

The EU-India Free Trade Agreement, Corporate Driven Neocolonial Plunder

By [Colin Todhunter](#)

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The EU-India Free Trade Agreement (FTA) is something that could fundamentally restructure Indian society and impact the lives of hundreds of millions of Indians. It is being negotiated 'on the behalf of the public' in secret by politicians and bureaucrats on both sides. Negotiations began in 2007, covering a wide range of areas, including various goods, products and services, as well as investment rules, government procurement; and intellectual property rights. After 16 rounds of talks, the issues are still being fine tuned.

Much of the negotiations are being conducted beyond the gaze of the public and the realms of public accountability. And demands for public scrutiny have been dealt a blow by a recent ruling.

Following a lawsuit by lobby watchdog Corporate Europe Observatory (CEO), the EU's General Court in Luxembourg concluded that the European Commission (EC) did not violate EU rules when withholding information about the EU-India free trade talks from the public, even though it had already shared the information with corporate lobby groups. CEO warns that this decision risks deepening the secrecy around EU trade negotiations and legitimises the EC's practice of granting corporate lobby groups privileged access to its policy-making, at the expense of the wider public interest.

The lawsuit was a last resort for CEO after the EC refused to fully release documents related to the EU's ongoing trade negotiations with India, including meeting reports, emails and a letter, which it had sent to industry groups including the European employers' federation Business Europe, one of the most powerful corporate lobby groups in Brussels. The EC claimed that the censored information was 'sensitive' as it concerned EU priorities and strategies in the negotiations and argued that public disclosure would undermine the EU's international relations.

CEO argued that the information, which the EC had already shared with the business world at large, could not suddenly become confidential when a public interest group asked for it. The group accused the EC of manifest discrimination in favour of corporate lobby groups and violating the EU's access to information rules.

CEO trade campaigner Pia Eberhardt said that there is a big risk that the EC will see the court ruling as a green light to continue to develop its trade policy behind closed doors, together with, and for, a tiny elite of corporate lobby groups. She added that the result is a trade policy that caters for big business needs, but works against the interests of the bulk of the population in the EU and other parts of the world.

The judgement comes as the EU and India are reportedly sorting out their remaining

differences, in order to ink their final proposal for a free trade deal before elections in the EU and in India in 2014.

Both in India and the EU, trade unions, farmers' groups, patients' organisations and other civil society groups have repeatedly raised concerns about the potentially devastating impacts of the agreement, particularly on access to medicines and the livelihoods of Indian farmers and street traders (1).

CEO believes that the court ruling has potentially serious implications for other trade policies, such as the upcoming free trade negotiations between the EU and the US. In a press release from CEO, Pia Eberhardt states:

“Citizens and Parliamentarians are increasingly worried about the risks that the EU’s corporate trade agenda poses to food safety, digital rights and environmental protection. Trade negotiations should be conducted in an open and democratically-accountable way, and it is high time that the Commission stops handing over the negotiating agenda to multinational companies. It is disappointing that the court ruling seems to point in exactly the opposite direction.”

Such secrecy deepens the suspicion that the EU-India FTA has little to do with any notion pertaining to the ‘public interest’ and essentially represents the demands of big business and results from their strategic hegemony over government bureaucracies and politicians.

With Western economies in crisis, India represents potential rich pickings for powerful transnational corporations. And the vultures are sweeping. In his January editorial piece in *Kisan Ki Awaaz* (National Magazine of the Farmer’s Voice), farmers’ leader Krishan Bir Chaudhary argues that India’s thousands of years old civilisation is being plundered. Industrial developments built with public money and strategic assets, such as energy sources, ports, airports and seeds and infrastructure support for agriculture are under threat. This view is apparently supported by Kavaljit Singh of the Madhyam research institute who argues that measures on investment could see the Indian government sued by multinational companies for billions of dollars in private arbitration panels outside of Indian courts if national laws, policies, court decisions or other actions are perceived to interfere with their investments.

Indeed, corporations have been granted the exclusive right to sue states (states cannot sue corporations) at secretive international tribunals for action deemed to unfairly affect investors’ profits (2). It’s a one way street.

What we are seeing with the EU-India FTA (as is the case with India’s nuclear energy sector and the Knowledge Initiative on Agriculture (3) (4)) is democracy being sidelined for the blind pursuit of an unaccountable corporate driven agenda.

Notes

1) <http://www.globalresearch.ca/the-eu-india-free-trade-agreement-india-up-for-sale-to-western-corporate-capital/5332214>

2) <http://www.opendemocracy.net/author/pia-eberhardt>

3) http://www.democracynow.org/2006/12/13/vandana_shiva_on_farmer_suicides_the

4) <http://www.countercurrents.org/rajkumar080512.htm>

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About the author:

Colin Todhunter is an extensively published independent writer and former social policy researcher. Originally from the UK, he has spent many years in India. His website is www.colintodhunter.com
https://twitter.com/colin_todhunter

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