

TILMA

Bad news for local government.

The Trade, Investment and Labour Mobility Agreement (TILMA) is a sweeping agreement between Alberta and British Columbia which protects the rights of corporations and investors at the expense of democratically elected governments.

TILMA came into effect April 1, 2007.

The promoters of TILMA claim it is necessary to remove “barriers” to inter-provincial trade, investment and mobility of labour but next to no factual evidence has been presented that shows any such barriers actually exist. In fact, like other investor rights agreements such as NAFTA and the WTO, TILMA really has more to do with protecting corporations and reducing the role of government than it has to do with trade.

TILMA covers all provincial government departments and agencies, as well as local authorities like municipalities, public hospitals, library boards, childcare centres, school districts, universities, colleges and others.

It *prohibits* these democratically accountable local governments and agencies from doing things which restrict or impair trade, investment and labour mobility. As a result, the protection of the trade, investment and labour mobility rights of private corporations will take precedence over the decisions of democratically elected and accountable public bodies.

Examples of the types of municipal decisions that will be prohibited or constrained by TILMA include:

- downtown revitalization programs
- ethical or local procurement policies
- zoning
- greenhouse gas reduction regulations
- support for small businesses
- junk food bans in schools and more.

Enforcement of TILMA will be done through commercial arbitration. TILMA allows private businesses to sue provincial and local governments under commercial arbitration law and provides for fines of up to \$5 million against provincial governments that are found to have violated TILMA provisions or have failed to ensure compliance by local governments and authorities. The B.C. government has refused to rule out forcing local governments to pay such fines.

Although municipalities are exempt from the worst of TILMA's obligations for a two-year period ending April 1, 2009, they are still forbidden from taking any new measures that are not in conformity with TILMA.

At the 2007 Annual Convention of the Union of B.C. Municipalities (UBCM), municipal leaders from all over B.C. passed a strong motion against TILMA which seeks exemptions for local governments.

A coalition of unions and community groups like the Council of Canadians called the “**TILMA Working Group**” has been very successful in organizing against TILMA in B.C. One result is that the B.C. government went through two sessions of the Legislative Assembly in 2007 without ever passing its TILMA enabling legislation into law.

The governments of both Manitoba and Saskatchewan (including their new conservative government) have made clear they don't want their provinces to join TILMA.

In December 2007, the B.C. College of Teachers (the regulatory body for B.C. teachers), announced it would comply with TILMA by bringing its standards into line with those of Alberta, which require one less year of teacher education than in B.C. This is an example of what lies ahead if TILMA is fully enforced.

For more information, please visit TILMA under the CAMPAIGNS section of the Council of Canadians website: www.canadians.org

Security and Prosperity Partnership (SPP)

A threat to local democracy.

The SPP is a new and disturbing extension of previous corporate rights agreements such as the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO).

In this case, however, the focus is not only on investor rights and trade but an explicit attempt to deeply integrate the three countries of North America.

In conjunction with corporate allies, the three federal governments of North America have set out a detailed plan first announced in March 2005, to scale back the ability of democratically elected governments at all levels to protect our society, culture and environment.

Specifically, the SPP will minimize regulations and protections in areas like immigration, food and culture, natural resources, public services, transportation and entertainment. At the same time it binds Canada and Mexico to the military and security agenda of the United States.

In March of 2006, the leaders of the three countries created the **North American Competitiveness Council (NACC)** to help implement the SPP.

The NACC is made up of 30 chief executive officers from some of the largest companies on the continent. It gives corporations exclusive access to the SPP talks, bypassing the legislatures of all three countries as well as civil society organizations such as unions, environmental groups, faith groups and students. Some of the big Canadian companies represented on this council include Suncor, CN, Power Corporation, Bell Canada and Scotiabank.

The SPP is a threat to public services, health regulations and environmental protection. The deregulation which is being sought will tie government hands on any new regulations, whether for toxins, air quality or pesticides – especially in the context of the Trade, Investment and Labour Mobility Agreement (TILMA) which

permits private corporations to sue governments for policies that are perceived to restrict investment.

New policies being worked on in the secretive SPP processes include:

- five-fold increase in production from the environmentally devastating Alberta tar sands
- export of bulk water
- weakened food and drug rules
- joint “no-fly” lists
- adoption of discriminatory U.S. immigration policies
- massive trucking super-corridor
- deep integration of Canada’s military with that of the U.S.

Such national and international rule changes have serious implications for democratically elected local and regional governments, as well as for working people.

If local communities wish to improve environmental protection, health standards, food quality or slow down developments like the tar sands, the SPP will make that much more difficult.

If working people strive to improve occupational health and safety regulations or the right to organize, the imperatives of the SPP will make those goals harder to achieve.

For workers in the public sector, reducing these regulatory controls opens up more areas of public service, including Canada’s schools, hospitals and municipal government services to privatization through public private partnerships (P3s), which cost more and reduce service quality and cut jobs.

Working people and community allies in all three North American countries are organizing hard to prevent the implementation of the SPP. So far, 19 U.S. states have pending resolutions in their assemblies urging the U.S. Congress to withdraw from the SPP.

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