



# Symposium Examines Global Governance Implications of the Trans-Pacific Partnership

The Canada-U.S. Trade Center (now CTED) held a symposium on November 5th, 2016 to discuss the governance and development implications of the Trans-Pacific Partnership (TPP) agreement. The symposium was sponsored by [The Baldy Center for Law & Social Policy](#), [University at Buffalo's Geography Department](#), [Asian Studies Program](#), and [The Nila T. Gnam Research Fund](#).



Organizers and panelists from the event (left to right): Errol Meidinger, Brook Baker, Amitendu Palit, Scott Prudham, Abigail Cooke, Meredith Kolsky Lewis, Jason Yackee, Angie Ngoc Tran, Ruth Lopert, Trina Hamilton, Jun Zhang, Marion Werner, and Tony Weis

## Overview

Open to students, faculty, and the public, and with over 40 people in attendance, the one-day symposium critically evaluated the controversial and politically divisive Trans-Pacific Partnership (TPP), a trade agreement negotiated between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. The United States was still party to this multilateral trade agreement at the time of the Symposium but withdrew on January 23rd, 2017. Billed as a “21st century trade agreement,” this far-reaching accord sought to harmonize and, in some instances, to deepen the transnational governance of labor, the environment, and intellectual property, among other areas.

The Symposium, with a welcome and introduction from University at Buffalo Provost Charles F. Zukowski, focused on these critical governance and development issues. The goal of the symposium was to move beyond nationalist predictions (i.e. which nations will be winners or



losers?), and instead, develop a global justice framework for discussing the potential outcomes of the agreement. The event brought together leading legal, development, and geography scholars from around the world to share insights from their research in order to evaluate the agreement based on its implications for marginalized populations, as well as ecosystems and ecological functions, in signatory countries and beyond.

Held on Saturday, November 5th at the Baldy Center for Law and Social Policy on UB's North Campus, the Symposium was organized by CTED co-directors and Geography faculty Drs. Abigail Cooke, Trina Hamilton, and Marion Werner, and Dr. Meredith Kolsky Lewis of the Law School.

## Event Panelists

[Brook K. Baker](#), Professor at Northeastern University School of Law and an affiliate of its Program on Human Rights and the Global Economy

[Jeronim Capaldo](#), Research Fellow with the Global Development and Environment Institute at Tuft's University

[Ruth Lopert](#), Deputy Director, Pharmaceutical Policy & Strategy, for the Pharmaceuticals & Health Technologies Group at the nonprofit international health organization, Management Sciences for Health (MSH)

[Errol Meidinger](#), the Margaret W. Wong Professor of Law at the University of Buffalo and Director of the Baldy Center for Law and Social Policy

[Angie Ngoc Tran](#), Professor of Political Economy at California State University, Monterey Bay (CSUMB)

[Amitendu Palit](#), Senior Research Fellow and Research Lead in Trade and Economic Policy at the Institute of South Asian Studies, National University of Singapore

[Scott Prudham](#), Professor in the Geography and Planning Department and the School of the Environment at the University of Toronto

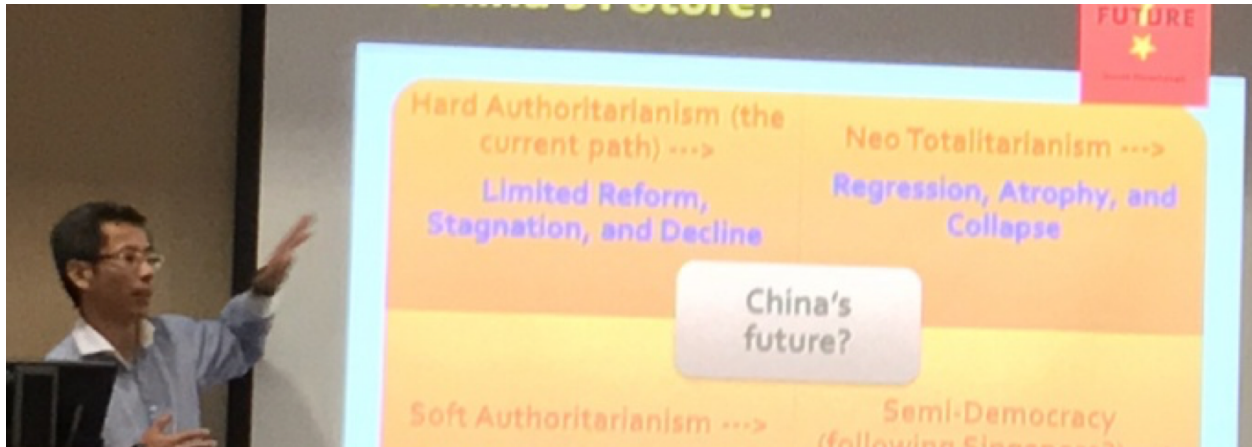
[Kyla Tienhaara](#), Research Fellow at the RegNet School of Regulation and Global Governance and co-director of the Climate and Environmental Governance Network at Australian National University

[Tony Weis](#), Associate Professor in the Department of Geography at the University of Western Ontario

[Jason Yackee](#), Associate Professor of Law at the University of Wisconsin

[Jun Zhang](#), Assistant Professor in the Geography and Planning Department at the University of Toronto

## Economic Development Panel



Professor Jun Zhang explains the impact of the TPP on China

The impact of the TPP on national development strategies is at the heart of what member nations are most concerned about. Moderated by Professor Abigail Cooke of the University at Buffalo's Geography Department, the first panel discussed these issues from a variety of perspectives. Professors Jeronim Capaldo (Tufts University), Amitendu Palit (National University of Singapore), Jun Zhang (University of Toronto), and Jason Yackee (University of Wisconsin) examined a wide range of issues, including employment and inequality impacts, both within and between countries.

### Presentations

**Jeronim Capaldo** discussed the limitations of economic forecasts, including many problematic assumptions (full employment, income distribution, etc.) built into widely-used models. Capaldo argues that the United Nations Global Policy Model (GPM) offers an important alternative perspective because it is a dynamic model that allows for changes in employment and other factors. In terms of the TPP, the GPM projects negative employment and inequality impacts in all countries.

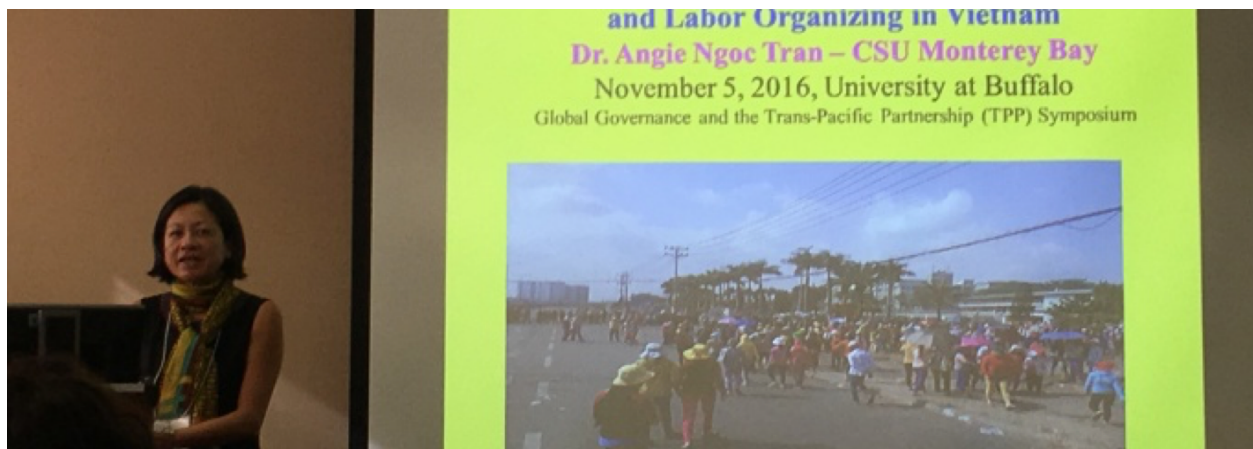
**Amitendu Palit** highlighted the challenges of the TPP and other mega-regional agreements for developing countries. Specifically, he emphasized that development and inequality concerns were often sidelined in trade agreement negotiations, and suggested that mega-RTAs further marginalize the least-developed countries (LDCs) who are not party to the agreements. He urged a return to multilateral forums such as the WTO in order to address pressing development concerns.



**Jun Zhang** outlined examples of how China's "quasi-superpower status" is fragile, in part, because of its continued dedication to one party rule. Relations between China and the US continue to be strained, and Zhang notes there is a sense that nations must take sides between the US and China, further polarizing the two nations. China has denounced the TPP for now, though Zhang thinks there is the possibility that they may join some time in the future.

**Jason Yackee** noted that there are already many existing bilateral and multilateral free trade agreements between the US and most of the other TPP nations that cover many of the same issues. These FTAs will not simply disappear with the implementation of the TPP. Rather, existing FTAs and the TPP will have to co-exist, ultimately leading to complications and potential conflicts. Yackee also noted that nations' cost benefit analysis on their involvement in the TPP is essentially impossible to conduct and that the TPP limits state sovereignty.

## Labor and Human Rights Panel



Professor Angie Ngoc Tran describes the effects of the TPP on labor rights in Vietnam

Chaired by Professor Marion Werner of the University at Buffalo's Geography Department, the second discussion of the day elicited evocative and passionate debates about potential human and labor rights outcomes resulting from the implementation of TPP policies. The panel participants were professors Ruth Lopert (George Washington University), Brook K. Baker (Northeastern University), and Angie Ngoc Tran (CSU - Monterey Bay).

### Presentations

**Brook K. Baker** illustrated the ways in which intellectual property (IP) protections obstruct access to affordable life-saving medications, and restrict countries' policy space by going beyond WTO IP requirements. Baker examined some of the problematic IP provisions in detail, including patent length and data exclusivity terms which extend monopolies and stall the development of generics. He noted that an international coalition of activists, academics and





negotiators from Australia and New Zealand had succeeded in making some changes to the original IP draft, but that it still does not privilege the right to health.

**Ruth Lopert** expressed similar concerns over many of the TPP's IP provisions, but also drew lessons from the Australia-US Trade Agreement to identify ambiguities that could be amended during the implementation phase to shore up protections for public health and drug access. Lopert explained that even if the TPP is ratified, there are still opportunities to continue to push public health priorities as provisions are implemented and the legal language is clarified.

**Angie Ngoc Tran** focused on opportunities for global labor solidarity, explaining how grassroots labor organizing in Vietnam, including wildcat strikes, led to new legal protections, although there has also been downward pressure on wages at the same time. She argued that trade agreements such as the TPP could work in concert with grassroots organizing to pressure states to increase labor protections and standards, although it would require more effective enforcement mechanisms and better provisions for third-party participation.

## Environment Panel



Professor Kyla Tienhaara describes the mechanisms within the TPP that could exacerbate climate change

The final panel for the day, moderated by Professor Trina Hamilton of the University at Buffalo's Geography Department, included Professors Errol Meidinger (Director of the Baldy Center for Law at the University at Buffalo), Scott Prudham (University of Toronto), Kyla Tienhaara (Australian National University), and Tony Weis (University of Western Ontario). The panelists focused on the TPP's implications for environmental governance mechanisms and ecological change.



## Presentations

**Errol Meidinger** explained that while many mega-RTAs and other trade agreements urge nations to "do good," there are often few substantive requirements to do so, leading environmentalists to ask, "What's the point?" He argued that the focus should be on institutionalization, including provisions such as citizen submission processes, which is lacking in the TPP provisions. While the environmental provisions matter because they directly tie trade and environmental outcomes, he expressed concern that other chapters of the TPP, particularly the investor state dispute settlement (ISDS) provisions, could counteract any beneficial environmental governance impacts by granting considerable new powers to corporate actors.

**Kyla Tienhaara** took up the ISDS issue, and examined how they might lead to "regulatory chill," that is, governments choosing to delay or not implement environmental regulations for fear of being sued by investors. Tienhaara detailed parallels between the tobacco and fossil fuel industries, suggesting that fossil fuel companies might use ISDS provisions to challenge climate change legislation in the way that tobacco companies have challenged tobacco-related public health laws. While activists were successful in getting a tobacco "carve-out" into the TPP ISDS provisions, Tienhaara argued that we should focus on protecting all government measures related to obligations under international agreements such as the Paris climate accord.

**Scott Prudham** examined the "ecological regimes" or logics embedded in trade agreements. He argued for moving beyond quantitative questions about environmental impacts, and to focus on how these agreements reorient our relationship to nature. For instance, Prudham argued that trade agreement provisions such as ISDS mechanisms deepen the influence of far-flung processes on local socio-ecological relationships, and that they constitute a fundamentally new regime of regulation.

**Tony Weis** focused on the unaccounted ecological and atmospheric costs of the TPP, arguing that the narrow definitions of efficiency and competitiveness often used to evaluate the outcomes of trade agreements reinforce systems of value that do not take degradation of the basis of production (e.g. soil) into account. He argued that the TPP furthers current industrial grain-oilseed-livestock interests to the detriment of global food security and agrarian livelihoods. He highlighted alternative grassroots efforts such as the 2007 Nyeleni declaration on food sovereignty that could serve as alternative roadmaps.

## Round Table and Closing Remarks

The Symposium concluded with a roundtable discussion on the future of the TPP and similar mega-regional agreements. Opening remarks were made by Professor Meredith Kolsky Lewis of UB's School of Law, and the discussion was moderated by Professor Marion Werner. Overall, panelists agreed that the U.S. decision on withdrawal would be a determining factor for whether other nations would ratify the TPP.