

Trade Justice Network

Réseau pour le commerce juste



July 21, 2013

Dear Premier,

As you prepare for what will no doubt be a busy Council of the Federation meeting in Niagara-on-the-Lake, Ontario next week, the Trade Justice Network and Réseau québécois sur l'intégration continentale (RQIC), on behalf of our many members from labour, environmental, farmers, cultural, social justice, student and other organizations, are writing with a simple but critically important request regarding the negotiations on a Canada–European Union Comprehensive Economic and Trade Agreement (CETA).

From early on in the Canada–EU negotiations, we have stressed that the negotiating process in the CETA is fundamentally flawed. A confidentiality agreement signed by the provinces and territories as a condition of their participation in the CETA negotiations has made meaningful public consultation next to impossible. The federal parliamentary process for reviewing and approving trade and investment agreements is clearly insufficient. There is no room whatsoever for sober second thoughts on any aspect of these binding treaties. The current federal government has rejected virtually every amendment proposed by opposition parties to every trade agreement that has come before Parliament for review.

News reports suggest the federal government is close to concluding the CETA negotiations. We understand that if and when this happens, the provinces and territories will be asked to give their assent to the agreement or at least agree to those provisions affecting their jurisdiction. Given the potentially far-reaching and permanent impact of the CETA on the constitutional sovereignty and policy flexibility of provincial and territorial governments, we strongly believe that the process for giving provincial assent to the agreement, prior to its being signed, should be as open and democratic as possible.

There are precedents for public engagement on trade agreements at the provincial level. In 1998, the B.C. government established a committee with a broad mandate to examine key issues arising out of the proposed Multilateral Agreement on Investment (MAI). The legislative committee heard from diverse specialists during eight days of public hearings. Since passing Bill 52 in June 2002, Quebec's national assembly is required to debate and ratify all important international agreements negotiated by Canada prior to the Quebec government giving its assent to the agreement. This process would gain much by including direct participation from the public as well as legislators, for example through public hearings. In 2007, the Saskatchewan government held similar public hearings into the possibility of joining the Trade, Investment and Labour Mobility Agreement (TILMA) with Alberta and B.C. (now the New West Partnership Trade Agreement). There are also interesting experiences at the international level: in several U.S. states, federal trade policy is regularly reviewed by Citizens Trade Policy Commissions; in October 2007, the government of Costa Rica held a national referendum to obtain the views of its citizens on the Dominican Republic–Central America Free Trade Agreement (DR-CAFTA).

If there is a difference between the CETA and these other trade and investment agreements it is surely that the Canada–EU agreement will have far greater impacts on provincial sovereignty, as well as on policy flexibility at all levels, including municipally. Examples include but are not limited to new restrictions on public purchasing (procurement), the extended application of investor-state dispute settlement to provincial measures, and the effect of EU-demanded pharmaceutical patent protections on provincial health costs.

It is hard to fathom how a largely closed-door process of negotiating the CETA could then be paired with a ratification process that denies the public a right to be heard in a meaningful way. It would be irresponsible to rely solely on the parliamentary ratification process in Ottawa. It is insufficient for reviewing the province-specific impacts of the CETA and, as already mentioned, almost meaningless from a democratic perspective. We therefore urge your government, and the Council of the Federation, to champion the idea of a democratic review of the CETA in between conclusion of the negotiations and a formal signing of the agreement. The Trade Justice Network, RQIC and our member organizations offer any assistance you might need in the preparation of this review and look forward to hearing from you.

Sincerely,

The Trade Justice Network

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Le Réseau québécois sur l'intégration continentale

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