

NFU's position on the CETA talks were validated by what came next

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Dear editor:

I am writing to respond to two articles that have recently appeared in the Ontario Farmer by Alex Binkley which criticize the NFU and their position around the (CETA) Comprehensive Economic and Trade Agreement between Canada and Europe. Mr. Binkley states that the NFU is raising concerns about issues that are not even being discussed. Ron Bonnett of the CFA says the NFU's issues are red herrings and Richard Philips of the Grain Growers of Canada says "the misinformation spread by the NFU shows how irrelevant they have become."

Nothing could be further from the truth. A major hallmark of the NFU – our statements are based on careful and solid research - remains intact. I have now had the chance to read the latest version of the (leaked) text of this agreement from the October round of negotiations. I also made a call to Canada's chief negotiator Mr. Steve Verheul to clarify specific questions. After this we find that our positions based on the earlier draft are almost entirely vindicated.

On the positive side for farmers UPOV'91 specifically has been dropped from the latest version of the text. If the NFU's raising of concerns about UPOV'91 caused it to be dropped, this is a far greater service to farmers than they can imagine. However the passage remains where Article 12 pg. 252 states "The Parties shall co-operate to promote and reinforce the protection of plant varieties based on the International Convention for the Protection of New Varieties of Plants (UPOV)." The devil is always in the details, and if 91 is added after UPOV as in the earlier draft, farmers seed saving rights would be severely curtailed.

Now for all the hoopla around the agreement by those who support this agreement. Market access, as well as other agricultural issues, are contentious as Mr. Verheul has confirmed. Beef access to the European market will be contingent on changing production methods, dropping the use of growth hormones. This is something we could have always done with or without this agreement. The Europeans still maintain their position that this agreement shall continue to exempt their GM regulations. They also maintain the right to do all manner of inspections and verifications of Canadian products. The so-called market access for grains and oilseed producers will be a long time away whether this agreement is in place or not

Now lets talk about the concerns we raised from the start. Most of the European positions have hardened over the negotiations. Covered Procurement where our governments at all levels, subject to thresholds, are disallowed from favouring local or Canadian goods and service providers, remains. Therefore our worry about local institutions like hospitals, schools, and universities etc. establishing exclusive buy local provisions is forbidden. Local food systems are jeopardized, plain and simple.

Intellectual Property enforcement provisions have been hardened by the Europeans. They still call for the ability for corporations to direct the courts before a case can be heard to issue an interlocutory injunction to forbid or prevent any alleged infringement. For a farmer this could mean that seed could be forbidden from planting if it was alleged to have GM contamination or material in it. They also want to be able to seize these goods (in this case seed). Intellectual property rights holders also want the courts to issue injunctions forbidding third parties (like seed cleaners) from providing their services to a farmer if they deem that it is somehow assisting in infringement.

Again, nothing has changed in the text at this time where the EU's position is still calling for judicial authorities to have the ability to "order the precautionary seizure of the movable and immovable property of the alleged infringer, including the blocking of its, his/her bank accounts and other assets on pg. 255, Article 9, paragraph 3. This is, again, before the courts even hear the case. Intellectual property rights holders are intended to have the right to influence the courts to seize your property. Yes, Mr. Farmer, we stand by our statement that if this agreement goes through unaltered, you could lose your farm for planting your own seed. Patents will literally supersede all other property rights.

Extended patents by the time a regulatory body takes to approve a pharmaceutical or ag. Chemical, also remain. Exclusive protection of data used to approve a product for 10-13 years, also remains as a position by the Europeans. No other entity can use or build upon this data to advance alternatives. This agreement raises red flags for all Canadians, and Supply Managed groups should not be complacent either, but should carefully read the chapters on State Trading Enterprises and Monopolies and National treatment as a start. It would do reporters like Mr. Binkley and farm organizations like the CFA and the Grain Growers of Canada some good to go to the NFU website and read the leaked text of this agreement and think carefully about what it means to farmers and Canadians instead of acting as cheerleaders for a flawed and dangerous trade agreement. For those of you who want careful and thoughtful analysis of farm issues join the NFU.

Terry Boehm, President, National Farmers Union