

Open Civil Society Declaration on a proposed Comprehensive Economic and Trade Agreement between Canada and the European Union

We the undersigned have serious reservations about the scope and negotiating process of the proposed Canada-European Union Comprehensive Economic and Trade Agreement (CETA). We demand the following of the Government of Canada, provinces and territories:

1. Full transparency. In past trade negotiations, the public has been kept completely uninformed until a full and final agreement is reached. This is unacceptable. In the case of CETA, which is more ambitious than NAFTA and with greater impacts on federal, provincial and municipal policies, programs, regulations and public services, the public has the right to full disclosure, along with the right to informed input into the negotiations.
2. A comprehensive impact assessment. A consultation paper issued by the European Commission contains questions addressed primarily to the business community. Similarly, online consultations from the Canadian Department of Foreign Affairs and International Trade are insufficient. There have been no preliminary, independent studies or broad stakeholder debate and consultation. We need a comprehensive impact assessment of the proposed bilateral trade agreement on the economy, jobs, poverty, gender, human rights, culture and the environment in Canada and the European Union.
3. Protection for public services. Any agreement should fully protect public services as delivered by the current system, as well as the ability to create new public services, without reservation, and without negative impacts from a trade agreement. Governments must retain the authority to favour public delivery of services, such as water treatment and distribution, without fear that such a policy would be considered a barrier to trade in services by European Union companies.
4. Strengthened social policy. Governments have a responsibility to ensure that universal access to public health care and other social programs is protected in trade agreements. Any comprehensive agreement with Europe must commit governments to full employment, decent work, social citizenship, and an end to poverty.
5. Public procurement is a public right. The agreement should not include any commitment to open or liberalize public procurement at the subnational level, particularly at the municipal level. Canadian provinces, territories and cities must retain the policy space they need to use public money in support of sustainable local economic development. Canada and all the EU Member States need to ratify ILO Convention No. 94 on social clauses in public procurement.
6. The right to regulate. There should be complete reservation of the right to domestic regulation regarding public services, culture, finance, public health and the environment. Regulatory harmonization efforts must adopt the higher standard in either Canada or the European Union. Municipalities, provinces and territories,

and the federal government must retain the right to develop even higher standards of protection than currently exist in the European Union or any other trading partner.

7. No investment chapter. There should be no right for an investor or private company to directly challenge in private tribunals, the laws or regulations of a foreign government that is a party to the trade agreement, but this right to challenge should reside solely with the competent government jurisdiction. Instead, Canada should immediately begin negotiations with the United States and Mexico to remove the investor-rights provisions in Chapter 11 of NAFTA.

8. Labour Rights. An agreement on labour issues will be meaningless insofar as workers' rights are corroded by investor- rights provisions, relegated to a side agreement, and defended by sanctions that are non-binding and not enforceable. Investors should be required to abide by the highest standards. Workers' organizations must be included in economic and social decision-making. Any comprehensive agreement must commit to raise labour standards and strengthen inspection and enforcement mechanisms for labour law, especially with respect to migrant workers and others facing precarious economic and social situations. Dispute resolution must be based upon an independent and transparent complaints process with a supra-national mechanism of enforcement when states refuse to live up to their own obligations. Canada must ratify the three core conventions of the ILO it has not yet ratified, as well as the priority conventions for good governance.

9. Respect and Protect Indigenous Rights. Canada has recently pledged to endorse the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). While this is a welcome step, proper implementation requires the government to receive Free, Prior and Informed Consent from Indigenous Peoples whenever Indigenous rights may be affected by any government decision. Since the proposed Canada-EU agreement is so sweeping that it will undoubtedly impact Indigenous rights, the agreement must uphold the maximum protections for the rights of Indigenous Peoples in compliance with the UNDRIP as the highest international standard, especially in the case of foreign industries operating in Indigenous lands, territories and water.

10. Ecological sustainability and climate action: With global warming reaching the tipping point and the majority of the planet's ecosystems on the verge of collapse, political leaders must recognize the limited carrying capacity of the planet and the causal role of increased global trade on increased greenhouse gas (GHG) emissions. Commitments to sustainable development in existing Canadian and European trade agreements, as well as those under negotiation, do very little to ensure the highest protection of our air, earth and water from corporate activity. Meanwhile these agreements go out of their way to protect investors from burdensome regulations and to lock-in unsustainable trading patterns. A fundamental policy shift is needed in Canada and Europe that places environmental, public health and human rights concerns above the limited interests of corporations.

Signed: