

# Protecting All Animals



## Humane, Sustainable, and Equitable Development and the Doha Development Agenda

**THE HUMANE SOCIETY OF THE UNITED STATES AND HUMANE SOCIETY INTERNATIONAL**

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### INTRODUCTION

The Humane Society of the United States (HSUS) is the largest animal protection organization in the United States, with more than 7 million members and constituents. Through its affiliate Humane Society International (HSI) and other partners, The HSUS also maintains a global presence to further its mission to promote the protection of all animals.

The HSUS/HSI are actively involved in the development of international trade and economic policy. The HSUS is a member of the Trade and Environment Policy Advisory Committee (TEPAC) in the United States, advising the United States Trade Representative (USTR) and the Environmental Protection Agency (EPA) on international trade policy. The HSUS/HSI use this extensive experience in international trade and economic policy to help developed and developing countries address the humane treatment of animals, environmental protection, and wildlife and habitat protection.

The HSUS/HSI's combined expertise in these areas can contribute positively to developing World Trade Organization (WTO) Members. Since January 2003, The HSUS/HSI has worked with the Central America countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to build sustainable capacity and offer technical assistance in anticipation of the United States-Central America Free Trade Agreement (CAFTA). The HSUS/HSI also promote humane, sustainable, and equitable development in discussions of international trade and economic policy in the ongoing negotiations at the WTO.

### THE WTO AND SUSTAINABLE DEVELOPMENT

The Doha Declaration, agreed to by WTO Members at the Fourth Ministerial Conference held in Doha, Qatar, in November 2001, aims to achieve greater market liberalization while encouraging sustainable economic development in developing and least developed countries.<sup>1</sup>

According to the Doha Declaration, WTO Members reaffirmed their commitment to sustainable development:

“We strongly reaffirm our commitment to the objective of sustainable development, as stated in the Preamble to the Marrakesh Agreement. We are convinced that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system, and acting for the protection of the environment and the promotion of sustainable development can and must be mutually supportive.”<sup>2</sup>

Although improved market access and limiting trade-distorting policies are important Doha Development Agenda goals, they are not the *only* objectives. The specific inclusion of environmental, sustainable development, capacity building/technical assistance,<sup>3</sup> and transparency provisions<sup>4</sup> in the negotiating agenda sets the Doha Declaration apart from its predecessors.

The important questions surrounding the Doha Development Agenda have yet to be answered, including how this negotiating round actually will promote sustainable development in the developing world. Economic development, the humane treatment of animals, environmental protection, and wildlife and habitat protection can be achieved without sacrificing the goals and priorities of developing countries. Much of the promise of economic development depends in large measure on the ability of developing countries to effectively engage their resources in ways that promote development but do not cause environmental degradation.

The Doha Declaration sets out a number of areas for negotiation. The HSUS/HSI identify a number of issues that WTO Members should consider as the Doha Development Agenda moves forward, including sustainable development; humane, sustainable agriculture; the environment and multilateral environmental agreements; increased transparency; improvements and clarification of the dispute settlement understanding; capacity building and technical assistance; and equitable access to the opportunities and benefits of international trade.

### **AGRICULTURE—HUMANE SUSTAINABLE AGRICULTURE**

The Doha Declaration instructed that “we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out all forms of export subsidies; and substantial reductions in trade-distorting domestic support.”<sup>5</sup> The Declaration also states that “[w]e take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture.”<sup>6</sup>

The agricultural sector in many countries is facing enormous pressure to be more responsive to the demands and preferences of consumers. This is especially true in developed countries, where citizens demand humane and environmentally responsible agricultural practices and products. For example, the European Union (EU) is working to ensure that animal welfare and humane practices are included in the non-trade concerns of the agriculture negotiations because the issue is of extreme importance to its citizens. However, this is not only a European concern. Voters in the United States also demand more humane policies in agriculture.<sup>7</sup> Opinion polls indicate that U.S. consumers are concerned with the treatment and welfare of animals in agriculture, as well as environmental issues.<sup>8</sup>

Moreover, consumers in Europe, the United States, and other countries do more than express concern for animals in opinion polls—they also support humane products with their purchasing power.<sup>9</sup> For example, consumers increasingly seek out and purchase humane products such as free range eggs and chicken, dairy products, and meat.<sup>10</sup>

According to a recent study of the Common Agricultural Policy (CAP) in Europe, agricultural policies must change to reflect the new global realities: “It is however clear that in many aspects, in the provision of public goods and in damage to the environment, modern intensive agriculture is not sustainable.”<sup>11</sup> Increasingly, consumers, scientists, and policy makers reach the same conclusion—agricultural practices must change to accommodate concerns for animal welfare, health issues, environmental protection, and wildlife and habitat protection.

So how do humane, animal and environmentally friendly agricultural policies further the economic interests of developing countries? Development and economic priorities vary from country to country, but one important thread connects development decisions—the sustainability of the policy.

Resources must be utilized in optimal ways that benefit citizens while protecting the environment, natural resources, animals, and wildlife and habitats. Countries must ensure that their development priorities are mutually supportive so that agricultural practices will be compatible with sustainable development, tourism, and other economic development objectives. Development in agriculture must be supportive of the natural environment. It is simply not in the short-term or long-term interests of

developing countries to allow unsound and unsustainable agricultural practices to undermine the potential for sustainable tourism or other economic development opportunities.

For example, the widespread use of chemicals and pesticides on farms and plantations near protected areas with endangered wildlife may lead to toxic runoff, threatening both the animals and their habitats. Such chemical and pesticide use may contaminate protected areas, organic crops, livestock, and freshwater sources. This would have equally devastating consequences for the tourism industry.

Increasingly, consumers are looking for healthy foods produced in a manner that promotes the humane treatment of animals and environmental protection. The demand for organic and humane products is growing in global markets, most notably in the United States, Europe, and Canada.<sup>12</sup> According to a recent Organization for Economic Cooperation and Development (OECD) report, organic agriculture is “estimated to be worth USD 26 billion world-wide and is generally the most rapidly growing sector of agriculture, at anything between 15-30% annually, albeit from a very low base.”<sup>13</sup>

The countries that successfully retool their agricultural systems, laws, and regulatory regimes to take advantage of these growing markets—i.e., humane sustainable agriculture—will have the greatest chance of success in the new century.

### **HSUS/HSI SUPPORT FOR HUMANE AND ENVIRONMENTALLY FRIENDLY AGRICULTURE**

The HSUS/HSI support developing countries’ efforts to retool their agricultural systems to become more humane and environmentally friendly. The HSUS/HSI support the efforts of Humane Farm Animal Care, a nonprofit, nongovernmental organization that developed humane standards for farmers, ranchers, and the food industry.<sup>14</sup> Compliance with these humane standards allows producers to use the “Certified Humane” label in the United States to inform consumers that products were produced humanely, giving them the information necessary to make informed choices about the products they purchase.

HSI provides training on the Economic Benefits of Humane Slaughter<sup>15</sup> in developing countries. Representatives of HSI work directly with government officials, industry representatives, and workers to assess and improve conditions in transportation services and slaughter facilities. Humane slaughter training ensures that animals do not needlessly suffer during slaughter and illustrates how these practices can improve the conditions of the animal products and the workers in slaughter facilities. Furthermore, countries must implement humane slaughter techniques to export meat products to the United States and other countries.

HSI and its Rural Area Veterinary Services (RAVS) program provide veterinary services to rural communities in developing countries. The RAVS veterinarians and veterinary students provide much-needed veterinary services—including routine and emergency medical care, sterilization surgeries, and vaccinations—and training on the appropriate care of animals in rural communities. Benefits to the communities include helping residents better care for pets, decreasing the risks of animal-transmitted diseases and animal-related injuries, and improving the health and longevity of working animals.

The HSUS/HSI hope to continue to work with developing countries through these important programs to provide the training, expertise, and hands-on services needed to improve agricultural systems and the lives of people in rural communities. These programs illustrate that animal welfare concerns are more than ethical or moral issues—they are also economic issues.

The HSUS/HSI will actively promote humane products with their membership, in cooperation with Humane Farm Animal Care and other organizations.

### **Proposed Outcomes for the Cancún Ministerial Conference— Humane Sustainable Agriculture**

- Animal welfare payments in Annex 2, paragraph 12 of the Agreement on Agriculture (the Green Box)—explicit inclusion of animal welfare payments in the Green Box<sup>16</sup>
- Inclusion of labeling provisions for humane and environmentally sustainable agricultural products—e.g., the Certified Humane label
- Greater opportunities for developing countries to take advantage of growing humane and organic markets

## **Environmental Protection, Multilateral Environmental Agreements, and Sustainable Tourism**

The Doha Declaration reiterated WTO Members' commitment to environmental protection and sustainable development.<sup>17</sup> The Doha Declaration set out that there would be negotiations on the relationship between existing WTO rules and specific trade obligations stated in multilateral environmental agreements (MEAs); the procedure for regular information exchange between MEA Secretariats and the relevant WTO committees; and the reduction or—as appropriate—elimination of tariff and non-tariff barriers to environmental goods or services.<sup>18</sup>

In many developing countries, the promise of economic development is inextricably linked to the protection of natural resources, animals, and wildlife and habitats. For many developing countries, the lure of tourism is a powerful incentive to improve their external image and internal policies. Often the rush to promote tourism activities fails to take into account the detrimental effect such policies may have on the very activity the countries are promoting. Tourism can be an important source of revenue and can contribute positively to economic development if it is encouraged and managed in a way that is sustainable.

Countries must carefully consider how to foster greater tourism opportunities while protecting the natural beauty, wildlife, and habitats that provide for those opportunities in the first place. Countries must cooperate with local communities to secure their commitment to protecting the areas to be developed into tourism attractions. The extent to which the surrounding communities are involved with and committed to the success of the endeavor will determine the ultimate success of the project.

For example, in some countries domestic animals such as dogs and cats are killed when they venture into protected areas or national parks because they pose a threat to wildlife. Such activities are inhumane and foster resentment and mistrust in the surrounding communities—people resent having their animals killed. Working with the communities to determine appropriate and humane methods of controlling domestic animals around protected areas or national parks will provide greater opportunities for a successful relationship.

Moreover, the way animals are treated can have a direct and immediate impact on the success of a tourism promotion program. Attitudes towards animals may differ from country to country, but most tourists do not find the sight of starving or inhumanely treated animals appealing. If it is true that you can tell a lot about a country by the way it treats its animals, then countries should be very concerned about how their domestic animals, animals in agriculture, and wildlife are treated.

Simply put, developing countries must address the treatment of animals if they want to promote sustainable tourism as part of their national development strategies.

The HSUS/HSI are willing to work with developing countries to address the humane treatment of domestic animals, animals in agriculture, working equines, and wildlife and habitat protection.

Environmental protection efforts—either domestic or as part of a multilateral environmental agreement—are important aspects of a national development strategy. Efforts to protect the environment, habitats, ecosystems, and biodiversity are positive steps in securing a successful sustainable tourism project, but they will not ensure success. It is clear that environmental protection, habitat survival, and the protection of ecosystems and biodiversity must be dealt with on a multilateral level—not simply on a regional or domestic level.

## **Proposed Outcomes for the Cancún Ministerial Conference— MEAs, WTO Rules, and Sustainable Tourism**

- Greater cooperation and coherence in the Committee on Trade and Environment (CTE) in dealing with the relationship between WTO rules and the specific trade obligations in MEAs—mutually supportive rules and procedures ensuring the integrity of both MEAs and WTO rules
- Special consideration to assist developing countries in their efforts to protect the environment, promote sustainable development, and secure economic advantages
- Strengthen Article XX of GATT 1994 to ensure that non-protectionist measures taken for the protection of human, animal, or plant life or health, endangered species, or the environment are not undermined by the threat of, or resort to, dispute settlement
- The CTE should work to promote greater levels of coherence in developed and developing countries with respect to environmental protection efforts and WTO rules

### **INCREASED TRANSPARENCY**

The Doha Declaration addresses the issue of transparency and confirms that it is WTO Members' "collective responsibility to ensure internal transparency and the effective participation of all Members. While emphasizing the intergovernmental character of the organization, we are committed to making the WTO's operations more transparent, including through the effective and prompt dissemination of information, and to improve dialogue with the public."<sup>19</sup>

The WTO will never capture the imagination of the general public or ensure support among the citizens of its Members without being open, transparent, and responsive to the concerns and problems encountered in WTO Member countries.

Increased transparency and effective public participation need to be addressed by the WTO and—more importantly—by each of its Members. The development of international trade policy begins with the domestic policy of each WTO Member. If WTO Members do not have adequate transparency and public participation provisions in their domestic laws, regulations, and procedures, there is little foundation for these measures to be implemented on a multilateral basis. As part of the effort to improve transparency and effective public participation at the WTO, the WTO should encourage its Members to undertake such activities in their domestic regimes.

### **Proposed Outcomes—Increased Transparency and Effective Public Participation**

- Timely derestriction and circulation of documents and reports, dispute settlement documents, proposals, and minutes of meetings
- Open public sessions of committee meetings, where appropriate
- Greater participation by interested non-governmental organizations (NGOs) and private parties

### **Improvements and Clarification of the Dispute Settlement Understanding**

The Understanding on the Settlement of Disputes (DSU) was hailed as a major accomplishment of the Uruguay Round. After the WTO came into being in January 1995, the DSU became operational. Since then a number of shortcomings in the system have emerged. In June 2001, WTO Members included negotiations on "improvements and clarifications of the Dispute Settlement Understanding."<sup>20</sup> The HSUS/HSI identify a number of areas where the DSU can be substantially improved:

- Deadlines for panel and Appellate Body decisions must reflect the issues and complexities of each case and should be extended or shortened depending on the number of issues, complexity, and number of parties and third parties
- A roster should be created of potential panelists who have environmental, animal welfare, and sustainable development credentials—not just expertise in goods and services

- Amicus curiae briefs and expert information should be accepted by panels and the Appellate Body when it is clear that the submitting entity (NGO, private party, or academic institution) has a clear interest in the subject of the dispute and is able to provide important information that should be considered by the decision makers
- At least some panel and Appellate Body proceedings should be open to the public or—at the very least—interested parties such as NGOs, private parties, or academic institutions that submitted amicus briefs

### **CAPACITY BUILDING AND TECHNICAL ASSISTANCE**

Capacity building and technical assistance are important aspects of the international trade regime. Developing countries must be provided with the tools necessary to prepare for and take advantage of the opportunities that come from access to the international trade regime. The WTO should enlist the support of all sectors of society to engage in capacity building and providing technical assistance to developing countries.

### **EQUITABLE ACCESS TO THE OPPORTUNITIES AND BENEFITS OF INTERNATIONAL TRADE**

WTO Members must work to ensure that all of society is provided with equitable access to the benefits of international trade. It is clear that there are a number of negative impacts from international trade—dislocations of the labor force, loss of industries due to increased competition or unfair trade practices, attacks on environmental or conservation initiatives or laws on the basis of interference with international trade rules, and so on.

It is incumbent on WTO Members to ensure that all aspects of society share in the benefits of international trade rather than be exposed only to the negative effects that increased international trade and the opening of markets may cause. For far too long the poor in many developed countries have seen little or no benefit from international trade, i.e., poverty levels have not decreased despite the increase in country income or wealth.

### **CONCLUSION**

The HSUS/HSI and their strategic partners endeavor to be a constructive force in the development of international trade policy. The WTO is in a position to reshape itself and take a broader agenda into account at this Ministerial Conference. The HSUS/HSI respectfully request that WTO Members carefully consider the ideas and positions contained in this document and embark on a more open, humane, equitable, and environmentally supportive agenda from this point forward.

<sup>1</sup>WTO Ministerial Declaration, Fourth Session Doha, WT/MIN(01)/DEC/W/1 (14 Nov. 2001) (Doha Declaration).

<sup>2</sup>Doha Declaration at 2, para. 6.

<sup>3</sup>Doha Declaration at 8, paras. 38-41.

<sup>4</sup>Doha Declaration at 2, para. 10.

<sup>5</sup>Doha Declaration at 3, para. 13.

<sup>6</sup>Doha Declaration at 3, para. 13.

<sup>7</sup>The Florida Animal Cruelty Act, Amendment 10 (gestation crate ban), 2002.

<sup>8</sup>Poll conducted by David Hill of Hill Research Consultants and cosponsored by The HSUS, 2003.

<sup>9</sup>*Organic Agriculture: Sustainability, Markets and Policies*, Organization for Economic Cooperation and Development (OECD) Agriculture and Food, 2003.

<sup>10</sup>OECD, *Organic Agriculture Report* at 179.

<sup>11</sup>*European Agriculture: Policy Reform and Change*, Europe Information Service (EIS), Brian Gardner, May 2003.

<sup>12</sup>*Organic Agriculture: Sustainability, Markets and Policies*, 2003.

<sup>13</sup>OECD *Organic Agriculture Report* at 9.

<sup>14</sup>Humane Farm Animal Care, Adele Douglass, Executive Director, [www.certifiedhumane.org](http://www.certifiedhumane.org).

<sup>15</sup>See *The Economic Benefits of Humane Slaughter*, Humane Society International and the UN Food and Agriculture Organization (FAO), 2001.

<sup>16</sup>WTO Negotiations on Agriculture, First Draft of Modalities for the Further Commitments, Revision, TN/AG/W/1/Rev. 1 (18 Mar. 2003) at Attachment 8 page 25, para. 6.

<sup>17</sup>Doha Declaration at 1-2, para. 6.

<sup>18</sup>Doha Declaration at 6, para. 31.

<sup>19</sup>Doha Declaration at 2, para. 10.

<sup>20</sup>Doha Declaration at 6, para. 30.