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TPP agreed; no details available to civil society - Patrick Brown

The Trans Pacific Partnership (TPP) agreement, its completion announced with fanfare by Prime Minister Harper on October 5, is another product of the economic globalization trend. It places the interests, and the legal power, of corporations over and above the interests of nations and their citizens.

The nations involved are Singapore, Brunei, New Zealand, Chile, United States, Australia, Peru, Vietnam, Malaysia, Mexico, Canada, and Japan. Nations interested in joining are Colombia, Philippines, Thailand, Indonesia, and South Korea. Potential future countries mentioned are Taiwan, Cambodia, Bangladesh, and India. China is not included because the United States, and US interests, have dominated the negotiations; but it is clearly intended that the TPP would set the rules for any future trade agreement with China.

More Than A Trade Agreement

The TPP is more than a 'trade agreement', however. In fact it deals more with the interests of capital than of trade; more with regulations than tariffs. It will eventually require signatory nations to match their legislation and regulations with its terms.

It is this complexity, together with horse-trading between nations on the tariffs and trade restrictions for various corporate sectors, which has resulted in five years of negotiations.

As an illustration, see the list of chapters in the final agreement: competition, co-operation and capacity building, cross-border services, customs, e-commerce, environment, financial services, government procurement, intellectual property, investment, labour, legal issues, market access for goods, rules of origin, sanitary and phytosanitary standards, technical barriers to trade, telecommunications, temporary entry, textiles and apparel, and trade remedies.

Secret Except For Multinationals

The negotiations have been carried out in secret, with some critical exceptions: some draft chapters have been leaked at various stages by nations wishing to gain some advantage for their point of view; some have been revealed through WikiLeaks.

Large multinational corporations and industry lobbies, particularly in the US, have been intimately involved in the negotiation of the TPP's terms.

Generally the public, and their elected representatives, in all

participating nations has been kept in the dark, for fear of controversy.

The detailed text has still not been published; it is said to be undergoing a 'legal review' which presumably could result in some further changes.

It seems doubtful, at this point, that details will be available before the Canadian election. The sheer size of the TPP agreement would probably preclude any analysis in the short term.

ISDS Continues, With Future Profits?

The TPP, since it includes the US, Canada, and Mexico, supersedes NAFTA. But it includes, as its chief enforcement provision, the Investor State Dispute Settlement (ISDS) provision, the equivalent of NAFTA's Chapter 11. It has been suggested that the TPP version may permit foreign corporations to sue host governments not only to recover investments lost or devalued due to legislation or government actions, but also for lost anticipated profits. Such legal actions are adjudicated by a committee of international trade lawyers, and not by the courts; their decisions are binding. Australia had earlier sought to be excluded from this provision; it is not clear whether they were successful. Canada seems to have accepted it, much as it did in the Canada-China FIPA.

Dairy And Automotive Bought Off

Government announcements have drawn Canadians' attention to changes in trade restrictions affecting the dairy and automotive industries. The government plans to buy-off the 'supply management' of dairy in the face of permitted imports, probably from the US. In the case of automotive, the government offers \$1 billion in compensation over ten years.

Both buy-offs, would presumably take place, if the Conservatives are re-elected; which raises the question of agreeing to the TPP, without consulting the Opposition, during a constitutionally defined 'caretaker' period.

Even more controversial terms also deserve public consideration. The TPP makes significant changes in intellectual property provisions (trademarks, copyrights, and patents). It does appear that the patent protection period for new pharmaceuticals has been cut from the industry's preferred twelve years to eight or five years (reports differ). There are also provisions which affect the internet and ISPs (Internet Service

Providers), and digital locks (such as on video games, movies, and PDFs).

The government assures us it retains powers in public services, and it can still regulate culture, health, education, and protection for Aboriginals. The CBC need not make a profit. 