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**STEVE MARSH AND MICHAEL BAXTER**

**A GE CANOLA STORY FROM WESTERN AUSTRALIA**

This case has been followed with interest from around the world.

Steve Marsh lost organic certification - and most of his livelihood - when his farm was contamin-ated by genetically engineered (GE) canola grown by his neighbour, Michael Baxter. He sued his neighbour in the Western Australian Supreme Court for his losses and to protect his farm into the future. Marsh claimed that, after Baxter swathed his crop (a common practice in harvest-ing canola, in which the crop is cut and then laid in rows to dry), some of the GE canola was blown onto his farm. As a result, Marsh lost his organic certification from the National Association of Sustainable Agriculture Australia (NASAA) for part of his property. Marsh asserted that Baxter was negligent in planting and harvesting his GE canola and sought damages for loss of organic status, and to prevent Baxter from planting GE canola near his boundaries again.

The court ruled that Michael Baxter acted legally in planting GE canola and that he could not be blamed for his canola harvesting methods. Marsh and his lawyers are reviewing the case for grounds for appeal. Marsh was funded by his lawyers and public donations, because this was seen as an important landmark case that could change the future of farming in Australia and beyond. The case and the judgment have ignited once again the debate on how GE and organic farming can possibly co-exist. What legislation is needed to manage developments in biotechnology and protect organic farming from ’biotrespass’?

GeneEthics, a well-known and reliable source of information and advocacy on issues of genetic engineering, has posted the following com-

ments on the Marsh vs. Baxter case.

‘Governments foresaw this case, but did not protect organic or non-GE growers. A paper, *Liability Issues Associated with GM Crops in Australia*, produced by the Department of Agri-culture, Fisheries and Forestry in September 2003, concluded: "When finalising the Gene Techno-logy Act 2000, the Commonwealth legislature considered liability issues associated with gene-tically modified organisms (GMOs) and chose not to implement a specific liability regime for dam-age caused by GMOs where the activities of one farmer affect a neighbour, deciding that in these cases recourse would be to existing statute and common law." Clearly this is not adequate.

GeneEthics goes on: ‘Farmer Protection Laws proposed by GE-free advocates include the col-lection of a levy of, say, 50 cents per kilogram on all GE seed sales. At this rate, $275,000 would have been levied on the GE canola seed sold last season and landholders like Steve Marsh suffering "damage caused by GMOs" could be automatic-ally compensated without suing their neighbours or risking their farms. The GE companies which continue to own the GE seed would thus pay for the damage their product inevitably causes. Instead, our governments have allowed the seed giants to offload their liability onto GE farmers and the victims of GE contamination. This is not just.’

*Sources: GeneEthics* *info@geneethics.org**; Truefood Network Australia* *truefood@truefood.org.au**; Matthew Rimmer, 29 May 2014, theguardian.com Edited A Healey.*

**TRADE AGREEMENTS: INVESTOR-STATE DISPUTE SETTLEMENT CLAUSE**

When a trade agreement includes an Investor-State Dispute Settlement (ISDS) provision, it enables a foreign investor to sue a government that legislates in a way that adversely affects that investor’s profits. For example, polluters have successfully sued governments for enacting a law aimed at protecting the environment or the health of its citizens. Governments who cannot afford, or do not want, to pay the heavy penalties are thus forced to repeal the offending law. ISDS under-mines sovereignty.

As the number of ISDS cases increases each year, more and more countries are questioning this system and many are withdrawing from agree-ments containing ISDS. In March this year, the government of Indonesia declared that it will withdraw from all 67 treaties containing ISDS provisions. The German government announced that it will oppose the inclusion of ISDS in any trade deal between the USA and the European Union; and France is also objecting to ISDS.

Germany, France and Indonesia join a growing group of countries expressing opposition to ISDS provisions, including India, South Africa and ten countries in Latin America.

The previous national government of Australia had a no-ISDS policy, but, despite the growing worldwide opposition, the current government included ISDS provisions in its recently negoti-ated free trade agreement with Korea and has announced a policy of negotiating on a ‘case-by-case’ basis.

As a consequence, Greens Party Senator, Peter Whish-Wilson, has tabled a bill in the Australian Senate which would ban ISDS provisions from all trade agreements. He did so after widespread pub-lic opposition to ISDS, with tens of thousands of Australians signing on to social media petitions. At the same time, the Senate Foreign Affairs Defence and Trade Committee is conducting a public inquiry into ISDS and submissions it has received show the extent of the opposition to ISDS in Australia from a diverse range of groups and individuals.

*Source: Australian Fair Trade and Investment Network (AFTINET) Bulletin, April 2014. Edited A. Healey.*

**ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)**

**European Union - Africa and Caribbean and Pacific (ACP) Countries**

This summary article examines EPAs from the perspective of Africa.

Since the year 2000, EPAs between the huge European Union (EU) and the African Union (AU) have kept trade issues percolating on the African continent. The AU Trade Ministers met in Addis Ababa, Ethiopia, at the end of April this year to discuss what to do about concluding EPAs, especially because the EU had imposed a deadline of October 1. The EPAs are basically about Europe’s seeking raw materials and most African countries are sceptical about the promised benefits to them.

Nigeria, Africa`s most populated country, strongly opposes the EU’s plans for EPAs. The EU is demanding that the Economic Committee of West African States, (ECOWAS) open up 75% of their markets (300,000 million customers) to liberalise trade with Europe over a 20-year period, with a commitment to achieving 90% of this liberalisa-tion in 15 years. The West African leaders agreed to a compromise with Brussels earlier this year, despite reservations from Nigeria over the deal's potential impact on industrial development. Nigeria’s Trade Minister, Olesugun Aganga, wants a robust economic analysis of the EPA’s overall impact on the region, the children and future generations before signing the agreement. Zambian Commerce Minister, Robert Schinga, wants African countries to give priority to further deepening their intra-regional trade through adding value to their raw materials. The Niger Trade Minister, Alma Oumarou, urges fellow African countries to assess the impacts of the EPAs before signing. The AU Trade Commis-sioner, Fatima Haram Acyl, warns that, as long as Europe continues to insist on the present model of EPAs, they could impact on the continent`s structural transformation. She advises that Africa should not agree to them.

Shortly after the conference ended, BRIDGES NEWS was given a draft report. Most countries signing the EPAs would no longer benefit from the current EU Market Access Regulation, which gives these them preferential access to the Euro-pean market; and so, the report states that the AU should analyse the impact on Africa of this loss of preferential access. It also asks African countries to consider alternative arrangements to avoid trade disruptions, should the October 1 deadline not be extended.

Some experts warn that the EPA negotiations are taking a different path from their initial purpose to bring them in line with the requirements of the WTO. They have gone well beyond this now, with the EU demanding that services and intellectual property rights be included. Gyekye Tanon of the Third World Network, Ghana, is strongly critical of the EPA with ECOWAS. In its current state, he believes it ‘will defeat every single aspiration of the Ghanaian government, because the meaning and conditions of trade have changed’. The EPA is not simply about trade or about the conditions under which goods and services will cross national borders. It is about wide liberalisation. EPAs are becoming permanent treaties that will lock out Africa’s quest for industrialisation. Tanon believes there is a serious imbalance be-tween imports and exports, which squeezes out jobs, incomes, savings and therefore domestic investment. He believes Africa will still have access to the EU market without an EPA and that the African continent has not done enough to integrate its own economies. With no clear end in sight, Kenya, Ivory Coast, Ghana and others are struggling to balance the need to preserve their EU market access and opposition among their respective regional blocs.

Last March, ECOWAS and governments estab-lished an ad hoc committee consisting of Nigeria, Ghana, Cote d'Ivoire and Senegal to continue work for two months on the EU-West Africa EPA, including an analysis of the concerns raised by Nigeria on the current compromise. Nigeria has requested a reclassification of 181 tariff lines in order to be able to develop its industrial goods and create jobs, given that only 25% of trade is exempted from the EPA.

The Christian Council of Ghana, the African Synod of Catholic Bishops, the Africa Europe Faith and Justice Network and countless other NGOs are all in agreement: in their current form the EPAs are not in Africa’s best interests. They pose a serious threat to food sovereignty and significantly worsen the current situation of marked increases in the numbers of undernourish-ed people; they diminish the capacity of domestic food production to compete with EU imports. As well, the EU is insisting that EPAs include trade in services, such as clean water, energy supply, education, health, telecommunications and business services, including banking, law and accountancy. (Already private health care delivery is growing and will reach $21 billion by 2016.)This means the loss of protection for the rights of citizens and sovereign states. EPAs will inhibit African countries’ pursuit of their own development objectives. Certain Caribbean countries have found serious changes in the fine print *after* they had signed an EPA.

*Sources: Bridges News,, May 8 2014; Third World Network Africa; Africa Europe Justice and Faith*

*Commission, No.10, April 2014; Christian Council of Ghana Annual Meeting 2014; Enough is Enough, Time to Abandon the E.P.A. Charade! EPA Strategy Meeting, Harare. Edited Mary Boyd.*

*Fascism should rightly be called corporatism as it is a merge of state and corporate power.*

 Benito Mussolini

**THE KATHMANDU DECLARATION**

From 22nd to 31st March this year, UFER (International Movement for Fraternal Union among Races and Peoples) sponsored a seminar on trafficking in Nepal. The Grail is a member of UFER. Elly Koenig, co-ordinator of the Grail Human Trafficking network, who sent this Declaration for publication in the Bulletin, is the current President of UFER.

We, participants from Africa, the Americas, Asia and Europe gathered in Godavari (Kathmandu),

Nepal for a seminar on human trafficking,

preoccupiedby the increasing number ofvictims

 of all forms of trafficking;

having heardthe information provided by organ-isations and individuals from different parts of the world on the situation in their countries in this

respect;

deeply movedby the testimonies presented by

survivors of trafficking; and

determinedto join efforts with all those who work to put an end to this crime against humanity.

We have decided to adopt a plan of action in which we commit ourselves, individually and

collectively, to:

* raise awareness in our environment about human trafficking through various means;
* expand our collaboration with organisations and networks working on this issue;
* provide assistance in any way we can to victims and survivors of human trafficking as well as to those who are involved in this struggle;
* work for the adoption, improvement, ratification and implementation of legislation and international conventions

 on this issue;

* do research and organise seminars on the subject as well as initiate and support

 projects at local levels.

* develop our cooperation with UFER

which will:

make use of its consultative status with the Economic and Social Council (ECOSOC) of the United Natios to provide information on human trafficking coming from the grass roots to the Human Rights Council, the Commission of the

 Status of Women, etc.

provide appropriate information and tools in order to facilitate access to UN mech-

anisms to interested local organisations;

 advise interested NGOs on the procedure

to obtain consultative status with

ECOSOC;

provide, when possible, a platform to victims and survivors of human trafficing and their advocates, enabling them to present their case in United Nations

bodies.

disseminate information on human trafficking through its website and newsletter.

Adopted in Godavar (Kathmandu), 29 March 201

***Never, for the sake of peace and quiet, deny your own experience or convictions.***

***Never measure the height of a mountain until you have reached the top.***

***Then you will see how low it was.***

Dag Hammarskjold, Secretary General of UN, died September 18,1961

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The Bulletin is currently produced by two networks: *Justice and Trade Agreements* and *Human Trafficking.*

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