

The TPP Trade Agreement, Sovereignty, and Secrecy. Economic Dislocation, Environmental Degradation

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Region: [USA](#)

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“National security secrecy may be appropriate to protect us from our enemies; it should not be used to protect our politicians from us.” Margot E. Kaminski, NYT, April 14, 2015.

It's coming to you, roughly packaged, crudely thought out, and, we hope, incompetently executed. The Trans Pacific Partnership Agreement is just about done and dusted, so claim those who have found it appropriate to keep this most “secret” of treaties under wraps. The Hawaii round of negotiations, taking place at the Westin Resort and Spa in Maui, will provide the final touches, though the delegates may be overly optimistic in assuming that their local parliaments will quite accept matters without a fight. If parliamentary sovereignty counts for anything, this will be it.

US negotiators were always in the main lane, suggesting that they would get what they wanted, breezing through the 21st century with Washington's vision like modern buccaneers. Much of this is based on the illusory idea the future is calculable, that economic modelling becomes truth. Sign on the dotted line, and the Mammon shall be yours.

The US Treasury Department has come up with an astrological figure of increases in American exports to Asia by \$123 billion. Other figures have been drawn out of hats, most of which will hardly cut muster when the deal is actually in place. Such deals have a habit of enriching unevenly, leaving a good deal of economic, and social pillage in their wake.

Hurdles to the arrangement include sugar, milk and drugs. Canada refuses to accept more dairy imports, which has put off the delegates of the US and New Zealand. Mexico continues to stall on the issue of opening its market to exports from Asia.[1]

But the quibbling, and to-and-fro nature of such talks belies something more important. The first is the technocratic presumption that what is being negotiated is going to be beneficial for the uninvolved and effectively disenfranchised subject. Naturally, a corporate “person”, and yes, the glories of Anglo-American law were good enough to give corporations personalities, will have the sun shining upon them. (The degree this sun was anticipated can be gauged by the amount of corporate money expended in influencing the trade delegations.[2]) But the TPP, in its entire negotiating process, has become a genuine punch to citizen sovereignty, a trickle-down bonanza of delusionary advances.

There have been voices in the political spectrum lamenting the pathological secrecy behind the entire process. Such behaviour goes beyond the realms of simple diplomatic protocol, the closed-doors approach which sees the shuffling of papers and provisions beyond press

scrutiny. The TPP, one part of a US-led reorientation of markets and strategies, affects citizens who have no voice, or shape, in discussions.

The colourful Rep. Tulsi Gabbard of Hawaii's 2nd district, not essentially the picture of congressional participation, took to the floor to express her frustration at the lack of transparency in the entire process.[3] Even the locals were being left out in the cold by the business clerks. As legal scholar Margot E. Kaminski would explain in April, "Even if current negotiations over the trade agreement end with no deal, the draft chapter will remain classified for four years as national security information." [4]

Such is the situation that even former trade officials are wondering why the process is being kept out of the critical eye of public discussion. Australia's former Industries commission chief, Bill Carmichael, sees no problem adopting a more open approach to negotiations on such instruments. These are the industry and financial wonks who do believe that the link between parliament and the voter still prevails. Let the discussions rage.

Instead of taking the peripatetic walk of conversation in the name of national interest, the parties to the negotiations have muzzled their political representatives. Former Maryland governor Martin O'Malley explained in April that the public would not be able to peruse the document till the horse had bolted. "What's wrong with it first and foremost that we're not allowed to read it before the representatives vote on it." [5]

O'Malley's feeling here is that the El Dorado being sought is the lower wage bracket, obtained an exploited overseas market. Free trade is not so much a case of improving living standards as attempting to buffer the status quo with low grade incentives.

The same goes for other states involved in the negotiations. Members of parliament in Australia, for example, may see the document with their uncomprehending eyes, but must sign a four-year confidentiality provision. One of the requirements counters, if not repudiates the parliamentary spirit altogether: "I will not divulge any of the text or information obtained in the briefing to any party, I will not copy, transcribe or remove the negotiating text". [6] This absurd state of affairs can only trigger suspicion.

Then come the dangers, in terms of use and price, to medicine and copyright. Weasel words are circulated - "digital governance" is a hot one, code for control, restriction and regulation. Embedded in the agreement is a form of copyright policing that seems both draconian and unrealistic. The US delegation still insists on copyright terms of 70 or more years with the necessary compensation for infringements.

Few on the medical side of things are convinced by this. Doctors without Borders has insisted that the TPP brings the kibosh to bear on cheaper pharmaceuticals, proving it to be "a bad deal for medicine." [7] This is less a case of bring on the medicine than bringing on the money. "Unless damaging provisions are removed before negotiations are finalised, the TPP agreement is on track to become the most harmful trade pact ever for access to medicines in developing countries." [8]

The horse trading has also reached degrees of cynicism that would make any Machiavellian hack proud. Deals have been done to paper over wretched human rights records - take the case of Malaysia, which was upgraded by the US State Department in the human trafficking stakes ahead of fresh talks in Hawaii. It had previously received the worst rating in terms of

trafficking, something which bars the US from making trade deals.

Under Secretary of State Sarah Sewall would unconvincingly parry suggestions that the TPP had shadowed the moves. “No, no. no. The annual TIP Report reflects the State Department’s assessment of foreign government efforts during the reporting period to comply with the minimum standards for the elimination of trafficking persons, established under US law, under the TVPA.”[9]

Sheer coincidence, of course. Until you realise that these alignments tend to mount. The leaked environment chapter of the TPP shows how environmental degradation will be tolerated in favour of the profit principle. And if there is one thing that this agreement will enshrine, is the profit principle over that of representative democracy.

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Notes

[1] https://foreignpolicy.com/2015/07/28/here-are-the-remaining-hurdles-to-obamas--massive-asia-trade-deal/?utm_content=buffer1032b&utm_medium=social&utm_source=-twitter.com&utm_campaign=buffer

[2] <http://www.reuters.com/article/2015/07/23/us-trade-tpp-lobbying-idUSKCN0PX2JO20150723>

[3] https://www.youtube.com/watch?v=_fC0qppnK_U

[4] http://www.nytimes.com/2015/04/14/opinion/dont-keep-trade-talks-secret.html?ref=opinion&_r=1

[5] <http://www.politifact.com/truth-o-meter/statements/2015/apr/23/martin-omalley/martin--omalley-says-congress-wont-see-pacific-trad/>

[6] <http://www.theguardian.com/business/2015/jun/02/australian-mps-allowed-to-see--top-secret-trade-deal-text-on-condition-of-confidentiality>

[7] http://www.doctorswithoutborders.org/article/tpp-negotiators-must-fix-most-damaging-trade--agreement-ever-global-health?utm_medium=social&utm_source=twitter&utm_campaign=social

[8] <http://www.doctorswithoutborders.org/news-stories/briefing-document/trading-away-health--trans-pacific-partnership-agreement-tpp>

[9] <http://www.democracynow.org/2015/7/28/headlines#7289>

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