

# **Towards Food Sovereignty:**

## **Constructing an Alternative to the World Trade Organization’s Agreement on Agriculture**

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## Introduction<sup>i</sup>

There is growing evidence that rapid agricultural trade liberalization, facilitated by the World Trade Organization (WTO), has increased rural poverty and food insecurity and devastated livelihoods of millions of small farmers and rural women in the South—and to a lesser but still serious extent, family farmers in the North. Nevertheless, the draft text on modalities proposed by Chairman Harbinson for the Agreement on Agriculture (AoA) and the Draft Cancun Ministerial Text betray the Doha Ministerial Declaration's stated intention of placing development at the heart of the Doha Round. Instead of redressing the imbalances and inequities inherent in the existing AoA, the draft modalities continue to allow developed countries to maintain high levels of support and protection to their agribusiness sectors, while inhibiting developing countries' (DCs) capacity to enhance domestic food production and protect their small farmers' livelihoods.

The Harbinson draft fundamentally fails to alter the AoA's existing structure, which legitimizes dumping through perpetuation of domestic price supports that developed countries claim to be “non-trade distorting.” This approach unfairly exempts from immediate curtailment such existing domestic subsidies—which are, in effect, also export subsidies when the benefiting products are exported and dumped at below the cost of production on world markets. Even worse, Harbinson delays the phase out of direct export subsidies over an unacceptably long timetable. This exemption is unacceptable because it strengthens the monopoly control of transnational corporations over the global agri-food markets at the expense of every country's food sovereignty.

The Harbinson draft remains dumb on the necessity to introduce the mandatory control by the WTO of the veracity of Members' notifications, which has permitted to the European Union (EU) and the United States (US) to cheat massively on their coupled domestic supports. Besides, those Members are continuing to make their notifications with a delay of 3 to 4 years, when they were supposed to do it within 6 months after the end of each agricultural year. The combination of these two frauds has allowed them to stay apparently within their commitments, when the truth is that they have exceeded largely their authorized AMS (aggregate measurement of support) since 1999, particularly the US.

Developing Countries (DCs) have presented significant proposals to the AoA negotiators that would better enable them to renegotiate and strengthen their measures to counter unfair dumping and prevent massive loss of rural livelihoods. Unfortunately, such proposals were—for the most part—omitted from the Harbinson text. To the contrary, the draft offers only smaller rates of tariff reduction for products identified as “strategic” to food security and rural development, to serve as Special and Differential Treatment (S&D) to DCs instead of admitting more effective border measures as import quotas, increased tariffs or price band systems. As past experience has shown, slowing tariff reduction will not stem the massive dumping of food imports that are inundating local markets, leading to further erosion of DCs' food self-sufficiency and of their capacity to generate sustainable employment for the rural poor.

We are convinced that, whatever marginal improvements might be incorporated in the present AoA, they will not make the resulting Agreement compatible with the essential concept of food sovereignty that would promote socially and environmentally sustainable agriculture worldwide. The current WTO structure precludes the fair regulation of agricultural trade for three main reasons.

First of all, the 'single undertaking' rule of the Doha Round makes the AoA a bargaining chip among all other ongoing WTO trade negotiations. The AoA is therefore likely to suffer important concessions—with no public scrutiny—which could profoundly and negatively impact agricultural sustainability in many countries. In other words, agriculture could easily be sacrificed on behalf of other issues.

The second reason relates to the profoundly biased definitions of dumping and actionable subsidies, not only in the AoA, but also in the GATT Agreement, the Agreement on Antidumping, and the Agreement on Subsidies and Countervailing Measures. So long as these definitions are not changed—this is out of reach of the agricultural negotiators alone—the new AoA is unlikely to address fairly existing imbalances between developed and developing countries. Consequently, we are proposing elements of an alternative multilateral agreement on agriculture that better articulates and ensures the food sovereignty of all peoples, including the right to food.

The third reason relates to the unfair running of the Dispute Settlement Mechanism since the WTO does not recognize the primacy of human rights and of the environment rules over trade rules. By adopting the Declaration on Human Rights in 1948 and the International Covenant on Economic, Social and Cultural Rights in 1966, States recognized everyone's right to feed oneself, the right to education, the right to access to adequate health services, the right to housing, the right to drinking water, etc. Member countries of the AoA should commit themselves to abide by the International Labor Organization conventions and the international conventions on the environment. These rights should build the cornerstone and the indicators of real development.

Therefore, the working group delegated by the civil society and farmers' and peasants' groups from North and South participating in Geneva for the Farmers, Food and Trade International Workshop on the Review of the AoA on February 19-21, 2003, calls for the development of an alternative multilateral agreement on agriculture to better ensure and articulate food security and food sovereignty—including the right to food—in all countries as well as equitably address all sources of unfair trade distortions in world agricultural markets. We invite any and all organizations from around the world to sign-on this document in the spirit of declaring solidarity in support for taking concrete step towards an alternative, positive and hopeful vision for a viable and vibrant future for agriculture and rural communities in contrast to the current dangerous and demoralizing path that is now leading into the abyss of hopelessness and despair. Anyone interested can endorse and offer improvements to the complete document, Towards Food Sovereignty: Constructing an Alternative to the World Trade Organization's Agreement on Agriculture, at: <http://www.tradeobservatory.org>.

## **Preamble**

### ***I. The Right to Food is a Basic Human Right***

Food has been declared a basic human right in many international agreements such as the Universal Declaration of Human Rights, the Preamble of the FAO Constitution, the International Covenant of Economic, Social and Cultural Rights, among others. Yet, the right to food is continually denied. Even worse, it is presently considered more an item for trade than for sustenance.

Existing rules for the global economy encourage excessive economic concentration in agricultural markets that results in the manipulation of global food supplies and the depression of farm prices, threatening food security and the survival of family farmers in both developing and developed countries. Poverty is increasing instead of decreasing in many regions around the world. Outside pressures are displacing local agricultural practices with industrialized agricultural practices, thereby destabilizing families and communities around the world. Increasingly, many small producers are giving up farming completely. Suicide rates are high in rural areas in the North, and many rural migrants in the South end up in miserable conditions in urban shantytowns or migrate to provide cheap labor in the North.

Presently there is no internationally binding instrument that recognizes and guarantees peoples' right to produce or have access to food. Nor is there an instrument for the realization of these rights by guaranteeing that governments recognize and assure the food sovereignty of the people and their communities—providing the people with the freedom, means and legal authority to exercise these rights. Such an internationally binding instrument is essential to promote and guarantee the exercising of national food sovereignty by nation-states whether such sovereignty is affected by trade agreements, investment agreements or agreements with international financial institutions. We must therefore create new paradigms that will provide all governments with the moral and legal basis, as well as the material means, to establish and to exercise food sovereignty, which in turn will guarantee the basic human right to food.

The pursuit of trade and investment liberalization within the dominant form of globalization and the WTO process will increase the social and economic problems for rural peoples engaged in agriculture and fishing around the world. The probable consequences of an expanded WTO Agreement on Agriculture (AoA) will lead to the abandonment of lands, acceleration of migration from rural to urban areas, with subsequent pressures on local governments to provide basic services and, in most LDC's, without real employment opportunities that could provide them with a life with dignity. This will result in the growth of poverty and increased marginalization in both urban and rural areas.

The transnational agribusiness cartels, eager to increase their access to large quantities of under-priced grains for their processing plants, are pushing for new AoA measures that lowers their transaction costs. They will use their stocks to depress global market prices through strategic “dumping” of grains at prices far below farmers' cost of production. The resulting cheap imports undermine the ability of smaller-scale producers worldwide to compete against imports in their own domestic markets. The practice of dumping is predatory pricing on a global scale. In many countries, vast vertically integrated transnational corporations are building mega-barns for mass industrial-style production of hogs, dairy and other livestock. This production, which is geared for export, is displacing local farmers and destroying rural environments and communities. Furthermore, in several countries, large corporations are displacing peasant producers from their lands and the permanent loss of the means of feeding their families. The current U.S. farm policy, further expanded in the 2002 Farm Bill, devastates independent family farmers in the United States. By eliminating supply management and price floors, it puts incredible

economic pressure on U.S. farmers to plant field crops fence-row to fence-row, cultivating all of their land without leaving any part of the soil to rest. Massive taxpayer subsidies provide both direct and indirect export subsidies—primarily to large agribusiness cartels rather than independent farmers. This in turn allows transnational agribusiness cartels to purchase commodities at prices far below their cost of production—both domestically and internationally—and thereby encourages predatory dumping of key agricultural commodities onto world markets in a manner that undercuts the price paid to farmers and peasants around the world. Below-cost feed grains provide an unfair, distorted economic advantage to feeding grains over feeding grass. This favors centralized, industrial animal factories, which need massive amounts of feed grains, over smaller, independent, decentralized livestock producers who could otherwise be more competitive by utilizing grass instead of feed. This subsidizing of cheap feed grains allows industrial animal factories to externalize the costs of their water, air and land pollution to society as a whole, while increasing their own profit margins. Additionally, mounting evidence reveals increasing health threats and contamination of our food and water supplies by the sub-therapeutic use of antibiotics needed to keep animals alive in their inhumane cubicles.

Similarly the main objective of the CAP's reform adopted the 26 June 2003 in the EU is to shield agricultural subsidies, once fully decoupled, from obligations of reduction at the WTO, by transferring them to the AoA's green or box. The EU-US Joint Text on Agriculture submitted in Geneva the 13 August 2003 to influence the WTO Ministerial Conference in Cancun, promotes agricultural policies more and more enslaved to the profits of agri-food corporations. Their proposals of further reductions in import protection, export subsidies and domestic supports include the reshuffling of their subsidies to the Green and Blue Boxes. Time is up for developing countries to unmask collectively that hypocrisy and defend the right to protect their own domestic markets from the legal dumping perpetrated by the North. An expansion of the WTO's AoA would make all countries' food security increasingly uncertain and dependent on volatile international market prices and far-flung distribution chains. The WTO agreement has been designed to break down the authority of countries to regulate on behalf of the public interest the dissemination and cultivation of patented genetically engineered food crops. The patenting that is essential to the very existence of this technology is already beginning to disenfranchise farmers of their resources, unbalancing natural ecosystems, and destroying the genetic diversity of crops upon which farmers and consumers depend now and into the indefinite future.

## ***II. Food Sovereignty Must Claim Primacy Over Trade Agreements***

In light of these threats, the principle of food sovereignty must be respected in any trade agreement. We therefore reject the liberalization of agricultural markets under the parameters of the WTO's AoA. Agriculture and traditional fishing are activities that fulfill a series of essential functions for the stability and security of nations: the preservation of the cultural riches and multi-ethnicity of societies; the preservation of biodiversity; the creation of dignified employment and self-sustainable communities (in agriculture, fishing and related economic activities); the maintenance of rural populations; guarantees basic food security; and contributes to sustainable development with economic, social and political stability. In short, agriculture, fishing and biodiversity should not be treated as mere commodities, but rather as elements of a complex social, environmental and cultural pattern which should therefore not be opened indiscriminately to trade liberalization. Only then can agriculture fulfill its complex social role and contribute to the achievement of a just and peaceful existence for all.

Therefore, as a response to the deleterious impacts of trade liberalization, countries should be allowed and encouraged to develop their own sovereign long-term rural development strategies and policies, and to prohibit the influx of under-priced food that threatens the local food production capacity. The principle of food sovereignty implies the ability of nation states to protect their farmers and fishers from predatory

trade regimes and economic exploitation, while ensuring food security and a decent rural life and livelihoods.

### ***III. Neoliberal Globalization: The Imperative of Food Sovereignty***

Neoliberal globalization has intensified the structural causes of hunger and malnutrition. On the one hand it has resulted in the economic and oftentimes physical displacement of the rural and urban poor. On the other hand, the further dominance of corporate control of food and agriculture has eroded peoples' access to nutritious and safe food.

Neoliberal globalization has removed the limited support and protection that existed for the majority of the world's farmers. Structural adjustment programs of the World Bank and the International Monetary Fund (WB/IMF)—as well as other international financial institutions and various agreements under the WTO—have systematically removed quantitative and qualitative trade restrictions that have served to protect scale, farming and fishing in both developing and developed countries. Limited structures and mechanisms of market regulation, such as state companies in seeds and other inputs, are being dismantled and privatized. Price protection for food products, food distribution systems, and national preferences in government procurements are being deregulated and prohibited.

Other WTO agreements such as The Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS), and on Sanitary & Phytosanitary Standards (SPS), strengthen corporate control and further displace family farming and peasant production. Farmers are rapidly losing control over seeds and other genetic resources while the corporations are increasingly consolidating their control over these resources through patenting, biopiracy and genetic engineering. Genetic engineering and the patenting of life forms not only threaten our ecology and food security, they also threaten the economic independence of farmers.

Of special concern are the TRIPs rules that privatize, accommodate and monopolize products derived from biodiversity. Under these provisions, corporations have the right to patent products, processes and organic material. Traditionally, knowledge of biodiversity has been treated as the common property of local communities. In new trade negotiations around the world, the corporate-government biotech lobby has been pushing for rules that go beyond even those already agreed to in the WTO. These rules even more rigorously facilitate private monopoly rights.

### ***IV. The Need to Curtail Agribusiness Cartels from Predatory Dumping of Agricultural Commodities***

International trade in agricultural commodities and agri-foods is lucrative for a handful of vertically integrated transnational agribusiness cartels, which lobby intensively for expanded trade liberalization. Their lobbying efforts have culminated in the drafting and implementation of the WTO's Agreement on Agriculture (AoA), the agricultural components of the FTAA, as well as the U.S. Farm Bill and the EU CAP reforms. Neoliberal apologists have argued vociferously that agri-trade liberalization would provide new opportunities for farmers in developing countries to improve their standard of living: both through the adoption of biotechnology and other industrial agricultural practices, such as animal factories; and through increased agricultural exports to developed countries. Proponents have first argued that expanded trade liberalization would raise world prices and benefit farmers worldwide, and later changed their argument emphasizing the benefits of lower food prices for urban poor.

This “free” trade “prosperity-for-all” myth has now been clearly exposed as a failure, as neoliberal policies such as the North American Free Trade Agreement (NAFTA) and MERCOSUR have resulted in lower farmgate prices, while escalating retail food prices for consumers. Independent family farmers in the North, and peasants in the South, are faced with an historical trend of declining prices for their agricultural products, both domestically and worldwide, resulting from this increased control of international markets by transnational agribusiness cartels. Terms of trade between producers of raw agricultural commodities, and the products farmers and peasants must buy (additional food-stuff, agricultural inputs, medicines, education, etc.) to secure their food security and well being, are continually biased against them

At present, international trade in agricultural products involves only ten percent of total worldwide agricultural production, and is mainly an exchange among transnational agribusiness cartels from the US, EU and a few other industrialized countries. The so-called ‘world market price’ is extremely unstable, and is usually below the actual cost of production of farmers and peasants in virtually all countries. Additionally, because most agricultural exports are heavily subsidized by taxpayers in developed countries, and because distribution systems from farmgate to retail are increasingly under the monopoly control of transnational agribusiness cartels, the term, “free market” is misleading and inappropriate. These are not “free” or “competitive” markets in the classical sense, because they lack transparency and true price discovery.

In order to take full advantage of the market power provided by vertical integration, these cartels strive to eliminate national border protections for domestic markets that interfere with intra-firm transactions. Despite their misleading mantra of “free” markets that will raise the standard of living for everyone across the world, these transnational cartels are in fact becoming obscenely rich by paying farmers and peasants less than the cost of production for their commodities, while steadily increasing prices paid by consumers. This increased vertical integration and monopoly control of world agricultural markets has triggered a race-to-the-bottom among producers, regions and countries that usurps and destroys local markets. Farmers and peasants are continually forced to lower production costs, and to implement agricultural production systems that threaten ecological sustainability.

The destruction of local markets for the benefit of transnational agribusiness cartels and the continuous pressure to produce for foreign markets to compete with farmers in other countries with other socioeconomic and productive conditions is not how we want the world to be. Producing for export is not necessary for attaining food security, but rather it is what the cartels want in order to further increase bulk shipments and voluminous trade around the world, at the same time lowering agricultural commodity prices for their processing plants, both central pieces in of their economic activities as private firms.

Farmers, peasants and consumers around the world all have an enormous stake in developing and implementing a food system that protects and expands sustainable, independent, decentralized agricultural production. We all must fight to ensure that independent farmers and peasants around are given the opportunity to produce quality food for their families, and for their domestic markets at reasonable prices. This can and must be done without inflicting harm upon rural communities in other parts of the world, and with full respect for the ecological environment and the diversity in cultural identities. World trade in food must not be an end in itself, but instead should be targeted in a constructive manner as an instrument of sustainable rural development, thereby securing the livelihoods of independent farmers and peasants around the world, and ensuring access to affordable food for all.

## ***V. Predatory Agricultural Dumping Should Not Be Disguised As Food Aid***

Food aid is sometimes necessary to cope with emergency situations, but too often disrupts local markets by importing subsidized surplus production from developed countries that acts as a disincentive to domestic production in the developing countries. While food aid from international stocks is growing, the capacities of national governments to establish food security reserves has been undermined as a result of restriction in Structural Adjustment Programs imposed by IMF and World Bank.

Recently, the transnational biotechnology lobby, supported by the U.S. government, has argued that developing countries don't have the sovereign right to reject food aid that is genetically contaminated. Critics argue that the biotech industry, desperate because of growing consumer rejection of biotech foods, is cynically attempting to intentionally contaminate world food crops, which would make regulation of GE crops a moot point. This represents a prime example of transnational biotech companies attempting to wield the power of the WTO on their own behalf to suppress countries' right to regulate genetically engineered crops already guaranteed under international law, e.g., the Convention on Biological Diversity.

## ***VI. The Need to Enhance Production Possibilities for Independent Family Farmer and Peasant Agriculture***

Family farm and peasant agriculture is limited in most countries by constraints on access to land, water and capital, which are systematically imposed by landed-elites and agribusiness. Other constraints are related to the high risk caused by climatic conditions, the lack of productive infrastructure and high price volatility. There exist enormous potential to intensify agriculture in a sustainable way on large landholdings that now are being unproductively used, principally as collateral for loans to invest in other sectors of the economy.

The WB/IMF model of market-oriented land reform subverts national governments' efforts to implement genuine agrarian reform by imposing debt bondage. It does not aim to distribute land to the landless, but rather to increase the concentration of land by the landed-elite. International institutions such as World Bank, Asian Development Bank, Inter-American Development Bank, etc., are attempting—through privatization programs—to transfer peasants' land rights and access to water as public resources to private corporations and large-scale producers.

Peasant organizations from many countries, which have attempted to add value to their primary production, are continually frustrated by the constraint on access to capital, tax discrimination and legal prohibitions or lengthy and costly administrative procedures needed to enter the formal economy. While corporate agribusinesses increase their profits by transforming primary production, farmer and peasant production is limited and reduced to the less remunerative link in the production chain as producers of raw material.

Rich governments continue to heavily subsidize export-oriented agricultural and fisheries production in their countries, with the bulk of support going to large producers. The majority of taxpayers' funds are handed out to big business—large producers, traders and retailers—who engage in unsustainable agricultural, fisheries and trading practices, and not to independent, small-scale family producers who produce much of the food for internal markets, through more sustainable practices.



## ***VII. The WTO Threat to Consumer Choice and a Safe and Healthy Food Supply***

Food safety protocols are increasingly incorporated in national legislation. Consumers are alarmed by food safety, public health and animal welfare risks that are associated with increasingly industrialized agricultural production and that are exacerbated by the expansion of trade liberalization. However, many countries take advantage of these legitimate concerns to construct non-tariff barriers to protect domestic production against imports. We think the latter should be realized by more appropriate and less discriminatory measures at the border level, while national food safety regulation must be based on concerns regarding food quality criteria, appropriate to the preferences and needs of their citizens.

The current rules of global trade, as dictated by the WTO, restrict governments from prohibiting the importation of foods that have been produced by environmentally harmful methods. Current trade rules also restrict consumers' right to choose foods through labeling based on methods of production. The WTO has also issued rulings, e.g., the striking down of the European ban on beef hormones, which further erodes the power of national governments to protect the health of their citizens. These rulings severely restrict the rights of governments and consumers from choosing which types of foods to eat based on either production processes or questionable food safety. These precedents have grave implications for the future viability of organic and other sustainable agricultural production methods, for the humane treatment of animals, for the environment, as well as for the right of self-determination of countries to regulate the use of biotechnology in crops and food.

Such interference in the rights of countries to protect the health of their citizens, along with the suppression of information available to consumers, exposes the hypocrisy of the apologists for neo-liberal globalization. The efficiency of truly free, transparent and competitive markets depends on informed buyers who have access to accurate information. The WTO's record of suppressing both the consumers' rights to choose safe and healthy food, and their right to have the demands for their food preferences reflected back to producers, severely compromises the ability of farmers and peasants utilizing sustainable production methods to compete effectively with transnational agribusiness cartels.

Transnational biotechnology corporations press for limiting the generally accepted timeframes to test new technologies with potential negative impact on food quality and ecological balances. Scientists disagree on the potential threats posed by genetic engineering and other food alterations necessitated by industrial agriculture such as food irradiation. The current WTO modes of economic development reflects the power of transnational cartels to dictate the types of food that are produced, as well as how food is produced, traded and marketed. Instead, local, regional, national and international policies should give priority to local sustainable production of affordable, safe, healthy and high quality food, and to culturally appropriate subsistence production for domestic, sub-regional and regional markets.

## ***VIII. The Imperative to Foster the Political Influence of Small-scale Producers***

Developing countries have very limited room for maneuver in formulating national policies to overcome development obstacles. Essential parts of political decision-making have been transferred from the national level to the international level, and from the national treasury to the International Monetary Fund, due to the dependency resulting from high indebtedness. The debt burden of the south makes it impossible to reinvest profits made from agricultural trade as this is directed to debt repayment.

The WTO presents itself as the most comprehensive and politically dominant mechanism for the globalization of food and agriculture. It has sidelined UN agencies such as the UNCTAD and the FAO,

which were mandated to address key development and food concerns. Despite promises to improve the system made at the Seattle Ministerial Meeting in 1999, governance in the WTO has actually become worse. Rather than addressing existing inequities and power imbalances between rich and poor countries, the lobbying forces of the rich and powerful in the WTO are attempting to expand the WTO mandate to new areas such as environment, labor, investment, competition and government procurement (the Singapore issues).

## Principles

### *I. Food Sovereignty Defined*

Food Sovereignty is the right of peoples, communities, and countries to define their own agricultural, labor, fishing, food and land policies that are ecologically, socially, economically and culturally appropriate to their unique circumstances. It includes both the right to food, and the right to produce food. Food as a basic human right is organically connected to the most basic right to live. This right should be the foundation of any effort to end hunger and achieve food security. It is also axiomatic that if we recognize the people's right to food, then we must also recognize their right to produce food and assure their access to the productive resources such as land, water, seeds and technology. Land is the source of livelihood, survival, identity, food security and culture. In some of the poorest countries, agriculture generates as much as 30 to 50 percent of the gross domestic output, employs 70 to 80 percent of the labor force and contributes 40 to 70 percent of the export earnings. Rights must not simply be recognized; they must be realized. Food sovereignty is the freedom and capacity of the people and their communities to exercise and realize these rights. It assumes the recognition and empowerment of people and communities to realize their economic, social, cultural, and political rights and needs regarding choice of food, access to food and food production.

Thus the demand of peasant movements, rural women's movements and hundreds of NGOs/CSOs is no longer just the recognition of the rights to food and produce food, but further, to achieve food sovereignty as the means to eradicate hunger and malnutrition and to guarantee lasting and sustainable food security for all peoples.

Food sovereignty is a call to governments to adopt policies that promote democratic, sustainable, decentralized, domestic family-farm and peasant based production, rather than totalitarian, unsustainable, corporate-industrial, transnational export-oriented production. This means ensuring adequate prices for all farmers, supply management, abolishment of all forms of export subsidies, and the regulation of imports to protect domestic food production. All food products must comply with high environmental, social and health quality standards.

In order to guarantee their food sovereignty, all countries must be guaranteed the right to defend their societies' food production and distribution programs in the context of international economic cooperation as well as trade and investment. This should not be interpreted as 'nationalist protectionism' that is contrary to trade. Rather, it is the exercise of national food sovereignty that holds the interests of food security and the protection of peasants, fisherfolk, indigenous and other marginalized sectors fundamental to society and paramount to the interests of international trade.

While food sovereignty lies in the empowerment of peoples and their communities, it is of utmost importance to the realization of the people's food sovereignty that the governments recognize, guarantee and provide to the best of its ability the opportunities and develop the capacity of the people and their communities to exercise food sovereignty. This is a fundamental responsibility of governments in the assurance of food security of their societies.

Within national decision-making small scale production and family farmers are overtly under represented. Behind the faces of national trade negotiators in many developed and developing countries are powerful TNCs, such as Monsanto and Cargill. Financial mobilization in peasant organizations is inherently limited, which limits their capacities to monitor and influence policy formulation. To change this bias, differentiated treatment is needed for additional support to peasant organizations.

## ***II. Principles of Food Sovereignty***

International agreements must make it a priority to encourage all nations and regions to build the capacity to feed their people, and to avoid excessive dependence on agricultural and food imports. All countries must encourage local production and processing of foods that are safe, healthy, and culturally appropriate. Countries must encourage food production primarily for domestic markets, and must begin to wean themselves from the current export-at-all-cost premise promoted by the transnational agribusiness cartels and enforced through existing trade regimes like the WTO and NAFTA.

All countries must include, in all relevant national consultative organs on agricultural and commercial policies, organizations that legitimately represent the poor sectors of society and assign budgets to allow them to make regular consultations with their members on the issues concerned. In this consultation process, it is assured that gender equity and equality are incorporated in all policies and practices concerning food production.

All countries should assume the responsibility to ensure food security for their population in a manner that gives maximum benefits to domestic producers and local markets before seeking imports and/or promoting exports. Countries should have the right to protect or exclude staple foods (such as corn, wheat, beans, potatoes and fish, among others) that form the basic diet of their people from trade agreements.

Agrarian reform is needed throughout the world. Such reform must legitimize the property and territorial rights of small producers and landless rural workers, whether individual or collective, of both men and women, and respect the traditional rights of indigenous peoples to collectively live off their lands with territorial integrity. The concentration of agricultural lands and markets in fewer and fewer hands must be reversed, and a concerted effort made to maintain and, in many cases, to restore ethnic diversity in production systems.

Antitrust laws at the local, regional, national and international levels must be vigorously enforced and strengthened where necessary, to guarantee independent family farmers and subsistence peasants the right to sell their products in open, transparent and competitive markets. All countries must be guaranteed the right to establish domestic and global reserves, manage supply, enforce anti-dumping disciplines, and ensure fair market prices.

Agricultural workers are frequently submitted to abuses and injustices. The labor movement and peasant organizations of the world demand that any international agreement must work toward at least guaranteeing the following rights:

- The protection of trade union freedoms that allow for the establishment of unions in the rural areas and among fisherfolk.
- The promotion of standards that allow the negotiation of wages and other working conditions, through an efficient system of collective bargaining.
- The recognition of working women's needs, taking into consideration the obligations of childcare, nursing and education.
- Guarantees of specific health and safety standards linked, for instance, to the effects of chemicals on farm workers.

A process of democratization of national agricultural, fisheries and environmental policies must promote sustainable development and environmental protection. Agrarian reform that fosters economic justice and dignity for farmers and fisherfolk is a vital element in protecting the fertility of the land and water in the future. Farmers, both men and women, need to participate directly in the development of such policies. Producers and consumers are already developing self-governance forms, both in the rural and urban areas, which need to be respected as the basis for the strengthening of democracy in the countryside. No element of any international integration agreement should limit the capacity of nation-states to promote and consolidate this process.

Neither governmental policies, nor trade agreements, should encourage or allow the destruction of small producers by means of supporting or foreclosing on unjust indebtedness that result from factors beyond their control or by excessive interest rates. Towards this end, debts claimed by the IMF and World Bank on loans to the world's most impoverished countries must be canceled in full. Debt cancellation must be de-linked from regressive conditionality that disadvantages people in poverty, women, and working people, including those in the informal economy. Individual countries, as well as the international community should instead support small producers through policies of low-interest credit, together with providing technical assistance and subsidized inputs if possible. Governments should not tax the inputs small farmers need, such as seeds and fertilizers.

All countries, with appropriate assistance from the international community, must guarantee adequate production and equitable access to safe, nutritious and adequate food for their citizens by ensuring minimum income for the people that is sufficient to provide for basic needs, especially minimum nutritional requirements through effective poverty eradication programs. No element of any international trade agreement should limit the ability of national governments to implement these supports.

Farmers should be able to earn a fair price for their production from the national as well as the international marketplace. Farmers must not be forced to depend on income support from taxpayers, which is neither politically nor economically justifiable when the bulk of these subsidies go to large agribusinesses and to underwrite unsustainable agricultural practices such as industrialized animal factories.

In countries that overproduce and subsidize certain crops, supply and inventory management programs—including an effective system of global food reserves, combined with price guarantees on basic staple commodities—are necessary, both to reign in overproduction and reverse the bankruptcy of the farming economy.

All countries must be guaranteed the right to establish rules for the protection and enforcement of intellectual property rights that reflect their specific social, cultural, economic and environmental contexts. This must include the right to ban the patenting of life forms. All countries must be guaranteed the right to invoke compulsory licensing, parallel importing and public non-commercial use provisions intended to protect biodiversity, indigenous knowledge that of traditional and farming communities, as well as to ensure access to essential medicines. These safeguards are necessary to protect the basic human rights to life, food and health guaranteed in the Universal Declaration of Human Rights.

International agreements should not mandate that sanitary and phytosanitary standards be met through specific technologies, such as irradiation or the use of genetically engineered seeds. Nor should they prohibit countries from requiring labeling of their products based on how or where it was produced. All interested parties must be involved in designing and implementing sanitary and phytosanitary standards that ensure high quality produce, protect the environment, and guarantee consumers' access to safe food that is both healthy and nutritious. When legitimate demands for certain standards, justified for

consumers' health, cannot be met by smaller-scale farmers, countries should develop interim measures that provide the means for them to meet those standards within a reasonable time. Smaller-scale organic agriculture is the healthiest and most sustainable form of agriculture, and organic producers should be supported by appropriate government policies toward that end.

The use of patents to control agricultural seeds and healing herbs and plants must be regulated, and in certain cases prohibited, through legitimate national and international law, not by fiat through trade agreements written in secret by lawyers from the biotechnology industries. The patenting process must be substantially reformed to close the legal loopholes that allow the blatant theft of genetic resources by biotech company agents—and even by universities—from developing countries, indigenous communities, and individual farmers and peasants. Respect must be given to the agrarian peoples who through generations have developed the crop varieties in use around the world today. The benefits accruing from the marketing of crop seeds, fish products and medicines should go primarily to the peoples who, together with their ancestors over generations, have bred these crop seeds, protected fish populations or protected and studied the effects of these medicinal plants.

International agreements should make it a priority facilitate the transfer of new, appropriate and sustainable technologies on fair and most favorable terms in order to reduce the enormous gap in technical and scientific knowledge, and the gap in benefits derived thereof, between nations—a provision explicitly stated (albeit ignored) in the WTO TRIPs Agreement.

International agreements affirming these principles and establishing appropriate enforcement mechanisms should be negotiated through bodies such as the Conference of Parties to the Convention on Biological Diversity (CBD), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO), and the United Nations Conference on Trade and Development (UNCTAD), and not through trade agreements.

## **Constructing an Alternative Agreement on Agriculture**

### ***Article 1. International and Multilateral Foundations for Guaranteeing the Right to Food as a Human Right, and the Right of Every Country to Food Sovereignty***

Many existing international and multilateral agreements and conventions provide the basis for reasserting the right to food as a human right, based on the principles of Food Sovereignty. The list includes, but is not limited to:

- a. *Universal Declaration of Human Rights*
- b. *The International Covenant on Economic, Social and Cultural Rights*
- c. *World Food Summit Plan of Action*
- d. *The Convention on Biological Diversity*
- e. *The International Treaty on Plant Genetic Resources for Food and Agriculture*
- f. *Agenda 21*
- g. *Beijing Platform for Action*
- h. *Habitat Agenda*
- i. *Convention on the Rights of the Child*
- j. *Universal Declaration on the Eradication of Hunger and Malnutrition*

By adopting these agreements, member states recognize everyone's right to feed oneself, the right to education, the right to access to adequate health services, the right to housing, the right to drinking water etc. These agreements provide the foundation for asserting the primacy of human rights and food sovereignty over corporate trade rules, and provide the world with a solid cornerstone for effective development strategies that can put world on the road to ending hunger.

All countries should review and rewrite their agricultural policies to implement the basic principles of food sovereignty.

### ***Article 2. Concrete Steps Towards Curtailing Predatory Dumping of Agricultural Commodities***

All countries agree to phase out all forms of dumping of agricultural commodities and agri-food products within three years for developed countries, and six years for developing countries. Dumping is defined as the exporting of agri-food products at prices below the full cost of production—including a fair remuneration of farmers for their labor and capital, including the maintenance of soil fertility.

## **A. Ending All Export Subsidies**

Every country must eliminate all forms of export subsidies for agri-food. The distinction made in the WTO's AoA, and in the Agreement on Subsidies and Countervailing Measures, between non-specific subsidies (when they are computable) and specific subsidies, is unfounded and should be abolished. The differences between amber, blue and green box subsidies are also unfounded and should be abolished. All types of subsidies have the effect of lowering the production cost of agri-foods, and thereby unfairly increasing the competitiveness of the benefiting products when exported on world markets.

Given the unfairness of developed countries continuing their hidden dumping through massive subsidies for their agribusiness sectors, and given the obstinate refusal of developed countries to address this unfairness despite commitment to do so in Doha two years ago, the so-called "Peace Clause," which currently shelters developed countries from trade challenges to their domestic subsidies, should not be renewed.

Until export subsidies are completely abolished, all countries must be guaranteed the right to impose equivalent tariff barriers on any subsidy embodied in exported products. National food and agriculture trade policies may use the kind of import protection measures that fit them best, including quantitative barriers such as time-definite or open-ended import bans and quotas on basic food items.

Provided that the benefiting products are not exported, countries have the right to use the kind of subsidies that fit them best, given their level of development. In particular, coupled subsidies are generally preferable in developing countries since they constitute a direct incentive to increase the national agri-food production.

All subsidies given to farmers or shall be designed in such a way that the benefiting products are not exported, and that they contribute to the achievement of clearly defined aims designed to ensure food security, achieve an environmentally friendly way of production, maintain farming in rural areas, complement the income of the smallest farms or of those located in underprivileged areas, promote public stockholding, price stabilization mechanisms or other measures of assistance, whether direct or indirect, to reduce price and production risks in agricultural production.

All countries shall notify to the multilateral Body in charge of the agri-trade regulation all their export and domestic subsidies in order to prove that their exported products do not receive any of them at the end of the agreed period. They shall also notify the full production cost of each exported agri-food product and shall prevent any export at a price below this cost, notably by imposing an export tax covering the gap with the full production cost. These rules will minimize the lengthy and costly procedures on antidumping, countervailing duties and of special safeguard clauses, which are almost out of reach of developing countries.

## **B. Supply Management**

Exporting countries shall establish mechanisms of supply management to avoid surpluses of non-competitive products, i.e., of products requiring import protection, or export subsidies, or domestic subsidies of any kind on exported products.

Exporting countries must commit themselves to coordinating their agri-food exports policies in order to mitigate fluctuations in international prices.



All countries must establish domestic reserves and participate in global supply management mechanisms to regulate agri-trade, enforce anti-dumping regulations, and ensure fair market prices.

### **C. Import Controls and Price Bands**

Given both the high volatility of the world prices of agri-food products and the correlative ineffectiveness of fixed tariffs, countries must be encouraged to implement price band systems or variable import levies to stabilize internal prices for agricultural commodities. Such variable levies or price band systems would stabilize rural economies by regulating the volatility of import entry prices, and preventing the unfair undercutting of domestic agricultural prices caused by below-cost dumping. Entrance prices, or price bands, would be calculated according to existing production and transaction costs of peasant production within each region or country.

All countries—and particularly developing countries—may impose additional duties on subsidized imports by calculating a subsidy-equivalent tariff. This will be imposed on top of the applied tariff, if the country concerned so deems this action appropriate or necessary. The balancing mechanism will not require proving injury to the domestic industry by the importing country. Neither does it require proving a causal link between subsidized imports and the damage to the domestic industry. It suffices to identify the existence of a subsidy and calculate its level based on the exporting country notifications to the WTO or, in case of overdue notifications, based on the best available information.

Accordingly, developing countries can invoke a Special Safeguard Mechanism (SSM) for all agricultural commodities and agri-food products, regardless of whether they have been subject to tariffication during the GATT. This SSM allows members to take temporary border measures on imports from all sources when faced with sudden price drops and import surges, with no restrictions as to the number of agricultural products to benefit from this SSM. Countries imposing the safeguard measures would have the flexibility to impose additional duties or quantitative restrictions.

In order to maintain transparency in international trade in agricultural commodities and agri-food products, every country must provide notification to the appropriate international entities of any changes in the levels of its customs measures, SPS measures, TBT measures, etc.—including the levels of its entrance prices that fix the country's variable levies or price bands.

Countries cancel their obligation according to the AoA of accepting the minimum importation of 5% of internal consumption. All compulsory market access clauses must similarly be cancelled immediately.

### **D. Preferential Market Access**

Developed countries, and the more advanced developing countries, must enhance the market access opportunities in favor of least-developed countries, land-locked countries, small island developing states and other small vulnerable countries, by special agreements that do not demand the granting of reciprocal preferences, in terms of duty-free quota access to products originating in, or of export interest to, these countries, when it is obvious that increased exports would actually be globally beneficial to small farmers and not harmful to poor consumers or the environment.

As long as there does not exist a worldwide government in charge of an income distribution policy at the world level, international trade agreements must not limit the right of more advanced countries to grant

bilateral non reciprocal market access for agri-food products to some countries, even if this access is not extended to all countries of the same level of development.

With regard to those tropical products (cotton included) that are processed within the developing countries, developed countries should rapidly end their tariff escalation for such processed products. This would allow developing countries to realize the benefit of higher prices, the creation of employment and the added value in the few products in which they have a comparative advantage. Since the main cause of the slump in the world prices of tropical products lies in their structural overproduction, exporting member countries will charge FAO to administer the distribution of production quotas and to enforce them through appropriate sanctions. FAO will also manage a worldwide mechanism of minimal prices for exported tropical products (according to varieties and qualities).

#### **E. Measures to Curtail the Practice of Food Aid Being Used as a Dumping Mechanism**

Countries agree that the provision of all forms of food aid shall not be tied directly or indirectly, formally or informally, explicitly or implicitly, to commercial exports of agricultural products or of other goods and services to recipient countries.

In the case of food aid for temporary emergencies, or for critical food needs arising from natural disasters, crop failures or humanitarian crises and post-crisis situations, such aid is exclusively provided on the basis of pledges and commitments to, or in response to appeals from, specialized United Nations food aid agencies, other relevant regional or international intergovernmental agencies, or in response to an urgent government-to-government ministerial request for assistance in meeting food needs in the immediate aftermath of a natural disaster. This emergency food aid is provided exclusively in fully grant form. As far as possible, all means of providing food aid through the purchase of local staples in the same country or in neighboring countries should be explored, the donors agreeing to provide cash and logistic means (transport) instead of exporting food surpluses.

Food aid for other purposes—including under programs and projects to enhance nutritional standards amongst vulnerable groups in least-developed and net food-importing developing countries—is provided exclusively in the form of untied financial grants to be used to purchase preferably local or regional food for or by the recipient country. This food aid must be sold on the domestic urban markets, i.e., it must be “monetized”, and revenues must be used to improve production and marketing conditions for domestic food production, or to buy domestically produced food surpluses for domestic food security programs.

Countries have the right to enact national legislation that favors procurements of food for national food security reserves and national nutrition programs from local peasant production surpluses, guaranteeing reasonable prices that cover production costs.

### ***Article 3. Biotechnology, Intellectual Property Rights and Patenting: Concrete Steps Towards Asserting the Primacy of the Rights of Farmers, Peasants, and Consumers Over Corporations***

All countries must assert the primacy of international agreements on human rights, human health, food security and biodiversity over TRIPs and any other trade agreements in international law. Countries must also ensure recognition of the collective character of the knowledge of local and indigenous communities, and because of that, the collective right to decide on the access and use of that knowledge. National

measures to implement these provisions should not be subject to challenge under rules for the enforcement and protection of intellectual property rights included in trade agreements.

All countries must be guaranteed the rights and protections enumerated in the Cartagena Protocol on Biosafety under the auspices of the Convention on Biological Diversity, which will take effect in September 2003. These include:

- Protecting biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology;
- The right to an advance informed agreement (AIA) procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of living modified organisms into their territories.
- The right to follow the precautionary principle approach to regulation of living modified organisms as outlined in Principle 15 of the Rio Declaration on Environment and Development.
- The right to obtain information on living modified organisms from a Biosafety Clearinghouse established by the Protocol.

All countries must be guaranteed the right to exclude from patentability any and all life forms, including plant and animal species, microorganisms, biological and genetic material and processes and combinations thereof.

All countries must develop and install mechanisms to ensure that farmers primarily benefit from their traditional knowledge, contributions and resources as allowed under the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Such rights must include—but are not limited to:

- The right to save and exchange seeds.
- The right to the patent-free free exchange of germplasm held in the public domain as an international obligation under any agreement.
- The right to implement strict liability rules that removes the burden of proof of contamination from farmers and distributors to the developers of genetically engineered crops.

All countries must be guaranteed the right to assess the environmental, social and economic impacts of genetically engineered organisms on both their food security and their food sovereignty.

All countries must be guaranteed the right to establish traceability-and-labeling requirements for genetically engineered organisms that can be enforced through criminal, civil, or trade sanctions for the illegal trans-boundary movement of genetically engineered organisms.

Any country contaminated with imports of genetically engineered seeds or food that was introduced or produced without legal permission, must be guaranteed the right to take immediate remedial action against the country of origin until the situation is cleared, and compensation issues are resolved. Meanwhile, all countries must be guaranteed the right to implement moratoria on all field-testing, commercialization and trade of genetically engineered organisms in agriculture and food.

All countries must protect the rights of indigenous peoples' and other local communities over plant genetic resources and associated knowledge. All countries must be guaranteed the right to prohibit biopiracy and to implement immediate moratoria on bio-prospecting, and encourage the development of national legislation to subordinate the terms of any bio-prospecting contracts to conditions preferred by local communities.

## ***Article 4. Concrete Steps Towards Sustainable Development***

Developed countries must relieve all Developing Countries of their outstanding bilateral and international public debts. The resources “saved” by this debt relief have to be used exclusively for social and economic development in poor areas, in line with criteria decided on by the civil organizations that legitimately represent the poor sectors of society.

International development cooperation must encourage a diversity of development paths that do not emphasize exports based on the unsustainable use of natural resources and the exploitation of workers. In the light of the increasing production, ecological and health problems created by industrialization of agricultural production, all countries must strive to develop and implement policies that encourage and expand sustainable agricultural practices that can bolster the economic viability of independent family farmers and peasants. Such policies may include—but are not limited to—providing support and incentives for on-farm conservation and development of biodiversity, and for research and extension programs designed by farmers to reflect their priorities. All countries must recognize and build on local and indigenous knowledge to bolster and expand sustainable agricultural development.

All countries must establish and implement binding regulations on all agri-food companies to ensure transparency, accountability and respect for human rights and environmental standards, in which corporate entities and their directors are legally liable for corporate breaches of environmental and social laws, and of national and international laws and agreements. Anti-trust laws already existing in certain countries must be respected and enforced at the international level, and by no means should such anti-trust laws be invalidated by any trade agreement. New anti-trust policies and enforcement mechanisms must also be developed on an international level to prevent private transnational agribusiness cartels from seizing monopoly control over food production and distribution, or agricultural inputs—including seeds—and to prevent them from wielding their disproportionate market power and predatory, anti-competitive practices against independent small and medium size producers. Such cartels must be broken up when their market power becomes so concentrated that their behavior becomes predatory and otherwise stifles competition.

Consumers must be guaranteed the right to accurate information—through labeling and other mechanisms—so that they can choose to purchase food that is produced with sustainable methods of production, and thereby ensure that the demand for such products is more accurately reflected back to producers so that producers can in turn adjust their production to meet consumer demands.

All countries must be guaranteed the right to establish national mechanisms to ensure quality control of all food products so that they can certify compliance with environmental, social and health quality standards. All food inspection should be performed by independent government agencies, and this regulator function should not be privatized or otherwise delegated to private corporations.

Developing countries must eliminate constraints for the economic development of peasant-led economic organizations (cooperatives, peasant communities, peasant associations, and peasant controlled enterprises) regarding their access to credits, position in national tax regimes, bureaucratic procedures, etc.

Developing countries must enact land reform programs to redistribute land not being used for agriculture or for animal production, using and international (FAO) agreed criteria for cattle/ha. Underutilized areas must be redistributed to peasant family members with land shortage.

Developing countries must expand programs for financing small farmers and peasants with interest rates close to the interest rates issued by the donating country or international organization to the recipient country. No 'country risk interest rate' should be incorporated when establishing the market rate. Collateral requirements must not include land mortgages, but instead should utilize other guarantee mechanisms like group solidarity.

All countries must recognize, respect and enforce communities' legal and customary rights to make decisions concerning their local, traditional land and aquatic resources, even in certain cases where no legal rights have previously been allocated.

All countries must protect national and international agricultural and aquatic resources from both land-based and sea-based threats, such as pollution from dumping waste products; land-based and off-shore mineral extraction; degradation of watershed areas, river mouths and estuaries; and pollution from antibiotics and hormones used in industrial production systems. All countries must prevent illegal, unregulated and unreported fishing, and effectively implement international marine agreements and conventions, such as the UN Fish Stocks Agreement.

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<sup>i</sup> This document emanates from the collective efforts of a small working group of civil society and farmers' and peasants' groups from North and South participating in Geneva at a Farmers, Food and Trade International Workshop on the Review of the AoA from 19 to 21 February 2003. Sponsors convened this conference to provide a forum in which members of civil society would be able to discuss openly and frankly—both among themselves and with trade ministers from different countries—the implications of the draft "Modalities" for a new Agreement on Agriculture under the auspices of the World Trade Organization (WTO) as proposed by the Chairman of the WTO's Committee on Agriculture, Stuart Harbinson.

A working group was formed to elaborate a text presenting an alternative to the Harbinson draft. The working group has benefited from analyses and proposals made by other meetings of NGOs and farmers' organizations, in particular from the drafts: "*Alternatives for the Americas*," The Hemispheric Social Alliance, December 2002; *NGOs/CSOs Statement in the Asian Regional Consultation on the World Food Summit - Five Years Later*, Bangkok, Thailand, August 2001; "*Food Sovereignty: A future without hunger*", Via Campesina, Roma, November 1996; "*Final Declaration of the World Forum on Food Sovereignty*", Havana, Cuba, September 2001; and "*Our world is not for sale. Priority to Peoples' Food Sovereignty. WTO out of Food and Agriculture*", OWINFS, 2003. However, this document reflects only the consensus reached in this working group, and does not claim to represent the views of others.

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