

Hobbling Democracy: The Trans-Pacific Partnership Agreement and The Covenant of Secrecy

By [Dr. Binoy Kampmark](#)

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The TTIP and TPPA, both sounding like ominous injections of political disaster, continue their march towards belittling, and corroding the democratic content of its participating countries. The holder of the needle remains US President Barack Obama, while the incentive is that grand fantasy that the more parties cooperate, the merrier will be the international scene when it comes to making money in a “tariff-free world”, a World without borders. Negotiate, in other words, with “like-minded” partners, and your limited leverage becomes far more significant.

In this regard, the US Congress has proven a funny old thing. Having made such a fuss about the issue of any nuclear deal with Iran and its necessary involvement, it has proven less enthusiastic about meddling in the matter of the Trans-Pacific Partnership Agreement, or economic instruments with vast consequence. This is one of the centrepieces of Obama’s policy, central to his “shift” towards the Asia-Pacific and containing the increasing shine of Chinese development.

Nor is the equivalent agreement covering Europe, known as the Transatlantic Trade Investment Partnership, is not proving as big a bother as it should. The GOP members have not been opposed to Obama in one key aspect: that he remains the classic lobbyist on the issue that America’s business has always been business.

Last Thursday saw the Ways and Means Committee pass a bill by 25-13 that would actually accelerate trade deals, effectively curbing Congressional power to amend them. That vision stemmed largely from the work of such figures as Senate Finance Committee Chair Orrin Hatch (R-Utah). Debate in the chamber would be restricted, leading, instead, to mere “yes-or-no votes”.^[1] Effects of trade, it seems, is something exclusively reserved to the wisdom of the executive.

The Democrats on the panel expressed considerable disquiet while the GOP Committee chairman Paul Ryan found himself musing about defending the president against his own party’s grumbling. In a far cry from President Woodrow Wilson’s notion of open covenants expressed near the end of the First World War, the Obama administration has shown that it can do secrecy rather well, thank you very much.

This has been replicated in the entire TPPA process. As a sample letter from the TPP’s lead negotiator from New Zealand, Mark Sinclair, reveals,

“all participants agree that the negotiating texts, proposals of each Government, accompanying explanatory material, emails relating to the substance of the negotiations, and other information exchanged in the context

of the negotiations is provided and will be held in confidence, unless each participant involved in a communication subsequently agrees to its release.”[2]

The club of confidence is small relative to the influence of the agreement. Only government officials or “persons outside government who participate in the government’s domestic consultation process and who have a need to review or be advised of the information in these governments” can receive the relevant material.

This has provoked a response from Senators Elizabeth Warren (D-Mass.) and Sherrod Brown (D-Ohio).

“As a result of your administration’s decision,” argue Senators Warren and Brown in a letter to the President, “it is currently illegal for the press, experts, advocates, or the general public to review the text of the agreement.”

The President has rebuked some members of his party for the stance, suggesting that there is nothing “secret” about the contents of the document, which will advance a sound labour-rights agenda while also protecting the environment. Members of Congress with security clearance are perfectly entitled to consult it. They just can’t spill the beans to the press or other parties.

The disgruntled senators also note the contributions to the document – one shaped by the involvement of 28 advisory committees, 85 per cent of whose members hail from industry and corporate lobbies. “Before Congress votes to facilitate the adoption of the TPP, the American people should be allowed to see for themselves whether it’s a good deal for them.” The onus here is on the administration to disclose rather than conceal. “The American people should be allowed to weigh in on the facts of the TPP before Members of Congress are asked to voluntarily reduce our ability to amend, shape or block any trade deal.”

A closer look behind the TPPA does not merely show that the authority of Congress is actually being snipped. It shows a global assault on a host of institutions in other countries, whose political representatives have become the middlemen and women of surrendering sovereignty to the unelected boardroom.

Brown and Warren are incorrect on one point. The contents of the TPPA are not entirely “secret”. For those caring to read the draft stages, chapters on intellectual property and the environment have been available on the WikiLeaks site.[3] They show, not merely reservations and concerns about the overreach of the corporate sector, but a diminishing of an assortment of rights in the name of corporate interests. Medicine and the environment come in for a battering.

The largest bone of contention remains the investor-state-dispute settlement provision. This overly generous provision gifts foreign companies the means of suing the US government over lost profits for policies against their market interests. This absurd measure has been seen at work in other countries whose governments have been sufficiently daft to insert such a provision into a trade deal – witness Australia and the issue of plain packaging for cigarettes.[4] The short of it is that there is nothing free at all about such free trade deals. Hobbled democracy is here to stay.

Dr. Binoy Kampmark was a Commonwealth Scholar at Selwyn College, Cambridge. He lectures at RMIT University, Melbourne. Email: bkampmark@gmail.com

Notes

- [1] <http://www.theguardian.com/us-news/2015/apr/24/trans-pacific-partnership-bill-on--trade-deals-passes-key-congress-committee>
- [2] <https://ustr.gov/sites/default/files/TPP-letter-on-confidentiality.pdf>
- [3] <https://wikileaks.org/tpp-ip2/>
- [4] <http://www.globalresearch.ca/the-war-against-plain-packaging-big-tobaccos--current-battle/5430173>

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