

# Time to start prying border open

NAFTA provides the tools to get tough with those restricting trade, speaker says

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SPECIAL to Ontario Farmer

With the American border still closed to Canadian live cattle, some people are questioning the "soft" approach taken by government and industry. The North American Free Trade Agreement gives individuals and government the tools they need to challenge unfair protectionist trade policies and get the border open, Wendy Holm, agrologist, resource economist and author, told the Huron County Federation of Agriculture.

"When has there been a sector

so abandoned by public policy?" Holm asked. The soft approach taken by the Canadian government and industry is destroying lives and threatens farmers as well as rural communities.

Sanitary barriers to trade are nothing new, Holm told the crowd of Huron County farmers. Precautionary principles have been used to limit trade for years. Simply put, "when in doubt, don't" was how countries could stop trade of goods that were suspect in some way.

"NAFTA is a whole different ballgame," said Holm. Under the rules of the NAFTA, if science

proves no risk, a restriction cannot be placed on trade.

Japan can use OIE guidelines to limit trade because it does not have a trade agreement with either Canada or the United States.

Ever since the border was partially opened in September, the message coming from federal politicians has been that Canada is lucky. Canada is the only country with

a confirmed case of BSE to have any access to U.S. markets. The border could be closed for eight years and producers should count themselves lucky that U.S. has agreed to allow in any beef at all.

Holm does not buy this argument. She has been arguing for over a year that NAFTA should be used by the federal government to challenge the border closure on the basis that the U.S. border closure is not allowed under the NAFTA rules.

Chapter 11 provides private sector dispute resolution, allowing individuals whose livelihood has

been damaged by trade policies to challenge the government.

In this case, the Canadian market share was given to U.S. farmers when the border remained closed to live cattle.

Winning a challenge under Chapter 11 is not a sure thing, but a successful challenge by the Canadian federal government under Chapter 20 "should be as easy as rolling out of bed," said Holm.

As soon as the science proved that there was no risk associated with Canadian beef, the federal government should have used Chapter 20 of the NAFTA to challenge the border closure. "NAFTA has teeth. It lets you do this," she said.

Holm sees this as a public policy issue. Ottawa has failed to protect Canada's ranchers; the federal government has an obligation to use the tools at its disposal to protect the farmers. Ottawa's failure to invoke NAFTA is a breach of public policy.

Holm reminded farmers that the current minority government offers a better opportunity to be heard.

"If we leave our farmers twisting in the wind on this, we lose our independent farmers very quickly," she said, and everyone ends up "working for the man".

Holm told the group to speak with one voice and support the beef farmers. If this can happen to one sector, it can happen to all, she warned. "Canada's farmers deserve better," she added.

*"When has there been a sector so abandoned by public policy?"*  
- Wendy Holm