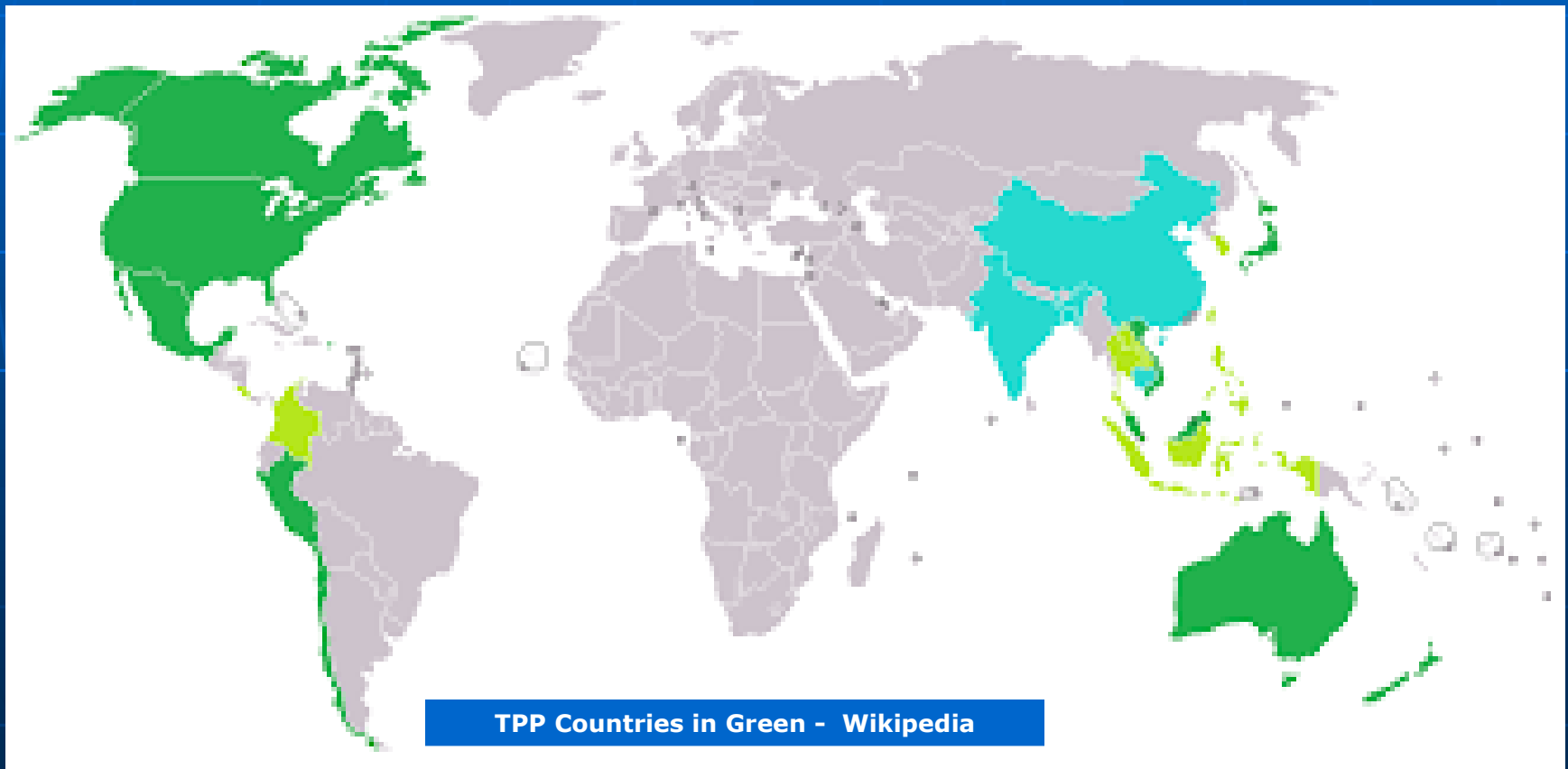


**Power Point Presentation by Janet M Eaton, PhD
on
Corporate Globalization, Free Trade and the TPP.
January 15, 2016**



TPP 12 country Trade & Investment Agreement

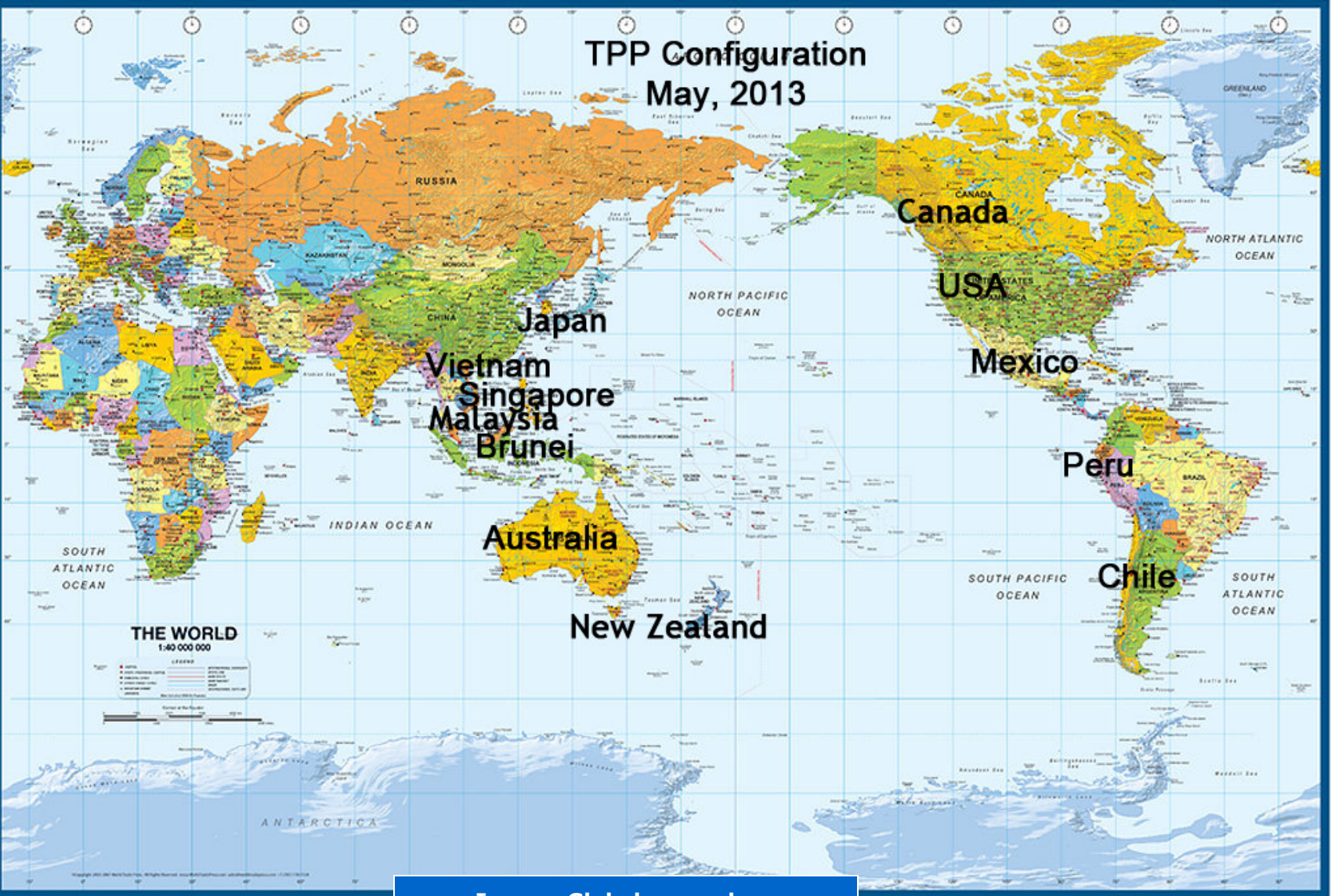


Image: Globalresearch.ca

TPP Power Point Contents

1. Corporate Economic Globalization - Context
2. Globalization and Free Trade
3. TPP Basics – what, why, where
4. ISDS –Investor State Dispute Settlement
5. Government consultation – Minister's, Government's comments
6. How to become engaged in opposing the TPP & Government consultations

1. Corporate Economic Globalization

Corporate Economic Globalization

by any other name:

- Neoliberalism –term commonly used in the Americas
- Global Capitalism
- Laissez-faire Capitalism
- Washington Consensus
- McWorld
- Neo-classical economics
- “la pensee unique”

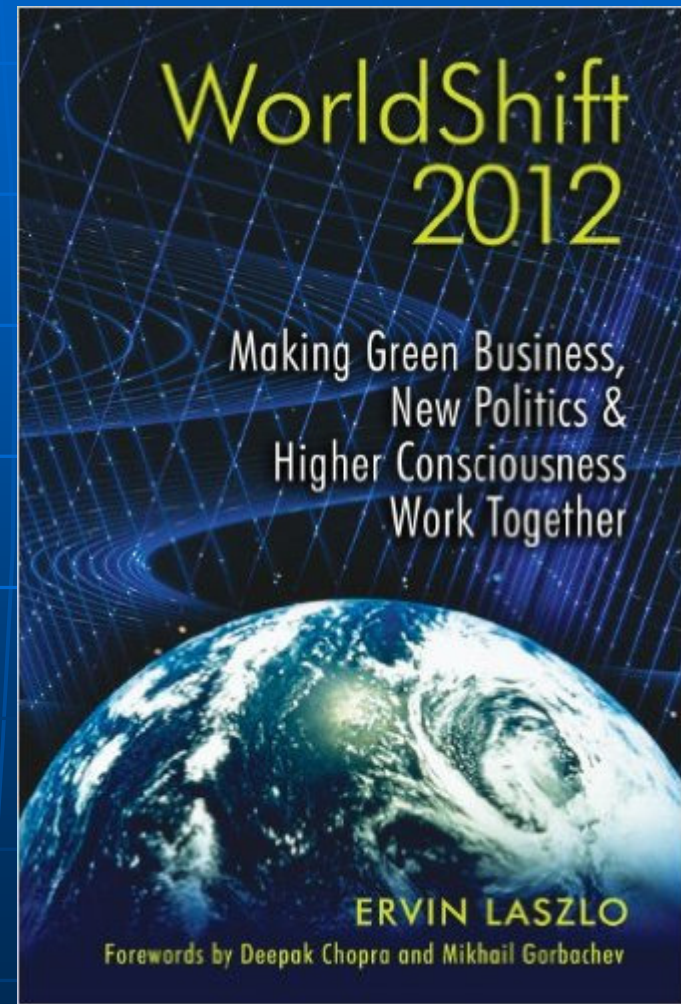
1. Myths of Neoliberalism

Myths that have become obsolete and dangerous

- The earth is inexhaustible
- Nature is a giant machine
- Life is a struggle where only the fittest survive
- The market corrects economic gaps and injustices
- The more you consume the better you are
- Economic and political ends justify military means.

Laszlo, Ervin *World Shift* 2012 pp 48- 51

Chapter 4 outlines Timely Change objectives –Business, Social and important personal objectives – Under personal see Dangerous Myths



1. More Myths of Neoliberalism

- Globalization spreads democracy
- Globalization's focus on free trade, privatization and deregulation lead to economic efficiency and prosperity
- Globalization eliminates poverty
- Globalization enhances human rights and women's human rights
- Globalization through agribusiness, the green revolution and GMOs promotes global food security and reduces world hunger
- Globalization promotes peace
- Globalization implies TINA – “There is no alternative” when there are many alternatives such as Degrowth, Steady State Economics, Localization, etc
- Globalization will allow us to better protect the environment i.e. continued growth will give us the wealth to pay for environmental protection.

1. Corporate Economic Globalization Context



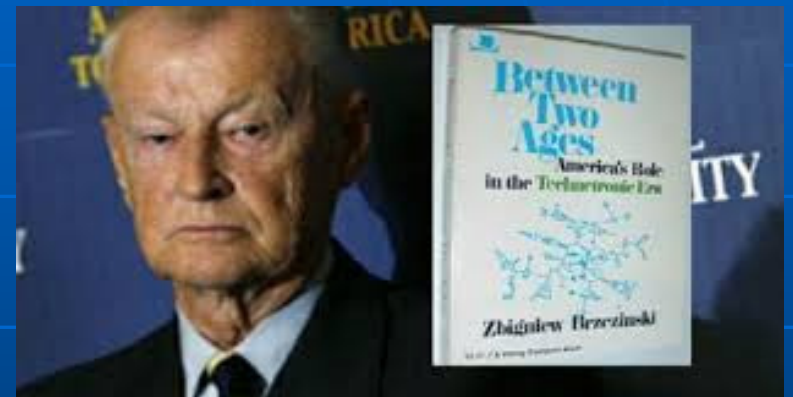
THE
TRILATERAL
COMMISSION

The Crisis of Democracy: On the Governability of Democracies was a 1975 report written by Michael Crozier, Samuel P Huntington , and Joji Watanuki for the, Trilateral Commission.

The report observed the political state of the United States, Europe and Japan and said that in the United States the problems of governance "stem from an excess of democracy." It looked upon the superiority of transnational corporations for global governance.

1. Trilateral Commission

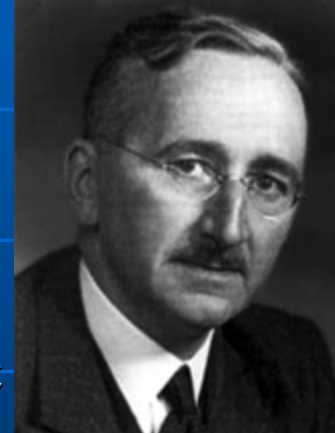
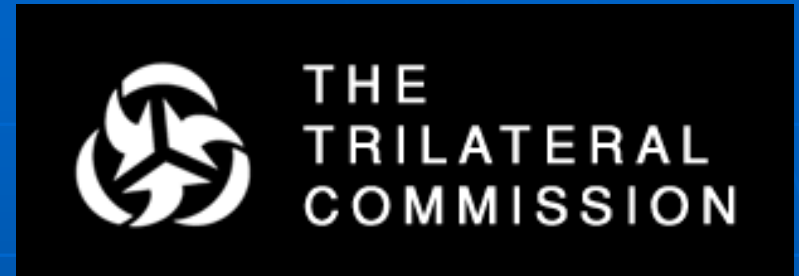
- The doctrine of corporate economic globalization is based on principles advanced by the Trilateral Commission (TLC)
 - Zbigniew Brzezinski, co-founder of the TLC stated in his 1971 book *Between Two Ages: America's Role in the Technetronic Era* which posits that the nation-state as a fundamental unit of man's organized life has ceased to be the principle creative force: International Banks and multinational corporations are acting and planning in terms that are far in advance of the political concepts of the nation-state.
-



1. Corporate Globalization Context

Historical Perspective – 1970s 1980s

- **Structural Economic Shifts**
- **Trilateral Commission – excess of democracy in the world**
- **Emergence of Free Market Corporate Economic Globalization as liberal economic ideas perceived to have failed**
- **Friedrich Hayek and Milton Friedman – influential economists favouring free market capitalism**
- **British PM Margaret Thatcher – There is no Alternative (TINA) to Global Capitalism**
- **US President Ronald Reagan and Can. PM Brian Mulroney –Free Trade Cheerleaders in US and Canada**



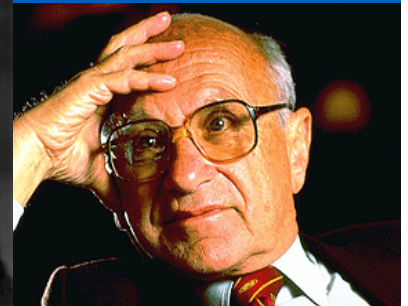
In the late 1980s, Prime Minister Brian Mulroney favoured closer economic ties with the United States. The two countries carved out a free trade agreement that would see trade barriers gradually shrink. Pictured here, Brian and Mila Mulroney and Ronald and Nancy Reagan singing *When Irish Eyes are Smiling* at the "Shamrock Summit" in Quebec City, 1985.

1. Corporate Economic Globalization Context

Global corporate economic model: Neoliberalism

- **Free Market rules - openness to Free Trade, freedom of movement of capital, goods, and services**
- **Privatization**
- **De-regulation**
- **Smaller Government**
- **Cutting public expenditures for social services like education health care and reducing the safety net for the poor**
- **Eliminating the concept of the “public good” and replacing it with ‘individual responsibility’**

<http://www.corpwatch.org/article.php?id=376>



In the late 1980s, Prime Minister Brian Mulroney favoured closer economic ties with the United States. The two countries carved out a free trade agreement that would see trade barriers gradually shrink. Pictured here, Brian and Milla Mulroney and Ronald and Nancy Reagan singing What Irish Eyes are Doing at the White House ceremony in October 1989.

1. Corporate Economic Globalization Context

Global /Regional Globalization Structures/Instruments

- **GATT/ WTO – GATS**



- **World Bank**



- **IMF**



- **Free Trade Secretariats**



- **Bank for International Settlement**



- **World Economic Forum –Davos**



1. Globalization Context - Corporate Power

- Susan George's – latest book “Shadow Sovereigns - How Global Corporations are Seizing Power” provides revelations about how and why the corporate lobby is advancing the mega-trade agreements.
- Prof. George is a renowned European scholar /activist and President of the TNI, Transnational Institute, an international research and advocacy group committed to building a just, democratic and sustainable planet.
- In this video she introduces with great clarity and wisdom her latest book Shadow Sovereigns – She explains how corporations have taken over all branches of the government as well as international governance, in particular through trade treaties such as the proposed EU-US Transatlantic Trade and Investment Partnership (TTIP); the World Economic Forum's Global Redesign Initiative (GRI) and their incursion into the UN

VIDEO with Susan George [5:40 Min] **VIEW & LISTEN**
<https://www.tni.org/en/article/shadow-sovereigns-susan-george>



2. Globalization & Free Trade

- The WTO emerges from the GATT - 1995
- NAFTA - 1994 - Civil Society Lost
- MAI - 1999 – Civil Society Victory
- FTAA - 2005 Defeated by Latin Americans, Quebec City Protest [2000] - Victory
- SPP - 2006 – Montebello Summit - Victory
- CCFTA – 2008 Lost – long struggle
- Many other bi-lateral agreements passed under Harper government and earlier liberal governments
- Mega -Trade Agreements
- See next slide for Acronym meanings

2. Globalization & Free Trade

- WTO – World Trade Organization
- GATT – General Agreement on Tariffs and Trade
- NAFTA – North American Free Trade Agreement
- MAI - Multilateral Agreement on Investment OECD Countries
- FTAA - Free Trade Areas of the Americas
- SPP - North American Security and Prosperity Partnership
- CCFTA – Canada Colombia Free Trade Agreement
- Many other bi-lateral agreements (Harper)
- Mega -Trade Agreements

CETA Apr 2014/ TTIP / TPP / TISA - ULTIMATE STRUGGLE (See next slide)

2. Globalization & Free Trade

Mega-Trade Deals on Table Now
Transatlantic Trade & Investment Partnership (TTIP) ,
Can EU Comprehensive Economic and Trade Agreement (CETA), Transpacific Investment Partnership Agreement (TPP) and the Trade Investment in Services Agreement (TISA)

- threaten democratic decision-making in the public interest !
- will have a huge impact on public services and many areas of governance discussed further on.

<https://stop-ttip.org/>



Trade Justice Network (TJN)'s Trojan Horse

<http://tradejustice.ca/en/>

2. Mega Trade Deals –TISA

- TISA: Trade in Services deal
TISA is a proposed international trade treaty between 23 Parties, including the European Union and the United States. The agreement aims at liberalizing the worldwide trade of services such as banking, education, health care and transport. Criticism about the secrecy of the agreement arose after Wikileaks released in June 2014 a classified draft of the proposal's financial services annex, dated the previous April.



TISA participating countries

Dr. Patricia Ranald, research associate University of Sydney, said:
"Amendments from the US are seeking to end publicly provided services like public pension funds, which are referred to as 'monopolies' and to limit public regulation of all financial services ... They want to freeze financial regulation at existing levels, which would mean that governments could not respond to new developments like another global financial crisis"

<http://www.globalresearch.ca/another-secret-trade-agreement-tisa/5388505>

2. Globalization & Free Trade

- Over the past two decades free trade, has been reaffirmed as indispensable by political elites including the Harper government that pursued a frenzy of bi-lateral free trade agreements as a growth strategy to address the economic crisis.
- At same time the global economy had been failing, trade is decreasing, jobs and incomes have failed to materialize as promised and globally ecosystems are collapsing. Many economists and multiple NGOs, Institutes and academics around the world are calling for alternatives but the media and government officials have basically been silent when it comes to presenting informed analysis of free trade issues and alternatives such as planned Degrowth and Ecological Economics among other approaches.

2. Globalization's Free Trade Failures

- Latest studies like earlier NAFTA assessments show Free Trade does not fulfill its promises of jobs, economic growth or increased income
- Globalization creates a different context than when David Ricardo's free trade theory originated i.e FTAs no longer embody free trade as originally intended and rationalized and do not meet Ricardo's criteria.
- The present model of free trade is more about reduction of non tariff barriers i.e. a complex regulatory environment, occupational safety and health standards, state subsidies, procurement and state ownership, buy national policies, intellectual property etc etc.
- It is a corporate power grab compromising and usurping sovereignty and democratically implemented legislation at the nation state and sub – national government levels
- Investor-State Dispute Settlement (ISDS) trumps our judicial system, laws, regulations and places a burden on public finances paid in awards to corporations.
- It is time to look at other economic models and other trade models

2. Free trade Failures re Ricardo's Conditions

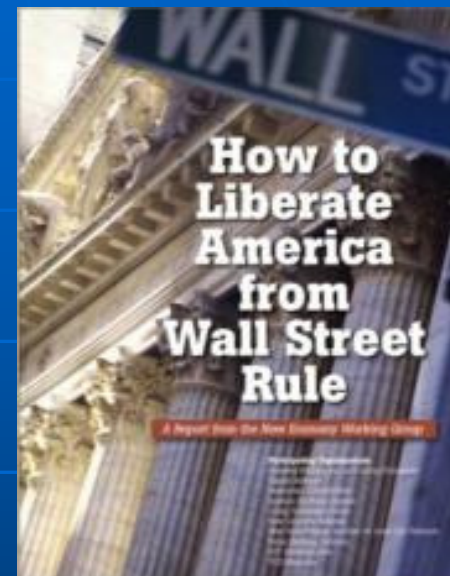
Failures of the globalized free trade system:

Adam Smith and David Ricardo originator of the theory of free trade and comparative advantage, say that trade is mutually beneficial when certain essential critical conditions are met. Market fundamentalists conveniently ignore these conditions:

Each of the trading partner countries must

1. be largely self-reliant in meeting its own needs,
2. trade only its surplus with its neighbors,
3. keep exports and imports in balance, and
4. keep capital (ownership) national.

This means that trade is mutually beneficial when each country is living within its own means and its productive assets are owned by its own citizens. When the necessary conditions are met, there is no international debt and there are no international capital markets or flows. --David Korten



**David Korten,
author,**

2. Free trade Failures re Ricardo's Conditions

Failures of the globalized free trade system:

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.

Furthermore, the current highly specialized and interdependent global economy, with its long, vulnerable, energy-intensive supply lines, is inherently unstable. There is extreme and unnecessarily high risk of global system disruption as a consequence of a local disaster, such as the earthquake and tsunami that caused the Fukushima nuclear meltdown. -- David Korten



David Korten,
author,

2. Free Trade Failures –Studies

- Latest studies and even those going back a decade or more have shown that free trade agreements don't always live up to their promises to increase jobs, incomes of workers, or economic growth.

Public Citizen's document, *NAFTA's Broken Promises 1994-2013: Outcomes of the North American Free Trade Agreement*

points out that United States has lost millions of manufacturing jobs during the NAFTA era, but overall unemployment has been stable (excluding recessions) as new low-paying service sector jobs have been created with a significant drop in income. The average U.S. wage has grown less than one percent annually in real terms in the 19 years since NAFTA was enacted even as worker productivity has risen at more than three times that pace. Given rising inequality, the median U.S. wage has fared even worse and today remains at the same level seen in 1979.

<http://www.citizen.org/documents/NAFTAs-Broken-Promises.pdf>



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**What does Public Citizen
fight for?**

Click here to find out!

2. Free Trade Failures –Studies

"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."

In a New York times article Joseph Stiglitz, a Columbia University economist and Nobel laureate, said the magnitude of these losses was large enough that increased trade may now be harming the American economy.

"The argument was always that the winners could compensate the losers," Mr. Stiglitz said. "But the winners never do. And that becomes particularly relevant when we have a society with as much inequality as we have today."

<http://m.huffpost.com/ca/entry/7462578>



Joseph Stiglitz, American Economist and Professor and recipient of the Nobel Memorial Prize in Economic Sciences.

2. Free Trade Failures –Studies

- According to Canadian economist Jim Stanford:
- “Proponents of NAFTA promised that productivity gains from free trade would translate into higher incomes. There’s been no productivity dividend, and no income growth, either. In fact, last 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. In short, it’s hard to find any concrete economic evidence whatsoever that this historic deal actually helped Canada.”

Jim Stanford Did this historic trade deal help Canada? No. Globe and Mail, October 6, 2012
<http://www.theglobeandmail.com/globe-debate/did-this-historic-trade-deal-help-canada-no/article4593360/>



Jim Stanford, Canadian economist and founder of the Progressive Economics Forum

2. Globalization, Free Trade, Mega deals Overview on YouTube –Links

VIDEO ON FTAS & Corporate Power:

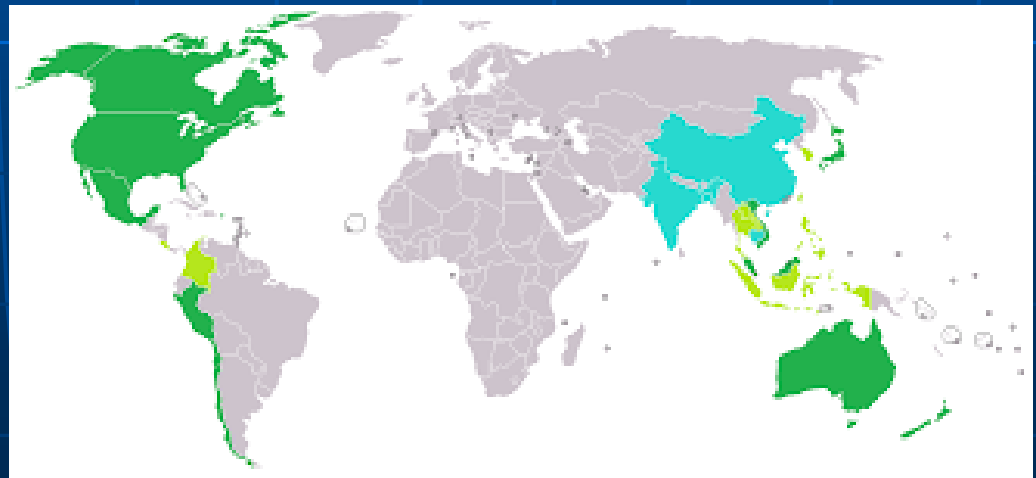
- Free Trade 101 video from Common Frontiers [3min]
<https://www.youtube.com/watch?v=NvdhZ04ElmY>

Explanation of free trade and investor state agreements from perspective of a business executive –satirical

- TheRealNews Days of Revolt: The Most Brazen Corporate Power Grab in American History With Chris Hedges
<https://www.youtube.com/watch?v=1tRIFmhA7gs&feature=youtube>

In this episode of Days of Revolt, Chris Hedges and organizer Kevin Zeese break down the terms of the Trans-Pacific Partnership (TPP) after discussing corporate power.

3. TPP Basics –Where ?



3. TPP Basics – Why ?

Why the TPP?

- Asia Pivot – The TPP is part of a broader effort to isolate China
- FTAA – US attempted to establish a Free Trade Area of the entire Americas and failed. However the globalist dream remained and the US continued to sign regional treaties like CAFTA – Central American FTA, and bi-lateral agreements. The TPP brings Chile and Peru into the US trade orbit.
- The TPP has built in a so-called docking platform so more transpacific countries can join in with the potential to cover, along with the TTIP agreement between EU and US, more than 80% of world trade.
- As WTO became dysfunctional a global free trade regime has given way to a discordant managed trade regime build on a divide and conquer strategy, with overlapping trade blocs and agreements according to Joseph Stiglitz.
- TPP is one of several mechanisms of global corporate power lobbying for both trade agreements and other related global governance structures and policies as e.g. the Global Redesign Initiative of the World Economic Forum (WEF) Davos.



3. TPP – What is it ?

The Trans-Pacific Partnership (TPP) is a 12-country trade and investment treaty negotiation that began in 2008. Canada was only admitted, with strings, to the U.S.- led initiative in 2012. Other members include Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. Supporters call the TPP the “NAFTA of the Pacific” as it is modeled on the 1994 Canada-U.S.- Mexico trade deal. Critics, however, refer to it as “NAFTA on steroids” since it puts far more restrictions on government policy and regulation.

The TPP and Canada by Scott Sinclair and Stuart Trew
https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/05/TPP_and_Canada.pdf



CCPA
CANADIAN CENTRE
for POLICY ALTERNATIVES

3. TPP - What is it?

- Global governance agreement amongst some 12 countries spanning the Pacific from Chile to Japan
- Global investment agreement
- Global Corporate Power vehicle
- Most trade tariffs are minimal now so it is much more than a classical free trade agreement where tariffs are lowered; it is about non-tariff barriers
- It was negotiated in secret and was not to be revealed for four years after in place before Wikileaks finished leaking the document in October 2015. It is now on the Canadian government's website. (See last slides)

3. TPP Secretive Deal



TRADE PACTS MADE BEHIND
CLOSED DOORS ARE BAD
FOR EVERYONE LOCKED OUT.

**The Trans-Pacific Partnership would
threaten our water, air, land, and climate.**

Sierra Club US TPP “Far From a ‘Progressive’ Trade Deal”

<https://www.facebook.com/SierraClub/posts/10152933661162572>

3. TPP Secretive Deal



3. TPP Explained Video Links

VIDEOS on the TPP

- What is the TPP? (Trans-Pacific Partnership) Sierra Club US <https://www.youtube.com/watch?v=BYm6nGCF46I>
- The TPP The Dirtiest Deal you've never heard of.
[3 Min] <https://www.youtube.com/watch?v=M9ZFDpuiFUs>
Australian perspective

3. TPP Contents (30 Chapters)

1. Initial Provisions and General Definitions
2. Trade in Goods
3. Textiles and Apparel
4. Rules of Origin
5. Customs Administration and Trade Facilitation
6. Sanitary and Phytosanitary (SPS) Measures *
7. Technical Barriers to Trade (TBT)
8. Trade Remedies
9. Investment
10. Cross-Border Trade in Services
11. Financial Services
12. Temporary Entry for Business Persons
13. Telecommunications
14. Electronic Commerce
15. Government Procurement

16. Competition Policy
17. State-Owned Enterprises (SOEs) and Designated Monopolies
18. Intellectual Property *
19. Labour *
20. Environment *
21. Cooperation and Capacity Building
22. Competitiveness and Business Facilitation
23. Development
24. Small- and Medium-Sized Enterprises
25. Regulatory Coherence *
26. Transparency and Anti-Corruption
28. Dispute Settlement *
29. Exceptions
30. Final Provisions

<https://ustr.gov/about-us/policy-offices/press-office/press-releases/2015/october/summary-trans-pacific-partnership>

3. TPP Some of the Impacts

- Financial Threats – de-regulation
- Auto industry – loss of good jobs (Unifor)
- IP – Jim Balsillie - “troubling” rules on intellectual property
- Pharmaceuticals – costs up, generic drugs longer to market
- Environment – Rules and enforcement not strong enough
- Climate Action – hardly mentioned; threatens climate action
- Regulatory Coherence – loss of democracy, downward harmonization of regulation, corporations deciding on laws
- Investor State Dispute Settlement [ISDS]– democracy and judicial system usurped; loss of sovereignty, and tax payers pay major awards to corporations
- Sanitary and Phytosanitary (SPS) Measures -Food safety

3. TPP Financial Threats

- Unlike past pacts, the TPP would empower financial firms to use extrajudicial tribunals to challenge financial stability measures that do not conform to their expectations.” Among the top banks in TPP countries that could newly do so: Mitsubishi UFJ, Mizuho, ANZ, Commonwealth Australia, West Pac, National Australia Bank, Bank of Tokyo, Sumutomo, Royal Bank of Canada.
- Despite the pivotal role that new financial products, such as toxic derivatives, played in the financial crisis, the TPP would require all TPP countries to allow new financial products and services to enter their economies if permitted in any other TPP countries.
- The TPP constrains signatory governments’ ability to ban risky financial products, including those not yet invented
- The TPP would be the first U.S. pact to empower some of the world’s largest financial firms to launch ISDS claims against U.S. financial policies. The TPP would greatly expand U.S. liability for ISDS attacks
- The use of capital controls and other macro-prudential financial policies that regulate capital flows to promote financial stability are forbidden and subject to compensation demands by foreign corporations

■ **TPP Financial Stability Threats Unveiled: It’s Worse than We Thought. Public Citizen Nov 18th 2015 <http://citizen.typepad.com/eyesontrade/2015/11/tpp-financial-stability-threats-unveiled-its-worse-than-we-thought.html>**



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Protecting Health, Safety and Democracy

3. TPP Auto Sector Impacts

■ JIM STANFORD Unifor

Unifor Economist Jim Stanford previously calculated that weakened regional content rules in the TPP will ultimately threaten 20,000 well-paying jobs in Canada's auto sector alone. 1.

The agreement will eliminate Canada's 6.1 percent tariff on vehicle imports from Asia over just five years (much faster than auto tariffs are removed in other TPP countries), and dramatically weakens regional content rules for both autos and parts.

"Under the TPP, vehicles and parts mostly made in China and other non-TPP countries would have free access to North American markets.

■ Canadian Labour Leaders:

Canadian labour leaders met with Chrystia Freeland, Minister of International Trade and raised a number of concerns including the very dire impact it would have on Canada's auto sector. 2

1. <http://www.newswire.ca/news-releases/time-to-fix-tpp-mistakes-unifor-541230691.html>

2. <http://canadianlabour.ca/news/news-archive/labour-leaders-meet-ministers-freeland-and-mihychuk-trans-pacific-partnership>



Unifor Economist Jim Stanford

4. Labour impacts of TPP

- Labour leaders raised a number of concerns with the ministers, including how to ensure the deal actually helps to raise labour standards instead of lowering them, how violations would be penalized, the very dire impact it would have on Canada's auto sector, how it could impact drug costs, why it should not include reference to temporary foreign workers, and how it could impede Canada's commitments on climate change.
- "We made it very clear to the ministers that we aren't against trade, but it must be fair trade," said Yussuff.
- Labour leaders also encouraged the ministers to consider conducting a very robust consultation that extends beyond Parliamentary Committee hearings.
- Minister Freeland told labour leaders that the TPP would not take effect in Canada until it is ratified by a vote in Parliament.



<http://canadianlabour.ca/news/news-archive/labour-leaders-meet-ministers-freeland-and-mihychuk-trans-pacific-partnership>



Canadian Labour Congress
Congrès du travail du Canada



national union
of public and general employees

3. TPP Intellectual Property Impacts

- Jim Balsillie warns that provisions tucked into 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.
- After poring over the treaty's final text, the businessman who helped build Research In Motion into a \$20-billion global player said the deal contains “troubling” rules on intellectual property that threaten to make Canada a “permanent underclass” in the economy of selling ideas.
- <http://www.theglobeandmail.com/report-on-business/balsillie-fears-tpp-will-cost-canada-billions-may-be-worst-ever-policy-move/article27171764/>
- **Video TPP and the Internet Professor Michael Geist**
- <https://youtu.be/VTrS1GeADQU> 3 min Geist [From 45 min talk at CIGI Centre for International Governance Innovation's International Law Research Program]
- **The price of entry to the TPP should have been too high for Canada** By Michael Geist | January 12, 2016
- <http://rabble.ca/news/2016/01/price-entry-to-tpp-should-have-been-too-high-canada>



Jim Balsillie



Professor Michael Geist

3. Food and Agriculture Impacts

- The National Farmer's Union (NFU), as a member of the international movement *la Via Campesina*, promotes food sovereignty. It is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. Trade deals such as the TPP and CETA would take Canada and our trading partners in the opposite direction.
- Both CETA and the TPP undermine Canada's highly efficient and equitable supply management system for dairy, eggs and poultry by allowing in ever-increasing amounts of imports to displace our farmers and their products. Countries seeking access to our markets subsidize their farmers and/or force them to take on excessive debt so they can sell far below the cost of production, often off-loading costs by polluting the environment, harming animal welfare, using veterinary drugs not approved in Canada and exploiting vulnerable workers.
- "These trade agreements undermine our grain, beef and pork producers by facilitating concentration in the grains industry and livestock industries, making farmers livelihoods more precarious here in Canada as well as in other countries," said Terry Boehm, Chair of the NFU Seed and Trade Committee. "Proponents of these agreements claim farmers will prosper based on more trade, but the reality is that farm debt is increasing rapidly. With fewer farmers, and less secure farmers – what kind of food system do you end up with?"



National Farmers Union
Union Nationale des Fermiers



- <http://www.nfu.ca/story/trade-deals-and-food-sovereignty-don%E2%80%99t-mix-says-nfu>

3. TPP Environmental Impacts

I) Rules not strong enough

- Multilateral Environment Agreements [MEAs] Obligations –wording weak –will allow TPP to override MEAs. This is a step back from earlier [2007 Congress ruling] which would have enforced environmental obligations on same basis as commercial provisions
- Conservation issues wording too weak – fails to include a legally enforceable prohibition on trade in illegally sourced timber, wildlife and marine resources.

II) Enforcement - The Environmental Side Agreement (ESA) fails to provide an effective buffer to counter the pressure that enforceable investor rights will exert on environmental measures

III) Outside the Environment Chapter impacts on environment

- a) ISDS - Need to be excluded to prevent further attacks on environmental legislation
- b) Regulatory Cooperation – corporations will have role in drafting regulations
- c) Climate Change – little to no mention , agreements from Paris will be vulnerable to ISDS challenges
- d) Fracking and other sources of fossil fuel extraction and exports will be enhanced
- e) Agricultural concerns - IATP and SC US have referenced concerns
- Many of the issues are cross related to different chapters according to Law Professor Jane Kelsey who wrote in January 2014 that it is not only the Environment chapter impacting the environment but she listed 11 of the 30 chapters having significant environmental impacts.

Sierra Club US analysis: *TPP Text Analysis: Environment Chapter Fails to Protect the Environment*
<https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/tpp-analysis-updated.pdf>



3. Climate Action

Three ways TPP will hurt the climate:

- It expands the rights of corporations to challenge regulations
- It drives natural gas exports and production
- It limits support for local, renewable energy systems



<http://www.iatp.org/blog/201511/3-ways-the-tpp-will-hurt-the-climate%E2%80%94if-we-let-it-pass>

3. Climate Action threatened more than ever by ISDS – Van Harten's Carve Out

- Gus van Harten's carve out essential *
- Van Harten's recommendation to exclude any possibility to challenge climate related measures from any future multilateral agreement on climate change was recently taken over by the European Parliament in its resolution on the International Climate Agreement in Paris. 1.
- Germany Vattenfall case shows government attempts to phase out fossil fuels and nuclear power are vulnerable. 2.

1. **Research Paper Number** 38/2015
An ISDS Carve-Out to Support Action on Climate Change

<http://digitalcommons.osgoode.yorku.ca/olsrps/113/>

2. *Vattenfall sues Germany over phase-out policy* **
<http://www.world-nuclear-news.org/C-Vattenfall-sues-Germany-over-phase-out-policy-16101401.html>



**Professor Gus Van Harten, Osgoode Hall
Law School, York University**

3. Climate Action- latest Trans Canada NAFTA case vs Obama heralds huge TPP Threat

"TransCanada, the ... fossil fuel corporation behind the ill-fated Keystone XL tar sands pipeline, just made abundantly clear the threats that the controversial Trans-Pacific Partnership (TPP) trade deal would pose to our communities, our climate, and our clean air and water, if approved.

Just two months after the Obama administration rejected TransCanada's bid to build the dangerous Keystone XL tar sands pipeline - a landmark victory for the movement to keep fossil fuels in the ground - the Canadian Corporation announced it will retaliate by using a TPP-like trade deal (NAFTA)... to ask a (private offshore ISDS) tribunal .. to hand more than \$15 billion tax dollars to the corporation as "compensation" for the Keystone XL decision that spared us the threat of increased climate disruption and spills of dirty tar sands oil." 1.

1. The Corporation Behind Keystone XL Just Laid Bare the TPP's Threats to Our Climate by Ben Beachy http://www.huffingtonpost.com/ben-beachy/the-corporation-behind-ke_b_8931802.html?utm_hp_ref=green



Ben Beachy Sr. Trade Policy Analyst, Sierra Club US



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3. Climate Action- latest Trans Canada NAFTA case vs Obama heralds huge TPP Threat

“The TPP ... that could come before Congress this year, would expand these corporate rights more than any past US trade deal by extending them to more than 9,000 additional foreign-owned firms. In one fell swoop, the TPP would roughly double the number of foreign corporations that could follow TransCanada's example and challenge U.S. climate and environmental safeguards in private tribunals.

The corporations that would gain this power include Australian and Japanese fossil fuel firms that are currently drilling for oil in the Gulf of Mexico and fracking for natural gas on U.S. public lands.”¹.

1. The Corporation Behind Keystone XL Just Laid Bare the TPP's Threats to Our Climate by Ben Beachy
http://www.huffingtonpost.com/ben-beachy/the-corporation-behind-ke_b_8931802.html?utm_hp_ref=green



**Ben Beachy, Sr. Trade Policy
analyst Sierra Club US**



3. Climate Action- latest Trans Canada NAFTA case vs Obama heralds huge ISDS Threats

“With the announcement that TransCanada is using NAFTA to sue the U.S. government for \$15 billion over its decision to disallow the Keystone XL pipeline, the Council of Canadians says the proliferation of free trade agreements such as the TPP (Trans-Pacific Partnership) and CETA (Canada-European Union Comprehensive Economic and Trade Agreement) guarantees an avalanche of such challenges to environmental laws and democratic decisions.

“We just came out of the Paris climate talks with fine ambitions to do something about climate. Obama, cognizant of his commitment, rejected Keystone XL,” adds Barlow. “As they stand, these trade agreements are the single biggest threat to meeting our climate change goals, which the Canadian government proudly announced only a month ago. Why are we letting corporations have the final word on our democratic decisions and environmental progress?”

Keystone XL: TransCanada's embarrassing NAFTA lawsuit just the beginning Media Release January 7, 2016. Council of Canadians

<http://canadians.org/media/keystone-xl-transcanadas-embarrassing-nafta-lawsuit-just-beginning>



3. Regulatory Harmonization

“What they want is stripping away regulations. Harmonizing down. They’re not saying, okay let’s harmonize standards on intellectual property to make access to generic medicines more accessible for everybody, that will lower the price, and that will improve health care. That’s not what they’re talking about.... So that’s harmonizing to a standard that is in the advantage of big pharma against American people, European people, generics, access to health. So we wouldn’t have that if we had an open debate in Congress and in the European Parliament. They would not accept this. It’s being done this way because Big Pharma knows it can’t get it through our parliament, through our Congress. And it’s using an end run, in secret, to get around democratic processes.”¹

1. *Nobel Laureate economist Joseph Stiglitz heaps scorn on TPP and TTIP* Dec 16th, 2015
<https://citizenactionmonitor.wordpress.com/2015/12/16/nobel-laureate-economist-joseph-stiglitz-heaps-scorn-on-tpp-and-ttip/>

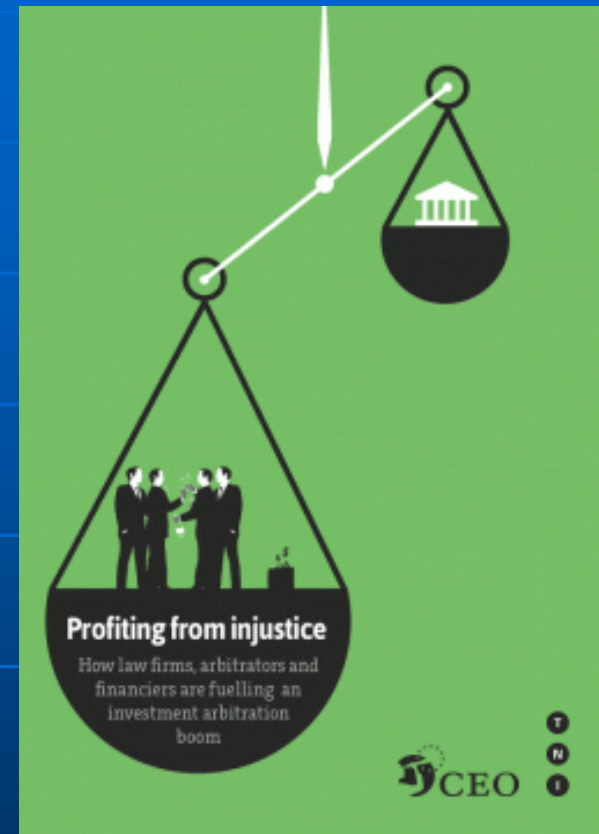
2.



Nobel Laureate economist
Joseph Stiglitz

4. Investor State Dispute Settlement

- **What is ISDS ?**
- **Series of corporate rights:** National Treatment, Most Favored Nation, Minimum Standard Treatment –Fair & Equal Treatment, Expropriation etc
- **Privatized Dispute Settlement** via tribunals with private sector international trade lawyers:
 1. Not paid by government
 2. No tenure
 3. No body of established law
 4. No permanent court or location
 5. Conflict of Interest
 6. Rulings don't rely on binding precedent
 7. Huge awards for damages paid out by governments
 8. No appeal process
 9. For corporations only – governments can't sue the corporation



Profiting from Injustice: How Law Firms and Financiers are fuelling an investment arbitration boom.

<http://corporateeurope.org/international-trade/2012/11/profitting-injustice>

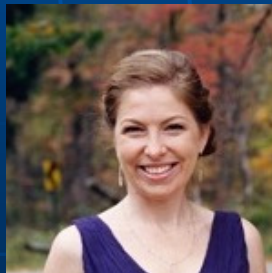
4. TPP Investment Chapter

In their *Policy Paper, The TPP's Investment Chapter: Entrenching, rather Than reforming, a flawed system* Lise Johnson and Lisa Sachs of the Columbia Center on Sustainable Investment (CCSI): respond to the USTR's Claims that the "TPP upgrades and improves ISDS" and "closes loopholes and raises standards higher than any past agreements." They refer to a number of problems from previous trade agreements that have been carried over into the TPP, and new provisions added to the TPP that do not appear in other US FTAs and that raise additional concerns. 1

In an initial analysis of the Investment chapter 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 countries owe foreign investors and thus the compensation they can be ordered to pay foreign firms. 2.



Lise Johnson



Lisa Sachs



1. <http://ccsi.columbia.edu/files/2015/11/TPP-entrenching-flaws-21-Nov-FINAL.pdf>
2. <https://www.citizen.org/documents/analysis-tpp-text-november-2015.pdf>

4. ISDS –Why Reject ?

1. We don't need it - Countries without ISDS have garnered good investment e.g. Australia, Brazil. See Australia's rejection of Investor State:
http://www.commonfrontiers.ca/Single_Page_Docs/PDF_Docs/Jan08_14-AUSFTA-paper.pdf
2. Undemocratic – challenging public legislation for the common good and welfare of society in favour of corporate profit and power over govts
3. Compromises official public judicial system by sidestepping it for private sector international biased tribunals
4. Huge financial burden on tax payers and public purse
5. Increasing number of cases with increasingly high financial awards some now in the billions
6. Loss of sovereignty – move toward corporate global governance without representation
7. UN special expert, Alfred de Zayas, on the promotion of a democratic and international order, in recently tabled report to the UN General Assembly called for the abolition of Investor-State dispute settlement arbitrations. *.
8. Call for major revision or total rejection of ISDS now from all quarters especially in Europe from European Trade Commissioner, Cecilia Malmstrom, some EU countries, many NGOs, hundreds of thousands of citizens
9. Several alternatives are available e.g. Return to State to State arbitration using domestic courts; an International Investment Court; International insurance; etc
10. Globalist ideology is failing and along with it free trade as a mechanism or growth_

De Zayas UN expert calls for abolition of Investor-State dispute settlement arbitrations
- See more at:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E>



Alfred de Zayas



Cecilia Malmstrom

4. Focus on ISDS - Resources

Papers:

- CCPA's *NAFTA investor-state claims against Canada are "out of control": study* :

<https://www.policyalternatives.ca/newsroom/news-releases/nafta-investor-state-claims-against-canada-are-out-of-control-study>



- *Analysis of Digby Neck Quarry Bilcon Case: Decision and Dissent*
By Janet M Eaton <http://www.sierraclub.ca/en/DigbyNeck>



YOUTUBE

- German TV documentary on ISDS *Konzerne klagen - wir zahlen* [Eng 0-2 Min Intro / 2:00 - :11:00 min] Digby Neck ISDS case explained

<https://youtu.be/YV2NZ9MQh0w?t=12m22s> [12 min to 18 min]

- Documentary on ISDS: *TTIP: Might is Right* (VPRO Backlight) [49:16Min]

<https://youtu.be/j0LOwmwgkdA?t=14s> Intro Gus

<https://youtu.be/j0LOwmwgkdA?t=18m46s> BITs whats wrong

<https://youtu.be/j0LOwmwgkdA?t=42m34s>



5. Government Consultation & TPP

- “The government has an obligation to be open and honest about the negotiation process, and immediately share all the details of any agreement. Canadians deserve to know what impacts this agreement will have on different industries across our country. The federal government must keep its word and defend Canadian interests during the TPP’s ratification process – which includes defending supply management, our auto sector, and Canadian manufacturers across the country.
- “If the Liberal Party of Canada earns the honour of forming a government after October 19th, we will hold a full and open public debate in Parliament to ensure Canadians are consulted on this historic trade agreement.” 1.

1. Statement of Liberal Party Leader Justin Trudeau on the Trans-Pacific Partnership. October 5, 2015
<https://www.liberal.ca/statement-by-liberal-party-of-canada-leader-justin-trudeau-on-the-trans-pacific-partnership/>



Prime Minister Justin Trudeau

5. Government Consultation & TPP

- Foreign minister Dion gave a somewhat mixed message ... stating at a press conference, "Everybody appreciates that we are a pro-trade government and everybody understands that we have to consult our people. Ratification is not tomorrow for [any] country so we'll have the time to engage Canadians seriously about this trade deal." [G&M Nov 17th]

<http://www.theglobeandmail.com/news/politics/government-cagey-on-tpp-at-apec-summit/article27314107/>



Foreign Affairs Minister
Stephane Dion

5. Freeland: “It’s ‘not my job’ to sell Canadians on TPP

Speaking to BNN’s Kristina Partsinevelos on Wednesday evening, December 3rd, in Ottawa, Chrystia Freeland said:

“We’re not the government that negotiated this deal. It is an incredibly difficult deal. It’s 6,000 pages and as far as we are concerned, this deal really became available for Canadians—Canadian stakeholders – to review yesterday”

1. <http://www.bnn.ca/News/2015/12/3/Canadas-new-trade-minister-says-its-not-my-job-to-sell-Canadians-on-TPP-.aspx>



5. Minister Freeland begins Consultations

- Canadian labour leaders met with Chrystia Freeland, Minister of International Trade; her Parliamentary Secretary, David Lametti; and MaryAnn Mihychuk, Minister of Employment, Workforce Development and Labour to kick off consultations on the Trans-Pacific Partnership trade deal as noted in Slide above. 1
- The Foreign Affairs website documents other consultative meetings held so far with Industry reps, provincial Ministers of Trade and Economic Development, Foreign Officials from Peru and Chile, Australia, Canadian Business leaders, leaders in IP debate etc. NGO's and Indigenous groups are so far absent.

1. <http://canadianlabour.ca/news/news-archive/labour-leaders-meet-ministers-freeland-and-mihychuk-trans-pacific-partnership> Dec 9th, 2015
2. http://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-ptp/consulting-corner_coin-consultations.aspx?lang=eng



5. Trade minister says renegotiation of Pacific trade deal not possible

- A renegotiation of the Trans-Pacific Partnership trade deal is not possible even though serious concerns may be raised during public consultations, Canada's trade minister said Thursday.
- "The negotiations are finished and for Canadians it's important to understand that it's a decision of yes or no," Chrystia Freeland told reporters Thursday after receiving varied feedback at a meeting at the University of Montreal.
- However, Freeland said the government is committed to hearing from Canadians before a ratification vote is held in Parliament.

Trade minister says renegotiation of Pacific trade deal not possible. January 15, 2016

<http://www.theglobeandmail.com/news/politics/renegotiation-of-pacific-trade-deal-not-possible-trade-minister/article28199345/>



5. Government Consultation & TPP

- On November 5, 2015, the Trans-Pacific Partnership (TPP) text was released to the public. The Government of Canada is committed to being transparent, open and consultative with Canadians on the TPP. As part of this commitment, the Government has embarked on a consultative process in which Canadians are invited to participate.
- Canadians are invited to visit this page frequently for consultations activities and regular updates. You can also send your comments at any time via email: TPP-PTP.consultations@international.gc.ca. 1.

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1. http://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-tp/consultations.aspx?lang=eng&utm_source=tpp&utm_campaign=tpp-consult



5. Government Consultation & TPP

- Some groups are worried that the consultation promises will fall short:
- The Canadian Centre for Policy Alternatives has highlighted that, the Canadian government should inform TPP partner countries that Canada cannot be bound by the agreement as negotiated, and that public input could result in Canadian demands for change.
- The Council of Canadians has stated that this should mean a full public review including a comprehensive and independent analysis of the TPP text by the Parliamentary Budget Officer (that would assess the deal's impact on human rights, health, employment, environment and democracy), public hearings in each province and territory, and separate and meaningful consultations with First Nations.
- The Globe and Mail The *Globe and Mail* editorial board has additionally commented "If [trade minister Chrystia] Freeland and her party are serious about making sure Canadians understand its implications, they will have to give Parliamentary committees the time and resources to go over it section by section and hear testimony from neutral experts. Parliament will have to report back to Canadians in plain language about what they are getting and what they are giving up. And then the government will have to make an argument for ratification, or demand further negotiations to protect Canada's interests."

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Trudeau offers an email address to hear from you on the TPP

<http://rabble.ca/blogs/bloggers/brent-patterson/2016/01/trudeau-offers-email-address-to-hear-you-on-tpp>

6. How to become engaged in the TPP & Government consultations

- Use and share this and other resources to learn more about the TPP
- Write letters to the Minister of International Trade using e-mail included in a previous slide.
- Call MPs office or set up a visit to express your concerns
- Write letters to editors pointing out threats of the TPP and demand more study and consultation.
- Write in opposition to articles in news papers which are blatantly false providing evidence of concerns with the deal.
- Set up an activist group on the TPP for forthcoming rallies and marches on the issue.
- This power point can be modified to better suit your issue or region by consulting with the author [e-mail address noted on next slide].

About Janet M Eaton

- Janet M Eaton, PhD, is an academic activist and independent researcher who has taught courses on corporate globalization issues, community political power and environment and sustainable society at Acadia University and who has worked over the past eighteen years on corporate globalization, free trade and ISDS issues. She has been active in the peace, environmental, local food and anti-globalization movements and has been an advocate for systemic change for many years following her involvement with the International Systems Institute in California in the latter part of the 1990s. Among other things, she currently serves on the Trade Justice Network and Common Frontiers Canada and is researching alternatives to the current failing global corporate economic model.

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<http://beyondcollapse.wordpress.com/>