

the importation of a product, arguing the law is just a trade restriction in disguise—are heard in unaccountable, closed international tribunals staffed by trade lawyers who often have a vested interest in upholding the status quo system of trade. Despite being secretive and undemocratic, these tribunals are effectively empowered to overturn domestic environmental and animal protection laws. The losing country faces retaliatory sanctions, fines, or is forced to change its law—subordinating its hard-won laws to unelected trade bureaucrats. This “trade at all costs” mentality makes animal protection extremely difficult to achieve.

Notably, the WTO includes language that allows some exemptions from the trade rules under these agreements. National laws may contravene the WTO, for instance, if they are “necessary to protect human, animal or plant life or health,” or if they relate “to the conservation of exhaustible natural resources.” However, in order for either of these exemptions to apply, the measure in question must not be “applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade.”

This is where the trade lawyers come in. Is a ban on furs from animals caught with steel jaw leghold traps “necessary” to protect the animals’ health? Are endangered sea turtles “exhaustible natural resources?” Is it “discrimination” to judge one can of tuna differently than another? Animals should get the benefit of the doubt, but it is hard to convince powerful trade bureaucrats that animal welfare and endangered species conservation are important enough to warrant restraints on commercial trade in certain products.



The EU banned the use of leghold traps internally and prohibited other nations using the device from importing fur from 13 species, including the lynx. Threatened with a trade challenge by the US, the EU abandoned its fur import restriction.

YOU CAN MAKE A DIFFERENCE

Please call or write Members of Congress, urging them to reject any and all trade agreements that compromise our sovereign ability to enact and enforce legislation or regulations that protect animals from cruelty or wild species from extinction. Also insist that the United States not challenge other nations’ animal protection laws in undemocratic trade tribunals. Lawmakers should instead vigorously defend our own vital laws (and our sovereign right to enact such laws) to protect all animals and their habitats.

To find contact information for your US Senators and Representative, please contact the Animal Welfare Institute or visit www.compassionindex.org.

Join civil, lawful demonstrations against the influence of free trade agreements over domestic animal protection laws. Remember, the tuna-dolphin dispute and images of sea turtles marching through the streets of Seattle in protest of the WTO enlightened millions.

Do your research and vote with your wallet. Try to buy products that are locally grown or manufactured. At the very least, try to avoid buying goods from multinational corporations that exploit animals and the environment.

ABOUT US

The Animal Welfare Institute is a non-profit charitable organization that was founded in 1951 to reduce the sum total of pain and fear inflicted on animals by humans. We educate consumers and decision makers about the threats to animals posed by trade agreements.



In 2003, demonstrators dressed as dolphins protested the WTO Fifth Ministerial Meeting in Cancun, Mexico.



**Animal Welfare
Institute**

P.O. Box 3650, Washington, DC 20027
(703) 836-4300; fax: (703) 836-0400; www.awionline.org

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FREE TRADE

ANIMAL WELFARE INSTITUTE



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FREE TRADE

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GOING GLOBAL

Your government should be able to stop products from entering the marketplace if they are created by causing animal suffering or decimating threatened and endangered species. Unfortunately, multinational corporations and complicit national governments have imposed international “trade” rules that give companies unfettered access to markets and threaten national protection of animals, the environment, workers, and the democratic law-making process itself.

To facilitate trade (and the pursuant corporate profits), these agreements set uniform global standards for regulations such as environmental protection policy. But instead of setting a “floor of decency” and requiring countries with poor standards to improve them, the agreements do the exact opposite, often forcing countries to *weaken* their standards to conform to global rules. Countries with strong habitat-protection policies, for instance, may be forced to weaken those policies in the interest of commerce.

Animals across the globe suffer as a result of this “race to the bottom” in environmental and animal welfare standards. When their homes are eliminated and polluted, animals die. While corporate profits skyrocket, workers become increasingly impoverished, leading to a class of



Ursula Keiner-Bennett/turtles.org

Because of WTO rules, the US faced years of international litigation to enforce Endangered Species Act regulations mandating use of Turtle Excluder Devices to protect highly endangered sea turtles.

poor and frustrated people who are forced to catch, consume and sell animals as fast as they can in order to survive. Truly free trade would be *fair* trade, and that means fair for the animals of the world, too.

FREE TRADE VS. ANIMAL PROTECTION

In 1947, the General Agreement on Tariffs and Trade (GATT) was created to break down barriers and ease the sale of goods over international boundaries. In the 1990s, new institutions such as the World Trade Organization (WTO) and bilateral pacts such as the North American Free Trade Agreement (NAFTA) vastly expanded the scope of the original GATT, adding countless rules that limit how countries can legislate on a variety of issues, including environmental and animal protection.

Under the rules of the WTO and NAFTA, member states cannot control the traffic of any commodity based solely on the way it is created. Essentially, nations should not discriminate against “like products,” regardless of whether or not one was produced, for example, by exploitation of the environment or animals. Unlike various international environmental agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, these WTO and NAFTA rules are binding and enforceable through powerful economic sanctions.

The most infamous case concerning animals relates to canned tuna. In an effort to protect dramatically declining dolphin populations, the United States prohibited importation of tuna that was caught using nets in which dolphins often become trapped and die. A number of Latin American countries objected to this import ban, arguing that it discriminated against their tuna-fishing



Compassion Over Killing

The European Union agreed to phase out cruel battery cages for hens, despite the fact that this may directly conflict with WTO rules. The WTO may even prevent labels on eggs to let consumers know how the hens were treated.

industries. When these countries threatened to challenge the US law in an international trade tribunal, the US government revoked the ban. After 8 years of legal wrangling, a federal appeals court unanimously agreed to reinstate the ban in 2007.

Though the tuna-dolphin dispute is the defining case of the impact of free trade agreements on animals, it is not the only example. The EU has been undermined in its efforts to prohibit the import of furs from animals who were caught using the barbaric steel jaw leghold trap. The United States had to undergo years of litigation to defend its policies regarding the importation of shrimp from countries whose trawlers do not employ Turtle Excluder Devices, which allow highly endangered sea turtles to escape the shrimp nets that would otherwise drown them. Meanwhile, the EU refuses to drop its wise ban on imported beef from cows injected with growth hormones, which are used in American animal factories. As a result, the WTO forces the EU to pay \$116.8 million of taxpayer money in trade sanctions every year until it revokes the ban.

While the EU may be able to afford to pay such a steep penalty, imagine if a poor country was faced with such an enforcement action—there is no chance it would keep its law, no matter how popular or crucial for animal welfare it might be. We now live in a world in which bans on eggs from hens in cruel battery cages, cosmetics created by animal testing, or the trade of certain parts of threatened or endangered species may never become law because of the mere threat of a trade challenge.

These trade disputes—which occur when one country challenges another for having laws that limit



Jeff Pannikoff

Following extensive litigation, a US federal appeals court in 2007 refused to allow a weakening of the dolphin-safe label on tuna products. Today, dolphin-deadly tuna remains banned in the United States.