



GM alfalfa coexistence and contradictions: Minister lets corporations take the driver's seat

In April 2016, after Forage Genetics International (FGI) announced it would begin selling alfalfa seed genetically modified with stacked traits for glyphosate resistance and low lignin into Eastern Canada, farm groups sent a joint letter to federal Agriculture Minister Lawrence MacAulay asking the federal government to cancel variety registration for all genetically modified (GM or genetically engineered) alfalfa until a full economic impact assessment is conducted, and to establish a protocol for testing all imports of alfalfa seed grown in the USA.

The federal government has done nothing to address our concerns and FGI has indicated it would continue selling GM alfalfa into the Eastern provinces, so in June 2017, the NFU and fourteen other farm organizations wrote the Minister a second time. We repeated our requests for the deregistration of GM alfalfa and testing for GM contamination of all alfalfa seed imported from the USA. In addition, we asked for the establishment of a public registry of GM alfalfa planting locations until such time as GM alfalfa is deregistered, so farmers will know whether they need to take steps to protect their livelihoods from potential contamination.

The joint letter detailed the value alfalfa has to the large number of farmers who grow and rely on it for hay, seed, forage, feed and as a soil-building rotational crop. We explained that important, valuable markets at home and abroad are sensitive to GM contamination, and losing them would be harmful, if not devastating, to all forage seed growers and the entire Canadian alfalfa industry, including both conventional and organic farmers, commodity sectors and food production businesses. We also explained why the biotech industry's voluntary and unaccountable "co-existence" strategy is unworkable due to the reality of the alfalfa plant's biological characteristics. In addition, we provided evidence that at least one seed company is advertising GM alfalfa for use in ways that go against the coexistence strategy's recommendations. The letter also provided documentation of contamination incidents, the spread of feral GM alfalfa in the USA and market loss due to rejection of GM alfalfa-contaminated shipments from the USA to China.



Feral alfalfa growing in roadside ditch, Saskatchewan

We asked Minister MacAulay to take immediate action to support and protect the future of our alfalfa industry, forage seed production, organic food production, sustainable agriculture and alfalfa-related exports by deregistering all GM alfalfa varieties, publishing the location and amounts of GM alfalfa seed sales and plantings to date, and testing all alfalfa seed imported from the US.

(Read the full letter at <http://www.nfu.ca/sites/www.nfu.ca/files/2017-06-16%20joint-alfalfa-letter-MacAulay-EN.pdf> or in French at <http://www.nfu.ca/sites/www.nfu.ca/files/2017-06-16%20joint-alfalfa-letter-MacAulay-FR.pdf>)

On August 22, 2017 we received a reply from Minister MacAulay. Instead of responding to our request for urgent government action to prevent economic harm to thousands of farmers whose livelihoods are threatened, he refused to take any action and simply provided us with information about the regulatory system that we already knew, contradicted our points about the impossibility of co-existence, and cited the existing legal and regulatory framework as the reasons for his inaction.

Groups that signed 2017 joint letter:

- Atlantic Canadian Organic Regional Network
- Canada Organic Trade Association
- Certified Organic Associations of British Columbia
- Ecological Farmers Association of Ontario
- Growers of Organic Food Yukon
- Manitoba Organic Alliance
- National Farmers Union
- Organic Alberta
- Organic Council of Ontario
- Organic Federation of Canada
- Peace Region Forage Seed Association
- Les Producteurs de lait du Québec
- SaskOrganics
- L'Union des producteurs agricoles

(GM alfalfa coexistence and contradictions, from page 1)

In our letter we identified Canadian farmers as the industry that he should be concerned about. The Minister, however, gives priority to biotech corporations, saying “I am therefore very pleased to see that industry has engaged with producers to establish coexistence strategies. Coexistence plans establish guidelines and best management practices that, when followed, allow crop producers to successfully establish and/or maintain the production systems that best serve their operations and markets.” (underlining added).

The Minister concluded by saying he continues to “encourage all members of the value chain to engage in active dialogue with each other when considering the economic opportunities and risks of commercializing new GM crops. The Government of Canada is dedicated to ensuring that markets for Canadian products are maintained while new opportunities are explored. At the same time, the Government of Canada continues to support a science-based regulatory approach to meeting Canadian consumer demand while protecting Canada’s environment and plant resources.”

The Minister seems unable or unwilling to detect the contradiction between his concluding statement and the fact that the practical opportunities that GM alfalfa offers are far outweighed by the huge risks and losses it will deliver if it is allowed to proliferate. Existing, lucrative markets for non-GM alfalfa will be lost; profitable organic farms may be weakened or lost; glyphosate-resistant weeds will become a worse problem as a direct consequence of more spraying; and GM alfalfa will itself become a glyphosate-resistant weed in other crops. It is also contradictory that while claiming that Canada’s regulations are science-based, he responded to our scientific explanation of alfalfa’s biology and ecology for why coexistence can’t work with his mere belief in the unfounded assertions made by the sellers of GM alfalfa.

The government has the opportunity to act now. Zebra mussels, leafy spurge and Emerald Ash borer here – and rabbits in Australia – offer practical lessons. Strict and timely measures, diligently enforced, are needed to contain and prevent the spread of damaging organisms. Yet the Minister’s letter indicates that the federal government has decided not to take responsibility for its decision to approve GM alfalfa. He reveals his bias by looking to the biotech industry – not government, nor farmers – as the relevant player. By shrugging away our valid and pressing concerns, pretending the federal government is powerless in the face of laws and regulations it could change, he is abdicating his responsibility to serve the public interest, and by default, is putting corporate rule in place when it comes to regulating GM alfalfa.

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Is Ecuador leading the way towards a new era of international fair trade agreements?

—by Cathy Holtslander, Director of Research and Policy

Some countries are taking a different approach from Canada when it comes to international trade and investment agreements. In the past few years, South Africa, India, Bolivia, Indonesia and Ecuador have quietly withdrawn from some or all of their bilateral investment treaties. As Canada enters NAFTA renegotiations, Ecuador's approach is worth looking at in more detail.

In May 2017, after a rigorous process of review, Ecuador withdrew from all of its Bilateral Investment Treaties (BITs), including its agreement with Canada. In 2008 Ecuador adopted a new national constitution that commits to promoting food sovereignty and recognizes, among other things, "the right of persons and community groups to safe and permanent access to healthy, sufficient and nutritional food, preferably produced locally and in keeping with their various identities and cultural traditions." The review of BITs was initiated to bring the country into compliance with its new constitution. It involved a joint government-civil society audit commission (known by its Spanish acronym, CAITISA) composed of government officials, academics and researchers, lawyers and civil society groups.

CAITISA's task was to verify the legality, legitimacy and lawfulness of investment treaties and other investment agreements signed by Ecuador, and to audit the validity and appropriateness of the awards, procedures, actions and decisions issued by investor-state dispute settlement (ISDS) bodies and arbitral tribunals.

When CAITISA delivered its final report, the committee recommended termination of all Ecuador's BITs, because:

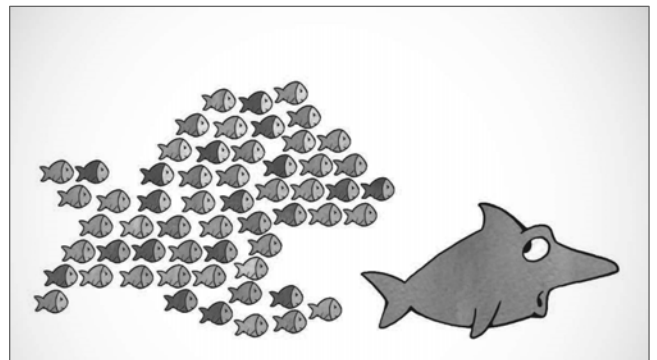
- the BITs failed to deliver promised foreign direct investment;
- the BITs contradict and undermine the development objectives laid out in the country's constitution and its *National Plan for Living Well*;
- companies that sued the government at international investment tribunals left behind enormous social and environmental liabilities and debts while failing to contribute the productive growth, job creation, or technology transfer expected from foreign investment;
- investors have disproportionately benefited when suing Ecuador using bilateral investment treaties;
- promises of investment and development have failed to materialise, while the costs for Ecuador have been immense;

- the legal validity of the signature and ratification of the BITs were impaired by anomalies that point to a lack of careful analysis of the BITs' costs versus benefits and a lack of effective negotiation, which led to agreements largely favouring investors; and
- the majority of the arbitrators nominated to decide ISDS cases against Ecuador cannot be considered fully impartial.

CAITISA also proposed that Ecuador negotiate new investment agreements based on alternative models that restrict the definition of investments, strengthen the right of the State to regulate for the common good and sustainable development, and which do not include investor-state dispute settlement (ISDS) mechanisms. It recommended that investment agreements exclude certain rights for investors commonly found in investment treaties, such as indirect expropriation, national treatment, most favoured nation, and survival clauses. And the committee recommended such agreements also list rights of the State, including the rights to tax and to impose obligations on foreign investors. The obligations imposed could include making measurable contributions towards specific national development goals, meeting performance requirements, transfer of technology and respecting human rights.

For more information about CAITISA, visit: <http://bit.ly/2wcijhb>

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CAITISA: With regional unity we stop BITs from imposing unjust and abusive systems of arbitration on us.

Onward to Parliament Hill!

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Our NFU National Convention will be in Ottawa this year. This is an opportunity for grassroots NFU members who attend Convention to meet with Members of Parliament in person as part of an organizational lobbying effort. In the meetings, NFU members will provide MPs with the farmer's perspective as well as recommendations on important farm-related issues. The lobby effort will be on Thursday, November 23 in the morning, prior to the formal start of Convention.

If you would like to participate in lobbying on Parliament Hill, please register by filling in the Survey Monkey questionnaire at <https://www.surveymonkey.com/r/NFU-Lobby-2017>. We will use the responses to this survey to plan preparatory activities and/or materials so that everyone who participates will have the background knowledge, training and team support to make it a rewarding experience personally and to maximize the political impact for the NFU.

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What difference does 5 years make?

Statistics Canada has some very user-friendly tools for looking at the new census data. If you would like to try them out, why not check out your own community's profile?

Go to **Census Profile, 2016 Census** at <http://bit.ly/2kLXKMP>. Type in the name of your town or municipality in the search window to get data about local population, age, gender, size of household, marital status of residents and number of children from the 2011 and 2016 Census and the percent change between censuses. You can choose to look at larger or smaller population groups (such as town, municipality, county, province or all of Canada). You can also compare census data from two areas on the same page – such as your town and your province, a bedroom community and a farming community in the same province, or a remote municipality and one that borders a big city.

How much and what kind of population change has happened in your area between 2011 and 2016? How much of the change is related to the farming economy and/or agricultural policy? Do you see patterns in the data you did not expect? Would the Census Profile data provide fodder for a discussion with fellow NFU members and other neighbours? Has community-based advocacy made a difference to your community's population numbers or characteristics? What would you like the numbers in the 2021 Census Profile to be? What would it take to make that happen? Could NFU advocacy contribute to a vibrant rural population base five years from now?