

Trade negotiations with New Zealand

Consultation response from Wildlife and Countryside Link

October 2018

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 48 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline. We welcome the opportunity to respond to this consultation on trade negotiations with the US.

This response is supported by the following member organisations:

- *A Rocha UK*
- *Born Free Foundation*
- *Buglife*
- *Humane Society International UK*
- *Naturewatch Foundation*
- *RSPCA*
- *Sustainable Food Trust*
- *Zoological Society of London*

Wildlife and Countryside Link supports the position that the UK wishes to maintain and, where possible, improve standards of animal welfare and the environment in the UK as we leave the EU^{1,2}. We also support the Department of International Trade view that it would not lower food, animal welfare or environmental standards after the UK leaves the EU, and that when undertaking trade deals any imported product would have to meet UK standards³.

We support a free trade agreement (FTA) with New Zealand that maintains these basic principles. The two main areas where the UK will have to ensure parity with the New Zealand on animal welfare standards are: standards and trade in farm and agricultural products; and standards and trade in pharmaceutical and other products tested on animals. Furthermore, trading arrangements between New Zealand and the UK must ensure the highest protections for wildlife and prevent the spread of invasive non-native species.

Problem issues where equivalency does not exist

Trade in farm animals and products is the most sensitive trade area due to the large differences in global standards. The World Organisation for Animal Health (OIE) has agreed thirteen global farm animal welfare standards on fish and land animals; the transport and slaughter of animals; and specific ones on meat chickens, dairy and beef cattle. However, these welfare standards are generic and not enforceable, unlike the OIE's animal health standards, either by the OIE or through trade agreements such as Sanitary and Phytosanitary (SPS) measures, Technical Barriers to Trade (TBT)

¹ Michael Gove The unfrozen moment – delivering a Green Brexit. 21.7.17 <https://www.gov.uk/government/speeches/the-unfrozen-moment-delivering-a-green-brexite>

² Prime Minister, PMQs 8.2.17 Hansard

³ Rt Hon Greg Hands MP Minister of State for Trade Policy Efra 6.6.18

measures or General Agreement on Tariffs and Trade (GATT). Many countries do not meet these standards, including those with whom the UK is proposing to undertake FTAs.

A major advantage with undertaking an FTA with New Zealand is the current equivalence of animal welfare standards between the two countries. Indeed, the World Animal Protection Index has awarded New Zealand its highest score, an “A” rating and rated it the top country globally on animal welfare standards⁴ compared to the UK, which also has an “A” rating but is ranked Number 3.

On farm standards, New Zealand is also rated A as it has detailed standards for transport, painful husbandry procedures, commercial slaughter and specific requirements for farmed animals. There are also codes for layer hens, pigs and meat chickens. New Zealand also has a ban on live exports of farm animals, something that the UK is now consulting upon. So there is broad equivalency between the two countries on animal welfare standards.

Aside from farm animal welfare standards, the UK will have to decide the level of animal health standards it sets. It inherits at least four practices that are prohibited under the EU acquis, which are being transferred to domestic law under the European Union (Withdrawal) Act 2018. These include the bans on certain Genetically Modified Organisms, Bovine Somatotropin (BST) and other hormones in beef and chlorine washed chicken. Animal health standards come under the Sanitary and Phytosanitary (SPS) Agreement, which does not allow health standards to be above the agreed global standards.

Whilst BST is banned in the New Zealand dairy industry, New Zealand does allow the use of hormones in its beef industry. Although it is only used in around 1% of the herd⁵, New Zealand did join with the USA in challenging the EU’s beef-hormone ban in 1998. Growth promotants are problematic for animal welfare for two main reasons. Firstly, they stress the animals’ metabolism – diverting resources into growth rather than maintenance, increasing hunger and vulnerability to suboptimal management. Secondly, some of these drugs are used as an easy alternative to good husbandry, suppressing disease but allowing other poor practices such as overcrowding⁶.

Solutions

One of the easiest ways for the UK to proceed is to include a chapter in any FTA on animal welfare to ensure its own standards are protected, such as in the draft EU-Mexico FTA. Including an animal welfare chapter in the Australia FTA could contain language that the two countries cooperate on programmes to raise animal health and welfare standards, thus meeting OIE global standards, but crucially that each country is allowed to maintain its own standards of animal health and welfare.

To maintain its farm standards and farming industry, the UK should only permit imports of products that have been produced to UK animal welfare standards. This could be achieved by: ensuring that tariffs are not relaxed on sensitive issues such as eggs, chicken and pigmeat unless the Australia’s standards are equivalent to the UK’s in those areas; ensuring that any Tariff Rate Quotas (TRQs) are

⁴ <https://api.worldanimalprotection.org/country/new-zealand>

⁵ <https://beeflambnz.com/compliance/food-safety/use-hormonal-growth-promotants-hgps>

⁶ EFSA. 2007. Opinion related to hormone residues in bovine meat and meat products.
<https://www.efsa.europa.eu/en/press/news/070718>

only agreed where equivalency occurs; and ensuring that the UK's bans on imports of products produced with growth-promoting agents are maintained.

There are fewer concerns on the FTA with New Zealand than any other of the proposed FTAs the UK is considering due to the broad equivalency in animal welfare standards between the UK and New Zealand.

However there are differences on animal health standards. Whilst BST is banned in the New Zealand dairy industry, New Zealand does allow the use of hormones in its beef industry. The UK should only agree to increase the trade in beef not treated with hormones.

New Zealand is an important export market to the UK, particularly in the sheep sector where it supplies 74% of UK sheep imports amounting to a quarter of the sheep meat consumed in the UK⁷. These imports all come in under a Tariff Rate Quota (TRQ) agreed when the UK joined the EU. The EU and UK have notified the WTO that they will split these TRQs based on historical trade levels but New Zealand has objected to this process on its sheepmeat TRQ. The UK should agree TRQs on those sectors where animal welfare standards are equivalent to the UK.

Wildlife protection

If drafted appropriately and with necessary resources allocated, a free trade agreement between the UK and New Zealand could be an effective and powerful platform for both countries to demonstrate leadership in protecting biological diversity. The UK-New Zealand FTA must include strong commitments requiring each Party to protect its own domestic wildlife and wildlife habitats. New Zealand is a biodiversity hotspot, which is home to many unique endemic species and a wide variety of different habitats and ecosystems. The world's rarest penguin species, the yellow-eyed penguin, which primarily lives in the coastal forests and shrub land of New Zealand's South Island, is an example of how an endemic species has suffered dramatic population declines largely as a consequence of the destruction of its habitat to create more agricultural land to pasture dairy cattle. Similarly, both Maui and Hector's dolphins, are being pushed to the brink of extinction due to accidental fisheries bycatch.

Protecting wildlife from illegal trade should be a key priority for UK and New Zealand negotiators alike. The Trans-Pacific Partnership (TPP) Environment Chapter is the most progressive environment chapter in an FTA to date and should be used as the basis for an Environment Chapter in a trade agreement between the UK and New Zealand. Consumers in developed countries cause threats to species through their demand of commodities that are ultimately produced in developing countries. The environment/sustainable development chapter must articulate the commitment of both parties to combating wildlife trafficking, including:

- Language requiring both parties to implement and enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Migratory Species (CMS), the Convention on Biological Diversity (CBD), and the adoption of stricter domestic measures where necessary.
- A ban on import, export, and sale of rhino horn and ivory from elephants and other ivory-bearing species, and agreement on the destruction of all government held ivory stockpiles.

⁷ AHDB. 2016 Horizon: what might Brexit mean for UK trade in agricultural products?

- A commitment to use diplomatic tools to urge other governments to restrict or ban domestic sales of ivory and to destroy ivory stockpiles.
- A pledge to oppose any CITES member proposals to reduce protection for any populations of elephants or rhinos, regardless of whether it is on a “one-off” or “experimental” basis.
- Provisions allocating resources to demand reduction efforts at the domestic and international levels, including public education and outreach, as well as cooperation with NGOs, civil society groups, and other stakeholders.
- Provisions to make it an offence to trade in species that have been taken, possessed, transported, or sold in violation of the national laws of third countries. This would be an opportunity to curtail parts of the exotic pet trade and place trade restrictions on species that are not CITES-listed.
- Language requiring stronger enforcement of penalties for illegal wildlife trade.

It is also imperative to ensure the long-term sustainability of marine turtles, sharks, and marine mammals such as whales and polar bears through adequate conservation and management measures. Similarly, the FTA should drive action against illegal, unreported and unregulated (IUU) fishing. The sustainable development/environment chapter should include commitments including:

- Language promoting collaboration between the UK and New Zealand on wildlife trafficking issues, including through the strengthening of protections for threatened species affected by trade at both domestic and international levels, and through assistance and support for third countries and transnational enforcement bodies.
- Language requiring compliance with, and implementation and enforcement of, Multilateral Environmental Agreements (MEAs) and regional fisheries agreements, including but not limited to CITES, the International Convention for the Regulation of Whaling (ICRW), the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Agreement on the International Dolphin Conservation Program (AIDCP), the Inter-American Tropical Tuna Commission (IATTC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT). This could involve the adoption of even stronger measures.
- Enact and effectively enforce a prohibition on trade in shark fins and require that each shark be landed with the fins naturally attached.
- Prohibit the take for commercial purposes, and trade and transit of shark products, of endangered species as well all species of sea turtles and marine mammals, including polar bears, seals, dolphins, and whales.
- Produce, share, and utilise species-specific data, including population and biological assessments, to improve management measures intended to promote the long-term conservation of sharks, sea turtles, and marine mammals.
- Implement, and enforce the Port State Measures Agreement to tackle IUU fishing.
- Provisions requiring stronger enforcement of penalties on IUU fishing.
- Language making it unlawful to trade in fish taken, possessed, transported, or sold in contravention of a foreign law.
- Prohibit subsidies that contribute to overfishing or overcapacity; to illegal fishing, including subsidies for IUU-listed fishing vessels;
- Report fisheries subsidies, together with data concerning the fishery that the subsidies affect, including catch of fish stocks, status of fish stocks, fleet capacity, conservation and management measures in place, and total imports and exports per species.

- Implement and effectively enforce measures to reduce by-catch, such as: time-area closures or changes in fishing practices or gear to avoid catching vulnerable species; monitoring of landed and discarded catch; enforceable limits on catch including discards; making annual assessments of bycatch levels to set baseline values to determine whether bycatch is being reduced on an annual basis.

The FTA should also include a commitment to allocate meaningful human and financial resources to carry out the obligations of the sustainable development/environment chapter. Moreover, the provisions of the chapter should include concrete and enforceable language in the form of “shall” as in, for example, “shall adopt, maintain, and implement” as opposed to weak language like “should” or “strive to.”

Accidental spread of invasive non-native species

When undertaking trade deals any imported product should meet UK environmental standards, including biosecurity and phytosanitary measures to prevent the introduction to the UK of invasive non-native species. An example of a possible pathway of introduction is trade in live containerised plants. Not only can plant pests be inadvertently spread, but other organisms may be introduced as ‘hitch-hikers’ in the potting medium. Examples of invasive non-native invertebrates that may have arrived in the UK in this way are the New Zealand flatworm *Arthurdendyus triangulatus*, and the Australian flatworm *Australoplana sanguinea*, both of which prey on earthworms. The precautions in the Plant Health (England) Order 2015 should be applied to imports of live plants, including a requirement for phytosanitary certificates covering soil or growing medium.

Conclusion

Wildlife and Countryside Link supports a free trade agreement with New Zealand provided that it maintains the following two basic Government principles: that when undertaking trade deals any imported product would have to meet UK standards, and that UK animal welfare and environmental standards would be maintained and where possible improved. This should be the least challenging of the four FTAs the Government is considering due to the existing level of equivalency between the two countries on animal welfare and health standards.