

Trading Nature for Profit

Devastation Will Ripple Across the Planet Earth

by Nancy Price

People of the Pacific Rim, their communities and the ecosystems, on which all life depends, are at the mercy of big energy and agriculture corporations, which are among the thousands of global corporations advising the Trans-Pacific Partnership (TPP) process. The Investor-to-State Rules of the TPP will allow foreign corporations to by-pass a country's domestic court system and go directly to a secret international tribunal to challenge our environmental laws as a "regulatory taking" that lowers "expected future profits."

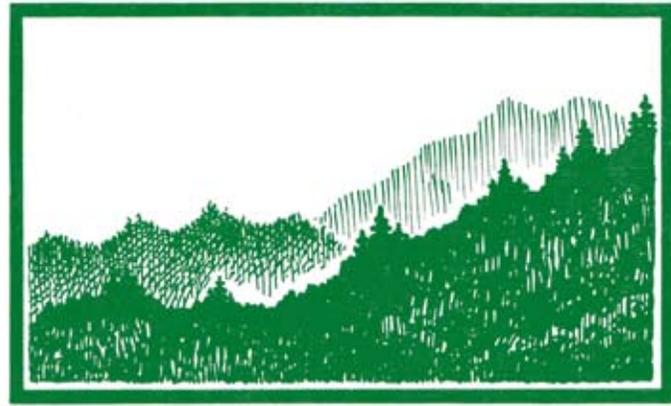
Each country has hundreds or thousands of foreign corporations doing business in its territory that can challenge their domestic environmental laws. In the US there are 14,107 corporations from TPP member countries, any of which could sue the US over domestic laws that violate TPP rules. And, there are anywhere between 200 and 16,000 US corporations that could sue the other TPP countries they are working in.

Most alarming for nature and climate is the number of cases already brought by carbon-intensive industries under existing trade agreements like NAFTA. According to The International Center for Settlement of Investment Disputes (ICSID), 43 of 137 pending "investor-rights" cases are related to oil, gas or mining; one year ago there were only 32, and ten years ago only three such cases. How can we begin to stem climate change, when corporations are given this kind of power by trade agreements?

From the few leaked chapters of the TPP, we know negative impacts on nature and climate will accelerate. Of greatest concern is a new provision introduced in the TPP and not found in other trade agreements. This is the "Regulatory Coherence" chapter which would require TPP countries to each create a domestic bureaucratic structure that conforms all their agencies and departments to standards of "good regulatory practices," defined and written by and for corporations. You can be sure that protecting the environment and lowering greenhouse gases will be left out of these standards.

If the TPP is enacted, we can expect:

- Expanded off-shore manufacturing to access low-cost sweatshop labor in countries that use cheap dirty-fuels and have no or lax



IT'S ALL IN HOW

- enforcement of environmental laws. The result will be more toxic pollution of air, land, water and ecosystems and an increased carbon footprint for the shirts and electronics we buy;
- Prohibition of "Buy American" or "Buy Local" laws that reduce carbon-emissions and stimulate local economies and promote sustainable, low-energy, organic food production;
 - Increased corporate investor-rights challenges of pro-environment rules requiring a specific recycled content and prohibition of "right to know" labels showing which products have the least environmental and climate impact;
 - A requirement that governments only enact "scientifically justifiable" food safety regulations. This would challenge the use of the Precautionary Principle in restricting the use of toxic pesticides, herbicides, food additives, and genetically-modified organisms;
 - A variety of provisions likely to encourage increased "rip and ship" export of raw materials throughout the Pacific Rim — including from the US — meaning more logging, mining, and oil and gas drilling; more carbon emissions and toxic pollution;
 - Less support for clean renewable energy sources;
 - Limitations on local zoning and land-use laws that protect environmentally sensitive areas, encourage sustainable development, stop sprawl, and keep out big-box stores and toxic industries.

This being the case, shockingly, the "Interim Review" of the secret TPP Environmental Chapter concludes: "the increased trade that is estimated to result from the TPP is not likely to result in significant adverse impacts in the United States."

"Nature's limits are non-negotiable." The answer to jobs and lasting sustainability is not more corporate rights, but rejection



photo: Sierra Club

of discredited neoliberal market fundamentalism. We must embrace real system change founded on human, civil, labor and earth rights to achieve social, economic and environmental justice for all people and the earth, while reducing greenhouse gas emissions to avert catastrophic climate change.

For more information see Nick Buxton and Cormac Cullinan, "Could granting rights to nature change the climate debate?" *Transnational Institute*, December, 2010 at <http://tmi.org/article/could-granting-rights-nature-change-climate-debate>