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CETA & Democracy: The transatlantic trade deal TTIP may be dead, but something even worse is coming

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Governments and corporate lobbyists keep inventing new ways to embed privatisation and circumvent democracy - in this case, the Canada-EU deal

Is it over? Can it be true? If so, it's a victory for a campaign that once looked hopeless, pitched against a fortress of political, corporate and bureaucratic power.

TTIP - the Transatlantic Trade and Investment Partnership - appears to be dead. The German economy minister, Sigmar Gabriel, says that "the talks with the United States have de facto failed". The French prime minister, Manuel Valls, has announced "a clear halt". Belgian and Austrian ministers have said the same thing. People power wins. For now.

But the lobbyists who demanded this charter for corporate rights never give up. TTIP has been booed off the stage but another treaty, whose probable impacts are almost identical, is waiting in the wings. And this one is more advanced, wanting only final approval. If this happens before Britain leaves the EU, we are likely to be stuck with it for 20 years.

The Comprehensive Economic and Trade Agreement (Ceta) is ostensibly a deal between the EU and Canada. You might ask what harm Canada could do us. But it allows any corporation that operates there, wherever its headquarters might be, to sue governments before an international tribunal. It threatens to tear down laws protecting us from exploitation and prevent parliaments on both sides of the Atlantic from legislating.

To say that there is no mandate for such agreements is an understatement: they have received an unequivocal counter-mandate. The consultation the EU grudgingly launched on TTIP's proposal to grant new legal rights to corporations received 150,000 responses, 97% of which were hostile. But while choice is permitted when you shop for butter, on the big decisions there is no alternative.

It's not clear whether national parliaments will be allowed to veto this treaty. The European trade commissioner has argued that there is no need: it can be put before the European parliament alone. But even if national parliaments are allowed to debate it, they will be permitted only to take it or leave it. The contents are deemed to have been settled already.

Only once the negotiations between European and Canadian officials had been completed, and the text of the agreement leaked, did the European commission publish it. It is 1,600 pages long. It has neither a contents list nor explanatory text. As far as transparency, parity and comprehensibility are concerned, it's the equivalent of the land treaties illiterate African chiefs were induced to sign in the 19th century. It is hard to see how parliamentarians could make a properly informed decision.

If you seek to buy a secondhand car these days, the salesperson might wheedle and spin, but they will also – thanks to EU consumer protection laws – be obliged to explain the risks and caveats. If you want to know whether or not to buy this trade treaty, you have no such protection. The EU's website tells you what a wonderful set of wheels this is but carries not a word about the risks.

Here is its answer to the question of whether the Ceta negotiations were conducted in secret. "Not at all ... During the five years of talks, the commission held various civil society dialogue meetings for stakeholders." I followed the link it gave and found that four meetings had taken place, all of them in Brussels, all dominated by corporate trade associations, which are likely to have been on the inside track anyway. Where was the publicity? Where were the attempts to reach beyond a gilded circle of lobbyists and cronies? Where were the efforts to take the discussion to other nations? Where were the debates, the drive to seek genuine public engagement, let alone consent? If this is transparency, I dread to think what secrecy looks like.

After long hours struggling with the treaty, I realised I hadn't a hope of grasping its implications. I have had to rely on experts commissioned by groups such as Attac in Germany and the Canadian Centre for Policy Alternatives.

Like TTIP, Ceta threatens to lock in privatisation, making renationalisation (of Britain's railways, say) or attempts by cities to take control of failing public services (as Joseph Chamberlain did in Birmingham in the 19th century, laying the foundations for modern social provision) impossible. Like TTIP, it uses a broad definition of both investment and expropriation to allow corporations to sue governments when they believe their "future anticipated profits" might be threatened by new laws.

Like TTIP, it restricts the ways in which governments may protect their people. It appears to prohibit, for example, rules that would prevent banks from becoming too big to fail. It seems to threaten our planning laws and other commonsense protections.

Anything not specifically exempted from the agreement is considered covered. In other words, if governments do not spot a potential hazard before the hazard emerges, they are stuck with it. The EU appears to have relinquished its ability, for example, to insist that investment and retail banking be separated.

Ceta claims to be a trade treaty, but many of its provisions have little to do with trade. They are attempts to circumscribe democracy on behalf of corporate power. Millions of people in Europe and Canada want to emerge from the neoliberal era. But such treaties would lock us into it, allowing the politics we have rejected to govern us beyond the grave.

If parliaments reject this treaty, another deal is being prepared: the Trade in Services Agreement, which the EU is simultaneously negotiating with the US and 21 other nations. Theresa May's government has expressed enthusiasm: her Department for International Trade says: "The UK remains committed to an ambitious Trade in Services Agreement." So much for taking back control.

Corporate lobbyists and their captive governments have been seeking to impose such treaties for more than 20 years, starting with the Multilateral Agreement on Investment (it was destroyed, like TTIP, by massive public protests, in 1998). Working in secrecy, without democratic consent, they will keep returning to the theme, in the hope of wearing down our resistance.

When you are told that the price of liberty is eternal vigilance, this is what it means. This struggle will continue throughout your life. We have to succeed every time; they have to succeed only once. Never drop your guard. Never let them win.

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P.S.

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* A fully linked version of this article can be found at Monbiot.com