

TRANS-PACIFIC WOMEN vs.

TPPT TRANS-PACIFIC PARTNERSHIP

a binding international governance system
By, For and Of LARGE CORPORATIONS

At a time when governments, civil society organisations and the larger international community are negotiating a new sustainable development agenda, another binding, global, agreement is being negotiated behind closed doors.

This agreement will **institutionalise inequalities, severely curtail peoples' rights and freedoms and cement corporate rights over national public interest** law and the right of governments to govern in the interests of their constituents.

CEMENTING CORPORATOCRACY

THE TRANS-PACIFIC PARTNERSHIP (TPP) is a "free trade" agreement between big corporations and twelve nations in the Pacific Rim, with the prospect of adding countries like South Korea, China, Indonesia and the Philippines. In its current composition, the TPP represents **40% of global GDP** and one-third of world trade. The agreement covers trade issues including market access for goods, services and agriculture, customs, and trade subsidies but this represents only a small portion of the agreement. Most proposed rules have nothing to do with trade. Rather, it allows wealthy countries and large corporations to reach across borders to impose constraints on a vast array of domestic non-trade policies that impact the environment, telecommunications, visas, labor, and intellectual property, among many others.

Who is Part of TPP?



and more soon...

The crafting of this transnational legal regime has all been done behind closed doors. In the past five years and to this day, parliaments, civil society, media and the general public are excluded from the negotiating process. The negotiated texts will only be made public 4 years after TPP takes effect, subjecting the most vulnerable communities to its will with little to no knowledge of what we are up against. Meanwhile, over 600 US corporate advisors alongside officials from participating countries have access and influence over the agreements, but those who have to live with the results have no say.

CIVIL SOCIETY BANNED... CORPORATE ADVISORS WELCOME

The little we know about the TPP has come from leaked documents. However, it is clear that each signatory government is required to conform its domestic policies to the terms of the Trans-Pacific Partnership and the rules can only be changed if all parties agree. Thus, the TPP would impose permanent boundaries on domestic federal and state policymaking. This is a blatant example of corporate aggression on national sovereignty and democracy.

CEMENTING CORPORATE POWER OVER GOVERNMENTS

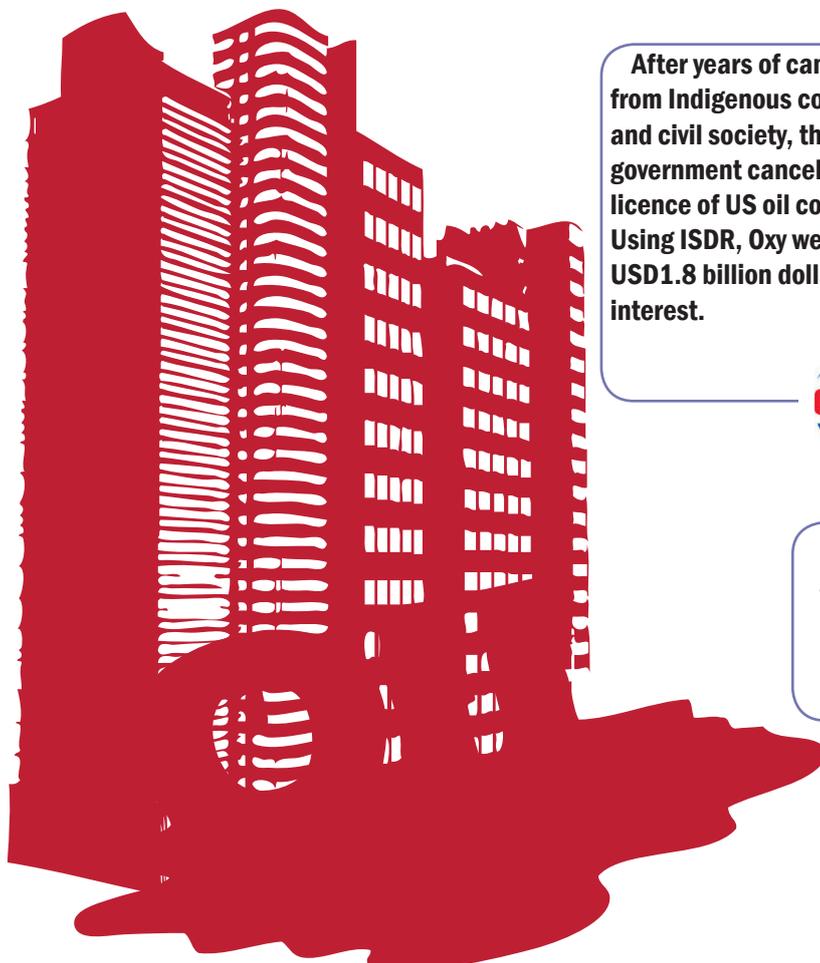
One of the most worrying parts of the TPP is the power it gives corporate to sue governments in secret tribunals. The clause, known as **'investor state dispute resolution' (ISDR), allows foreign corporations to sue governments** if they pass public interest laws that infringe on the capacity of corporations to profit.

For example, ISDR is being used by cigarette manufacturers against governments who have passed packaging laws to deter smoking,

Consumer laws, environmental protections and climate policies, public health laws, food labeling laws, can all be regarded as infringing on 'investor rights'. The option to sue governments outside of domestic courts is open only to foreign corporations, so foreign corporations have greater rights and protection than either the public or local businesses.

ISDR operates outside of domestic law and domestic courts and secret tribunals where corporate lawyers act as judges and there is no compulsion to publish decisions or allow observers and there is no appeal mechanism.

ISDR is an attack on the rights of developing countries to protect their citizens. The majority of cases are against developing countries by corporations in developed countries.



After years of campaigning from Indigenous communities and civil society, the Equadorian government cancelled the licence of US oil company, Oxy. Using ISDR, Oxy were awarded USD1.8 billion dollars plus interest.



In another case Chevron is using ISDR to put aside a successful class action by Amazonian Indigenous peoples of Ecuador that required Chevron to pay USD9.5 billion to clean up devastated areas of the Amazon and pay for health care for the affected community.



A secret three-member NAFTA tribunal awarded a US corporation US\$16 million against the Mexican government for disallowing the removal of toxic waste harmful to the environment.

In a TPP Regime...



National governments would be vulnerable to claims and lawsuits from corporations to compensate them when labor, environmental, health, land use and zoning laws reduce expected profits;

Corporations could have their own, self-regulated environmental laws that could over-ride national environmental standard and policies;



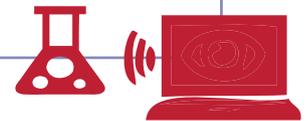
Citizens of participating countries could have limited access to generic medicines for cancer, HIV/AIDS and other medical conditions. Big pharmaceutical companies could have new powers to extend patent monopolies, control medicine pricing and have data exclusivity on lifesaving medications;



It is a banker's paradise. Financial deregulation would prevail; and it would lift bans on risky financial products and services. It would prohibit proposals for global taxes on speculation or other initiatives to strengthen corporate accountability.



Rules around genetically modified organisms, labeling and content might be prohibited; internet service providers could be required to regulate and scrutinize user activities. Small scale data sharing would be treated and fined the same as large scale for profit copyright violations;



BAD FOR ALL, HORRENDOUS FOR WOMEN

Decent Work and Living

Wage- The TPP promotes labour competition but will not protect labour rights. Free trade agreements have driven down wages and conditions and promoted export oriented economies rather than promote domestically focused economies. Export oriented economies often depend on the cheap and exploitable labour of women. Nearly two thirds of women in Asia Pacific work in "vulnerable employment" lacking basic security, benefits and decent working conditions. The TPP would require any preference for local employment to be abolished, it threatens 'temporary special measures' for marginalised groups and could mean the end of state owned enterprises that prioritise employment over profit. It could cut out clauses from government contracts that require contractors to uphold strong labour rights provisions.



Policies of competition, privatization, liberalization, and deregulation have the most negative impact on the poor. Women comprise 70% of the world's poor.

Health Care – When healthcare is expensive, women suffer the most. Too often if families have limited funds, women's health is expendable. The TPP would grant pharmaceutical companies unrestrained privileges and ownership over basic medicine and medical services. A recent Federal Court decision confirmed that a private company can patent a gene which is linked to breast cancer. This could mean that testing for breast cancer will be unaffordable for most women for the 20 year life of the patent. This bad news could be even worse if the US government succeeds in its demands for even stronger patent rights, including for diagnostic testing, in the TTP.



Land and Resources- Women make up the majority of the region's subsistence farmers. A growing body of evidence demonstrates that women's control over arable land leads to stronger development outcomes for families and communities, decreased malnutrition, increased food sovereignty and more sustainable farming practices. However, the Trans-Pacific Partnership grants corporations rights to acquire land, natural resources, and factories and challenge planning and environmental laws designed to curb maldevelopment. Free trade agreements pit subsistence farmers against the might of agrobusiness and drive farmers into cash crops. The TPP also limits state owned enterprises, promotes privatisation, reduces tariffs and promotes deregulation. Privatisation of health, education, water, energy and public services have all been demonstrated to have the most negative impacts on women.



Global Resistance against a Common Crisis

The hypocrisy of the global moment is staggering. As the international community attempts to create a new plan towards sustainable development, the Trans-Pacific Partnership secretly guarantees inequalities and exploitation. Whatever progress we have in the Sustainable Development arena will be superseded by the TPP in the participating countries. What we need is a new global architecture that prioritizes people over profit. People's movements are fertile; communities from Malaysia, to the US and Japan are rising against the TPP. We face a common crisis of growing and deepening inequalities in the face of unprecedented environmental crisis. We have the opportunity to chart a new course that the vast majority of this world wants, a course of global equity, of ecological sustainability, of social justice, human rights enjoyment and dignity for all. We call for an absolute end to the Trans-Pacific Partnership Agreement, and for a framework that aims to **reduce** inequalities of wealth, power and resources between countries, between rich and poor and between men and women rather than increases them.



Prepared by:



The Asia Pacific Forum on Women, Law and Development is the region's leading network of feminist organisations and women. Our 180 members represent groups of diverse women from 25 countries in the region. We have consultative status with the Economic and Social Council of the United Nations. For 25 years APWLD has been empowering women to use law as an instrument of change for equality, justice, peace and development. We use research, training, advocacy and activism to claim and strengthen women's human rights.

We propose a model of **Development Justice**; a model that aims to reduce wealth, power and resource inequalities between countries, between rich and poor and between men and women.

Redistributive justice aims to redistribute resources, wealth, power and opportunities to all human beings equitably. It compels us to dismantle the existing systems that channel resources and wealth from developing countries to wealthy countries, from people to corporations and elites. It recognises the people as sovereigns of our local and global commons.

Economic justice aims to develop economies that enable dignified lives, accommodate for needs and facilitate capabilities, employment and livelihoods available to all, and is not based on exploitation of people or natural resources or environmental destruction. It is a model that makes economies work for people, rather than compels people to work for economies.

Social Justice aims to eliminate all forms of discrimination, marginalization and exclusion that pervade our communities. It recognises the need to eliminate patriarchal systems and fundamentalisms, challenge existing social structures, deliver gender justice, sexual and reproductive justice and guarantee the human rights of all peoples.

Environmental Justice recognises the historical responsibility of countries and elites within countries whose production, consumption and extraction patterns have led to human rights violations, global warming and environmental disasters and compels them to alleviate and compensate those with the least culpability but who suffer the most: farmers, fishers, women and marginalised groups of the global south.

Accountability to peoples requires democratic and just governance that enables people to make informed decisions over their own lives, communities and futures. It necessitates empowering all people, but particularly the most marginalised, to be part of free, prior and informed decision making in all stages of development processes at the local, national, regional and international levels and ensuring the rights of people to determine their development priorities.



scan this image with your smart phone to get more information from our website
www.apwld.org