

BUSTING OPEN THE DEBATE

COUNCIL CHAPTERS LEAD THE FIGHT AGAINST B.C.-ALBERTA TRADE DEAL

by Carleen Pickard

It didn't take long for Council of Canadians chapter activists to wrap their heads around TILMA, the B.C.-Alberta Trade, Investment and Labour Mobility Agreement – once they'd heard about it. Signed with little fanfare by the governments of British Columbia and Alberta without any legislative debate, this trade agreement claims to “bust open” trade barriers between the two provinces and inject employment and profits into both economies.

But Council chapter members weren't easily fooled – they actually read the agreement. And they immediately understood the implications of a trade deal that triggers a “race to the bottom,” by allowing corporations to sue governments for enacting any regulation deemed harmful to their profits.

Under TILMA, even provincial or municipal policies designed to protect the environment and public health are vulnerable to attack from corporate lawsuits. This is what first caught the attention of trade experts, who have been tracking the devastating impact of the North American Free Trade Agreement's Chapter 11, which bestows similar rights on businesses in Canada, the U.S. and Mexico.

UNDERCUTTING DEMOCRACY

TILMA represents a real threat to the power of municipal governments to enact zoning bylaws to prevent urban sprawl, to require green space for housing developments, and to restrict heights of buildings, as well as any other regulations that interrupt the free market in order to protect the public good.

Once they realized the impact that TILMA would have on municipalities, chapter activists in B.C. and Alberta



Carleen Pickard poses with B.C. board member Pina Belperio, at a demonstration against TILMA in Whistler.

organized delegations to their city councils. In many cases, this represented the first time that local governments had even heard of the agreement. Some town councils, including Cranbrook, Vancouver Island and Central Saanich, passed resolutions calling for a halt to TILMA's implementation, demanding public consultations and proper local government input.

While TILMA came into force on April 1, 2007, the agreement does not fully apply to existing local government policies until 2009, when it will expand to cover municipalities, school boards, and other health and financial services. Chapter activists will be spending the summer raising awareness about TILMA among small businesses, environmental groups and other government agencies, such as school boards and health authorities.

Those of us who have been involved in the fight against TILMA to date will be working with activists in other provinces, in an effort to halt the expansion of the agreement across Canada. We encourage you to visit www.canadians.org, to find out what you can do to help us stop TILMA in its tracks.

Carleen Pickard is the B.C./Yukon Regional Organizer for the Council of Canadians.

HOW TILMA THREATENS CANADA'S SOCIAL PROGRAMS

- TILMA prohibits existing and future government “measures” that “operate to restrict or impair” trade, investment or labour mobility, unless such measures are exempt under the regime.
- TILMA dispute procedures empower private parties to challenge provincial measures that are alleged to offend TILMA rules. Such disputes are then resolved by tribunals that operate under international arbitration rules, and have authority to award up to \$5 million in damages.
- Because TILMA provides unprecedented grounds for asserting private interests and a sympathetic forum for doing so, it is likely to become the preferred venue for those seeking to privatize public services. Not only does TILMA offer much broader grounds than the courts for launching such attacks, it also holds out the prospect of winning substantial monetary awards.

– Excerpted from trade lawyer Steven Shrybman's analysis of TILMA, prepared for the Canadian Union of Public Employees. To read the full version, visit www.cupe.ca or www.canadians.org.