

Obama's Trans-Pacific Partnership: Meet the 'partners'

If fast track passes Congress, the first NAFTA-style pact up for approval would be the Trans-Pacific Partnership, a proposed agreement between the United States and 11 other Pacific Rim nations: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. The United States already has trade agreements with Mexico, Canada, Australia, Chile, Peru, and Singapore. Japan and New Zealand are on par with the United States in workers' rights and living standards. But the three others—Vietnam, Malaysia, and Brunei—are human rights violators where workers lack basic rights. The following is from the most recent annual human rights reports from the U.S. State Department.

Vietnam

Vietnam is an authoritarian one-party state ruled by the Communist Party of Vietnam. Citizens face severe government restrictions on their political rights. The government doesn't permit human rights organizations to operate. All print, broadcast, and electronic media are controlled by the Communist Party and the government. Foreign journalists are limited in their movements and are sometimes harassed by security officials. Police arrest and detain people for political activities, and sometimes use contract thugs and citizen brigades to harass and beat political activists. The government doesn't permit political demonstrations. There are restrictions on strikes, but they do sometimes



occur, especially at foreign-invested enterprises. Official Communist Party unions do function as unions in some respects, but the law does not allow workers to organize and join independent unions of their choice.

Malaysia

Malaysia, ruled by a political coalition in continuous power since 1957, is classed by the U.S. State Department as one of the worst countries in the world for forced labor and human trafficking. Its government has failed to comply with the most basic international requirements to prevent trafficking and protect victims. There are also restrictions on freedoms of speech, assembly, association, and religion, and restrictions on freedom of the press, including book banning, censorship, and the denial of printing permits. Malaysia's legal system punishes more than 60 offenses by caning, in which convicts are sentenced to be struck with a half-inch-thick wooden cane that may cause welts and scarring. In theory, Malaysian workers have the right to organize and bargain collectively, and strike. In practice, they face a multitude of legal restrictions that severely restrict union rights. Legal restrictions make it virtually impossible for workers to go on strike lawfully, and union leaders face up to a year in prison for striking unlawfully. Workers in whole industries, such as the electronics sector, are barred from forming independent unions. And foreign workers—who make up a quarter of the workforce—are barred from join-



ing unions. Foreign workers—prevalent in plantation agriculture, the fishing industry, electronics factories, garment production, construction, restaurants, and domestic households—suffer widespread abuses indicative of forced labor, such as restrictions on movement, deceit and fraud in wages, passport confiscation, and imposition of significant debts by recruitment agents or employers. In many cases where those abuses are reported to the authorities, the foreign workers have been arrested and sent to a detention camp for not being in possession of a valid travel document.

Brunei

Brunei, a tiny oil-producing nation on the island of Borneo, is ruled by a hereditary monarch, Sultan Haji Hassanal Bolkiah, whose family has ruled for more than 600 years. In Brunei, it's illegal to challenge the royal family's authority, and the government's internal security apparatus uses informants to monitor suspected dissidents. According to the U.S. State Department, Brunei limits freedom of speech, press, assembly, and religion. Public gatherings of 10 or more persons require a government permit, and police have the authority to stop an unofficial assembly of five or more persons. The government practices censorship of newspapers, and can close newspapers and seize printing presses, and the only TV station is government owned. There's no freedom of association. Islam is the state religion. Caning is a mandatory punishment. Muslims are prohibited from joining Rotary, Kiwanis, and the Lions. Unions are allowed, but there's only one union, in the petroleum sector, and strikes are illegal.



DÉJÀ VU?

Why claims about the "unprecedented" labor and environmental protections of the Trans-Pacific Partnership sound so familiar

“The North American Free Trade Agreement [NAFTA] is the first agreement that ever really got any teeth in environmental standards, any teeth in what another country had to do with its own workers and its own labor standards... There's never been anything like this before.” — Bill Clinton, 1993

“CAFTA has the strongest labor and environmental provisions of any trade agreement ever negotiated by the United States. CAFTA is light years ahead of NAFTA, more practical and effective than current law, and is far stronger than earlier agreements.” — Rob Portman, Bush's trade representative, 2005

“This [Korea Free Trade] agreement includes groundbreaking protections for workers' rights and for the environment. In this sense, it's an example of the kind of fair trade agreement that I will continue to work for as president, in Asia and around the world.” — Barack Obama, 2010

“This [Trans-Pacific Partnership] will end up being the most progressive trade bill in history. It will have the kinds of labor and environmental and human rights protections that have been absent in previous agreements.” — Barack Obama, 2015

Source: “Broken Promises: Decades of Failure to Enforce Labor Standards in Free Trade Agreements,” prepared by the staff of Sen. Elizabeth Warren, available online at <http://bit.ly/1KIEPvn>

...Fast Track

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locked and loaded, ready for Congress to pull the trigger.

The U.S. Constitution gives Congress, not the president, the power to regulate commerce with foreign nations. It also requires that international treaties be approved by a two-thirds majority of the U.S. Senate. Fast track is an end run around those things: It delegates trade treaty negotiations to the president, and lets the president submit implementing legislation which must then be voted on within 90 days, with limited debate and no amendments allowed. And the trade deal passes with a simple majority, not the supermajority

required for a treaty or even for regular legislation under the Senate's filibuster rule.

Under the direction of President Barack Obama, the U.S. has been secretly negotiating a new NAFTA-style trade treaty with Pacific Rim nations—for six years. According to the fast track bill, Congress now dictates after the fact, in vague terms, what the president was supposed to be bargaining for.

Call Congress

Dial the AFL-CIO Trade Hotline to be patched through to your Congressperson: 1-855-712-8441. Ask your representative to please stand with their constituents and oppose Fast Track for the Trans-Pacific Partnership.

FAST TRACK: How your Senators voted

Wyden is up for re-election next year. Corporate funders will remember his crucial role in passing Fast Track. Will you?

Fast Track passed the U.S. Senate 62 to 37 on May 22. Oregon Democrat Jeff Merkley voted no, but Oregon Democrat Ron Wyden voted for it, and so did Washington Democrats Maria Cantwell and Patty Murray.

Before the fateful vote, senators also voted on a number of amendments aimed at lessening the damage to American workers.

An amendment by Rob Portman (R-Ohio) and Debbie

Stabenow (D-Mich.) would have required future trade agreements to have enforceable provisions against currency manipulation by foreign partners. It failed by 48 to 51. Merkley voted yes. Wyden, Cantwell, and Murray voted no.

Instead, the Senate adopted an alternative authored by Wyden and Orrin Hatch (R-Utah)—a non-binding directive calling on the president to hold trading partners accountable for currency manipulation and to use reporting, monitoring and cooperative mechanisms. It passed 62-37. Merkley voted no. Wyden, Cantwell, Murray voted yes.

Elizabeth Warren sponsored an amendment that would negate the fast track process for any trade pact that included a so-called Investor State Dispute Settlement process, in which corporations can directly sue governments. It failed 39-60. Merkley, Cantwell and Murray voted yes. Wyden voted no.

Sen. Sherrod Brown (D-Ohio), another leader of the Democratic caucus's “fair-trade” wing, sponsored an amendment to require prior congressional approval before other countries, like China, could be added to the group. It failed 47-52. Wyden, Cantwell, Murray voted no. Merkley voted yes.