**COMMENT ON THE DRAFT GUIDELINES FOR THE**

**TRANSPORTATION OF LIVE ANIMALS BY SEA**

BY LIVESTOCK ANIMAL WELFARE ASSOCIATION (LAWA)

We have studied the draft guidelines and wish to comment as follows:

ABOUT LAWA:

1. Livestock Animal Welfare Association (LAWA) was, together with the then Meat Board, the initiator of / and a founder member of the Livestock Welfare Coordinating Committee (LWCC) in August 1978.
2. LAWA and the Farm Animal Unit of the National Council of NSPCA’s were the only animal welfare organisations in South Africa that focused their efforts solely on the welfare of livestock.
3. We were involved with Minister of Agriculture, Mr Kraai van Niekerk’s official overseas mission to Australia in August 1995 to investigate the possible trade and transport by ship of Australian sheep to Durban South Africa. We were also actively involved in the arrangements for the follow-up mission of Dr Hym Ebedes, a Department of Agriculture veterinarian, to Aqaba in Jordan in September 1995, in order to follow up on the findings in Australia.
4. In 2001 our Chairman investigated the trade comprehensibly and submitted the Skipstat document to the LWCC and its members, including the Department of Agriculture’s representative.
5. LAWA undertook another comprehensive study of the international livestock trade and its transportation of live slaughter stock on ships to overseas destinations in 2020/21. The attached document ‘Export of Livestock by Ship’ is the result of that study and forms part of this submission.

ABOUT THE GUIDELINES

1. Why the need for guidelines? The interpretation is that the High Court of the Eastern Cape and Government wish to decrease the risk of ‘unnecessary and avoidable animal suffering’ in the transport by ship of livestock for slaughter at overseas destinations with its ‘direct and indirect animal wellbeing, public health and economic implications.’
2. The five freedoms: The five freedoms of animals is a generally accepted constructive approach of man’s dominion over animals drafted by Prof. John Webster of the University of Bristol. In the mass transport of slaughter stock by ship these concepts (especially those relating to freedom for the animals to express normal behaviour and freedom from fear and distress) are more difficult to attain on a ship.
3. Risks: Guidelines will only diminish risks of unnecessary suffering by animals on livestock carriers but cannot eliminate it. Animals will still suffer and die.
	1. High temperatures: Inclement weather can be encountered during a consignment’s voyage on livestock carriers at sea. Unbearable high temperatures can be encountered when crossing the equator. Guidelines cannot eliminate this risk completely. Ventilation is not airconditioning. When the air temperature and the humidity is high ventilators only move hot and humid air. With climate change air temperatures have already increased 1.2°C.
	2. Storms: Heavy weather including storms and cyclones can be encountered with animals being injured. Ships even capsize and sink. Animals in those consignments are trampled and smothered to death. Most drown. (With climate change such heavy weather is worsening.) There are ships grounding. Guidelines cannot eliminate the risk of encountering storms at seas and consequent injuries, suffering and death.
	3. Breakdowns: A generator breakdown of only five minutes resulted in the death of 6119 livestock and the suffering of thousands more aboard the Corriedale Express. Daily deaths increased from 27 to 1772. (See Annexure 8, ‘Some Ship Disasters’) The guidelines cannot eliminate the risk of breakdowns completely.
	4. Unforeseen risks:
		1. Nobody expected the giant Ever Given becoming bogged down in the Suez Canal. Fourteen loaded livestock carriers were caught in the traffic jam with limited reserve feed stocks. (See Annexure 8, ‘Some Ship Disasters’)
		2. The capsizing of livestock carriers Queen Hind (98.2% mortality) and Haidar (88% mortality) with huge suffering were never foreseen. (See Annexure 8, ‘Some Ship Disasters’)
4. Old and converted vessels:
	1. The average age of the livestock fleet is 36 years compared to the global merchant shipping fleet’s 20 years and the container fleet’s 13 years. The older ships are more prone to breakdowns. They have a higher risk of ‘unnecessary and avoidable animal suffering’ in transport of livestock.
	2. 80% of livestock carriers are converted from RoRo (wheeled cargo), container ships, general cargo ships, passenger ships and even an oil tanker. Conversion requires compromising. The original hull and machinery is used. There are a lot of old conversions and also a lot of recent conversions of old hulls. Converted ships have a history of inspection failings. Crews are less able to control problems when animals are overheating in bad highly humid and dirty conditions on converted vessels. They have a higher risk of ‘unnecessary and avoidable animal suffering’ in transport of livestock.
	3. South African authorities failed to consider these risks when allowing the 33-year old livestock carrier Al Shuwaick to load a consignment of sheep in East London in 2019. The Al Shuwaikh, a twintier livestock carrier, also could not comply with the new Australian Maritime Safety Authority’s regulations for single tier sheep transport. The Australian’s reasons for banning the vessel were valid from an animal welfare and animal handling point of view. The vessel’s operators consequently turned to South Africa as an alternative source for sheep for their twin tiered sheep carrier. South African authorities also failed to consider this risk of importance.
	4. Al Messilah is a Livestock Carrier that was built in 1980 and was converted from a fully enclosed vehicle carrier in 1995. Its age of 40 years and the conversion was not considered important enough by South African authorities or the High Court when it was allowed to load sheep destined for the Middle East in East London in 2020.
5. Records of mortalities, incidences and disasters of all livestock carriers like the Al Shuwaick and Al Messilah’s are indications of animals’ suffering on board ships. The carrier’s records are actually proof of suffering that could have been avoided by exporting chilled or frozen meat. No country, with New Zealand now the exception, have acknowledged this fact and taken those records into account to prevent the export of live animals. Every consignment’s records are proof that animals suffer on every voyage. The Department that has the ‘authority to prevent pain, suffering and stress or the circumstances leading to it’ and whose guidelines will allow the authorizing of the export by ship of live animals for slaughter overseas, are in effect in offence of the Animals Protection Act. Animals will suffer and die unnecessarily.
6. After a ship’s berthing:
	1. In the countries of destination with different livestock welfare standards and laconic ways of slaughtering many weakened animals will suffer and die at discharge, in transport to holding feedlots, in the holding feedlots, in transport from holding feedlots to abattoirs and at the abattoirs. These mortalities are even more than those on ships. At abattoirs there are emergency slaughter, cutaways of injuries on carcases and down gradings. None of this is reported to exporting countries or published. Exporting countries’ guidelines having no influence over it and no knowledge of what happen to consignments after a ship’s berthing.
	2. It has been proven that exporting countries guidelines / standards / MoU’s / agreements cannot prevent rejection of consignments by importing countries. Consequently, guidelines are even more ineffective after consignments have been discharged at the port of destination. In cases of rejection consignments have to be held on board for weeks longer and sometimes months.
	3. All of this is unnecessary because importing countries also import chilled and frozen meat. Internally they market meat in chilled and frozen form and already have all the facilities required for it. Companies like KLTT even export meat in chilled and frozen form from Kuwait to Kuwait’s neighbouring countries. No animal welfare guidelines are required with chilled and frozen meat. There is no pain, suffering or stress involved.
7. Import tariffs

Having live animal is not consumers’ preference, meat is.

It is countries’ 40% import tariffs on meat that is restraining the international trade of chilled and frozen meats from taking off. And it is the 0% tariff on livestock that created the tremendous profit opportunity to preferably export slaughter animals live rather than meat. Even the risky and costly conversion of old and used ships into livestock carriers is made possible by the 40% tariff on meat while there is zero on livestock. The huge mortality losses in live trade are financially affordable because of the tariff advantage. Governments, including South Africa, are making no effort to equalize the tariffs on meat and livestock but maintain the 40% import tariff on meat and 0% on livestock. Governments are thus promoting live animal export and discouraging the international meat trade. Governments and customs unions are doing nothing to rectify the discrepancy. Consequently, governments and the custom unions that they are part of should be held most responsible for the injuries, suffering and death of millions of livestock on ships and in the importing countries. They should also accept the blame for the destruction of so much food value, the loss of hundred thousands tons of meat, millions of hides and skins and the polluting the oceans with it. The trade is a mess and an international disaster and governments and customs unions wont take the blame for it and do nothing to stop it.

1. Authority to prevent it

The animals are sentient beings. Cruelty is defined as either a deliberate deed, or a deed committed in ignorance, or the authorising of a deed that results in an animal (sentient being) experiencing pain, suffering or stress (and death) which could have been avoided. It includes neglect by the owner of the animal **and the person who has the authority to prevent pain, suffering and stress or circumstances leading to it**.

It is clear that governments, their Departments of Agriculture, SA Revenue Services (SARS), customs unions, the International Trade Administration Commissions (ITACs) and the World Trade Organisation (WTO) together have authority to prevent the pain, suffering, stress and mortalities of the millions of slaughterstock in the live trade or the **circumstances leading to it**. All are involved and partly responsible for their roles in the cruelty to animals in the live international trade of slaughter stock by maintaining import tariff structures with meat at 40% and livestock at 0%. They have the authority to resolve to equalize the import tariffs on meat and livestock instead of the present attempt to enforce guidelines that will become window dressing and allow the continuation of the live trade instead of the trade in chilled and frozen meat. But they never consider it and thus remain in offence of countries’ animal protection laws. New Zealand now is the exception by phasing in the banning of live export of slaughter stock to overseas destinations over a period of two years.

1. Recommendation:

It is recommended that South Africa follow the example set by New Zealand by banning the live export (as well as imports) of slaughter stock. It can be followed later by attending to the tariffs issue.