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editorial

FTAs and agriculture

There is growing distrust and mobilisation against Free Trade Agreements.

Free Trade Agreements (FTAs) hurt food sovereignty because they:

- Erase the possibility of public strategies supporting local markets.
- Lower or remove tariffs on imported goods, hurting local small-scale food producers who cannot compete with large subsidised agribusiness imports.
- Harmonise standards on food safety, pesticides, GMOs and animal welfare benefitting corporations: the imposed lowest standards protect their profit margins.
- Rewrite patent laws, requiring countries to privatise plants and animals; criminalise peasants who save and exchange seeds and breeds thus damaging biodiverse food systems.
- Require that foreign investors be treated better than domestic ones, gaining more access to land and water, and powerful rights to defend themselves through investor-state arbitration that is fundamentally anti-democratic.

FTAs aren't just about 'trade'. They're comprehensive agreements to lock in free market capitalism, strengthen the power of global corporations, finance, and powerful governments, and advance their geopolitical objectives.

There are direct links between FTAs, climate change, ecological devastation, and violations of Indigenous Peoples', workers' and farmers' rights. Trump's election and Brexit partly reflected public outrage at free market economics – but channelled support for exclusionary, divisive racist nationalism. We must struggle for real systemic change, saying “no to FTAs and global free market capitalism”, combatting racist politics and defending mother earth.

We can't turn FTAs into tools of people power. They should be buried, not born again.

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who we are

In the last years hundreds of organisations and movements have been engaged in struggles, activities, and various kinds of work to defend and promote the right of people to Food Sovereignty around the world. Many of these organisations were present in the *International Nyéléni Forum 2007* and feel part of a broader **Food Sovereignty Movement**, that considers the Nyéléni 2007 declaration as its political platform. **The Nyéléni Newsletter wants to be the voice of this international movement.**

Organisations involved: Development Fund, FIAN, Focus on the Global South, Food First, Friends of the Earth International, GRAIN, Grassroots International, IPC for food sovereignty, La Via Campesina, Marcha Mundial de las Mujeres, Oxfam Solidarity, Real World Radio, The World Forum Of Fish Harvesters & Fish Workers, TNI, VSF-Justicia Alimentaria Global, WhyHunger.

now is time for food sovereignty!

Chile vs. Trans Pacific Partnership

Since Trump announced the US withdrawal from the TPP, many people claim the agreement will end.

But Chile's peoples are struggling against the TPP, being certain that some version of it will remain.

These are its main dangers:

1. The TPP is a continually evolving agreement, always giving more room to move to corporations, while closing the juridical paths for people to achieve justice.
2. National sovereignty becomes ambiguous; countries lose their freedom to legislate, develop public policies or plan investments outside the TPP framework.
3. Countries are submitted to private foreign parallel tribunals through Investor-State-Dispute-Settlement mechanisms (ISDS) that impose compensation if corporations don't earn the profits they could obtain due to government actions.
4. The TPP fosters "transnational supply chains", linking peasants with big corporations to produce according to industrial agriculture standards with very low wages, fragile labour conditions, and no safety nor health. Corporations impose delayed payments, low prices and production standards. Countries even commit to harmonise their labour laws, thus further damaging workers' rights.
5. The TPP promotes more restrictive and expansive intellectual property rights (IPR) on pharmaceutical drugs, adjusting the lifespan of patents to corporate interests. All seed and plant material will be privatised. Using, keeping, exchanging seeds freely is criminalised including possible jail terms. Patents on living beings will become the rule. Even photocopying material for private use will be penalized if there's a claim by some corporation. Traditional and local knowledge systems will be forced into an IPR framework, thus eroding communities' relations and culture.
6. The TPP bans any protection from the State if it affects corporations' profits.
7. There is a tendency to privatise many actual functions of the government's operations.
8. The TPP mandates the acceptance of GM crops, eliminating technical barriers to commerce.

These warnings are part of the Chilean educational campaign vs TPP.

Who is pushing FTAs?

Free trade and investment agreements (FTAs) are deals between two or more governments outside the World Trade Organisation (WTO). Many political and economic elites in countries like the US, members of the European Union (EU), Japan and Australia have looked outside the WTO since they claim it doesn't go far enough in setting global rules for the benefit of their corporations and their geopolitical objectives, while multilateral talks have moved slowly.

Since the beginning of this century, these elites seek more powerful deals on a bilateral or regional basis with tough enforcement teeth. The idea is that by getting countries to commit to deeper and more comprehensive levels of corporate freedom through these agreements, a uniform global market that is "wide open" to transnational business and finance capital flows can be built from the bottom up.

It's not surprising that these deals are drawn up in secret: parliaments have no role other than setting broad objectives while the public is denied access to actual negotiating texts. Corporate lobbyists are actively consulted throughout the process on the outcomes they want: indeed, transnational corporations and industry coalitions are major players in shaping these deals in the first place. For example, in the early phase of talks between the US and EU on the Transatlantic Trade and Investment Partnership (TTIP), agribusiness corporations like Cargill and Coca-Cola were the top interest group telling negotiators exactly what they wanted written into the deal¹.

FTAs cover a very comprehensive range of issues – from intellectual property rights (IPR), telecommunications and energy to food safety – spelling out exactly what countries can and cannot do in a vast number of areas as they open their markets to foreign investors. As a result, the governments that sign on are forced to rewrite their laws, and make binding, enforceable commitments against going backwards. Through these deals, companies even get the right to scrutinise draft policies and regulations that they claim may affect them in the FTA partner country.

Right now, social movements are fighting powerful new FTAs such as:

- CETA between Canada and the European Union (The European Parliament approved the agreement on the 15th of February 2017);
- TTIP between the US and the EU;
- TPP between the US, Japan and 10 other countries (the US has pulled out but that does not necessarily mean the deal is dead);
- RCEP between ASEAN, China, India, Japan, Australia, Korea and New Zealand;
- TISA, on services alone, between the US, EU, Japan and 20 other countries;
- EPAs imposed by the EU in Africa;
- and bilateral deals being pushed by the EU with India, Vietnam, Mexico, Japan, Mercosur, Chile, etc.

In addition to political and regulatory power, all of these treaties would give corporations access to natural resources, labour and new markets.

While some of these deals seem to be on shaky ground now since new right-wing governments in countries like the UK and the US have promised to replace a host of old trade agreements with new ones, this does not necessarily mean that the old deals will simply disappear. They may change shape or membership or go more slowly. Moreover, it would be a mistake to believe the propaganda that new and "better" trade or investment agreements will save local jobs or create trickle down well-being for farmers, consumers, small companies or the environment. Nothing has changed in the agenda of seeking to prop up the super 1% of big business, including agribusiness, through these deals.

1 - Corporate Europe Observatory, "TTIP: a corporate lobbying paradise", 14 July 2015, <https://corporateeurope.org/international-trade/2015/07/ttip-corporate-lobbying-paradise>

ISDS, what is at stake

One of the most damaging elements of free trade agreements and investment treaties is the “investor state dispute settlement” (ISDS). The mechanism stems from colonial times, when powerful empires wanted to protect their companies working overseas to extract minerals or produce cash crops. They created legal texts that evolved into today’s investment treaties, aiming to protect investors from “discrimination” and expropriation by foreign states.

To do this, the treaties grant transnational corporations (TNCs) a special right to take foreign governments to binding arbitration when they consider themselves treated unfairly. This means that TNCs can ‘sue’ governments when they adopt public policies like anti-smoking laws or regulations to cut air pollution that might restrict their investments and profits. Domestic companies don’t get this same right: the mere threat of such a lawsuit can drive policy-making (chilling effect).

International investment disputes are taken to special arbitration panels, usually at the World Bank in Washington DC or at arbitration courts like the one in The Hague. This allows them to bypass national courts altogether, on the grounds that they may be biased. Proceedings are conducted by private lawyers and usually in secret with no appeal possible.

In the last 15 years, ISDS disputes have skyrocketed. In most cases, the investor’s demands are fully or partially satisfied. As a result, governments have paid awards that typically amount to millions, if not billions, of dollars – taxpayer money that could be used for public benefit. This threat has some governments putting their investment treaties on hold as they rethink strategies.

ISDS affects food sovereignty in several ways. It gives companies powerful legal leverage to overturn domestic policies that support small farmers, local markets and the environment. Initiatives to fight climate change in the food sector – e.g. to promote short circuits by granting preferences or subsidies to local producers – can be challenged by TNCs if they expect to be negatively affected. Recently, Canada stopped a US company from proceeding with an open pit mining project in Nova Scotia because the damage it would bring to local fisherfolk was too great. The company took Canada to an ISDS tribunal and won, costing Canadian taxpayers US \$100 million.

Mexico had to pay US \$90 million to Cargill, because of a tax on beverages containing high fructose corn syrup – a sweetener linked to obesity, produced by this corporation. The tax helped safeguard the Mexican cane sugar industry, with hundreds of thousands of jobs, from the influx of the US-subsidized syrup.

ISDS gives foreign investors more rights than domestic investors, and they use this to their benefit in the agricultural and fisheries sectors. Trade deals generally assert that foreign investors should have equal access to farmland and fishing grounds as domestic ones (“national treatment”). ISDS gives these corporations an extra tool to assert that right that national companies – or farmers or fishers and their cooperatives – don’t enjoy. Sometimes national agribusiness investors set up companies abroad and then invest in their home country just to avail of these extra protections.

The linchpin of strengthening food sovereignty in the context of international and even regional trade relies on states’ power to give preference to local and national food producers through subsidies and procurement policies. These subsidies and preferences are generally banned under free trade commitments (even though they are widely used by big actors such as the US or the EU), and ISDS gives foreign corporations a tool to make sure that competition from domestic producers supported by such policies does not threaten their bottom line.

Binding farmers to corporations

The World Economic Forum’s major initiative, New Vision for Agriculture” (nicknamed Grow and known as VIDA in Latin America), led by 17 global food and agribusiness companies aims to build a binding relation between agricultural producers in Asia, Africa and Latin America and major corporations that will profit from this bond.

This so called new vision is promoted under the tools of various free trade agreements (FTA) that advance a logic of “public-private partnership”¹ and “market-based solutions”.

Corporate giants as Nestlé, PepsiCo and Monsanto, and the governments involved, promise “increased food production, environmental sustainability and economic global opportunities”.

This initiative will increase corporate control over markets and supply chains. While claiming to promote food security and benefit small farmers, Grow/VIDA works to expand the production of a handful of commodities that benefit a few corporations.

Grow/VIDA was launched in 2009 and involves companies linked to agriculture, food processing or retail, promoting their common set of interests in “key political fora”. Nevertheless the core of the project is building vertically integrated supply chains of commodity crops and input markets, with a heavy emphasis on contract farming.

This creates farmer dependency on corporations. It deepens the segregation of local peasants who produce their own food by their own means with their own seeds, and claims to benefit people who are tied to contract-farming (through “high technology” and chemical inputs), while they are forced to accept delayed payments and low prices paid by the retail giants.

This scheme functions in twelve African countries, five in Asia and four in Latin America expanding a model of huge mechanised monocultures, greenhouses with hybrid or GM crops, never ending demands on the farmers bound to corporations, strictly formulated standards and people hired to work in the worst possible conditions.

1 - For more info, Nyeleni newsletter no 25 | <https://nyeleni.org/ccount/click.php?id=94>

Voices from the field

Solidarity between movements

1

Lucile Falgueyrac from the Seattle to Brussels network (S2B), France

These past four years in Europe, we've built a real movement against the transatlantic free trade treaties.

Far from being limited to a few NGOs, this fight has brought together both local and international social movements, syndicates, peasants and activists from all horizons and sectors. From Bulgaria to Finland, the campaigns against the EU-US agreement and the EU-Canada agreement reinforce the solidarity between movements that are usually far-removed from one another.

The election of Donald Trump to lead the US, and his first measures bringing racism, discrimination, attacks against the rights of women and the re-questioning of certain free-exchange agreements is a boon for those who wish to discredit our movements.

The ratification of CETA is now presented by the partisans of the agreement as a political act against Trump, and a signal that Europe and Canada are now at the forefront of a free and open world, two defences against the madness of the new American president.

This is a scam. The free trade treaties bring increasing inequalities, productivism, extractivism, create new rights for the multinationals and make some of the solutions to social and climate crises illegal. They are not the antidote to the extreme right, but create all the conditions to make them prosper.

The terrain of struggle has shifted

2

Eric Holt-Gimenez, Food First, US

Donald Trump killed the Trans-Pacific Partnership (TPP), which was already moribund, thanks to the unrelenting opposition from popular movements. The bilateral approach preferred by the Trump administration is nothing new.

Having seized control of pretty much every economy on earth, protectionism — under new corporately-drawn boundaries — is going to be much more

important for the monopolies controlling our energy and food systems than rampant free trade. In this move, Trump is only sealing the first deal in a trend that will further strengthen the power of corporations.

We should worry that right-wing populists, with deep rhetorical roots, grounded in white supremacy and xenophobia, have captured the anti-globalization banner. They are not our allies. Neither are the neoliberal "progressives" who took the world down the free trade rabbit hole.

Trump's presidency reflects a crisis in capitalism's political model, signifying a coming shift in corporate strategies for dispossession and accumulation. For popular movements, the terrain of struggle is moving from global to local in new and important ways. This new moment is still unfolding. Now, more than ever, it is essential to raise up food sovereignty's principles: social justice, solidarity, pluralism, and the right to determine our own food systems.

The struggle goes on

3

Luciana Ghiotto, ATTAC Argentina

In Latin America there are many free trade agreements which have been in force for more than twenty years. Vast experience has also been gained in fighting against liberalization and in building integration with alternative projects. Perhaps the strongest moment in the struggle was the Continental Campaign against the FTAA (Free Trade Area of the Americas), which involved a popular consultation in Argentina against the FTAA in 2003, and the Peoples' Summit in Mar del Plata in 2005, which ended the FTAA.

Stopping the FTAA did not mean the end of liberalization. In other ways, with other names, we have seen the expansion of corporate privileges. Several powers are advancing in the regional agenda of free trade: the Trans Pacific Treaty (TPP) has been very evident, bringing together twelve countries in the basin.

The European Union, China and South-East Asian countries like South Korea aim to conquer the natural resources of the Americas. There are campaigns to

denounce these negotiations which take place behind the backs of the

people. In Argentina, the assembly "Argentina - better without Free Trade Agreements", which coordinates social movements, trade unions, politicians and environmentalists, works in this direction.

Our experience against the FTAA was essential and today we renew the struggle to curb the corporate agenda and give precedence and priority to human and environmental rights.

Our struggle for an alternative model

4

Guy Marius Sagna, Coordinator of the National Coalition No to the EPA, Senegal

The Economic Partnership Accords (EPA) make the Senegalese population fear for the worst, as the great European capitals will crush our small peasant initiatives and small businesses. These accords will reinforce the international division of labour which makes our 'underdeveloped' countries into consumers of goods coming from other countries, which in this neocolonial system play the role of producers.

It is regrettable that in Senegal, the fight against the EPA has become very complicated. Previously, some heads of business led the struggle, but now, for fear of reprisals, none will raise their voice. There are still, however, activists, politicians and trade unionists who organise the mobilisation against the EPA. And in spite of the very difficult context in which they work, we have noticed that there are a lot of people who wish to be informed. A number of intellectuals and political figures have signed the petitions against the accords and more and more citizens, in towns as well as in cities, have asked that conferences about the EPA be organised, in order to better understand them and to organise against them. Through our struggle, we put forward an alternative economic model, based on interdependence and solidarity, opposed to the EPA and its free-market values of competitiveness and competition.





A State struggles against FTA's

5

Sridhar R, Programme Director at Thanal, India

Farmers in Kerala, a state in India, face yet another onslaught from a trade pact, this time the RCEP (a regional partnership auguring well for the lobbies that matter, but which is recognised as a death-knell for the local farmers).

The Indo-ASEAN trade pact was forced onto them by the Government of India and the farmers and even the State Government protested against it in 2009. The farmers' organisations and the civil society warned about the fallout from the deal. Tariff barriers were removed or reduced from tea, coffee, edible oil, pepper, rubber, copra, coconut, coir, cashew, cardamom, and coconut oil, the main farm produce of Kerala, putting in danger the livelihood of the large majority of local peasants.

People responded with a mammoth human chain right across the state against the Central Government's decision. The State Government of Kerala supported this, in what became a federal-state conflict. Hundreds of thousands of people joined to hold hands in probably the largest human chain protest ever. But the Central Government, with doctor Manmohan Singh, a staunch promoter of global trade pacts and liberalisation as PM, tricked us: he pacified a delegation from the State, promising that the trade pact would not be signed without taking the stakeholders in Kerala into confidence, but he simply went and signed the agreement. Farmers across other states (including Karnataka, Tamil Nadu and many north eastern states) have also suffered the impact of the Indo-ASEAN agreement, but little has been done to compensate them for their losses. No assessment was ever done before signing the FTA to predict its impacts, nor to mitigate its effects afterwards.

Learning from this lesson, the farmers of Kerala and civil society groups are now once again leading a lone fight against the newly proposed RCEP. The State Government, reacting to the issue, has already written twice to the Central Government demanding a transparent discussion with all stakeholders, before proceeding with the RCEP negotiations and has spelt out the possible impacts.

We are opposed to the RCEP and other FTAs being signed directly with various ASEAN nations. India is going through a miserable period, and no government with a sense of responsibility to its massive farming population would push a nation to another negative benefit pact such as the RCEP.

The farmers in Kerala have protested, but many farmers in other states are also suffering, or dying out in the crisis. State governments are being asked to address farmer debts and suicides through loan-waivers. But this cannot be the way forward. It is high time the governments realise that protecting their farmers from the market pressures and global trade is a fundamental duty, and should not be compromised at the altar of increasing trade demands.

Box 3

Fighting against RCEP

The Regional Comprehensive Economic Partnership (RCEP) is a mega-regional trade and investment agreement being negotiated between ASEAN members (Association of Southeast Asian Nations) and six Asia-Pacific countries that ASEAN has bilateral FTAs with: Australia, China, India, Japan, New Zealand and South Korea.

They are harmonising trade rules among them to form one common regime. There is a high risk that this brings a strong corporate agenda from states that signed onto the Trans-Pacific Partnership into India, China and southeast Asia. Policy space for governments would be lost. Key social movement demands in the region for improved public services, genuine agrarian reform, protection of small-scale food producers and retailers, and overhauling the current bilateral investment treaties could become impossible.

Since 2014, civil society groups obtained and analysed leaked negotiating texts. In 2015, a major meeting of social movement activists and CSOs took place in Kuala Lumpur, leading to plans for coordinated action. Now, we are organising regional days of action, joint statements, workshops, websites and lobby work to pressure governments. Key concerns are: access to medicines, seeds' privatisation, land grabbing, the impact on peasants, public services, pressure on wages and increasing corporate control imposed through ISDS mechanisms. The common call is to stop RCEP, not get a better one!

With Trans-Pacific Partnership's future being in question, RCEP could change direction and gain momentum. We should work to stop it.

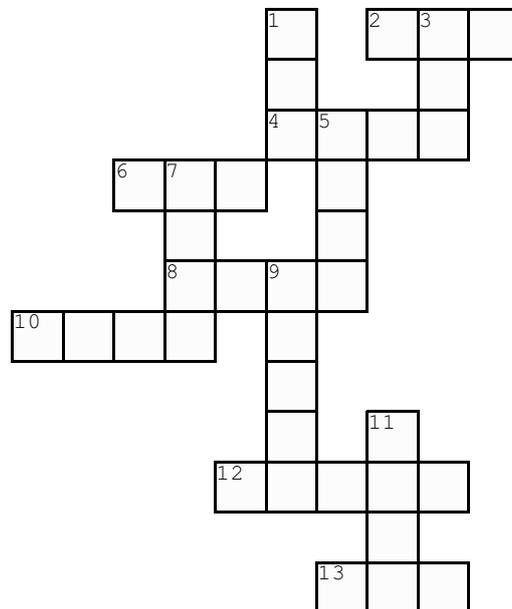
**one does not sell
the earth
upon which
the people walk**

Tashunka Witko, 1840 –1877



Check your knowledge on FTAs

Complete the crossword below



Across

2. Sets global trade rules, with 165 members
4. EU-US deal
6. Trade deal outside the WTO
8. Canada-EU deal
10. Provision in many 6-Across'es and 1-Down's that lets foreign corporations sue governments for unrealised profits
12. First modern 6-Across, met by Zapatista uprising
13. EU-Africa, Caribbean and Pacific deals

Down

1. Investment deal between two governments
3. This Asia-Pacific deal has been described as 12-Across on steroids
5. Services agreement being negotiated by 50 govts
7. Main beneficiaries of these deals
9. French name for 4-Across, rhymes with 12-Across
11. What we want to do to all of these deals!

to read, listen, watch and share

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