
Foreign Affairs,
Defence and Trade Committee Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

By email: fadt.sen@aph.gov.au

9th April, 2014

Dear Sir / Madam

**AFSA Statement in relation to the proposed Trade and Foreign Investment
(Protecting the Public Interest) Act 2014**

On behalf of the Australian Food Sovereignty Alliance we welcome the opportunity to make a submission to the Senate Defence and Trade Committee investigating this proposed legislation.

Given what is at stake, we look forward to a robust, transparent and democratic process. We would welcome the opportunity to appear before the Committee to discuss our views in more detail.

Who are we?

The Australian Food Sovereignty Alliance (AFSA) is a collaboration of organisations and individuals working together towards a food system in which people have the opportunity to choose, create and manage their food supply from paddock to plate. AFSA is an independent organisation and is not aligned with any political party. Currently we have 120 individual, organisational, business and farmer members. These members include national networks such as the Australian City Farms and Community Gardens Network, peak bodies such as the Melbourne Farmers Markets Association and the Victorian Local Governance Association, the City of Melbourne, and leading environment organisations such as Humane Choice, MADGE and Gene Ethics.

We are a part of a robust global network of farmer-led organisations involved in food security and food sovereignty policy development and advocacy. This global network includes hundreds of millions of people – the majority being family farmers – in more than 80 countries. Our involvement includes being the sole Australasian representative on the Civil Society Mechanism of the Food and Agriculture Organisation's Committee on World Food Security, as well as being the sole Australian representative on the International Planning Committee for Food Sovereignty. We are also linked to Slow Food International.

We work extensively with primary food producers and consumers across every state and territory in Australia. Our national committee comprises published academics and lecturers from RMIT, Deakin University, University of Tasmania, and the Queensland University of Technology; farmers from NSW, VIC, ACT and WA; and local advocates and campaigners representing Food Connect, Friends of the Earth, Fair Food Brisbane and the Permaculture Network. Our vice president is also convenor of the Australasian Agri-food Research Network.

Our international food system context

The current food system – and our farmers in particular - are under enormous stress, as the United Nations Special Rapporteur on the Right to Food, Dr Olivier de Schutter, has stated in his final report. He has also emphasised that countries should be rebuilding local food systems, which is in direct opposition to the Australian government’s main proposal to increase our agricultural exports.¹ This touches directly on the Transpacific Partnership Agreement, which is a full throttle extension of the free trade agenda; and much more besides.²

Since the global embrace of liberalised trade in agriculture and food products, the global community has seen a rapid increase in morbidity and mortality associated with dietary-related ill-health. The pursuit of ‘growth at all costs’ comes with a high price, and Australians – and people everywhere - are paying it through decreased quality of life, higher levels of waste and pollution, and a severely degraded environment and destabilised climate.³ On the other side of the equation, global levels of hunger and malnutrition remain stubbornly high, and there is next to no prospect of meeting even the cautious Millennium Development Goals agreed to 15 years ago.⁴

The reason? Because the global food system is structured primarily to meet the profit needs of transnational corporations, not the food needs of people.⁵ Until this basic reality is acknowledged and addressed, all our major challenges – hunger, obesity, poverty, inequality, climate change, environmental degradation, biodiversity loss – will get worse, not better.

For politicians, it is fundamentally a challenge of your commitment to democratic principles. Who do you represent and whose interests do you serve? To whom are you accountable? What kind of legacy, what kind of country – and what kind of world – do you want to leave your children and grandchildren?

¹ De Schutter, O., Report of the Special Rapporteur on the right to food, Final report: The

² See <http://www.smh.com.au/federal-politics/political-news/australians-may-pay-the-price-in-transpacific-partnership-free-trade-agreement-20131113-2xh0m.html>; also <http://www.bloggerme.com.au/national-sovereignty-being-traded-trade-agreements>.

³ See Swinburn, B., and Egger, G., 2010, “Planet Obesity: How We’re Eating Ourselves and the Planet to Death”, <http://www.amazon.com/Planet-Obesity-Eating-Ourselves-Death/dp/1742373623>.

⁴ See <http://www.thejournal.ie/readme/from-farm-to-fork-%E2%80%93-healthy-people-depend-on-healthy-food-systems-1132198-Oct2013/>.

⁵ See <https://theconversation.com/the-draft-national-food-plan-putting-corporate-hunger-first-8342>.



In particular, we want to know whether, in the case of any of the ‘free trade’ agreements to which Australia is a signatory, there has been a comprehensive, independent and scientifically rigorous cost-benefit analysis? How do these free trade agreements relate to and impact on our binding international treaty obligations, in respect of the promotion and observance of basic human rights, as well as our binding commitments to tackle climate change effectively?

We remind you that Australia has signed and ratified the United Nations International Covenant on Economic, Social and Cultural Rights. This binding Covenant contains, amongst many other fundamental rights, the right to adequate food. We urge you to study closely the work of the world’s foremost expert on the Right to Food, UN Special Rapporteur Olivier de Schutter, and in particular his final report where he concludes, in the most unequivocal terms, that **our current food system is a failure** in terms of feeding all people well, caring for the environment and ensuring sustainable and equitable long-term development for farmers and rural and regional communities:

Democracy and diversity can mend broken food systems - final diagnosis from UN right to food expert

http://www.srfood.org/images/stories/pdf/officialreports/20140310_finalreport_en.pdf, para 4.

Further, when the WTO DOHA round of talks recommence, are we as a society hampered due to these individual agreements made ‘under the table’? While Australia has signed up to and implemented the previous Agreement on Agriculture and is an active partner in the Cairns Group, our international efforts have adversely impacted our ability to help our local farmers survive our own harsh climate, let alone fair access to markets. We may have become the most efficient agricultural producers, but our food system is in crisis and research funds for extension and outreach for farmers to adapt to new challenges like climate variability are thin on the ground.

Can we honestly say, as a country, that these ‘free trade’ agreements have brought net benefits to us *as a whole society*, in terms of employment, health, and environmental outcomes? If no such analysis has been carried out, and made public, why not? It is very concerning when the Australian consumer advocate organisation, Choice, is raising alarm bells on what these free-trade agreements mean to the Australian people.

There appears to be a rush to sign as many more ‘free trade’ deals as possible. While negotiations are often kept secret, it is time to tell the Australian people how these deals are operating to our benefit.

Our domestic food system

In this, the first United Nations Year of the Family Farmer, we need to do much more to support our Australian farmers and our local food systems better. We need a food plan for Australia that will address the pressures caused by:

- The negative impacts of a globalised food system,
- The constant and serious decline in the number of primary producers, with a specific focus on smaller producers,
- The extensive loss of prime farmland to urban sprawl and the mining industry, and
- A series of increasingly critical constraints on non-renewable energy sources and other agricultural inputs.

A simplistic 'free trade' message of 'ramp up production and export more' is not good enough – nor, quite frankly, is it feasible. Australian agriculture is being asked to adapt quickly to variable climate changes that happen in months and years, not decades.⁶ In addition, increasing the demand on farmers to produce more with the focus on using fertiliser and other agricultural inputs does not lead to a sustainable system, and alternative, proven and high-yielding methodologies such as agro-ecology, regenerative agriculture and permaculture should be explored. Farmers should have assistance, support and training for the necessary transition to more truly sustainable forms of production.

AFSA also takes the view that while we need to support our farmers with access to markets, more monoculture, large-scale export-focused farming is not the solution to long-term and genuine food security and food sovereignty, either in Australia or in most of the countries to which we export. Yet this is the message most loudly and constantly pushed by Federal and State governments. This is the thinking that lies behind the drive for evermore 'free trade' agreements such as the Transpacific Partnership.

We believe that instead of a myopic focus on export – and its corollary, increasing volumes of cheap imports – we need to strengthen and rebuild our local food systems. These systems require smart investment now to create the food economies of the future, especially if our projected population base doubles by natural increase over the next 40 years (ABS data⁷) without any environmental system shocks to cause mass environmental migration.

Our distribution systems are also resource intensive, requiring significant food miles via road transport to supply both to our export markets and ourselves. Health and wellbeing of Australians is also at risk with more than 9 in 10 people aged 16 and over not consuming sufficient serves of vegetables and fruit.⁸

⁶ Stokes C & Howden M. (Eds.) 2010. *Adapting Agriculture to Climate Change: Preparing Australian Agriculture, Forestry and Fisheries for the Future*. CSIRO PUBLISHING. 296 pp.

⁷ ABS data: 3222.0 - Population Projections, Australia, 2012 (base) to 2101, December 2013

⁸ AIHW 2012. *Australia's food and nutrition 2012*. Cat. no. PHE 163. Canberra: AIHW.



We need to address many of the underlying causes that adversely impact our current food system. Once our local system is resilient, it is much easier, and more sustainable, to export our surplus.

Our submission to the Senate Defence and Trade Committee

AFSA is completely opposed to including Investor State Dispute Settlement (ISDS) in any trade agreements to which Australia is a signatory. Australia has an adequate legal system for commercial disputes and there is no evidence that alternative legal avenues are necessary neither for foreign companies investing in Australia nor for Australian companies investing in other developed nations.

Furthermore, in regard to Australian companies investing in developing nations it is not clear that ISDS is an appropriate mechanism for resolving disputes, and AFSA is concerned that ISDS mechanisms undermine the sovereign rights of developing nations and shift risks onto the taxpayers and citizens of those nations.

Ecuador is an example of this with the case Chevron brought against it under ISDS in a trade agreement which "turned the treaty on its head to use it as a tool to try to immunize itself from liability in a private litigation", the final ISDS ruling required Ecuador to act in contradiction to its own national constitution (Public Citizen, "Investor-State" Disputes in Trade Pacts Threaten Fundamental Principles of National Judicial Systems', n.d).

As an active and participating observer and supporter of La Via Campesina, an international organisation which represents over 200 million people (mainly small farmers) AFSA is acutely aware the impacts of trade agreements on developing nations. La Via Campesina was formed largely in response to the devastating effects of trade agreements - such as the North American Free Trade Agreement (NAFTA) - on small farmers, particularly in developing countries.

Trade agreements that include ISDS risk undermining local legal systems and have been roundly criticised by international legal experts ('An Open Letter From Lawyers to the negotiators of the Trans-Pacific Partnership urging the rejection of Investor-State Dispute Settlement' available from tpplegal.wordpress.com/open-letter).

Claimed new provisions in ISDS agreements do not offer additional protections. These claims made by DFAT negotiators and the USTR have been debunked by many organisations including AFTINET and TechDirt ('USTR Starts To Panic Over Calls To Take Corporate Sovereignty Out Of TAFTA/TTIP').

AFSA therefore offers complete support for the proposed Trade and Foreign Investment (Protecting the Public Interest) Act 2014.

Conclusion

Our national and international food system will continue to experience food shocks into the future, such as in 2008 during the global economic crisis when international food prices skyrocketed to their highest level in 30 years⁹. 'Free trade' agreements have done nothing to lessen this trend; indeed they have very likely accelerated it, by undermining the conditions of production and infrastructure that support local and national food systems. This is a reminder that we need our local food systems to be resilient and we have the opportunity to invest in them properly now, in the interests of future generations of Australians.

The reality is that many a government has fallen when there are food shortages, and we have the opportunity to ensure the Australian population can withstand such food shocks into the future. We are willing to work with all parties and state agencies to deliver a better outcome for our producers, food processors and our communities.

A copy of the People's Food Plan is enclosed as this submission and further information on AFSA can be found at www.australianfoodsovereigntyalliance.org. We would welcome the opportunity to present the People's Food Plan in person and discuss our issues and recommendations.

Sincerely,



Dr Nick Rose
National Coordinator
Australian Food Sovereignty Alliance

Attachment 1: People's Food Plan

⁹ FAO data: www.fao.org/isfp/about/en/