

Trans-Pacific Partnership (TPP)

TPP now appears to be a dead issue – early 2017.

Trans-Pacific Partnership Staged For Lame Duck Session - 11/1/16 - from Robin Rumph

President Obama is pushing to have the TPP approved during a lame duck session after the election. Why rush the TPP through in a lame duck session? Strategically there are many advantages. Non-returning members of congress are no longer accountable. The session is held during a holiday season in which citizens are distracted. The weather will have grown more inhospitable for protesters. Once in office the new president will not have the baggage of a deal that a majority of the citizens are against.

More than 1500 organizations oppose the TPP including the Sierra Club. The TPP creates rights for foreign corporations to undermine our laws, rules and executive actions at all levels of government through lawsuits to be adjudicated without appeal in corporate trade tribunals that are manned by corporate attorneys. Laws protecting air, water, species, food safety, agriculture and the climate could be challenged and won under TPP.

Foreign corporations could win damages for lost past, present and future profits. Governments (taxpayers) would have to pay. One could expect governments to back down and repeal offending laws to avoid devastating damages

What can you do? Call or write your congressmen. Support those organizations fighting TPP. Stay informed. Widespread organized demonstrations are being planned by a coalition of organizations beginning in November. Stay tuned.

Trans-Pacific pact raises worries on both sides of ocean - 7/10/16 Su - Japanese farmers fear trade deal - Article in today's Arkansas Democrat-Gazette page 2G

TPP UPDATE - Recent Events Provide Some Clarity On How Trade Agreements Will Undermine Us Environmentally Relevant Laws And Regulations - 3/15/16 - from Robin Rumph

In May World Trade Organization (WTO) tribunal decided that the country of origin meat labeling by the United States violated trade rules. In December the WTO handed down its penalty that Mexico and Canada would be owed 1 billion dollars annually until the US repealed the law. Within weeks the country of origin rule was repealed by the US Congress in the Omnibus appropriations bill. This action was taken despite the fact that the country of origin meat labeling law was favored by 90% of the public, according to a 2013 poll by the Consumer Federation of America.

In a staged event President Obama delivered a speech before a corporate audience at Nike headquarters in May, 2015 to support the enactment of the TPP and the president's bid for Fast Track authority, the president stated that the TPP would not affect domestic law and

regulation. The repeal of this popular labeling bill to conform to a trade agreement is more evidence that he was wrong.

The TPP contains a dispute resolution process that goes beyond government to government dispute resolution found in WTO trade tribunals. The TPP enables corporations, termed investor-states, to go directly to unaccountable tribunals to challenge domestic policies they believe violate the extremely broad rights that such trade deals give to foreign investors. Building on the North America Free Trade Agreement (NAFTA), the TPP enables many thousands more new corporations to challenge our policies and undermine our national sovereignty.

In late November the WTO ruled against a US policy of allowing for voluntary dolphin safe fishing net labels on cans of tuna. Llana Solomon director on the Sierra Club's Responsible Trade Program stated in a press release, "Americans want to know that the food they purchase and serve to their families does not come at the expense of wildlife. Today's WTO decision limits environmentally friendly choices for Americans, puts dolphins at risk, and opens the door to further trade deal limits on consumer protections and environmental safeguards. This should serve as a warning against expansive trade deals like the Trans-Pacific Partnership that would replicate rules that undermine safeguards for wildlife, clean air, and clean water." Penalties have not yet been announced by the WTO. What once was a complete US ban on tuna coming from dolphin- unsafe nets, after numerous rounds of negotiations between the US and WTO, even voluntary labeling is seen as a violation of free trade. What will this mean for other food labels like organic or non-GMO?

In January, 2016 the Canadian pipeline company TransCanada announced that it was suing the US for fifteen billion dollars for violation of NAFTA policies in response to President Obama's decision not to approve the northern portion of the Keystone XL pipeline in November, 2015. As prescribed by NAFTA rules this dispute will be resolved by a trade tribunal composed of three corporate lawyers not bound by US law. Should TransCanada win the dispute the tribunal will decide the penalty to be imposed unless the US and TransCanada can reach a settlement before the tribunal's decision. In either case it becomes clear that trade agreements like the TPP and NAFTA empower corporations to challenge the sovereignty of the US government. Not only will the TPP embolden fossil fuel and other corporations to challenge US policy and law it will allow these corporations to make huge profits to be paid by US taxpayers due to provisions in the TPP that allow these corporations to sue for loss of expected profits. Needless to say the expected loss of profits of the fossil fuel industry alone could be huge if the US or other treaty signing nations wanted to keep a large percentage of their existing fossil fuels in the ground as scientists have indicated is necessary to avoid catastrophic climate change.

Instances of corporations suing governments are rapidly growing under Investor-State Dispute Settlement (ISDS) processes contained in trade agreements like NAFTA and the TPP according to Dutch journalist Frank Mulder. Mulder states that only 15 cases were filed in 2000 rising to 70 in 2014. In total the number of cases stood at 629 in 2014. Mulder also states that Mexico, the US and Canada are the most sued nations. While only foreign investor-states can sue under ISDS rules in the TPP, many corporations including US corporations have a foreign subsidiary or holding company in other countries. This raises the possibility that these corporations could sue their home country through their subsidiary or holding company. Although the Netherlands is not a party to the TPP, it will be a party to the Transatlantic Trade and Investment Partnership (TTIP) currently being negotiated by the US and European countries and will likely mimic the provisions in the TPP in regard to investor-state rights. Mulder states that in recent years the Netherlands has overtaken the United States as the country of record for claimants due to its corporate-friendly laws. Two-thirds of these claims are made by so-called mailbox companies which have little more than a mailbox presence in the Netherlands.

In a 2013 report entitled Mining for Profits in International Trade Tribunals: Lessons for the Trans-Pacific Partnership, the Institute for Policy Studies explains how domestic laws are undermined by the ISDS. "Whereas expropriation in the past applied to physical takings of property, current rules also protect investors from "indirect" expropriation, interpreted to mean regulations and other government actions that significantly reduce the value of a foreign investment. Hence, corporations can sue over environmental, health, and other public interest laws developed through a democratic process. While the tribunals cannot force a government to repeal such laws, the threat of massive damages awards can put a "chilling effect" on responsible policy-making." As we have seen above, the TPP may also lead US legislators to repeal responsible legislation that protects the environment and consumers rather than face serious financial sanctions.

TPP Countdown Has Begun - 12/14/15 - from Robin Rumph

On November 5th President Obama notified Congress of his intent to sign the seven year secretly negotiated Trans Pacific Partnership. This notification started a 90 day period for the public to see what is in the approximately 6000 page document. Since then many TPP analysts have been busy finding out what is in the final draft. The progressive consensus is that "it is worse than we thought". At the end of the 90 day period the president has 30 days to send instructions for implementing legislation to the congress. The earliest possible date for the Congress to vote is early to middle February. Although a consensus of analysts do not expect such an early vote, Congress could try to ram through the process while the larger public remains inattentive to the devastating effects the TPP will have on the United States and the global environment.

An excellent analysis of the effects of the TPP on the environment by Sierra Club analyst Ben Beachy is available now. A link to this analysis is provided below. In the coming weeks and months as developments occur and new information becomes available new updates will be posted to the website. <https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/dirty-deal.pdf>

12/6/15 - from **Robin Rumph** - The Sierra Club's main TPP policy analyst has just issued a report of his analysis of the TPP. Needless to say it is both sobering and frightening. A 90 day minimum waiting period commenced almost a month ago for the public to see the contents of the 6000 page document before the US Congress votes on its passage on a up or down majority vote with no amendments. It will become law if passed and almost impossible to rescind once passed. Being the holiday season most of the public will not be paying attention so we need to. Please read this (24-page) analysis at <https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/dirty-deal.pdf>

Links added to Chapter web site on 4/21/15:

Secret Trade Document Reveals Weak Environmental Standards -

<http://sierraclub.typepad.com/compass/2014/01/leaked-secret-trade-document-reveals-weak-environmental-standards.html>

TPP would give multinationals power to cripple environmental laws

<http://atlantic2.sierraclub.org/content/tpp-would-give-multinationals-power-cripple-environmental-laws>

Oppose the Trans-Pacific Partnership

<http://missouri2.sierraclub.org/tags/tpp>

Trans-Pacific Partnership (TPP): call your

Congressperson and US Senator to vote against "Fast-Track" and against the TPP, and ask your friends, family and colleagues to do so too! Both conservatives and progressives agree on this!

Global Trade Watch

<http://www.citizen.org/trade/>

NEW VIDEO – TPP: The Dirtiest Trade Deal You've Never Heard Of

<https://www.youtube.com/watch?v=DnC1mqyAXmw>