

## **SOCIAL MOVEMENTS' DECLARATION ON THE TPP - 19/01/2016, MEXICO CITY**

### **Ensuring Human Rights get priority over corporate profits = NO to TPP**

1. Negotiating the Trans-Pacific Partnership (TPP) behind closed doors violated our human right to be informed and now the governments involved are pressuring their Congresses to ratify the accord. With this in mind, the social organizations from those countries in the Americas involved in the TPP are speaking out in protest against accepting this supranational legislation that has been fashioned behind people's backs to fulfill the wishes of big capital. We will not stand by and see our human rights violated.
2. Our struggle against the TPP is not only just and legitimate, it is also shared by the United Nations (UN). We declare that the TPP is illegal based on international law and therefore should not be ratified by the legislative powers involved.
3. The international recognition provided to the many different *human rights* is the product of lengthy struggles by the people leading to an understanding based in International law that these rights must supersede any other type of 'rights'. For this reason commercial treaties can not be superior to governmental agreements to respect and implement the UN's Universal Declaration of Human Rights and all other associated agreements and protocols.
4. The Human Rights Commission of the UN has the mandate to build a binding legal instrument governing the obligations of transnational corporations and commercial interests with respect to human rights. The TPP seeks to set a precedent that is contrary to that mandate. While the mechanisms and commitments found in the TPP which favour the transnationals are obligatory, the chapters related to Work (Chapter 19), Environment (Chapter 20), Skills Development and Cooperation (Chapter 21), Development (Chapter 23), Small and Medium size Businesses (Chapter 24), and Transparency and Anti corruption (Chapter 26) are, in contrast, voluntary, not enforceable or subject to sanctions if not complied with.

The juridic anomaly to be found in the structure, the content and the institutionalization of trade treaties such as the TPP, that consecrate Rights, is not compatible with international public order and contrary to corporate rights while leaving the populations defenceless, is recognized in the July 2015 Report by the UN's Independent Expert for the promotion of a democratic and equitable international order where it states that the TPP, by putting itself above Human the dispositions of the Vienna Convention on the Law of Treaties, and the observance of respectable (local) custom.
5. We recognize the rights that Indigenous Peoples and campesinos have over genetic material and traditional knowledge. The TPP is a flagrant attack on those rights as recognized in the UN's International Covenant on Economic, Social and Cultural

Rights (ICESCR). In contrast, the TPP seeks to legalize the plundering, patenting, and merchandizing of biodiversity and the biocultural (the knowledge, wisdom, and customary rights of the original peoples) by obliging governments to sign agreements that seek to 'legalize' robbery and profiteering (such as with 'breeder's rights' in the International Convention for the Protection of New Varieties of Plants - 1991) so as to benefit the transnationals, and by making reference to other mechanisms of plunder such as the Protocol of Nagoya (access to genetic resources).

6. The TPP assaults the Constitution of many countries when it claims that it becomes obligatory not only for the Executive power that signs it, but also for all levels of government (provincial, municipal, departmental, etc.) and in effect compromising powers that are constitutionally autonomous and sovereign without their consent or being given an opportunity to ratify.
7. The dispute resolution mechanism that makes use of private international tribunals is at the very core of the TPP. This mechanism is unjust as it provides a venue for foreign companies to sue States without the reverse being possible, so even communities impacted by the outcomes of those investments are rendered unable to sue the offending companies. This mechanism, and the multi-million dollar claims associated with it, is nothing less than an effort to make government policy serve the profit-taking expectations of foreign investors, when that policy should be at the service of the public interest. Furthermore, investor-state erodes the national, sovereign justice system, and loots the public purse.
8. Behind a smoke screen of intellectual property and trade rules is hidden an interest in political and social control over the use of the internet, with obstacles thrown up against digital rights, something that is openly against democratic freedoms and the human right to information and the socialization of knowledge.

This agreement seeks to turn back the principles of and the hopes for openness, innovation, property in common, and collaboration that these digital technologies promise, to instead favour an all-controlling paradigm based on commercial motives which, of course, is also political. To fight against the TPP is to defend freedom, equality and justice. The implementation of the TPP will mark a 'before and after' for those using the Internet and the technologies of information and communication in our countries to the detriment of their human rights to freedom of expression, to meet, to create and to expect privacy.

The removal of content from the internet being pushed by the USA, measures to be imposed on other countries, is one of the major threats to the freedoms previously mentioned. This removal would be done under the pretext of protecting the rights of authors and would include prohibitions with sanctions attached that could be levied against the end users with respect to their modifying information coding or technological product, even if for their own needs and requirements. Furthermore the TPP would give telecommunication companies the opening to be

able to fragment the Internet by having content exclusive to its networks while deciding who the users are and putting a break on innovation. The protection of the end user's personal information could be compromised given that this accord impedes local laws related to exercising control over international transfers of data to countries lacking in such protections. This Accord's faulty wording allows for a variety of ways in which the privacy of communication can be affected, particularly in the case of vulnerable professions such as journalists, human rights defenders, and political activists, putting them constantly on alert.

9. The painful experience of previous Free Trade Agreements has shown us that we must reject the false expectations inevitably sent around after being manufactured by our governments for the purpose of magnifying the supposed benefits contained in the TPP.
10. Independent analyses of the impact that the TPP will have on rights, life, and the future of our peoples point to enormous damage being done, such as the growth of social instability and the loss of democracy and people's sovereignty.
11. The claim that a growth in exports and foreign investment will automatically translate into more and better jobs, higher pay and respect for labour rights is false. Under the TPP the first component may grow, but it will be at the cost of significant damage being done to the citizenry.
12. We reject this Accord since, in the first place, it doesn't include a definition of the conditions required to ensure work with dignity and all that would be included therein, based on the basic tenets as outlined by the ILO: stable employment, social security, full workplace rights, and genuine and democratic labour representation to allow for the establishment of a social dialogue not mediated/controlled by corporate or government interests. Secondly, why isn't there a clause (in the TPP) that expressly prohibits the abandonment of labour rights already won and included in the labour legislations of the countries involved? That not being the case it could mean that any one country could lower the established levels of labour rights, such as salaries, work day hours, health and security, in the name of attracting trade and investment. Mexico has been a good example of this reality as corporate control has lead to 'sweetheart' labour deals beneficial to the bosses. This contrivance along with the diminution of labour rights, the changes to hours of work, workplace health, social security, and salary levels have all been imposed in order to attract investment and to make exports more competitive.
13. It is now a well known fact, recognized by international bodies, that the dismantling of the campesino (small farmer) and familial agricultural model, while touting the illusion of a 'modernizing' transnational agriculture, has pushed a toxic packet of contaminants required for genetically modified crops. Such a 'model' damages biodiversity, social and community interaction, and it puts at risk health and food

sovereignty. The idiocy of opening up frontiers to the inevitable contamination from genetically modified crops is another of the TPP's unacceptable crimes.

14. The TPP will deepen food dependency, inequality, poverty, malnutrition, environmental degradation, and rural migration already under way thanks to NAFTA, as well as government policy favouring the agribusiness transnationals, and the so-called "green revolution". In addition, the TPP represents a significant threat against the rights of campesinos to hold seed exchanges in order to produce their own food.
15. Thanks to the TPP's Intellectual Property Chapter a handful of pharmaceutical transnational companies will be further enriched, since their monopoly position will be much enhanced by extending the length of patent protection and shielding test results. This puts at risk and threatens the lives of millions of dispossessed who are facing ever more expensive medicines and medical equipment, impeding the autonomous development of the supply of medicines and medical devices. Such a warning has already been issued by the Director of the UN's World Health Organization.
16. The TPP's Chapter 17 perverts the meaning of a public enterprise that carries out legitimate socioeconomic functions by converting them into government owned companies that have to behave just like private corporations by submitting to 'market discipline' and profit making, and/or creating the conditions for their eventual privatization. In this way the TPP, more often than not, seeks to build favourable conditions for monopolies and transnational investors to appropriate public goods. The very threat of companies suing governments before an international tribunal and the guillotine of ensuing sanctions weigh heavily on the exercise of national sovereignty.
17. The TPP serves the politico-military interests of the United States, not those of the US people, or of our peoples. One objective helping to drive this agreement is for the US to encircle China in order to maintain its own hegemony, now in decline. Adding one more component to the multidimensional crisis that the world finds itself in is as irrational as proclaiming the need for peace while beating the drums of war. Worse even when this is being done while our political rights - to access the new technologies, the unimpeded use of the internet, the right to health, labour rights, and in general all the human rights and those of the original peoples - are all being undermined. This inevitably leads to negative socio-economic impacts for the majority of the populations affected, inequality and poverty rise, food sovereignty is undercut, biodiversity is destroyed while the use of heritage seeds is criminalized. Let's be clear, promoting the TPP is being carried out to undermine and even to counter already existing international treaties and multilateral institutions such as the World Trade Organization (WTO), the World Health Organization (WHO), and the World Intellectual Property Organization (WIPO).

## **A SYNTHESIS OF ACTIONS TO BE TAKEN**

This analysis agreed to by individuals and organizational representatives who participated in the International Encounter of Social Movements opposed to the TPP (in Mexico City, 27-29/01/2016) leads us to establish a joint **action agenda**. We demand that our governments, and in particular the Parliamentarians from each of our countries, agree to:

- Oppose ratification of the TPP.
- Demand that the Executive branch of government release the final and definite legal text of the Accord, minus hard to decipher small print, and that it be given wide distribution.
- Undertake a genuinely democratic and broad discussion of the content of the TPP.
- Support a thorough and independent evaluation of the political, economic, social, environmental, and cultural impact of the TPP.

As social movements and organizations we commit to taking the following actions:

- Build and set in motion a broad international common front ready to defend the dignity of our peoples, while simultaneously promoting in each of our respective countries public discussions not only regarding the threats posed by the TPP, but also to determine joint actions needed to bury the TPP.
- Evaluate the holding of a Popular Consultation on the TPP, taking into account the mechanisms and particularities present in each country.
- Continue and strengthen the dialogue and coordination of actions, both national and international, with legislators who oppose the TPP.
- Build as soon as possible a joint communications platform involving organizations, networks and movements to inform, socialize and disseminate educational materials and news about joint actions.
- Elaborate an international campaign to disseminate information containing common messaging and slogans.
- Pressure those legislators who have not made up their mind about the TPP under the concept of “adopt a Parliamentarian”.
- Share existing information/materials, organize educational workshops, and contact and gain the cooperation of networks that use media and technologies to communicate with youth and those in university. Consider the use of comics to reach constituencies poorly informed about the TPP. A gender analysis is key to this inclusive work in order to highlight the impact on women.
- Disseminate on the 3rd of February our international no-to-the-TPP Declaration and organize protests in front of the Embassies of New Zealand to voice our opposition to the TPP signing ceremony being held the next day.

- Call a meeting prior to the Regional Forum of the Food and Agriculture Organization (FAO) that is to be held at the end of February in Mexico City (and to which the Secretaries of Agriculture from countries in our hemisphere are invited, along with the FAO President). Present to this gathering an agro-ecological campesino model as a distinct alternative to the 'model' being pushed under the TPP.
- Construct a juridical commission to work on assembling legal arguments at a national and international level, and to explore all channels of legal action at national, regional, and international levels to be able to interject for cautionary measures, special sessions and the issuance of Technical Consultative Opinions (TCO) with regard to the threat of the violation of Human Rights as contained in the TPP.
- Coordinate the efforts of ITUC (International Trade Union Confederation), PSI (Public Service International), IndustriALL, TUCA (Trade Union Confederation of the Americas) and other Global Unions in the fight against the TPP.
- Promote boycotts against corporations that will benefit from the TPP.
- Promote and support a second meeting of legislators opposed to the TPP to take place in the months of March or April in Canada.
- Have a component dedicated to no-TPP as part of the 1st of May celebrations.
- Promote an international day against the TPP to be held in June.
- Carry out the 2nd International Gathering of Social Movements in opposition to the TPP during the time period of the World Social Forum being held in Quebec, August 9-14, 2016.
- Carry out an international day of mobilizations against transnational companies and the TPP on the 4th of November.

Approved during the International Meeting of Social Organizations opposed to the Trans-Pacific Partnership (TPP)

Mexico City, on the 29 of January, 2016

### **Mexican organizations:**

Campaña Nacional Sin Maíz no hay País, Nueva Central de Trabajadores (NCT), Red Mexicana de Acción Frente al Libre Comercio (RMALC), Asociación Nacional de Empresas Comercializadoras de Productores del Campo (ANEC), Unión Nacional de Trabajadores (UNT), Grupo de Estudios Ambientales (GEA), Centro de Derechos Humanos "Fray Francisco de Vitoria OP", Centro de Investigación Laboral y Asesoría Sindical (CILAS), Consejo Civil Mexicano para la Silvicultura Sostenible (CCMSS), Coordinadora Nacional Agua para Tod@s, Agua para la Vida, Coordinadora Nacional de Sindicatos Universitarios, Educación Superior, Investigación y Cultura (CNSUESIC), Vía Orgánica, Millones contra Monsanto, FIAN México, CEN del Sindicato Nacional de Trabajadores del Inca Rural (INCA), ENLACE, Comunicación y Capacitación, Unión de Comunidades Indígenas de la Zona Norte del Istmo (Ucizoni), Semillas de Vida,

Comunidades Campesinas y Urbanas Solidarias con Alternativas (COMCAUSA), Comité Amigos de Puerto Rico (CAPR), Frente del Pueblo (FP), Colectivo “El Rebelde”, Movimiento Migrante Mesoamericano, Laboratorio de Investigación en Desarrollo Comunitario y Sustentabilidad (LIDECS), Promotora de Servicios para el Desarrollo, Unión de Pochtecas de México, Ayuntamiento Popular de Ixtacalco, Democracia Directa APN, Red Nacional Género y Economía, Mujeres para el Diálogo, Siembra, Unión Popular Valle Gómez, Grupo de Tecnología Alternativa, Escuela de Agricultura Ecológica U Yits Ka'an, Propuesta Integral para la Sustentabilidad, Servicios para una Educación Alternativa (EDUCA), Fundación Ambientalista Mariano Abarca, Servicio Internacional Cristiano en Solidaridad con América Latina (SICSAL), Revista La Guillotina, Unión Campesina Democrática (UCD Tlaxcala), CNTE- Tlaxcala, Sindicato Único de Trabajadores del CONALEP-Tlaxcala, Comité Monseñor Romero, Iniciativas para el Desarrollo de la Mujer Oaxaqueña (IDEMO), Mujeres por México Chihuahua, Carnaval del Maíz, Asociación Nacional de Industriales de Transformación (ANIT), Centro de Orientación Alimentaria (COA Nutrición), Sindicato UNTyPP, Instituto de Estudios Obreros Rafael Galván, Periódico Regeneración, Bia'lii, Asesoría e Investigación, Guerreros Verdes, Colectivo MA OGM, Sindicato de Trabajadores Académicos de la Universidad Autónoma Chapingo (STAUACH), Movimiento Democracia Directa (MDD), Sindicato de Trabajadores de la Universidad Autónoma de México (STUNAM), Greenpeace México, Frente Auténtico del Trabajo (FAT).

### **International organizations:**

**Canada:** Confederation des Syndicats Nationaux, Réseau Québécois sur l'Intégration Continentale, Common Frontiers, Trade Justice Network, Council of Canadians, Canadian Union of Public Employees, Ontario Secondary School Teacher's Federation.

**United States:** Institute for Agriculture and Trade Policy, American Federation of Labour-Congress of Industrial Organizations, United Electrical Workers.

**Chile:** The Chile is Better Without the TPP Platform.

**Peru:** The Latin America Network on Debt and Development

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