



Submission on the TPP from Common Frontiers Canada to the Standing Committee on International Trade August 2016

Common Frontiers: is a multi-sectoral working group that undertakes research, education campaigns and political action with a focus on the Americas. We work in collaboration with counterpart networks across the hemisphere around analysis of the economic, social and political implications of neoliberal globalization from which we propose alternatives for effective change. Members of Common Frontiers include faith based groups, trade unions, environmental groups and International development organizations.

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Executive Summary

This brief questions the rationale behind the Trans Pacific Partnership (TPP) and its associated investor rights agreement and goes on to point out how it will adversely impact various sectors including the industries where Canadians still find good jobs in agriculture, the auto industry, IP and the public sector all of which risk being diminished by this agreement. It also expresses concerns for the way in which the TPP negotiators are writing rules for a global governance system which gives corporate interests preeminence over national government's responsibility to legislate on behalf of its peoples and over International Law and Human rights upon which a democratic and stable world is predicated. We fear that sovereignty, democracy, and our judicial system will be diminished under the TPP and that the laws and regulations that protect Canadians and our public services, health, education, and environment will be further eroded.

Common Frontiers views the issues stemming from the TPP and other mega-trade agreements, TTIP, CETA and TISA, within the broader context of Neoliberalism under which free trade agreements are one of several tools, which seek to shift power away from governments and toward the corporate sector, along with de-regulation, privatization, and elimination of public services through smaller government. We submit that Neoliberalism is broadly recognized as flawed and failing.

We recommend against signing the TPP and offer suggestions for designing a trade system that works for a sustainable 21st Century.

We believe a paradigm shift from the current global economic model is imperative in order to mitigate the threats of economic and ecological collapse. Common Frontiers has been concerned for many years with the root causes of global economic failure and in that context has explored the notion of planned '*Degrowth*' and other economic/cultural models such as 'buen vivir' that have a reduced ecological footprint. [1]

The full set of recommendations are found in a separate section at the end of this brief.

Introduction

The evidence continues to grow that the TPP along with related corporate-led trade and investment agreements modeled on NAFTA fail to benefit people and democratic governance systems while contributing to environmental decline, exacerbation of climate change, global inequality and economic failures. As a result of that awareness, there is a growing backlash against the TPP from all sectors of society including the labour movement, environmentalists, academics, doctors, business leaders, NGOs, international law professors, and citizens, among others. World Bank economists who formerly have been proponents of Neoliberalism have also come out against the TPP's free trade policies. One of the most famous and persistent voices among the many experts opposed to the



TPP is renowned Nobel Laureate economist, Professor Joseph Stiglitz. He has called the TPP the “worst trade deal ever” and in a recent keynote address on the TPP at the University of Ottawa warned the Canadian government that TPP “is not good for the US and is even worse for Canada”.

Questioning the Economic and Political Context of the TPP Economic Context

The rationale behind the TPP involves the often promoted mantras that free trade is good for growth, good for jobs and increased income, this despite many studies going back to NAFTA that have shown that free trade agreements don't live up to these promises.

A recent study, *Trading Down: Inequality and Other Risks of the TPP Agreement* from the Global Development and Environmental Institute at Tuft's University, demonstrated that GDP growth under the TPP will be lower than stated and even zero to negative in most of the TPP countries; that job growth will not materialize with the anticipated loss of 770,000 jobs across the TPP zone and 58,000 in Canada, while incomes are not likely to increase [2] Similarly, Canada's largest private sector union, UNIFOR, says the deal threatens more than 26,000 Canadian auto jobs in both assembling and parts-making.

This is not surprising given earlier North American Free Trade Agreement (NAFTA) studies done in both Canada and the US that showed little gain e.g. Canadian economist Jim Stanford after examining concrete indicators of North American trade performance, between the inking of the NAFTA deal and 2012 found that the previous year's median family incomes, adjusted for inflation, were exactly the same as in 1980 – not a dollar of income growth over the whole period. [3]

Similarly a Public Citizen study of *NAFTA's Broken Promises 1994-2013: Outcomes of the North American Free Trade Agreement* pointed out that United States lost millions of manufacturing jobs during the NAFTA era and that the median U.S. wage remained at the same level seen in 1979. [4]

In an even more recent Institute for Research on Public Policy study of April 2016, *What if trade agreements are doing us more harm than good?* Jim Stanford argues that mutual trade and investment liberalization has probably caused more harm than good for Canada in the 21st century, because our economy hasn't been competitive, based on either cost (mostly due to an overvalued currency) or quality and innovation. He therefore suggests that Canada shift its policy focus away from implementing more big trade deals. [5]

Finally Professor Joseph Stiglitz provides further insight into the dangers of ratifying the TPP based on the traditional economic rationale:

"It is one of the basic principles of economics that trade is good and more trade is better. But some economists have come to doubt the relevance of that orthodoxy. The costs of globalization have been greater and more enduring than they expected, and government efforts to mitigate the impact on American workers have often proved insufficient." [6]

These studies and analyses suggest that any modest macroeconomic gains do not out-weigh the “trade-offs” leading one to question whether the TPP is a deal Canada needs especially at this time in economic history.

The Broader Political Context

US foreign policy initiatives in Asia include the so-called Asia Pivot which involves attempts to isolate China economically by excluding them from the TPP. In fact the TPP has become a primary tool in the United States' geopolitical pivot towards the Asia-Pacific region [7] The TPP would embed Canada even more firmly in the US geopolitical orbit and foreign policy agenda. It also locks Canada into an agreement which was largely forged under US guidance, wherein the US has control over who enters in the future via the so-called docking system not



to mention over the implementation thereof as pointed out by professor Howard Mann of the international Institute for Sustainable Development in a recent IISD Webinar. [8]

Also we should be aware that as the WTO became more dysfunctional in attempting to forge a multilateral free trade regime with global reach it gave way to what professor Stiglitz has called a discordant managed trade regime built on a divide and conquer strategy, with overlapping trade blocs and agreements. [9] This dysfunctional patchwork of agreements would seem at odds with Canada's past preference for multilateral agreements.

Finally it is useful to contemplate the analysis of European intellectual, Professor Susan George in her latest book *Shadow Sovereigns: How Global Corporations are Seizing Power* [10] where she discusses the TPP as one of three mechanisms to enhance global corporate governance:

- i) free trade agreements broadened to include much more than tariffs but also economic governance
- ii) the Global Redesign Initiative of the World Economic Forum (WEF) Davos with some 84 committees rewriting the rules for global governance and
- iii) increasing influence of the corporate sector within the UN.

Being part of such a corporate globalist approach would seem to run counter to the Canadian government's campaign promises of restoring an internationalist UN focus in managing global affairs.

Sector Concerns of the TPP

Intellectual Property Rights

The TPP's Intellectual Property Rights chapter would result in increased cost of drugs in Canada (estimated to be \$663 million annually) by extending Big Pharma patent rights thus increasing the length of time for generic drugs to come on line which would weaken the public health care system, undermine health regulation and obstruct efforts to expand public health care.[11] In addition Jim Balsillie, Research in Motion founder, warns that IP provisions in the Trans-Pacific Partnership could cost Canada hundreds of billions of dollars and eventually make signing it the worst public policy decision in the country's history. [12]

IP expert Professor Michael Geist in his article *Price of Entry Should Have Been Too High* notes that given the terms of entry into the negotiations, Canada had little choice but to cave on certain IP issues, creating another example of how rules set before formal entry into the TPP negotiations have had a troubling impact on the agreement and on Canadian law. [13]

Agriculture

Agriculture in Canada will suffer losses in markets for dairy products, undermine our highly efficient and equitable supply management system and threaten food sovereignty. The TPP will also have an adverse effect on developing countries as NAFTA did with Mexico where over 2 million small-scale farmers were driven from their lands and corporate concentration in agriculture increased not only in Mexico, but in Canada and the US as well. [14]

According to the Institute for Agriculture and Trade Policy, the TPP repeats many of NAFTA's mistakes as well as adding new provisions such as requiring countries to ratify the International Convention for the protection of New Varieties of Plants 1991 (UPOV-91) which would limit traditional seed saving and sharing by small farmers. And the TPP's ISDS (Investor State Dispute Settlement) would allow corporations in the natural resource and extractive sectors to sue governments for environmental protections undermining small-scale farmers' rights to have access to healthy soils and water. [15]



Auto manufacturing

Unifor, the union that represents workers at the Canadian units of the Detroit’s three auto makers, said the deal puts over 20,000 auto jobs in Canada at risk and that the agreement will eliminate Canada's 6.1 percent tariff on vehicle imports from Asia over just five years which is much faster than auto tariffs will be removed in other TPP countries, and it dramatically weakens regional content rules for both autos and parts. [16]

The agreement also replaces the North American free-trade agreement which required that vehicles sold in North America contain at least 62.5-per-cent content from the three NAFTA countries. The TPP has a new requirement that cars and trucks can be sold tariff-free in all 12 TPP countries with just 45-per-cent content from those countries. At the same time under the TPP, vehicles and parts made in China and other non-TPP countries would have free access to North American markets. [17]

Subnational Procurement

Professor Jane Kelsey, a foremost International Investment Law critic, in a *TPP Expert Paper: Treaty Making, Parliamentary Democracy, Regulatory Sovereignty & The Rule of Law* shows that the municipal activities that have the greatest potential to be affected are: i) policy making and planning decisions; ii) bylaws and regulations governing permitted activities; iii) technical standards, such as property development, construction, advertising, zoning and environmental quality; iv) activities relating to finance; v) public procurement contracts, including public private partnerships (PPPs); utilities; and vi) resource management rules and decisions. Her analysis also determines that in addition to impacting these major prerogatives of municipal government, it would inhibit regional economic development and erode flexibility in local government’s need to promote economic development in their communities. She therefore concludes it is not a sound basis for a progressive 21st Century Economy. [18]

The Environment and Climate Change

The TPP, in spite of proclamations trumpeting its ‘gold plate’ environmental status appears to not live up to its expectations when scrutinized in more detail. Some of the areas of concern include: Investor rights overriding Multilateral Environment Agreements; conservation issues wording too weak, failing to include a legally enforceable prohibition on trade in illegally sourced timber, and wildlife and marine resources; the regulatory coherence chapter giving corporations a part in drafting our laws and regulations; fracking and other sources of fossil fuel extraction and exports enhanced; the environment chapter seemingly concerned only with environmentally detrimental actions that concern trade; narrow coverage, and citizens complaint provisions largely ineffective [19]

In regard to climate change, the TPP will inhibit climate action by driving up natural gas export and production; limiting support for local renewable energy systems and because measures taken in the wake of the Paris climate agreements will be vulnerable to ISDS challenges. The latter is evidenced by Trans Canada Pipeline suing the US over President Obama’s decision to prevent Keystone XL from going ahead; the Lone Pine Resources suit against the Province of Quebec when it temporarily banned fracking; and the Vatenfall case against Germany when it tried to shut down coal and later phase out nuclear power. Some environmental activists consider the ISDS to be the single biggest threat to meeting our climate change goals. [20]

Investor State Dispute Settlement (ISDS)

The inclusion of investor rights and the ISDS mechanism is perhaps the most egregious and detrimental aspect of the TPP. An initial analysis of the investment chapter by Public Citizen notes: “While the tone is different in some provisions, in practice the TPP’s binding legal language does not constrain ISDS tribunals from making ever-expanding interpretations of the rights of foreign investors and thus the compensation they can be ordered to pay”. [21] Many issues have been raised over the years concerning controversial investor state disciplines or rights, such as National Treatment, Minimum Standard Treatment/Fair and Equal Treatment and Expropriation that allow



foreign investors to bring challenges against the host country for perceived regulatory interference, expropriation, or economic favoritism. These special privileges have created a significant bias in the ISDS Tribunal process favouring corporations and commercial interests over the environment and the broader public good. In addition, concerns have grown about the significant flaws inherent in the ISDS tribunal structure and process with its private sector trade lawyers, many of whom face conflict of interest. These arbitrators operate without a public salary, without tenure, without a permanent court or location, their decisions are based on jurisprudence that doesn't rely on binding precedent and they can impose retaliatory tariffs on the loser with rulings that are not subject to legal review of appeal. ISDS only provides protection for the investors but not for States by allowing investors to sue but not vice versa.

In this manner the ISDS threatens democracy, sovereignty, constitutional rights, international law and our domestic laws and regulations. Nor do these international arbitration panels meet fundamental judicial principles of public courts which should and must be adhered to when adjudicating on public laws and regulations. It is unacceptable, undemocratic, and inconceivable that states could have their democratic and sovereign decisions called into question by offshore private tribunals operating outside judicial norms and often in conflict of interest. [22]

It would also behoove Canada to beware of one of the main reasons the former Australia government presented in its decision to reject Investor-State altogether i.e. the threat of increasing numbers of Investor-State agreements leading to burgeoning numbers of Investor -State cases with an accompanying burden on taxpayers of increasing costs of arbitration and settlements. [23] If TPP and CETA are ratified Canada will be vulnerable to hundreds more of these egregious challenges.

To add to the sense of urgency in regard to the threats from ISDS, we refer to two recent and salient reports to the UN by Alfred de Zayas, United Nations Independent Expert on Human Rights who identified a multiplicity of threats to a democratic and equitable international order inherent in the Investor State Dispute Settlement mechanism and recommended abandoning ISDS altogether. In these lengthy reports to both the UN General Assembly and the UN Human Rights Council de Zayas points to various International Laws, Treaties and Conventions that are being side-stepped in providing corporations special rights and privileges which he says should be subservient to international Law. He makes recommendations to governments, the UN, transnationals, and civil society for moving in new directions with alternative mechanisms for investment protection that find their context in principle-centered international and domestic law. In particular de Zayas highlights pertinent provisions of the Vienna Convention on the Law of Treaties that establishes supremacy of UN treaties over commercial law. This leads in his conclusion to a suggested imperative to revise International Investment Agreements and to abolish Investor-State Dispute Settlement as *contra bonos mores* and incompatible with provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. [24]

Common Frontiers, in signing the Statement of the Social Movement's Declaration on the TPP 10/01/2016 Mexico City [see annex], which highlighted these concerns of de Zayas' report, strongly agrees with the Special UN Representative's analysis and asserts that the TPP seeks to set a precedent that is contrary to that report's conclusions

Free Trade Context and Concerns

Free trade agreements today have diverged significantly from the early free trade theory of comparative advantage espoused by David Ricardo who calculated that free trade would benefit both buyer and seller but only if certain conditions were maintained:

Each of the trading partner countries

- i) must be largely self-reliant in meeting its own needs,
- ii) trade only its surplus with its neighbors,

- iii) keep exports and imports in balance, and
- iv) keep capital [ownership] national.

David Korten author of *Agenda for a New Economy; the Post-Corporate World* and other related publications states that the borderless global economy favored by market fundamentalists fulfills none of these conditions and, far from being beneficial to all, primarily benefits the economy's most powerful players who, by the removal of the restrictions of rules and borders are free to consolidate their control over the world's real wealth as they wish for exclusive private benefit. [25]

Paul Craig Roberts, American economist, journalist, blogger, author and former US Assistant Secretary of the Treasury for Economic Policy, in his latest book, *The Failure of Laissez Fair Capitalism and Economic dissolution of the West. Towards a New Economics for a Full World* states that until recently the case for free trade was unassailable and that most economists still think the case is secure. He also notes that most of these, what he calls, 'no-think' economists learned in graduate school that to question free trade was to be a protectionist- a designation that could harm one's career. Roberts notes that he is not the only economist who takes issue with the free-trade dogma and goes on to give examples of others including the famous ecological economists Herman Daly and John B Cobb who show the inadequacies of free trade theory in their landmark work *For the Common Good* ; James K Galbraith who in his 2010 *The Predator State* puts the theory to rest; Professor Robert E Prasch who in a 1996 article in the *Review of Political Economy* demonstrated fundamental problems with the theory; Professor Michael Hudson who deconstructs free trade in his 2009 *Trade, Development and Foreign Debt* and lastly the work of Gomory and Beaumol, one a most distinguished American mathematician the other a past president of the American Economic Association, who show that free trade theory has many problems because the modern free trade world is so different from the original historical setting of free- trade models. [26]

Given the array of arguments in this brief demonstrating the negative impacts and questionable context and rationale of the TPP and free trade agreements in general, backed by this large number of respected economists who take umbrage with the inadequacies of free trade theory, we believe it is time for Canada to rethink free trade and the dominant economic system which is failing the planet and its peoples on all fronts. Our recommendations speak to this imperative.

Global Corporate Growth Economy

Signs of the failures and flaws of corporate economic globalization and it's approaching demise are so profuse and multidimensional it would take volumes to elaborate. However it should be no surprise for as far back as Adam Smith, J.S. Mill and Marx, economists have written about the concept of limits to growth recognizing that in the distant future growth would be inhibited by capital accumulation, population growth and limited by lack of resources on a finite planet. [27] In the 20th Century ecological economists like Herman Daly presented evidence against the overall policy of global economic integration by free trade and free capital mobility and Nicholas Georgescu- Roegen in his 1971 paper on 'entropy and the economic process' brought into prominence the ecological limits to growth as it relates to the industrial economic growth model from which he argued for an alternative -planned Degrowth. [28] Around the same time forebodings emerged from the Club of Rome's controversial 1972 systems dynamics modeling *Limits to Growth* study which forecast a possible collapse of civilization due to resource depletion. Although the study was widely criticized at the time of publication it is now recognized to have been accurate but simply ahead of its time. A new report on *Limits to Growth* launched in the British House of Commons in April 2016 by the British All-Party Parliamentary Group (APPG) reviews the scientific literature and finds that the original model remains surprisingly robust. [29]

Professors and economists like economic historian and 1994 Massey lecturer on the likely demise of 21st Century Capitalism Professor Robert Heilbroner; *End of Growth: Adapting to Our New Economic Reality* author and Professor Richard Heinberg, and Professor Charles Hall with his landmark biophysical analysis *Energy and the Wealth of Nations* are among the many authors illuminating the impacts and implications of the past 200 years of





economic growth and more so the last 25 years of unmitigated global economic growth fueled by non-renewable fossil fuels, lack of regulation and free trade among other things. [30] Now it is apparent that the limits to growth have been reached if not breached both ecologically and economically as also evidenced in almost daily reports and analyses coming from expert bodies, economists, ecologists, climate scientists, etc and even from an all-party Parliamentary group in England as noted above.

It is also worth noting that Pierre Pettigrew former International Trade Minister in the Chretien government stated in his 1999 book *The New Politics of Confidence* [31] the following in regard to globalization:

“Globalization is now recognized as the predominant revolutionary force of our time and one which has emerged as a great paradox for civilization at the dawn of the new millennium.”
“On the one hand, globalization has brought about remarkable improvements in productivity, and it is accompanied by a significant logic of global integration.
On the other hand, globalization also entails a logic of exclusion both internationally and within individual societies. The logic of exclusion is worrying. It could lead almost inevitably to social disruption, demonstrating that globalization does not produce the results needed for the progress of humanity

Recommendations

The following recommendations pertain to the redesign of Canada’s role in international trade relations and are also critical for respecting and achieving sustainability, peace and human rights, all goals that Canada should be supporting in its new principled role in the world and in its return to the UN as a force for the common good.

1. Canada should not ratify the TPP.
2. Canada should recognize the April 19, 2016 call by UN special expert Alfred de Zayas for the banning of ISDS in all future International Investment Agreements around the world and back his work for existing ISDS to be phased out. [32] as well as backing his call for a binding treaty on Business and Human Rights. [33]
3. Canada should respect and accept the IISD’s (International Institute for Sustainable Development) call for redesigning global trade at this time. In the words of IISD, the TPP should act as a jumping-off point for a new global dialogue on the right direction for trade agreements. It is time for Canada to lead in re-evaluating what type of trade agreements are needed for this century and to lead global trade-law into a sustainable development era. [34]
4. Canada as part of a new role in shifting the global dialogue on international trade should take into account the following considerations:
 - Some experts working on how to improve international investment agreements have also noted that nothing in international law prevents countries from signing treaties or BITs imposing human rights obligations upon corporations. A new book on *Rethinking Bilateral Investment Agreements: Critical Essays and Policy Choices* offers insights. [35]
 - Alternatives to ISDS that have been floated by the legal community including: a) International Investment Treaties that operate under full jurisdiction of a UN Court system; b) a return to State to State dispute settlement under domestic courts; c) Insurance obtained from a global agency such as the World Bank.
 - Organizations throughout the Americas have prepared a comprehensive alternative to ‘free trade’ called the *Alternatives for the Americas*. [36]
 - Rewrite trade agreements to fit with all the parameters assessed to be crucial for a transformed economy, our Paris climate action commitments, our rightful role at the UN ensuring that our stance is in keeping with international law as laid out by Alfred de Zayas and other recommendations above.
 - Trade agreements in future should be designed to work hand in hand with new economic models recognizing the imperative of an economic paradigm shift that finds its context in international law, systemic change, ecological laws, sustainable ecosystems, planetary cycles and the limits to growth.

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ANNEX 1: SOCIAL MOVEMENTS' DECLARATION ON THE TPP

1. Negotiating the Trans-Pacific Partnership (TPP) behind closed doors violated our human right to be informed and now the governments involved are pressuring their Congresses to ratify the accord. With this in mind, the social organizations from those countries in the Americas involved in the TPP are speaking out in protest against accepting this supranational legislation that has been fashioned behind people's backs to fulfill the wishes of big capital. We will not stand by and see our human rights violated.
2. Our struggle against the TPP is not only just and legitimate; it is also shared by the United Nations (UN). We declare that the TPP is illegal based on international law and therefore should not be ratified by the legislative powers involved.
3. The international recognition provided to the many different human rights is the product of lengthy struggles by the people leading to an understanding based in International law that these rights must supersede any other type of 'rights'. For this reason commercial treaties can not be superior to governmental agreements to respect and implement the UN's Universal Declaration of Human Rights and all other associated agreements and protocols.
4. The Human Rights Commission of the UN has the mandate to build a binding legal instrument governing the obligations of transnational corporations and commercial interests with respect to human rights. The TPP seeks to set a precedent that is contrary to that mandate. While the mechanisms and commitments found in the TPP which favour the transnationals are obligatory, the chapters related to Work (Chapter 19), Environment (Chapter 20), Skills Development and Cooperation (Chapter 21), Development (Chapter 23), Small and Medium size Businesses (Chapter 24), and Transparency and Anti corruption (Chapter 26) are, in contrast, voluntary, not enforceable or subject to sanctions if not complied with. The juridic anomaly to be found in the structure, the content and the institutionalization of trade treaties such as the TPP, that consecrate Rights, is not compatible with international public order and contrary to bbbcorporate rights while leaving the populations defenceless, is recognized in the July 2015 Rebfedcdddport by the UN's Independent Expert for the promotion of a democratic and equitable international order where it states that the TPP, by putting itself above Human the dispositions of the Vienna Convention on the Law of Treaties, and the observance of respectable (local) custom.
5. We recognize the rights that Indigenous Peoples and campesinos have over genetic material and traditional knowledge. The TPP is a flagrant attack on those rights as recognized in the UN's International Covenant on Economic, Social and Cultural Rights (ICESCR). In contrast, the TPP seeks to legalize the plundering, patenting, and merchandizing of biodiversity and the biocultural (the knowledge, wisdom, and customary rights of the original peoples) by obliging governments to sign agreements that seek to 'legalize' robbery and profiteering (such as with 'breeder's rights' in the International Convention for the Protection of New Varieties of Plants - 1991) so as to benefit the transnationals, and by making reference to other mechanisms of plunder such as the Protocol of Nagoya (access to genetic resources).
6. The TPP assaults the Constitution of many countries when it claims that it becomes obligatory not only for the Executive power that signs it, but also for all levels of government (provincial, municipal, departmental, etc.) and



in effect compromising powers that are constitutionally autonomous and sovereign without their consent or being given an opportunity to ratify.

7. The dispute resolution mechanism that makes use of private international tribunals is at the very core of the TPP. This mechanism is unjust as it provides a venue for foreign companies to sue States without the reverse being possible, so even communities impacted by the outcomes of those investments are rendered unable to sue the offending companies. This mechanism, and the multi-million dollar claims associated with it, is nothing less than an effort to make government policy serve the profit-taking expectations of foreign investors, when that policy should be at the service of the public interest. Furthermore, investor-state erodes the national, sovereign justice system, and loots the public purse.

8. Behind a smoke screen of intellectual property and trade rules is hidden an interest in political and social control over the use of the internet, with obstacles thrown up against digital rights, something that is openly against democratic freedoms and the human right to information and the socialization of knowledge. This agreement seeks to turn back the principles of and the hopes for openness, innovation, property in common, and collaboration that these digital technologies promise, to instead favour an all-controlling paradigm based on commercial motives which, of course, is also political. To fight against the TPP is to defend freedom, equality and justice. The implementation of the TPP will mark a 'before and after' for those using the Internet and the technologies of information and communication in our countries to the detriment of their human rights to freedom of expression, to meet, to create and to expect privacy.

The removal of content from the internet being pushed by the USA, measures to be imposed on other countries, is one of the major threats to the freedoms previously mentioned. This removal would be done under the pretext of protecting the rights of authors and would include prohibitions with sanctions attached that could be levied against the end users with respect to their modifying information coding or technological product, even if for their own needs and requirements. Furthermore the TPP would give telecommunication companies the opening to be able to fragment the Internet by having content exclusive to its networks while deciding who the users are and putting a break on innovation. The protection of the end user's personal information could be compromised given that this accord impedes local laws related to exercising control over international transfers of data to countries lacking in such protections. This Accord's faulty wording allows for a variety of ways in which the privacy of communication can be affected, particularly in the case of vulnerable professions such as journalists, human rights defenders, and political activists, putting them constantly on alert.

9. The painful experience of previous Free Trade Agreements has shown us that we must reject the false expectations inevitably sent around after being manufactured by our governments for the purpose of magnifying the supposed benefits contained in the TPP.

10. Independent analyses of the impact that the TPP will have on rights, life, and the future of our peoples point to enormous damage being done, such as the growth of social instability and the loss of democracy and people's sovereignty.

11. The claim that a growth in exports and foreign investment will automatically translate into more and better jobs, higher pay and respect for labour rights is false. Under the TPP the first component may grow, but it will be at the cost of significant damage being done to the citizenry.

12. We reject this Accord since, in the first place, it doesn't include a definition of the conditions required to ensure work with dignity and all that would be included therein, based on the basic tenets as outlined by the ILO: stable employment, social security, full workplace rights, and genuine and democratic labour representation to allow for the establishment of a social dialogue not mediated/controlled by corporate or government interests. Secondly, why isn't there a clause (in the TPP) that expressly prohibits the abandonment of labour rights already won and included in the labour legislations of the countries involved? That not being the case it could mean that any one country could lower the established levels of labour rights, such as salaries, work day hours, health and security, in the name of attracting trade and investment. Mexico has been a good example of this reality as corporate control has



lead to ‘sweetheart’ labour deals beneficial to the bosses. This contrivance along with the diminution of labour rights, the changes to hours of work, workplace health, social security, and salary levels have all been imposed in order to attract investment and to make exports more competitive.

13. It is now a well-known fact, recognized by international bodies, that the dismantling of the campesino (small farmer) and familial agricultural model, while touting the illusion of a ‘modernizing’ transnational agriculture, has pushed a toxic packet of contaminants required for genetically modified crops. Such a ‘model’ damages biodiversity, social and community interaction, and it puts at risk health and food sovereignty. The idiocy of opening up frontiers to the inevitable contamination from genetically modified crops is another of the TPP’s unacceptable crimes.

14. The TPP will deepen food dependency, inequality, poverty, malnutrition, environmental degradation, and rural migration already under way thanks to NAFTA, as well as government policy favouring the agribusiness transnationals, and the so called “green revolution”. In addition, the TPP represents a significant threat against the rights of campesinos to hold seed exchanges in order to produce their own food.

15. Thanks to the TPP’s Intellectual Property Chapter a handful of pharmaceutical transnational companies will be further enriched, since their monopoly position will be much enhanced by extending the length of patent protection and shielding test results. This puts at risk and threatens the lives of millions of dispossessed who are facing ever more expensive medicines and medical equipment, impeding the autonomous development of the supply of medicines and medical devices. Such a warning has already been issued by the Director of the UN’s World Health Organization.

16. The TPP’s Chapter 17 perverts the meaning of a public enterprise that carries out legitimate socioeconomic functions by converting them into government owned companies that have to behave just like private corporations by submitting to ‘market discipline’ and profit making, and/or creating the conditions for their eventual privatization. In this way the TPP, more often than not, seeks to build favourable conditions for monopolies and transnational investors to appropriate public goods. The very threat of companies suing governments before an international tribunal and the guillotine of ensuing sanctions weigh heavily on the exercise of national sovereignty.

17. The TPP serves the politico-military interests of the United States, not those of the US people, or of our peoples. One objective helping to drive this agreement is for the US to encircle China in order to maintain its own hegemony, now in decline. Adding one more component to the multidimensional crisis that the world finds itself in is as irrational as proclaiming the need for peace while beating the drums of war. Worse even when this is being done while our political rights - to access the new technologies, the unimpeded use of the internet, the right to health, labour rights, and in general all the human rights and those of the original peoples - are all being undermined. This inevitably leads to negative socio-economic impacts for the majority of the populations affected, inequality and poverty rise, food sovereignty is undercut, biodiversity is destroyed while the use of heritage seeds is criminalized. Let’s be clear, promoting the TPP is being carried out to undermine and even to counter already existing international treaties and multilateral institutions such as the World Trade Organization (WTO), the World Health Organization (WHO), and the World Intellectual Property Organization (WIPO).

Mexico City, January 28, 2016