrobial resistance (AMR), the ability of microorganisms to resist antimicrobial treatments such as antibiotics, is “one of the biggest threats to global health, food security, and development today” according to the World Health Organisation (WHO).³⁷ It also has economic implications that the European Commission assesses to be around €1.5 billion per year due to the costs of treatment and reduced productivity.³⁸ According to the European Commission’s DG SANTE, “AMR is responsible for an estimated 25,000 deaths per year in the EU”, and around 700,000 worldwide. Several reports predict that this number will only get higher: for instance, an AMR review commissioned by the UK Government in 2016 forecasts ten million deaths per year in 2050.³⁹

In its ‘One Health’ Action Plan against AMR, the European Commission recognizes the link between the increase of antimicrobial resistance and poor farm welfare practices, by indicating as an objective the need to “continue to promote animal husbandry, including aquaculture and livestock farming systems, and feeding regimes, which support good animal health and welfare to reduce antimicrobial consumption”. Furthermore, the action plan underlines the importance of considering these issues when negotiating trade agreements by recognizing that “as one of the largest markets for agricultural products, the EU can play a major role in promoting its AMR-related standards, measures in food production, and standards on animal welfare”. The WHO also identifies a clear link between the two concepts by listing the improvement of animal welfare and hygiene as a way to improve biosecurity on farms and thus “prevent and control the spread of antibiotic resistance”.⁴⁰

In September 2016, the United Nations General Assembly admitted that overuse of antimicrobials in livestock production is the primary cause of the surge in antimicrobial resistance.⁴¹ This phenomenon is not due to small-scale productions, but to the spread of intensive farming systems, in which antimicrobial products are used routinely and increasingly. Due to the density in which animals are kept, treating one animal for a specific disease generally means treating them all, as any infection is likely to have spread throughout the entire group of animals. In addition, medication is often used to compensate for poor hygiene and bad welfare practices. Intensive farming thus has an impact not only on animal but also on human health.

The EU cannot overlook this when it negotiates trade agreements and further opens its market. As reported by Greenpeace, “in 2010, the five countries with the largest shares of global antimicrobial consumption in food animal production were China (23%), the United States (13%), Brazil (9%), India (3%), and Germany (3%). By 2030, this ranking is projected to be China (30%), the United States (10%), Brazil (8%), India (4%), and Mexico (2%)”.⁴²

³⁵ Otte, J., D. Roland-Holst, R. Pfeiffer Soares-Magalhaes, Rushton, J., Graham, J., and Silbergeld, E. 2007. Industrial Livestock Production and Global Health Risks. Food and Agriculture Organization of the United Nations, Pro-Poor Livestock Policy Initiative Research Report; Council for Agriculture, Science and Technology. Global Risks of Infectious Animal Diseases. Issue Paper 28, February 2005; 15pp.

³⁶ O’Neill Review on antimicrobial resistance, 2015 <https://bit.ly/1SLeZyn>

³⁷ <http://www.who.int/mediacentre/factsheets/antibiotic-resistance/en/>

³⁸ DG SANTE website on Antimicrobial resistance - https://ec.europa.eu/health/amr/antimicrobial-resistance_en

³⁹ https://amr-review.org/sites/default/files/160525_Final%20paper_with%20cover.pdf

⁴⁰ <http://www.who.int/mediacentre/factsheets/antibiotic-resistance/en/>

⁴¹ <https://www.cddep.org/wp-content/uploads/2017/10/science.0929PolicyForum-1.pdf>

⁴² According to Van Boeckel et al. (2017) in Greenpeace, Less is More, 2018, p.

SDGs AND FISH

With the rapid expansion of aquaculture, fish is increasingly promoted as the sustainable meat of the future. Unfortunately, if no attention is brought to fish welfare, this expansion might hinder numerous SDGs.

SDG 3 – Good Health and Well-Being: Higher welfare standards in aquaculture are the basis by which production can be more natural and involve the use of fewer or no chemicals and medications. The link between welfare and health is much stronger in fish than in terrestrial animals. The immune systems of fish are very vulnerable to stress. The aquatic environment is complex and changeable, and with their gills in direct contact with water fish are extremely vulnerable to it. This relationship between higher welfare and health (as well as productivity) in aquaculture is explicit in the EU's Organic Regulation, and is also confirmed by two opinions published by the European Food Safety Authority (EFSA): "All disease conditions can constitute a cause for poor welfare, but it should be noted that poor welfare, often resulting from negative husbandry factors, can also enhance the susceptibility to disease by various mechanisms."⁴³ "Production procedures based on good aquaculture practices (as recommended in different industry codes of practice) that result in provision of optimal animal welfare increase fish resistance to infections [...]. Measures intended to maintain fish welfare by avoiding stress or improving environmental conditions are expected to have a positive impact on the safety of the food product. Environmental and hygienic conditions (related to water temperature, salinity, chemicals, organic matter, oxygen levels, etc.) and practices at pre-harvest level (inadequate feeding or antimicrobial usage) could increase the prevalence of certain biological hazards at farm level, and may also have an effect on fish welfare and physiological condition (stress). Both these aspects impact on fish health, and subsequently may influence the safety of the end product."⁴⁴

SDG 6 – Clean Water and Sanitation: Aquaculture is most often developed in natural environments, whether in lakes or at sea. The provision of optimal welfare allows a decrease in the use of chemicals and medications, which pollute water. In addition, the use of high quality feeds can also reduce waste (fish excrement and feed) which can become pollution, while decreasing the pressure on wild fisheries to produce fish meal and oil and improving the health of the fish.



SDG 9 – Industry, Innovation and Infrastructure: Aquaculture systems and technologies are evolving rapidly. The sector is at a turning point where it can choose a different path from that taken by other intensive animal agriculture systems. It can develop along a path of provision of welfare rather than substituting welfare with medication. In some cases, improvements related to fish welfare will have to involve technological developments.

SDG 12 – Responsible Production and Consumption: Animal welfare is central to any definition of 'responsible' keeping and use of animals.

SDG 14 – Life Below Water: as stated above, it will be important to reduce the environmental impact of aquaculture systems set up in the ocean by implementing higher fish welfare standards in place of using medication, and by providing high quality feeds. This will contribute to reducing marine pollution.

It is also important to reduce death and suffering of wild fish by licensing, control and design of fishing vessels and gears. Ongoing measures need to reduce habitat destruction, bycatch, and lost fishing gear to reduce the fishing industry's impacts on biodiversity.

As stated above, by improving the quality of the lives of fish in aquaculture systems via improved husbandry, handling and slaughter procedures, we can reduce the use of medications and the amount of feed used, reducing pollution and demand for resources.

⁴³ EFSA Opinion, Animal welfare aspects of husbandry systems for farmed Atlantic salmon, June 2008

⁴⁴ <https://www.efsa.europa.eu/en/efsajournal/pub/867>

In addition, intensive farming is worsening the occurrence of zoonoses (infectious animal diseases that can be naturally transmitted to humans) and devastating animal disease epidemics (e.g. avian flu and African swine fever) as well as the vast global costs associated with dealing with such outbreaks. The World Bank estimates the direct economic cost of zoonotic diseases over the past decade to be US\$20 billion (with further indirect losses estimated at over US\$200 billion).⁴⁵

Finally, the high levels of consumption of red and processed meat that have been made possible in the West by industrial animal agriculture contribute to heart disease, obesity, diabetes and certain cancers.⁴⁶

2.4 SDG 4 – QUALITY EDUCATION



Caring for equines enables education for children. As well as providing the additional income, equines, by carrying labour otherwise done by people, help parents give children the care and attention they need at home.

Equines can also be the only available mode of transport for children to get to school in some of the world's most remote and rural communities.

2.5 SDG 5 – GENDER EQUALITY



Healthy equines empower women. Evidence shows women often rely on working animals to do tasks they would otherwise have to perform themselves, from collecting water and tilling land to transporting goods. By enabling women to be economically active, they also increase their community status and personal resilience. This economic capability can prevent the worst forms of destitution for lone women, whether working in rural or urban settings. Working equines can be found in some of the world's most marginalised, women-led households, where families cannot afford the draught power of cattle.

2.6 SDG 6 – CLEAN WATER AND SANITATION; SDG 14 – LIFE BELOW WATER



Industrial livestock production generally uses and pollutes more surface- and ground-water than grazing systems.⁴⁷ This is because of industrial systems' dependence on grain-based feed.⁴⁸ Only 30-60% of the huge quantities of nitrogen fertilisers used to grow feed is taken up by feed crops, with the rest running off to pollute water and marine ecosystems.⁴⁹ Further intensification of animal production systems will result in increasing use and pollution of water per unit of animal product.⁵⁰ The UN has already recognized that "intensive livestock production is probably the largest sector-specific source of water pollution."⁵¹

⁴⁵ World Bank, 'People, Pathogens and Our Planet, Vol 1: Towards a One Health Approach for Controlling Zoonotic Diseases' Report (2010) 50833-GLB.

⁴⁶ Friel S., Dangour A.D., Garnett T., Lock K., Chalabi Z., Roberts I., Butler A., Butler C.D. Waage J., McMichael A.J. and Haines A., 2009. Health and Climate Change 4: Public health benefits of strategies to reduce greenhouse-gas emissions: food and agriculture. Published online November 25, 2009 DOI:10.1016/S0140-6736(09)61753-0; Aston LM, Smith JN and Powles JW, 2012. Impact of a reduced red and processed meat dietary pattern on disease risks and greenhouse gas emissions in the UK: a modelling study. *BMJ Open* Vol 2, Issue 5 <http://bmjopen.bmj.com/content/2/5/e001072.full.pdf+html>; Anand, S. et al., 2015. Food Consumption and its Impact on Cardiovascular Disease: Importance of Solutions Focused on the Globalized Food System. *Journal of the American College of Cardiology*, 66, no 14

⁴⁷ Mekonnen, M. and Hoekstra, A., 2012. A global assessment of the water footprint of farm animal products. *Ecosystems*.: DOI: 10.1007/s10021-011-9517-8

⁴⁸ Ibid

⁴⁹ Eds. Sutton M.A., Howard C.M., Erisman J.W., Billen G., Bleeker A., Grennfelt P., van Grinsven H. and Grizzetti B., 2011. *The European Nitrogen Assessment*. Cambridge University Press.

⁵⁰ Mekonnen, M. and Hoekstra, A., 2012. Op. Cit.

⁵¹ José Graziano da Silva, 2018. 10th Global Forum for Food and Agriculture: Shaping the Future of Livestock – sustainably, responsibly, efficiently <http://www.fao.org/director-general/my-statements/detail/en/c/1098613/> Accessed 16 March 2018



Access to clean water is also facilitated by well-treated equines. Across the world, millions of people, especially women and girls, spend hours every day collecting clean water. Simply using a working equine to carry the water facilitates and accelerates the operation.⁵²

2.7

SDG 8 – DECENT WORK AND ECONOMIC GROWTH



The Director General of the FAO has stated with no ambiguity: “Smallholders must not be pushed aside by large capital-intensive operations.”⁵³ Industrialized systems typically employ fewer people than traditional systems,

as many integral tasks become automated, and those who are employed face poor working conditions with a high level of occupational health hazards such as disease and injuries. Wages are low, and the seasonal nature of the work creates prolonged job insecurity. The sector also employs many migrant workers who are especially vulnerable due to their precarious legal status and particularly likely to experience poor working conditions, unfair wages and limited access to public services.⁵⁴ Instead, smallholders should be helped to enhance their animals’ productivity – and hence their livelihoods – through improved healthcare, welfare and nutrition.

For poorer populations, owning a strong working equid can also help to build resilience. The extra income generated by working animals also allows the owner to save money and reinvest to promote further growth and access to education.

2.8

SDG 13 – TAKE URGENT ACTION TO COMBAT CLIMATE CHANGE



According to a report published by the FAO in 2013, emissions produced by the livestock sector amount to 14.5% of all global emissions.⁵⁵ This is higher than emissions produced by all transport combined.⁵⁶ According to GRAIN, a non-profit organisation supporting small farmers and social movements, and to the Institute for Agriculture and Trade Policy, the top 20 meat and dairy companies emit more greenhouse gases (GHGs) than Germany, and the top five combined more than either Exxon, Shell or BP.⁵⁷ Projections, even supposing efficient growth, still forecast that in 2050 livestock emissions will amount to 70% of the sustainable maximum level of GHGs planned.⁵⁸

Emissions produced by the livestock sector will have to be lowered, and this means also taking into account all emissions related to land-use change. The scale at which animals are being reared for meat and dairy across the globe is leading to vast environmental degradation due to the waste, the freshwater footprint and soil degradation caused by intensive farming methods. The increasing demand for animal products is such that supply-side measures will not be able to prevent an increase in the sector’s GHG emissions. Without reducing consumption of meat and dairy, we will not be able to meet SDG 13 and the targets agreed under the Paris Agreement.⁵⁹

Livestock production is also considered one of the main drivers of deforestation as forests are replaced by grazing or arable land to produce food for intensive livestock systems. This also contributes to increasing GHG emissions. The case of the Amazon illustrates this phenomenon perfectly: there, all deforested land has been used for the purpose of

⁵² The Donkey Sanctuary & World Horse Welfare, Sustainable Development Goals – How the welfare of working equids delivers for development, 2018

⁵³ José Graziano da Silva, 2018. 10th Global Forum for Food and Agriculture: Shaping the Future of Livestock – sustainably, responsibly, efficiently <http://www.fao.org/director-general/my-statements/detail/en/c/1098613/> Accessed 16 March 2018

⁵⁴ HLPE. 2016. Sustainable agricultural development for food security and nutrition: what roles for livestock? A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

⁵⁵ Gerber et al. *Tackling climate change through livestock – A global assessment of emissions and mitigation opportunities*, Rome, FAO, 2013, p.15

⁵⁶ GRAIN, *Grabbing the bull by the horns – it’s time to cut industrial meat and dairy to save the climate*, January 2017

⁵⁷ Infographics developed by GRAIN and IATP [here](#)

⁵⁸ Pelletier & Tyedmers, *Forecasting potential global environmental costs of livestock production 2000–2050*, Proceedings of the National Academy of Sciences of the United States of America 107(43):18371–18374

⁵⁹ Bailey et al, 2014. Livestock – Climate Change’s Forgotten Sector. Chatham House, London <https://bit.ly/207DPXM>; Hilal Elver, 2015. Interim Report. A/70/287. www.refworld.org/docid/55f291324.html

rearing livestock. 80% has been transformed into pasture, while the remaining 20% is now used to grow animal feed.⁶⁰

Climate change also has an impact on the welfare of animals: wild animals are seeing the gradual destruction of their habitats. An emblematic example is that polar bears are increasingly struggling to feed themselves due to the melting ice. Farm animals are also affected, as many countries are not able to ensure they are rescued or protected in case of natural disasters.

2.9 SDG 15 – LIFE ON LAND

SDG 15.1 – BY 2020, ENSURE THE CONSERVATION, RESTORATION AND SUSTAINABLE USE OF TERRESTRIAL [...] ECOSYSTEMS AND THEIR SERVICES, IN PARTICULAR FORESTS, WETLANDS, MOUNTAINS AND DRYLANDS, IN LINE WITH OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS

SDG 15.5 – TAKE URGENT AND SIGNIFICANT ACTION TO [...] HALT THE LOSS OF BIODIVERSITY AND, BY 2020, PROTECT AND PREVENT THE EXTINCTION OF THREATENED SPECIES



Livestock's huge demand for feed drives the intensification of crop production to grow soy and cereals designed to quickly fatten industrially farmed animals. The increasing demand for land to grow these crops as well as to provide pastures for livestock has also led to the expansion of farmland into forests and savannas with massive loss of wildlife habitats, and the release of stored carbon into the atmosphere.⁶¹

Preserving the various ecosystems and the environment is only possible if the survival of animal species is ensured. The concepts of animal welfare and conservation differ: welfare concerns the quality of life of individual animals, while conservation concerns the survival of groups of animals making up a species. Nonetheless, the two topics have interlinking goals. For example, the ways in which

animal species are being driven to extinction frequently harm their welfare.

Overfishing and overhunting are unsustainable practices because they will make it impossible for future generations to meet their own needs. The Living Planet Index (LPI), which measures biodiversity abundance levels based on 14,152 monitored populations of 3,706 vertebrate species, shows a persistent downward trend. Since 1970, there has been a 58% overall decline in the numbers of species of fish, mammals, birds and reptiles worldwide; the decline, which is defined as the sixth mass extinction, is likely to reach 67% by the end of the decade.⁶² If accurate, that will mean wildlife across the globe is vanishing at a rate of 2% a year.

Animals are a vital aspect of the Earth's ecosystems and of "the environment." Living systems keep the air breathable and the water drinkable, and provide nutritious food. To continue to perform these vital services they need to retain their complexity, diversity and resilience. Biodiversity also plays an important role in ecosystem processes by providing the regulating, cultural and supporting services. The simple knowledge that diverse and rich forms of life are populating our forests and oceans provides humankind with a sense of contentment and wellbeing. The latter cannot be underestimated and is becoming increasingly recognised as valuable to humankind's sustainable development, as highlighted by one useful study on the value of wildlife.⁶³

The welfare of farm animals has an impact on conservation. Livestock production is said to be "the single most powerful driver of habitat loss on Earth"⁶⁴ and 80% of terrestrial birds and mammal species currently considered as threatened are challenged by the loss of habitat driven by agricultural activities.⁶⁵ Most of this is due to the need to use land to produce animal feed, but not all. The extension of both grazing pastures and fields to grow crops deeply affects the balance of the ecosystem. Increasing livestock production has put pressure on large carnivores as well: they face persecution because of the fundamental change in farming and husbandry systems observed during the last century.

This section has described the ways in which animal welfare interlinks with the UN's Sustainable Development Goals. The coming sections will explain how trade policy impacts animal welfare and the ways in which this impact can in turn be used to achieve a positive impact on SDGs.

⁶⁰ Machovina & Feeley (2014) in Greenpeace, *Less is More*, 2018

⁶¹ Policy Brief 03: Cattle ranching and deforestation. Food and Agriculture Organization of the United Nations. <http://www.fao.org/3/a-a0262e.pdf>. Accessed 7 August, 2018; Machinova, B., Feeley, K.J., and Ripple, W.J. Biodiversity conservation: The key is reducing meat consumption. *Science of the Total Environment*. 2015. Vol 536. P. 219-431. <https://www.sciencedirect.com/science/article/pii/S0048969715303697>

⁶² WWF, Living Planet Report, 2016

⁶³ P Chardonnet et al, 'The value of wildlife' (2002) 21(1) Rev Sci Tech 15, 38.

⁶⁴ Machovina et al (2015) quoted in Greenpeace, *Less is More*, 2018, p.25

⁶⁵ Tilman in Greenpeace, *Less is More*, 2018, p.28

3

TRADE AND ANIMAL WELFARE



Animals and animal products have been traded since the rise of humans, and the increasing commercialisation of world economies means that animals and their products are being traded further and in greater quantities. Trade liberalisation, through trade agreements and negotiating rounds like these taking place at the WTO, has a clear impact on animal welfare, particularly because agricultural products are most often included in the scope of bilateral or plurilateral trade agreements pursuant to the WTO requirement to liberalise trade in ‘substantially all products’ when negotiating a preferential trade agreement. As a result, animal welfare finds itself at something of a crossroads, with both dangers and opportunities ahead.

3.1 A POTENTIAL THREAT TO HIGHER ANIMAL WELFARE STANDARDS?

With the reduction or elimination of many tariffs and other trade barriers through trade liberalisation, there will likely be increased trade – or at least trade opportunities – between countries with different levels of animal welfare standards. Giving short shrift to animal welfare usually results in cost savings for producers and therefore cheaper products for consumers. Trade liberalisation could flood the market with these cheaper animal products from abroad, putting pressure on local producers that respect higher levels of animal welfare standards, and thus face higher production costs, to compete on price. It could even lead the country with higher standards to scrap them entirely to allow its industry to better face foreign competition.

Trade liberalisation can also lead to an increase in the sheer number of animal products traded, thanks to lowered prices, which causes more animals to cycle through the production system and more animal suffering. The lack of effective animal welfare-related labelling on most products ensures that consumers do not know the conditions in which the animals were raised, resulting in a continued market for cheap, low welfare products.

3.2 AN EFFECTIVE VEHICLE TO PROMOTE HIGHER STANDARDS

At the same time, however, trade policy also represents a unique opportunity for willing countries to positively influence animal welfare abroad. Trade agreements – as demonstrated by the ones established by the EU – can contain provisions establishing mechanisms for trading partners to cooperate on animal welfare, including through sharing technical knowledge and providing technical and capacity-building assistance. Trade policies can also contain mechanisms like conditional liberalisation, through which foreign producers are incentivized to increase their animal welfare standards by the promise of better tariffs in exchange for compliance.

In addition, as higher welfare products get traded into new markets and consumers grow more attuned to how the goods they buy were produced, trade liberalisation could lead to increased demand for higher welfare animal products. The same forces that keep costs down for lower welfare products likewise make higher welfare products more attainable from a cost perspective. Trade liberalisation also creates more diverse and multinational supply chains. As consumers in one country begin to demand higher welfare animal products, the animals further down the supply chain in another country without domestic legal protections could end up reaping the benefits.

3.3 HOW TO ADDRESS ANIMAL WELFARE CONCERNS IN TRADE

Governments have various tools available to address the impact of trade on animal welfare, but the main ones aim either at restricting access to the market (tariffs and/or trade bans) or at favouring higher animal welfare products (labeling schemes or/and subsidies). For instance, in the EU, the ban on placing seal products on the market and the higher tariffs on agricultural products, including meat, dairy and eggs, are examples of market-based methods. As for methods of favouring higher welfare products, examples include the subsidies countries provide producers to increase their animal welfare standards (provided that they meet the framework of the WTO Agreement on Agriculture) and the USA's "Dolphin Safe" label for tuna products.

Policy tools can either be adopted in the context of a bilateral or plurilateral trade policy or at the global level. The following two sections will investigate what can be done by the EU at both levels.

4

EU TRADE POLICY



4.1 WHAT NOW?

In current EU trade practice, animal protection issues are usually split between animal welfare and conservation provisions. The former are addressed either in the chapter on Sanitary and Phytosanitary (SPS) Measures, or more recently in chapters on regulatory cooperation (ie with Canada or Japan). The latter are always addressed in the Trade and Sustainable Development (TSD) chapter. These usually short provisions are only aspirational, describing potential for cooperation. TSD provisions only relate to wildlife conservation and trafficking and not to the welfare of wildlife.

Two sets of provisions in these trade agreements can thus be of use to promote higher animal welfare standards abroad and protect the EU's level playing field in the sector: the provisions related specifically to animal welfare, and those related to sustainable development.

Provisions on animal welfare cooperation first appeared in the EU-Chile Association Agreement signed in 2002. The

agreement included a mention of animal welfare as an objective of the chapter on SPS measures and confirmed the partners' aim to reach a "common understanding between the Parties concerning animal welfare standards". Since then, animal welfare has often been included in EU FTAs, such as with South Korea, Colombia/Perú/Ecuador, Singapore or more recently Canada, Vietnam, Japan and Mexico. However, these provisions have always been very limited in terms of scope and effect.

4.2 HOW CAN WE DO BETTER?

Animal welfare is a cross-cutting concern that impacts on a number of types of trade and trade-related issues. For this reason, it is unlikely to be comprehensively tackled if dealt with by just one of the existing chapters in EU FTAs, as it is done at the moment. It would be beneficial to group all of these considerations together in a separate chapter that would cover all issues related to animal welfare and trade comprehensively: farm animals, animals used in research, fish welfare and wildlife.

Eurogroup for Animals published its model provisions on animal welfare in October 2017⁶⁶ and they aim to:

- 1 ensure enhanced trade does not lead to weakening of animal welfare standards in the EU;
- 2 make sure that increased imports to the EU market comply with our animal welfare standards;
- 3 provide a framework for dialogue and cooperation to improve animal welfare on the ground, especially in developing countries.

The model provisions are based on several key concepts:

- **Conditional liberalisation** – this requirement would permit imports into the EU only if the products meet standards of animal welfare equivalent to those applicable in Europe. This is in line with the most recent Eurobarometer study on animal welfare⁶⁷ which showed that over 90% of Europeans want such a requirement. Such trade restrictions could be justified based on the exception regarding public morals contained in the General Agreement on Tariffs and Trade, Article XX (a). This was confirmed by the WTO Dispute Settlement Body in the EC – Seal Products case.⁶⁸
- **Right to regulate** – the right of the EU to set its own animal welfare standards must be safeguarded, and not only in words. The agreement should clarify that trade should not result in a downward spiral or chilling effect of animal welfare regulations. A provision stating that countries would not challenge at the WTO any trade restriction based on animal welfare concerns could be useful for that purpose.
- **Cooperation and technical assistance** – this is the primary means through which the EU can assist third countries to improve their animal welfare standards.

Including all of these model provisions as a standalone chapter for animal welfare in an FTA would give them the best chance of achieving substantial gains for animal welfare. Agreeing on a standalone animal welfare chapter may not be achievable in negotiations with each and every trading partner. However, the EU should at least include as many of the model provisions as possible in all relevant existing chapters. The most relevant chapters in this respect would be those on regulatory cooperation, sustainable development and SPS.

The link between animal welfare and sustainable development, including wildlife conservation, should be better recognized by including references to animal welfare in the Trade and Sustainable Development (TSD) chapter. TSD chapters could also better contribute to the achievement of SDGs by putting more emphasis on the link between improved animal welfare and sustainable agriculture and aquaculture, as well as by strengthening their enforcement provisions.

Introduced for the first time seven years ago in the EU-Korea FTA, the provisions on sustainable development have since then been at the heart of the EU's trade policy, especially since the publication of the 'Trade for All' strategy.⁶⁹ The Strategy notably commits the EU to "continue its longstanding commitment to sustainable development in its trade policies, contributing to the newly agreed global sustainable development goals (SDGs) under the 2030 Agenda for Sustainable Development".

Serving mostly 'SDG 15 – Life on Land', the TSD chapter should include more proactive and detailed language on wildlife conservation and fighting illegal wildlife trafficking. The EU must build up on the stronger language included in the modernised EU-Mexico Global Agreement, notably on promoting the inclusion of new species in CITES and fighting the spread of invasive alien species. The EU should also consider species-specific commitments and strong provisions on deforestation – a clear driver of biodiversity loss. The EU could also introduce with its trade partners the notion of a 'positive list' for the trade in exotic pets. Although CITES is a powerful tool to reduce or even ban the international trade of threatened species, there are several criminal ways to circumvent it – export quotas may be systematically exceeded or inappropriately set. A lack of knowledge and expertise on certain species, especially reptiles, also contributes to an increase in the trade of more endangered species. In addition, many species that deserve to be protected under CITES are not, and even if they are protected under local law, their trade in the EU would be deemed legal. Adopting a 'positive list' approach would facilitate enforcement by the customs authorities and ensure a more precautionary procedure is adopted towards species about which not much is known at the moment.

⁶⁶ Eurogroup for Animals, [Model Animal Welfare Provision for EU Trade Agreements](#), October 2017

⁶⁷ <https://www.eurogroupforanimals.org/eurobarometer>

⁶⁸ Offor & Walter, *GATT Article XX(a) Permits Otherwise Trade-Restrictive Animal Welfare Measures*, *Global Trade and Customs Journal*, Volume 12, Issue 4, 2017

⁶⁹ European Commission, [Trade for All](#), 2015

The TSD chapter should also contain a groundbreaking recognition of the link between sustainable development and animal welfare. While protecting animal welfare is essential to sustainable development in its own right (and is recognised as a dimension of a sustainable agriculture),⁷⁰ it is also complementary to a number of other aspects of sustainable development. Among the UN SDGs, several are either directly connected to animals or cannot be achieved without addressing animal welfare related issues.⁷¹ Intensive industrial farming is detrimental to animal welfare. It implies a confinement of the animals that intrinsically negates the possibility to respect their welfare, cramming them into tiny and barren spaces where they cannot express natural behaviour, and where they are more vulnerable to diseases. This type of farming also has a very negative impact on the environment (on air, water and ground pollution), on biodiversity (as related land-use changes lead to a loss of habitat), on antimicrobial resistance and on climate change (both as animals emit greenhouse gases and because of the related deforestation) and wildlife conservation.

Despite clear violations of commitments made on labour and environmental standards occurring in certain partner countries, the enforcement mechanism contained in the TSD chapters has only been triggered for the first time in July 2019, with South Korea.⁷² Eurogroup for Animals believes TSD chapters should include stronger enforcement mechanisms with last-resort sanctions, accompanied by a complaint mechanism open to stakeholders other than the Parties and by detailed road maps of issues that must be addressed by the countries.

The European Commission affirms in its plan to reform TSD chapters that sanctions in trade agreements “would not guarantee that [they] will result in effective, sustainable and lasting improvement of key social and environmental standards”. In addition, government and EU officials often consider that while trade can contribute to promoting our values, it cannot solve all the problems in the world. Most NGOs, including Eurogroup for Animals, do agree with this statement. However, trade has an impact on animals, the environment and labour conditions, and it should not aggravate existing situations by increasing animal suffering, illegal wildlife trafficking or biodiversity losses.

Regarding the use of sanctions, while one can agree that nothing can guarantee changes in a sovereign country, it would be wrong to imply that the threat of sanctions never leads to lasting results. Taking the example of the EU regulation on illegal, unreported and unregulated (IUU) fishing, the EU has shown it can adopt a stronger approach to preserve the environment. Indeed, this regulation was enacted in 2008 to step up the fight against IUU fishing and its widely recognised damaging economic, social and environmental impact. The regulation set up what is commonly called the ‘carding system’ whereby the EU can warn a country that its fisheries does not respect the established criteria (or grant the country a ‘yellow card’) and even list that country as uncooperative (or grant him a ‘red card’), which automatically implies its fishery imports will be banned from the EU market. Once a country is warned, a proper dialogue between the EU and the partner starts. This is often the occasion for the EU to provide intense capacity-building assistance. In most cases, the ‘yellow card’ does not lead to a ‘red one’ as the partner country improves the situation in the fishing industry to prevent a ban on its import. The lessons learned from almost a decade of using that procedure show it can achieve concrete results, and this by using both a carrot (technical assistance from the EU) and a stick (potential ban on imports). The recent case of Thailand has even shown that the EU was ready to include the question of slavery aboard and labour rights in its assessment of the sustainability of the Thai fishing and processing industry.

In 1995, the EU fought for the objective of sustainable development to be included in the preamble of the WTO agreement. Today it needs to prove that sustainable development is still its main objective, and that trade is a means through which to achieve it, rather than an objective in itself.

⁷⁰ Speech by Dacian Cioloş (then European Commissioner for Agriculture and Rural Development), [Europe’s path towards sustainable agriculture](#), G20/Rio De Janeiro, 21 June 2012

⁷¹ See previous section

⁷² <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2044>

5

GLOBAL TRADE POLICY



At the heart of trade liberalisation lies the World Trade Organisation, created in 1994 on the basis of the already existing General Agreement on Tariffs and Trade (GATT). The rules of the WTO have evolved since its creation, mostly through intergovernmental negotiations. Unfortunately, to date the position of animal welfare measures in the context of the WTO remains unclear. A proposal made by the EU in 1999 during the Doha Development Round (DDR) to explicitly allow trade restrictions for animal welfare purposes was never substantially discussed, and the collapse of that Round has now led to an increased dependence on the interpretation of the rules provided by the panel and the Appellate Body (AB). Whilst there is a 27-year history of environmental and animal-related disputes going back to the original tuna-dolphin case in 1991,⁷³ it was not until 2014 in the EC-Seals dispute that the WTO Dispute Settlement Body (DSB) took the historic step of declaring that animal welfare concerns fall within the scope of the GATT Article XX(a) exception on public morals⁷⁴.

This section will look into how WTO rules impact animal welfare and how they restrict or at least frame the measures that can be adopted to protect animal welfare at the level of each WTO member. It will then look into what the objectives of the EU at the WTO should be in view of developing a clearer understanding of the nexus between animal welfare and trade rules.

5.1 HOW DO WTO RULES IMPACT ANIMAL WELFARE?

No WTO rule prevents a country from setting its own animal welfare standards. However, raising animal welfare standards above the general level applied by trading partners may put a country in a difficult situation. If the country does not require imports to conform to the higher standards, its producers may find themselves at a significant trade disadvantage, as the country's

⁷³ <http://www.worldtradelaw.net/document.php?id=reports/gattpanels/tunadolphin1.pdf>

⁷⁴ Offer & Walter, *GATT Article XX(a) Permits Otherwise Trade-Restrictive Animal Welfare Measures*, Global Trade

marketplace will be flooded by cheaper imported animal products that have been produced under lower standards in third countries. The cost per unit of a product from a high welfare system is often greater than that from a system with poor welfare standards (e.g. the cost of an egg in a free range system is around 40% higher than an egg from a conventional battery cage, and 20% higher than an egg from a barn system). These production cost differences are usually reflected in marketplace price differences.

The following tools are at the disposal of governments to prevent or mitigate such situations, but they must be used in compliance with WTO rules, which can affect their impact.

- **Labeling schemes:** The higher-standard country could try to introduce labeling requirements for animal products to leverage its consumers' concerns about how and where their food is produced. Labels have been proven to work: the EU's requirement that eggs be labelled according to farming method has caused EU consumers to make a substantial move away from caged eggs. Effective labelling systems are clear and transparent, avoiding meaningless terms such as "farm fresh", and should be compliant under WTO rules.⁷⁵ However, while labeling is a necessary step, it is not sufficient to protect the level playing field.
- **Higher tariffs:** While the EU and the US both tend to have maintained quite high tariffs in the agricultural sector, WTO rules prevent them from further increasing such tariffs. According to these rules, a country cannot impose tariffs that are discriminatory, arbitrary or favour its own products. A country is, however, entitled to impose additional duties if it finds a partner guilty of dumping – which means that the partner is selling a product on the country's market at a price that is lower than production costs (or the local price). The EU has recently adopted a new approach to dumping that will include an assessment of how well the partner respects social and environmental standards, which could open the door for consideration of animal welfare in the future. This approach was challenged at the WTO by China but the case has been suspended following Beijing's decision, which is said to have been motivated by drafts of the panel opinion supporting the EU's reasoning.⁷⁶

- **Domestic subsidies:** The higher standard country could also subsidise its domestic products to make such products more competitive price-wise. To comply with WTO rules, these subsidies should not be trade distorting, and therefore should not impact the volume produced.
- **Import/sales/marketing bans or restrictions:** The higher-standard country could also level the playing field for its producers by imposing the standards applied internally to imported products as well, but it risks running foul of WTO trade rules because of the inherent trade-restrictiveness of import requirements. However, if it could impose a sales ban rather than an import ban, the country could then argue that its measure respects GATT Article III (on national treatment⁷⁷) either by stating that the products (both domestically produced and imported) covered by the ban are not "like" similar products which are still permitted to be sold, or by justifying the discrimination based on one of the exceptions contained in the GATT.

5.2 METHODS OF PRODUCTION AND WTO RULES

Improvements in animal welfare are often linked to the processes and production methods (PPMs) involved in animal treatment practices, as this is the point where suffering can occur. Many of these PPMs are non-product related (NPR-PPMs), which means that the different production methods do not result in readily discernible differences in the final products. For instance, an egg from a free-range hen looks just like an egg from a battery-caged hen.

Debates over whether an NPR-PPM can allow the differentiation, and thus the discrimination, of products under WTO agreements have been long-running, and have not yet been decidedly resolved by the WTO Dispute Settlement Body (DSB). However, tracking WTO jurisprudence over time reveals a positive trend. When this issue was first discussed in the original US-Tuna dispute⁷⁸ in 1991, making a distinction between tuna on the basis of the way in which they were caught was deemed to be incompatible with the rules of the GATT. More recent panel decisions, under WTO rules, have begun to recognise that it may be possible to regard two similar products as not "like" one another on the basis of the way in which they have

⁷⁵ Eurogroup for Animals, Policy Brief - ..., October 2019

⁷⁶ <https://reut.rs/2RhJSu7>

⁷⁷ definition of what it is

⁷⁸ This dispute involves the US's labeling scheme for tuna products, which permits tuna which were caught without setting nets on dolphins and without killing any dolphins to be labeled as "Dolphin Safe."

been produced. This is the case in the EC-Asbestos ruling where health risks associated with asbestos were found to be relevant in determining whether asbestos and certain substitutes may be considered not to be “like” products. The EC-Asbestos Appellate Body report emphasised the importance of considering consumers’ perceptions and behaviour when assessing “likeness”.⁷⁹

The US-Tuna case did not end in 1991, and later episodes create even more optimism. More recent rulings adopted in 2017 and 2019 in this case indicate that countries’ laws can distinguish between production methods as they relate to animals.⁸⁰ While the production methods for tuna did not sway the “like product” analysis,⁸¹ the Panel found – and the AB affirmed – that the US’s Dolphin Safe label’s distinction between tuna caught by setting on dolphins and by other fishing methods – the former being ineligible for the label and the latter being potentially eligible – was justifiable,⁸² despite the fact that the tuna caught by both methods was indistinguishable.

5.3 ANIMAL WELFARE MEASURES UNDER GATT ARTICLE XX

Where a country is unsuccessful in establishing that products are not “like” one another, its measure is likely to be found to be incompatible with the GATT. It will then need to justify it under GATT Article XX, which covers the exceptions to the rules. While the WTO does permit trade restrictions that achieve one of the legitimate policy objectives set out in Article XX, the analysis of whether a particular measure satisfies the requirements of that Article is complex. Many factors inform the determination by the Dispute Settlement Body (DSB), including the level of impacts on different importers *vis-a-vis* market share and competitiveness, how well the measure accomplishes its goals, and how well the measure is drafted and applied.

The WTO’s 2014 ruling on the EU Seal Ban is an important landmark as it constitutes the first judgment concerned with a trade restriction entirely based on animal welfare. The case concerned a regime adopted by the EU in 2009 which prohibits the placing on the market of seal products, with only a few exceptions. The EU’s justification for this ban was that no possible regulation could guarantee a humane death for seals killed during the hunts. Canada and Norway brought the case to the WTO, and after five years of dispute, the DSB recognised that animal welfare was an issue of public moral concern⁸³ that falls within Article XX(a) and that it was therefore a legitimate rationale for restricting trade.⁸⁴

The US-Tuna dispute can also be instructive in the case of technical barriers to trade such as labeling systems, whose compliance with WTO rules are first assessed by looking at the agreement on Technical Barriers to Trade (TBT). After decades of litigation, the WTO, in the US-Tuna panel report, has eventually held that protecting dolphins (not only as a species but also the welfare of each individual) was a legitimate regulatory objective that could justify limiting trade by adopting measures such as labeling.⁸⁵

Following these cases, especially the EC-Seals ruling, it may be possible for a country to require imports to meet animal welfare standards equivalent to those it applies to its own products, if the country is acting to protect public morality. The DSB has also stated on several occasions that Members of the WTO have the right to determine the level of protection that they consider appropriate to achieve a given policy aim, for example public health, conservation, prevention of deceptive practices – or, in relation to animal welfare, public morals.⁸⁶

Looking at recent case law, a policy measure to restrict trade based on animal welfare should clearly state its objective and refer to public concerns related to animal welfare; it should be country neutral; and discussions should have taken place with partner countries that are

⁷⁹ Report of the Appellate Body in *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*, WT/DS135/AB/R, 12 March 2001, paragraph 101

⁸⁰ See 50 C.F.R. § 216.91(2)(i)-(ii) (providing guidelines for verifying and labeling dolphin-safe tuna).

⁸¹ See *US – Tuna* Panel Report, ¶¶ 7.235, 7.248–.250.

⁸² *Id.* ¶¶ 7.374–.378; *US – Tuna* Appellate Body Report, ¶¶ 284–97.

⁸³ *EC-Seals* Panel Reports, ¶ 7.187

⁸⁴ See *id.* ¶¶ 7.419–.420.

⁸⁵ When considering Article 2.2 of the Agreement on Technical Barriers to Trade in the *US – Tuna* case, the panel said that “a measure that aims at the protection of animal life or health need not, in our view, be directed exclusively to endangered or depleted species or populations, to be legitimate. Article 2.2 refers to “animal life or health” in general terms, and does not require that such protection be tied to a broader conservation objective. We therefore read these terms as allowing Members to pursue policies that aim at also protecting individual animals or species whose sustainability as a group is not threatened.”

⁸⁶ See Report of the Appellate Body in *EC – Asbestos*, above n. 34, paragraph 168; see also Report of the Panel in *US-Tuna II (Mexico)*, above n. 56, paragraph 7.460; see also Panel Report in *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services*, WT/DS285/R, 10 November 2004, para. 6.461; see also Report of the Panel in *China – Publications and Audiovisual Products*, WT/DS363/R, 12 August 2009, paragraph 7.819 (finding that China was entitled to adopt a high level of protection of public morals in its territory because “it is up to each Member to determine what level of protection is appropriate in a given situation”).

the main producers of the targeted products in order to find another solution to address public concern, and what should be required from exporters should be an equivalence of results rather than method. This final point was stated in the US-Shrimp case, where the Appellate Body ruled that a country can make the adoption of a programme equivalent (but not identical) in effectiveness to its own a condition of access to its market.⁸⁷

If countries better understood their right to require imports to meet welfare standards equivalent to their own in the wake of the EC-Seals decision, it might remove the chilling effect that has made WTO members very apprehensive of enacting welfare improvements.

5.4 DISCUSSING ANIMAL WELFARE AND SDGS AT WTO LEVEL

After the failure of the latest WTO Ministerial Council to achieve any concrete outcome, the European Commission announced a reflection on its WTO priorities, the role the EU should have in the organisation, and what the EU should wish to achieve. In September 2018, the Commission published a concept paper on the WTO modernisation as a basis for a debate with Member States and other relevant stakeholders. This note includes a paragraph on Sustainable Development Goals (SDGs). According to the text, “the Sustainable Development Goals agreed by the world’s leaders in 2015 already set out a detailed set of actions that need to be pursued, many of them with strong links to trade. [...] Consequently, the EU should, over the coming months, prepare a detailed analysis of the SDG targets and identify ways in which trade policy could contribute to achieving them. The EU should then together with other Members actively pursue putting forward these issues for exploration and discussion in the WTO”.

In the noughties, the EU adopted a bold approach towards animal welfare and trade policy. In 2000, the Commission tabled a proposal on the matter to the WTO Committee on Agriculture.⁸⁸ Back then, animal welfare was seen as “an issue of growing importance”, notably – but not only – in the European Community (EC). The Commission based this affirmation on a study it published itself in 2002 on “animal welfare legislation on farmed animals in third countries and the implications for the EU”.⁸⁹

The two documents reflect conclusions very similar to the ones drawn up by Eurogroup for Animals in the context of its work on trade and animal welfare. The proposal made by the EU to the WTO recognized that the WTO did not “provide a framework within which to address animal welfare issues” and argued that there was a “genuine need” to discuss animal welfare in the WTO context. It set two objectives for the EU WTO policy: to ensure trade does not undermine the EU’s efforts to improve animal welfare standards, and to avoid protectionist views on this issue.

The first objective has not been fulfilled, and while the EU adopted the Slaughter Regulation – one of its flagship legislations imposing criteria on welfare at the time of killing to imported products as well – in 2009, the Commission has not produced any new animal welfare legislation in the past eight years. This period corresponds roughly with the publication of the “Global Europe” trade strategy and the intensification of bilateral trade negotiations. Interestingly, the EU also adopted a landmark ban on seal products in 2009 that it had to defend at the WTO for years until it got cleared in 2014. This has also contributed to the EU’s shyness in the field.⁹⁰

In addition, many animal welfare legislations that were passed before 2009 did not include a trade dimension, meaning that they did not automatically apply to imports. The Laying Hens Directive (1999) or the Broiler Directive (2007) are good examples of this shortcoming.

The second objective of avoiding protectionism referred to the fact that the issues it raised regarding animal welfare are more linked to highly industrialised intensive systems, which were found in developed rather than developing countries. Nowadays intensive farming has unfortunately been spreading to emerging countries as well, increasing the scale of the damage. This expansion (to meet the increasing global meat and dairy demand) represents an increasing threat to achieving the SDGs and fighting efficiently global challenges such as antimicrobial resistance and climate change.

At the time, the EU also noted the need to create a common understanding of animal welfare. Work carried out at the OIE for the past 15 years has contributed to this goal. Since then, the EU has been active at least raising awareness on animal welfare on the international stage. It has successfully contributed to creating a context in which more decisive actions could be taken.

⁸⁷ See Report of the Panel in United States-Import Prohibition of Certain Shrimp and Shrimp Products, WT/DS 58/RW. 15 June 2001, paragraph 5.93; see also Appellate Body Report in United States-Import Prohibition of Certain Shrimp and Shrimp Products, WT/DS 58/AB/RW. 22 October 2001, paragraph 144.

⁸⁸ European Communities proposal, [animal welfare and trade in agriculture](#), 28 June 2000

⁸⁹ European Commission, [Animal welfare legislation on farmed animals in third countries and the implications for the EU](#), 18 November 2002

⁹⁰ Read more in our [blog post](#) on the chilling effect

The 2000 proposal describes some ways to act that could be discussed again in the light of the changing political context described earlier in this report. The recognition by the EU that every country can choose its level of animal welfare standards, while still entirely valid, is challenged by the need for global action to tackle challenges such as antimicrobial resistance and climate change. The EU has an even greater interest to promote higher standards in every country, not only by including conditional liberalisation in its bilateral trade agreements, but also by pursuing a bold policy on the topic at the WTO. Two elements could be part of such policy: moving forward the debate on NPR-PPMs and “likeness” in view of the importance of methods of production in determining sustainability; and discussing lowering subsidies that fuel unsustainable farming practices that are so detrimental to animals.⁹¹

⁹¹ <https://bit.ly/2kC7hut>

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CONCLUSIONS



Animal welfare is an important moral concern in its own right and an inherent element of sustainability. On the one hand, industrial animal agriculture not only has low welfare standards but also puts several of the SDGs out of reach, including those related to smallholder livelihoods, food security, biodiversity, the environment and climate change. On the other hand, improving the welfare of working animals can contribute positively to several SDGs. Using trade policy to impact animal welfare is thus crucial to achieve the SDGs.

WTO members tend to be reluctant to improve animal welfare standards, fearing that their own producers will be undermined by lower welfare imports. However, subject to important provisos, the WTO rules enable members to support higher welfare standards through labelling schemes and subsidies. Moreover, WTO case law has begun to recognise that in certain circumstances it is legitimate for a member to distinguish, in its sales and labelling legislation, between products on the basis of the way in which they have been produced, even though they are physically similar or identical.

Crucially, the WTO Dispute Settlement Body (DSB) ruled in 2014 that animal welfare concerns can fall within the scope of GATT Article XX(a) exception on public morals. Another panel confirmed this view in a case related to labeling and thus to the Technical Barriers to Trade agreement, by stating that a measure that aims to protect animal life or health need not be directed exclusively to endangered species but can also aim to protect individual animals or species whose sustainability is not threatened. The DSB also established conditions in which trade restrictions based on NPR-PPM should be compliant with WTO rules (country neutral, equivalence of results, discussions with the affected partners).

Higher animal welfare standards can be promoted through trade policy, and countries should not hide behind WTO rules to defend their inaction. It is high time to transform words into action and to make trade policy truly sustainable.



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