

INTRO

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Ecologistas en Acción is part of the Spanish and European campaigns on trade and investment agreements which are present in more than 2000 cities with organizations from civil society, political parties, trade unions, and professional sectors.

Until now we have been focusing on the transatlantic trade agreement (TTIP) and the Comprehensive Economic Trade Agreement (CETA). We made TTIP a political issue, a campaign agenda. After many protests, actions and advocacy work we have **managed many advances**. CETA still needs to be ratified by many national parliaments; the ISDS system is severely damaged, politically and legally.

In spite of all the efforts, this year the EU has announced nine new trade agreements that compromise a number of different countries: JAPAN, MERCOSUR, MEXICO, SINGAPUR, NEW ZELAND, VIETNAM, AUSTRALIA.

When we talk about the EU trade and investment policy we talk about how **governments are legislating against their own interest** and their people. With a strong influence of transnational companies in this agenda.

Transnational companies are building their own rules in the trade regime and protecting their own interest while most governments are giving them special privileges by signing more and more trade agreements.

We can observe 3 tendencies with the new wave of FTAs:

We see how we are rapidly moving from a multilateral system (WTO) to a system of mega treaties among regions with many rules and provisions:

1. New generation of trade agreements: there is more emphasis not only on the rules of access to market or tariffs (between borders) but on what happens inside the borders (within the countries), those regulations that are a barrier for trade to flow for big corporations. This is managed by the so-called **regulatory cooperation** and what it does is to change our rules, our way of policy making at national level and also European level. It allows corporations to have at a very incipient moment of law making special access to lobby. The objective is to make trade flow easier but in reality it is the **deregulatory agenda**, which is extremely dangerous for public policy or for environment protection, labour protection, etc. Corporate interests are

clearly not our interests. Regulatory cooperation is a **straight jacket** for governments, it ties them to the laws of the corporations and it gives away their sovereignty. **We need to expose the real deregulatory nature of them.**

2. An increase of **trade in services**. Not only in TiSA (the trade in services agreement) but also in many of the other agreements, there are specific chapters on services. *Services* mean almost everything that is needed to deliver a product (telecommunication services, finance, computer, IT, postal mail). We are also talking about public services. In fact there is a strong link with liberalization of services and the investment agenda. As a private investor you would want to liberalize public services (and services in general) in order to invest/buy/privatize them. The liberalization of state monopolies has been going on since the 60s and continues in those places where there still are (transport, postal mail, telephone) and is now affecting sectors that are highly regulated: taxis (uber), hotels (airbnb).

3. **The Investment regime**: to facilitate investment is the main tendency of the treaties. Increase investment means (in a way) convincing governments to allow private investment in economic activities that are not subject of profit and thus allowing private investment can be detrimental (in environment, labour, public health). This is why the liberalization of trade in services and the investment agenda are extremely linked to each other. The investment regime includes giving special privileges for investors (for example through the Investment State Dispute Settlement (ISDS) or the Investment Court System (ICS) or any new proposal of the EC that is based on giving special privileges to investors). It is an unfair (asymmetric) system; it gives lots of privileges for investors and little for the people. There are recent struggles to end this system with some successes. Ecuador has terminated the BITs containing ISDS clauses; Indonesia and India are also revising. The ISDS system in all its forms is badly damaged politically and legally. In the EU the German Court of Justice is still evaluating it by the European Court of Justice and. Also, a series of court cases (ECJ Opinion 2/15 on EU-Singapore and ECJ Achmea v. Slovak Republic case) were also serious blows. The first one ensures that any agreement containing ISDS will have to be ratified by all national parliaments, greatly increasing our chances of preventing an expansion of the system. The second is likely to bring an end to already existing intra-EU bilateral investment treaties, and possibly to seriously lower the impact of the infamous Energy Charter Treaty.

Meanwhile, new shocking cases keep on raining on Member States, providing new stories to strengthen national and European opposition of policy makers and citizens to ISDS. Worldwide, civil society and some governments are challenging the system, including in major agreements like NAFTA. Spain has 36 cases of ISDS, which are billions of euros for taxpayers. This is all

enough to set an alarm among people and policy makers, and it is urgent that we take the lead on it.

We need to burry ISDS in all its forms for good.

A few proposals on how to work together (building blocks)

The European movement coordinates on a regular basis with calls and face-to-face meetings. Resources are shared among campaigns; including reports, info graphics, articles, social media work. Training of trainers on specific topics and also to lobby our MPs and MEPs. Coordinated actions are also organized.

The campaign also includes political parties (Left and greens, in some cases social democrats). As allies we need to walk hand in hand. This is about defending very basic sovereignty principles, of the people, of the national parliaments, of the regional parliaments, of local authorities. At this moment all the EU member states are giving their OK to continue with the **EU-Japan agreement**, one of the biggest agreements in terms of trade flow, once approved, the European Parliament will be only asked for a Yes/No vote with no debates in the countries because it is considered a not mixed EU only agreement, and so the national parliaments will not be asked to ratify.

The GUE organized a debate in the European Parliament, highly appreciated. But it needs to be more work done together with social movements, building bridges. There is a need to work better and coordinate communication and social actions between movements and elective representatives in both level European and national ones. It has to be the Left who leads the trade battle. We cannot hand in our debate to the right wing. We cannot let Trump lead the trade battle.

The European left has been very positive on our same trade agenda but when they are near power their position becomes less strong. We are still waiting for the Greek government to take the lead in the fight against trade agreements.

The European left should also work more closely **with unions** (and particularly public sector trade unions- that have been very active in most countries) to build a progressive bloc. In those countries where this has happened unions/the left/ other civil society [Spain, France...] not only the left is reinforced but also the social democratic parties take a more leftwing turn. When divisions do not allow this joint fronts the result is poorest. In countries were the radical left is electorally small this is even more evident.

There are some strong social movements starting in countries that need specific support, resources, capacity building and the European left should help those movements that are starting.

The GUE has 51 MEPs of 751 and we almost won CETA. The GUE has been the only group we could count with on a certain consistency on their votes. So yes, we need GUE MEPs to lead this trade battle even more now.

Finally, there is a need of an **alternative trade policy**. Situations like the EU-Ecuador or the Mercosur agreement call for a real discussion within the left for what alternatives. We can oppose TTIP, CETA and TISA but we eventually need something like a positive agenda for the left.

It is important that you (GUE/Transform) open a debate based on your historic experience on what is the way forward.