

Deciphering T-TIP: The Transatlantic Trade & Investment Partnership A “new generation” of international trade deals?

Date: Friday, March 11th, 2016.
Venue: Room 3105, Arts Block, Trinity College
10am-12:30pm; 1:00-3:30pm

Evening discussion 6-8pm (venue tba)

Since negotiations began in 2013 on the Transatlantic Trade & Investment Partnership (TTIP) - a far-reaching trade and investment-protection treaty between the USA and the EU – it has attracted heated and growing debate across mainland Europe, and large-scale demonstrations in many European capitals. Yet while many civil society groups and even local authorities in Ireland are expressing increasing concern, TTIP has received almost zero media attention here, and most Irish citizens – even those in important public-sectoral positions - have never heard of it, or simply don't understand it.

Conducted to date in assiduous, undemocratic secrecy - cloaked in elaborate confidentiality agreements, etc – TTIP is now subject to limited transparency since on 2nd December last, the EU Parliament's Trade Committee chair Bernd Lange finally announced that MEPs will have “comprehensive access” to the “consolidated texts” in a secure reading room at the European Parliament. Such texts have just arrived, under similarly elaborate strictures, in Berlin and Westminster; and will arrive in Dublin within the next fortnight. For the first time, MEPs (and some local parliamentarians) may take handwritten notes on these mutually agreed, labyrinthine portions of the Treaty - subject to the security rules governing access to such confidential documents, which seek to “avoid weakening the EU's negotiating position” or revealing the American positions represented therewithin.

Apart from its opacity, TTIP's most controversial provision is its one-way Investor-State Dispute Settlement (ISDS) mechanism, which facilitates investors [multinational corporations] in seeking compensation from states for future profits endangered by political decisions. Such claims are arbitrated by private, extra-judicial international tribunals, held before adjudicators who are themselves corporate lawyers. Even the European Commission's little-understood “reform” of the ISDS – with its proposed Investment Court System, and its new Appeal Tribunal (analogous to the WTO's Appellate Body) – some fear will simply copperfasten the leverage investors/corporates

will have over sovereign states and their freedom to legislate and regulate many highly sensitive industries.

A third pillar of concern is TTIP's mooted Regulatory Cooperation Council and other "permanent infrastructural institutions" which are designed to address what may be perceived to be local regulatory or legislative 'barriers' to trade and investment. Unlike traditional Treaties, which are supposedly written in verbal stone, such provisions seem to render TTIP a "living" and perpetually self-elaborating document.

TTIP aims to achieve regulatory 'coherence' or 'harmonization' between traditional European 'social models' and rights-based legislation - and more generally market-oriented American neoliberal systems. So how may TTIP affect the widely differing regulatory régimes between the two blocs – across complex financial instruments, taxation, sovereign debt restructuring, real estate, environmental protection, food standards and ingredients, public healthcare, education, labour and human rights? What are its implications for the culture and knowledge sectors, for fundamental research across the sciences and the humanities? How may it transform notions of intellectual property? Considering the new digital data-technology giants, what implications are there for privacy and the intellectual commons; for the protection of increasingly fine-grained and sensitive personal information gathered and processed on all citizens - and indeed data flows between the two blocs, in light of the recent European Court of Justice ruling which binned the 2001 Safe Harbour Agreement?

The general design of TTIP has been criticised on both sides of the Atlantic, particularly the privileged position it affords investors and large corporate entities. While lobbyists and certain politicians have trumpeted TTIP's potential to generate millions of jobs and trillions of euros/dollars, even the most "ambitious scenario" of the European Commission's own Impact Assessment projects only negligible boosts to trade over the decade leading up to 2027 (0.48% for the EU; 0.39% for the US); whilst economists have seriously questioned the independence and assumptions underlying the three studies on which the Commission's cost/benefit analysis is based.

Our Colloquium - convened by the Sociological Association of Ireland, the Centre for the Study of the Moral Foundations of Economy & Society, and TCD's Cultures, Academic Values & Education Research Centre - will seek to air a wide variety of issues, for both sectoral and public consumption; and track how a number of institutions, academics, NGOs, civic and public interest groups – and indeed public opinion – across Europe have been pushing back against various overreaching provisions within TTIP.

Many such initiatives have been significant: the University of Kent's 2014 "Statement of Concern" authored by Prof. Harm Schepel, Gus van Harten et al, and signed by 120 international scholars; and European Ombudsman Emily O'Reilly's sweeping, proactive consultation with a wide variety of industry and social groups which forced the hands of the European Council and Commission towards limited transparency (and her April 2015 presentation before the Irish Oireachtas Joint Committee on European Union Affairs on

the stark issues surrounding TTIP's – and Brussels' - transparency and lobbying realities).

More recently (February 3rd), the German Magistrates Association (DRB) roundly criticized the European Commission's proposed Investment Court System (ICS), which they see as lacking any legal basis, let alone judicial necessity. The DRB's view is that the European Commission's definition of an investor's assets is so wide it effectively gives the ICS jurisdiction “from civil law through to general administrative law and social and tax legislation.” In other words, it affords investors/corporations a potential deterrent or chill-factor over any upcoming legislation or regulatory instruments – even governing public services such as education or public health - that investors may deem a threat to profits.

Our Symposium seeks to outline also a deep-historical analysis, from the history and geopolitics of the global institutions to the protean, placeless nature of the modern transnational corporation and the emerging “neoliberal consensus”; to a narrative of attempts to push through a version of TTIP's “regulatory cooperation” since the mid-1990s; and how a series of EU treaties (Amsterdam, Nice, Lisbon) have cleared democratic/sovereign barriers to such an expansive inter-bloc trade/investor-protection deal as TTIP.

We will examine TTIP in the context of TPP and CETA, NAFTA and other historical international trade deals. How does TTIP find its place within the geopolitical order, say, in its exclusion of the BRIC countries, or in terms of international security? In the light of the recent collapse of WTO's DOHA round, what has been the historical experience of such treaties of marginal or developing countries, particularly in the global south?

As Dieter Pesendorfer (a contributor to our conference) remarked of TTIP, it seems designed to produce a total, utopic elimination of risk for investors, in what seems to forbode a corporate command economy on a quasi-global scale.

This Colloquium will seek to open out these subjects for both media and the public, to stimulate analysis and engaged social debate.

Sociological Association of Ireland
<http://www.sociology.ie>

the Centre for the Study of the Moral Foundations of Economy & Society
<http://www.moraleconomy.eu>

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