



- Free trade deals ignore human rights treaty obligations
- The Holy See denounces injustices in trade agreements
- Is genetic engineering of crops running out of steam?
- Human Trafficking News

FREE TRADE DEALS IGNORE HUMAN RIGHTS TREATY OBLIGATIONS UN expert calls for radical reform

United Nations Independent Expert, Alfred de Zayas, urged the UN system and Governments across the world to radically reform the international investment regime by putting an end to free trade and investment agreements that conflict with human rights treaty obligations. In his full-length report to the Human Rights Council, he also called on States ‘to conduct human rights, health and environmental impact assessments before and after entering into bilateral and multilateral investment agreements’.

‘Over the past decades, free trade and investment agreements have had adverse impacts on the enjoyment of human rights by interfering with the State’s fundamental functions to legislate in the public interest and regulate fiscal, budgetary, labour, health and environmental policies,’ said de Zayas, the first UN Independent Expert on the promotion of a democratic and equitable international order.

In his report, the expert deplores the paradox that results from assuming conflicting treaty obligations. ‘States that ratify Human Rights treaties also enter into agreements that prevent them from fulfilling their human rights obligations. Revision of the investment treaties must ensure that in case of conflict, human rights prevail,’ he noted.

The expert also observes: ‘The dispute settlement mechanism in trade and investment agreements (ISDS) has mutated into a privatised system of ‘justice’, incompatible with article 14(1) of the International Covenant on Civil and Political Rights, because it allows three arbitrators to override national

legislation and the judgments of the highest national tribunals, in secret and with no possibility to appeal. This constitutes a grave challenge to the very essence of the rule of law’.

Alfred de Zayas, observes that the population is often not aware of these challenges because it is excluded from the elaboration and negotiation of these treaties. Parliamentary adoption must follow public debate and must not be fast-tracked. ‘All trade and investment agreements — existing and future — must represent the democratic will of the people in exercise of their right to public participation,’ he says.

The report of the Independent Expert formulates a *Plan of Action* with concrete recommendations to States, Parliaments, National Human Rights Institutions, the Human Rights Council and civil society. It urges the Human Rights Council to examine systematically the adverse human rights impacts of bilateral and multilateral free trade and investment agreements, and to refer the clash between the international investment regime and the human rights regime to the UN General Assembly for discussion and settlement.

Zayas also recommends that the International Court of Justice issue an advisory opinion clarifying that in case of conflict between human rights treaty obligations and investment treaties, priority must be given to human rights.

Source: www.bilaterals.org/?un-expert-says-no-to-free-trade 17 September 2015. Sent by Mary Boyd.

THE HOLY SEE DENOUNCES INJUSTICES IN TRADE AGREEMENTS

Archbishop Silvano Tomasi, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations and Other International Organisations in Geneva, addressed the World Trade Organisation (WTO) in the following unambiguous terms. It has been concluded from the strength of his speech that it had approval at the highest level, namely from Pope Francis.

‘While a minority is experiencing exponential growth in wealth, the gap is widening to separate the vast majority from the prosperity enjoyed by those happy few. This imbalance is the result of ideologies that defend the absolute autonomy of the marketplace and of financial speculation. Consequently, there is an outright rejection of the right of States, charged with vigilance for the common good, to exercise any form of control. A new tyranny is thus born, invisible and often virtual, which unilaterally and relentlessly imposes its own laws and rules. An even worse development is that such policies are some-times locked in through trade rules negotiated at the WTO or in bilateral or regional free trade agreements (FTAs)...

‘Currently there is a clear tendency to enlarge Regional Trade Agreements (RTAs) to form mega-regional trade agreements, such as the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP). Certainly, the enlargement

of regional trade agreements is a step towards further trade liberalisation but, in fact, by entering a regional trade agreement a country reduces the incentives to extend its efforts on trade liberalisation at a multilateral level...

We know that only the multilateral system is a clear, equitable system that provides effective guarantees for small and poor countries. RTAs tend to be asymmetric and so penalise small and poor countries. Among the most damaging concessions that developing countries make in regional and bilateral agreements are:

- those that strengthen monopolies on life-saving medicines and so reduce their affordability and many people’s access to them; and
- those that provide excessive legal rights to foreign investors, limiting the policy space for nations to promote sustainable and inclusive development.’

The Holy See's intervention in the WTO signals two important facts. First, that Pope Francis is a passionate defender of the world's poor, who is not afraid to speak truth to even the most powerful nations; and, secondly, that resistance to the most unjust and unjustifiable aspects of the TPP and TTIP continues to grow.

Source: www.youtube.com Edited A Healey.

IS GENETIC ENGINEERING OF CROPS RUNNING OUT OF STEAM?

During the past 15 years, global sales of genetically modified (GM) seed surged from less than \$US5 billion a year to more than \$20b. But the huge GM crop steamroller is showing signs of running out of steam.

Michael Mack, chief executive officer of Syngenta, a global business in crop protection and seeds based in Switzerland, conceded recently that GM technology has achieved what it can achieve at this point of its development. He was speaking at a briefing on the company’s half-year profit results and

added that, while new markets may emerge over time, ‘they are not going to come soon’. The GM seed sales business is now reaching ‘saturation point’.

He offered the following information: In Argentina, Brazil and the USA, 93% - 100% of soybean and 80% - 93% of corn planted are GM varieties. More than 95% of cotton in the USA, India and Argentina is also GM, although only 66% in Brazil. But, while 94% of the total canola crop in the USA is GM, this is still not approved in Brazil,

Argentina or India; and GM soybeans and corn are also not available in India. Europe, Japan, Russia and Australia are notable as restricted major markets where GM crop production is limited, with GM cotton and canola only allowed in some Australian states. There is still a tide of public resistance to GM crops and unlabelled GM food products in many parts of the world, as well as a demanding regulatory environment, notably in Europe.

Where will new profits come from?

Ten years ago, many pundits predicted that GM plant varieties with built-in herbicides and fungal / insect-resistant traits would shrink the market for crop protection chemicals. Now, however, Syngenta's crop protection business is bounding ahead with more sophisticated products and new releases. The company is expecting more than \$US3.6b in new sales of 'blockbuster' chemical products in the next five years. Syngenta holds a leading 20% share of the global crop protection market. Those who deplore the environmental impacts of the heavy use of chemicals will be tempted to despair at this news.

Better news is that the company is also putting

a lot of faith in non-GM hybrid cereal seed sales. It has made steady gains in Europe with its sales of hybrid barley and plans to launch a hybrid wheat in the USA in 2019, with a view to expanding sales to other major wheat seed markets likely to be worth \$US3b by 2032.

Source: Andrew Marshall, Fairfax Agricultural Media, Australia, 3 August, 2015.
andrew.marshall@fairfaxmedia.com.au

The Australian Bureau of Resource Sciences reports that 'plant traits such as heat tolerance and water-use efficiency have multi-genic inheritance patterns' so that GM technologists have made little progress beyond the less complex engineering of plants for herbicide tolerance and insect or fungus resistance.

'It's time to move on from GM', writes Bob Phelps, 'to investing more research and development resources into the ecological agriculture systems that will be the way of the future when oil and phosphates run out and the climate radically changes.'

Source: Bob Phelps, Executive Director Gene Ethics info@geneethics.org

HUMAN TRAFFICKING : NEWS

Migration and human trafficking in Sustainable Development Goals

The new Sustainable Development Goals (SDGs), adopted by the UN General Assembly on 25 September, are broader than the eight Millennium Development Goals (MDGs) which they replace. The 17 sustainable goals aim to eradicate hunger and extreme poverty, reduce inequality within and between states, improve water management and energy and take urgent action to combat climate change. Attached to each goal are numbers of defined targets that directly relate to migration, including reducing costs associated with migration, promoting the protection of migrant workers, countering human trafficking and promoting better migration governance.

Human rights and protection of migrants and refugees in Europe

On 14th September in Brussels, the Platform for International Cooperation on Undocumented Migrants (PICUM) and its member organisations issued a statement urging EU leaders to establish safe and regular channels for migrants and refugees to come to Europe. They urge EU governments to shift their approach from their present emphasis on securing national borders and criminalising migrants to one that is based in their humanrights and protection from exploitation.

Source: La Strada International (European network against trafficking in human beings),
www.lastradainternational.org

Human trafficking and torture

Within the Organisation for Security and Co-operation in Europe (OSCE) the Coordinator for Combating Trafficking in Human Beings, has produced a Research Report on ‘the extent to which human trafficking is associated with violence and human suffering, such that we can compare it to and even consider it to be a form of torture.’ The Report also suggests new means for providing victims with reparation, including both compensation and rehabilitation. It is titled *Trafficking in Human Beings Amounting to Torture and other Forms*

of Ill-treatment.

The research was carried out in partnership with the Ludwig Boltzmann Institute of Human Rights (BIM) and the Helen Bamber Foundation. Bamber describes torture as the ‘stripping away of a person's dignity and identity, asserting total power and control over mind and body, inflicting pain and causing despair’

Source: OSCE Secretariat, info.cthb@osce.org

Twenty-five years of work against human trafficking

At the beginning of September, the Dutch Foundation of Religious against Trafficking in Women (SRTV) announced that it will cease to function on 31st October 2015. The Foundation has been a trail-blazer in raising awareness of inhumane trafficking of people, and particularly women, not only in the Netherlands but in Europe and the wider world. Ton Brouwer (Grail Netherlands) joined in the work of the Foundation soon after its establishment in 1991 and was responsible for initiating the International Grail network against human trafficking in 1998.

The Foundation's decision is necessitated by a decline in available funding, the ageing of volunteers and the sale of the property where it was able to rent space at a reduced cost.

As they celebrate 25 productive years on 29th October, SRTV personnel will remember gratefully all the good that has been accomplished and all the compassionate and generous support, material and spiritual, many have given to help those who have suffered from trafficking.

Source: SRTV

www.srtv.info/engels/srtv/index_uk.html

Hope is ... an orientation of the spirit, and of the heart. It transcends the world that is immediately experienced and is anchored somewhere beyond its horizons ... Hope, in this deep and powerful sense, is not the same as ... willingness to invest in enterprises that are obviously heading for success. Rather it is an ability to work for something because it is good, not just because it stands a chance to succeed ... It is not the conviction that something will turn out well, but the certainty that something makes sense, regardless of how it turns out.

Vaclav Havel

**Contributions to Bulletin and responses to its content welcomed.
Deadline: 14th of each month. Publication office in Sydney.**

The Bulletin is currently produced by two networks: *Justice and Trade Agreements and Human Trafficking*. Coordinators: JTA - Mary Boyd (maryboyd@live.ca); Alison Healey (grailsydney@ozemail.com.au); HT – Elly Koenig (ellykon@gmail.com); Angelina Kyondo (mksgrail@yahoo.com). Design: Thanks to Marian Kelly for her donation of time and talent.