

FREE TRADE AGREEMENT WITH CHINA
SUBMISSION ON ANIMAL WELFARE CONSIDERATIONS (FUR FARMS)

JUNE 2006

1. Cruelty in Chinese fur farms

In 2004 the Australian Government took the highly commendable step of implementing a ban on dog and cat fur imports through the Customs (Prohibited Imports) Regulations 1956. This ban came about following reports of the horrific conditions in which more than 2 million dogs and cats are farmed and killed each year in China alone.

LFA applauds this decision and now urges Prime Minister Howard to give the same degree of consideration to the many other animal species, equally sensitive and intelligent as domestic dogs and cats, which also experience unfathomable suffering for the sake of fashion. These include red, blue, silver and arctic foxes, minks, chinchillas, wolves, rabbits and raccoon dogs.

For instance, evidence obtained by People for the Ethical Treatment of Animals ('PETA') shows that:

- Many animals are still alive and struggling desperately when workers flip them onto their backs or hang them up by their legs or tails to skin them. Other animals have no choice but to helplessly watch on as workers make their way down the row towards them.
- A metal or wooden stick is used to repeatedly strike the bodies and heads of foxes, raccoon dogs or minks while they are held by their hind legs. Alternatively, workers may grab the animal's hind legs and swing its head against the ground. These hands-on methods are intended to simply immobilise or stun the animal.
- Skinning begins with a knife at the rear of the belly whilst the animal is hung up-side-down by its hind legs from a hook. Starting from the hind legs, workers then wrench the animals' skin from their suspended bodies, until it comes off over the head. PETA investigators observed and documented that a significant number of animals remain fully conscious during the procedure.

- When workers on these farms begin to cut the skin and fur from an animal's leg, the free limbs kick and writhe as they try to defend themselves to the very end. Workers stomp on the necks and heads of animals who struggle too hard to allow a clean cut.
- When the fur is finally peeled off over the animals' heads, their naked, bloody bodies are thrown onto a pile of those who have gone before them. Some are still alive, breathing in ragged gasps and blinking slowly.
- Some of the animals' hearts are still beating 5 to 10 minutes after they are skinned. One investigator recorded a skinned raccoon dog on the heap of carcasses who had enough strength to lift his head and stare into the camera.

In addition to inhumane slaughtering practices, the 'living' conditions of these animals are utterly indefensible. Animals pace and shiver in outdoor wire cages, exposed to driving rain, freezing nights, and, at other times, scorching sun.

Mother animals, who are driven crazy from rough handling and intense confinement and have nowhere to hide while giving birth, often kill their babies after delivering litters. Disease and injuries are widespread, and animals suffering from anxiety-induced psychosis chew on their own limbs and throw themselves repeatedly against the bars of their cages.

By allowing the importation of these animals' pelts, Australia is supporting and encouraging all of the above appalling practices.

We strongly urge Prime Minister Howard to now consider whether this support and encouragement should continue.

2. The need for regulation of fur farms in China

Given the abhorrent practices referred to above, it is little surprise then, that there are no laws governing fur farms in China.

Farmers can house and slaughter animals however they see fit, meaning miserable lives and excruciating deaths. In the result PETA's investigators found horrors beyond their worst imaginings and concluded:

Conditions on Chinese fur farms make a mockery of the most elementary animal welfare standards. In their lives and their unspeakable deaths, these animals have been denied even the simplest acts of kindness.¹

We strongly urge Prime Minister Howard to resolve the problem of lack of humane regulation of fur farms in China as part of his negotiations for a Free Trade Agreement with Premier Wen Jiabao.

In particular, we encourage Prime Minister Howard to establish Premier Wen Jiabao's agreement to enact welfare standards at least equal to those specified in the *European Convention for the Protection of Animals kept for Farming Purposes* (1976; ETS 87) ('the Convention'). This incorporates the *Recommendation Concerning Fur Animals* ('the Recommendation'), which governs the stockmanship, inspection, housing and equipment, management, breeding and killing of fur-bearing animals, along with some special species-specific provisions and information on biological characteristics of different species.

Whilst the Convention is simply a 'framework convention' for Council of Europe Member States only, it offers a reasonable benchmark or point of reference in considering how fur farms in China might be regulated. It is vitally important that China enshrine legal protection for fur-bearing animals that is analogous to, for instance, Article 22 of the Recommendation. This states that:

1. *Killing shall be done by a competent person without causing undue agitation, pain or other forms of distress.*

The method chosen shall either

- a. cause immediate loss of consciousness and death, or*
- b. rapidly induce deep general anaesthesia culminating in death, or*
- c. cause the death of an animal which is anaesthetised or effectively stunned without any aversive influence on the animal*

Appendix F lists the principal methods which can, when used correctly, meet these requirements and which should be applied when permitted under domestic law and in accordance with domestic law.

¹ See www.furisodead.com/feat/ChineseFurFarms/

2. *The person responsible for the killing shall ensure that for each animal the requirements under paragraph 1. above are fulfilled, and that the animal is dead **before further procedures are carried out.** [emphasis added]*
3. *Killing shall be done so as to cause the least possible disturbance to the other animals.*

This Article recognises what is obvious to any person with a shred of humanity: that animals are sentient; that they should not be skinned alive; and they should not be forced to suffer the distress of seeing their companions slaughtered, particularly when it is clear that it will be their turn next. It therefore provides a basic benchmark for humane slaughtering of animals in fur farms.

If we are to accept further imports from China, then at the very least we should be requiring Chinese exporters to ensure that animals are no longer conscious before their skin is removed.

Given that Australian fur retailers are increasingly relying on competitive Chinese imports, it is incumbent upon the Federal Government to acknowledge the horrendous cruelty which animals are subjected to in China for the sake of Australian consumers, and to take steps to minimise it.

The Free Trade Agreement negotiations provide a unique opportunity to raise the need for improved animal welfare standards with the Chinese Government, and we urge the Prime Minister to now act forcefully on this issue.

Australia should not be accepting pelts that are obtained from unregulated jurisdictions such as China where it is customary to skin animals alive.

3. **Ban on certain fur imports**

There are many instances (in both Australia and abroad) where the importation of certain products has been banned in recognition of unethical practices associated with that product. Such a ban also recognizes that the importing country would be complicit with those unethical practices if trade were permitted to continue. For instance, Australia has prohibited the importation of rough diamonds generally, and rough diamonds from Sierra Leone and Liberia due to the impact of the trade on the human rights of people in those regions (see Regulations 4MA – 4P of the Customs (Prohibited Imports) Regulations 1956).

LFA now urges Prime Minister Howard to take steps to ensure that Australia does not support the trade in pelts which are obtained through unethical practices. Until such time that China enshrines legal protection for animals in fur farms, LFA believes that all fur imports from China (including ready-made garments containing fur) must be prohibited from entering this jurisdiction. By providing a market for such imports, Australia is, in effect, complicit with the appalling practices detailed above.

LFA therefore calls on the Federal Government to legislate a ban on the import, export, sale and production of products containing fur produced in jurisdictions which do not comply with certain minimum welfare standards (e.g. those specified by the Convention). This ban would apply equally to pelts produced not only in China, but also other jurisdictions such as Romania, Korea, Thailand and the Philippines.

Such a ban would also be consistent with Australia's international trade obligations as a member country of the World Trade Organization ('WTO'), because it would apply equally to domestic and foreign products. Further, Article 20 of the *General Agreement on Tariffs and Trade* (the WTO agreement dealing with the rules of trade in goods) provides that parties are entitled to adopt any measures 'necessary to protect human animal or plant life or health', so long as those measures are not applied in a manner that constitutes a means of arbitrary or unjustifiable discrimination between countries.

The WTO has also acknowledged in the *Doha Declaration* that 'non-trade concerns' are a legitimate consideration in relation to trade in agriculture, while the European Community has also argued that 'animal welfare' is one such important 'non-trade concern'.²

The increasing importance of animal welfare as a relevant trade priority is also acknowledged by the OIE (the World Organization for Animal Health). The OIE is an intergovernmental organization with more than 160 member countries. Under the WTO *Sanitary and Phytosanitary Agreement* the OIE has a mandate to safeguard world trade by publishing health standards for international trade in animals and animal products. Animal welfare standards have been identified by the OIE as a priority trade consideration; while *humane* slaughter has been identified as an area requiring the implementation of acceptable standards.³

² See Committee on Agriculture Special Session, *European Communities Proposal, Animal Welfare and Trade in Agriculture*, GI/AG/NG/W/19, 28 June 2000.

³ See OIE website ('The OIE's initiatives in animal welfare');

www.oie.int/eng/bien_etre/en_introduction.htm

In view of these considerations, LFA submits that a ban on imports of pelts (and garments comprised of pelts) from jurisdictions where production standards fail to comply with, for instance, the provisions of the Convention, would be legally sound and consistent with Australia's WTO obligations.