

Berkeley Resolution to Protect Democracy and the Public Interest from TAFTA & TPP trade agreements

WHEREAS, Berkeley Municipal Code Section 3.68 states that the Peace and Justice Commission shall advise the City Council on matters such as support for self-determination; and

WHEREAS, the Berkeley City Council opposed the Multilateral Agreement on Investments (MAI) in 1998 because the MAI “would eliminate Berkeley's right of oversight and local sovereignty,”ⁱ and multiple similar Resolutions were then adopted across the U.S., Canada, Australia and elsewhereⁱⁱ, and widespread public outcry prevented the MAI from being ratified;ⁱⁱⁱ and

WHEREAS, the Berkeley City Council opposed the North American Free Trade Agreement and, “to protect its citizens and defend Berkeley's right to local sovereignty and oversight,” objected to the Central American Free Trade Agreement^{iv} because “international trade agreements...grant foreign investors rights, participation and representation superior to that of US citizens,” and denounced the lack of transparency in negotiations; and

WHEREAS, on January 10, 2013, the Berkeley City Council lobbied against^v the Trans-Pacific Partnership trade agreement (TPP) stating that the “extreme level of secrecy...is unacceptable in a democracy,” yet secret negotiations continue,^{vi} and “Fast Tracking”^{vii} could preclude review even more severely; and

WHEREAS, the TPP would rob Berkeley of economic protections^{viii} by:

1. invalidating “Sweatshop Free” ordinances and “Buy Local” policies that help local economies and workers,^{ix}
2. providing even more expansive incentives than NAFTA to relocate domestic manufacturing and services offshore,^x
3. threatening financial stability by preventing regulation of risky financial products,^{xi}
4. empowering foreign corporations to sue governments over any regulation in violation of the TPP which could impede profit,
5. depriving governments of the ability to represent constituents' interests in lawsuits brought by corporations, and
6. requiring that secret, foreign tribunals decide such cases, potentially awarding exorbitant taxpayer compensation to corporations^{xii}; and

WHEREAS, the TPP would grant pharmaceutical firms new "rights" to increase medicine prices and limit affordable generic drugs^{xiii}; and US, state and local food safety rules could be challenged by corporations, thus endangering lives; and there are serious environmental objections as well,^{xiv} and

WHEREAS, the TPP, thus far encompassing 40% of the world's population and 60% of global GDP, is less about trade than about a massive expansion of transnational corporate control, establishing rules which are enforced by corporate challenges to domestic laws before unaccountable tribunals, thus stripping decision-making from citizens and usurping democracy locally and globally;^{xv} and

WHEREAS, TAFTA, the Trans-Atlantic Free Trade Agreement (aka TTIP, Transatlantic Trade and Investment Partnership)^{xvi} is unacceptable for the same reasons and more.^{xvii}

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council hereby declares that the City of Berkeley is a TPP and TAFTA Free Zone where, to every extent allowable by law, rules which do not promote the interests of workers, protect the environment, and improve the quality of life in all participating countries and which were negotiated without "transparency as well as meaningful congressional and public input,"^{xviii} and related tribunals' rulings, will not be recognized.

BE IT FURTHER RESOLVED that if, despite the harm to people locally and globally, Congress approves the TPP and/or TAFTA, Berkeley will consider an ordinance and other necessary measures to enforce its TPP/TAFTA-Free Zone, refusing to surrender the ability to act in the best interest of Berkeley residents, workforce and businesses and to protect the ecological systems on which all life depends.

BE IT FURTHER RESOLVED that the Berkeley City Council encourages communities to take peacefully powerful actions for self-determination such as becoming TPP/TAFTA-Free Zones, supporting the 132 members of Congress who signed the DeLauro-Miller letter,^{xix} and organizing non-violent resistance like pickets and boycotts, to de-legitimize anti-democratic trade agreements via non-compliance.

BE IT FINALLY RESOLVED that this Resolution be sent to^{xx} the National League of Cities, the US Conference of Mayors, the National Association of Counties, the Western Governors Association, US Representatives Barbara Lee, Rosa DeLauro and George Miller, US Senators Dianne Feinstein and Barbara Boxer, President Barack Obama and US Trade Representative Michael Froman, with this request to cease TPP and TAFTA negotiations, to make all related text and processes public immediately and to refrain from “Fast Tracking” any trade agreement, in the interests of democracy, the people and the planet.

ⁱ <http://www.burmalibrary.org/reg.burma/archives/199803/msg00464.html>

ⁱⁱ There were also anti-MAI Resolutions in Portugal and Japan: <http://www.citizen.org/Page.aspx?pid=3830>

ⁱⁱⁱ http://en.wikipedia.org/wiki/Multilateral_Agreement_on_Investment

^{iv} <http://www.ci.berkeley.ca.us/citycouncil/resos/2004/62721.pdf>

^v Resolution 65,995

^{vi} Rep. Alan Grayson (D-Fl) said the secrecy hides the “assault on democratic government” and he called the TPP “a gross abrogation of American sovereignty” and “a punch in the face to the middle class of America.” http://www.huffingtonpost.com/2013/06/18/alan-grayson-trans-pacific-partnership_n_3456167.html

http://www.huffingtonpost.com/larry-cohen/tpp-is-a-race-to-the-bott_b_4058743.html

^{vii} Fast Track is the authority of the US President to negotiate international agreements that Congress can approve or disapprove but cannot amend or filibuster:

http://en.wikipedia.org/wiki/Fast_track_%28trade%29

<http://archive.is/CmFX9>

^{viii} The Investment Chapter of the TPP was leaked in 2012:

<http://www.citizenstrade.org/ctc/blog/2012/06/13/newly-leaked-tpp-investment-chapter-contains-special-rights-for-corporations/>

^{ix} The TPP would grant corporations even more legal basis for challenging environmental, labor, etc. protections to get them invalidated. Over \$400 million in compensation has been paid to corporations in investor-state cases under NAFTA-style deals. Of the more than \$14 billion in 15 pending claims, all relate to environmental, energy, financial regulation, public health, land use and transportation policies— not trade issues. Since Y2K, investor-state cases worldwide has multiplied tenfold.

<http://www.citizen.org/documents/investor-state-chart.pdf>

^x NAFTA drained millions of manufacturing jobs from the American economy:

http://www.nytimes.com/2013/06/03/opinion/obamas-covert-trade-deal.html?_r=2&adxnml=1&adxnmlx=1382684051-RsJNYkRzY7BzZqWCIMIQgQ

^{xi} “Some of the biggest recent fiscal emergencies, which have swallowed up the financial resources of Jefferson County, Ala. and now threaten Baltimore and scores of other local and state governments, have another cause: the use of the “too-good-to-be-true” debt instrument—otherwise known as the interest rate swap.” <http://www.usnews.com/opinion/blogs/economic-intelligence/2012/08/14/governments-gamble-away-taxpayer-dollars-into-bankruptcy->

^{xii} <http://www.nationofchange.org/trans-pacific-partnership-and-monsanto-1372074730>

^{xiii} http://www.nytimes.com/2013/06/03/opinion/obamas-covert-trade-deal.html?_r=2&

^{xiv} Sierra Club concerns:

<http://www.sierraclub.org/trade/downloads/TPP-LNG%20Factsheet%20FINAL.pdf>

The TPP could also eliminate the ability of countries around the world to label Genetically Modified Organisms, including in food:

http://action.fooddemocracynow.org/sign/stop_tpp_tafta_monsanto_protection_act_on_steroids/

^{xv} “The agreement has 29 chapters, and only five of them have to do with trade. The other 24 chapters either handcuff our domestic governments by limiting food safety, environmental and financial regulation, as well as energy and climate policy, or by establishing new powers for corporations,” Lori Wallach.

http://www.democracynow.org/2013/10/4/a_corporate_trojan_horse_obama_pushes

^{xvi} Early in 2013, secret negotiations also began on TAFTA/TTIP between the US and the EU. It targets health, environmental and financial protections, considered to be “trade irritants” by corporations, and includes extreme privileges for corporations. “Fast Track” authority is also planned to push this agreement through. It, too, would roll back regulations, force state and local governments to weaken health and safety standards and give up policies for local job creation, etc.

<http://www.citizen.org/documents/public-citizen-letter-to-obama-alerting-to-tafta-concerns.pdf>

^{xvii} Add invasion of data privacy and dangerous toys to the list of objections:

<http://www.citizen.org/documents/TAFTA-top-ten-factsheet.pdf>

^{xviii} Rep. Barbara Lee (D-Ca.) replied to constituents in Berkeley, “I share your concerns about the transparency and potential impact of the TPP...I will continue to advocate for increased transparency as well as meaningful congressional and public input into the outcome of the Trans-Pacific Partnership and other Free Trade Agreements.”

^{xix} Signed by Rep. Barbara Lee, the DeLauro-Miller letter states, in part, "We will oppose 'Fast Track' Trade Promotion Authority or any other mechanism delegating Congress' constitutional authority over trade policy that continues to exclude us from having a meaningful role in the formative stages of trade agreements and throughout negotiating and approval processes."

http://delauro.house.gov/index.php?option=com_content&view=article&id=997:delauro-miller-push-for-more-transparency-congressional-consultation-in-trade-negotiations&Itemid=21

^{xx} Recipients' contact info:

National League of Cities: Suite 550, 1301 Pennsylvania Ave. NW, Washington, DC 20004

<http://www.nlc.org/about-nlc/contact-us>

US Conference of Mayors: 1620 Eye St. NW, Washington, DC 20006 Fax (202) 293-2352

info@usmayors.org www.usmayors.org/

National Association of Counties: 25 Massachusetts Ave. NW, Washington, DC 20001

www.naco.org/Pages/default.aspx

Western Governors Association: Suite 1700, 1600 Broadway, Denver, CO 80202

Fax: 303.534.7309 <http://www.westgov.org/contact-us>

US Representative Barbara Lee, 2444 Rayburn HOB, Washington, D.C. 20515 Fax: (202) 225-9817

US Representative Rosa DeLauro: 2413 Rayburn HOB, Washington, D.C. 20515 Fax:(202) 225-4890

US Representative George Miller: 2205 Rayburn HOB, Washington, D.C. 20515 Fax: (510) 222-1306

US Senator Dianne Feinstein: 331 Hart Senate Office Bldg., Washington, D.C. 20510 Fax: (202) 228-3954

US Senator Barbara Boxer: 112 Hart Senate Office Bldg., Washington, D.C. 20510 Fax: (415) 956-6701

President Barack Obama 1600 Pennsylvania Ave. NW, Washington, DC 20500 Fax: (202) 456-2461

US Trade Representative Michael Froman: 600 17th St. NW, Washington, DC 20508 Fax: (202) 395-4656