

Reprint **Island Tides**

Visit www.islandtides.com for more interesting articles on other BC, national & international topics

Reprint from Volume 19 Number 5

March 8, 2007

Commentary by Patrick Brown

Elephant Hunt—SPP and TILMA Trade Agreements

On CBC radio the other day, Tom D'Aquino, of the Canadian Council of Chief Executives, defended the Security and Prosperity Partnership of North America (SPP).

One of the issues he dealt with was the frequently heard criticism that the entire process, which affects myriad aspects of government and business, was being conducted behind closed doors, away from public scrutiny, and without legislation or parliamentary debate. This particular criticism had arisen that day because political movers and shakers (which included Peter MacKay and Condoleezza Rice) had just heard (behind closed doors) from a group called the North American Competitiveness Council, which represents big business in the US, Canada, and Mexico.

But, said Mr D'Aquino, the SPP is not secret at all—all three hundred recommendations are available for anyone to read on the internet. There is, as he disingenuously says, a vast amount of material available on the internet—for those who have the equipment, the expertise and the time to read it, and the background to understand it. However it is carefully spun in euphemistic phrases, unlikely to be examined in detail or understood.

And even more worrying, focusing on the details will not bring you to understand the larger implications for sovereignty and democracy. Rest assured, you are intended to miss those blue elephants in the corners.

Don't Look Now— Same Old, Same Old

There are, no doubt, many sensible ideas in the Security and Prosperity Partnership of North America. In fact, there may be a preponderance of sensible ideas, particularly for businesses that operate in the US, Canada, and Mexico. From their viewpoint, it is an inconvenience that there are borders between these three countries, since easy crossing of borders facilitates their businesses and enhances their profitability.

And how is their profitability enhanced? By taking advantage of the existence of those very same borders. Cars cost less to make in Canada and Mexico than they do in the US, because the automobile companies are not burdened with the costs of health care, because labour rates are lower (particularly in the maquiladoras just south of the Mexican border). Hershey (a US company) can make chocolate more cheaply in Mexico than in Smiths Falls, Ontario because the labour is cheaper. US farm corporations can sell their heavily subsidized products in Mexico; Mexican farmers cannot compete because their country does not subsidize them to the same extent.

The SPP blue elephant some would like to camouflage, the central point, is *who will control energy*—oil, gas, and electricity. Its same old elephant as in the original Free Trade agreement, and in NAFTA. The SPP, termed a 'strengthened North American energy market,' is just the same.

While it is clear that those involved do not want public discussion of all the hundreds of points in the SPP, they most particularly do not want a debate about an energy policy that has the potential for Canada and Mexico to cede control of oil, natural gas, and electricity resources to the US.

Furthermore the SPP also includes a number of other elephants you're not supposed to notice such as 'North American security strategies' including the use of biometric identifiers to control the continental perimeter. In Canada at least, these two giant factors raise critical issues of sovereignty.

SPP's Local Twin, TILMA

The Trade, Investment, and Labour Mobility Agreement, signed in April, 2006 by Alberta and British Columbia and now being touted to other provinces and territories (and also to neighbouring US states), has characteristics similar to the SPP. It contains many sensible and, indeed, motherhood items, and promotes harmonization of regulations and standards between provinces in the interests of easing inter-provincial trade.

But it too includes unnoticed elephants: provisions which, in combination, facilitate the destruction of 'junior' governments—municipalities, regional districts, health, education, and utilities authorities, and so on—by permitting challenges to their bylaws and procedures to be adjudicated by appointed panels. In this sense, it is primarily an investors' rights agreement, with enforcement mechanisms similar to NAFTA's infamous Chapter 11.

TILMA goes even further, requiring governments to justify their regulatory criteria, when challenged, by proving that their objectives could not have been achieved by any means that would result in lesser 'impairment' of property rights. TILMA, in fact, embodies a national political agenda which may be even more destructive than the agenda at the heart of the international SPP.

Agreements 'Under Radar'

The Security and Prosperity Partnership was initiated in 2005 by the Prime Minister of Canada, and the Presidents of the US and Mexico. It is claimed that there is no signed agreement or treaty, so this would obviate the requirement for any ratification by any elected body, and avoids debate. Ron Covais of Lockheed Martin is quoted as saying that the

Competitiveness Council had 'decided not to recommend any things that would require legislative changes . . . because we won't get anywhere.'

The TILMA treaty was signed by Premier Campbell of BC and former Premier Klein of Alberta. It, too, has been neither ratified nor debated by their respective provincial legislatures. Both agreements are being put into effect through intergovernmental contacts at departmental levels, together with business participation. The security aspects of the SPP are being handled through contacts between the various 'law enforcement' agencies, with no involvement of the courts. The SPP would appear to accomplish its aims through the 'interpretation' of existing legislation and executive powers; TILMA, in addition to these techniques, would accomplish its aims through decisions by extrajudicial panels on challenges to regulations and legislation.

Both strategies are clear attempts to stay 'under the radar.' Why are normal government functions being circumvented?

Such strategies are a heads-up to go on an elephant hunt.

Democratic Function of Gov't Assemblies

What are legislative bodies for, if not for the examination and debate of the major and contentious issues buried in such treaties? Both government and opposition members are, in fact, duty-bound to understand and develop their own opinions on every aspect of these agreements. They (just like their constituents) are handicapped by lack of time and the means to analyze them. But debate is what they are paid for; they have staff, and they can solicit opinions. While governing political parties often silence their own elected members, it hardly serves democracy at any level to silence the elected opposition by suppressing debate.

However, with no ratifying or implementing legislation introduced into government assemblies the forum for debate is withdrawn (as in the case of SPP and TILMA). Raising issues becomes impossible for representatives who may have questions or who may be in opposition. (To be fair, some members of the US Congress have introduced motions questioning aspects of the SPP, but, without a clear target, these have had no effect.)

Before any citizen can even choose to spend the significant amounts of time required to investigate issues, he/she must first become aware of the issue. This also would normally occur through the introduction of legislation, and its reporting through the media, particularly television and newspapers.

Even if the elephants are spotted, lack of democratic debate throws citizens on their own resources; surely not why we are paying taxes to support democratic institutions? Developing opinions in isolation takes time away from jobs and families to do enquiry and analysis that would normally be entrusted to the political process and to elected representatives.

In the cases of SPP and TILMA this is exactly the course of

events. So both the implications and the details of these agreements are unobserved and undebated.

Why We Can Expect More Anti-Democracy

Citizens have become disillusioned with the process of government but at this juncture it is vital; it is the only path for bringing issues to wide public debate. The 'media' are not much help. Mostly, they report only what they are told.

Television, with its devotion to the visual and the brief 'sound bite,' cannot or will not deal with the complicated, and often shrinks from the controversial. Newspapers, with tight deadlines, inexperienced and overworked staff, and a similar aversion to the complex, no longer provide the analysis that the reader needs (there are exceptions).

Print and TV outlets are predominantly owned by big corporations which are concerned with what kind of news can be used to sell advertising, rather than whether advertising can be attracted to pay for a high quality news service and knowledgeable, responsible writers.

Both also have a tendency to deal with complex subjects by giving unmediated voice to competing and confusing points of view, rather than taking the responsibility themselves of explaining issues editorially.

The internet will not save us from these deficiencies. A highly useful source for the researcher, it does not have the power of the shared visibility of print and TV for mass audiences.

Summary

So, in the absence of informative print and TV, representative government becomes more and more important. It is harder for the media to ignore issues aired in legislatures and parliament. This, of course, is why governments must keep activities in full review in their legislative bodies.

Whatever good things might come from the SPP and TILMA, both are ultimately destructive. Their method of creation bypasses due process. They actively facilitate the decline of democracy, which, heaven knows, is a fragile enough flower at best.

Ed's Note: If you enjoyed the information in this article and others in this edition of 'Island Tides,' please send your donation of \$26.50 to keep this kind of reportage coming. ☺

© Island Tides Publishing Ltd. This article may be reproduced with this attribution, in its entirety, with notification to Island Tides Publishing Ltd.

'This article was published (March 8, 2007) in 'Gulf Islands, Island Tides'. 'Island Tides' is an independent, regional newspaper distributing 15,000-20,000 copies in the Southern Strait of Georgia from Tsawwassen to Victoria, BC.'

Island Tides, Box 55, Pender Island, BC, Canada. Phone: 250-629-3660. Fax: 250-629-3838.
Email: islandtides@islandtides.com. Website: <http://www.islandtides.com>
