

Raising a Red Flag on TILMA: Communities Should Take Action !

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This April Fools Day marks the beginning in a dangerous shift in power. The Alberta and BC governments have signed an agreement that empowers corporations to sue governments if regulations limit their right to make a profit. In effect, these governments have undermined their own ability to set regulations in the interest of the public good, in exchange for the interests of corporations responsibilities to shareholders. And, the icing on the cake, the agreement was not subject to legislative debate or public consultation.

Not only will corporate interests have the unprecedented right to challenge any government program or regulation that restricts investment, they can also challenge regulations that vary between provinces, challenge the formation of new regulations that in any way restrict investment, and restrict the ability for one province to establish initiatives without having the o.k. from the other province.

Governments can be fined up to \$5 million per claim if the independent panel deems that there has been a violation of the agreement. This will undoubtedly lead to a trend of government de-regulation in order to avoid continually being hit with fines. Provincial or municipal policies instituted for the protection of the environment, public health, and regional economic development are all extremely vulnerable.

Already the agreement, that has been deemed as “made-to-please-Bush,” has fostered interest in the U.S. with the Pacific Northwest Economic Region (who has heavy involvement from the oil and gas sector) to extend the agreement into those states bordering BC and Alberta. This is not a surprising partnership considering the ongoing complaints from the US Trade Representative about the Canadian Wheat Board (already under assault by the Federal government) and other agricultural policies that threaten the U.S.’ ability to tap further into the Canadian agricultural market.

Allowing the agreement to extend into the US would essentially give American companies the power to come into our country and change, or get rid of any government regulations that prevent them from making a buck on Canadian soil. Not to mention that they would gain the same rights as Canadian companies to sue local governments. In order to maintain this agreement would mean that Canadian and US regulations on health care, the environment, etc. be harmonized in the agreement area. Analyst Ellen Gould deems this a dangerous step towards deep integration with the U.S.

Once in full effect (April 2009), any company or private individual can challenge local government policies on such things as land use regulations that challenge commercial development in ecologically sensitive areas, for example, pesticide use restrictions that limit the sale of chemical fertilizers, government programs that grant funds to small business, farmers’ cooperatives, local food systems development, etc. The options are endless as any regulation can be seen as restricting investment in some form or another.

Under the agreement, signing provinces will no longer have the right to invest in rural, regional or small business development, as it would unfairly favour local businesses over out of province companies. This agreement will undoubtedly favour large business players who want to dominate the market and now, with this powerful tool added to their arsenal, will be even more empowered to do just that.

The only way out of this agreement is for local governments to be completely exempted from TILMA, which they can do during the two year transition period from April 2007 to April 2009.

The plan for TILMA is to roll the agreement out across the country, and interest has already been expressed in Quebec and the Maritimes. The Nova Scotia government is currently drafting a similar accord, using TILMA as a template, which will be delivered to cabinet later this year.

This is where communities need to take action. Tell you local councillors and legislators to fight TILMA because it is not an agreement that will benefit the well being of the community and its citizens. If you want to keep complete control out of corporate hands, you must speak up and let anyone and everyone know that handing power over to corporations is only going to result in very few taking more than their share from the pot, rather than facilitating sustainable economic development. This is just another agreement that will unfairly favour the major players and leave the rest of us easting their dust, *and it will make april fools of us all.*

This is truly an assault on government and the public good, and now is the time to put a stop to it. For more information visit the Council of Canadians website
<http://www.canadians.org/DI/issues/TILMA/index.html>