



- Don't repeat the wrongs of the TPP in other agreements
- El Salvador wins a victory but at great cost
- Healing – is there a path?
- CETA: a tool for inequality

## **DON'T REPEAT THE WRONGS OF THE TPP IN OTHER AGREEMENTS**

With the election of Donald Trump to the USA Presidency and the decision of President Obama not to try to push it through Congress in the remaining weeks of his administration, the Trans-Pacific Partnership (TPP) has been brought to a halt.

There has been widespread opposition to the TPP in countries on both sides of the Pacific and so, after six years of campaigning against its unjust provisions, fair trade groups around the world are celebrating. At the same time, a diverse network of 316 civil society organisations in Asia and across the Pacific has warned against the use of the TPP as a model for future trade agreements. These critics are not against trade itself but against unjust and inequitable trade deals. Their criticisms are based on human rights and environmental values.

Their warning comes after leaders at the Asia-Pacific Economic Cooperation (APEC) summit in Peru, in the weekend of 19-20 November, discussed future trade deals. These deals included the Regional Comprehensive Economic Partnership (RCEP)<sup>1</sup> and a more long-term proposal for a future Free Trade Area of the Asia-Pacific (FTAAP)..

'Economic studies showed that the TPP could not deliver on promises of jobs and growth. As well, it gave global companies the right to bypass national courts and sue governments for millions of dollars in unfair international

tribunals, if their health and environmental regulations had the effect of limiting corporate profits. The TPP extended monopolies on biologic medicines, delaying cheaper versions of these medicines, which would have cost taxpayers hundreds of millions of dollars per year. It also entrenched copyright monopolies. It increased the numbers of temporary migrant workers who are vulnerable to exploitation, without enforceable provisions to protect workers' rights', said Dr Patricia Ranald, Convenor of the Australian Fair Trade and Investment Network (AFTINET).

Unfortunately, leaked RCEP documents show that some governments are pushing to include TPP-type provisions on stronger medicine monopolies and corporate rights to sue governments in the RCEP. Our leaders should not make the same mistakes again. RCEP negotiations should be open and transparent, not secretly decided through trade deals, and should focus on creating fair trade rules that benefit people and the planet.

AFTINET and the many similar organisations in other countries 'will continue to advocate for fair trade based on the principles of human rights, labour rights and environmental sustainability and which do not undermine the ability of governments to regulate in the public interest', said Dr Ranald.

*Source: AFTINET media release 13 Nov, 2016. Edited A. Healey.*

---

<sup>1</sup> The RCEP includes the 10 members of the Association of South East Asian Nations (ASEAN)

and China, India, Japan, South Korea, Australia and New Zealand.

## EL SALVADOR WINS A VICTORY BUT AT GREAT COST

El Salvador is not for sale! Water is worth more than gold!

After seven long years, the International Centre for the Settlement of Investment Disputes (ICSID)<sup>2</sup> determined that the government of El Salvador **does not have to pay** any of the damages sought by mining company, Pacific Rim, now a wholly-owned subsidiary of the Canadian-Australian company Oceana-Gold. It cost the taxpayers of El Salvador over \$12 million in legal fees to defend their rights before the tribunal.

Pacific Rim wanted to mine for gold but the Salvadoran people of the region strongly opposed it because of its threat to their vulnerable water supply and environment. The Government supported the people and refused the mining concession on the grounds that the company failed to meet the nation's regulatory requirements. Pacific Rim sued the Salvadoran government in 2009 for alleged loss of potential profits as a result of the rejection of their mining application. The company claimed a penalty from El Salvador of US\$250 million.

Recently, the University of Central America (UCA) took a national poll in El Salvador and found that 79.5% of Salvadorans are against any gold mining and President Sánchez Cerén has pledged not to allow mining in the country during his term of office.

The Salvadoran Roundtable against Metallic Mining (La Mesa) has said that, even though there has been a just finding from the tribunal, 'irrevocable damage has been done to communities in El Salvador. Pacific Rim's presence has fomented local conflict, which has led to threats, attacks, and even assassinations'. (Four campaign organisers have been murdered.)

Maude Barlow, chairperson of the Council of Canadians, commented that at a time and in places of water scarcity, 'it is unconscionable for the global trade and investment regime to deny governments the policy space to protect the human right to water'.

'It was morally reprehensible for OceanaGold to demand US\$250 million from the Salvadoran people... This amount would fund the Ministry for the Environment and Natural Resources of El Salvador for more than a decade. The legal costs alone are enough to pay for over two years of adult literacy classes for 140,000 people', writes Emeritus Catholic Bishop Hilton Deakin, Melbourne, Australia.

*Source: Committee In Solidarity with the People of El Salvador (CISPES) National Office Washington DC, 14 Oct, 2016. Sent by Francine Wickes (Maine USA). Edited A. Healey.*

## HEALING – IS THERE A PATH? SURVIVORS OF TRAFFICKING

As we hear the stories of women, men and children saved from trafficking, we are shocked and appalled that it is possible in the 21st Century that these things are still happening to our sisters and brothers. And we feel powerless and angry. Is there a path that leads to healing for those who have the chance of escaping this situation? There is much being done by many throughout the world – new

laws, training, actions, articles and research. Let's continue this conversation.

The International Grail Network against Human Trafficking has been a space of discovery and information about this reality in the world and of exchange about our experiences in our various countries.

---

<sup>2</sup> The ICSID is a tribunal funded by the World Bank and has existed since 1966. Since then, a number of so-called free trade agreements have set up other tribunals for the settling of investor-state

disputes which companies have used against governments when laws or regulations are enacted that limit their access to profit from investments.

In Europe, the Grail has become more and more aware of the activities of traffickers as the migrant and refugee crisis intensifies. Confrontation with trafficking is closer and closer to our homes; it could be happening next door. The Brussels Grail group has been contacting different organisations that work with women, men and children in vulnerable situations, from prostitution to trafficking, and we have been trying to support their work, visiting their institutions and organising fund-raising dinners. The Grail in the Netherlands has been developing connections with organisations in Rotterdam working to help migrants and refugees integrate into the society and continues its long-standing relationship with the organisations of religious sisters who are fighting against trafficking.

In May 2014 we reported on a seminar in Nepal on human trafficking in March 2014, in which the International Grail and the International Movement for Fraternal Union among Races (UFER) collaborated with two Nepalese organisations - *Shakti Samuha*, the first Nepalese body created by survivors of human trafficking, and *Pourakhi*. The aim of these two organisations is to create an enabling environment where Nepalese women migrant workers enjoy all their rights. The seminar offered a space for listening to the testimonies of victims and to the courage of the survivors who began *Shakti Samuha* and turned 'their tears into power'. The issue of healing was strongly impressed in the minds of all participants and the women of the Grail who were there brought this back to their countries.

In the Bulletin of January 2016 we wrote of the parallel event on human trafficking organised jointly by The Grail and UFER during a session of the Human Rights Council in Geneva. It was an occasion for networking and exchange on effective ways of supporting

victims and combatting human trafficking. This Council reports to the Security Council and to the Secretary-General of the United Nations. The Brussels Grail group is now offering training for young women in The Grail on the functioning of the Human Rights Council, its research on human trafficking in the world and its capacity to influence the States and diplomats participating in these United Nations institutions.

The title of this article speaks of healing, which is paramount when victims are lucky to escape. It is a long journey that requires a deep 'rebirth' in the mystery of the life of our souls. The traumas and violence experienced are often unspeakable and each person will have her/his own path dealing with these experiences. I have been told by those working with victims of trafficking that their first concern is to create stability, which means having a roof over their head and work to put food on the table. When a person has lived and worked (often illegally) in a country other than her/his own, rebuilding a life of productive work can seem impossible.

With our worldwide network The Grail has the potential to partner with organisations helping victims to remake their lives. It would be wonderful to be able to create bridges of healing for these women, men and children. I would like to call upon all my Grail sisters who may have experience with working with victims of trauma and violence to help this network gather the information and tools we need to help support and encourage survivors whom we encounter.

There is a path to healing – but it requires care and discernment in our actions. If you want to be part of this, please contact me.

*Source: Patrícia Foito e Camisão (Brussels),  
pcamisao@gmail.com*

## **CETA, A TOOL FOR INEQUALITY**

As we go to press, dozens of public interest groups, local, regional and national, in Canada and the European Union are about to release a joint statement on the Canada-European Union Comprehensive Economic and Trade Agree-

ment (CETA). Among these groups are trade unions, farmers associations, environment and public health groups, human rights and digital rights organizations from Canada and Europe. The deal has been criticized by legal scholars,

small and medium businesses, as well as a number of economists. The main concerns of public groups is that ratification of the agreement would weaken protections for workers and the environment, and provide foreign investors with extreme tools to attack public interest regulations. They see nothing progressive about CETA. Its provisions marginalize the needs of people and the environment. They call for a paradigm shift towards transparent and inclusive trade policy.

Pia Eberhardt of the Corporate Europe Observatory states: ‘Ratifying CETA would give corporations carte blanche to push through their interests no matter what. CETA contains powerful tools for corporations to bully decision-makers and sue for compensation if they introduce policies to protect people and the environment that may affect company profits. We see this essentially as corporations hindering governments from doing the job for which they were elected. In times of catastrophic climate change, rising social inequality and growing anger of those who no longer feel represented by politicians, more rights to corporations is the last thing we need’.<sup>i</sup>

Labour leader, Jan Willem Goudriaan, commented that despite the fact that trade unions

had provided ample input to the CETA negotiations to protect public services and strengthen labour rights, their concerns are not addressed in the text. CETA is a deal that is actually detrimental to the interests of people.

Thomas Piketty, the respected French economist and author of *Capital in the Twenty-first Century*, stated recently in an article: ‘The main lesson for Europe and the world is clear. As a matter of urgency, globalization must be fundamentally re-oriented. The main challenges of our times are the rise in inequality and global warming. We must therefore implement international treaties that enable us to respond to these challenges and to promote a model for fair and sustainable development. New types of agreement can include the necessary measures. But the question of liberalizing trade should no longer be the main focus. Trade must once again become a means in the service of higher ends. It never should have become anything other than that.

‘CETA is a treaty which belongs to another age and should be rejected. It contains no restrictive measures concerning fiscal or climate issues, but does contain a considerable reference to “protection of investors”. This enables multi-nationals to sue states under private arbitration courts, bypassing the public tribunals available to one and all.’<sup>ii</sup>

And respected Canadian legal scholar, Gus Van Harten states: ‘At the heart of criticisms of the CETA’s provisions on foreign investor protection is the concern that costly foreign investor claims will deter future democratic and regulatory decisions.’<sup>iii</sup>

Source: *Mary Boyd (Canada)*

---

<sup>i</sup> Statement to Legislators of Canada and the European Union, November 28, 2016

<sup>ii</sup> Piketty, Thomas, *We Must Rethink Globalization, or Trumpism Will Prevail*, LaMonde, November 12, 2016

<sup>iii</sup> Van Harten, Gus, quoted by Scott Sinclair, Senior Trade Analyst, Canadian Centre for Policy Alternatives, November 2016

**Contributions to Bulletin and responses to its content welcomed.  
Deadline: 14<sup>th</sup> of each month. Publication office in Sydney.**

The Bulletin is currently produced by two networks: *Justice and Trade Agreements* and *Human Trafficking*.  
Coordinators: JTA - Mary Boyd (maryboyd@live.ca); Alison Healey (grailsydney@ozemail.com.au);

HT – Patricia Foito e Camisao ([pcamisao@gmail.com](mailto:pcamisao@gmail.com)); Angelina Kyondo (mksgrail@yahoo.com).

Design: Thanks to Marian Kelly for her donation of time and talent.